

OFFICE OF LEGISLATIVE RESEARCH
PUBLIC ACT SUMMARY



PA 12-116—SB 458
Emergency Certification

AN ACT CONCERNING EDUCATIONAL REFORM

SUMMARY: This act makes major changes in education laws to, among other things:

1. address the state's academic achievement gap;
2. identify and intervene in school districts and schools with low academic performance;
3. increase state education funding to towns;
4. provide more financial support for school choice programs;
5. improve teacher training, qualifications, practice, and evaluation systems; and
6. establish a separate governing board for the state's technical high school system.

A section-by-section analysis appears below.

EFFECTIVE DATE: July 1, 2012, unless otherwise noted.

§ 1—NEW SCHOOL READINESS PROGRAM SPACES

For FY 13, the act requires the State Department of Education (SDE) to provide funds to appropriate school districts to create the following new spaces in state-funded school readiness programs in those districts:

1. 500 in the 10 districts with the lowest district performance indices (“educational reform districts”—see § 34),
2. 250 in priority and former priority districts that are not educational reform districts, and
3. 250 in school districts receiving competitive funding under SDE's school readiness program (“competitive districts”).

A “competitive school district” is one that (1) has a priority school or former priority school (i.e., a school where at least 40% of the school lunches served are free or reduced-price) or (2) is not a priority school district but whose town is among the 50 poorest in the state based on adjusted equalized grand net list, student population, and population.

EFFECTIVE DATE: Upon passage

§ 2—EARLY CHILDHOOD EDUCATION FACILITY STUDY

The act allocates up to \$80,000 of any unspent funds appropriated for 1,000 new school readiness spaces required in § 1 to the Connecticut Health and

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Educational Facilities Authority (CHEFA) to update its 2008 study of the space and facilities needed to provide universal early childhood education for all three- and four-year-olds in the state. If CHEFA receives the funding, it must report the updated study results and any recommendations to the Education Committee by April 1, 2013.

EFFECTIVE DATE: Upon passage

§ 3—EARLY CHILDHOOD QUALITY RATING AND IMPROVEMENT SYSTEM

By law, the state must create a coordinated system of early care and education and child development by July 1, 2013. PA 11-181 required it to make progress toward creating the system under a planning director in the Office of Policy and Management (OPM) appointed by the governor. The act makes SDE, rather than the early childhood system, responsible for developing a quality rating and improvement system for home-, center-, and school-based early child care and learning. It requires the early childhood system to incorporate SDE's rating system.

§ 4—EARLY LITERACY PILOT EXTENSION

PA 11-85 authorized the education commissioner to (1) conduct a pilot study to promote best practices in early literacy and closing academic achievement gaps and (2) identify schools to participate in the study. The act extends the pilot through the school year starting July 1, 2013. It also delays the deadline for the commissioner to report on the pilot to the Education Committee from October 1, 2013 to October 1, 2014.

By law and unchanged by the act, "achievement gaps" mean a significant disparity in the academic performance of students among and between (1) racial groups, (2) ethnic groups, (3) socioeconomic groups, (4) genders, and (5) English language learners and students whose primary language is English.

§ 5—NEW STATEWIDE READING ASSESSMENTS

The act requires SDE, by January 1, 2013, to develop or approve reading assessments that districts must use, beginning with the school year starting July 1, 2013, to identify kindergarten through third grade (K-3) students who are reading at a level below proficient.

It requires the assessments to:

1. include frequent student screening and progress monitoring;
2. measure phonics, phonemic awareness, fluency, vocabulary, and comprehension;
3. allow for periodic formative assessments during the school year;
4. produce data that is useful for developing individual and classroom instruction; and
5. be compatible with best practices in reading instruction and research.

By February 1, 2013, the commissioner must submit the reading assessments

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to the Education Committee.

§ 6—TEACHER READING EXAM

Beginning July 1, 2014, and each following school year, the act requires all local and regional boards of education to require their K-3 teachers to take a practice version of the reading instruction exam approved by the State Board of Education (SBE) on April 1, 2009. Each board must annually report the practice exam results to SDE. It is not clear if each affected teacher must take the exam once or each year.

§ 7—PROFESSIONAL DEVELOPMENT IN READING

By July 1, 2013, the act requires the education commissioner to establish a professional development program in reading research and instruction for teachers and principals.

The program must:

1. count towards professional development requirements established under the act (§ 39),
2. be based on student reading assessment data,
3. provide differentiated and intensified training in teacher reading instruction,
4. outline how mentor teachers will train teachers in reading instruction,
5. outline how model classrooms will be established in schools for reading instruction,
6. inform principals on how to evaluate classrooms and teacher performance in scientifically based reading research and instruction, and
7. be job-embedded and local when possible.

The act also requires the education commissioner to annually review the professional development required under the act for teachers holding professional certificates with early childhood nursery through third grade or elementary school endorsements and holding jobs requiring such endorsements. The commissioner must assess whether the professional development meets state goals for student academic achievement through implementation of (1) SBE-adopted common core standards, (2) research based interventions, and (3) the federal special education law (IDEA, 20 U.S.C. § 1400 et seq.). He must submit his review to the Education Committee. (The act does not specify a deadline for this submission.)

§ 8—FAMILY RESOURCE CENTERS AND SCHOOL-BASED HEALTH CLINICS

For the 2012-13 school year, the act requires the (1) education commissioner to establish at least 10 new family resource centers and (2) public health commissioner to establish or expand at least 20 school-based health clinics, in alliance districts. The alliance districts are the 30 lowest-performing districts identified by the education commissioner under the act (see § 34).

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By law, family resource centers are located in elementary schools and provide services including (1) child care and school readiness for children age three and older who are not otherwise enrolled in school and (2) various services to parents of newborns, including parenting skills and educational services to parents who are interested in obtaining a high school or general education diploma (GED).

§ 9—PHYSICAL EXERCISE REQUIREMENT FOR GRADES K-5

The act requires public schools to include a total of 20 minutes of physical exercise in each regular school day for students in kindergarten through grade five. Under prior law, public schools that enroll K-5 students had to provide each such student with a physical exercise period of unspecified length as part of the regular school day.

As under prior law, the requirement does not apply to a student receiving special education if his or her individualized education plan provides a different exercise schedule.

§ 10—MUNICIPAL AID FOR NEW TEACHERS PROGRAM

Starting with FY 14, the act requires SDE to establish a program, within available appropriations, to provide grants of up to \$200,000 each to the 10 educational reform districts by March 1, annually (presumably beginning March 1, 2014). The districts must use the grants to hire up to five seniors per year who are graduating in the top 10% of their classes from teacher preparation programs at Connecticut colleges and universities.

§ 11—SCHOOL DISTRICT COST-SAVING GRANTS

The act allows the education commissioner, within available appropriations, to provide grants to help school districts develop plans to implement significant cost savings while maintaining or improving educational quality. The grants must be for technical assistance and regional cooperation.

§ 12—OPEN CHOICE PROGRAM INCENTIVE FOR LARGER DISTRICTS

The act provides an additional incentive for larger school districts to increase their enrollment of out-of-district students under the Open Choice interdistrict public school attendance program. It does so by giving districts with more than 4,000 students the highest state Open Choice grant (\$6,000 for each out-of-district student enrolled) if the education commissioner determines they have increased their Open Choice enrollment by at least 50% on October 1, 2012. Under prior law, receiving districts qualified for the \$6,000-per-student grant only if the number of out-of-district students they enroll equaled or exceeded 3% of their total enrollment.

§ 13—EXEMPLARY SCHOOLS

The act allows SDE to publicly recognize exemplary schools and promote

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their best practices.

§ 14—DISSEMINATING INFORMATION ON SCHOOL OPTIONS

By law, each local or regional board of education must (1) allow full access so technical high schools, regional agriculture science and technology (vo-ag) centers, interdistrict magnet schools, charter schools, and the Open Choice program may recruit students to attend those schools or programs, for reasons other than for interscholastic athletic competition and (2) inform parents of students attending its middle and high schools that technical high schools and vo-ag programs are available. The act also requires each board of education to post information about these school options, as well as about alternative high schools, on its website.

§§ 15 & 16—UNIFORM SYSTEM OF ACCOUNTING AND CHART OF ACCOUNTS

The act requires SDE to develop and implement a uniform system of accounting for school revenues and expenditures that includes a chart of accounts for use at the school and school district level. The chart of accounts must include (1) all amounts and sources of revenue that a board of education, regional education service center (RESC), charter school, or charter management organization receives and (2) cash or real property donations to a school district or school totaling an aggregate of \$500 or more. The act also requires SDE to impose “select measures,” which it may define, on individual schools.

Starting with FY 15, the act requires each board of education, RESC, and state charter school to implement the system by filing annual financial reports using a chart of accounts that meets the requirements of an existing statute requiring boards of education to (1) annually submit receipts, expenditures, and statistics to the education commissioner and (2) have the information certified by an independent public accountant selected to audit municipal accounts. The existing law imposes penalties of between \$1,000 and \$10,000 for failing to submit the information on time (CGS § 10-227).

The act permits OPM to audit the annual financial reports for any board of education, RESC, or state charter school. It also requires SDE to (1) make the chart of accounts available on its website and (2) submit the chart of accounts to the Education and Appropriations committees by July 1, 2013.

It also makes a conforming change by deleting a provision that requires the education commissioner to develop a financial information system for boards of education to provide the state with budget and year-end expenditure data (CGS § 10-222(b)).

EFFECTIVE DATE: Upon passage

§ 17—STUDY OF SMALL DISTRICT ISSUES

The act requires SDE to study issues related to districts with fewer than 1,000 students (“small districts”). The department must consider:

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1. financial disincentives, such as a small district reduction percentage (see below), for small districts whose per-pupil costs exceed the state average for the prior year;
2. financial incentives for such districts to consolidate;
3. the \$100-per-student Education Cost Sharing (ECS) grant regional bonus as well as the effect of other state reimbursement bonuses for regional districts and cooperative arrangements; and
4. the ECS minimum budget requirement.

The act defines per-student cost as a district's net current expenditures divided by its average student membership (student count) as of October 1. Likewise, the state per-student average cost is the sum of the net current expenditures of all local and regional school districts divided by the sum of their average student memberships as of October 1.

It defines a "small district reduction percentage" as a reduction in state education funding starting at 10% for the first year a district's expenses are 10% or more above the state per-student average cost. This reduction increases by an additional 10 percentage points each year for up to five years for a maximum reduction of 50% if the district continues to spend at least 10% more than the state per-pupil average cost.

SDE must report the findings and recommendations of its study to the Education Committee by January 1, 2013.

EFFECTIVE DATE: Upon passage

§ 18—EDUCATION ACCOUNTABILITY LAW AND SCHOOL PERFORMANCE INDEX

The state's education accountability law empowers SDE to (1) identify school districts in need of improvement and (2) take any of a number of specified actions to improve student performance in these districts. The act revamps the accountability law in several ways, including by creating a new system that uses a school performance index (SPI) to separate schools into the five categories based on student performance on statewide mastery tests and other factors.

The act also modifies the law regarding reconstitution of boards of education in low-performing school districts, including establishing a method of notifying local officials of the start and conclusion of reconstitutions.

Performance Management and Support Plan Replaces Accountability Plan

Under the prior education accountability law, the education commissioner identified school districts and individual schools "in need of improvement" in the statewide education accountability plan. The designation "in need of improvement" was based on federal No Child Left Behind (NCLB) Act provisions that require school districts and schools to make adequate yearly progress toward 100% proficient student performance on required tests.

Under the act, the accountability plan is instead called the "performance management and support plan." It must be consistent with federal law and regulation. As part of the plan, the act requires SDE to:

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1. continue to identify districts in need of improvement;
2. classify schools in five performance categories with category one representing the highest and category five the lowest based on SPI and other factors; and
3. designate as focus schools those with identifiable low-performing student subgroups using measures of student academic achievement and growth for subgroups in the aggregate or over time, but not after June 30, 2014. (NCLB defines subgroups as groups who have historically underperformed academically when compared to all students. They may include racial groups, English language learners, those eligible for free or reduced lunch, or students with disabilities.)

Transition to New Plan

The act creates a transition period for the SBE to switch the identified schools and districts from the prior law's accountability plan, which the act continues until June 30, 2012, to the act's new statewide management and support plan.

The schools and districts identified as in need of improvement under the accountability plan:

1. continue under that plan through June 30, 2012;
2. are monitored by SDE, beginning in July 2012, to determine if student achievement for the schools and districts is at an acceptable level, as defined in the act's new statewide performance management and support plan;
3. are evaluated by their local or regional boards of education by July 1, 2012 to determine whether they are making adequate yearly progress;
4. are subject to the statewide performance management and support plan if they fail to make adequate yearly progress;
5. are subject to rewards and consequences as defined in the management and support plan; and
6. continue to be eligible for available federal or state aid.

School Performance Index

The act creates a measurement called the SPI to gauge how schools perform on statewide mastery tests in math, reading, writing, and science. It also allows the SBE to authorize an alternative version of the index for grade levels above elementary, but does not specify how this alternative version varies from the SPI in the act. It prescribes how SPIs are calculated (1) for each school and (2) each subject such as math or science. The school SPI is used to place each school in one of five categories, each of which leads to specific state responses and interventions.

A school's SPI is its students' weighted performance on the statewide mastery tests in reading, writing, and mathematics given in grades three through eight and 10, and science in grades five, eight, and 10. By law, public school students are required to take the tests in these grades. It divides students into five groups based on the five levels of mastery test scores: below basic (the lowest score), basic, proficient, goal, and advanced. But it does not indicate how much weight applies

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to each level.

Under the act, the test score data used for the index is either (1) the data of record on the December 31st following the tests or (2) that data as adjusted by the SDE according to a board of education’s request for an adjustment filed with SDE by the November 30th following the tests.

School Categories

Categories One Through Five. The act establishes five categories of schools based on performance factors that must be stated in the performance management and support plan. The factors may include:

1. the SPI,
2. change in SPI over time,
3. student achievement growth measured by standardized assessments, and
4. high school graduation and dropout rates overall and for subgroups of students.

The five categories are described in Table 1.

Table 1: School Categories Under the Performance Management and Support Plan

Category	School Description	Consequences/ State Action
5	Ranked having the lowest performance as indicated by factors that may include SPI, change in SPI over time, student achievement growth, and high school graduation and dropout rates overall and for subgroups of students	<ul style="list-style-type: none"> • Designated as low-achieving, • requires intensive SBE supervision and direction, • may be subject to any requirement or intervention included in prior accountability law or added under the act (see below for full list).
4	Ranked having the lowest performance other than category 5 schools based on factors that may include the four factors listed above for category 5	<ul style="list-style-type: none"> • Same as for category 5
3	Ranked having performance higher than category 4 and 5 but lower than 1 and 2 based on the same factors listed above	<p>SDE may require:</p> <ul style="list-style-type: none"> • school to implement plans consistent with the act; • school to take any action included in the new management and support plan; and • board of education for school to collaborate with RESC to develop plans to address specific areas named in act (see list below).
2	Ranked having performance higher than category 3, 4, and 5 but lower than 1 based on the same factors listed above	No specific state action.
1	Ranked having the highest performance of any schools based on the same factors listed above	No specific state action. (Another provision in the act allows SDE to publicly commend exemplary schools (§ 13).)

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Category Three Schools. The act allows SDE to impose certain requirements on category three schools. The department may (1) require the schools to develop and implement plans consistent with the act and federal law to elevate them from a low-achieving status and (2) impose on them any of the actions contained in the statewide performance management and support plan.

SDE may also require the local or regional board of education for a category three school to collaborate with the appropriate RESC to develop plans to ensure the school provides:

1. early education opportunities;
2. summer school;
3. extended school day or year programming;
4. weekend classes;
5. tutors; or
6. professional development for its administrators, principals, teachers, and paraprofessional aides.

The commissioner can limit such programs to (1) the student subgroup that has failed to reach performance benchmarks or (2) those in transitional or milestone grades or who are otherwise at substantial risk of educational failure.

Category Four and Five Schools. By law, districts in need of improvement are one group and low-achieving school districts are a subset of that group. By law and unchanged by the act, a school or district in need of improvement requiring corrective action under NCLB is designated a low-achieving school or district, and thus is subject to intensified SBE supervision and direction.

The act also designates category four and five schools and focus schools as low-achieving schools and requires SBE to intensively supervise and direct them. Consequently, it extends an existing statutory list of required SBE actions for low-achieving schools or districts to such schools. By law, for low-achieving schools and districts, and under the act for category four and five schools and focus schools, the SBE must take any of the actions listed below to improve the student performance of a school, district, or student subgroup to remove the school or district from the low-achieving list.

SBE may:

1. require operational and instructional audits;
2. direct the district to implement an achievement plan that addresses the deficits found in the instructional audit;
3. require the school board to use state and federal funds for critical needs as directed by SBE;
4. provide incentives to attract high-quality teachers and principals;
5. direct the transfer and assignment of teachers and principals;
6. require the local board to implement a model curriculum;
7. identify schools (a) to be reconstituted as state or local charter or innovation schools, or other models for school improvement or (b) for management by an entity other than its existing local or regional board of education;
8. establish learning academies within the schools that require continuous monitoring of student achievement, and crafting of achievement plans; and

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9. provide funding for students in the low-achieving district to attend school in a neighboring district with higher achievement levels.

By law, many of the possible SBE actions (including numbers 2, 4, 5, 7, and 8 from the list above) must be carried out according to the Teacher Negotiation Act (CGS §§ 10-153a to 153n).

The act gives SBE additional options to require the appointment of:

1. a superintendent approved by the education commissioner or
2. a special master selected by the commissioner, with the same authority as the Windham special master and whose term must be for one fiscal year, unless SBE extends it.

By law, the Windham special master's authority includes:

1. a requirement that SBE require the school board to ask the union representing a school district bargaining unit to reopen an existing contract for the sole purpose of revising employment conditions to implement the district's improvement plan and
2. an expedited arbitration process if the parties fail to agree on one or more issues related to implementing the improvement plan.

Comptroller's Authority to Withhold ECS Grant Funds Repealed

The act eliminates a requirement that the comptroller withhold ECS grant money from a town that otherwise is required to appropriate the funds to its board of education because of the school district's low academic achievement. But it gives the comptroller similar authority to withhold funds from towns designated as alliance districts (§ 34).

School Governance Councils

The act removes the law regarding school governance councils from CGS § 10-223e and moves it, with some changes, to a new section (§ 23).

Reconstituted School Boards

The act makes several changes to the law regarding reconstituting local boards of education for low-achieving school districts. The changes involve notice to local officials regarding the electoral process when a reconstitution starts and when it concludes. By law, SBE may authorize the commissioner to reconstitute a local board of education in a low-achieving district. The act requires the electoral process for the board to be suspended for the reconstitution period (by law, an initial three years with the option to extend for an additional two). The act defines the electoral process to include (1) candidate nominations by political parties, (2) nominating petitions, (3) write-in candidacies, and (4) filling board vacancies.

Upon terminating a local or regional board under the law, the act requires the commissioner to notify the:

1. town clerk of the school district town, or clerk of each member town in the case of a regional board of education and
2. secretary of the state (SOTS).

The termination notice must include the termination date and the positions terminated.

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The act requires the commissioner to decide whether he will extend the life of a reconstituted board by two years at least 180 days before the initial three-year term ends. By law, he may do so if the district fails to show improvement.

The act requires the commissioner to notify the town clerk or clerks, as appropriate, and the SOTS at least 175 days before the reconstituted board's term ends. When the SOTS receives the notice, the electoral process begins according to municipal election law. If the notice is delivered before the time specified in law for party nominations for municipal offices, the office can be placed, with the approval of the local legislative body, on the ballot of a regular fall election. Under the act, the legislative bodies of the towns involved must determine the terms of office of the new members to be elected and are not bound by the existing law governing terms for regional boards of education (CGS § 10-46).
EFFECTIVE DATE: Upon passage

§ 19—COMMISSIONER'S NETWORK SCHOOLS

The act (1) requires the education commissioner to establish a network of schools to improve student academic achievement in low-performing schools and (2) establishes steps the commissioner, school district turnaround committees, and local and regional boards of education must take regarding the network. By July 1, 2014, the commissioner must select up to 25 schools that have been classified as category four or five schools under § 18 to participate in the network. It also requires one school to be selected to participate starting in the school year beginning July 1, 2012.

The commissioner must also follow criteria the act establishes to:

1. give preference in selecting as network schools those (a) that volunteer, provided the board of education for the school and the school district's unions mutually agree to participate, or (b) whose existing union agreements for teachers and administrators will expire in the school year in which a turnaround plan will be implemented and
2. select no more than (a) two schools from a single school district in one school year or (b) a total of four schools from any district.

Schools must remain in the network for between three and five years. The act details steps that must be taken before a school can leave the network.

The commissioner must provide funding, technical assistance, and operational support to schools participating in the commissioner's network and may provide financial support to teachers and administrators working at a participating school. SBE must pay any costs for developing and implementing a turnaround plan that exceed the school's ordinary operating expenses.

Each school selected for the network must begin to implement a turnaround plan, as described in the act, no later than the school year commencing July 1, 2014.

The act details (1) the steps to establish a committee for each district to develop turnaround plans for network schools, (2) how those plans must be approved and implemented, (3) limits on the number of nonprofit private entities that may be authorized to manage network schools, (4) how schools transition out of the network, and (5) reporting requirements for the commissioner regarding the

network. It also creates special rules for teachers and administrators related to turnaround plans (§ 20).

§ 19 (b) – Turnaround Committee

Once the commissioner selects a school for the network, its local or regional board of education must establish a turnaround committee for the school district. The turnaround committee must consist of:

1. two members appointed by the board, an administrator employed by the board and a parent or guardian of a student enrolled in the school district;
2. three members appointed by the teachers’ union, at least two of whom must be teachers employed by the board and at least one of whom must be the parent or guardian of a student enrolled in the school district; and
3. the education commissioner, or his designee.

The district superintendent, or his or her designee, is a nonvoting ex-officio member and serves as the chairperson of the turnaround committee.

The turnaround committee, in consultation with the school governance council (see § 23) for a selected network school, must:

1. help SDE conduct a required operations and instructional audit (see below),
2. develop a turnaround plan for the school in accordance with the act (see below) and guidelines issued by the commissioner, and
3. monitor implementation of the turnaround plan.

The commissioner’s guidelines must include annual deadlines for submission and approval or rejection of turnaround plans.

§ 19 (c) – Network School Audit and Inventory

The act requires SDE to conduct an operations and instructional audit of each school selected to participate in the network. SDE must conduct the audit following the establishment of a turnaround committee in consultation with the school’s (1) local or regional board of education, (2) governance council, and (3) turnaround committee. The audit must be conducted pursuant to SDE guidelines and determine the extent to which the school:

1. has established a strong family and community connection;
2. has a positive environment, evidenced by (a) a culture of high expectations, (b) a safe and orderly workplace, and (c) other nonacademic factors that affect student achievement, such as students’ social, emotional, arts, cultural, recreational, and health needs;
3. has effective leadership, evidenced by the principal’s (a) performance appraisals, (b) track record in improving student achievement, (c) ability to lead turnaround efforts, and (d) managerial skills and authority in scheduling, staff management, curriculum implementation, and budgeting;
4. has effective teachers and support staff, evidenced by (a) performance evaluations, (b) policies to (i) retain effective staff and those who have the ability to be successful in the turnaround effort and (ii) prevent ineffective teachers from transferring to the schools, and (c) job-embedded, ongoing professional development informed by teacher evaluations and support

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- programs tied to teacher and student needs;
5. uses time effectively, evidenced by redesigning the school day, week, or year to include additional time for student learning and teacher collaboration;
 6. has a curriculum and instructional program that (a) is based on student needs and research, (b) is rigorous, (c) aligns with state academic content standards, and (d) serves all children and achievement levels; and
 7. uses evidence for continuous improvement and informed decision-making, including time for collaboration on the use of data.

The audit must be informed by an inventory of:

1. before- and after- school programs;
2. school-based health centers, family resource centers, or other community services offered at the school, including social services, mental health services, and parenting support programs;
3. the implementation of scientific, research-based interventions and resources for such interventions during the school year and in summer school programs;
4. resources for gifted and talented students;
5. the length of the school day and year and summer school programs;
6. alternative high schools, if any;
7. the number of teachers employed and the number who have left in each of the previous three school years;
8. student mobility, including the number of enrolled students who have left the school;
9. several student-related statistics, including the number of students (a) whose primary language is not English, (b) receiving special education services, (c) who are truants, (d) eligible for free or reduced price lunches, and (e) eligible for HUSKY Part A;
10. the school's curricula, including (a) the reading curricula and programs, if any, for grades K-3, (b) arts and music programs, and (c) physical education programs and periods for recess and physical activity;
11. the number of school psychologists and social workers and their respective ratios to the number of students;
12. teacher and administrator performance evaluation programs, including (a) frequency, (b) how conducted and by whom, (c) the standards for performance ratings and follow-up and remediation plans, (d) aggregate results of teacher performance evaluation ratings, and (e) any other available measures of teacher effectiveness;
13. professional development activities and programs;
14. teacher and student access to technology inside and outside the classroom;
15. student access to and enrollment in mastery test preparation programs;
16. availability of textbooks, learning materials, and other supplies;
17. student demographics, including race, gender, and ethnicity;
18. students' chronic absenteeism; and
19. an examination of the existing school improvement plan to (a) determine why those efforts did not result in significant improvement of student

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achievement and (b) identify the governance, legal, operational, staffing, or resource constraints that should be addressed, modified, or removed to allow the school to succeed.

§ 19 (d) —Turnaround Plan

After the operations and instructional audit is completed, the act requires the turnaround committee to develop a turnaround plan for the network school. The plan must:

1. describe how the turnaround plan will improve student academic achievement in the school,
2. address deficiencies identified in the audit, and
3. use one of the act's turnaround model options.

The model options are:

1. a CommPACT school (CGS § 10-74g);
2. a social development model;
3. RESC management or governance;
4. a school reorganization model with themed academies, required block scheduling for math and literacy, and frequent student assessments (CGS § 10-74f);
5. a model developed by the turnaround committee that uses best practices with a proven record used at public schools, interdistrict magnet schools, and charter schools or collected by the commissioner according to the act; and
6. within certain limits, a model adopted in consultation with or by the commissioner using a private nonprofit educational management organization.

The turnaround plan may include proposals changing the (1) hours and schedules of the school's teachers and administrators, (2) length and schedule of the school day, (3) length and calendar of the school year, (4) amount of time teachers must be present in the school beyond the regular school day, and (5) how teachers or administrators at the school are hired or reassigned.

The school governance council for each network school may recommend a turnaround model to the turnaround committee for the school (low-achieving schools must, by law, have councils). The council can choose from models 1 through 5 on the list above (i.e., any but the one using a private nonprofit educational management organization). The turnaround committee may accept the council's recommendation or choose a different turnaround model to include in its plan.

If a turnaround committee does not develop a turnaround plan, or if the commissioner determines that the committee's plan developed is deficient, the commissioner may develop the school's plan. When the commissioner develops a plan, he may appoint a special master to implement it.

The turnaround plan must (1) direct all resources and funding to programs and services delivered at the school for the educational benefit of the students enrolled there and (2) be transparent and accountable to the local community. SBE must approve the turnaround plan developed by a turnaround committee before a

school may implement it.

For the school year beginning July 1, 2012, the commissioner must develop one turnaround plan for a school selected for the network. The plan must (1) be implemented for the school year beginning July 1, 2012; (2) may assign the school's management, administration, or governance to an approved nonprofit educational management organization (see below); and (3) negotiate matters relating to it according to the act's requirements for circumstances in which a turnaround committee fails to reach consensus or the commissioner develops the plan (§ 20).

§ 19 (e) – Limits on Assigning Control to Non-Profit Management

The act defines an “approved not-for-profit educational management organization” and limits how many network schools these organizations can operate.

It defines an approved not-for-profit educational management organization as a nonprofit organization exempt from federal taxation that (1) operates a state charter school located in Connecticut that has a record of student academic success for its students or (2) is located out-of-state and has experience and a record of success in reconstituting schools or improving student achievement for low-income or low-performing students without changing the enrollment practices and student population demographics of a school while respecting existing contracts of school employees. (PA 12-2, June 12 Special Session, removes the out-of-state requirement on this provision, thus allowing any nonprofit education management organization that has experience and a record of success for improving student achievement without changing enrollment practices and student demographics to be eligible.)

The commissioner cannot permit more than one turnaround committee to choose a management organization to manage, administer, or govern a network school for the school year beginning July 1, 2012. Furthermore, he cannot permit (1) more than five committees in total to select management organizations for school years beginning July 1, 2013 and July 1, 2014 nor (2) more than three such organizations to be chosen for a single year. (PA 12-2, June 12 Special Session, allows the commissioner to approve a second turnaround plan that includes a management organization for the school year beginning July 1, 2012. If he does this, he cannot permit more than four committees in total to select management organizations for the school years beginning July 1, 2013 or July 1, 2014.)

A turnaround plan may not assign the management, administration, or governance of a network school to a (1) for-profit corporation or (2) a private not-for-profit organization unless it is a college or university or an approved not-for-profit education management organization, as defined and approved under the act.

§ 19 (f) — Partnering to Compile Best Practices

The act permits the commissioner to partner with any public or private college or university in the state for up to a year to assist SDE in collecting, compiling, and replicating strategies, methods, and best practices proven to be effective in improving student academic performance in public schools, interdistrict magnet

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schools, and charter schools. The commissioner must make these strategies, methods, and best practices available to local and regional boards of education and turnaround committees for use in developing turnaround models and in implementing school turnaround plans.

§ 19 (g) — Collective Bargaining, Contract Modifications, and Election-to-Work Agreements

Nothing in the act can alter the union agreements applicable to the administrators and teachers employed by the local board of education, subject to the Teacher Negotiation Act (TNA). The agreements must be considered to be in operation at schools participating in the commissioner's network, except to the extent modified by (1) any memorandum of understanding between the board of education and the administrators' or teachers' union or (2) a turnaround plan, including an election-to-work agreement under a turnaround plan for the school and negotiated in accordance with the act (see § 20).

§ 19 (h) — Transition Out of the Network

Each school participates in the network for at least three years with the option of up to two one-year extensions. The commissioner must evaluate schools prior to the end of the third year to determine whether they are ready to leave the network. In determining whether a school may leave, the commissioner must consider whether its local or regional board of education has the capacity to ensure the school will maintain or improve its student academic performance.

If the commissioner determines that a school is ready to leave, its school board, in consultation with the commissioner, must develop and the SBE must approve a plan for the transition back to local control. If the school is not ready, it must participate in the network for an additional year, and the commissioner must evaluate the school. Before the end of the fifth year, the commissioner must develop, in consultation with the board of education for the school, a plan, subject to SBE approval, for the school's transition back to the board's full control.

§ 19 (i) — Audit Due from Commissioner

The act requires the education commissioner to submit a network school's operations and instructional audit and turnaround plan to the Education Committee no later than 30 days after SBE approves the school's turnaround plan.

§ 19 (j) — Reporting Requirements

The act imposes numerous reporting requirements, including that the commissioner submit annual academic performance reports on each school to the Education Committee. At a minimum, the reports must include:

1. each school's SPI;
2. SPI score trends during the period the school is in the network;
3. adjustments for student subgroups at the school, including students (a) whose primary language is not English, (b) receiving special education services, and (c) who are eligible for free or reduced price lunches; and

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4. aggregate performance evaluation results for the school's teachers and administrators.

He must also compare and analyze the academic performance of all network schools and submit to the Education Committee a final report for each school when it leaves the network.

By January 1, 2020, the commissioner must submit to the Education Committee a report on the network schools' effect on student achievement and recommend whether the network should continue.

EFFECTIVE DATE: Upon passage

§ 20—COLLECTIVE BARGAINING AND TURNAROUND PLANS

The act requires a network school's school board and its teachers' or administrators' union to negotiate on any matters in an approved turnaround plan or a plan developed by the commissioner that conflict with provisions of an existing union contract. It sets out two tracks for these negotiations, one for turnaround plans agreed to at the local level and approved by SBE ("consensus plans") and a second to be used when (1) there is no consensus on the local plan, (2) the commissioner deems the local plan deficient, or (3) no local plan is developed. For the second track, a bargaining referee must determine whether the matters that conflict with the existing agreement are to be negotiated under existing bargaining parameters or through impact bargaining.

Under either track, if negotiations reach an impasse, the act requires an expedited arbitration process and makes any arbitration decision final and binding.

Consensus Plan Track

When the members of the turnaround committee reach consensus on a plan and SBE approves it, the affected unions and the school board for the network school must negotiate issues of salary, hours, and other conditions of employment regarding any matter in the turnaround plan that conflicts with an existing union agreement. The negotiations must be completed within 30 days from the date the turnaround committee reaches consensus. (PA 12-2, June 12 Special Session, instead starts the 30-day period when the turnaround plan is presented to the board and the union.) By a majority vote of their members, unions must ratify any agreement reached by the parties through negotiations. Upon ratification, the consensus plan must be implemented at such school.

If the (1) parties reach an impasse on one or more issues or (2) members of the union fail to ratify the proposed agreement, the parties must proceed to the expedited arbitration process (see below). The decision resulting from the expedited arbitration is final and binding and included in the turnaround plan, which must be implemented at the school.

Non-Consensus, No Plan, or Deficient Plan Track

When there is no consensus on a local plan, the commissioner deems the plan deficient, or no local plan is developed, the commissioner, in consultation with

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the school's teachers and parents, must develop a plan. The act establishes a process for these plans when the school board and the unions agree on all components of the commissioner's plan or they disagree on all or certain components of it.

If the board of education and the union agree on all or certain components of the turnaround plan, they must negotiate only the financial impact of the agreed upon components that conflict with an existing union contract. The negotiations must be completed no later than 30 days from the date the turnaround committee reaches consensus. By a majority vote of their members, unions must ratify any agreement reached by the parties through negotiations. Upon ratification, the turnaround plan components must be implemented at the school.

If the parties reach an impasse or the proposed agreement is not ratified, the parties proceed to the expedited arbitration process. The decision resulting from expedited arbitration is final and binding and included in the turnaround plan. The components of the turnaround plan must then be implemented at such school.

If the board of education and the union do not agree on all or certain components of the turnaround plan, the parties must jointly select a turnaround plan referee from the list created under the act (see § 21). The referee must determine the type of negotiations that apply to the components about which there is no agreement. If the components are deemed to be significantly different from comparable conditions in a public school with a record of academic success, the components will be subject to full bargaining that includes salaries, hours, and conditions of employment. If the components are deemed to be comparable to conditions in a public school with a record of academic success, the components are subject to financial impact bargaining only.

Under either full or impact bargaining, the negotiations must be completed no later than 30 days from the date the turnaround committee reaches an agreement. (PA 12-2, June 12 Special Session, instead starts the 30-day period when the referee determines the type of negotiations that apply.)

Any agreement reached by the parties through negotiations must be submitted for approval by the union members and ratified by a majority vote. Upon ratification, the turnaround plan components must be implemented at the school. If the parties reach an impasse or the proposed agreement is not ratified, they must proceed to the expedited arbitration process. The decision resulting from the expedited arbitration is final and binding and included in the turnaround plan. The components of the turnaround plan must then be implemented at such school.

Expedited Arbitration

No later than five days after the date the parties reach an impasse on one or more issues or the union fails to ratify an agreement, the parties must select a single impartial arbitrator in accordance with the provisions of the TNA. No later than 10 days after the arbitrator's selection, he or she must hold a hearing in the town where the school is located. At the hearing, the parties must submit their last best offers on each issue in dispute to the arbitrator. The commissioner or his designee must have an opportunity to make a presentation at the hearing. Not later than 20 days after the hearing, the arbitrator must render a signed, written

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decision that states in detail the nature of the decision and the disposition of the issues.

In making decisions, the arbitrator must (1) give the highest priority to the educational interests of the state, pursuant to state law, as they relate to the children enrolled in the school and (2) consider other decision criteria described in the TNA in light of those interests. The decision is final and binding and included in the turnaround plan. The turnaround plan must then be implemented at the school.

EFFECTIVE DATE: Upon passage

§ 21—TURNAROUND PLAN REFEREES

The act requires the education commissioner, by July 1, 2012, to create a list of five turnaround plan referees that boards of education and their unions may use when negotiating elements of network school turnaround plans that conflict with existing collective bargaining agreements. The referees must (1) have expertise in education policy and school operations and administration and (2) be agreed on by the education commissioner and the unions representing teachers and administrators.

EFFECTIVE DATE: Upon passage

§ 22—NONPROFIT EDUCATIONAL MANAGEMENT ORGANIZATION REQUIREMENTS

The act requires a nonprofit educational management organization that manages, administers, or governs a commissioner's network school implementing a turnaround plan to annually submit to the education commissioner a report on the school's operations. The organization must make the report publicly available, and it must include:

1. students' educational progress;
2. the financial relationship between the management organization and the school, including a certified audit statement of all revenues from public and private sources and expenditures;
3. the time devoted to the school by the management organization's employees and consultants;
4. best practices used by the organization at the school that contribute significantly to students' academic success;
5. student and teacher attrition rates; and
6. the organization's annual revenues and expenditures for the school.

The reporting requirement must be included in each contract between the organization and the school's local or regional board of education. The contract must also state the organization's services and fees and outline the circumstances in which the board may terminate the contract.

The act requires the management organization to continue the enrollment policies and practices in effect at the school before it entered the commissioner's network. It specifies that the organization is not the employer of the school's principal, administrators, or teachers. (PA 12-2, June 12 Special Session, expands

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the prohibition on those who can work for the management organization to cover any person who works at the school.)

§ 23—SCHOOL GOVERNANCE COUNCILS

The act makes changes to the law regarding school governance councils.

The law (1) requires boards of education that have jurisdiction over schools designated as low-achieving to establish a school governance council for each such school and (2) allows boards with schools designated as “in need of improvement” to create them. The law makes exceptions for (1) schools with only one grade and (2) governance councils that were already in place when the governance council law was enacted, if they involve teachers, parents, and others.

After July 1, 2012, the act requires all school boards that have category four and five schools to establish councils for each of those schools. By law, the councils must consist of seven parents or guardians of students, two community leaders within the school district, five teachers in the school, and one nonvoting member who is the principal or his or her designee. Councils for high schools must also have two nonvoting student members.

The councils have a number of responsibilities, including analyzing school achievement data, participating in hiring the principal and other administrators, and developing and approving a written parent involvement policy. A council may also recommend that a school be reconstituted and this recommendation sets off a series of statutorily required steps.

The act repeals the school governance council law (§ 18) and enacts it as a separate section with the modification described above.

§§ 24-28—ACCOUNTABILITY LAW, SCHOOL GOVERNANCE COUNCILS

These sections make conforming and technical changes.

§§ 29-31—STATE AND LOCAL CHARTER SCHOOL FUNDING

Grant to State Charter Schools

The act increases the state’s annual per-student grant to state charter schools from \$9,400 to \$11,500 over three years. It increases the grant from \$9,400 to \$10,500 for FY 13, to \$11,000 for FY 14, and to \$11,500 for FY 15 and subsequent fiscal years.

Local Charter Schools

State Grants. For local charter schools established on or after July 1, 2012, the act allows SBE, starting in FY 14 and within available appropriations, to approve (1) annual operating grants of up to \$3,000 per student and (2) one-time grants of up to \$500,000 for startup costs. The grants are payable only if the board of education for the charter school and the union representing the board’s certified employees agree on staffing flexibility in the school and the SBE approves the agreement.

To be eligible for an operating or startup grant, SBE must determine that the

applicant has:

1. high-quality, feasible strategies for, or a record of success in, serving educationally needy students, i.e., those who (a) have a history of low academic performance or behavioral or social difficulties, (b) receive free or reduced-price school lunches, (c) are eligible for special education, or (d) are English language learners (ELLs); or
2. a high-quality, feasible plan for, or a record of success in, turning around existing schools that have consistently substandard student performance.

An eligible charter school must (1) apply to SBE for a startup grant as the board prescribes and (2) if it receives a grant, file reports and financial statements the education commissioner requires. SBE can require a school to repay any grants not spent according to the act. SDE may (1) redistribute unspent funds appropriated for startup grants for the same purposes in the next fiscal year and (2) develop any needed criteria and guidelines to administer the grants.

District Contribution. By law, the school board of a local charter school student's home district must pay the school's fiscal authority the per-student amount specified in the school's charter. The payment must include reasonable special education costs for a student requiring special education. The act, in addition, requires the board's support to at least equal its per-pupil cost for the prior fiscal year, minus any per-pupil special education costs paid by a student's home district, multiplied by the number of students attending the school in the current fiscal year.

The act defines the district's per-pupil cost as its net current expenditures for education divided by the number of public school students enrolled at the board's expense as of October 1st or the immediately preceding full school day, plus the number of students who attended full-time summer school sessions at district expense in the preceding summer.

A district's net current expenditures are its total education expenditures excluding (1) student transportation, (2) capital costs supported by school construction grants and debt service, (3) adult education, (4) health services for private school students, (5) tuition, (6) income from federal- and state-aided school meal programs, and (7) fees for student activities.

State Grants to Charter Schools to Be Paid Through Towns

The act requires the state to pay grants for state and local charter schools to the town where each school is located as an addition to the town's ECS grant. It requires towns to pay the amounts the education commissioner must designate to each charter school's fiscal authority. These payment provisions cover:

1. annual per-student grants to state and local charter schools and
2. startup grants of up to (a) \$75,000 for new state charter schools that help the state meet the desegregation goals of the 2008 *Sheff* settlement agreement and (b) \$500,000 for qualifying new local charter schools. (PA 12-2, June 12 Special Session, changes this to require the state to pay *Sheff* charter school startup grants directly to schools.)

The act requires the state to pay the charter school per-student amounts to towns according to the following schedule: (1) 25% by July 1 and September 1

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based on estimated charter school student enrollment on May 1, and (2) 25% by January 1 and the remainder by April 15th based on the school's actual enrollment as of October 1. Towns must in turn pay the charter schools (1) 25% of the required amounts by July 15 and September 15, (2) 25% by January 15, and (3) the remainder by April 15. (PA 12-2, June 12 Special Session, extends the deadlines for the initial state payment to towns from July 1 to July 15, and for the town payments to schools from July 15 to July 20.)

The act also requires towns to pay \$500,000 startup grants to local charter schools by July 15th.

§ 32—APPROVAL OF NEW CHARTER SCHOOLS

New Charter Schools

By law, SBE must review and approve all applications for local and state charter schools. The local school district where the school will be located must also approve the charter for a local charter school.

Starting July 1, 2012, the act allows SBE to grant new state and local charters only to schools located in towns that, at the time of the application, have (1) at least one school participating in the commissioner's network or (2) a school district designated as low-achieving. Prior law did not limit charter school locations. It also requires charter school applicants, in describing their student admission procedures that ensure open access on a space available basis, to also ensure that they allow students to enroll in the school during the school year if spaces are available.

In addition, under the act, two of the first four new state charter schools the SBE approves between July 1, 2012 and July 1, 2017 must be specifically focused on providing a dual language or other program models focusing on language acquisition by ELLs. A dual language program is a two-way bilingual program that integrates language minority and language majority (English-speaking) students and provides instruction in both the minority language (such as Spanish) and English.

Charter School Preferences

The act adds to the types of schools to which SBE must give preference when reviewing charter school applications. The law already requires the board to give a preference to certain charter applications, such as those for schools located in priority districts or districts where student populations are at least 75% minority. The act requires SBE to also give preference to applicants whose primary purpose is to:

1. serve students (a) with a history of low academic performance or behavioral and social difficulties, (b) receiving free or reduced priced lunches, (c) requiring special education, (d) who are ELLs, or (e) who are all boys or all girls; or
2. improve the academic performance of an existing school that has consistently demonstrated substandard academic performance, as determined by the education commissioner.

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In addition to providing the preference for serving one or more of the educationally needy populations mentioned above, the act requires SBE to give preference to applications that demonstrate highly credible and specific strategies to attract, enroll, and retain such students. It requires charter applications to include student recruitment and retention plans that clearly describe (1) the school's capacity to recruit and retain such students and (2) how it plans to do so.

Charter Renewals

The act gives SBE an additional reason to deny a charter school's renewal application, by allowing it to do so based on a school's insufficient efforts to effectively attract, enroll, and retain all of the educationally needy types of students mentioned above, except students of only one gender.

Waiver of Enrollment Lottery

By law, if a charter school has more students applying for enrollment than it has spaces, it must, with a few exceptions, hold an enrollment lottery of those applicants to determine admissions. The act allows the SBE, upon application, to waive the lottery requirement for schools with a primary purpose of serving at least one of the following: (1) students with a history of behavioral and social difficulties; (2) special education students; (3) ELLs; or (4) students of only one gender.

The act bars enrollment lotteries for any local charter school that takes over management of a public school that has an SPI that places it in the lowest-performing 5% of schools.

§ 33—CHARTER SCHOOL OPT-OUT LOTTERY STUDY

The act requires SDE to study "opt-out lotteries" for determining enrollment in state and local charter schools. Such lotteries automatically include all students who (1) live in the district where the school is located and (2) are enrolled in any grade the school serves, unless a student chooses not to participate. The study must cover (1) the feasibility of charter school governing authorities and boards of education for districts where they are located conducting such lotteries for state charter schools, (2) the methods by which they may be conducted, and (3) the costs of doing so.

The education commissioner must submit the study and any recommendations to the Education Committee by February 1, 2014.

§ 34—ALLIANCE DISTRICTS

The act requires the education commissioner to hold back ECS grant increases for FY 13 and subsequent years to towns with the lowest-performing school districts and establishes conditions for releasing the funds. It designates the school districts subject to the conditional funding as "alliance districts."

Designating the Districts

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An alliance district is a town whose school district is among those with the lowest academic performance as measured by a district performance index (DPI) the act establishes. For FY 13, the act requires the education commissioner to designate 30 alliance districts and to determine, by June 30, 2016, whether to designate additional ones. Districts keep the designation for five years.

The act also establishes a subcategory of alliance districts called “educational reform districts,” which are the 10 districts with the lowest DPIs. It requires the education commissioner to fund additional school readiness spaces in those districts (see § 1).

District Performance Index

A town’s DPI is its students’ weighted performance on the statewide mastery tests in reading, writing, and mathematics given in grades three through eight and 10, and science in grades five, eight, and 10. The index is calculated by:

1. weighting student scores in each of these subjects as follows: zero for below basic (the lowest score), 25% for basic, 50% for proficient, 75% for goal, and 100% for advanced;
2. adding up the weighted student scores for each subject;
3. multiplying the aggregate student results in each subject by 30% for math, reading, and writing and 10% for science; and
4. adding up the weighted subject scores.

The weightings produce the lowest indexes for districts with the lowest test scores.

Under the act, the test score data used for the index is either (1) the data of record on the December 31st following the tests, or (2) that data as adjusted by SDE according to a board of education’s request for an adjustment filed by the November 30th following the test.

Conditional Funding

The act requires the state comptroller to hold back any ECS grant increase over the prior year’s grant that is payable to an alliance district town in FY 13 or any subsequent fiscal year. The comptroller must transfer the money to the education commissioner. An alliance district board of education may apply for the funds when and how the education commissioner prescribes. The commissioner may pay the funds to the district on condition that they are spent according to the approved district plan (see below) and guidelines the act allows SBE to adopt. (PA 12-2, June 12 Special Session, specifies that the commissioner must pay the funds to the town and the town must transfer them to the board of education to implement the plan.)

The act requires that, if there is any balance of the conditional ECS funds allocated to each alliance district town remaining at the end of any fiscal year, it be carried over and remain available to the town for the following fiscal year.

District Improvement Plan

Alliance districts must use their conditional ECS funding to improve local achievement and offset other local education costs the commissioner approves. To

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be eligible to receive the funds, a district must apply to the commissioner. The application must contain objectives and performance targets as well as an improvement plan that may include:

1. a tiered intervention system for the district's schools based on their needs;
2. ways to strengthen reading programs to ensure reading mastery in grades K-3 and that focus on (a) standards and instruction, (b) proper data use, (c) intervention strategies, (d) current information for teachers, (e) parental engagement, and (f) teacher professional development;
3. additional learning time, including extended school day or year programs run by school personnel or external partners;
4. a talent strategy that includes teacher and school leader recruitment and assignment and career ladder policies that (a) draw on SBE-adopted model teacher evaluation guidelines and evaluation programs adopted by school districts and (b) may include provisions demonstrating increased ability to attract, retain, promote, and bolster staff performance according to performance evaluation findings and, for new personnel, other indicators of effectiveness;
5. training for school leaders and other staff on new teacher evaluation models;
6. provisions for cooperating and coordinating with early childhood education providers to ensure alignment between those programs and district expectations for students entering kindergarten, including funding for an existing local Head Start program;
7. provisions for cooperating and coordinating with other government and community programs to ensure students receive adequate support and "wraparound services," including community school models (schools that provide social services for eligible families in addition to regular instruction for students); and
8. any additional categories or goals the commissioner determines.

The plan must also demonstrate collaboration with "key stakeholders" the commissioner identifies to achieve efficiencies and align the intent and practice of existing programs with those of the conditional programs identified in the act. The act allows the commissioner to require changes in a district's plan before approving it.

State Oversight

The act allows the commissioner to (1) withhold conditional funding if an alliance district fails to comply with the act's requirements and (2) renew the funding if a district's school board provides evidence that the district is meeting the objectives and performance targets of its plan. It also allows SBE to adopt guidelines and criteria for administering conditional funding.

Districts receiving conditional funding must submit annual expenditure reports in a form and manner the commissioner prescribes. The commissioner must determine whether to (1) require a district to repay amounts not spent in accordance with its approved application or (2) reduce the district's grant by that amount in a subsequent year.

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§ 35 – EXPANDED CLASSROOM EXPERIENCE REQUIREMENTS FOR TEACHER PREPARATION PROGRAMS

Starting July 1, 2015, the act requires teacher preparation programs to require, as part of their curricula, that students have classroom clinical, field, or student teaching experience during four semesters of the program.

§ 36—PROFESSIONAL EDUCATOR CERTIFICATES

Initial Issuance

Connecticut has a three-level certification system for public school teachers and administrators: initial, provisional, and professional.

Starting July 1, 2016, the act raises the qualifications for a professional certificate by requiring applicants for the certificate to hold a master's degree rather than to complete 30 hours of graduate credit at a regionally accredited higher education institution. The act does not change the existing requirement that, before July 1, 2016, applicants have 30 hours of graduate or undergraduate credit beyond a bachelor's degree. The master's degree must be in a subject appropriate to the person's certification endorsement, as determined by SBE.

For nationally board-certified teachers who have taught in another state, U.S. possession or territory, the District of Columbia, or Puerto Rico for at least three years in the past 10 and who apply for a Connecticut professional certificate, the act imposes the same masters' degree requirement starting on July 1, 2012. It eliminates the SBE's authority to award a provisional certificate to a nationally board-certified out-of-state teacher who meets the experience but not the graduate coursework requirements.

Renewal

As of July 1, 2012, the act eliminates the requirement that a professional certificate holder complete 90 continuing education units (CEUs) or document completion of a national board certification assessment in the appropriate endorsement area every five years in order to renew his or her certificate. Instead, it makes the certificate valid for five years and requires that it be continued every five years thereafter. It requires all certificate holders to participate in the professional development activities required under the act and which replace the CEU requirements starting July 1, 2013 (see § 39).

Exemption from TEAM Program

The act makes two exceptions to the requirement that each certificate holder successfully complete the Teacher Education and Mentoring (TEAM) program in his or her endorsement area. The exceptions apply to any applicant who has taught for at least three of the last 10 years (1) under an appropriate certificate from another U.S. state, territory, or possession, the District of Columbia, or Puerto Rico or (2) in an SBE-approved nonpublic school in Connecticut.

§§ 37 & 38—DISTINGUISHED EDUCATOR DESIGNATION

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The act establishes a new distinguished educator designation for a person who:

1. holds a professional educator certificate,
2. has taught successfully for at least five years in a public school or SBE-approved private special education facility,
3. has advanced education in addition to a master's degree from a degree- or nondegree-granting institution that can include training in mentorship or coaching teachers, and
4. meets SDE-established performance requirements.

SDE's performance standards for the designation must consider demonstrated distinguished practice as validated by SDE or its approved validator. SBE must renew the designation every five years if the person continues to meet the performance standards as validated by SBE or an SBE-approved entity. The act also makes teachers with distinguished educator designations eligible to serve as mentors in the TEAM program.

The act establishes fees of \$200 for a distinguished educator designation application and \$50 for a duplicate copy of the designation. The education commissioner can waive the fees if he determines an applicant cannot pay because of extenuating circumstances.

§ 39—PROFESSIONAL DEVELOPMENT FOR EDUCATORS

As already mentioned, the act eliminates, as of July 1, 2012, the requirement that professional certificate holders who work for local or regional boards of education successfully complete 90 CEUs every five years as a condition of certificate renewal (see § 36). Instead, starting July 1, 2013, it requires all certified employees, including initial and provisional certificate holders, to participate in professional development programs. Under prior law, initial and provisional certificate holders did not need CEUs.

The act revises professional development to emphasize improved practice and individual and small-group coaching sessions. It continues existing requirements that districts (1) offer professional development according to plans developed in consultation with professional development committees consisting of the districts' certified personnel and other appropriate members; (2) determine specific professional development activities with the advice and help of their teachers, including their union representatives; and (3) offer activities that give full consideration to SBE's priorities related to student achievement.

New Design for Professional Development

By law, school districts must make available, at no cost, at least 18 hours of professional development in each school year for certified employees. The act requires that a preponderance of the 18 hours be in small-group or individual instructional settings. It also requires the professional development to:

1. improve integration into teacher practice of (a) reading instruction, (b) literacy and numeracy enhancement, and (c) cultural awareness, including strategies to improve ELL instruction;

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2. use teacher evaluation results and findings to improve teacher and administrator practice and provide professional growth;
3. foster collective responsibility for improved student performance;
4. be comprehensive, sustained, and intensive enough to improve teacher and administrator effectiveness in raising student achievement;
5. focus on refining and improving effective teaching methods shared among educators;
6. be (a) aligned with state student academic achievement standards, (b) conducted among educators at the school, and (c) facilitated by principals, coaches, mentors, distinguished educators, or other appropriate teachers;
7. occur frequently for teachers individually or in groups, within their jobs, and as part of a continuous improvement process; and
8. include a repository of teaching best practices developed by each school's educators that is continuously available to them for comments and updates.

It also requires the education commissioner, rather than SBE, to approve continuing education providers other than boards of education or RESCs.

Professional Development Content

The act maintains an existing requirement that school superintendents and other administrators complete at least 15 hours of professional development every five years in teacher evaluation and support. It eliminates the following professional development requirements:

1. for those with childhood nursery through grade three or elementary endorsements, at least 15 hours of training in teaching reading, reading readiness, and reading assessment;
2. for those with elementary, middle, or secondary academic endorsements, at least 15 hours in how to use computers in the classroom unless they can demonstrate competency; and
3. for those with bilingual endorsements, training in language arts, reading, or math for elementary school teachers and in the subject they teach, for middle and secondary school teachers.

It eliminates (1) professional development completion deadline extensions for certificate holders who were unemployed or members of the General Assembly during the five-year period, (2) a requirement that professional certificate holders attest that they have successfully completed the 90 CEUs at the end of each five-year period, and (3) a requirement that the state and local school districts share the cost of required professional development activities not borne by educators.

SDE Audits and Penalties

By law, SDE must notify a school board of its failure to meet the professional development requirements. The act also requires SDE to audit district professional development programs and allows SBE to assess financial penalties against districts it finds out of compliance based on such audits.

Under the act, SBE can require a school board to forfeit an SBE-determined amount from its state grants, to be withheld from a grant payment in the fiscal

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year after the determination of noncompliance. SBE can waive the penalty if it determines the noncompliance was due to circumstances beyond the school board's control.

§§ 40-50 – CONFORMING SECTIONS

These sections make technical changes to conform to the certification changes described above.

§ 51—TEACHER EVALUATION PROGRAMS

The act (1) requires superintendents to evaluate teachers and other certified personnel, or have them evaluated, annually rather than “continuously” and (2) expands the required components of (a) state guidelines for a model teacher evaluation program and (b) local school districts’ teacher and school administrator evaluation programs. By law, SBE, in consultation with the Performance Evaluation Advisory Council (PEAC), had to adopt guidelines for the model program by July 1, 2012. Teacher evaluation programs used by local school districts must be consistent with the state’s model.

The act requires SBE to validate the model guidelines after completion and study of a pilot program in eight to 10 school districts during the 2012-13 school year. (PA 12-2, June 12 Special Session, allows groups of districts to participate in the pilot program as consortia.)

State Model Teacher Evaluation Program Guidelines

The act expands the requirements for the guidelines for the state model evaluation program for teachers and school administrators that SBE must adopt by July 1, 2012.

Existing Requirements. Existing law already required the model to provide guidance on using multiple indicators of student academic growth in evaluations and to include:

1. ways to measure student academic growth;
2. consideration of “control” factors tracked by the public school data system that could influence teacher performance, such as student characteristics, attendance, and mobility; and
3. minimum requirements for evaluation instruments and procedures.

New Requirements. The act also requires the guidelines to provide for:

1. four ratings to evaluate teacher performance: (a) exemplary, (b) proficient, (c) developing, and (d) below standard;
2. scoring systems to determine the ratings;
3. periodic training on the evaluation program both for teachers being evaluated and for administrators performing evaluations, offered by the school district or its RESC;
4. professional development based on individual or group needs identified through evaluations;
5. opportunities for career development and professional growth; and
6. a validation procedure for SDE or an SDE-approved third party entity to

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audit ratings of below standard or exemplary.

Remediation Plans. For teachers whose performance is rated below standard or developing, the act requires the guidelines to call for individual improvement and remediation plans that:

1. are developed in consultation with the affected employee and his or her union representative;
2. identify resources, support, and other methods to address documented deficiencies;
3. show a timeline for implementing such measures in the same school year as the plan is issued; and
4. provide success indicators, including a minimum overall rating of proficient at the end of the improvement and remediation plan.

School District Teacher Evaluation Programs

Local Plan Requirements. Prior law required a school superintendent to “continuously” evaluate his or her school district’s teachers or cause them to be evaluated. (“Teachers” include all certified professional employees below superintendent.) School boards had to develop the evaluation programs with the advice and assistance of the teachers’ and school administrators’ collective bargaining representatives (unions). Programs had to be consistent with SBE guidelines and with any other guidelines established by mutual agreement between the board and the unions. Evaluations had to address, at least, a teacher’s strengths, areas needing improvement, improvement strategies, and multiple indicators of student academic growth.

The act makes several changes in the evaluation requirements. It requires district evaluations to (1) be carried out annually rather than continuously, (2) include support as well as evaluation, and (3) be consistent with new guidelines for a model program adopted by SBE. (PA 12-2, June 12 Special Session, §§ 23 & 24, also requires school boards to implement such programs by September 1, 2013.) It allows district programs to include periodic (“formative”) evaluations during the year leading up to the final, overall (“summative”) annual evaluation. Under the act, any teacher or administrator who does not receive a summative evaluation during the school year must receive a rating of “not rated” for that year.

Waivers. The act allows SBE to waive consistency with its guidelines for any district that, before the model guidelines are validated, developed a teacher evaluation program that SBE determines substantially complies with the guidelines.

Status Reports on Local Evaluations. By law, each superintendent must report to his or her board of education by June 1 annually on the status of the evaluations. The act also requires superintendents to report annually, by June 30, to the education commissioner on the implementation of evaluations, including their frequency, aggregate evaluation ratings, the numbers of teacher and administrators not evaluated, and other requirements as determined by SDE.

EFFECTIVE DATE: Upon passage

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§ 52—TEACHER EVALUATION AND SUPPORT PILOT PROGRAM

The act requires the education commissioner to administer a teacher evaluation pilot program for the 2012-13 school year. He must select at least eight but no more than 10 districts to participate in the pilot. (PA 12-2, June 12 Special Session, §§ 23 & 24, expands the pilot to include groups of districts acting as consortia.) For purposes of the pilot evaluation programs, the act defines “teacher” to include school administrators.

The pilot program must:

1. assess implementation of evaluation programs developed by school boards that comply with SBE model guidelines,
2. identify needed technical assistance and support for districts implementing such programs,
3. train administrators to conduct evaluations,
4. train teachers being evaluated (PA 12-2, June 12 Special Session, §§ 23 & 24, requires pilot districts to provide orientation instead of training for such teachers),
5. include a process for SDE or its designee to validate evaluations, and
6. provide funds to districts for program administration.

Districts had to apply to participate by May 25, 2012 in a form and manner the commissioner prescribes. The commissioner must select a diverse group of rural, suburban, and urban districts with varying student academic performance levels to participate in the pilot. If there are not enough applicants to meet these requirements, the act requires the commissioner to select districts to participate.

EFFECTIVE DATE: Upon passage

§ 53 – NEAG STUDY OF PILOT PROGRAM

The act requires UConn’s Neag School of Education to:

1. analyze and evaluate the pilot program’s implementation for each participating district;
2. compare each district’s evaluation program to the SBE guidelines; and
3. compare and evaluate performance data from mastery and progress monitoring tests as indicators of, and methods of assessing, student academic growth and development.

When it completes the study, but no later than January 1, 2014, Neag must submit (1) the study to SBE and the Education Committee and (2) any recommendations on validating the guidelines to SBE.

EFFECTIVE DATE: Upon passage

§ 54 – EVALUATION TRAINING

Before implementing the teacher evaluation and support program, but no later than July 1, 2014, the act requires school boards to provide training for all evaluators and orientation to all teachers they employ regarding the evaluation and support program. Evaluators must be trained on how to conduct proper evaluations before they perform any under the new program, and each teacher

must complete the orientation before being evaluated.

§ 55 – ANNUAL AUDITS OF EVALUATION PROGRAMS

Each year, starting July 1, 2014, the act requires the education commissioner, within available appropriations, to randomly select at least 10 district evaluation programs for a comprehensive SDE audit. SDE must submit audit results to the Education Committee.

§ 56 – ONGOING EVALUATION TRAINING

The act requires each board of education, as part of its regular in-service training for certified teachers, administrators, and pupil personnel, to provide information on its teacher evaluation and support program.

§ 57—TEACHER TENURE AND TERMINATION

The act requires school superintendents to incorporate evaluations into decisions about granting tenure and gives local and regional boards of education additional grounds to terminate a teacher for cause. It streamlines and shortens teacher termination notice and hearing requirements and specifies that most deadlines in the process must be counted in calendar days. As under prior law, the act’s tenure and termination provisions apply to all certified professional school board employees below the rank of school superintendent, who are defined collectively as “teachers.”

Granting Tenure

By law, to attain tenure in a particular school district, a certified employee must (1) have completed a specified period of continuous service with the school district (see BACKGROUND) and (2) be offered a contract to return the following year. Under the act, the school superintendent must base the decision on whether to offer a contract to return on effective practice as informed by the teacher’s performance evaluations.

Grounds for Teacher Termination

By law, a teacher may be dismissed only for specified reasons. In addition, a board of education may notify a nontenured teacher, in writing, by May 1st of any school year that his or her contract will not be renewed for the following year.

On or after July 1, 2014, the act explicitly allows a district to terminate a teacher on the grounds that he or she is ineffective, if that determination is based on evaluations that comply with SBE guidelines for evaluating teachers.

As under prior law, a teacher may also be terminated for:

1. inefficiency or incompetence, as determined by an evaluation that complies with the SBE’s evaluation guidelines;
2. insubordination against reasonable board of education rules;
3. moral misconduct;
4. disability proven by medical evidence;

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5. elimination of the position to which the teacher was appointed or loss of a position to another teacher, if there is no other position for which the teacher is qualified and subject to the applicable provisions of a collective bargaining agreement or school board policy; or
6. other due and sufficient cause.

Termination Hearing Requirements and Procedures

By law, tenured and nontenured teachers are entitled to a hearing before being terminated for cause. Nontenured teachers are also entitled to a hearing when their contracts are not renewed for a reason other than elimination of the teacher’s position or loss of the position to another teacher (“bumping”).

The act makes several changes in the hearing process. It:

1. eliminates the maximum 14-day period allowed for a tenured teacher who receives a termination notice to file a written request for the reasons and the board to provide written reasons and requires the board instead to state the reasons in the written termination notice;
2. for a nontenured teacher, establishes a three-day deadline after receiving notice of termination or nonrenewal to request the reasons and reduces the deadline for the board to supply written reasons from seven to four days after receiving the teacher’s request;
3. shortens the deadline for a teacher to request a hearing from 20 to 10 days after he or she receives a termination or nonrenewal notice;
4. eliminates the teacher’s or board’s option to choose a hearing before a three-member impartial hearing panel while retaining existing options for a hearing before (a) an impartial hearing officer chosen by the teacher and the school superintendent, or (b) the full board of education or a three-member subcommittee;
5. requires hearings on terminations for incompetence or ineffectiveness to address whether the teacher’s performance ratings were (a) determined in good faith according to the required evaluation procedures and (b) reasonable in light of the evidence presented;
6. limits termination hearings for incompetence and ineffectiveness to a total of 12 hours of evidence and testimony, six for each side, while allowing the board, board subcommittee, or hearing officer to extend the time for good cause shown; and
7. requires a board subcommittee or hearing officer to submit findings and recommendations on the case to the board of education within 45, rather than 75, days after the hearing request, unless the parties agree to a maximum 15-day extension.

Table 2 compares the teacher termination process deadline under the prior law and the act. The act specifies that all the days in the process are calendar days.

Table 2: Teacher Termination Process

<i>Action</i>	<i>Deadlines Under Prior Law</i>	<i>Deadlines Under the Act</i>
School board notifies a (1) teacher in writing that it is	Termination notice: Anytime	No change

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Action	Deadlines Under Prior Law	Deadlines Under the Act
considering termination or (2) nontenured teacher that his or her contract will not be renewed	Nonrenewal notice: By May 1 annually	
Teacher files written request asking the board to state its reasons for the action	Tenured teacher: 7 days after receiving notice	Termination: Not applicable (act requires termination notice to state reasons)
	Nontenured teacher: No time limit	Nonrenewal: Within three days after receiving the notice
Board notifies teacher in writing of reasons	7 days after board receives request	Termination: Not applicable
		Nonrenewal: Within four days after the board receives the request
Teacher files written request for a hearing	Within 20 days after teacher receives termination or nonrenewal notice	Within 10 days after the teacher receives the notice
Hearing begins	Within 15 days after the board receives the hearing request; parties may agree to extend this deadline for a maximum of 15 days	Must be calendar days
Time limits on testimony and evidence	None	Six hours for each side; 12 hours total
		Board, board subcommittee, or hearing officer may extend the time for good cause
Board subcommittee or hearing officer submits written findings and recommendations to the full board concerning the case and sends a copy to the teacher	Within 75 days after the hearing request unless the parties agree to extend for a maximum of 15 days	Within 45 calendar days after the hearing request unless the parties agree to extend for a maximum of 15 calendar days
Board gives teacher its written decision	Within 15 days of receiving the recommendations or, if the hearing takes place before the full board, within 15 days after the close of the hearing	Must be calendar days.
Maximum time from notice to termination	125 Days	85 Days

Once the board issues its written decision, a tenured teacher, or a nontenured teacher dismissed for moral misconduct or disability, has 30 days to appeal that decision to Superior Court. The act specifies that this 30-day period is counted in calendar days.

Other Calendar-Day Provisions

In addition to the deadlines described above, the act specifies that the following periods must be counted in calendar days:

1. the minimum 90-day period of required work for a board of education before a teacher is covered by the law's tenure and for-cause termination

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provisions and

2. the maximum 35-day period within which a school board that has not delegated final hiring authority to the school superintendent must accept or reject a school superintendent's candidates for teaching positions in schools under the board's jurisdiction.

EFFECTIVE DATE: July 1, 2014

§ 58—SCHOOL SUPERINTENDENT CERTIFICATION WAIVERS

Appointment as Acting Superintendent

The law requires a person serving as a school superintendent to have a Connecticut superintendent certificate. But it also allows a board of education, with the education commissioner's approval, to appoint as acting school superintendent someone who does not have this certificate.

The act extends the maximum duration of an acting superintendent's appointment from a specified period of up to 90 days, with commissioner-approved good cause extensions, to up to one school year. It also:

1. makes the acting superintendent's term a probationary period;
2. requires the acting superintendent, during the probationary period, to successfully complete an SBE-approved educational leadership program offered by a Connecticut higher education institution; and
3. eliminates any option to extend an acting superintendent's employment beyond the probationary period.

Instead of allowing for an acting superintendent's employment beyond the probationary period, the act allows an employing school board, at the end of a probationary period, to ask the commissioner to waive certification, thus allowing the board to appoint the acting superintendent as the district's permanent superintendent.

Superintendent Certification Waiver

The law allows the education commissioner to waive the certification requirement for a school superintendent who (1) has at least three years of successful experience in the past 10 in another state as a certified administrator in a public school with a superintendent certificate issued by that state or (2) the commissioner considers to be exceptionally qualified.

In the latter case, in addition to being exceptionally qualified, the act requires the waiver candidate to successfully complete the probationary period as an acting superintendent. It eliminates requirements that, to be exceptionally qualified, the candidate also (1) have worked as a school superintendent in another state for at least 15 years and (2) be or have been certified as a superintendent by the other state.

§§ 59-61—EDUCATION COST SHARING (ECS) GRANT INCREASES FOR FY 13

The act increases FY 13 ECS grants to 136 towns by various amounts. Under

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prior law, each town’s ECS grant for FY 13 was the same as its FY 12 ECS grant. The grant increases for FY 13 total \$50 million.

As already mentioned (§§ 29-31), the act also requires the state to add each state or local charter school’s state grant amounts for FY 13 to the ECS grants paid to the towns where the schools are located. It requires each town to pay the amount designated by the education commissioner to the fiscal authority for the charter school.

§ 62—MINIMUM BUDGET REQUIREMENT (MBR)

MBR for FY 13

By law, towns receiving ECS grants must budget minimum annual amounts for education. This requirement is known as the minimum budget requirement (MBR). Each town’s base MBR for FY 13 is the amount it budgeted for education in FY 12.

Allowable MBR Reductions

For both FY 12 and FY 13, the act allows a district with no high school and that is paying for fewer students to attend high school outside the district to reduce its budgeted appropriation for education by the full amount of its lowered tuition payments. Under prior law, the reduction was limited to 0.5% of the district’s budgeted appropriation for education for the prior fiscal year.

For FY 13, it also allows a town to reduce its MBR to reflect half of any new savings from (a) a regional collaboration or cooperative arrangement with one or more other districts or (b) increased efficiencies within its school district, as long as the savings can be documented and the education commissioner approves. The overall reduction for these cost savings is limited to a maximum of 0.5% of the town’s FY 12 budgeted appropriation for education.

Finally, the act limits an eligible town to only one of the allowable MBR reduction options for FY 13.

§ 63—GRANT INCREASES FOR NON-SHEFF MAGNET SCHOOLS

Starting in FY 13, the act increases annual state per-pupil operating grants for non-Sheff interdistrict magnet schools as shown in Table 3. Non-Sheff magnets are schools that do not help the state meet the goals of the 2008 settlement in the *Sheff v. O’Neill* school desegregation case relating to Hartford and its surrounding towns.

Table 3: Increases for Non-Sheff Magnet Grants

<i>Type of Interdistrict Magnet School</i>	<i>Per-Student Grant</i>	
	<i>Prior Law</i>	<i>The Act</i>
Operated by local school district (“host magnet”)	\$6,730	\$7,085

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<i>Type of Interdistrict Magnet School</i>	<i>Per-Student Grant</i>	
	<i>Prior Law</i>	<i>The Act</i>
Operated by RESC ("RESC magnet") with less than 55% of its students from a single town	\$7,620	\$7,900
RESC magnet with 55% or more of its students from a single town ("dominant town") – with one exception (see below)	For each student from outside the dominant town: \$6,730 For each student from the dominant town: \$3,000	For each student from outside the dominant town: \$7,085 For each student from the dominant town: \$3,000
RESC magnet with between 55% and 80% of students from a dominant town	For each student from outside the dominant town: \$6,730 For each student from the dominant town: \$3,833	For each student regardless of originating town: \$8,180

The act also eliminates obsolete language.

§ 64—PER-STUDENT GRANT FOR VO-AG CENTERS

The act increases the annual state grant for each student attending a regional agricultural science and technology ("vo-ag") center from \$1,355 to \$1,750. It also prohibits local and regional boards of education that operate centers from using any increase in state funding to supplant local education funding for FY 13 or any subsequent fiscal year. (For FY 13, PA 12-1, June 12 Special Session, allows a board of education that operates a vo-ag center to spend the increased state grant even if it exceeds the total amount budgeted for education by its town or regional district.)

§§ 65 & 66 — SUMMER SCHOOL AND EXTENDED DAY GRANT PHASE-OUTS FOR FORMER PRIORITY SCHOOL DISTRICTS

Among other things, priority school districts receive state grants for (1) summer school and weekend programs and (2) extending school hours to provide academic enrichment and support and recreational programs for students in the districts. Starting with FY 14, the act requires these grants to phase out over three years once a district is no longer designated as a priority district rather than ending all at once. Under the act, a former priority district receives grants of 75%, 50%, and 25% of its final grant as a priority district in the three years following loss of eligibility.

Towns qualify as priority districts based on high populations or concentrations of students on welfare and students performing poorly on state mastery exams. SDE designates the districts in the first year of each biennium. The priority districts for FY 12 and FY 13 are Ansonia, Bridgeport, Danbury, East Hartford, Hartford, Meriden, New Britain, New Haven, New London, Norwalk, Norwich, Putnam, Stamford, Waterbury, and Windham.

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§ 67—SPECIAL EDUCATION PAYMENTS FOR CHILDREN IN DMHAS FACILITIES

By law, the Department of Mental Health and Addiction Services (DMHAS) must provide regular and special education services to eligible residents in its facilities. The act transfers the responsibility for paying for these services from SBE to DMHAS. It also makes a conforming change to eliminate a requirement that SBE pay for the costs in two installments.

§ 68—BLOOMFIELD MAGNET SCHOOL EXEMPTION

The act extends for an additional year, through FY 12, an exemption for the Big Picture Magnet School, an approved interdistrict magnet school operated by Bloomfield, from statutory student diversity requirements for interdistrict magnet schools. These requirements (1) limit the number of students from any of the school's participating towns to 75% of its total enrollment and (2) require students of racial minorities to comprise at least 25% but no more than 75% of its student body.

The act's exemption allows the school to continue receiving a state magnet school operating grant in FY 12. Starting July 1, 2012, the school must reopen as The Global Experience Magnet School under an operation plan approved by the education commissioner. For purposes of meeting diversity requirements for interdistrict magnet schools, the act specifies that the school is considered to have started operating on that date, thus, by law, giving it until its second year of operation to meet the desegregation requirements of the *Sheff* settlement. By law, the education commissioner may grant an extension for one additional year.

EFFECTIVE DATE: Upon passage

§§ 69-87—TECHNICAL HIGH SCHOOL SYSTEM

The act creates a new board to govern the state's technical high school system and transfers authority for running the system from SBE to the new board. Among other things, it requires the new board to offer the programs previously authorized under SBE (full-time, part-time, and evening programs in vocational, technical, and technological education and training) and gives it authority to make school admission regulations.

New Governing Board

The act changes the name of the regional vocational-technical (V-T) schools to the technical high school system (CTHSS) and creates a new 11-member board to govern it. Under prior law, the V-T schools were under the authority of the SBE and its technical high school subcommittee.

The new board consists of the following:

1. four executives of Connecticut-based employers appointed by the governor from nominees submitted by the Connecticut Employment and Training Commission,
2. five members appointed by SBE, and

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3. the economic and community development and labor commissioners.

The governor must appoint the chairperson, who serves as a nonvoting ex-officio member of the SBE. The act adds the CTHSS chairperson to the SBE; thus increasing its membership from 13 to 14.

CTHSS Superintendent

The act requires the CTHSS board and the education commissioner to make a joint recommendation that the SBE appoint a particular candidate as the system's superintendent. It makes the superintendent responsible for operating and administering the system.

Budget Process

The act requires each technical high school to prepare a proposed operating budget for the next school year, and submit it to the system superintendent. The superintendent must collect, review, and use each school's proposed operating budget as a guide in preparing a proposed operating budget for the CTHSS system.

The act requires the superintendent to submit a proposed operating budget for the system to the CTHSS board, which must review and either approve or disapprove it. If the board disapproves it, it must adopt an interim budget, which takes effect at the start of the fiscal year and remains in effect until the superintendent submits and the board approves a modified operating budget. The superintendent must submit a copy of the approved operating budget to OPM. (PA 12-2, June 12 Special Session, changed this provision to (1) allow the board to amend and approve the budget and (2) eliminate the requirement that the board adopt an interim budget if it disapproves the budget submitted by the superintendent.)

By law, the superintendent must, twice a year, submit the operating budget for each technical high school to OPM, the Office of Fiscal Analysis, and the Education Committee. The act also requires the superintendent to report the proposed operating budgets for each school and the proposed and approved system budget to the Education and Appropriations committees.

Conforming Changes

The act makes numerous technical and conforming changes to reflect the system's name change and the responsibilities of the new board and its chairperson. Under existing law, the superintendent is required to (1) meet with specified legislative committees by November 30 annually about the system and (2) consult with the labor commissioner on the creation of an integrated system of statewide advisory committees for career clusters offered by CTHSS. The act requires the superintendent to perform these tasks with the board chairperson.

§ 88 — SDE WEBSITE INFORMATION

The act requires SDE to annually make the following information available on its website:

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1. the statewide performance management and accountability plan required by the amended school accountability law (§ 19);
2. a list of schools ranked from lowest to highest by SPI;
3. the formula and method the department used to calculate each school's SPI, and
4. the alternative versions of the formula used to calculate school subject indexes for non-elementary grades.

§ 89—INTENSIVE READING INSTRUCTION PROGRAM

Starting with the school year beginning July 1, 2012, the act requires the education commissioner to create an intensive reading instruction program to improve K-3 student literacy and close the achievement gap. The definition of achievement gap is the same one used in § 4 for the early literacy pilot program. The act requires a range of actions when a student at one of the schools selected for the intensive reading program is found to be deficient in reading.

The intensive reading instruction program must include:

1. routine reading assessments for K-3 students;
2. scientifically based reading research and instruction;
3. an intensive reading intervention strategy, as described in the act;
4. supplemental reading instruction and reading remediation plans, as described in the act; and
5. an intensive summer school reading program, as described in the act.

For the school year beginning July 1, 2012, the commissioner must select five elementary schools to participate in the intensive reading instruction program. The schools must be (1) located in an educational reform district, (2) participating in the commissioner's network of schools, or (3) among the lowest 5% of elementary schools based on reading and mathematics SPI. For the school year starting July 1, 2013, and each school year thereafter, the commissioner may select up to five such schools to participate in the intensive reading program.

Reading Strategy

By July 1, 2012, SDE must develop an intensive reading instruction strategy to be used by the schools the commissioner selects to participate in the intensive reading program. The selected schools must use an intensive reading strategy that, at a minimum, includes:

1. rigorous assessments in reading skills;
2. scientifically based reading research and instruction;
3. one SDE-funded external literacy coach for each school to supervise reading interventions;
4. four SDE-funded reading interventionists for each school; and
5. training for teachers and administrators in scientifically based reading research and instruction, including training administrators to assess a classroom to ensure all children are proficient in reading.

Furthermore, the strategy must outline how:

1. reading data will be collected, analyzed, and used for instructional

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- development;
2. professional and leadership development will be related to reading data analysis and used to support teacher and classroom needs;
 3. the selected schools will communicate with students' parents and guardians on (a) reading instruction strategies and student goals and (b) opportunities for parents and guardians to partner with teachers and administrators to improve reading at home and school;
 4. teachers and school leaders will be trained in the science of teaching reading;
 5. periodic student progress reports will be issued; and
 6. the intensive reading intervention strategy will be monitored at the classroom level.

Intervention

The act requires participating schools to provide supplemental reading interventions to K-3 students who are reading below proficiency.

Coaches and Interventionists. The literacy coach for each school must support the school principal, observe and coach classes, and supervise reading interventions. The reading interventionists must (1) develop a reading remediation plan for any student who is below proficiency; (2) be responsible for all supplemental reading instruction, which must be provided during regular school hours; and (3) conduct any needed reading assessments. The remediation plan must include instructional strategies that use research-based instruction materials, teachers trained in reading instruction, parental involvement in carrying out the plan, and regular progress reports on the student.

The act requires the school principal to notify the parent or guardian of a K-3 student who has been identified as reading below proficiency. The written notice must explain why the student is below proficiency and inform the parent or guardian that a remediation plan will be developed and will include strategies for the parent to use at home with the child.

Summer School Program. Any student in a priority school selected for the intensive reading program who is reading below proficiency at the end of the school year must be enrolled in an intensive summer school reading program that includes specified components. The components include, among other things, a comprehensive reading intervention, scientifically based reading research and instruction strategies, and weekly monitoring and assessment.

The act also imposes the following reporting requirements:

1. The principal of a school participating in the program must submit reports on the reading progress of each student who is reading below proficiency and the specific reading interventions used to SDE at a time and in a manner the department determines.
2. Not later than October 1, 2013 and annually thereafter, SDE must report on the program, including elements that can be replicated in other schools and school districts, to the Education Committee.

The act defines "scientifically based reading research and instruction" as (1) a comprehensive program or a collection of practices based on reliable, valid

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evidence showing that when these programs or practices are used, students can be expected to achieve satisfactory reading progress and (2) the integration of strategies for continuously assessing, evaluating, and communicating the student's reading progress and needs in order to implement ongoing interventions so that all students can read and comprehend text and apply higher-level thinking skills. The comprehensive program or collection of practices must include instruction in five areas of reading: phonemic awareness, phonics, fluency, vocabulary, and text comprehension.

§ 90—MINORITY STUDENTS IDENTIFIED FOR SPECIAL EDUCATION

The act requires any school district that SDE identifies as disproportionately and inappropriately identifying minority students as requiring special education due to reading deficiencies to submit annual reports to SDE describing its plans to reduce the misidentification of minority students by improving reading assessments and interventions for K-3 students.

Furthermore, the act requires SDE to study the plans and strategies the districts use that demonstrate improvement in this area. The study must examine the correlation between improvements in teacher training in the science of reading and the reduction in misidentification of students requiring special education services.

“Minority students” means those whose race is defined as other than white, or whose ethnicity is defined as Hispanic or Latino, by the federal Office of Management and Budget for U.S. Census Bureau use.

§ 91—KINDERGARTEN-THROUGH-GRADE-THREE READING PLAN

The act requires SDE by July 1, 2013, to develop a coordinated statewide reading plan for students in grades K-3 that contains research-driven strategies and frameworks to produce effective reading instruction and improvement in student performance.

The plan must include:

1. the alignment of reading standards, instruction, and assessments for K-3 students;
2. teachers' use of student progress data to adjust and differentiate instruction to improve student reading success;
3. the collection of information about each student's reading background, level, and progress for teachers' use in assisting a student's transition to the next grade level;
4. an intervention for each student who is not making adequate reading progress to help the student read at the appropriate grade level;
5. enhanced reading instruction for students reading at or above their grade level;
6. reading instruction coordination between parents, students, teachers, and administrators at home and school;
7. school district reading plans;
8. parental involvement by providing parents and guardians with

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- opportunities to help teachers and school administrators to (a) create an optimal learning environment and (b) receive updates on their student's reading progress;
9. teacher training and reading performance tests to be aligned with teacher preparation courses and professional development activities;
 10. incentives for schools that demonstrate significant student reading improvement;
 11. research-based literacy training for early childhood care and education providers and instructors working with children birth to age five; and
 12. reading instruction aligned with the common core state standards that SBE sets.

§§ 92 & 93—REQUIREMENT TO PASS READING INSTRUCTION TEST

Starting July 1, 2013, the act requires certified teachers with comprehensive special education or remedial reading and language arts endorsements to pass the reading instruction test approved by SBE on April 1, 2009.

§ 94—SCHOOL INCENTIVE PROGRAM TO IMPROVE READING

The act requires the education commissioner to establish, by July 1, 2014, an incentive program for schools that (1) increase by 10% the number of students who meet reading goals on the Connecticut mastery tests and (2) demonstrate the methods and instruction the school used to achieve those results. The incentives can include, at the commissioner's discretion, public recognition, financial rewards, and enhanced autonomy or operational flexibility. The act allows SDE to accept private donations for the program.

§ 95—PRE-LITERACY COURSE

The act requires SDE, by July 1, 2013 and in consultation with the Board of Regents for Higher Education, to design and approve a preliteracy course for inclusion in the bachelor's degree program with an early childhood education concentration offered by a higher education institution accredited by the Board of Governors of Higher Education. (The act refers to the Board of Governors, but that has been replaced in statute by the Board of Regents for public institutions and SBE for private institutions.) The course must be practice-based and specific to preliteracy and language skills instruction for early childhood education teachers.

§ 96—INFORMATION-SHARING SYSTEM

The act requires SDE to collaborate with the Governor's Early Care and Education Cabinet to develop an information-sharing system between preschool and school readiness programs and kindergarten about children's proficiency in oral language and preliteracy.

§ 97—REPEALER

OLR PUBLIC ACT SUMMARY

The act repeals obsolete provisions requiring (1) boards of education, by September 1, 1999, to develop and implement three-year plans to improve the reading skills of K-3 students and (2) SDE to provide technical assistance to boards in developing the plans.

BACKGROUND

Charter Schools

Connecticut law defines a charter school as a nonsectarian public school organized as a nonprofit corporation and operated independently of a local or regional board of education. The SBE grants and renews the charters, usually for five years, and, as part of the charter, may waive certain statutory requirements applicable to other public schools. In addition to SBE approval, a local charter school seeking to operate in only one school district must be approved by the local or regional board of education for that district.

A charter school may enroll students in pre-kindergarten through grade 12 in accordance with its charter. Charter schools are open to all students, including special education students, though they may limit the geographic areas from which students may attend. If a school has more applicants than spaces, it must admit students through a lottery.

Teacher Tenure

Tenured teachers (1) have their contracts automatically renewed from year-to-year; (2) can be dismissed only for statutorily specified reasons; and (3) have the right to bump nontenured teachers from positions for which the tenured teachers are qualified, if the tenured teachers' positions are eliminated.

By law, teachers and school administrators below the rank of school superintendent ("teachers") attain tenure after 40 school months (four years) of continuous, full-time employment with the same board of education, if their contracts are renewed for the following school year. Teachers who attain tenure with one board of education and who are reemployed by the same or another board after a break in service attain tenure after 20 school months (two years) of continuous employment, if their contracts are renewed for the following school year. Tenured teachers who transfer to a priority school district may attain tenure after working 10 months in that district.

Related Act

A provision in PA 12-198 (§ 5) is identical to the act's provision regarding the daily exercise requirement for students in grades K-5 (§ 9).

OLR Tracking: JSL:JO:PF:eh