



STATE OF CONNECTICUT
STATE BOARD OF EDUCATION



May 19, 2015

Senator Clark J. Chapin, Co-Chair
Representative Brian Becker, Co-Chair
Legislative Regulation Review Committee
State Capitol, Room 011
Capitol Avenue
Hartford, Connecticut 06106

Subject: Proposed Regulations to Implement Public Act 14-176 (An Act Concerning the Storage and Administration of Epinephrine at Public Schools)

Dear Senator Chapin and Representative Becker:

I am pleased to submit amendments to the regulations of the Connecticut State Board of Education concerning the: Administration of Medications by School Personnel and Administration of Medication During Before- and After-School Programs and School Readiness Programs. See Regulations of Connecticut State Agencies Sections 10-212a-1 through 10-212a-10. These regulations are required by Connecticut General Statutes Section 10-212a(c) as amended by Public Act 14-176. These regulations were adopted in consultation with the Commissioner of Public Health as required by the statute.

These proposed amendments were approved by the Connecticut State Board of Education at its meeting on February 4, 2015, and have been approved for legal sufficiency by the Attorney General as required by Connecticut General Statutes Section 4-169.

The contact person for any inquiries or further information on these regulations is Louis Todisco in our Division of Legal and Governmental Affairs. His contact information is:

Louis B. Todisco, Attorney
Division of Legal and Governmental Affairs
Connecticut State Department of Education
P.O. Box 2219
Hartford, Connecticut 06145
860-713-6594, louis.todisco@ct.gov

Sincerely,

Dr. Dianna R. Wentzell
Commissioner of Education

DRW/lbt

Enclosures



STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION



May 19, 2015

Senator Clark J. Chapin, Co-Chair
Representative Brian Becker, Co-Chair
Legislative Regulation Review Committee
State Capitol, Room 011
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Hartford, Connecticut 06106

Subject: Proposed Regulations to Implement Public Act 14-176 (An Act Concerning the Storage and Administration of Epinephrine at Public Schools)

Dear Senator Chapin and Representative Becker:

I am the contact person designated by Commissioner Dianna R. Wentzell for the proposed amendments to the Connecticut State Board of Education (Board) regulations concerning the Administration of Medications by School Personnel and Administration of Medication During Before- and After-School Programs and School Readiness Programs. See Regulations of Connecticut State Agencies (RCSA) Sections 10-212a-1 through 10-212a-10. In this letter, I will provide some background, explain why the proposed amendments were not submitted to the Legislative Regulation Review Committee (Committee) within 180 days of the filing of the notice of intent to amend with the Secretary of the State (SOTS), and specify what is being submitted.

Background. These proposed amendments are required by Connecticut General Statutes (C.G.S.) Section 10-212a(c) as amended by Public Act 14-176. This Public Act amended the law to require the administration of epinephrine as emergency first aid to students experiencing allergic reactions, even if the student does not have parental authorization or the order of a qualified medical professional for such administration. Existing Board regulations required parental authorization and the order of a qualified medical professional for the administration of medication. Consequently, these amendments were necessary to implement the new statute. These amendments to the regulations were, as required, adopted in consultation with the Commissioner of Public Health.

Public Act 14-176 was approved on June 11, 2014. Stephanie Knutson, MSN, RN, our School Health Administrator and Education Consultant for School Nursing and School Health, established contact with the Department of Public Health and organized a committee of stakeholders to provide input into the content of the amendments. Meetings were held with the stakeholders in September. A draft of the proposed amendments to the regulations was developed and approved by the Board at its October meeting.

Notice of intent to adopt the amendments was posted on the SOTS website on October 9, 2014. The proposed amendments were then reviewed with counsel for the Governor and the Office of Policy and Management (OPM), and a public hearing was held on November 10, 2014. No one gave testimony at the public hearing, but several persons and organizations submitted written comments. Based on the review by the Governor's counsel and OPM and the public comments, revisions were made, and the final regulations were approved by the Board at its February meeting. As required by C.G.S. Section 4-168(e), notice of the Board's action was posted on the SOTS website on February 25, 2015 together with the final wording of the amendments, a statement of the reasons in support of the Board's intended action, a statement of the principal considerations in opposition to its intended action as urged in comments, and the reasons for rejecting or accepting such considerations. The revisions, which were made after the review by counsel to the Governor and OPM and after review of the public comments, are detailed in these documents posted on February 25, 2015, which are included with this submission.

The proposed amendments were then submitted to the Attorney General for review for legal sufficiency on April 24, 2015, and approved on May 6, 2015 after some technical changes were made, primarily, including in the regulations the number of the statute in the Connecticut General Statutes rather than referring to the public act. See C.G.S. Section 4-169.

Why these regulations were not submitted to the Committee within 180 days of posting (April 7, 2015). While I noted early and met the requirement that these proposed regulations be posted within five months of the effective date of the public act, I did not specifically note that the regulations should be submitted to the Committee within 180 days of posting until later in the process. This and the press of other work resulted in this delay.

Items included with this packet. The following items, in addition to this letter, make up this submission:

1. The submittal letter from Commissioner Dianna R. Wentzell.
2. Regulation page of REGS-1 form.
3. Statement of Purpose (expanded) (including the Purpose and Background, Summary of Main Provisions, and Legal Effects of the Proposed Regulation).
4. Certification Page (signed and completed).
5. The State Board of Education Regulations on Administration of Medication showing the proposed additions and deletions.
6. Agency Fiscal Estimate of Proposed Regulation.
7. Small Business Impact Statement.
8. Notice of Intent.
9. Documents posted pursuant to C.G.S. Section 4-168(e). These documents include a summary of the public comments which were received and the Board's responses to these comments.

Senator Clark J. Chapin, Co-Chair
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I believe that I have included all of the information required by the Committee. Please call me at 860-713-6594 or contact me by e-mail at louis.todisco@ct.gov with any questions or if further information is required.

Sincerely yours,

A handwritten signature in cursive script that reads "Louis B. Todisco". The signature is written in black ink and is positioned above the typed name.

Louis B. Todisco, Attorney
Division of Legal and Governmental Affairs

LBT/mp

Enclosures