



STATE OF CONNECTICUT

STATE DEPARTMENT OF EDUCATION



Connecticut General Assembly Education Committee Testimony of Commissioner Dianna R. Wentzell March 7, 2016

Good morning Senator Slossberg, Representative Fleischmann, Senator Boucher, Representative Lavielle and members of the Education Committee, I am Dianna Wentzell, Commissioner of the Department of Education, and I am pleased to have an opportunity to testify before you today regarding a series of important education-related proposals.

Raised Bill 5550, An Act Concerning Various Revisions And Additions To The Education Statutes

Section 1 of this bill requires the Department to send students' mastery examination scores to local and regional boards of education by no later than July 15th of each year. We must caution you that this is not a realistic timeline given the current testing window, which extends until mid-June. We do not expect to receive the final data until late-June or early July, which leaves insufficient time to calculate and validate the results before notifying districts. Distributing incorrect data is not something the Department wants to, or is willing to do; therefore, we would request that the deadline be changed to August 15th of each year.

Section 4 of this bill removes in-school suspensions that are greater than half a day from the list of what is considered an absence from school. We have heard from several districts about the many unintended consequences of including in-school suspensions of more than a half day as an absence, so the Department is in strong support of this change and thanks the committee for raising it.

Section 5 amends our current statutory requirement to submit several reports relating to the Commissioner's Network annually to now be due on September 15th of each year. While the Department is not opposed to a hard deadline for reporting, the September 15th deadline will not enable us to include any accountability index scores for the preceding year. We collect that data through the month of October, then calculate the indexes in the fall and release them to districts in January of the next year. If these reports are to be comprehensive and are to include the most recent data, the Department would request that this date be changed to February 1st of each year.

Section 13 pertains to the seizure of a student's phone by a school employee. The Department believes this proposal is preempted by existing federal constitutional law governing issues pertaining to search and seizure and could cause unnecessary confusion, so we are therefore opposed. There is already a well-developed body of constitutional law addressing student search and seizure under the Fourth Amendment. These legal principles trump state law and school officials and state and local police are already familiar with them. In an effort to increase student privacy, this proposal is also very vague and overly limits the ability of school personnel to conduct a reasonable search, or to take custody of a mobile device without searching it for reasonable periods of time to deal with disruption or distraction in the classroom.

Section 14 ties the Department's prior year adjustment language in the magnet school account to a November 1st data of record for the purpose of determining final enrollment counts. We are opposed to this proposal. The Department does not have a November 1st data collection. Statutorily for all education grants, including ECS, the Department uses the October 1st PSIS data collection, which establishes enrollment counts for all schools and districts statewide. To have two separate dates for determining where a child is enrolled would create situations where two districts could rightfully claim a child if the child changed schools/districts between October 1st and November 1st for the purposes of a grant calculation. That would leave the Department in a position where we would be unable to pay both districts, yet have a statutory obligation to do so.

Raised Bill 5552, An Act Concerning Special Education

The Department has concerns with the added adjudication requirement proposed in this bill and believes it would be in violation of the Individuals With Disabilities Education Act (IDEA), which allows for a parent to file a complaint and a request for a hearing. The IDEA states that whenever a due process complaint is received, the parents or the Local Education Agency (LEA) must have an opportunity for an impartial due process hearing. The IDEA also outlines timelines that must be adhered to as soon as a complaint is filed and this new requirement would impact those timelines. The proposed requirement also adds an additional layer preventing a parent from going straight to the request for a hearing, which is their right under federal law. Furthermore, there would be a financial burden placed on parents, districts and the state.

Raised Bill 5554, An Act Concerning Regional Education

The Department is concerned with **Section 4** of this proposal, as it would allow members of cooperative arrangements to claim the full amount of the expenditure for the cooperative arrangement as expenditures of their board of education. This would result in duplicated costs reported to the Department on the ED001 and other data collections, thereby overstating local costs and resulting in a lack of transparency as to the actual cost to the local board. This seems to run counter to the direction of the MORE Commission around projects like the Uniform Chart of Accounts (UCOA).

Raised Bill 5555, An Act Concerning The Minimum Budget Requirement And Prohibiting The Inclusion Of Participation Rates For the State-Wide Mastery Examination In The Calculation Of A School District's Accountability Index Score

The Department is adamantly opposed to this proposal. This is a matter of both civil rights and educational equity. The requirement for universal participation in the state assessment for all students in a district, school or subgroup is a requirement of the federal government and is not an arbitrary one. Only by meeting the minimum threshold of 95 percent are we able to ensure that the results we receive from the assessment are reflective of all students and subgroups, and that fair comparisons between districts can be made. Not meeting the 95 percent threshold has serious implications, one of which would be a distorted measurement of the achievement gap, as those generally not taking the test are from more affluent white communities than those who are participating at the 95 percent threshold or higher. If we can no longer stand behind our

measurements, we will be unable to fulfill our statutory obligations as well as our obligations to the children of our state. We will be unable to measure improvement and growth among our students from one year to the next. Furthermore it is not possible to produce a list of the top performing school districts that includes districts who have not achieved the minimum participation rate, as it makes comparisons among districts statistically unreliable. The Department feels very strongly that granting relief from having to comply with the minimum budget requirement should not apply to districts with high achievement gaps, graduation gaps, or low participation rates. Breaks from having to comply with funding requirements should not be given when they will be to the detriment of the very students who most need the resources.

Raised Bill 377, An Act Concerning The School Health Curriculum And Cancer Awareness

The Department does not believe that this added requirement for instruction in performing self-examinations for breast or testicular cancer is necessary. Currently, the Department requires students to have health assessments upon enrollment in the 6th or 7th grade and again in the 9th or 10th grade. These health assessment visits are appropriate opportunities for parents, along with their children, to discuss breast and testicular self-exams in a comprehensive way and in consideration of individual risk factors. Furthermore, cancer prevention is already included in the Healthy and Balanced Living Curriculum Framework created by the Department for use in districts. By making the cancer awareness requirement this prescriptive, the Department is concerned that adolescents performing self-exams could lead to false positives, resulting in unneeded stress and anxiety when the instances of breast and testicular cancer in adolescents is very low.

Raised Bill 378, An Act Concerning The Recommendation Of The High School Graduation Requirement Task Force.

The Department had representation on this task force and is in strong support of its recommendations, which align high school graduation requirements with the standards that have been adopted by the State Board of Education. We believe these recommendations will result in supporting our students to be college and career ready upon high school graduation, while also reducing the testing burden on our students by removing the requirement for specific end of course exams.

Raised Bill 379, An Act Concerning The Recommendations Of The Minority Teacher Recruitment Task Force

The Department believes very strongly in the goal of attracting and retaining high quality minority teachers in our schools. We have done a great deal of work in this area over the last several years through our Talent Office and we welcome an opportunity to continue to work with the legislature on this issue this session.

Raised Bill 380, An Act Concerning The Exclusion Of Student Performance Results On The Mastery Examination From Teacher Evaluation

The Department is strongly opposed to this proposal for several reasons. First, there is already a statutorily created body, which includes the various educational stakeholders, whose very purpose is to assist the State Board of Education in the development of a model teacher evaluation and support program, and any modifications to it. The Performance Evaluation Advisory Council, which includes representation from every major educational group, is currently meeting to discuss and make a decision regarding this very issue. Additionally, we are, in reality, looking at an 18 month transition into the new Every Student Succeeds Act, at the very least. From a practical standpoint, making any large-scale policy changes before we have guidance from the federal government is ill advised. Until we have the regulations, on which our state policies will have to be based, there is little point in making these decisions, which could result in us having to come back next year and revise our policies if they are not in line with ESSA requirements. That would be highly unfair to teachers who potentially could have to switch back and forth between new evaluation systems from one year to the next. Given these realities, the Department strongly encourages the legislature to reject this proposal.

Raised Bill 382, An Act Concerning Teacher Preparation Programs

The Department does not think this proposal is necessary. The Education Preparation Advisory Council has been exploring the possibilities of partnering with the Council for the Accreditation of Educator Preparation (CAEP). The Department is planning to partner with the CAEP and will design the agreement to ensure that it meets Connecticut's standards for quality teacher preparation programs. When the State Department does enter into this agreement, it will inform the process for the approval and renewal of all of our teacher preparation programs—both public and private.

Raised Bill 383, An Act Concerning The Technical High School System

The Department does not support this proposal. We would like to caution the committee and the legislature about the significant costs that will be associated with removing the Technical High School System from within the Department of Education for administrative purposes and thereby removing all of the administrative personnel related and other supports that we provide to them. This includes supports from our affirmative action, payroll and legal offices, as well as HR, IT and fiscal.