

OFFICE OF LEGISLATIVE RESEARCH  
PUBLIC ACT SUMMARY



**PA 11-234**—sSB 1160

*Education Committee*

*Appropriations Committee*

*Labor and Public Employees Committee*

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

**SUMMARY:** By law, in order to receive an Education Cost Sharing (ECS) grant, towns must budget at least a minimum amount for education known as the minimum budget requirement (MBR). PA 11-48 establishes the MBR for FYs 12 and 13 with exceptions for districts (1) with decreasing enrollment or (2) that closed one or more schools due to decreasing enrollment.

This act makes two changes to the MBR for FYs 12 and 13 that affect a limited number of school districts while leaving in place the MBR provisions of PA 11-48.

The act allows a town that has no high school and pays tuition for residents to attend high school in other districts to reduce its MBR within certain limits if it is paying tuition for fewer students than in the prior year. It also bars a town from reducing its MBR below the amounts appropriated for education in the prior year if it has a poverty rate for school-aged children that exceeds 10%.

The act also establishes a charter school educator permit that the State Board of Education (SBE) may issue to a teacher or administrator who lacks certification and who is employed by a charter school if the person meets the act's qualifications. It also allows the education commissioner, starting in the 2011-12 school year, to waive state certification requirements for a charter school teacher or administrator who holds the permit. But the act limits the number of teachers and administrators who may hold permits in any year to no more than 30% of a charter school's teachers and administrators combined.

Under the act, a charter school educator permit allows a person to work in a charter school as a teacher or administrator and, if working as an administrator, to supervise and evaluate anyone providing instructional or pupil services in the school that employs the administrator.

The act makes anyone holding a charter school educator permit a member of the appropriate teachers' or administrators' unit for collective bargaining purposes. It also requires any permit holder who becomes certified to participate in the Teachers' Retirement System (TRS). By law, only certified teachers and administrators may participate in the TRS.

EFFECTIVE DATE: July 1, 2011

§ 1 — MINIMUM BUDGET REQUIREMENT FOR EDUCATION

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### *Towns Without High Schools*

For FYs 12 and 13, PA 11-48 allows most towns whose school districts have fewer students enrolled than in the previous school year to reduce their MBR by \$3,000 times the enrollment reduction but no more than 0.5% of their prior year's budget appropriation for education.

This act also allows any town that (1) does not have its own high school, (2) pays tuition for its high-school-aged residents to attend high school in other districts, and (3) has fewer students attending high school in the 2011-12 or 2012-13 school year than it did the year before, to reduce its MBR by the difference in the number of students multiplied by the annual per-student tuition. But, as under PA 11-48, such towns may not reduce their MBRs by more than 0.5% of their prior year's budget appropriation for education.

### *Districts with High Poverty Rates for School-Age Children*

PA 11-48 bars any MBR reduction for FY 12 or FY 13 by towns whose school districts, as a whole, have failed for at least three straight years to meet annual state and federal student achievement standards or met them only through an alternate method known as "safe harbor" (see BACKGROUND). This act, in addition, bars any MBR reduction by a town whose school district has failed to meet annual state and federal student achievement standards and has a poverty rate for school-age children greater than 10%. Under the act, the poverty rate must be calculated by dividing the number of the district's children aged five to 17 who live in poor families by its total school-age population according to the Census Bureau's 2009 population estimate.

## §§ 2-4 — CHARTER SCHOOL EDUCATOR PERMIT

### *Certification Waiver*

Prior law required all teachers and administrators working in charter schools to hold either (1) the proper state certification for their positions or (2) a temporary 90-day or a temporary nonrenewable state certificate. Under prior law, at least half of those providing instruction or pupil services at a charter school must have had the proper certification for the positions they held and no more than half could be working under the temporary certificates.

Under the act, the SBE issues the permit at the request of the charter school governing council. The education commissioner may waive the certification requirements for a charter school teacher or administrator who holds a SBE-issued charter school educator permit. No more than 30% of the aggregate number of teachers and administrators working in a school in any year may work under the permit.

### *Permit Qualifications*

To receive a permit, the teacher or administrator must:

1. either pass the state reading, writing, and math competency test for teacher certification candidates (currently Praxis I) or meet SBE criteria for a

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- testing waiver;
2. pass the same state test as a teacher or administrator certification candidate seeking to work in the same subject or administrative area (currently the appropriate Praxis II subject test); and
  3. demonstrate effectiveness as a teacher or school administrator, as appropriate.

### *Permit Renewals*

The act allows the commissioner to renew permits, at the charter school's request and for good cause, when SBE renews the charter for the school where the teacher or administrator is employed. By law, most charters are renewable every five years.

### *Collective Bargaining Units*

Under prior law, only professional employees holding a state administrator certificate, a teaching certificate, or a durational shortage area permit were included in bargaining units under the Teacher Negotiation Act (TNA), the state law that governs teacher collective bargaining.

The act adds those holding charter school educator permits and employed by charter schools to TNA administrator and teacher bargaining units, thus including them in collective bargaining agreements governing wages, hours, and working conditions. To be a member of the administrators' unit, a charter school employee must also hold a position requiring (1) a charter school educator permit or state intermediate administrator or supervisor certificate or its equivalent and (2) that the administrator spend at least 50% of his or her assigned time on administrative or supervisory duties. To be a member of a teachers' unit, a charter school employee must hold, and be employed in a position requiring, a state teaching certificate, durational shortage area permit, or charter school educator permit.

## BACKGROUND

### *"Safe Harbor" under the No Child Left Behind (NCLB) Act*

Connecticut's education accountability law (CGS § 10-223e) and the federal NCLB Act (P.L. 107-110) impose sanctions on schools and school districts that fail to make adequate yearly progress (AYP) towards proficiency in specified subjects for all students, including those in identified subgroups (economically disadvantaged students, students from major racial and ethnic groups, students with disabilities, and students with limited English proficiency (LEP)). The determination of AYP is based on measurable objectives, including student performance on annual statewide tests.

Under the federal law, in order for a school or a school district to make AYP, both of the following must happen each year:

1. all students and the students in each subgroup must meet or exceed the state's measurable objectives and
2. at least 95% of both the school's total enrollment and the students in each subgroup must take the tests (with allowable accommodations and

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alternative assessments for certain LEP and disabled students).

The so-called “safe harbor” provision provides an exception to the first of these requirements. It provides that, if any of the subgroups does not meet the objectives, the school must still be considered to have made AYP for the year if (1) the percentage of those in the subgroup who did not reach proficiency declined at least 10% from the year before and (2) the subgroup also made progress on one or more of the state’s other non-test indicators.

### *Related Act*

PA 11-60 contains most of the provisions regarding charter school educator permits included in this act, except for the provision giving permit holders who are charter school administrators the explicit authority to supervise and evaluate anyone providing instructional or pupil services in the school where the administrator is employed.

OLR Tracking: JM:JR:PF:ts