



OLR RESEARCH REPORT

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POWERS OF THE WINDHAM SCHOOL DISTRICT SPECIAL MASTER UNDER PA 11-61

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You asked for a description of the authority given to the state-appointed Windham School District special master under [Public Act 11-61](#) and whether that authority extends beyond the realm of education into areas such as town charter revision. In addition, you asked for a comparison of the Windham special master law to the 1997 Hartford school district takeover law.

The answer to the first question requires a legal opinion, which the Office of Legislative Research is not authorized to issue, consequently this report should not be considered one.

SUMMARY

The Windham School District special master derives his authority from PA 11-61, § 138, which required the State Board of Education (SBE) to assign a special master to administer the Windham School District's educational operations to help it improve student academic achievement and meet the federal No Child Left Behind Act (NCLB) requirements. It requires the special master to, among other things, (1) work collaboratively with the Windham board of education and the Windham superintendent of schools among other duties and (2) manage and allocate district funds.

As part of the special master's authority, the law delegates many, but not all, of the SBE's powers under the education accountability law to the special master. Under that law, SBE may take various actions to improve student performance in low-achieving schools and districts ([GCS § 10-223e](#)). Windham has long been identified as a low-performing district.

The special master law limits the special master's authority by leaving out some of the existing SBE powers regarding low-performing school districts under the accountability law. For example, the law does not give the special master SBE's authority to reconstitute schools. It also limits his authority by not superseding the statutory powers and duties of the local board of education.

The law gives the special master certain fiscal authority that appears to overlap existing statutes that provide local school boards with fiscal authority. He has the authority to manage and allocate funds, while the Windham board of education still has the authority to expend funds.

The act limits the special master's authority to school district functions and improving student achievement and does not address areas outside of education, such as revising the town charter to change how members of the board of education are selected.

The law also provided a streamlined collective bargaining process for negotiations between the board of education and the teachers' and administrators' unions. The special master was not specifically mentioned in the collective bargaining provision.

This report also provides a comparison of the highlights of the 1997 Hartford School District takeover law and the Windham special master legislation. The two laws differ most significantly in that the Hartford takeover eliminated the local board of education and replaced it with a state-appointed board, whereas the Windham law kept the local board intact.

AUTHORITY OF WINDHAM SPECIAL MASTER

General Authority

The Windham special master's authority derives from PA 11-61, § 138 (as a special act provision, this section has never been codified) which requires the SBE to assign a special master "to administer the educational operations for the town of Windham to assist the school district in making adequate yearly progress (AYP) . . . in both reading and mathematics under the No Child Left Behind Act (P.L. 107-110)." That authority is expressed as a charge to the special master and a list of the powers delegated to him. (In 2012, the state received a federal waiver from the NCLB requirements. The waiver includes new standards for student achievement, but this does not prevent SDE from calculating AYP for Windham under the special master law.)

The act requires the special master to:

1. collaborate with the Windham board of education and school superintendent to implement the district's improvement plan developed under the state education accountability law;
2. manage and allocate the district's federal, state, and local funds; and
3. report regularly to SBE on the (a) district's progress in implementing its improvement plan and (b) effectiveness of the Windham school board and superintendent.

The act also delegates to the special master most of SBE's authority under the education accountability law to take these actions in Windham. As Table 1 shows, most of the delegated powers concern district operations, including requiring operational audits, implementing model curriculum, attracting qualified teachers and principals, and requiring teacher training.

Table 1: SBE Powers Under the Accountability Law Transferred to the Special Master

<i>District-Wide Actions & Policy</i>
<ul style="list-style-type: none"> • Require an operations audit to identify possible program savings and an instructional audit to identify problems with the district's curriculum and instruction or learning environment • Direct the school board to develop and implement a plan to address deficits in achievement identified in the instructional audit • Establish instructional and learning environment benchmarks for the district to meet
<i>Academic Programs and Curriculum</i>
<ul style="list-style-type: none"> • Require implementation of model curriculum, including recommended textbooks, material, and supplies approved by the State Department of Education (SDE) • Assign a technical assistance team to guide school or district initiatives and report to the education commissioner on its progress • Direct establishment of learning academies within schools that require teacher groups to continuously monitor student learning
<i>Teachers & Principals</i>
<ul style="list-style-type: none"> • Provide incentives to attract highly qualified teachers and principals • Direct the assignment and transfer of teachers and principals
<i>Training</i>
<ul style="list-style-type: none"> • Require additional training and technical assistance for the district's teachers, principals, and central office staff, and for parents and guardians of the district's students • Require Windham's board of education members to (a) undergo training to improve the board's operational efficiency and effectiveness in leading the district's improvement plan and (b) submit an annual action plan to the education commissioner that outlines how and when its effectiveness is to be monitored

As Table 2 shows, the undelegated powers mainly involve fiscal matters and school reconstitution.

Table 2: SBE Powers Under the Accountability Law Not Transferred to the Special Master

<i>Use of Funding</i>
<ul style="list-style-type: none"> • Require the board of education to use state and federal funds for critical needs, as directed by the SBE ("critical needs" are not defined)
<i>Identifying Schools for Reconstitution</i>
<ul style="list-style-type: none"> • Identify schools for reconstitution as state or local charter schools, CommPACT schools (autonomous schools administered collaboratively by the district, employee unions, parents, and community members), innovation schools, or other school models or for management by an entity other than the Windham Board of Education
<i>Paying Neighboring Districts to Accept Windham Students</i>
<ul style="list-style-type: none"> • Provide funding for any proximate district to Windham so that Windham students can attend school in that district
<i>Miscellaneous</i>
<ul style="list-style-type: none"> • Any combination of the actions provided under the accountability law, or similar, closely related actions

As the tables show, the special master’s authority vis-à-vis the Windham Board of Education is limited to certain areas, but the act does not prohibit him from making policy suggestions in areas beyond those specified in the law. The board can then choose to either accept or reject such suggestions.

The special master act does not specifically supersede the authority of the local board of education in any specific area, including its:

1. statutory duties ([CGS § 10-220](#));
2. powers to proscribe rules, policies, and procedures ([CGS § 10-221](#)); and
3. powers to prepare budgets and expend funds ([CGS § 10-222](#)).

The special master’s authority is also circumscribed by the fact that he serves at SBE's pleasure and his authority expires one year after the school year in which the Windham school district as a whole makes AYP in both reading and math.

The special master law overrides both the Freedom of Information Act and another law barring the disclosure of teacher evaluations to give SBE and the special master access to all district records, facilities, communications, and meetings, including school board executive sessions, which relate to the special master's authority under the law.

Overlapping Fiscal Authority

The special master law does not supersede the fiscal authority of the Windham Board of Education, but it requires the special master to manage and allocate the school district’s funds. Consequently, this overlapping authority makes it unclear where the board of education’s authority ends and the special master’s begins. Table 3 displays the fiscal authority of each.

Table 3: Fiscal Authority of Special Master and Board of Education

<i>Special Master (PA 11-61, § 138)</i>	<i>Windham Board of Education (CGS § 10-222)</i>
Special master “shall . . . manage and allocate any federal, state, and local education funds of the school district.”	<ul style="list-style-type: none"> • Board shall prepare the school district budget to present to board of finance. • The money appropriated by the town for public schools “shall be expended by and in the discretion of the board of education.”

Union Negotiations and Expedited Arbitration

The law establishes a procedure for reopening existing union contract and for expedited arbitration, compared with the standard bargaining process under the Teacher Negotiation Act (TNA).

The special master law does not directly involve the special master in collective bargaining. Therefore the bargaining authority rests with the board of education (for a more detailed description of the collective bargaining provision, see the summary for PA 11-61, § 138).

COMPARISON WITH HARTFORD SCHOOL DISTRICT TAKEOVER

When Hartford Public High School was on the verge of losing its accreditation and the Hartford board of education was considered dysfunctional, the General Assembly dissolved the Hartford Board of Education and replaced it with a state appointed board of trustees (SA 97-4). In Hartford, the state took over the administration of the school district by installing the new board, which was given at least three years, with a possible extension of two more, to improve the district and return it to local control.

Below Table 4 provides a comparison of the Hartford takeover act with the Windham special master law.

Table 4: Comparison of Hartford School District Takeover and Windham Special Master Laws

Takeover Provision	Hartford (SA 97-4)	Windham (PA 11-61)
Dissolves Local Board of Education	Yes, replaced by state board of trustees	No, local board kept intact
New board assumed all powers of a local board of education	Yes	Not Applicable
State monitors appointed to assist and consult with the new board/special master	Yes	No
Required commissioner and SBE to report to governor and Education Committee	Yes	No
Establishes process to end state intervention	Yes, after either three or five years	One year after Windham makes AYP in student achievement
Streamlines collective bargaining	Yes	Yes
Establishes process for union to agree to reopen contract	Yes	Yes

Takeover Provision	Hartford (SA 97-4)	Windham (PA 11-61)
Requires unions to open existing contract	No, but provides mechanism for board to bring proposed contract revision directly to union membership	No

JM:tjo