



General Assembly

Substitute Bill No. 5566

February Session, 2014



AN ACT CONCERNING MINOR REVISIONS TO THE EDUCATION STATUTES.

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

1 Section 1. Subdivision (2) of subsection (e) of section 10-223e of the
2 2014 supplement to the general statutes is repealed and the following
3 is substituted in lieu thereof (*Effective July 1, 2014*):

4 (2) Notwithstanding any provision of this title or any regulation
5 adopted pursuant to said title, except as provided in subdivision (3) of
6 this subsection, in carrying out the provisions of subdivision (1) of this
7 subsection and this subdivision, the State Board of Education shall take
8 any of the following actions to improve student performance of the
9 school district, a particular school in the district or among student
10 subgroups, and remove the school or district from the list of schools or
11 districts designated and listed as a low achieving school or district
12 pursuant to said subdivision (1), and to address other needs of the
13 school or district: (A) Require an operations audit to identify possible
14 programmatic savings and an instructional audit to identify any
15 deficits in curriculum and instruction or in the learning environment of
16 the school or district; (B) require the local or regional board of
17 education for such school or district to use state and federal funds for
18 critical needs, as directed by the State Board of Education; (C) provide
19 incentives to attract highly qualified teachers and principals; (D) direct

20 the transfer and assignment of teachers and principals; (E) require
21 additional training and technical assistance for parents and guardians
22 of children attending the school or a school in the district and for
23 teachers, principals, and central office staff members hired by the
24 district; (F) require the local or regional board of education for the
25 school or district to implement model curriculum, including, but not
26 limited to, recommended textbooks, materials and supplies approved
27 by the Department of Education; (G) identify schools for
28 reconstitution, as may be phased in by the commissioner, as state or
29 local charter schools, schools established pursuant to section 10-74g,
30 innovation schools established pursuant to section 10-74h, or schools
31 based on other models for school improvement, or for management by
32 an entity other than the local or regional board of education for the
33 district in which the school is located; (H) direct the local or regional
34 board of education for the school or district to develop and implement
35 a plan addressing deficits in achievement and in the learning
36 environment as recommended in the instructional audit; (I) assign a
37 technical assistance team to the school or district to guide school or
38 district initiatives and report progress to the Commissioner of
39 Education; (J) establish instructional and learning environment
40 benchmarks for the school or district to meet as it progresses toward
41 removal from the list of low achieving schools or districts; (K) provide
42 funding to any proximate district to a district designated as a low
43 achieving school district so that students in a low achieving district
44 may attend public school in a neighboring district; (L) direct the
45 establishment of learning academies within schools that require
46 continuous monitoring of student performance by teacher groups; (M)
47 require local and regional boards of education to (i) undergo training
48 to improve their operational efficiency and effectiveness as leaders of
49 their districts' improvement plans, and (ii) submit an annual action
50 plan to the Commissioner of Education outlining how, when and in
51 what manner their effectiveness shall be monitored; (N) require the
52 appointment of (i) a superintendent, approved by the Commissioner of
53 Education, or (ii) a [special master] district improvement specialist,
54 selected by the commissioner, whose authority is consistent with the

55 provisions of section 138 of public act 11-61, and whose term shall be
56 for one school year, except that the State Board of Education may
57 extend such period; or (O) any combination of the actions described in
58 this subdivision or similar, closely related actions.

59 Sec. 2. Subsection (d) of section 10-223h of the 2014 supplement to
60 the general statutes is repealed and the following is substituted in lieu
61 thereof (*Effective July 1, 2014*):

62 (d) Following the operations and instructional audit for the school
63 selected to participate in the commissioner's network of schools, the
64 turnaround committee shall develop a turnaround plan for such
65 school. The school governance council for each turnaround school may
66 recommend to the turnaround committee for the school district one of
67 the turnaround models described in subparagraphs (A) to (F),
68 inclusive, of subdivision (3) of this subsection. The turnaround
69 committee may accept such recommendation or may choose a different
70 turnaround model for inclusion in the turnaround plan submitted
71 under this subsection. The turnaround plan for such school shall (1)
72 include a description of how such turnaround plan will improve
73 student academic achievement in the school, (2) address deficiencies
74 identified in the operations and instructional audit, and (3) utilize one
75 of the following turnaround models: (A) A CommPACT school, as
76 described in section 10-74g, (B) a social development model, (C) the
77 management, administration or governance of the school to be the
78 responsibility of a regional educational service center, a public or
79 private institution of higher education located in the state, or, subject
80 to the provisions of subsection (e) of this section, an approved
81 educational management organization, (D) a school described in
82 section 10-74f, (E) a model developed by the turnaround committee
83 that utilizes strategies, methods and best practices that have been
84 proven to be effective in improving student academic performance,
85 including, but not limited to, strategies, methods and best practices
86 used at public schools, interdistrict magnet schools and charter schools
87 or collected by the commissioner pursuant to subsection (f) of this

88 section, (F) a community school, as described in section 10-74i, or (G) a
89 model developed in consultation with the commissioner or by the
90 commissioner subject to the provisions of subsection (e) of this section.
91 The turnaround plan shall not assign the management, administration
92 or governance of such school to a (i) for-profit corporation, or (ii) a
93 private not-for-profit organization that is exempt from taxation under
94 Section 501(c)(3) of the Internal Revenue Code of 1986, or any
95 subsequent corresponding internal revenue code of the United States,
96 as from time to time amended, other than a public or private
97 institution of higher education located in the state or, subject to the
98 provisions of subsection (e) of this section, an approved not-for-profit
99 educational management organization, as defined in subsection (e) of
100 this section. Such turnaround plan may include proposals changing
101 the hours and schedules of teachers and administrators at such school,
102 the length and schedule of the school day, the length and calendar of
103 the school year, the amount of time teachers shall be present in the
104 school beyond the regular school day and the hiring or reassignment
105 of teachers or administrators at such school. If a turnaround committee
106 does not develop a turnaround plan, or if the commissioner
107 determines that a turnaround plan developed by a turnaround
108 committee is deficient, the commissioner may develop a turnaround
109 plan for such school in accordance with the provisions of this
110 subsection and, if the commissioner deems necessary, the
111 commissioner may appoint a [special master] school improvement
112 specialist for such school to implement the provisions of the
113 turnaround plan developed by the commissioner. The turnaround
114 plan shall direct all resources and funding to programs and services
115 delivered at such school for the educational benefit of the students
116 enrolled at such school and be transparent and accountable to the local
117 community. The State Board of Education shall approve the
118 turnaround plan developed by a turnaround committee before a
119 school may implement such turnaround plan.

120 Sec. 3. Subsections (a) and (b) of section 138 of public act 11-61 are
121 repealed and the following is substituted in lieu thereof (*Effective July*

122 1, 2014):

123 (a) The State Board of Education shall assign a [special master]
124 district improvement specialist to administer the educational
125 operations for the town of Windham to assist the school district in
126 making adequate yearly progress for whole district performance in
127 both reading and mathematics under the No Child Left Behind Act,
128 P.L. 107-110. Such [special master] district improvement specialist shall
129 (1) work collaboratively with the local board of education for
130 Windham and the Windham superintendent of schools to implement
131 the provisions of the improvement plan for the school district,
132 developed pursuant to subsection (a) of section 10-223e of the general
133 statutes; (2) implement the provisions of subparagraphs (A), (C), (D),
134 (E), (F), (H), (I), (J), (L) and (M) of subdivision (2) of subsection (c) of
135 section 10-223e of the general statutes; (3) manage and allocate any
136 federal, state and local education funds of the school district; and (4)
137 report regularly to the State Board of Education on matters relating to
138 the progress of implementing the improvement plan for the school
139 district and the effectiveness of the local board of education and the
140 superintendent of schools. The [special master] district improvement
141 specialist shall serve at the pleasure of the State Board of Education for
142 a period not to exceed one school year following the school year that
143 the Windham school district makes adequate yearly progress for
144 whole district performance in both reading and mathematics under the
145 No Child Left Behind Act, P.L. 107-110.

146 (b) Notwithstanding the provisions of sections 1-210 and 10-151c of
147 the general statutes, the [special master] district improvement
148 specialist and the State Board of Education shall have access to all
149 records, facilities, communications and meetings, including, but not
150 limited to, executive sessions of the local board of education, that may
151 be relevant to implementing the provisions of this section.

152 Sec. 4. Section 10-214 of the general statutes is repealed and the
153 following is substituted in lieu thereof (*Effective July 1, 2014*):

154 (a) Each local or regional board of education shall provide annually
155 to each pupil in kindergarten, grade one and grades [one to six] three
156 to five, inclusive, [and grade nine,] a vision screening, using a Snellen
157 chart, or equivalent screening. The superintendent of schools shall give
158 written notice to the parent or guardian of each pupil who is found to
159 have any defect of vision or disease of the eyes, with a brief statement
160 describing such defect or disease.

161 (b) Each local or regional board of education shall provide annually
162 audiometric screening for hearing to each pupil in kindergarten, [to
163 grade three] grade one and grades three to five, inclusive, [, grade five
164 and grade eight.] The superintendent of schools shall give written
165 notice to the parent or guardian of each pupil found to have any
166 impairment or defect of hearing, with a brief statement describing such
167 impairment or defect.

168 (c) Each local or regional board of education shall provide [annual]
169 postural screenings for (1) each female pupil in grades five [to nine]
170 and seven, and (2) each male pupil in grade eight or nine. The
171 superintendent of schools shall give written notice to the parent or
172 guardian of each pupil who evidences any postural problem, with a
173 brief statement describing such evidence.

174 (d) Test results or treatment provided as a result of the screenings
175 pursuant to this section shall be recorded on forms pursuant to
176 subsection (a) of section 10-206.

177 (e) The State Board of Education, with the technical advice and
178 assistance of the Department of Public Health, shall adopt regulations
179 in accordance with the provisions of chapter 54 for screenings
180 pursuant to this section.

181 Sec. 5. Subsection (a) of section 10-235 of the 2014 supplement to the
182 general statutes is repealed and the following is substituted in lieu
183 thereof (*Effective from passage*):

184 (a) Each board of education shall protect and save harmless any

185 member of such board or any teacher or other employee thereof or any
186 member of its supervisory or administrative staff, and the State Board
187 of Education, the Board of Regents for Higher Education, the board of
188 trustees of each state institution and each state agency which employs
189 any teacher, and the managing board of any public school, as defined
190 in section 10-183b, including the governing council of any charter
191 school, shall protect and save harmless any member of such boards, or
192 any teacher or other employee thereof or any member of its
193 supervisory or administrative staff employed by it, from financial loss
194 and expense, including legal fees and costs, if any, arising out of any
195 claim, demand, suit or judgment by reason of alleged negligence or
196 other act resulting in accidental bodily injury to or death of any
197 person, or in accidental damage to or destruction of property, within
198 or without the school building, or any other acts, including but not
199 limited to infringement of any person's civil rights, resulting in any
200 injury, which acts are not wanton, reckless or malicious, provided such
201 teacher, member or employee, at the time of the acts resulting in such
202 injury, damage or destruction, was acting in the discharge of his or her
203 duties or within the scope of employment or under the direction of
204 such board of education, the Board of Regents for Higher Education,
205 board of trustees, state agency, department or managing board;
206 provided that the provisions of this section shall not limit or otherwise
207 affect application of section 4-165 concerning immunity from personal
208 liability. For the purposes of this section, the terms "teacher" and "other
209 employee" shall include (1) any person who is a cooperating teacher,
210 pursuant to section 10-220a, teacher mentor or reviewer, (2) any
211 student teacher doing practice teaching under the direction of a teacher
212 employed by a local or regional board of education or by the State
213 Board of Education or Board of Regents for Higher Education, (3) any
214 student enrolled in a technical high school who is engaged in a
215 supervised health-related field placement program which constitutes
216 all or part of a course of instruction for credit by a technical high
217 school, provided such health-related field placement program is part
218 of the curriculum of such technical high school, and provided further
219 such course is a requirement for graduation or professional licensure

220 or certification, (4) any volunteer approved by a board of education to
221 carry out a duty prescribed by said board and under the direction of a
222 certificated staff member including any person, partnership, limited
223 liability company or corporation providing students with community-
224 based career education, (5) any volunteer approved by a board of
225 education to carry out the duties of a school bus safety monitor as
226 prescribed by said board, (6) any member of the faculty or staff or any
227 student employed by The University of Connecticut Health Center or
228 health services, (7) any student enrolled in a constituent unit of the
229 state system of higher education who is engaged in a supervised
230 program of field work or clinical practice which constitutes all or part
231 of a course of instruction for credit by a constituent unit, provided
232 such course of instruction is part of the curriculum of a constituent
233 unit, and provided further such course (i) is a requirement for an
234 academic degree or professional licensure or (ii) is offered by the
235 constituent unit in partial fulfillment of its accreditation obligations,
236 and (8) any student enrolled in a constituent unit of the state system of
237 higher education who is acting in the capacity of a member of a
238 student discipline committee established pursuant to section 4-188a.

239 Sec. 6. Subsection (c) of section 10-144e of the general statutes is
240 repealed and the following is substituted in lieu thereof (*Effective from*
241 *passage*):

242 (c) The initial terms for the members appointed by the Governor,
243 the State Board of Education, the president pro tempore of the Senate
244 and the speaker of the House of Representatives and two of the
245 members appointed by the Connecticut Federation of School
246 Administrators and one of the members appointed by the Connecticut
247 Association of Schools shall terminate on January 15, 1994. The initial
248 terms for all other members shall terminate on January 15, 1995.
249 [Terms following the initial terms] The term for any member
250 appointed before the effective date of this section shall be for two
251 years. The term for any member appointed on or after the effective
252 date of this section shall be for four years.

253 Sec. 7. Subsection (a) of section 10-5c of the 2014 supplement to the
254 general statutes is repealed and the following is substituted in lieu
255 thereof (*Effective July 1, 2014*):

256 (a) The Department of Education shall establish an academic
257 advancement program to allow local and regional boards of education
258 to permit students in grades eleven and twelve to substitute (1)
259 achievement of a passing score on an existing [national] nationally-
260 recognized examination, [as determined] approved by the
261 [department] State Board of Education, or series of examinations
262 approved by the State Board of Education, (2) a cumulative grade
263 point average determined by the State Board of Education, and (3) at
264 least three letters of recommendation from school professionals, as
265 defined in section 10-66dd, for the high school graduation
266 requirements pursuant to section 10-221a. The State Board of
267 Education shall issue an academic advancement program certificate to
268 any student who has successfully completed such program. Such
269 academic advancement program certificate shall be considered in the
270 same manner as a high school diploma for purposes of determining
271 eligibility of a student for enrollment at a public institution of higher
272 education in this state.

273 Sec. 8. Subsection (a) of section 10-221q of the general statutes is
274 repealed and the following is substituted in lieu thereof (*Effective July*
275 *1, 2014*):

276 (a) Except as otherwise provided in subsection (b) of this section,
277 each local and regional board of education and the governing
278 authority for each state charter school, interdistrict magnet school and
279 endowed academy approved pursuant to section 10-34, shall permit at
280 schools under its jurisdiction the sale of only the following beverages
281 to students from any source, including, but not limited to, school
282 stores, vending machines, school cafeterias, and any fund-raising
283 activities on school premises, whether or not school sponsored: (1)
284 [Milk] Low-fat milk or skimmed milk that may be flavored, but
285 [contain] contains no artificial sweeteners, nonnutritive sweetening

286 agents, sugar alcohols, added sodium and no more than four grams of
287 sugar per ounce, (2) nondairy [milks] milk substitutes such as soy or
288 rice milk [, which] that may be flavored, but contain no artificial
289 sweeteners, nonnutritive sweetening agents, sugar alcohols, added
290 sodium and no more than four grams of sugar per ounce, no more
291 than thirty-five per cent of calories from fat per portion and no more
292 than ten per cent of calories from saturated fat per portion, (3) one
293 hundred per cent fruit juice, vegetable juice or combination of such
294 juices, containing no added sugars, sweeteners, [or] artificial
295 sweeteners or sodium, (4) beverages that contain only water and fruit
296 or vegetable juice and have no added sugars, sweeteners, [or] artificial
297 sweeteners or sodium, and that meet the nutrition requirements
298 pursuant to the Healthy, Hunger-Free Kids Act of 2010, P.L. 111-296, as
299 amended from time to time, and (5) water, [which] that may be
300 flavored but contain no added sugars, sweeteners, artificial
301 sweeteners, sodium or caffeine. Portion sizes of beverages, other than
302 water as described in subdivision (5) of this subsection, that are offered
303 for sale pursuant to this subsection shall not exceed [twelve] eight fluid
304 ounces for students in grades kindergarten to five, inclusive, and
305 twelve fluid ounces for students in grades six to twelve, inclusive.

306 Sec. 9. Subsection (a) of section 10-65 of the 2014 supplement to the
307 general statutes is repealed and the following is substituted in lieu
308 thereof (*Effective July 1, 2014*):

309 (a) Each local or regional school district operating an agricultural
310 science and technology education center approved by the State Board
311 of Education for program, educational need, location and area to be
312 served shall be eligible for the following grants: (1) In accordance with
313 the provisions of chapter 173, through progress payments in
314 accordance with the provisions of section 10-287i, (A) for projects for
315 which an application was filed prior to July 1, 2011, ninety-five per
316 cent, and (B) for projects for which an application was filed on or after
317 July 1, 2011, eighty per cent of the net eligible costs of constructing,
318 acquiring, renovating and equipping approved facilities to be used

319 exclusively for such agricultural science and technology education
320 center, for the expansion or improvement of existing facilities or for the
321 replacement or improvement of equipment therein, and (2) subject to
322 the provisions of section 10-65b, in an amount equal to two thousand
323 seven hundred fifty dollars per student for every secondary school
324 student who was enrolled in such center on October first of the
325 previous year.

326 Sec. 10. Subsection (m) of section 10-264l of the 2014 supplement to
327 the general statutes is repealed and the following is substituted in lieu
328 thereof (*Effective July 1, 2014*):

329 (m) (1) On or before May 15, 2010, and annually thereafter, each
330 interdistrict magnet school operator shall provide written notification
331 to any school district that is otherwise responsible for educating a
332 student who resides in such school district and will be enrolled in an
333 interdistrict magnet school under the operator's control for the
334 following school year. Such notification shall include the number of
335 any such students, by grade, who will be enrolled in an interdistrict
336 magnet school under the control of such operator, the name of the
337 school in which such student has been placed and the amount of
338 tuition to be charged to the local or regional board of education for
339 such student. Such notification shall represent an estimate of the
340 number of students expected to attend such interdistrict magnet
341 schools in the following school year, but shall not be deemed to limit
342 the number of students who may enroll in such interdistrict magnet
343 schools for such year.

344 (2) Not later than two weeks following an enrollment lottery for an
345 interdistrict magnet school conducted by a magnet school operator, the
346 parent or guardian of a student (A) who will enroll in such interdistrict
347 magnet school in the following school year, or (B) whose name has
348 been placed on a waiting list for enrollment in such interdistrict
349 magnet school for the following school year, shall provide written
350 notification of such prospective enrollment or waiting list placement to
351 the school district that such student resides and is otherwise

352 responsible for educating such student.

353 Sec. 11. Section 197 of public act 11-48 is repealed and the following
354 is substituted in lieu thereof (*Effective from passage*):

355 (a) An interdistrict magnet school program that is not in compliance
356 with the racial minorities enrollment requirements of section 10-264l of
357 the general statutes, as amended by [this act] public act 11-48,
358 following the submission of student information data of such program
359 to the state-wide public school information system, pursuant to section
360 10-10a of the general statutes, on or before October 1, 2011, and
361 October 1, 2012, due to changes in the 2010 federal racial reporting
362 requirements relating to the collection of racial and ethnic data, as
363 described in the Federal Register of October 19, 2007, shall maintain
364 such program's status as an interdistrict magnet school program and
365 remain eligible for an interdistrict magnet school operating grant
366 pursuant to section 10-264l of the general statutes, as amended by [this
367 act] public act 11-48, if such program submits a compliance plan to the
368 Commissioner of Education and the commissioner approves such plan.

369 (b) On or before January 1, [2013] 2015, the Department of
370 Education shall submit to the joint standing committee of the General
371 Assembly having cognizance of matters relating to education, in
372 accordance with the provisions of section 11-4a of the general statutes,
373 recommendations for legislation to amend the racial minority
374 enrollments requirements for interdistrict magnet school programs
375 pursuant to section 10-264l of the general statutes, as amended by [this
376 act] public act 11-48, to conform with changes in the federal law. Such
377 plan shall reflect the regional demographics of the interdistrict magnet
378 school programs and the diverse racial, ethnic and socio-economic
379 needs of the student populations attending interdistrict magnet school
380 programs.

This act shall take effect as follows and shall amend the following sections:

Section 1	<i>July 1, 2014</i>	10-223e(e)(2)
Sec. 2	<i>July 1, 2014</i>	10-223h(d)
Sec. 3	<i>July 1, 2014</i>	PA 11-61, Sec. 138(a) and (b)
Sec. 4	<i>July 1, 2014</i>	10-214
Sec. 5	<i>from passage</i>	10-235(a)
Sec. 6	<i>from passage</i>	10-144e(c)
Sec. 7	<i>July 1, 2014</i>	10-5c(a)
Sec. 8	<i>July 1, 2014</i>	10-221q(a)
Sec. 9	<i>July 1, 2014</i>	10-65(a)
Sec. 10	<i>July 1, 2014</i>	10-264l(m)
Sec. 11	<i>from passage</i>	PA 11-48, Sec. 197

Statement of Legislative Commissioners:

In section 10-221q(a), made technical and grammatical changes; and in section 10-264l(m)(2), added "prospective" for accuracy and clarity.

ED *Joint Favorable Subst.*