

TESTIMONY OF
GEORGE A. COLEMAN, ACTING COMMISSIONER OF EDUCATION

ON

RAISED BILLS 1038, 6432, 6431, 6433, 1039, 1040, 6422

RAISED BILL 1038: AN ACT CONCERNING INDIVIDUALIZED EDUCATION PROGRAMS

The State Department of Education (CSDE) **opposes in part and supports in part** S.B. No. 1038, *AAC Individualized Education Programs*, to improve the dissemination and communication of information regarding individualized education programs to parents and guardians and to improve the quality of education for teachers in the implementation of individualized education programs, as written.

While CSDE believes that the process for dissemination and communication of information regarding the individualized education programs (IEPs) to parents and guardians is vital, it is equally important that the process by which this information is communicated does not impair the ability of the district to provide services to the child in a timely fashion.

CSDE has concerns with the language in Section 1(8)(B) that would require the Planning and Placement Team (PPT) to meet with the parents before the PPT meeting to go over the evaluations. When a child is evaluated, the evaluations or reports must be considered at a PPT meeting for the purpose of identification or reviewing, revising or writing the IEP. Requiring an additional meeting to do the same thing that is required at a PPT is a burden to a system that has to meet very rigid timelines for the completion of evaluations and the writing and implementing of IEPs.

The CSDE also has concerns with the language in Section 1(8)(G) requiring that copies of the assessments and evaluations used in the determination of eligibility be provided to the parent five school days before the initial PPT meeting for the child for the initial determination of eligibility. The Federal Individuals with Disabilities Education Act (IDEA) requires that parents receive a copy of the evaluation report, but does not stipulate when the report must be provided to the parents. Districts would be required to schedule the initial PPT meeting around the availability of reports and evaluations which would compromise the district's ability to meet timeline requirements for the completion of evaluations.

The CSDE would also recommend adding language to address the use of an outside evaluator during the initial evaluation process: if an outside evaluator is used, the probability of being able to get a copy of the report before the PPT meeting is unlikely. This would severely restrict access to outside evaluators and might deny children with appropriate evaluations.

The CSDE would be in support of this proposal if the timelines for referral and identification were changed to the IDEA standard, that is, the initial evaluation must be completed no later than

60 calendar days after the parent gives consent for the initial evaluation. CSDE believes that within that timeline, it would be possible to have copies of the reports or evaluations shared with staff and parents five days before the initial PPT meeting to determine eligibility.

The CSDE has concerns with Section 4 of this bill. Although CSDE supports requiring teachers who hold the professional certificate to get CEUs in understanding IEP and reading, in 2010, the statute that required CEU requirements was repealed because they were outdated and gave the State Board of Education the authority to define what CEU requirements teachers needed to meet within the 5-year period of their professional certificate. The concern is that the CEU requirements will become quickly outdated and CSDE won't be able to change it because it is in statute. In addition, it is CSDE's impression that implementation of IEPs is more problematic with regular education teachers than with special education certified staff, so requiring just certified special education staff to take CEUs on how to implement IEPs seems redundant.

As such, CSDE supports in part and opposes in part S.B. No. 1038, as written.

**RAISED BILL 6432: AN ACT CONCERNING CLOSING THE ACADEMIC
ACHIEVEMENT GAP**

The State Department of Education (CSDE) supports H.B. No. 6432, *AAC Closing the Academic Achievement Gap*, with some concerns, due largely to the fiscal implications.

Section 3

Section 3 of this bill seeks to require CSDE to develop model curricula in reading and mathematics for grades prekindergarten to grade four, inclusive. CSDE has concerns with this section given the fiscal implications. To develop and field test each content area model curriculum it could cost upwards of \$1 million and take 3-5 years to fully implement.

With that said, on July 7, 2010, with a unanimous vote, the State Board of Education adopted the Common Core State Standards (CCSS) in English language arts and mathematics that establish what Connecticut's public school students should know and be able to do as they progress through Grades K-12. The CCSS are Connecticut's new standards for English language arts and mathematics. In addition, as part of the work of the Governor's Early Childhood Cabinet, the standards are currently being revised to delineate learning outcomes for children birth through age 5. Once approved, these new standards will be aligned to the K-12 Common Core State Standards (CCSS).

Currently, CSDE is working to complete foundational steps for designing tools and resources that support effective practices aligned to CCSS. State level curriculum support teams are developing guiding documents for use by districts for English language arts and mathematics.

With that said, with additional resources, model curricula in reading and mathematics for grades prekindergarten to grade 4, would complement the initiatives already underway in the Department.

Section 6

The CSDE supports this section of the bill. The CT School Cultural Resource Center is a viable strategy for addressing CT's persistent achievement gaps. While an emphasis on English language learners is necessary and appropriate, as the achievement gap must be narrowed regarding this particular subgroup of students, the legislative language should also support the work of the Center regarding the achievement for all students impacted by CT's achievement gaps who are currently not achieving their full potential. This would position the Center to work collaboratively with the CSDE and districts regarding: (1) students who are ELLs by addressing issues of language equity in assessment, curriculum, and instruction; (2) students of color who are not succeeding by addressing aspects of racial equity, and (3) aspects of gender equity in teaching and learning as CT also has gaps around gender.

The State Education Resource Center (SERC) is uniquely positioned to establish the CT Cultural Resource Center for a variety of reasons, including:

1. In addition to the staffing already in place as noted above, SERC has a 40 year history with the CSDE and thus additional infrastructure components already established that can each serve as a solid foundation for the CT Cultural Resource Center, including:
 - a. CT Parent Information and Resource Center (CT PIRC) (including an 800 line for families and a partnership with Infoline); the CT School Cultural Resource Center must be well-positioned to create a seamless connection to bridge relationships that will foster the engagement of families and communities regarding the academic outcomes of CT's children (e.g. School Governance Councils) and CT PIRC within SERC can facilitate these connections; Center should also collaborate with CT PIRC regarding family education
 - b. Educational Library collection and Library staff experienced as researchers regarding best practices
 - c. Web site for purposes of dissemination and communication
 - d. Structures in place regarding document preparation regarding aspects of equity (for example, the recent publication, Administrative Resource Handbook for Coordinators of Programs for English Language Learners)
 - e. Strong, well-established working relationships and partnerships with not only the CSDE by a vast array of other public and private school, family and community organizations committed to closing CT's achievement gaps
 - f. Technology/Media unit skilled at use of technology for purposes of professional development, family education, and information dissemination (e.g., webinars; videoconferencing; DVD development).

Given the infrastructure and expertise already in place, the estimated cost of establishing the Center would be fairly low.

Section 7

Currently, CSDE participates in an interstate agreement (all 50 states) to assist teachers who have been certified in other states and who have worked under that certificate for 27 months. If the individual has completed a planned teacher preparation program, transferring into CT is not a problem. The only individuals that have a difficulty transferring into CT are those who have not completed a planned teacher preparation program at a regionally accredited institution. CSDE has been in discussions about what is needed to address the issue about individuals who

complete a non-traditional/ARC program in another state, but have not worked under that other state's certificate for a minimum period of 27 months. CSDE believes that a plan has been worked out that would treat these individuals in the same manner that CSDE treats in-state ARC completers who are awarded a 90-day certificate. This allows the district to make a decision about the person's teaching skills within that period; if the hiring district deems that the ARC completer's skills are effective and intend to retain the teacher, CSDE then issues an initial certificate.

Additionally, C.G.S. allows teachers who have demonstrated their effective teaching skills in another state for a 3 year period to be exempted from taking our state teacher exams.

Section 8

Section 8 of this bill seeks to provide mandatory school readiness and full-day kindergarten in priority school districts.

School Readiness in PSDs

CSDE supports making school readiness spaces available to all eligible children who reside in priority school districts, as well as statewide, as the achievement gap does not only exist in priority school districts. **As such, the committee should be aware that this subsection has fiscal implications.**

Full-Day Kindergarten in PSDs

CSDE supports providing full-day kindergarten in priority school districts. Children in full-day kindergarten have more time to participate in meaningful learning activities. In general, research indicates that children who attend kindergarten for a full day learn more in kindergarten and have lower retention rates in the primary grades. In addition, the adoption of the Common Core State Standards in English language arts and mathematics increase the need for additional school hours to adequately address these standards.

With that said, based upon 2011 school year preliminary data, only 5 of the priority school districts do not provide full-day kindergarten (Ansonia, Bristol, Danbury, Meriden and Norwich). **As such, the committee should be aware that this subsection will increase the cost of education in these 5 towns.**

With that said, CSDE supports Raised Bill 6432, with the above concerns, which are largely fiscal in nature.

**RAISED BILL 6431: AN ACT CONCERNING THE MINIMUM BUDGET
REQUIREMENT**

H.B. No. 6431, *AAC The Minimum Budget Requirement*, seeks to allow towns to reduce their minimum budget requirement for education by encouraging school districts to regionalize services, achieve efficiencies and lower costs.

First, CSDE would like to note that this language is not consistent with the Governor's proposal in H.B. No. 6385, which holds local boards of education budgets at the 2008-09 level, given that the Education Cost Sharing grant is remaining at the 2008-09 funding level.

This bill provides municipalities with a number of opportunities to reduce board of education (BOE) budgets below 2008-09 levels, based on the following:

- declines in resident student counts;
- savings in medical and health benefits;
- savings through regional cooperation; and
- savings through budgetary efficiencies.

Nearly three-fourths of school districts are experiencing some degree of reduced resident students. These reductions do not always translate into significant savings for districts, since the level of savings depends on both the number and distribution of the reductions. For example, reduced students across multiple grades might not translate into fewer teachers. Under this proposal and specific to this provision, education appropriations statewide could be reduced by more than \$18 million below the 2008-09 level.

With regard to the other savings proposals of this bill, the Department has a number of concerns:

- The MBR reductions are based on projected savings. It is possible that actual savings may not reach the expected level or may not materialize at all. In such situations, the local board of education would have no recourse.
- Some of the areas of savings are not currently part of the MBR determination. Specifically, medical and health benefits are frequently in-kind services provided through a municipal budget, on behalf of the board of education. As written, districts would be allowed reductions for items not included in the board of education's budget, i.e., they are not entitled to the savings reduction.
- There is no cap on the total amount of reductions that could be applied to a board of education budget.
- This language would allow budget reductions even in those school districts where there have been no increases in three years.
- There is no provision for districts that passed their local budgets prior to passage of this legislation.

RAISED BILL 6433: AN ACT CONCERNING ADULT EDUCATION

The State Department of Education (CSDE) **supports in part and opposes in part** H.B. No. 6433, *An Act Concerning Adult Education*, to allow students who have been expelled from school to participate in adult education programs without being required to officially withdraw from school.

CSDE supports section 1 this bill with the following suggested revision, "Any pupil participating in an adult education program during a period of expulsion shall [not be required to withdraw from school under section 10-184] continue to be enrolled in school subject to such disciplinary action."

CSDE has concerns with section 2 of this bill because C.G.S. Section 10-67(1) already permits a student who is 16 years of age or older and **still enrolled in school** to be assigned to an adult class pursuant to subsection (d) of section 10-233d. Therefore, students who have been expelled from school **can** participate in adult education programs without being required to officially withdraw from school as outlined in C.G.S. Section 10-184.

As such, CSDE **opposes in part and supports in part** Raised Bill 6433 because expelled students are already permitted to participate in adult education programs without being required to officially withdraw from school.

RAISED BILL 1039: AN ACT CONCERNING EDUCATION ISSUES

The State Department of Education (CSDE) **strongly supports** S.B. No. 1039, *AAC Education Issue*, as it represents a number of the State Board of Education's Legislative proposals for this Legislative session.

Section 1 of this bill clarifies the status of the State Education Resource Center (SERC) as a nonstock corporation and nonprofit tax exempt organization within CSDE. Current law is not clear as to SERC's legal relationship to CSDE.

Section 2 of this bill seeks to allow certain medical professionals from military bases who are not licensed by the state to conduct health assessments in schools. Current law requires that a legally qualified practitioner of medicine who conducts a health assessment for children enrolled in public school must be licensed in Connecticut. As a result, qualified practitioners of medicine, advanced practice registered nurses, or physician assistants stationed at military bases, domestic or overseas, may not have a license to practice in the state of Connecticut, thereby precluding health assessments conducted by such military personnel for students enrolling in Connecticut public schools.

Sections 3 and 4 of this bill seeks to eliminate an expenditure requirement for regional educational service centers (RESCs) and the requirement that RESCs collect and analyze data on school efforts to reduce racial, ethnic and economic isolation; and to eliminate the requirement

that superintendents submit data on the reduction of racial, ethnic and economic isolation in the district to the RESC and instead submit such data directly to the Commissioner of Education.

The RESC grant has been reduced from \$108,125 in 2008-09 to \$66,964 in 2010-11 and cannot support all current statutorily mandated activities in a meaningful and effective manner. The RESCs are no longer needed to act as a conduit for this collection, as collecting and analyzing the ED 539 data is done by CSDE. In eliminating this requirement of the grant, the money that has previously been dedicated for data collections can be used for Minority Teacher Recruitment.

Section 5 of this bill seeks to require that a teacher maintain a valid J-1 Visa issued by the United States Department of State as a condition of renewal of an international teacher permit.

State statute currently mirrors federal statute that limits the length of the J-1 visa to three years. CSDE has been informed that the U.S. State Department may increase the maximum length of a J-1 Visa to more than three years, but it is not certain at this time what the maximum length may be. Therefore, this bill provides flexible language regarding the total duration and number of extensions of the international teaching permit in alignment with and in anticipation of prospective changes in federal immigration laws of the U.S. State Department changes related to the length of the J-1 visa.

Sections 6 - 8 of this bill deletes obsolete provisions relating to the minimum expenditure requirement. Current law requires districts to report information on the expenditures for minor capital projects for the purpose of calculating the Minimum Expenditure Requirement (MER). The MER is no longer in effect. Under the Minimum Budget Requirement (MBR), expenditures are no longer a part of the determination. Therefore, there is no longer a need for districts to report this information.

Sections 9-10 of this bill allows for recovery of funds based on prior year adjustments to magnet school operating grants when audits reveal an overpayment by the state. For FY11, there are 68 full- and part-time programs, and operating payments (projected) are approaching \$160M. Given the growth of the program(s) and the significant expenditures, the audits should be expanded to include all schools. Currently, only RESC magnets are subject to audit, and the audit is specific to financial data.

This section of the bill also eliminates the comparison of a grant to its budget as part of the grant calculation. Implementation of audits for all magnets and Prior Year Adjustments (PYAs) make this comparison unnecessary. Magnet school operating grants are based on student-level data which is "cleaned" over the course of the school year. Frequent data changes make it nearly impossible to calculate and pay all magnet operating grants within the current statutory timelines. Therefore, this bill also adjusts the payment timeline and applies PYAs—only in cases resulting in grant reductions.

Section 11 of this bill increases the term of members of the Department of Education's arbitration panel from two years to four years. Every time CSDE has to fill these positions, CSDE must advertise the position which costs approximately \$20,000. Additionally, the interview process requires the assembly of twelve individuals, many of whom are from outside the CSDE. The process is time consuming and administratively burdensome. Frequently, the panel of arbitrators remains consistent. With little turnover, extending the terms of arbitrators will streamline this process without interrupting the services offered to parties negotiating collective bargaining agreements. Therefore, CSDE supports extending the length of the appointment to minimize costs and the administrative burden on the Department.

With that said, CSDE **strongly supports** Raised Bill 1039.

RAISED BILL 1040: AN ACT CONCERNING VOCATIONAL-TECHNICAL SCHOOLS

The State Department of Education (CSDE) **supports in part and opposes in part** S.B. No. 1040.

CSDE has concerns with section 2 of this bill amending the budget adoption process for the regional vocational-technical school system. The current budget process in the CT Technical High School System (CTHSS) already provides opportunities for input from school stakeholders. Local business and industries leaders- from business owners, suppliers, manufacturers, and trade unions - can participate in the school's Trade Technology Advisory Committees (TTAC). One of their primary roles as members of the TTAC's is to identify emerging trends in their field of expertise that may require additional training, changes in curriculum, and new equipment and textbooks. Teachers and Departments Heads meet regularly with their respective technology consultants, peers, and school principals. Discussions often revolve around equipment and supply requirements. School principals meet regularly with central office administrative leaders whereby the opportunity to discuss site-based staffing and financial needs are one of many subjects discussed during school visits. Collectively these ideas are then infused into the district's current services, budget expansion, and capital budget requests. The CTHSS budget package is then submitted to the State Board of Education for review and subsequently submitted to OPM.

CSDE strongly supports section 3 of this bill that raises the tuition fee for the apprenticeship program from one hundred dollars to two hundred seventy-five dollars. As the CTHSS does not receive state funds to support adult education apprenticeship courses, each program location must be generally self-sufficient. The statutory tuition cap of \$100 set in 1992 has restricted CSDE's ability to cover actual program costs. Thus, the district has had to consolidate courses and program locations. With raising the tuition fee, the apprenticeship program will be maintained and further consolidation will not have to happen.

CSDE strongly supports section 4 of this bill that extends the time period in which the Commissioner of Education can provide grants to school districts for the cost of transporting students formerly enrolled at J.M. Wright Technical School in Stamford to Henry Abbott Technical High School in Danbury. The operations at J.M. Wright were suspended in the

summer of 2009 and many students that were currently enrolled in the school who resided in Norwalk and Stamford enrolled at Abbott Tech in Danbury. The purpose of these grants were to supplement the districts' costs to transport their students to Abbott Tech given that it is a greater distance to Danbury and the costs were not anticipated.

As such, CSDE supports in part and opposes in part Raised Bill 1040.

**RAISED BILL 6422: AN ACT CONCERNING TRANSPORTATION AND TUITION
COSTS OF STUDENTS WHOSE HEALTH CONDITION REQUIRES THEM TO
ATTEND A DIFFERENT SCHOOL THAN THAT WHICH WOULD NORMALLY BE
ASSIGNED FOR SUCH STUDENT**

The State Department of Education (CSDE) opposes H.B. No. 6422, *AAC Transportation and Tuition Costs of Students Whose Health Condition Requires Them to Attend a Different School Than That Which Would Normally Be Assigned for Such Student*, to require local and regional boards of education to be financially responsible for the transportation and tuition costs of a student whose medical condition requires such student to attend an alternate school in the district or a school in another district that is more appropriate for such child's health condition.

Local and regional boards of education are obligated under state and federal laws to consider the appropriate educational placement for students through the special education planning and placement team (PPT) process or Section 504 team process, with input from physicians and other appropriate health care professionals.

This bill assigns a physician as the sole decision maker for the educational placement of a student with health conditions, without consideration or consultation from a team that local or regional boards of education already have in place for these situations. If a student's educational needs are such that attendance in a particular school building poses an immediate and long term health risk to the student, decisions regarding the impact of the health care need on the student's education and the need for accommodations or special education and related services (which could include transportation and education) should appropriately be made by the student's PPT or Section 504 team.

CSDE would support this bill with additional language to the effect that "... and (3) provided that if a student's educational needs are such that attendance in a particular school building poses an immediate and long term health risk to the student, decisions regarding the impact of that health care need on the student's education, the need for accommodations or special education and related services, and placement (which could include transportation to and education at another school) would be made by the student's PPT or Section 504 team."

With that said, CSDE opposes H.B. No. 6422, as written.