



Substitute Senate Bill No. 1039

Public Act No. 11-179

AN ACT CONCERNING EDUCATION ISSUES.

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

Section 1. Subsection (a) of section 10-206 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) Each local or regional board of education shall require each pupil enrolled in the public schools to have health assessments pursuant to the provisions of this section. Such assessments shall be conducted by (1) a legally qualified practitioner of medicine, (2) an advanced practice registered nurse or registered nurse, licensed pursuant to chapter 378, (3) a physician assistant, licensed pursuant to chapter 370, [or by the] (4) a school medical advisor, or (5) a legally qualified practitioner of medicine, an advanced practice registered nurse or a physician assistant stationed at any military base, to ascertain whether such pupil is suffering from any physical disability tending to prevent such pupil from receiving the full benefit of school work and to ascertain whether such school work should be modified in order to prevent injury to the pupil or to secure for the pupil a suitable program of education. No health assessment shall be made of any child enrolled in the public schools unless such examination is made in the presence of the parent or guardian or in the presence of another school employee.

Substitute Senate Bill No. 1039

The parent or guardian of such child shall receive prior written notice and shall have a reasonable opportunity to be present at such assessment or to provide for such assessment himself or herself. A local or regional board of education may deny continued attendance in public school to any child who fails to obtain the health assessments required under this section.

Sec. 2. Section 10-66j of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) The State Board of Education shall encourage the formation of a state-wide system of regional educational service centers and shall adopt regulations with respect to standards for review and approval of regional education service centers in accordance with sections 10-66a and 10-66h.

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

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

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

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

[(c) Each regional educational service center shall annually expend at least six and one-quarter per cent of the amount received pursuant to this section to assist local and regional boards of education

Substitute Senate Bill No. 1039

implementing the educational goals and objectives specifically identified by the State Board of Education.]

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

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

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

Sec. 3. Section 10-226h of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

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

Substitute Senate Bill No. 1039

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

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

[[d)] (c) The Commissioner of Education shall report, by January 1, 1999, and biennially thereafter, in accordance with section 10-4a, to the Governor and the General Assembly on activities and programs designed to reduce racial, ethnic and economic isolation. The report shall include statistics on any growth in such programs or expansion of such activities over time, an analysis of the success of such programs and activities in reducing racial, ethnic and economic isolation, a recommendation for any statutory changes that would assist in the expansion of such programs and activities and the sufficiency of the annual grant pursuant to subsection (e) of section 10-266aa and whether additional financial incentives would improve the program established pursuant to section 10-266aa.

Sec. 4. Subsection (a) of section 10-145k of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) The State Board of Education shall, upon the request of a local or regional board of education, issue an international teacher permit in a subject shortage area pursuant to section 10-8b, provided the

Substitute Senate Bill No. 1039

conditions for issuance of such permit pursuant to the provisions of subsections (b) and (c) of this section are met. Such permits shall be issued for one year and may be renewed for a period of up to one year, upon the request of the local or regional board of education, provided the [permit shall not be renewed more than twice in the two years subsequent to the initial issuance] teacher whose permit is to be renewed maintains, at the time of such renewal, a valid J-1 Visa issued by the United States Department of State at the time such permit is renewed.

Sec. 5. Subdivision (3) of subsection (a) of section 10-261 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(3) "Net current expenditures" means total current educational expenditures, less expenditures for (A) pupil transportation; (B) capital expenditures for land, buildings, equipment otherwise supported by a state grant pursuant to chapter 173 and debt service; [, provided that, with respect to debt service, commencing with the fiscal year ending June 30, 1987, the principal amount of any debt incurred to pay an expense otherwise includable in net current expenditures may be included as part of net current expenditures in annual installments in accordance with a schedule approved by the Department of Education based upon substantially equal principal payments over the life of the debt;] (C) adult education; (D) health and welfare services for nonpublic school children; (E) all tuition received on account of nonresident pupils; (F) food services directly attributable to state and federal aid for child nutrition and to receipts derived from the operation of such services; and (G) student activities directly attributable to receipts derived from the operation of such services, except that the town of Woodstock may include as part of the current expenses of its public schools for each school year the amount expended for current expenses in that year by Woodstock Academy

Substitute Senate Bill No. 1039

from income from its endowment funds upon receipt from said academy of a certified statement of such current expenses, and except that the town of Winchester may include as part of the current expenses of its public schools for each school year the amount expended for current expenses in that year by The Gilbert School from income from its endowment funds upon receipt from said school of a certified statement of such current expenses;

Sec. 6. Subdivision (20) of section 10-262f of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(20) "Regular program expenditures" means (A) total current educational expenditures less (B) expenditures for (i) special education programs pursuant to subsection (h) of section 10-76f, (ii) pupil transportation eligible for reimbursement pursuant to section 10-266m, (iii) land and capital building expenditures, and equipment otherwise supported by a state grant pursuant to chapter 173, including debt service, [provided, with respect to debt service, the principal amount of any debt incurred to pay an expense otherwise includable in regular program expenditures may be included as part of regular program expenditures in annual installments in accordance with a schedule approved by the Department of Education based upon substantially equal principal payments over the life of the debt,] (iv) health services for nonpublic school children, (v) adult education, (C) expenditures directly attributable to (i) state grants received by or on behalf of school districts except grants for the categories of expenditures listed in subparagraphs (B)(i) to (B)(v), inclusive, of this subdivision and except grants received pursuant to section 10-262i and section 10-262c of the general statutes, revision of 1958, revised to January 1, 1987, and except grants received pursuant to chapter 173, (ii) federal grants received by or on behalf of school districts except for adult education and federal impact aid, and (iii) receipts from the operation of child

Substitute Senate Bill No. 1039

nutrition services and student activities services, (D) expenditures of funds from private and other sources, and (E) tuition received on account of nonresident students. The town of Woodstock may include as part of the current expenses of its public schools for each school year the amount expended for current expenses in that year by Woodstock Academy from income from its endowment funds upon receipt from said academy of a certified statement of such current expenses. The town of Winchester may include as part of the current expenses of its public school for each school year the amount expended for current expenses in that year by the Gilbert School from income from its endowment funds upon receipt from said school of a certified statement of such current expenses.

Sec. 7. Subdivision (35) of section 10-262f of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(35) "Current program expenditures" means (A) total current educational expenditures less (B) expenditures for (i) land and capital building expenditures, and equipment otherwise supported by a state grant pursuant to chapter 173, including debt service, [provided, with respect to debt service, the principal amount of any debt incurred to pay an expense otherwise includable in current program expenditures may be included as part of current program expenditures in annual installments in accordance with a schedule approved by the Department of Education based upon substantially equal principal payments over the life of the debt,] (ii) health services for nonpublic school children, and (iii) adult education, (C) expenditures directly attributable to (i) state grants received by or on behalf of school districts except grants for the categories of expenditures listed in subparagraphs (B)(i) to (B)(iii), inclusive, of this subdivision and except grants received pursuant to section 10-262i and section 10-262c of the general statutes, revision of 1958, revised to January 1, 1987, and

Substitute Senate Bill No. 1039

except grants received pursuant to chapter 173, (ii) federal grants received by or on behalf of school districts except for adult education and federal impact aid, and (iii) receipts from the operation of child nutrition services and student activities services, (D) expenditures of funds from private and other sources, and (E) tuition received on account of nonresident students. The town of Woodstock may include as part of the current expenses of its public schools for each school year the amount expended for current expenses in that year by Woodstock Academy from income from its endowment funds upon receipt from said academy of a certified statement of such current expenses. The town of Winchester may include as part of the current expenses of its public school for each school year the amount expended for current expenses in that year by the Gilbert School from income from its endowment funds upon receipt from said school of a certified statement of such current expenses.

Sec. 8. Subsection (d) of section 10-264l of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(d) Grants made pursuant to this section, except those made pursuant to subdivision (6) of subsection (c) of this section, shall be paid as follows: [Fifty] Seventy per cent by September first and the balance by [January] May first of each fiscal year. The [January] May first payment shall be adjusted to reflect actual interdistrict magnet school program enrollment as of the preceding October first using the data of record as of the intervening March first, if the actual level of enrollment is lower than the projected enrollment stated in the approved grant application. The May first payment shall be further adjusted for the difference between the total grant received in the prior fiscal year and the preliminary grant amount for the current fiscal year in cases where the financial audit submitted by the interdistrict magnet school pursuant to subdivision (1) of subsection (n) of this section

Substitute Senate Bill No. 1039

indicates an overpayment by the department.

Sec. 9. Subdivision (1) of subsection (n) of section 10-264l of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2011*):

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

Sec. 10. (NEW) (*Effective from passage*) Notwithstanding the provisions of chapter 166 of the general statutes relating to professional certification, a local or regional board of education may employ any person certified by the United States armed forces to be an instructor or assistant instructor of a Junior Reserve Officer Training Corps program to serve as an instructor or assistant instructor of a Junior Reserve Officer Training Corps program in a school.

Sec. 11. Subsection (f) of section 10-66bb of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(f) An application for the establishment of a state charter school shall be (1) submitted to the State Board of Education for approval in accordance with the provisions of this subsection, and (2) filed with the local or regional board of education in the school district in which the charter school is to be located. The state board shall: (A) Review such application; (B) hold a public hearing on such application in the school district in which such state charter school is to be located; (C) solicit and review comments on the application from the local or regional board of education for the school district in which such charter school is to be located and from the local or regional boards of education for school districts that are contiguous to the district in which such school

Substitute Senate Bill No. 1039

is to be located; and (D) vote on a complete application not later than [seventy-five] ninety days after the date of receipt of such application. The State Board of Education may approve an application and grant the charter for the state charter school by a majority vote of the members of the state board present and voting at a regular or special meeting of the state board called for such purpose. The State Board of Education may condition the opening of such school on the school's meeting certain conditions determined by the Commissioner of Education to be necessary and may authorize the commissioner to release the charter when the commissioner determines such conditions are met. Charters shall be granted for a period of time of up to five years and may allow the applicant to delay its opening for a period of up to one school year in order for the applicant to fully prepare to provide appropriate instructional services.

Sec. 12. Subsection (k) of section 10-66ee of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(k) If in any fiscal year, more than one new state or local charter school is approved pursuant to section 10-66bb, as amended by this act, and is awaiting funding pursuant to the provisions of this section, the State Board of Education shall determine which school is funded first based on a consideration of the following factors in order of importance as follows: (1) Whether The quality of the proposed program as measured against the criteria required in the charter school application process pursuant to section 10-66bb, as amended by this act, (2) whether the applicant has a demonstrated record of academic success by students, [(2)] (3) whether the school is located in a school district with a demonstrated need for student improvement, and [(3)] (4) whether the applicant has plans concerning the preparedness of facilities, staffing and outreach to students.

Sec. 13. Subsection (a) of section 10-145j of the general statutes is

Substitute Senate Bill No. 1039

repealed and the following is substituted in lieu thereof (*Effective July 1, 2011*):

(a) Prior to July 1, [2011] 2015, the Department of Education may permit qualified graduates of a national corps of teachers' training program, approved by the Commissioner of Education, to be employed under a durational shortage area permit in public schools located in the towns of Bridgeport, Hartford and New Haven and state charter schools located in Stamford.

Approved July 13, 2011