

OFFICE OF LEGISLATIVE RESEARCH
PUBLIC ACT SUMMARY



PA 14-230—sHB 5566 (VETOED)

Education Committee

AN ACT CONCERNING MINOR REVISIONS TO THE EDUCATION STATUTES

SUMMARY: This act makes numerous changes to the education statutes including:

1. changing the standards for allowable nutritional drinks, including limiting the types of milk, in public schools (§ 8);
2. making agricultural science and technology center internship providers immune from civil liability for student interns' personal injuries, unless the injuries are caused by providers' gross or willful misconduct (§ 11); and
3. permitting the State Department of Education (SDE) to administer a grant program, within available appropriations, for summer learning programs run by local and regional boards of education, municipalities, and non-profit organizations (§ 13).

It also makes other minor changes including:

1. changing the title of "special master" for a district under state supervision to "district improvement officer" (§§ 1-3);
2. reducing the number and schedule of required vision, hearing, and postural screenings for public school students (§ 4);
3. indemnifying teacher mentors and reviewers against lawsuits (§ 5);
4. extending, from two to four years, the terms of all appointments to the Advisory Council for School Administrators that take place on or after the act's passage (§ 6);
5. allowing SDE to use a nationally recognized exam as part of a program that allows boards of education to permit high school students to substitute certain evidence of academic achievement for existing high school graduation requirements (§ 7);
6. specifying that agricultural science (vo-ag) center equipment and facilities purchased with state grants must be used exclusively by the vo-ag centers (§ 9);
7. requiring parents to notify a student's home district when the student is accepted to or placed on the waiting list for an interdistrict magnet school (§ 10);
8. specifying that the required union representation on a school district's professional development and evaluation committee include at least one representative from each of the teachers' and administrators' unions (§ 12);
9. changing the date that school superintendents' annual status report on

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teacher evaluations are due (§ 14); and

10. adding criteria that SDE must consider for proposed administrator alternative route to certification (ARC) programs (§ 15).

EFFECTIVE DATE: July 1, 2014, except for the provisions regarding indemnity, appointments to the administrator standards council, the due date for the racial minority enrollment report, and the due date for the superintendents' reports on teacher evaluation are all effective upon passage.

§ 8 — NUTRITIONAL DRINK STANDARDS IN SCHOOLS

The act changes the standards for allowable nutritional drinks, including limiting the types of milk that can be served, in public schools. Table 1 shows the changes.

Table 1: Allowable Nutritional Drinks in Schools

<i>Beverage</i>	<i>Prior Law</i>	<i>Act</i>
Milk	May be flavored but cannot contain artificial sweeteners or more than four grams of sugar per ounce	<ul style="list-style-type: none"> • Bans whole milk • Allows low-fat unflavored or fat free flavored or unflavored milk • Bans nonnutritive sweeteners, sugar alcohols, or added sodium • Keeps the existing artificial sweetener ban and sugar limit
Nondairy Milks (such as soy or rice milk)	May be flavored but cannot (1) contain artificial sweeteners or more than four grams of sugar per ounce or (2) have a high amount of calories from fat	<ul style="list-style-type: none"> • Bans nonnutritive sweetening, sugar alcohols, or added sodium • Must meet U.S. Department of Agriculture school meal requirements • Keeps the existing artificial sweeteners ban, sugar limit, and low amount of calories from fat
Fruit, vegetable, or combination juice (100% juice)	Bans added sugars, sweeteners, and artificial sweeteners	<ul style="list-style-type: none"> • Bans sugar alcohols and added sodium • Keeps the existing ban on various sweeteners
Water, fruit, or vegetable juice combinations	Bans added sugars, sweeteners, and artificial sweeteners	<ul style="list-style-type: none"> • Bans nonnutritive sweetening, sugar alcohols, or added sodium • Must meet the SDE nutrition requirements • Keeps existing ban on the artificial sweeteners, sweeteners, and sugar

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Water (that may be flavored)	Bans sugars, sweeteners, artificial sweeteners, and caffeine	<ul style="list-style-type: none">• Bans sugar alcohols and added sodium• Keeps existing ban on sugar, sweetener, artificial sweetener, and caffeine
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The act also limits the portion size for drinks other than water to no more than eight ounces for K-5 grade students. Prior law permitted up to 12 ounces a serving for K-5 students. The act keeps the sixth grade through high school limit at 12 ounces.

§ 11 — AGRICULTURAL INTERNSHIP PROVIDER LIABILITY IMMUNITY

The act grants immunity from civil liability for student interns' personal injuries to agricultural science and technology center internship providers as long as the provider exercises reasonable care and is in compliance with applicable safety and health standards. The immunity does not apply if an injury is caused by a providers' gross, reckless, willful, or wanton misconduct.

It applies to internship providers that:

1. are individuals, sole proprietorships, trusts, corporations, limited liability companies, unions, associations, firms, partnerships, committees, clubs, or other organizations or groups and
2. contract with a local or regional board of education that operates an agricultural science and technology education center in order to provide internships.

The act defines an internship as a supervised practical training of a student intern that includes education and labor department-approved curriculum and workplace standards.

§ 13 — SUMMER LEARNING PROGRAM GRANTS

The act permits SDE, in consultation with the after-school committee established under state law, to administer a grant program, within available appropriations, for summer learning programs run by local and regional boards of education, municipalities and non-profit organizations (i.e., 501(c)(3) organizations). Under the act, a "summer learning program" means a program that provides at least 240 hours of educational, enrichment, and recreational activities during the public school summer recess. It must include small-group instruction in literacy and math for K-12 children, and have a parental involvement component.

Applications and Grant Process

Grant applications must (1) be filed biennially with the education commissioner in a time and manner he decides and (2) include a spending plan for the grant funds.

Eligibility for grants is (1) determined for a two-year period and (2) based on the grant spending plan. To receive funds in a second year, a grant recipient must

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report performance outcomes for the program and file expenditure reports with SDE. The performance outcomes report must include measurements of the program's impact on (1) student achievement, including grade-level reading ability; (2) childhood obesity; and (3) the behavior of student participants.

Evaluation Procedures

SDE and the after-school committee must develop and apply appropriate evaluation procedures to measure the program's effectiveness. By law, after-school committee members are appointed by the education commissioner in consultation with social services commissioner and the Children's Commission executive director and may include individuals with expertise in after-school programs and after-school providers.

SDE Role in Program Development

SDE can retain up to 4% of the amount appropriated for the program to provide grant recipients with technical assistance, evaluation, program monitoring, and professional development.

Recipient Expenditure Reports

The act requires grant recipients to file expenditure reports with the education commissioner when and how he chooses. Recipients must refund (1) any unexpended money at the close of the program for which the grant was awarded and (2) any grant money not expended according to the approved grant application.

Accepting Public and Private Support

For purposes of the program, the act allows SDE to accept funds from private sources and from the Department of Social Services (the state agency that is an after-school committee member).

Reporting Requirement

By March 15, 2017, and biennially thereafter, SDE must report to the Education Committee on the performance outcomes for summer learning grant recipients including the impact on (1) student achievement, including grade-level reading ability; (2) childhood obesity; and (3) student participant behavior.

§§ 1-3 — SPECIAL MASTER TITLE CHANGED TO DISTRICT IMPROVEMENT OFFICER

The act changes the title of a person assigned by the State Board of Education (SBE) to administer education operations in a low-performing district and work collaboratively with the district's board from "special master" to "district improvement officer" (see BACKGROUND). New London is the only district that currently has such a person. In addition, under the education commissioner's network of schools law, in certain situations the commissioner may appoint a

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special master to implement the turnaround plan for an individual school. The act changes this title to a school improvement officer.

§ 4 — VISION, HEARING, AND POSTURAL SCREENINGS

The act reduces the number of mandatory annual vision, hearing, and postural screenings for public school students and eliminates the requirement for annual postural screenings. Table 2 lists the changes by type of screening and grade. By law, the school superintendent must provide written notice to the parents of any student found to have any impairment, disease, or defect of vision or hearing or evidences a postural problem.

Table 2: Vision, Hearing, and Postural Screenings

Screening	Grades Under Prior Law	Grades Under the Act
Vision	K, 1-6 inclusive, & grade 9	K, 1, & 3-5 inclusive
Hearing	K-3 inclusive, 5 & 8	K, 1, & 3-5 inclusive
Postural	5-9, inclusive	Female students: 5 and 7 Male students: 8 or 9

§ 5 — INDEMNITY FOR TEACHER MENTORS OR REVIEWERS

The act extends the legal indemnity given to teachers, administrators, school board members, and others to teacher mentors and teacher reviewers. This means these employees are held harmless by their employer for acts or omissions that cause death or injury to another person or property if the employee's acts were (1) not wanton, reckless, or malicious and (2) within the scope of his or her employment. Employers covered are local or regional boards of education, the governing council of a charter school, SBE, the Board of Regents for Higher Education or the board of trustees of each state institution of higher education, and each state agency that employs teachers.

§ 7 — NATIONAL EXAM AS PART OF SUBSTITUTE FOR STANDARD GRADUATION REQUIREMENTS

The law requires SDE to establish a program that allows boards of education to permit 11th and 12th grade students to substitute certain evidence of academic achievement for existing high school graduation requirements in order to receive a high school diploma. One of three required pieces is a passing score on a national examination that SDE determines. The act changes this to a nationally recognized exam that SBE approves.

§ 10 — MAGNET SCHOOL ENROLLMENT NOTIFICATION

The act requires the parents or guardian of a student who enrolls in a magnet school for the coming year or of a student on a waiting list for a magnet school to notify the student's home school district of the upcoming enrollment or status on

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a waiting list. This must be done within two weeks after the enrollment lottery for the magnet school (which is usually held in March or April). Enrollment lotteries are held when a magnet school has more students interested in attending than it has available seats.

By law and unchanged by the act, a magnet school operator must, by May 15 annually, notify a student's home district that the student is enrolled in the magnet school for the coming school year and what the tuition will be. All magnet schools, except *Sheff* host magnets, are allowed to charge the tuition to a student's home (i.e., sending) district.

§ 14 — SUPERINTENDENT STATUS REPORT ON TEACHER EVALUATION

Under prior law, school superintendents had to annually report on (1) the status of teacher evaluations to the local school board by June 1 and (2) the status of teacher evaluation and supports programs and other required information to the education commissioner by June 30. The act changes the due date of both reporting requirements to September 15.

§ 15 — ADMINISTRATOR ALTERNATIVE ROUTE TO CERTIFICATION PROPOSALS

The act adds additional criteria that SDE must consider for proposed administrator alternative route to certification (ARC) programs that universities, boards of education, regional educational service centers, or administrator training organizations submit. By law, SDE can only approve such programs with specific criteria for accepting applicants, including a minimum of 40 months teaching experience with at least 10 of those months in a position requiring certification at a public school in Connecticut or another state. The act modifies this by specifying that such applicants must (1) have no more than 10 months teaching experience in a public school in another state while holding a professional certification, (2) provide a statement of justification for participation in the ARC, and (3) receive approval from SDE to participate in the program.

Furthermore, the act provides that participants with less than 10 months teaching in another state can make up no more than 10% of the participants in the proposed ARC program (this provision appears to conflict with the other requirements as 100% of the participants must meet all the criteria including having less than 10 months experience out of state).

By law, participants must also meet the following criteria to be eligible for the administrator ARC program:

1. hold a bachelor's degree from an institution of higher education accredited by the Board of Regents for Higher Education, the Office of Higher Education, or a regional accreditation entity; and
2. be recommended by an immediate supervisor or district administrator on the basis of the applicant's performance.

BACKGROUND

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Special Master Law

A 2011 law requires the SBE to assign a special master to administer the Windham school district's educational operations to help it achieve adequate yearly progress (AYP) as a district in reading and mathematics as required by the federal No Child Left Behind (NCLB) Act (PA 11-61). The special master has left Windham and is now assigned to New London. (The state is now operating under a federal waiver from NCLB and state measures of school and district success have changed.)

OLR Tracking: JM:DC:PF:ro