



Senate

General Assembly

File No. 111

January Session, 2011

Substitute Senate Bill No. 1039

Senate, March 21, 2011

The Committee on Education reported through SEN. STILLMAN of the 20th Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

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2 repealed and the following is substituted in lieu thereof (*Effective from*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. Such activities,] as a nonstock corporation and register the
8 center as a nonprofit organization in the state which is exempt from
9 taxation pursuant to Section 501(c)(3) of the Internal Revenue Code of
10 1986, or any subsequent corresponding internal revenue code of the
11 United States, as from time to time amended. Activities to be provided
12 by the State Education Resource Center or a regional educational
13 service center [.] may include training and continuing education
14 seminars, publication of technical materials, research and evaluation,
15 and other related activities. The center may support programs and

16 activities concerning early childhood education, the federal No Child
17 Left Behind Act, P.L. 107-110, and closing the academic achievement
18 gap 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20 repealed and the following is substituted in lieu thereof (*Effective from*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, an advanced practice registered nurse or a physician
30 assistant stationed at any military base, to ascertain whether such
31 pupil is suffering from any physical disability tending to prevent such
32 pupil from receiving the full benefit of school work and to ascertain
33 whether such school work should be modified in order to prevent
34 injury to the pupil or to secure for the pupil a suitable program of
35 education. No health assessment shall be made of any child enrolled in
36 the public schools unless such examination is made in the presence of
37 the parent or guardian or in the presence of another school employee.
38 The parent or guardian of such child shall receive prior written notice
39 and shall have a reasonable opportunity to be present at such
40 assessment or to provide for such assessment himself or herself. A
41 local or regional board of education may deny continued attendance in
42 public school to any child who fails to obtain the health assessments
43 required under 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, at the time of such renewal, a valid J-1 Visa issued
132 by the United States Department of State at the time such permit is
133 renewed.

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

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

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

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

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

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

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

202 (35) "Current program expenditures" means (A) total current
203 educational expenditures less (B) expenditures for (i) land and capital
204 building expenditures, and equipment otherwise supported by a state
205 grant pursuant to chapter 173, including debt service, [provided, with
206 respect to debt service, the principal amount of any debt incurred to
207 pay an expense otherwise includable in current program expenditures
208 may be included as part of current program expenditures in annual
209 installments in accordance with a schedule approved by the
210 Department of Education based upon substantially equal principal
211 payments over the life of the debt,] (ii) health services for nonpublic

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

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

236 (d) Grants made pursuant to this section, except those made
237 pursuant to subdivision (6) of subsection (c) of this section, shall be
238 paid as follows: [Fifty] Seventy per cent by September first and the
239 balance by [January] May first of each fiscal year. The [January] May
240 first payment shall be adjusted to reflect actual interdistrict magnet
241 school program enrollment as of the preceding October first using the
242 data of record as of the intervening March first, if the actual level of
243 enrollment is lower than the projected enrollment stated in the
244 approved grant application. The May first payment shall be further
245 adjusted for the difference between the total grant received in the prior

246 fiscal year and the preliminary grant amount for the current fiscal year
 247 in cases where the financial audit submitted by the interdistrict magnet
 248 school pursuant to subdivision (1) of subsection (n) of this section
 249 indicates an overpayment by the department.

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

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

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)

Statement of Legislative Commissioners:

In section 5, "at the time of such renewal" was added to clarify the time frame and in section 9, "intervening" replaced "subsequent" to clarify the sequence of events.

ED *Joint Favorable Subst.*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 12 \$	FY 13 \$
Education, Dept.	GF - See Below	See Below	See Below

Note: GF=General Fund

Municipal Impact:

Municipalities	Effect	FY 12 \$	FY 13 \$
Various Municipalities	See Below	See Below	See Below

Explanation

Sections 1, 3-8 make various changes that are not anticipated to result in a fiscal impact.

Section 2, which allows advanced practice nurses and physician assistants stationed on military bases to perform required health assessments for students attending public schools, could result in a minimal savings to various school districts who would have otherwise had to pay for a provider off the base to perform the assessment. It is anticipated that this provision will impact very few districts.

Section 9, which changes the payment schedule for state magnet school operating grants, will impact the flow of revenue from the state to municipalities. Currently, the state pays municipalities fifty percent of the grant by September 1st and the remaining fifty percent by January 1st. Under the provision, municipalities would receive seventy percent of the grant by September 1st and the remaining thirty percent on May 1st. This change requires the state to pay twenty percent more of the operating grant earlier in the year, which allows the municipalities to receive additional revenue, earlier. Similarly, the state is paying thirty percent of the grant later (May, rather than

January), so the balance of the revenue owed to municipalities will be received later, allowing the state to hold it longer.

Additionally, the bill allows the State Department of Education (SDE) to adjust the May 1st payment to account for any prior year adjustment, to account for discrepancies in enrollment data. To the extent that a magnet school has incorrect enrollment data (fewer students than reported) the May 1st payment to that school will be reduced accordingly.

Section 10, which requires that each interdistrict magnet school annually file a financial audit, as prescribed by the Commissioner of Education, could result in a minimal cost to magnet schools. It is estimated that this additional requirement could result in a cost of \$100 to \$1,000 per school, depending on the complexity of the audit prescribed by the Commissioner.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to inflation.

OLR Bill Analysis**sSB 1039*****AN ACT CONCERNING EDUCATION ISSUES.*****SUMMARY:**

This bill makes changes in education laws relating to (1) the State Education Resource Center (SERC); (2) health professionals authorized to perform school health assessments; (3) mandates on regional education service centers (RESCs); (4) school district reporting on efforts to address racial, ethnic, and economic isolation in schools; (5) the education commissioner's authority to renew international teacher permits; (6) the contents of annual school district expenditure reports; (7) the payment schedule for state interdistrict magnet school grants; and (8) annual financial audits for interdistrict magnet schools.

EFFECTIVE DATE: Upon passage, except for the provision relating to annual financial audits for interdistrict magnet schools, which is effective July 1, 2011.

§ 1 — STATE EDUCATION RESOURCE CENTER

The bill requires the State Board of Education (SBE) to "spin off" SERC as a nonprofit, tax-exempt entity. SERC, formerly the Special Education Resource Center, was established in 2005 to help the SBE provide programs and activities promoting educational equity and excellence. The bill eliminates this express purpose.

The bill continues to (1) require SERC to help the education commissioner in providing grants to districts with low-achieving schools and (2) allow it to support programs and activities concerning early childhood education, the federal No Child Left Behind Act, closing the achievement gap between socio-economic subgroups, and other related programs.

§ 2 — SCHOOL HEALTH ASSESSMENTS BY MEDICAL PROFESSIONALS AT MILITARY BASES

The bill allows advanced practice registered nurses (APRNs) and physician assistants stationed on military bases to perform required health assessments for students attending public schools. Under current law, such APRNs and physician assistants may perform student assessments only if they are licensed in Connecticut.

The bill also allows licensed physicians (“legally qualified medical practitioners”) stationed on military bases to perform such health assessments. This does not appear to be a substantive change. The law already requires physicians performing student health assessments to be “legally qualified” but does not require that they be licensed under Connecticut law.

The bill does not change existing law allowing only Connecticut-licensed registered nurses to perform student health assessments.

§ 3 — REGIONAL EDUCATION SERVICE CENTER MANDATES ELIMINATED

The bill eliminates requirements that each RESC (1) spend at least 6.25% of its annual state operating grant to help school boards implement SBE-established educational goals and objectives and (2) support data collection and analysis on school district efforts to reduce racial, ethnic, and economic isolation. RESCs must continue to support regional efforts to recruit and retain minority teachers.

§ 4 — REPORTING ON EFFORTS TO REDUCE, RACIAL, ETHNIC AND ECONOMIC ISOLATION IN SCHOOLS

The bill simplifies the process and changes the schedule for required biennial school district reports on programs and activities to reduce racial, ethnic, and economic isolation. Instead of requiring school districts to report to the RESCs and the RESCs to report to the education commissioner, the bill requires districts to report directly to the commissioner. It also changes the filing deadline for the district reports from July 1 to October 1 biennially, starting October 1, 2011.

By law, reports must include (1) information on the number of school district programs to reduce racial, ethnic, and economic isolation; how long they last; and the number of students involved and (2) evidence that the district is making progress in reducing such isolation.

§ 5 — INTERNATIONAL TEACHER PERMIT RENEWALS

The bill removes the limit on the number of times the education commissioner can renew a temporary international teacher permit at the request of a local or regional board of education. It allows the commissioner to renew a permit as long as, at the time of the renewal, the international teacher maintains a valid J-1 visa (see BACKGROUND). Under current law, the commissioner is limited to a maximum of two one-year renewals in the two years after issuing the permit.

An international teacher permit allows a qualified foreign teacher to teach in a public school in a subject shortage area identified by the education commissioner. The permit is valid for one year and is issued only at a school board's request.

§§ 6-8 — SCHOOL DISTRICT ANNUAL EXPENDITURE REPORTS

School districts must report specified annual education expenditures to the state for purposes of state Education Cost Sharing (ECS) and other state education grants. Among the expenditures they must include when reporting net current, regular, and current program expenditures are debt service payments.

The bill eliminates a requirement that districts adjust reported debt service expenditures to amortize principal payments according to a State Department of Education (SDE)-approved schedule based on substantially equal installment payments over the life of the debt. The amortized debt payments were used in calculating district ECS minimum expenditure requirements (MERs), but are now obsolete. The MER was replaced by the minimum budget requirement (MBR) in 2005.

§ 9 — PAYMENT SCHEDULE FOR INTERDISTRICT MAGNET SCHOOL GRANTS

The bill adjusts the payment schedule for state magnet school operating grants. It requires SDE to pay 70%, rather than 50%, of the grant by September 1, and the balance on May 1, instead of January 1, annually. Under both the current law and the bill, if a magnet school's actual enrollment is lower than projected in its approved grant application, SDE must adjust the second payment to reflect actual enrollment on the preceding October 1. But, under the bill, SDE must base the adjustment on revisions of October 1 enrollment data as of the following March 1.

In cases where the magnet school's annual financial audit shows a grant overpayment, the bill also requires SDE to adjust the May payment based on the difference between the prior year's total grant and the current year's preliminary grant amount.

§ 10 — INTERDISTRICT MAGNET SCHOOL ANNUAL FINANCIAL AUDITS

The bill requires all interdistrict magnet schools, not just those operated by RESCs, to file annual financial audits with the education commissioner.

BACKGROUND***J-1 Visa***

A J-1 visa is a non-immigrant visa provided to foreign visitors who fall under the "Exchange Visitor" designation and are allowed to come to the United States to promote mutual educational and cultural exchanges. The visitor's sponsor must be accredited through the U.S. State Department's Exchange Visitor Program. Among those who qualify for J-1 status through the program are high school, college, and graduate students; business and flight aviation trainees; primary and secondary school teachers; college professors; research scholars; and medical residents and interns receiving U.S. medical training.

Qualifications for an International Teacher Permit

To qualify for the international teacher permit, a teacher must:

1. hold a J-1 visa from the State Department;
2. teach in the U.S. either under a memorandum of understanding between Connecticut and the teacher's home country or as part of the Exchange Visitor Program run by the State Department's Teacher Exchange Branch;
3. have the equivalent of a bachelor's degree from a higher education institution regionally accredited by a foreign accrediting agency recognized by the education commissioner;
4. have the degree with either (a) a major in, or closely related to, the subject he or she is to teach or (b) an unrelated major plus successful completion of an SBE-approved teacher test in that subject;
5. have completed, in his or her home country, the equivalent of a regionally accredited teacher preparation program; and
6. successfully complete an English oral proficiency exam approved by the education commissioner.

COMMITTEE ACTION

Education Committee

Joint Favorable Substitute

Yea 30 Nay 0 (03/02/2011)