



General Assembly

January Session, 2011

**Raised Bill No. 1039**

LCO No. 3716

\*03716\_\_\_\_\_ED\_\*

Referred to Committee on Education

Introduced by:  
(ED)

***AN ACT CONCERNING EDUCATION ISSUES.***

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

1 Section 1. Subsection (a) of section 10-4q of the general statutes is  
2 repealed and the following is substituted in lieu thereof (*Effective from*  
3 *passage*):

4 (a) The State Board of Education shall establish [a] the State  
5 Education Resource Center [to assist the board in the provision of  
6 programs and activities that will promote educational equity and  
7 excellence] as a nonstock corporation and register as a nonprofit  
8 organization in the state which is exempt from taxation pursuant to  
9 Section 501(c)(3) of the Internal Revenue Code of 1986, or any  
10 subsequent corresponding internal revenue code of the United States,  
11 as from time to time amended. Such activities, to be provided by the  
12 State Education Resource Center or a regional educational service  
13 center, may include training and continuing education seminars,  
14 publication of technical materials, research and evaluation, and other  
15 related activities. The center may support programs and activities  
16 concerning early childhood education, the federal No Child Left

17 Behind Act, P.L. 107-110, and closing the academic achievement gap  
18 between socio-economic subgroups, and other related programs.

19 Sec. 2. Subsection (a) of section 10-206 of the general statutes is  
20 repealed and the following is substituted in lieu thereof (*Effective from*  
21 *passage*):

22 (a) Each local or regional board of education shall require each pupil  
23 enrolled in the public schools to have health assessments pursuant to  
24 the provisions of this section. Such assessments shall be conducted by  
25 (1) a legally qualified practitioner of medicine, (2) an advanced practice  
26 registered nurse or registered nurse, licensed pursuant to chapter 378,  
27 (3) a physician assistant, licensed pursuant to chapter 370, [or by the]  
28 (4) a school medical advisor, or (5) a legally qualified practitioner of  
29 medicine, advanced practice registered nurse or a physician assistant  
30 stationed at any military base, to ascertain whether such pupil is  
31 suffering from any physical disability tending to prevent such pupil  
32 from receiving the full benefit of school work and to ascertain whether  
33 such school work should be modified in order to prevent injury to the  
34 pupil or to secure for the pupil a suitable program of education. No  
35 health assessment shall be made of any child enrolled in the public  
36 schools unless such examination is made in the presence of the parent  
37 or guardian or in the presence of another school employee. The parent  
38 or guardian of such child shall receive prior written notice and shall  
39 have a reasonable opportunity to be present at such assessment or to  
40 provide for such assessment himself or herself. A local or regional  
41 board of education may deny continued attendance in public school to  
42 any child who fails to obtain the health assessments required under  
43 this section.

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

46 (a) The State Board of Education shall encourage the formation of a  
47 state-wide system of regional educational service centers and shall  
48 adopt regulations with respect to standards for review and approval of

49 regional education service centers in accordance with sections 10-66a  
50 and 10-66h.

51 (b) Each regional educational service center shall receive an annual  
52 grant equal to the sum of the following:

53 (1) An amount equal to fifty per cent of the total amount  
54 appropriated for purposes of this section divided by six;

55 (2) An amount equal to twenty-five per cent of such appropriation  
56 multiplied by the ratio of the number of its member boards of  
57 education to the total number of member boards of education state-  
58 wide; and

59 (3) An amount equal to twenty-five per cent of such appropriation  
60 multiplied by the ratio of the sum of state aid pursuant to section 10-  
61 262h for all of its member boards of education to the total amount of  
62 state aid pursuant to section 10-262h state-wide.

63 [(c) Each regional educational service center shall annually expend  
64 at least six and one-quarter per cent of the amount received pursuant  
65 to this section to assist local and regional boards of education  
66 implementing the educational goals and objectives specifically  
67 identified by the State Board of Education.]

68 [(d)] (c) Within the available appropriation, no regional educational  
69 service center shall receive less aid pursuant to subsection (b) of this  
70 section than it received for the fiscal year ending June 30, 1999.  
71 Amounts determined for regional educational service centers pursuant  
72 to subsection (b) of this section in excess of the amounts received for  
73 the fiscal year ending June 30, 1999, shall be reduced proportionately  
74 to implement such provision if necessary.

75 [(e)] (d) Each regional educational service center shall support  
76 regional efforts to recruit and retain minority educators, [and to  
77 support the collection and analysis of data on school district efforts to  
78 reduce racial, ethnic and economic isolation.]

79        [(f)] (e) Notwithstanding the provisions of this section, for the fiscal  
80 years ending June 30, 2004, to June 30, 2011, inclusive, the amount of  
81 grants payable to regional educational service centers shall be reduced  
82 proportionately if the total of such grants in such year exceeds the  
83 amount appropriated for such grants for such year.

84        Sec. 4. Section 10-226h of the general statutes is repealed and the  
85 following is substituted in lieu thereof (*Effective from passage*):

86        (a) A local or regional board of education for purposes of  
87 subdivision (3) of section 10-4a, may offer such programs or use such  
88 methods as: (1) Interdistrict magnet school programs; (2) charter  
89 schools; (3) interdistrict after-school, Saturday and summer programs  
90 and sister-school projects; (4) intradistrict and interdistrict public  
91 school choice programs; (5) interdistrict school building projects; (6)  
92 interdistrict program collaboratives for students and staff; (7) distance  
93 learning through the use of technology; and (8) any other experience  
94 that increases awareness of the diversity of individuals and cultures.

95        (b) Each local and regional board of education shall report by [July  
96 1, 2000] October 1, 2011, and biennially thereafter, to the [regional  
97 educational service center for its area] Commissioner of Education on  
98 the programs and activities undertaken in its school district to reduce  
99 racial, ethnic and economic isolation, including (1) information on the  
100 number and duration of such programs and activities and the number  
101 of students and staff involved, and (2) evidence of the progress over  
102 time in the reduction of racial, ethnic and economic isolation.

103        [(c) Each regional educational service center shall report by October  
104 1, 2000, and biennially thereafter, to the Commissioner of Education on  
105 the programs and activities undertaken in its region to reduce racial,  
106 ethnic and economic isolation.]

107        [(d)] (c) The Commissioner of Education shall report, by January 1,  
108 1999, and biennially thereafter, in accordance with section 10-4a, to the  
109 Governor and the General Assembly on activities and programs

110 designed to reduce racial, ethnic and economic isolation. The report  
111 shall include statistics on any growth in such programs or expansion of  
112 such activities over time, an analysis of the success of such programs  
113 and activities in reducing racial, ethnic and economic isolation, a  
114 recommendation for any statutory changes that would assist in the  
115 expansion of such programs and activities and the sufficiency of the  
116 annual grant pursuant to subsection (e) of section 10-266aa and  
117 whether additional financial incentives would improve the program  
118 established pursuant to section 10-266aa.

119 Sec. 5. Subsection (a) of section 10-145k of the general statutes is  
120 repealed and the following is substituted in lieu thereof (*Effective from*  
121 *passage*):

122 (a) The State Board of Education shall, upon the request of a local or  
123 regional board of education, issue an international teacher permit in a  
124 subject shortage area pursuant to section 10-8b, provided the  
125 conditions for issuance of such permit pursuant to the provisions of  
126 subsections (b) and (c) of this section are met. Such permits shall be  
127 issued for one year and may be renewed for a period of up to one year,  
128 upon the request of the local or regional board of education, provided  
129 the [permit shall not be renewed more than twice in the two years  
130 subsequent to the initial issuance] teacher whose permit is to be  
131 renewed maintains a valid J-1 Visa issued by the United States  
132 Department of State at the time such permit is renewed.

133 Sec. 6. Subdivision (3) of subsection (a) of section 10-261 of the  
134 general statutes is repealed and the following is substituted in lieu  
135 thereof (*Effective from passage*):

136 (3) "Net current expenditures" means total current educational  
137 expenditures, less expenditures for (A) pupil transportation; (B) capital  
138 expenditures for land, buildings, equipment otherwise supported by a  
139 state grant pursuant to chapter 173 and debt service; [, provided that,  
140 with respect to debt service, commencing with the fiscal year ending  
141 June 30, 1987, the principal amount of any debt incurred to pay an

142 expense otherwise includable in net current expenditures may be  
143 included as part of net current expenditures in annual installments in  
144 accordance with a schedule approved by the Department of Education  
145 based upon substantially equal principal payments over the life of the  
146 debt;] (C) adult education; (D) health and welfare services for  
147 nonpublic school children; (E) all tuition received on account of  
148 nonresident pupils; (F) food services directly attributable to state and  
149 federal aid for child nutrition and to receipts derived from the  
150 operation of such services; and (G) student activities directly  
151 attributable to receipts derived from the operation of such services,  
152 except that the town of Woodstock may include as part of the current  
153 expenses of its public schools for each school year the amount  
154 expended for current expenses in that year by Woodstock Academy  
155 from income from its endowment funds upon receipt from said  
156 academy of a certified statement of such current expenses, and except  
157 that the town of Winchester may include as part of the current  
158 expenses of its public schools for each school year the amount  
159 expended for current expenses in that year by The Gilbert School from  
160 income from its endowment funds upon receipt from said school of a  
161 certified statement of such current expenses;

162 Sec. 7. Subdivision (20) of section 10-262f of the general statutes is  
163 repealed and the following is substituted in lieu thereof (*Effective from*  
164 *passage*):

165 (20) "Regular program expenditures" means (A) total current  
166 educational expenditures less (B) expenditures for (i) special education  
167 programs pursuant to subsection (h) of section 10-76f, (ii) pupil  
168 transportation eligible for reimbursement pursuant to section 10-266m,  
169 (iii) land and capital building expenditures, and equipment otherwise  
170 supported by a state grant pursuant to chapter 173, including debt  
171 service, [provided, with respect to debt service, the principal amount  
172 of any debt incurred to pay an expense otherwise includable in regular  
173 program expenditures may be included as part of regular program  
174 expenditures in annual installments in accordance with a schedule

175 approved by the Department of Education based upon substantially  
176 equal principal payments over the life of the debt,] (iv) health services  
177 for nonpublic school children, (v) adult education, (C) expenditures  
178 directly attributable to (i) state grants received by or on behalf of  
179 school districts except grants for the categories of expenditures listed  
180 in subparagraphs (B)(i) to (B)(v), inclusive, of this subdivision and  
181 except grants received pursuant to section 10-262i and section 10-262c  
182 of the general statutes, revision of 1958, revised to January 1, 1987, and  
183 except grants received pursuant to chapter 173, (ii) federal grants  
184 received by or on behalf of school districts except for adult education  
185 and federal impact aid, and (iii) receipts from the operation of child  
186 nutrition services and student activities services, (D) expenditures of  
187 funds from private and other sources, and (E) tuition received on  
188 account of nonresident students. The town of Woodstock may include  
189 as part of the current expenses of its public schools for each school year  
190 the amount expended for current expenses in that year by Woodstock  
191 Academy from income from its endowment funds upon receipt from  
192 said academy of a certified statement of such current expenses. The  
193 town of Winchester may include as part of the current expenses of its  
194 public school for each school year the amount expended for current  
195 expenses in that year by the Gilbert School from income from its  
196 endowment funds upon receipt from said school of a certified  
197 statement of such current expenses.

198 Sec. 8. Subdivision (35) of section 10-262f of the general statutes is  
199 repealed and the following is substituted in lieu thereof (*Effective from*  
200 *passage*):

201 (35) "Current program expenditures" means (A) total current  
202 educational expenditures less (B) expenditures for (i) land and capital  
203 building expenditures, and equipment otherwise supported by a state  
204 grant pursuant to chapter 173, including debt service, [provided, with  
205 respect to debt service, the principal amount of any debt incurred to  
206 pay an expense otherwise includable in current program expenditures  
207 may be included as part of current program expenditures in annual

208 installments in accordance with a schedule approved by the  
 209 Department of Education based upon substantially equal principal  
 210 payments over the life of the debt,] (ii) health services for nonpublic  
 211 school children, and (iii) adult education, (C) expenditures directly  
 212 attributable to (i) state grants received by or on behalf of school  
 213 districts except grants for the categories of expenditures listed in  
 214 subparagraphs (B)(i) to (B)(iii), inclusive, of this subdivision and except  
 215 grants received pursuant to section 10-262i and section 10-262c of the  
 216 general statutes, revision of 1958, revised to January 1, 1987, and  
 217 except grants received pursuant to chapter 173, (ii) federal grants  
 218 received by or on behalf of school districts except for adult education  
 219 and federal impact aid, and (iii) receipts from the operation of child  
 220 nutrition services and student activities services, (D) expenditures of  
 221 funds from private and other sources, and (E) tuition received on  
 222 account of nonresident students. The town of Woodstock may include  
 223 as part of the current expenses of its public schools for each school year  
 224 the amount expended for current expenses in that year by Woodstock  
 225 Academy from income from its endowment funds upon receipt from  
 226 said academy of a certified statement of such current expenses. The  
 227 town of Winchester may include as part of the current expenses of its  
 228 public school for each school year the amount expended for current  
 229 expenses in that year by the Gilbert School from income from its  
 230 endowment funds upon receipt from said school of a certified  
 231 statement of such current expenses.

232       Sec. 9. Subsection (d) of section 10-264~~l~~ of the general statutes is  
 233 repealed and the following is substituted in lieu thereof (*Effective from*  
 234 *passage*):

235       (d) Grants made pursuant to this section, except those made  
 236 pursuant to subdivision (6) of subsection (c) of this section, shall be  
 237 paid as follows: [Fifty] Seventy per cent by September first and the  
 238 balance by [January] May first of each fiscal year. The [January] May  
 239 first payment shall be adjusted to reflect actual interdistrict magnet  
 240 school program enrollment as of the preceding October first using the

241 data of record as of the subsequent March first, if the actual level of  
242 enrollment is lower than the projected enrollment stated in the  
243 approved grant application. The May first payment shall be further  
244 adjusted for the difference between the total grant received in the prior  
245 fiscal year and the preliminary grant amount for the current fiscal year  
246 in cases where the financial audit submitted by the interdistrict magnet  
247 school pursuant to subdivision (1) of subsection (n) of this section  
248 indicates an overpayment by the department.

249 Sec. 10. Subdivision (1) of subsection (n) of section 10-264l of the  
250 general statutes is repealed and the following is substituted in lieu  
251 thereof (*Effective July 1, 2011*):

252 (n) (1) Each interdistrict magnet school [operated by a regional  
253 educational service center] shall annually file with the Commissioner  
254 of Education a financial audit in such form as prescribed by the  
255 commissioner.

256 Sec. 11. Subsection (a) of section 10-153f of the general statutes is  
257 repealed and the following is substituted in lieu thereof (*Effective July*  
258 *1, 2011*):

259 (a) There shall be in the Department of Education an arbitration  
260 panel of not less than twenty-four or more than twenty-nine persons to  
261 serve as provided in subsection (c) of this section. The Governor shall  
262 appoint such panel, with the advice and consent of the General  
263 Assembly, as follows: (1) Seven members shall be representative of the  
264 interests of local and regional boards of education and shall be selected  
265 from lists of names submitted by such boards; (2) seven members shall  
266 be representative of the interests of exclusive bargaining  
267 representatives of certified employees and shall be selected from lists  
268 of names submitted by such bargaining representatives; and (3) not  
269 less than ten or more than fifteen members shall be impartial  
270 representatives of the interests of the public in general and shall be  
271 residents of the state of Connecticut, experienced in public sector  
272 collective bargaining interest impasse resolution and selected from lists

273 of names submitted by the State Board of Education. The lists of names  
 274 submitted to the Governor pursuant to subdivisions (1) to (3),  
 275 inclusive, of this subsection shall, in addition to complying with the  
 276 provisions of section 4-9b, include a report from the State Board of  
 277 Education certifying that the process conducted for soliciting  
 278 applicants made adequate outreach to minority communities and  
 279 documenting that the number and make-up of minority applicants  
 280 considered reflect the state's racial and ethnic diversity. Each member  
 281 of the panel shall serve a term of [two] four years, provided each  
 282 arbitrator shall hold office until a successor is appointed and, provided  
 283 further, any arbitrator not reappointed shall finish to conclusion any  
 284 arbitration for which such arbitrator has been selected or appointed.  
 285 Arbitrators may be removed for good cause. If any vacancy occurs in  
 286 such panel, the Governor shall act within forty days to fill such  
 287 vacancy in the manner provided in section 4-19. Persons appointed to  
 288 the arbitration panel shall serve without compensation but each shall  
 289 receive a per diem fee for any day during which such person is  
 290 engaged in the arbitration of a dispute pursuant to this section. The  
 291 parties to the dispute so arbitrated shall pay the fee in accordance with  
 292 subsection (c) of this section.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	10-4q(a)
Sec. 2	<i>from passage</i>	10-206(a)
Sec. 3	<i>from passage</i>	10-66j
Sec. 4	<i>from passage</i>	10-226h
Sec. 5	<i>from passage</i>	10-145k(a)
Sec. 6	<i>from passage</i>	10-261(a)(3)
Sec. 7	<i>from passage</i>	10-262f(20)
Sec. 8	<i>from passage</i>	10-262f(35)
Sec. 9	<i>from passage</i>	10-264l(d)
Sec. 10	<i>July 1, 2011</i>	10-264l(n)(1)
Sec. 11	<i>July 1, 2011</i>	10-153f(a)

**Statement of Purpose:**

To clarify the status of the State Education Resource Center as a nonstock corporation and nonprofit tax exempt organization within the Department of Education; to allow certain medical professionals from military bases who are not licensed by the state to conduct health assessments in schools; to eliminate an expenditure requirement for regional educational service centers and the requirement that regional educational service centers collect and analyze data on school efforts to reduce racial, ethnic and economic isolation; to eliminate the requirement that superintendents submit data on the reduction of racial, ethnic and economic isolation in the district to the regional educational service center and instead submit such data directly to the Commissioner of Education; 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; to delete obsolete provisions relating to the minimum expenditure requirement; to allow for prior year adjustments to magnet school operating grants recovery of funds when audits reveal an overpayment by the state; and to increase the term of members of the Department of Education's arbitration panel from two years to four years.

*[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.]*