



General Assembly

**Amendment**

February Session, 2014

LCO No. 4731

**\*HB0505504731SR0\***

Offered by:

SEN. BOUCHER, 26<sup>th</sup> Dist.

SEN. WELCH, 31<sup>st</sup> Dist.

To: Subst. House Bill No. 5055

File No. 644

Cal. No. 418

**"AN ACT ELIMINATING MUNICIPAL MANDATES."**

1 After the last section, add the following and renumber sections and  
2 internal references accordingly:

3 "Sec. 501. Section 10-262i of the 2014 supplement to the general  
4 statutes is repealed and the following is substituted in lieu thereof  
5 (*Effective July 1, 2014*):

6 (a) For the fiscal year ending June 30, 1990, and for each fiscal year  
7 thereafter, each town shall be paid a grant equal to the amount the  
8 town is entitled to receive under the provisions of section 10-262h.  
9 Such grant, excluding any amounts paid to a town pursuant to  
10 subdivision (1) of subsection (c) and subdivision (1) of subsection (d)  
11 of section 10-66ee, shall be calculated using the data of record as of the  
12 December first prior to the fiscal year such grant is to be paid, adjusted  
13 for the difference between the final entitlement for the prior fiscal year  
14 and the preliminary entitlement for such fiscal year as calculated using  
15 the data of record as of the December first prior to the fiscal year when

16 such grant was paid.

17 (b) (1) Except as provided in subdivision (2) of this subsection, the  
18 amount due each town pursuant to the provisions of subsection (a) of  
19 this section shall be paid by the Comptroller, upon certification of the  
20 Commissioner of Education, to the treasurer of each town entitled to  
21 such aid in installments during the fiscal year as follows: Twenty-five  
22 per cent of the grant in October, twenty-five per cent of the grant in  
23 January and the balance of the grant in April. The balance of the grant  
24 due towns under the provisions of this subsection shall be paid in  
25 March rather than April to any town which has not adopted the  
26 uniform fiscal year and which would not otherwise receive such final  
27 payment within the fiscal year of such town.

28 (2) Any amount due to a town pursuant to subdivision (1) of  
29 subsection (c) and subdivision (1) of subsection (d) of section 10-66ee  
30 shall be paid by the Comptroller, upon certification of the  
31 Commissioner of Education, to the treasurer of each town entitled to  
32 such amount pursuant to the schedule established in section 10-66ee.

33 (c) All aid distributed to a town pursuant to the provisions of this  
34 section shall be expended for educational purposes only and shall be  
35 expended upon the authorization of the local or regional board of  
36 education. For the fiscal year ending June 30, 1999, and each fiscal year  
37 thereafter, if a town receives an increase in funds pursuant to this  
38 section over the amount it received for the prior fiscal year, such  
39 increase shall not be used to supplant local funding for educational  
40 purposes. The budgeted appropriation for education in any town  
41 receiving an increase in funds pursuant to this section shall be not less  
42 than the amount appropriated for education for the prior year plus  
43 such increase in funds.

44 [(d) (1) Except as otherwise provided under the provisions of  
45 subdivisions (3) and (4) of this subsection, for the fiscal year ending  
46 June 30, 2014, the budgeted appropriation for education shall be not  
47 less than the budgeted appropriation for education for the fiscal year

48 ending June 30, 2013, plus any aid increase described in subsection (e)  
49 of this section, except that a town may reduce its budgeted  
50 appropriation for education for the fiscal year ending June 30, 2014, by  
51 one of the following: (A) Any district with a resident student count for  
52 October 1, 2012, using the data of record as of January 31, 2013, that is  
53 lower than such district's resident student count for October 1, 2011,  
54 using the data of record as of January 31, 2013, may reduce such  
55 district's budgeted appropriation for education by the difference in  
56 number of resident students for such years multiplied by three  
57 thousand, provided such reduction shall not exceed one-half of one  
58 per cent of the district's budgeted appropriation for education for the  
59 fiscal year ending June 30, 2013, (B) any district that (i) does not  
60 maintain a high school and pays tuition to another school district  
61 pursuant to section 10-33 for resident students to attend high school in  
62 another district, and (ii) the number of resident students attending  
63 high school for such district for October 1, 2012, using the data of  
64 record as of January 31, 2013, is lower than such district's number of  
65 resident students attending high school for October 1, 2011, using the  
66 data of record as of January 31, 2013, may reduce such district's  
67 budgeted appropriation for education by the difference in number of  
68 resident students attending high school for such years multiplied by  
69 the tuition paid per student pursuant to section 10-33, or (C) any  
70 district that realizes new and documentable savings through increased  
71 intradistrict efficiencies approved by the Commissioner of Education  
72 or through regional collaboration or cooperative arrangements  
73 pursuant to section 10-158a may reduce such district's budgeted  
74 appropriation for education in an amount equal to half of the savings  
75 experienced as a result of such intradistrict efficiencies, regional  
76 collaboration or cooperative arrangement, provided such reduction  
77 shall not exceed one-half of one per cent of the district's budgeted  
78 appropriation for education for the fiscal year ending June 30, 2013.

79 (2) Except as otherwise provided under the provisions of  
80 subdivisions (3) and (5) of this subsection, for the fiscal year ending  
81 June 30, 2015, the budgeted appropriation for education shall be not

82 less than the budgeted appropriation for education for the fiscal year  
83 ending June 30, 2014, plus any aid increase received pursuant to  
84 subsection (e) of this section, except that a town may reduce its  
85 budgeted appropriation for education for the fiscal year ending June  
86 30, 2015, by one of the following: (A) Any district with a resident  
87 student count for October 1, 2013, using the data of record as of  
88 January 31, 2014, that is lower than such district's resident student  
89 count for October 1, 2012, using the data of record as of January 31,  
90 2014, may reduce such district's budgeted appropriation for education  
91 by the difference in number of resident students for such years  
92 multiplied by three thousand, provided such reduction shall not  
93 exceed one-half of one per cent of the district's budgeted appropriation  
94 for education for the fiscal year ending June 30, 2014, (B) any district  
95 that (i) does not maintain a high school and pays tuition to another  
96 school district pursuant to section 10-33 for resident students to attend  
97 high school in another district, and (ii) the number of resident students  
98 attending high school for such district for October 1, 2013, using the  
99 data of record as of January 31, 2014, is lower than such district's  
100 number of resident students attending high school for October 1, 2012,  
101 using the data of record as of January 31, 2014, may reduce such  
102 district's budgeted appropriation for education by the difference in  
103 number of resident students attending high school for such years  
104 multiplied by the tuition paid per student pursuant to section 10-33, or  
105 (C) any district that realizes new and documentable savings through  
106 increased intradistrict efficiencies approved by the Commissioner of  
107 Education or through regional collaboration or cooperative  
108 arrangements pursuant to section 10-158a may reduce such district's  
109 budgeted appropriation for education in an amount equal to half of the  
110 savings experienced as a result of such intradistrict efficiencies,  
111 regional collaboration or cooperative arrangement, provided such  
112 reduction shall not exceed one-half of one per cent of the district's  
113 budgeted appropriation for education for the fiscal year ending June  
114 30, 2013.

115 (3) The Commissioner of Education may permit a district to reduce

116 its budgeted appropriation for education for the fiscal years ending  
117 June 30, 2014, and June 30, 2015, inclusive, in an amount determined  
118 by the commissioner if such district has permanently ceased  
119 operations and closed one or more schools in the district due to  
120 declining enrollment at such closed school or schools in the fiscal year  
121 ending June 30, 2011, June 30, 2012, or June 30, 2013.

122 (4) For the fiscal year ending June 30, 2014, the budgeted  
123 appropriation for a town designated as an alliance district, as defined  
124 in section 10-262u, shall be not less than the sum of (A) the budgeted  
125 appropriation for the fiscal year ending June 30, 2013, and (B) the  
126 amount necessary to meet the minimum local funding percentage, as  
127 defined in subdivision (39) of section 10-262f, except the commissioner  
128 may permit a town designated as an alliance district to reduce its  
129 budgeted appropriation for education if such town can demonstrate  
130 that its local contribution for the fiscal year ending June 30, 2014, has  
131 increased when compared to the local contribution used in  
132 determining its local funding percentage, as defined in subdivision  
133 (38) of section 10-262f.

134 (5) For the fiscal year ending June 30, 2015, the budgeted  
135 appropriation for a town designated as an alliance district, as defined  
136 in section 10-262u, shall be not less than the sum of (A) the budgeted  
137 appropriation for the fiscal year ending June 30, 2014, and (B) the  
138 amount necessary to meet the minimum local funding percentage, as  
139 defined in section 10-262f, except the commissioner may permit a town  
140 designated as an alliance district to reduce its budgeted appropriation  
141 for education if such town can demonstrate that its local contribution  
142 for the fiscal year ending June 30, 2015, has increased when compared  
143 to the local contribution used in determining its local funding  
144 percentage, as defined in section 10-262f.]

145 [(e)] (d) For the fiscal year ending June 30, 2014, and each fiscal year  
146 thereafter, the amount paid to a town pursuant to subsection (a) of this  
147 section minus the amount paid to such town under said subsection for  
148 the prior fiscal year shall be the aid increase for such town for such

149 fiscal year.

150 [(f)] (e) Upon a determination by the State Board of Education that a  
151 town or kindergarten to grade twelve, inclusive, regional school  
152 district failed in any fiscal year to meet the requirements pursuant to  
153 subsection (c) [,] or (d) [or (e)] of this section, the town or kindergarten  
154 to grade twelve, inclusive, regional school district shall forfeit an  
155 amount equal to two times the amount of the shortfall. The amount so  
156 forfeited shall be withheld by the Department of Education from the  
157 grant payable to the town in the second fiscal year immediately  
158 following such failure by deducting such amount from the town's  
159 equalization aid grant payment pursuant to this section, except that in  
160 the case of a kindergarten to grade twelve, inclusive, regional school  
161 district, the amount so forfeited shall be withheld by the Department  
162 of Education from the grants payable pursuant to this section to the  
163 towns which are members of such regional school district. The  
164 amounts deducted from such grants to each member town shall be  
165 proportional to the number of resident students in each member town.  
166 Notwithstanding the provisions of this subsection, the State Board of  
167 Education may waive such forfeiture upon agreement with the town  
168 or kindergarten to grade twelve, inclusive, regional school district that  
169 the town or kindergarten to grade twelve, inclusive, regional school  
170 district shall increase its budgeted appropriation for education during  
171 the fiscal year in which the forfeiture would occur by an amount not  
172 less than the amount of said forfeiture or for other good cause shown.  
173 Any additional funds budgeted pursuant to such an agreement shall  
174 not be included in a district's budgeted appropriation for education for  
175 the purpose of establishing any future minimum budget requirement.

176 Sec. 502. Section 10-4a of the general statutes is repealed and the  
177 following is substituted in lieu thereof (*Effective July 1, 2014*):

178 For purposes of sections 10-4, 10-4b and 10-220, the educational  
179 interests of the state shall include, but not be limited to, the concern of  
180 the state that (1) each child shall have for the period prescribed in the  
181 general statutes equal opportunity to receive a suitable program of

182 educational experiences; (2) each school district shall finance at a  
183 reasonable level [at least equal to the minimum budget requirement  
184 pursuant to the provisions of section 10-262i] an educational program  
185 designed to achieve this end; (3) in order to reduce racial, ethnic and  
186 economic isolation, each school district shall provide educational  
187 opportunities for its students to interact with students and teachers  
188 from other racial, ethnic, and economic backgrounds and may provide  
189 such opportunities with students from other communities; and (4) the  
190 mandates in the general statutes pertaining to education within the  
191 jurisdiction of the State Board of Education be implemented.

192 Sec. 503. Subsection (b) of section 10-4b of the 2014 supplement to  
193 the general statutes is repealed and the following is substituted in lieu  
194 thereof (*Effective July 1, 2014*):

195 (b) If, after conducting an inquiry in accordance with subsection (a)  
196 of this section, the state board finds that a local or regional board of  
197 education has failed or is unable to implement the educational  
198 interests of the state in accordance with section 10-4a, the state board  
199 shall (1) require the local or regional board of education to engage in a  
200 remedial process whereby such local or regional board of education  
201 shall develop and implement a plan of action through which  
202 compliance may be attained, or (2) order the local or regional board of  
203 education to take reasonable steps where such local or regional board  
204 has failed to comply with subdivision (3) of section 10-4a. Where a  
205 local or regional board of education is required to implement a  
206 remedial process pursuant to subdivision (1) of this subsection, upon  
207 request of such local or regional board, the state board shall make  
208 available to such local or regional board materials and advice to assist  
209 in such remedial process. If the state board finds that a local  
210 governmental body or its agent is responsible for such failure or  
211 inability, the state board may order such governmental body or agent  
212 to take reasonable steps to comply with the requirements of section 10-  
213 4a. [The state board may not order an increase in the budgeted  
214 appropriations for education of such local or regional board of  
215 education if such budgeted appropriations are in an amount at least

216 equal to the minimum budget requirement in accordance with section  
217 10-262i.] If the state board finds that the state is responsible for such  
218 failure, the state board shall so notify the Governor and the General  
219 Assembly."

This act shall take effect as follows and shall amend the following sections:		
Sec. 501	<i>July 1, 2014</i>	10-262i
Sec. 502	<i>July 1, 2014</i>	10-4a
Sec. 503	<i>July 1, 2014</i>	10-4b(b)