



Senate

General Assembly

File No. 459

February Session, 2014

Substitute Senate Bill No. 425

Senate, April 9, 2014

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 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 the following members: (A)
10 Four 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 or the State Board of Education
20 shall serve at the pleasure of the Governor but not longer than the term
21 of office of the Governor or until the member's successor is appointed
22 and qualified, whichever term is longer. Each member appointed by a
23 member of the General Assembly shall serve in accordance with the
24 provisions of section 4-1a of the general statutes. Any appointed
25 member who fails to attend fifty per cent of all meetings of the board
26 held during any calendar year shall be deemed to have resigned from
27 the board. Each appointing authority shall make his or her initial
28 appointment to the board not later than August 15, 2014. The first
29 meeting of the board shall take place not later than September 15, 2014.

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) A majority of the appointed members of the board 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) (A) Employ such assistants, agents and other employees as may
78 be necessary or desirable who shall not be employees, as defined in

79 subsection (b) of section 5-270 of the general statutes; (B) 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 (C) engage consultants, attorneys and appraisers as may be necessary
86 or desirable to carry out its purposes in accordance with this section
87 and 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 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 (1) rules,
151 regulations and restrictions on purchasing, procurement, personal
152 service agreements and 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, section 4e-19 of the general statutes and the
155 corresponding rules and regulations, and (2) audit by the Auditors of
156 Public Accounts under section 2-90 of the general statutes.

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

172 Sec. 4. (NEW) (*Effective from passage*) For the fiscal year ending June
173 30, 2015, and each fiscal year thereafter, the State Education Resource
174 Center shall annually submit a yearly budget, projected revenue

175 statement and financial audit to the State Board of Education and the
176 joint standing committee of the General Assembly having cognizance
177 of matters relating to education, in accordance with the provisions of
178 section 11-4a of the general statutes.

179 Sec. 5. Subdivision (12) of section 1-79 of the 2014 supplement to the
180 general statutes is repealed and the following is substituted in lieu
181 thereof (*Effective from passage*):

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

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

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

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

207 (a) Connecticut Innovations, Incorporated, the Connecticut Health
208 and Educational Facilities Authority, the Connecticut Higher
209 Education Supplemental Loan Authority, the Connecticut Housing
210 Finance Authority, the Connecticut Housing Authority, the
211 Connecticut Resources Recovery Authority, the Health Information
212 Technology Exchange of Connecticut, the Connecticut Airport
213 Authority, the Capital Region Development Authority, the
214 Connecticut Health Insurance Exchange, [and] the Clean Energy
215 Finance and Investment Authority and the State Education Resource
216 Center shall not borrow any money or issue any bonds or notes which
217 are guaranteed by the state of Connecticut or for which there is a
218 capital reserve fund of any kind which is in any way contributed to or
219 guaranteed by the state of Connecticut until and unless such
220 borrowing or issuance is approved by the State Treasurer or the
221 Deputy State Treasurer appointed pursuant to section 3-12. The
222 approval of the State Treasurer or said deputy shall be based on
223 documentation provided by the authority that it has sufficient
224 revenues to (1) pay the principal of and interest on the bonds and notes
225 issued, (2) establish, increase and maintain any reserves deemed by the
226 authority to be advisable to secure the payment of the principal of and
227 interest on such bonds and notes, (3) pay the cost of maintaining,
228 servicing and properly insuring the purpose for which the proceeds of
229 the bonds and notes have been issued, if applicable, and (4) pay such
230 other costs as may be required.

231 (b) To the extent Connecticut Innovations, Incorporated, and the
232 Connecticut Higher Education Supplemental Loan Authority,
233 Connecticut Housing Finance Authority, Connecticut Housing
234 Authority, Connecticut Resources Recovery Authority, Connecticut
235 Health and Educational Facilities Authority, the Health Information
236 Technology Exchange of Connecticut, the Connecticut Airport
237 Authority, the Capital Region Development Authority, the
238 Connecticut Health Insurance Exchange, [or] the Clean Energy Finance
239 and Investment Authority or the State Education Resource Center is
240 permitted by statute and determines to exercise any power to
241 moderate interest rate fluctuations or enter into any investment or

242 program of investment or contract respecting interest rates, currency,
243 cash flow or other similar agreement, including, but not limited to,
244 interest rate or currency swap agreements, the effect of which is to
245 subject a capital reserve fund which is in any way contributed to or
246 guaranteed by the state of Connecticut, to potential liability, such
247 determination shall not be effective until and unless the State
248 Treasurer or his or her deputy appointed pursuant to section 3-12 has
249 approved such agreement or agreements. The approval of the State
250 Treasurer or his or her deputy shall be based on documentation
251 provided by the authority that it has sufficient revenues to meet the
252 financial obligations associated with the agreement or agreements.

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

255 The directors, officers and employees of Connecticut Innovations,
256 Incorporated, and the Connecticut Higher Education Supplemental
257 Loan Authority, Connecticut Housing Finance Authority, Connecticut
258 Housing Authority, Connecticut Resources Recovery Authority,
259 including ad hoc members of the Connecticut Resources Recovery
260 Authority, Connecticut Health and Educational Facilities Authority,
261 Capital Region Development Authority, the Health Information
262 Technology Exchange of Connecticut, Connecticut Airport Authority,
263 Connecticut Lottery Corporation, Connecticut Health Insurance
264 Exchange, [and] the Clean Energy Finance and Investment Authority
265 and the State Education Resource Center and any person executing the
266 bonds or notes of the agency shall not be liable personally on such
267 bonds or notes or be subject to any personal liability or accountability
268 by reason of the issuance thereof, nor shall any director or employee of
269 the agency, including ad hoc members of the Connecticut Resources
270 Recovery Authority, be personally liable for damage or injury, not
271 wanton, reckless, wilful or malicious, caused in the performance of his
272 or her duties and within the scope of his or her employment or
273 appointment as such director, officer or employee, including ad hoc
274 members of the Connecticut Resources Recovery Authority. The
275 agency shall protect, save harmless and indemnify its directors,

276 officers or employees, including ad hoc members of the Connecticut
277 Resources Recovery Authority, from financial loss and expense,
278 including legal fees and costs, if any, arising out of any claim, demand,
279 suit or judgment by reason of alleged negligence or alleged
280 deprivation of any person's civil rights or any other act or omission
281 resulting in damage or injury, if the director, officer or employee,
282 including ad hoc members of the Connecticut Resources Recovery
283 Authority, is found to have been acting in the discharge of his or her
284 duties or within the scope of his or her employment and such act or
285 omission is found not to have been wanton, reckless, wilful or
286 malicious.

287 Sec. 9. Section 10-4q of the 2014 supplement to the general statutes is
288 repealed and the following is substituted in lieu thereof (*Effective from*
289 *passage*):

290 [(a) The State Board of Education shall establish a State Education
291 Resource Center to assist the board in the provision of programs and
292 activities that will promote educational equity and excellence. Such
293 activities, to be provided by the State Education Resource Center or a
294 regional educational service center, may include training and
295 professional development seminars, publication of technical materials,
296 research and evaluation, and other related activities. The center may
297 support programs and activities concerning early childhood education,
298 the federal No Child Left Behind Act, P.L. 107-110, and closing the
299 academic achievement gap between socio-economic subgroups, and
300 other related programs. The center shall be subject to (1) the
301 competitive bidding requirements of section 4a-57, and (2) audit by the
302 Auditors of Public Accounts under section 2-90. The center shall be
303 considered a public agency, as defined in section 1-200, for purposes of
304 chapter 14, and a state agency, as defined in section 4-212, for purposes
305 of chapter 55a.]

306 [(b)] The Commissioner of Education, with the assistance of the
307 State Education Resource Center, established pursuant to section 1 of
308 this act, may provide grants to local and regional boards of education

309 for school districts [identified as in need of improvement under the
310 provisions of section 10-223e. The] designated as alliance districts,
311 pursuant to section 10-262u. Such grants shall be for the creation and
312 acquisition of new curricula, training in the use of [the] such curricula
313 and related supporting textbooks and other materials. [Local] Such
314 local and regional boards of education may use such grants only for
315 curricula, training and related textbooks and materials that have been
316 authorized by the commissioner. [Local] Such local and regional
317 boards of education shall apply for grants pursuant to this subsection
318 at such time and in such manner as the commissioner prescribes, and
319 the commissioner shall determine the amount of the grant awards.

320 [(c) Within available appropriations, the Department of Education
321 shall establish a Connecticut School Reform Resource Center within
322 the State Education Resource Center established pursuant to
323 subsection (a) of this section or by contract through a regional
324 educational service center. The center shall operate year-round and
325 focus on serving the needs of all public schools. The center shall (1)
326 publish and distribute reports on the most effective practices for
327 improving student achievement by successful schools, (2) provide a
328 program of professional development activities for (A) school leaders,
329 including curriculum coordinators, principals, superintendents and
330 board of education members, and (B) teachers to educate such students
331 that includes research-based child development and reading
332 instruction tools and practices, (3) provide information on successful
333 models for evaluating student performance and managing student
334 data, (4) develop strategies for assisting such students who are in
335 danger of failing, (5) develop culturally relevant methods for
336 educating students whose primary language is not English, and (6)
337 provide other programs and materials to assist in the improvement of
338 public schools.]

339 Sec. 10. (NEW) (*Effective from passage*) The Commissioner of
340 Education may allocate funds to allow the State Education Resource
341 Center, established pursuant to section 1 of this act, to provide
342 professional development services, technical assistance and evaluation

343 activities, policy analysis and other forms of assistance to local and
344 regional boards of education, the Department of Education, state and
345 local charter schools, as defined in section 10-66aa of the general
346 statutes, the technical high school system, established pursuant to
347 section 10-95 of the general statutes, providers of school readiness
348 programs, as defined in section 10-16p of the general statutes and other
349 educational entities and providers. The State Education Resource
350 Center shall expend such funds in accordance with procedures and
351 conditions prescribed by the commissioner.

352 Sec. 11. (NEW) (*Effective from passage*) On and after the effective date
353 of this section, the State Education Resource Center, established
354 pursuant to section 1 of this act, shall assume all responsibilities of the
355 State Education Resource Center, as described in section 10-4q of the
356 2014 supplement to the general statutes, revision of 1958, revised to
357 January 1, 2013, pursuant to any provision of the general statutes. The
358 transfer of functions, powers, duties, personnel and obligations,
359 including, but not limited to, contract obligations, the continuance of
360 orders and regulations, the effect upon pending actions and
361 proceedings, the completion of unfinished business, and the transfer of
362 records and property between the State Education Resource Center, as
363 described in section 10-4q of the 2014 supplement to the general
364 statutes, revision of 1958, revised to January 1, 2013, as said State
365 Education Resource Center existed immediately prior to the effective
366 date of this section, and the State Education Resource Center,
367 established pursuant to section 1 of this act, shall be governed by the
368 provisions of sections 4-38d, 4-38e and 4-39 of the general statutes.

369 Sec. 12. Section 10-76n of the general statutes is repealed and the
370 following is substituted in lieu thereof (*Effective from passage*):

371 [(a)] The [State Board of Education shall continue to] State
372 Education Resource Center, established pursuant to section 1 of this
373 act, shall maintain the Special Education Resource Center, with federal
374 funds granted to the state for the maintenance of said center under the
375 provisions of the federal Education for the Handicapped Act, for

376 purposes consistent with the provisions of said act as it may from time
377 to time be amended. The Commissioner of Education is authorized to
378 accept any federal funds allotted to the state for such purposes and
379 shall administer such funds in accordance with federal law.

380 [(b) The Special Education Resource Center described in subsection
381 (a) of this section may be conducted by the State Education Resource
382 Center, established pursuant to section 10-4q, as part of its program of
383 activities.]

384 Sec. 13. Section 10-155j of the general statutes is repealed and the
385 following is substituted in lieu thereof (*Effective from passage*):

386 The Department of Education [, through the State Education
387 Resource Center and within available appropriations for such
388 purposes,] shall, within available appropriations, promote and
389 encourage professional development activities for school
390 paraprofessionals with instructional responsibilities. Such activities
391 may include, but shall not be limited to, providing local and regional
392 boards of education with training modules and curricula for
393 professional development for paraprofessionals and assisting boards
394 of education in the effective use of paraprofessionals and the
395 development of strategies to improve communications between
396 teachers and paraprofessionals in the provision of effective student
397 instruction.

398 Sec. 14. Subdivision (20) of section 10-183b of the general statutes is
399 repealed and the following is substituted in lieu thereof (*Effective from*
400 *passage*):

401 (20) "Public school" means any day school conducted within or
402 without this state under the orders and superintendence of a duly
403 elected school committee, a board of education, the State Board of
404 Education, the board of governors or any of its constituent units, the E.
405 O. Smith School, the Children's Center and its successors, the State
406 Education Resource Center, established pursuant to section [10-4q] 1 of
407 this act, joint activities of boards of education authorized by subsection

408 (b) of section 10-158a and any institution supported by the state at
409 which teachers are employed or any incorporated secondary school
410 not under the orders and superintendence of a duly elected school
411 committee or board of education but located in a town not maintaining
412 a high school and providing free tuition to pupils of the town in which
413 it is located, and which has been approved by the State Board of
414 Education under the provisions of part II of chapter 164, provided that
415 such institution or such secondary school is classified as a public
416 school by the retirement board.

417 Sec. 15. Subdivision (26) of section 10-183b of the general statutes is
418 repealed and the following is substituted in lieu thereof (*Effective from*
419 *passage*):

420 (26) "Teacher" means (A) any teacher, permanent substitute teacher,
421 principal, assistant principal, supervisor, assistant superintendent or
422 superintendent employed by the public schools in a professional
423 capacity while possessing a certificate or permit issued by the State
424 Board of Education, provided on and after July 1, 1975, such certificate
425 shall be for the position in which the person is then employed, except
426 as provided for in section 10-183qq, (B) certified personnel who
427 provide health and welfare services for children in nonprofit schools,
428 as provided in section 10-217a, under an oral or written agreement, (C)
429 any person who is engaged in teaching or supervising schools for
430 adults if the annual salary paid for such service is equal to or greater
431 than the minimum salary paid for a regular, full-time teaching position
432 in the day schools in the town where such service is rendered, (D) a
433 member of the professional staff of the State Board of Education or of
434 the Board of Regents for Higher Education or any of the constituent
435 units, and (E) a member of the staff of the State Education Resource
436 Center established pursuant to section 10-4q of the 2014 supplement to
437 the general statutes, revision of 1958, revised to January 1, 2013,
438 employed in a professional capacity while possessing a certificate or
439 permit issued by the State Board of Education. A "permanent
440 substitute teacher" is one who serves as such for at least ten months
441 during any school year.

442 Sec. 16. Subdivision (17) of subsection (b) of section 10-183e of the
 443 general statutes is repealed and the following is substituted in lieu
 444 thereof (*Effective from passage*):

445 (17) Service prior to July 1, 2007, as a member of the staff of the State
 446 Education Resource Center established pursuant to section 10-4q of the
 447 general statutes, revision of 1958, revised to January 1, 2007, employed
 448 in a professional capacity while possessing a certificate or permit
 449 issued by the State Board of Education.

450 Sec. 17. Subsection (a) of section 10-222i of the general statutes is
 451 repealed and the following is substituted in lieu thereof (*Effective from*
 452 *passage*):

453 (a) The Department of Education, in consultation with the State
 454 Education Resource Center, established pursuant to section 1 of this
 455 act, the Governor's Prevention Partnership and the Commission on
 456 Children, shall establish, within available appropriations, a state-wide
 457 safe school climate resource network for the identification, prevention
 458 and education of school bullying in the state. Such state-wide safe
 459 school climate resource network shall make available to all schools
 460 information, training opportunities and resource materials to improve
 461 the school climate to diminish bullying.

462 Sec. 18. Subsection (c) of section 10-290f of the general statutes is
 463 repealed and the following is substituted in lieu thereof (*Effective from*
 464 *passage*):

465 (c) The Department of Administrative Services may use the services
 466 of the [state education resource center pursuant to section 10-4q] State
 467 Education Resource Center, established pursuant to section 1 of this
 468 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(12)
Sec. 6	<i>from passage</i>	1-120(1)
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>	New section
Sec. 12	<i>from passage</i>	10-76n
Sec. 13	<i>from passage</i>	10-155j
Sec. 14	<i>from passage</i>	10-183b(20)
Sec. 15	<i>from passage</i>	10-183b(26)
Sec. 16	<i>from passage</i>	10-183e(b)(17)
Sec. 17	<i>from passage</i>	10-222i(a)
Sec. 18	<i>from passage</i>	10-290f(c)

Statement of Legislative Commissioners:

In section 2(c), made grammatical changes; in section 11, added "section 10-4q of" and "revision of 1958, revised to January 1, 2013," for accuracy; and in section 16, made a technical change.

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 establish SERC as a quasi-public agency. The bill establishes a 13 member board of directors.

Sections 3-9, and 11-13 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 14 the State Department of Education (SDE) allocated approximately \$10.3 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 14-18 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 425*****AN ACT CONCERNING THE STATE EDUCATION RESOURCE CENTER.*****SUMMARY:**

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

Currently, SERC is not a separate governing entity. It is established by SBE with the Rensselaer Hartford Graduate Center serving under contract as the SERC’s fiduciary. The bill transfers to the new center almost all current duties of SERC. 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, leaving this responsibility with SDE (§ 13). It also makes the technical and conforming changes (§§ 14-18).

EFFECTIVE DATE: Upon passage

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

The bill creates 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	Governor's term of office or until a successor is appointed, whichever is longer
Senate president pro tempore	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

Initial appointments must be made no later than six months after the bill is enacted. The board's first meeting must be held by September 15, 2014. Any member who fails to attend 50% of the board's meetings held during a calendar year is deemed to have resigned.

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 governor's pleasure.

Quorum, Expenses, and Conflicts of Interest

A majority of 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 SERC under existing law, which is 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 bill's purposes, 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 subject to approval, review, or regulation by any agency under state laws covering property acquisition, management, or disposal;
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 assistants, agents, and other employees as necessary. It specifies that they are not state employees under state collective bargaining law. The current center has approximately 97 employees and consultants under contract. They are not currently considered state employees and, for example, are not in the state employee retirement system (see BACKGROUND).

The bill allows the center to 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 bills purpose.

School Reform Resource Center

Under current law, SDE must establish a Connecticut School Reform Resource Center either within SERC or 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, Personal Service Agreements, and Audit by State Auditors

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. issuing purchase orders before incurring a cost (CGS § 4-98);
2. personal service agreements conditions and limitations (CGS § 4-212 - 219); and
3. competitive bidding or competitive negotiations for contracts for supplies, materials, equipment, and contractual services (CGS §§ 4a-57, 4e-19).

These rules, regulations, and restrictions apply to the disposal of real property.

§ 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 adopt a procedure only by two-thirds vote of the full board's membership.

The bill requires the center to follow these procedures when:

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 adopting an affirmative action policy, and a requirement for 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 FY 15, 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 (the bill does not explicitly authorize the center to issue bonds); 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 the term "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.

§ 11 — TRANSFER OF FUNCTIONS, POWERS, DUTIES, AND OBLIGATIONS TO NEW QUASI-PUBLIC AUTHORITY

The bill requires the new center to assume all responsibilities of the existing SERC, as previously described in statute. The transfer of functions, powers, duties, personnel, and obligations, including, contract obligations, continuance of orders and regulations, effect upon pending actions and proceedings, and the transfer of records and property between the existing SERC and the new center are governed by state law on the transfer of power and authority from one agency to a successor agency, including the receipt of federal aid and the transfer of state appropriations.

§ 12 — SPECIAL EDUCATION RESOURCE CENTER

The bill requires the new center to maintain the Special Education Resource Center, rather than SBE allowing SERC to maintain it. As under current law, the special education resource center must be maintained with federal funds granted to the state. By law, the education commissioner is authorized to accept any federal funds allotted to the state for these purposes.

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, 2014.

COMMITTEE ACTION

Education Committee

Joint Favorable Substitute

Yea 32 Nay 0 (03/21/2014)