



Senate

General Assembly

File No. 543

January Session, 2013

Substitute Senate Bill No. 1096

Senate, April 17, 2013

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

AN ACT CONCERNING GOVERNANCE OF THE STATE EDUCATION RESOURCE CENTER.

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

1 Section 1. (NEW) (*Effective from passage*) (a) There is hereby
2 established and created a body politic and corporate, constituting a
3 public instrumentality and political subdivision of the state of
4 Connecticut established and created to be a public educational
5 authority acting on behalf of the state of Connecticut, to be known as
6 the State Education Resource Center. The center shall not be construed
7 to be a department, institution or agency of the state.

8 (b) (1) The powers of the center shall be vested in and exercised by a
9 board of directors, which shall consist of thirteen members: (A) Four
10 appointed by the Governor, with the advice and consent of both
11 houses of the General Assembly; (B) two appointed by the State Board
12 of Education; (C) one appointed by the president pro tempore of the
13 Senate; (D) one appointed by the majority leader of the Senate; (E) one
14 appointed by the minority leader of the Senate; (F) one appointed by

15 the speaker of the House of Representatives; (G) one appointed by the
16 majority leader of the House of Representatives; (H) one appointed by
17 the minority leader of the House of Representatives; and (I) the
18 Commissioner of Education, or the commissioner's designee. Each
19 member appointed by the Governor shall serve at the pleasure of the
20 Governor but not longer than the term of office of the Governor or
21 until the member's successor is appointed and qualified, whichever
22 term is longer. Each member appointed by a member of the General
23 Assembly shall serve in accordance with the provisions of section 4-1a
24 of the general statutes. The Governor shall fill any vacancy for the
25 unexpired term of a member appointed by the Governor. The
26 appropriate legislative appointing authority shall fill any vacancy for
27 the unexpired term of a member appointed by such authority. Each
28 appointing authority shall make his or her initial appointment to the
29 board not later than six months after the effective date of this section.

30 (2) The Governor shall appoint the chairperson of the board from
31 among the members of such board with the advice and consent of both
32 houses of the General Assembly. Such chairperson shall serve at the
33 pleasure of the Governor.

34 (3) The chairperson shall, with the approval of the members of the
35 board of directors, appoint an executive director of the center who
36 shall be an employee of the center and paid a salary prescribed by the
37 board. The executive director shall supervise the administrative affairs
38 and technical activities of the center in accordance with the directives
39 of the board.

40 (c) Four members of the board of directors of the center shall
41 constitute a quorum for the transaction of any business or the exercise
42 of any power of the State Education Resource Center. For the
43 transaction of any business or the exercise of any power of the center,
44 and except as otherwise provided in this section and sections 2 to 4,
45 inclusive, of this act, the center may act by a majority of the members
46 present at any meeting at which a quorum is in attendance.

47 (d) Members shall receive no compensation for their services but

48 shall be entitled to reimbursement for such members' actual and
49 necessary expenses incurred during the performance of such members'
50 official duties. Members may engage in private employment, or in a
51 profession or business, subject to any applicable laws, rules and
52 regulations of the state regarding official ethics or conflict of interest. It
53 shall not constitute a conflict of interest for a trustee, director, partner
54 or officer of any person, firm or corporation, or any individual having
55 a financial interest in a person, firm or corporation, to serve as a
56 member of the board of directors of the center, provided such trustee,
57 director, partner, officer or individual shall comply with all applicable
58 provisions of chapter 10 of the general statutes.

59 Sec. 2. (NEW) (*Effective from passage*) (a) The purposes of the State
60 Education Resource Center, established pursuant to section 1 of this
61 act, shall be to assist the State Board of Education in the provision of
62 programs and activities that will promote educational equity and
63 excellence. Such activities may include training and professional
64 development seminars, publication of technical materials, research and
65 evaluation, and other related activities. The center may support
66 programs and activities concerning early childhood education,
67 improving school and district academic performance, and closing the
68 academic achievement gap between socio-economic subgroups, and
69 other related programs and activities. For such purposes the center is
70 authorized and empowered to:

71 (1) Have perpetual succession as a body politic and corporate and to
72 adopt bylaws for the regulation of its affairs and the conduct of its
73 business;

74 (2) Adopt an official seal and alter the same at pleasure;

75 (3) Maintain an office at such place or places as it may designate;

76 (4) Sue and be sued in its own name, and plead and be impleaded;

77 (5) Employ such assistants, agents and other employees as may be
78 necessary or desirable who shall not be employees, as defined in

79 subsection (b) of section 5-270 of the general statutes; establish all
80 necessary or appropriate personnel practices and policies, including
81 those relating to hiring, promotion, compensation, retirement and
82 collective bargaining, which need not be in accordance with chapter 68
83 of the general statutes, and the center shall not be an employer as
84 defined in subsection (a) of section 5-270 of the general statutes; and
85 engage consultants, attorneys and appraisers as may be necessary or
86 desirable to carry out its purposes in accordance with this section and
87 sections 1, 3 and 4 of this act;

88 (6) Receive and accept aid or contributions from any source of
89 money, property, labor or other things of value, to be held, used and
90 applied to carry out the purposes of this section and sections 1, 3 and 4
91 of this act, subject to such conditions upon which such grants and
92 contributions may be made, including, but not limited to, gifts or
93 grants from any department, agency or instrumentality of the United
94 States or this state for any purpose consistent with this section and
95 sections 1, 3 and 4 of this act;

96 (7) Borrow money for the purpose of obtaining working capital;

97 (8) Make and enter into all contracts and agreements necessary or
98 incidental to the performance of its duties and the execution of its
99 powers under this section and sections 1, 3 and 4 of this act, including
100 contracts and agreements for such professional services as the center
101 deems necessary, including, but not limited to, financial consultants,
102 underwriters and technical specialists;

103 (9) Acquire, lease, purchase, own, manage, hold and dispose of
104 personal property, and lease, convey or deal in or enter into
105 agreements with respect to such property on any terms necessary or
106 incidental to the carrying out of these purposes;

107 (10) Invest in, acquire, lease, purchase, own, manage, hold and
108 dispose of real property and lease, convey or deal in or enter into
109 agreements with respect to such property on any terms necessary or
110 incidental to carrying out the purposes of this section and sections 1, 3

111 and 4 of this act, provided such transactions shall not be subject to
112 approval, review or regulation by any state agency pursuant to title 4b
113 of the general statutes or any other provision of the general statutes;

114 (11) Procure insurance against any liability or loss in connection
115 with its property and other assets, in such amounts and from such
116 insurers as it deems desirable and to procure insurance for employees;

117 (12) Account for and audit funds of the center and funds of any
118 recipients of funds from the center;

119 (13) Hold patents, copyrights, trademarks, marketing rights,
120 licenses, or any other evidences of protection or exclusivity as to any
121 products as defined in this section and sections 1, 3 and 4 of this act,
122 issued under the laws of the United States or any state or any nation;

123 (14) Establish advisory committees to assist in accomplishing its
124 duties under this section and sections 1, 3 and 4 of this act, which may
125 include one or more members of the board of directors and persons
126 other than members; and

127 (15) Do all acts and things necessary or convenient to carry out the
128 purposes of this section and sections 1, 3 and 4 of this act, and the
129 powers expressly granted by this section and sections 1, 3 and 4 of this
130 act.

131 (b) The State Education Resource Center shall establish a
132 Connecticut School Reform Resource Center either within the State
133 Education Resource Center or by contract through a regional
134 educational service center, established pursuant to section 10-66a of
135 the general statutes. The Connecticut School Reform Resource Center
136 shall operate year-round and shall focus on serving the needs of all
137 public schools. The Connecticut School Reform Resource Center shall
138 (1) publish and distribute reports on the most effective practices for
139 improving student achievement by successful schools; (2) provide a
140 program of professional development activities for (A) school leaders,
141 including curriculum coordinators, principals, superintendents and

142 board of education members, and (B) teachers to educate students that
143 includes research-based child development and reading instruction
144 tools and practices; (3) provide information on successful models for
145 evaluating student performance and managing student data; (4)
146 develop strategies for assisting such students who are in danger of
147 failing; (5) develop culturally-relevant methods for educating students
148 whose primary language is not English; and (6) provide other
149 programs and materials to assist in the improvement of public schools.

150 (c) The State Education Resource Center shall be subject to rules,
151 regulations or restrictions on purchasing, procurement, personal
152 service agreements or the disposition of assets generally applicable to
153 Connecticut state agencies, including those contained in titles 4, 4a and
154 4b of the general statutes and the corresponding rules and regulations.

155 Sec. 3. (NEW) (*Effective from passage*) The members of the board of
156 directors of the State Education Resource Center, established pursuant
157 to section 1 of this act, shall adopt written procedures, in accordance
158 with the provisions of section 1-121 of the general statutes, for: (1)
159 Adopting an annual budget and plan of operations, including a
160 requirement of board approval before the budget or plan may take
161 effect; (2) hiring, dismissing, promoting and compensating employees
162 of the center, including an affirmative action policy and a requirement
163 of board approval before a position may be created or a vacancy filled;
164 (3) acquiring real and personal property and personal services,
165 including a requirement of board approval for any nonbudgeted
166 expenditure in excess of an amount to be determined by the board; and
167 (4) contracting for financial, legal, consulting and other professional
168 services, including a requirement that the center solicit proposals at
169 least once every three years for each such service which it uses.

170 Sec. 4. (NEW) (*Effective from passage*) For the fiscal year ending June
171 30, 2014, and each fiscal year thereafter, the State Education Resource
172 Center shall annually submit a yearly budget, projected revenue
173 statement and financial audit to the State Board of Education and the
174 joint standing committee of the General Assembly having cognizance

175 of matters relating to education, in accordance with the provisions of
176 section 11-4a of the general statutes.

177 Sec. 5. Subsection (l) of section 1-79 of the general statutes is
178 repealed and the following is substituted in lieu thereof (*Effective from*
179 *passage*):

180 (l) "Quasi-public agency" means Connecticut Innovations,
181 Incorporated, and the Connecticut Health and Education Facilities
182 Authority, Connecticut Higher Education Supplemental Loan
183 Authority, Connecticut Housing Finance Authority, Connecticut
184 Housing Authority, Connecticut Resources Recovery Authority, Lower
185 Fairfield County Convention Center Authority, Capital Region
186 Development Authority, Connecticut Lottery Corporation, Connecticut
187 Airport Authority, Health Information Technology Exchange of
188 Connecticut, Connecticut Health Insurance Exchange, [and] Clean
189 Energy Finance and Investment Authority and the State Education
190 Resource Center.

191 Sec. 6. Section 1-120 of the general statutes is repealed and the
192 following is substituted in lieu thereof (*Effective from passage*):

193 As used in sections 1-120 to 1-123, inclusive:

194 (1) "Quasi-public agency" means Connecticut Innovations,
195 Incorporated, and the Connecticut Health and Educational Facilities
196 Authority, Connecticut Higher Education Supplemental Loan
197 Authority, Connecticut Housing Finance Authority, Connecticut
198 Housing Authority, Connecticut Resources Recovery Authority,
199 Capital Region Development Authority, Connecticut Lottery
200 Corporation, Connecticut Airport Authority, Health Information
201 Technology Exchange of Connecticut, Connecticut Health Insurance
202 Exchange, [and] Clean Energy Finance and Investment Authority and
203 the State Education Resource Center.

204 (2) "Procedure" means each statement, by a quasi-public agency, of
205 general applicability, without regard to its designation, that

206 implements, interprets or prescribes law or policy, or describes the
207 organization or procedure of any such agency. The term includes the
208 amendment or repeal of a prior regulation, but does not include,
209 unless otherwise provided by any provision of the general statutes, (A)
210 statements concerning only the internal management of any agency
211 and not affecting procedures available to the public, and (B) intra-
212 agency memoranda.

213 (3) "Proposed procedure" means a proposal by a quasi-public
214 agency under the provisions of section 1-121 for a new procedure or
215 for a change in, addition to or repeal of an existing procedure.

216 Sec. 7. Section 1-124 of the general statutes is repealed and the
217 following is substituted in lieu thereof (*Effective from passage*):

218 (a) Connecticut Innovations, Incorporated, the Connecticut Health
219 and Educational Facilities Authority, the Connecticut Higher
220 Education Supplemental Loan Authority, the Connecticut Housing
221 Finance Authority, the Connecticut Housing Authority, the
222 Connecticut Resources Recovery Authority, the Health Information
223 Technology Exchange of Connecticut, the Connecticut Airport
224 Authority, the Capital Region Development Authority, the
225 Connecticut Health Insurance Exchange, [and] the Clean Energy
226 Finance and Investment Authority and the State Education Resource
227 Center shall not borrow any money or issue any bonds or notes which
228 are guaranteed by the state of Connecticut or for which there is a
229 capital reserve fund of any kind which is in any way contributed to or
230 guaranteed by the state of Connecticut until and unless such
231 borrowing or issuance is approved by the State Treasurer or the
232 Deputy State Treasurer appointed pursuant to section 3-12. The
233 approval of the State Treasurer or said deputy shall be based on
234 documentation provided by the authority that it has sufficient
235 revenues to (1) pay the principal of and interest on the bonds and notes
236 issued, (2) establish, increase and maintain any reserves deemed by the
237 authority to be advisable to secure the payment of the principal of and
238 interest on such bonds and notes, (3) pay the cost of maintaining,

239 servicing and properly insuring the purpose for which the proceeds of
240 the bonds and notes have been issued, if applicable, and (4) pay such
241 other costs as may be required.

242 (b) To the extent Connecticut Innovations, Incorporated, and the
243 Connecticut Higher Education Supplemental Loan Authority,
244 Connecticut Housing Finance Authority, Connecticut Housing
245 Authority, Connecticut Resources Recovery Authority, Connecticut
246 Health and Educational Facilities Authority, the Health Information
247 Technology Exchange of Connecticut, the Connecticut Airport
248 Authority, the Capital Region Development Authority, the
249 Connecticut Health Insurance Exchange, [or] the Clean Energy Finance
250 and Investment Authority or the State Education Resource Center is
251 permitted by statute and determines to exercise any power to
252 moderate interest rate fluctuations or enter into any investment or
253 program of investment or contract respecting interest rates, currency,
254 cash flow or other similar agreement, including, but not limited to,
255 interest rate or currency swap agreements, the effect of which is to
256 subject a capital reserve fund which is in any way contributed to or
257 guaranteed by the state of Connecticut, to potential liability, such
258 determination shall not be effective until and unless the State
259 Treasurer or his or her deputy appointed pursuant to section 3-12 has
260 approved such agreement or agreements. The approval of the State
261 Treasurer or his or her deputy shall be based on documentation
262 provided by the authority that it has sufficient revenues to meet the
263 financial obligations associated with the agreement or agreements.

264 Sec. 8. Section 1-125 of the general statutes is repealed and the
265 following is substituted in lieu thereof (*Effective from passage*):

266 The directors, officers and employees of Connecticut Innovations,
267 Incorporated, and the Connecticut Higher Education Supplemental
268 Loan Authority, Connecticut Housing Finance Authority, Connecticut
269 Housing Authority, Connecticut Resources Recovery Authority,
270 including ad hoc members of the Connecticut Resources Recovery
271 Authority, Connecticut Health and Educational Facilities Authority,

272 Capital Region Development Authority, the Health Information
273 Technology Exchange of Connecticut, Connecticut Airport Authority,
274 Connecticut Lottery Corporation, Connecticut Health Insurance
275 Exchange, [and] the Clean Energy Finance and Investment Authority
276 and the State Education Resource Center and any person executing the
277 bonds or notes of the agency shall not be liable personally on such
278 bonds or notes or be subject to any personal liability or accountability
279 by reason of the issuance thereof, nor shall any director or employee of
280 the agency, including ad hoc members of the Connecticut Resources
281 Recovery Authority, be personally liable for damage or injury, not
282 wanton, reckless, wilful or malicious, caused in the performance of his
283 or her duties and within the scope of his or her employment or
284 appointment as such director, officer or employee, including ad hoc
285 members of the Connecticut Resources Recovery Authority. The
286 agency shall protect, save harmless and indemnify its directors,
287 officers or employees, including ad hoc members of the Connecticut
288 Resources Recovery Authority, from financial loss and expense,
289 including legal fees and costs, if any, arising out of any claim, demand,
290 suit or judgment by reason of alleged negligence or alleged
291 deprivation of any person's civil rights or any other act or omission
292 resulting in damage or injury, if the director, officer or employee,
293 including ad hoc members of the Connecticut Resources Recovery
294 Authority, is found to have been acting in the discharge of his or her
295 duties or within the scope of his or her employment and such act or
296 omission is found not to have been wanton, reckless, wilful or
297 malicious.

298 Sec. 9. Section 10-4q of the general statutes is repealed and the
299 following is substituted in lieu thereof (*Effective from passage*):

300 [(a) The State Board of Education shall establish a State Education
301 Resource Center to assist the board in the provision of programs and
302 activities that will promote educational equity and excellence. Such
303 activities, to be provided by the State Education Resource Center or a
304 regional educational service center, may include training and
305 professional development seminars, publication of technical materials,

306 research and evaluation, and other related activities. The center may
307 support programs and activities concerning early childhood education,
308 the federal No Child Left Behind Act, P.L. 107-110, and closing the
309 academic achievement gap between socio-economic subgroups, and
310 other related programs.]

311 [(b)] The Commissioner of Education, with the assistance of the
312 State Education Resource Center, established pursuant to section 1 of
313 this act, may provide grants to local and regional boards of education
314 for school districts [identified as in need of improvement under the
315 provisions of section 10-223e. The] designated as alliance districts,
316 pursuant to section 10-262u. Such grants shall be for the creation and
317 acquisition of new curricula, training in the use of [the] such curricula
318 and related supporting textbooks and other materials. [Local] Such
319 local and regional boards of education may use such grants only for
320 curricula, training and related textbooks and materials that have been
321 authorized by the commissioner. [Local] Such local and regional
322 boards of education shall apply for grants pursuant to this subsection
323 at such time and in such manner as the commissioner prescribes, and
324 the commissioner shall determine the amount of the grant awards.

325 [(c)] Within available appropriations, the Department of Education
326 shall establish a Connecticut School Reform Resource Center within
327 the State Education Resource Center established pursuant to
328 subsection (a) of this section or by contract through a regional
329 educational service center. The center shall operate year-round and
330 focus on serving the needs of all public schools. The center shall (1)
331 publish and distribute reports on the most effective practices for
332 improving student achievement by successful schools, (2) provide a
333 program of professional development activities for (A) school leaders,
334 including curriculum coordinators, principals, superintendents and
335 board of education members, and (B) teachers to educate such students
336 that includes research-based child development and reading
337 instruction tools and practices, (3) provide information on successful
338 models for evaluating student performance and managing student
339 data, (4) develop strategies for assisting such students who are in

340 danger of failing, (5) develop culturally relevant methods for
341 educating students whose primary language is not English, and (6)
342 provide other programs and materials to assist in the improvement of
343 public schools.]

344 Sec. 10. (NEW) (*Effective from passage*) The Commissioner of
345 Education may allocate funds to allow the State Education Resource
346 Center, established pursuant to section 1 of this act, to provide
347 professional development services, technical assistance and evaluation
348 activities, policy analysis and other forms of assistance to local and
349 regional boards of education, the Department of Education, state and
350 local charter schools, as defined in section 10-66aa of the general
351 statutes, the technical high school system, established pursuant to
352 section 10-95 of the general statutes, providers of school readiness
353 programs, as defined in section 10-16p of the general statutes and other
354 educational entities and providers. The State Education Resource
355 Center shall expend such funds in accordance with procedures and
356 conditions prescribed by the commissioner.

357 Sec. 11. Section 10-76n of the general statutes is repealed and the
358 following is substituted in lieu thereof (*Effective from passage*):

359 (a) The State Board of Education shall continue to maintain the
360 Special Education Resource Center, with federal funds granted to the
361 state for the maintenance of said center under the provisions of the
362 federal Education for the Handicapped Act, for purposes consistent
363 with the provisions of said act as it may from time to time be amended.
364 The Commissioner of Education is authorized to accept any federal
365 funds allotted to the state for such purposes and shall administer such
366 funds in accordance with federal law.

367 (b) The Special Education Resource Center described in subsection
368 (a) of this section may be conducted by the State Education Resource
369 Center, established pursuant to section [10-4q] 1 of this act, as part of
370 its program of activities.

371 Sec. 12. Section 10-155j of the general statutes is repealed and the

372 following is substituted in lieu thereof (*Effective from passage*):

373 The Department of Education [, through the State Education
374 Resource Center and within available appropriations for such
375 purposes,] shall, within available appropriations, promote and
376 encourage professional development activities for school
377 paraprofessionals with instructional responsibilities. Such activities
378 may include, but shall not be limited to, providing local and regional
379 boards of education with training modules and curricula for
380 professional development for paraprofessionals and assisting boards
381 of education in the effective use of paraprofessionals and the
382 development of strategies to improve communications between
383 teachers and paraprofessionals in the provision of effective student
384 instruction.

385 Sec. 13. Subdivision (20) of section 10-183b of the general statutes is
386 repealed and the following is substituted in lieu thereof (*Effective from*
387 *passage*):

388 (20) "Public school" means any day school conducted within or
389 without this state under the orders and superintendence of a duly
390 elected school committee, a board of education, the State Board of
391 Education, the board of governors or any of its constituent units, the E.
392 O. Smith School, the Children's Center and its successors, the State
393 Education Resource Center established pursuant to section [10-4q] 1 of
394 this act, joint activities of boards of education authorized by subsection
395 (b) of section 10-158a and any institution supported by the state at
396 which teachers are employed or any incorporated secondary school
397 not under the orders and superintendence of a duly elected school
398 committee or board of education but located in a town not maintaining
399 a high school and providing free tuition to pupils of the town in which
400 it is located, and which has been approved by the State Board of
401 Education under the provisions of part II of chapter 164, provided that
402 such institution or such secondary school is classified as a public
403 school by the retirement board.

404 Sec. 14. Subdivision (26) of section 10-183b of the general statutes is

405 repealed and the following is substituted in lieu thereof (*Effective from*
406 *passage*):

407 (26) "Teacher" means (A) any teacher, permanent substitute teacher,
408 principal, assistant principal, supervisor, assistant superintendent or
409 superintendent employed by the public schools in a professional
410 capacity while possessing a certificate or permit issued by the State
411 Board of Education, provided on and after July 1, 1975, such certificate
412 shall be for the position in which the person is then employed, except
413 as provided for in section 10-183qq, (B) certified personnel who
414 provide health and welfare services for children in nonprofit schools,
415 as provided in section 10-217a, under an oral or written agreement, (C)
416 any person who is engaged in teaching or supervising schools for
417 adults if the annual salary paid for such service is equal to or greater
418 than the minimum salary paid for a regular, full-time teaching position
419 in the day schools in the town where such service is rendered, (D) a
420 member of the professional staff of the State Board of Education or of
421 the Board of Regents for Higher Education or any of the constituent
422 units, and (E) a member of the staff of the State Education Resource
423 Center established pursuant to section 10-4q of the general statutes,
424 revision of 1958, revised to January 1, 2013, as amended by this act,
425 employed in a professional capacity while possessing a certificate or
426 permit issued by the State Board of Education. A "permanent
427 substitute teacher" is one who serves as such for at least ten months
428 during any school year.

429 Sec. 15. Subdivision (17) of subsection (b) of section 10-183e of the
430 general statutes is repealed and the following is substituted in lieu
431 thereof (*Effective from passage*):

432 (17) Service prior to July 1, 2007, as a member of the staff of the State
433 Education Resource Center established pursuant to section 10-4q of the
434 general statutes, revision of 1958, revised to January 1, 2007, as
435 amended by this act, employed in a professional capacity while
436 possessing a certificate or permit issued by the State Board of
437 Education.

438 Sec. 16. Subsection (a) of section 10-222i of the general statutes is
 439 repealed and the following is substituted in lieu thereof (*Effective from*
 440 *passage*):

441 (a) The Department of Education, in consultation with the State
 442 Education Resource Center, established pursuant to section 1 of this
 443 act, the Governor's Prevention Partnership and the Commission on
 444 Children, shall establish, within available appropriations, a state-wide
 445 safe school climate resource network for the identification, prevention
 446 and education of school bullying in the state. Such state-wide safe
 447 school climate resource network shall make available to all schools
 448 information, training opportunities and resource materials to improve
 449 the school climate to diminish bullying.

450 Sec. 17. Subsection (c) of section 10-290f of the general statutes is
 451 repealed and the following is substituted in lieu thereof (*Effective from*
 452 *passage*):

453 (c) The Department of Construction Services may use the services of
 454 the [state education resource center pursuant to section 10-4q] State
 455 Education Resource Center, established pursuant to section 1 of this
 456 act, to carry out the provisions of this section.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	New section
Sec. 2	<i>from passage</i>	New section
Sec. 3	<i>from passage</i>	New section
Sec. 4	<i>from passage</i>	New section
Sec. 5	<i>from passage</i>	1-79(l)
Sec. 6	<i>from passage</i>	1-120
Sec. 7	<i>from passage</i>	1-124
Sec. 8	<i>from passage</i>	1-125
Sec. 9	<i>from passage</i>	10-4q
Sec. 10	<i>from passage</i>	New section
Sec. 11	<i>from passage</i>	10-76n
Sec. 12	<i>from passage</i>	10-155j
Sec. 13	<i>from passage</i>	10-183b(20)

Sec. 14	<i>from passage</i>	10-183b(26)
Sec. 15	<i>from passage</i>	10-183e(b)(17)
Sec. 16	<i>from passage</i>	10-222i(a)
Sec. 17	<i>from passage</i>	10-290f(c)

Statement of Legislative Commissioners:

In section 1(b)(2), added language that the Governor's appointment of the chairperson shall be from among the membership of the board for clarity. In section 2(a), added "and activities" for consistency.

ED *Joint Favorable Subst.*

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

OFA Fiscal Note

State Impact: See Below

Municipal Impact: None

Explanation

Summary: The bill establishes a new State Education Resource Center (SERC), which is a quasi-public agency. The bill vests the powers of the center in its 13 member board of directors and subjects the center to existing laws concerning quasi-public agencies. There are no new requirements in the bill that would result in a cost to the state or municipalities. Currently, SERC receives funding from the State Department of Education (SDE), through their General Fund budget. The bill will continue to allocate funds to SERC as a newly created quasi-public entity.

Sections 1 and 2 create the State Education Resource Center (SERC) as a quasi-public agency. The bill establishes a 13 member board of directors.

Sections 3-9, and 12 make various changes that are procedural in nature and do not result in a fiscal impact.

Section 10 permits the Commissioner of Education to allocate funds to the center. In FY 12 the State Department of Education (SDE) allocated approximately \$3.5 million in General Fund dollars to SERC. Additionally, the state serves as pass through for approximately \$10 million in federal Individuals with Disabilities Education Act (IDEA) funding.

Sections 11 and 13-17 make various conforming changes, which

result in no fiscal impact.

The Out Years

State Impact: SDE will continue to allocate funds to SERC, as described above.

Municipal Impact: None

OLR Bill Analysis**sSB 1096*****AN ACT CONCERNING GOVERNANCE OF THE STATE EDUCATION RESOURCE CENTER.*****SUMMARY:**

This bill establishes the State Education Resource Center as a quasi-public agency created to act on behalf of the state of Connecticut. Current law requires the State Board of Education (SBE) to create the center to assist the SBE in, among other things, programs and activities to promote educational equity and excellence.

Currently, the center is not a separate governing entity. It is established by SBE with the Rensselaer Hartford Graduate Center under contract serving as the center's fiduciary. The bill transfers to the new center almost all current duties of the existing center of the same name. The bill does not indicate how the transition will occur from the current administrative structure to the new structure with a board of directors (see BACKGROUND).

Under the bill, (1) the powers of the center are vested in its 13-member board of directors and (2) the center is subject to existing laws governing state quasi-public agencies.

The bill permits the education commissioner to allocate funds to the new center to provide a range of services to local and regional boards of education, the State Department of Education (SDE), charter schools, state technical high schools, school readiness providers, and other education providers.

It deletes a requirement that the center promote and encourage professional development for school paraprofessionals who have instructional duties.

EFFECTIVE DATE: Upon passage

§§ 1 & 2 — STATE EDUCATION RESOURCE CENTER AS A QUASI-PUBLIC AGENCY

The bill creates the State Education Resource Center (the center) as a quasi-public agency with the same rights, duties, and obligations as other quasi-public agencies.

It establishes the center as (1) a body politic and corporate, constituting a public instrumentality and political subdivision of the state and (2) a public educational authority acting for the state. It specifies the center is not a state department, institution, or agency. The bill transfers to the center almost all current duties of the existing entity with the same name.

§ 1 — BOARD OF DIRECTORS

The bill establishes a 13-member board of directors, which is vested with the center's powers. The education commissioner, or his designee, is a board member. The remaining members, their appointing authorities, and terms are shown below in Table 1.

Table 1: State Education Resource Center Appointed Members

<i>Appointing Authority</i>	<i>Number of Appointments</i>	<i>Terms</i>
Governor	4, with the consent of both houses of the General Assembly	Governor's term of office or until a successor is appointed, whichever is longer
SBE	2	Not stated
Senate president	1	Term of office of appointing authority or until a successor is appointed, whichever is longer
Senate majority leader	1	Same as above
Senate minority leader	1	Same as above
House speaker	1	Same as above
House majority leader	1	Same as above

House minority leader	1	Same as above
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The governor or appropriate legislative appointing authority can fill any vacancy for his or her appointee's unexpired term. Initial appointment must be made no later than six months after the bill is enacted into law.

The governor appoints the board's chairperson from among the members with the advice and consent of both houses of the General Assembly. The chairperson serves at the pleasure of the governor.

Quorum, Expenses, and Conflicts of Interest

Four board members constitute a quorum and a majority of the quorum may transact business or exercise any of the center's powers, except two-thirds of the board must vote to adopt proposed procedures.

Board members do not receive compensation, but are reimbursed for actual and necessary expenses incurred while performing their official duties.

A board member's employment or business relationships are subject to the applicable laws, rules, and regulations on ethics and conflicts of interest. It will not constitute a conflict of interest for a trustee, director, partner, or officer of any firm or corporation, or any individual having a financial interest in a firm or corporation, to serve as a board member, as long as the individual complies with all applicable provisions of the State Code of Ethics.

Executive Director

The chairperson, with board approval, appoints the center's executive director, who is an employee of the center and paid a salary the board determines. The executive director supervises the center's administrative affairs and technical activities in accordance with the board's directives.

§ 2 — CENTER PURPOSES

The bill requires the new center to have the same overall purpose as the center under existing law: to help the SBE provide programs and activities that promote educational equity and excellence. The activities can include training and professional development seminars, publication of technical materials, research and evaluation, and other related activities. The center can support programs and activities concerning (1) early childhood education, (2) improving school and district academic performance, (3) closing the academic achievement gap between socio-economic subgroups, and (4) other related programs and activities.

For these purposes, the bill empowers the center to:

1. have perpetual succession as a body politic and corporate and to adopt bylaws for the conduct of its business;
2. adopt an official seal;
3. maintain an office at a place or places it designates;
4. sue and be sued in its own name;
5. receive and accept anything of value to carry out the purposes of the bill, subject to any conditions imposed by the contributor;
6. borrow money for working capital;
7. make and enter into all contracts and agreements necessary or incidental to the performance of its duties and the execution of its powers under the bill, including contracts and agreements for professional services, such as financial consultants, underwriters and technical specialists;
8. acquire, lease, purchase, own, manage, hold, and dispose of personal property, and enter into agreements with respect to the property on any terms necessary or incidental to carrying out the bill's purposes;
9. invest in, acquire, lease, purchase, own, manage, hold, and

dispose of real property and lease, convey, or enter into agreements with respect to the property on terms necessary or incidental to carrying out the bill's purposes, provided the transactions are not subject to approval, review, or regulation by any agency under state laws covering property acquisition, management, or disposal (the disposal provision conflicts with a later provision in this same section; see below);

10. procure liability or loss insurance for its property and other assets, and to procure insurance for employees;
11. account for and audit funds belonging to the center or any recipients of center funds;
12. hold patents, copyrights, trademarks, marketing rights, licenses, or any other evidence of protection or exclusivity as to any products as defined in the bill, issued under state, U.S., or foreign laws;
13. establish advisory committees to assist in accomplishing the stated duties, which may include board members and persons other than members; and
14. carry out any other activity necessary for the bill's purposes.

Center Employees

The bill authorizes the center to employ such assistants, agents, and other employees as necessary. It specifies that these are not state employees under state collective bargaining law. The current center has approximately 97 employees and consultants under contract. They are not considered state employees and, for example, are not in the state employee retirement system (see BACKGROUND).

The center may establish necessary personnel practices and policies, including those related to hiring, promotion, compensation, retirement, and collective bargaining. The center is not an employer under state employee collective bargaining law. It may also contract

with consultants, attorneys, and appraisers as necessary to carry out the purposes of the bill.

School Reform Resource Center

Under current law, the center must establish a Connecticut School Reform Resource Center either within the State Education Resource Center by contract through a regional educational service center. The bill transfers this responsibility, without change, to the new center. The school reform resource center serves all public schools in the state and must perform a variety of duties related to improving student achievement, including professional development for teachers and administrators and developing culturally relevant methods for teaching students whose primary language is not English.

Purchasing, Procurement, and Personal Service Agreements

The bill requires the center to be subject to rules, regulations, and restrictions on purchasing, procurement, personal service agreements, or asset control generally applicable to state agencies. These include the laws, and the corresponding regulations, addressing the requirements for:

1. purchase orders necessary before incurring a cost (CGS § 4-98);
2. personal service agreements conditions and limitations (CGS § 4-212 through 219); and
3. competitive bidding or competitive negotiations for contracts for supplies, materials, equipment, and contractual services (CGS § 4a-57).

These rules, regulations, and restrictions apply to the disposal of real property. This conflicts with an earlier power provided to the new center (item nine on the list of powers listed above (see COMMENT)).

§ 3 — ADOPTING BUSINESS PROCEDURES

The bill requires the center's board to follow the adoption and notification process provided in state law for quasi-public agencies

adopting written procedures. This includes 30-days notice of a proposed procedure published in the *Connecticut Law Journal*. This notice must include information on when, where, and how interested parties can provide their views on the proposal. The quasi-public agency can only adopt a procedure by two-third vote of the full membership of the board.

The bill specifies that procedures for the following be addressed this way:

1. adopting an annual budget and plan of operations, including a requirement of board approval before the budget or plan takes effect;
2. hiring, dismissing, promoting, and compensating center employees, including an affirmative action policy, and a requirement of board approval before a position may be created or a vacancy filled;
3. acquiring real and personal property and personal services, including a requirement that the board approve any nonbudgeted spending in excess of a limit that the board sets; and
4. contracting for financial, legal, consulting, and other professional services, including a requirement that the center solicit proposals at least once every three years for each service it uses.

§ 4 — SUBMITTING YEARLY BUDGETS

For fiscal year 2014, and each fiscal year thereafter, the center must submit a yearly budget, projected revenue statement, and financial audit to the SBE and Education Committee. The bill does not state when the budget must be submitted and whether it is submitted before the start of the fiscal year.

§§ 5-8 — NEW CENTER PLACED UNDER EXISTING QUASI-PUBLIC LAW

The bill places the new center under a number of existing laws that

apply to Connecticut's quasi-public agencies.

These include:

1. subjecting board members to the Code of Ethics for Public Officials;
2. subjecting the center to biennial audits by the auditors of public accounts;
3. exempting board members, officers, and employees from personal liability when performing their duties, provided the conduct was not wanton, reckless, willful, or malicious;
4. requiring annual reports to the governor, auditors of public accounts, and the Program Review and Investigations Committee;
5. requiring the treasurer's approval for state-backed bonds or notes; and
6. additional conforming changes.

§ 9 — ALLIANCE DISTRICTS

The bill updates a reference to the center's authority to provide grants to school districts in need of improvement by substituting Alliance Districts, which under 2012's Education Reform Act are the 30 lowest performing districts in the state.

§ 10 — EDUCATION COMMISSIONER MAY ALLOCATE FUNDS TO NEW CENTER

The bill permits the education commissioner to allocate funds to allow the center, as reconstituted under the bill, to provide the following services it is authorized to provide under current law: (1) professional development services, (2) technical assistance and evaluation activities, (3) policy analysis and other forms of assistance to local and regional boards of education, SDE, charter schools, the technical high school system, providers of school readiness programs,

and other educational entities and providers. The bill requires the center to spend the funds in accordance with procedures and conditions the commissioner prescribes.

§ 12 — PARAPROFESSIONALS

The bill deletes the requirement that the center promote and encourage professional development for school paraprofessionals who have instructional duties. It leaves this responsibility with SDE.

§§ 11, 13-17 — CONFORMING CHANGES

The bill makes several conforming and technical changes to various education laws.

COMMENT

Conflicting Provisions

The bill contains conflicting provisions in Section 2 regarding the disposal of property. One provision exempts such transactions from existing state law, while another places such transactions under state law regulating acquisition, management, or disposal of property.

BACKGROUND

Current Fiduciary for State Education Resource Center

Currently SDE has a contract with Rensselaer Hartford Graduate Center, a private institution of higher education, to act as the fiduciary for the center. Under the contract, Rensselaer must implement appropriate fiscal controls and accounting in order to properly disburse the center's funds. The center has approximately 97 employees and consultants under contract, and Rensselaer handles the payroll and benefits for these employees. The contract with Rensselaer, which has been providing this service to SDE for more than 20 years, expires on June 30, 2013.

Related Bill

HB 5900, favorably referred by the Government Administration and Elections Committee, places the State Education Resource Center as it is currently constituted under state contracting law and existing rules

for public agencies.

COMMITTEE ACTION

Education Committee

Joint Favorable Substitute

Yea 25 Nay 0 (03/28/2013)