



House of Representatives

General Assembly

File No. 536

February Session, 2016

Substitute House Bill No. 5550

House of Representatives, April 7, 2016

The Committee on Education reported through REP. FLEISCHMANN of the 18th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT CONCERNING VARIOUS REVISIONS AND ADDITIONS TO THE EDUCATION STATUTES.

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

1 Section 1. Section 10-14n of the 2016 supplement to the general
2 statutes is repealed and the following is substituted in lieu thereof
3 (*Effective from passage*):

4 (a) As used in this section, "mastery examination" means (1) for
5 students enrolled in grades three to eight, inclusive, an examination or
6 examinations, approved by the State Board of Education, that
7 measures essential and grade-appropriate skills in reading, writing or
8 mathematics, (2) for students enrolled in grades five, eight and ten, an
9 examination, approved by the State Board of Education, that measures
10 essential and grade-appropriate skills in science, and (3) for students
11 enrolled in grade eleven, a nationally recognized college readiness
12 assessment, approved by the State Board of Education, that measures
13 essential and grade-appropriate skills in reading, writing and

14 mathematics.

15 (b) (1) For the school year commencing July 1, 2015, and each school
16 year thereafter, each student enrolled in grades three to eight,
17 inclusive, and grade eleven in any public school shall, annually, take a
18 mastery examination in reading, writing and mathematics during the
19 regular school day.

20 (2) For the school year commencing July 1, 2013, and each school
21 year thereafter, each student enrolled in grades five, eight and ten in
22 any public school shall, annually, in March or April, take a state-wide
23 mastery examination in science during the regular school day.

24 (c) (1) Mastery examinations, as defined in subdivision (1) of
25 subsection (a) of this section, given to students enrolled in grades three
26 to eight, inclusive, pursuant to subdivision (1) of subsection (b) of this
27 section, shall be provided by and administered under the supervision
28 of the State Board of Education.

29 (2) Mastery examinations, as defined in subdivision (2) of subsection
30 (a) of this section, given to students enrolled in grades five, eight and
31 ten, pursuant to subdivision (2) of subsection (b) of this section, shall
32 be provided by and administered under the supervision of the State
33 Board of Education.

34 (3) Mastery examinations, as defined in subdivision (3) of subsection
35 (a) of this section, given to students enrolled in grade eleven, pursuant
36 to subdivision (1) of subsection (b) of this section, shall be paid for by
37 the State Board of Education and administered by the provider of such
38 nationally recognized college readiness assessment in accordance with
39 the provisions of the agreement between the state board and such
40 provider, pursuant to section 10-14x.

41 (d) The scores on each component of the mastery examination, as
42 defined in subdivision (3) of subsection (a) of this section, for each
43 eleventh grade student may be included on the permanent record and
44 transcript of each such student who takes such examination. For each

45 eleventh grade student who meets or exceeds the state-wide mastery
46 goal level on any component of the mastery examination, a
47 certification of having met or exceeded such goal level shall be made
48 on the permanent record and the transcript of each such student and
49 such student shall be issued a certificate of mastery for such
50 component.

51 (e) No public school may require achievement of a satisfactory score
52 on a mastery examination, or any subsequent retest on a component of
53 such examination as the sole criterion of promotion or graduation.

54 (f) (1) For the school year commencing July 1, 2015, and each school
55 year thereafter, the scores on each component of the mastery
56 examination for students who are English language learners, as
57 defined in section 10-76kk, and who have been enrolled in a school in
58 this state or another state for fewer than twenty school months, shall
59 not be used for purposes of calculating the [school performance index,
60 pursuant to section 10-223e, or the district performance index,
61 pursuant to section 10-262u] accountability index, as defined in section
62 10-223e, for a school or school district.

63 (2) For the school year commencing July 1, 2015, and each school
64 year thereafter, mastery examinations pursuant to subsection (b) of
65 this section shall be offered in the most common native language of
66 students who are English language learners taking such mastery
67 examinations and any additional native languages of such students
68 when mastery examinations in such native languages are developed
69 and have been approved by the United States Department of
70 Education.

71 (g) Not later than August fifteenth of each school year, the
72 Department of Education shall notify each local and regional board of
73 education of the scores of students under the jurisdiction of the board
74 on the mastery examination administered during the previous school
75 year.

76 Sec. 2. Subsection (g) of section 10-145b of the 2016 supplement to

77 the general statutes is repealed and the following is substituted in lieu
78 thereof (*Effective July 1, 2016*):

79 (g) On or after July 1, 1989, and prior to July 1, [2016] 2018, to
80 qualify for a professional educator certificate, a person who holds or
81 has held a provisional educator certificate under subsection (e) of this
82 section shall have completed thirty credit hours of course work beyond
83 the baccalaureate degree. It is not necessary that such course work be
84 taken for a master's degree and such work may include graduate or
85 undergraduate courses. On and after July 1, [2016] 2018, to qualify for
86 a professional educator certificate, a person who holds or has held a
87 provisional educator certificate under subsection (d) of this section
88 shall hold a master's degree in an appropriate subject matter area, as
89 determined by the State Board of Education, related to such teacher's
90 certification endorsement area.

91 Sec. 3. Subdivision (7) of section 10-144o of the 2016 supplement to
92 the general statutes is repealed and the following is substituted in lieu
93 thereof (*Effective July 1, 2016*):

94 (7) "Professional educator certificate" means a license to teach issued
95 on or after July 1, 1989, initially to a person who has successfully
96 completed not less than three school years of teaching in a public
97 school or nonpublic school approved by the State Board of Education
98 while holding a provisional educator or provisional teaching certificate
99 and prior to July 1, [2016] 2018, has successfully completed not fewer
100 than thirty semester hours of credit beyond a bachelor's degree, and on
101 and after July 1, [2016] 2018, holds a master's degree in an appropriate
102 subject matter area, as determined by the State Board of Education,
103 related to such person's certification endorsement area. Said certificate
104 shall be continued every five years after issuance;

105 Sec. 4. Subdivision (2) of subsection (a) of section 10-198c of the 2016
106 supplement to the general statutes is repealed and the following is
107 substituted in lieu thereof (*Effective July 1, 2016*):

108 (2) "Absence" means [(A)] an excused absence, unexcused absence

109 or disciplinary absence, as those terms are defined by the State Board
110 of Education pursuant to section 10-198b; [, or (B) an in-school
111 suspension, as defined in section 10-233a, that is greater than or equal
112 to one-half of a school day;]

113 Sec. 5. Subsection (j) of section 10-223h of the 2016 supplement to
114 the general statutes is repealed and the following is substituted in lieu
115 thereof (*Effective July 1, 2016*):

116 (j) (1) [The] Not later than September 15, 2016, and annually
117 thereafter, the Commissioner of Education shall [annually] submit a
118 report on the academic performance of each school participating in the
119 commissioner's network of schools to the joint standing committee of
120 the General Assembly having cognizance of matters relating to
121 education, in accordance with the provisions of section 11-4a. Such
122 report shall include, but not be limited to, (A) the accountability index
123 score, as defined in section 10-223e, for such school, (B) trends for the
124 accountability index scores during the period that such school is
125 participating in the commissioner's network of schools, (C)
126 adjustments for subgroups of students at such school, including, but
127 not limited to, students whose primary language is not English,
128 students receiving special education services and students who are
129 eligible for free or reduced price lunches, and (D) performance
130 evaluation results in the aggregate for teachers and administrators at
131 such school.

132 (2) [The] Not later than September 15, 2016, and annually thereafter,
133 the Commissioner of Education shall [annually] submit a report
134 comparing and analyzing the academic performance of all the schools
135 participating in the commissioner's network of schools to the joint
136 standing committee of the General Assembly having cognizance of
137 matters relating to education, in accordance with the provisions of
138 section 11-4a. Such report shall include, but not be limited to, (A) the
139 accountability index score, as defined in section 10-223e, for the school,
140 (B) trends for the accountability indices during the period that such
141 schools are participating in the commissioner's network of schools, (C)

142 adjustments for subgroups of students at such schools, including, but
143 not limited to, students whose primary language is not English,
144 students receiving special education services and students who are
145 eligible for free or reduced price lunches, and (D) performance
146 evaluation results in the aggregate for teachers and administrators at
147 such schools.

148 (3) [Following] Not later than September fifteenth following the
149 expiration of the turnaround plan for each school participating in the
150 commissioner's network of schools, the commissioner shall submit a
151 final report that (A) evaluates such turnaround plan and the academic
152 performance of such school during the period that such turnaround
153 plan was in effect, and (B) makes recommendations for the operation
154 of such school to the joint standing committee of the General Assembly
155 having cognizance of matters relating to education, in accordance with
156 the provisions of section 11-4a.

157 (4) Not later than January 1, 2020, the commissioner shall submit a
158 report (A) evaluating the commissioner's network of schools and its
159 effect on improving student academic achievement in participating
160 schools, and (B) making any recommendations for the continued
161 operation of the commissioner's network of schools to the joint
162 standing committee of the General Assembly having cognizance of
163 matters relating to education, in accordance with the provisions of
164 section 11-4a.

165 (5) Not later than September thirtieth each year, the joint standing
166 committee of the General Assembly having cognizance of matters
167 relating to education shall meet with the Commissioner of Education
168 and any other persons they deem appropriate to consider the items
169 submitted pursuant to subdivisions (1) to (4), inclusive, of this
170 subsection.

171 Sec. 6. Subsection (a) of section 10-214 of the 2016 supplement to the
172 general statutes is repealed and the following is substituted in lieu
173 thereof (*Effective July 1, 2016*):

174 (a) Each local or regional board of education shall provide annually
175 to each pupil in kindergarten and grades one and three to five,
176 inclusive, a vision screening, using a Snellen chart, or equivalent
177 screening. The superintendent of schools shall give written notice to
178 the parent or guardian of each pupil (1) who is found to have any
179 defect of vision or disease of the eyes, with a brief statement describing
180 such defect or disease and a recommendation for the pupil to be
181 examined by an optometrist licensed under chapter 380 or an
182 ophthalmologist licensed under chapter 370, and (2) who did not
183 receive such vision screening, with a brief statement explaining why
184 such pupil did not receive such vision screening.

185 Sec. 7. Subsection (c) of section 10-91g of the 2016 supplement to the
186 general statutes is repealed and the following is substituted in lieu
187 thereof (*Effective from passage*):

188 (c) The Auditors of Public Accounts shall conduct the audit
189 described in subsection (b) of this section as follows: (1) [At least once
190 for each private provider] Using a risk-based approach, audits of
191 private providers of special education services [during a period of
192 seven years] will occur at a frequency the Auditors of Public Accounts
193 deem necessary, except that no private provider of special education
194 services shall have its records and accounts so examined more than
195 once during such five-year period, unless the auditors have found a
196 problem with the records and accounts of such private provider of
197 special education services during such five-year period; (2) as practical,
198 [approximately half of such] audits conducted in a year shall be of
199 private providers of special education services approved by the
200 Department of Education and [approximately half of such audits
201 conducted in such year shall be] of private providers of special
202 education services not approved by the Department of Education; and
203 (3) priority of conducting such audits, as practical, shall be given to
204 those private providers of special education services (A) that receive
205 the greatest total amount of state or local funds for the provision of
206 special education services to students, (B) that provide special
207 education services to the highest number of students for whom an

208 individual services plan has been written by a local or regional board
209 of education, and (C) that have a highest proportion of state and local
210 funds for the provision of special education services in relation to their
211 total operational expenses.

212 Sec. 8. Section 10-91h of the 2016 supplement to the general statutes
213 is repealed and the following is substituted in lieu thereof (*Effective*
214 *from passage*):

215 Each local and regional board of education shall annually provide to
216 the Auditors of Public Accounts (1) the number of students under the
217 jurisdiction of such board of education who receive special education
218 and related services from a private provider of special education
219 services, as defined in section 10-91g, as amended by this act, [and] (2)
220 the amount of money paid to such private providers of special
221 education services by the board during the previous fiscal year, and (3)
222 any other information the Auditors of Public Accounts deem necessary
223 to conduct an audit of such private providers of special education
224 services pursuant to section 10-91g, as amended by this act.

225 Sec. 9. Subsection (i) of section 2-90 of the 2016 supplement to the
226 general statutes is repealed and the following is substituted in lieu
227 thereof (*Effective from passage*):

228 (i) Said auditors shall audit, in accordance with the provisions of
229 section 10-91g, as amended by this act, the records and accounts of any
230 private provider of special education services, as defined in said
231 section. Any private provider of special education services being
232 audited by said auditors shall provide any information said auditors
233 deem necessary to conduct such audit.

234 Sec. 10. Subsection (a) of section 10-16nn of the general statutes is
235 repealed and the following is substituted in lieu thereof (*Effective from*
236 *passage*):

237 (a) There is established an Interagency Council for Ending the
238 Achievement Gap. The council shall consist of: (1) The Lieutenant

239 Governor, or the Lieutenant Governor's designee, (2) the
240 Commissioner of Education, or the commissioner's designee, (3) the
241 Commissioner of Children and Families, or the commissioner's
242 designee, (4) the Commissioner of Social Services, or the
243 commissioner's designee, (5) the Commissioner of Public Health, or the
244 commissioner's designee, (6) the president of the Board of Regents for
245 Higher Education, or the president's designee, (7) the Commissioner of
246 Economic and Community Development, or the commissioner's
247 designee, (8) the Commissioner of Administrative Services, or the
248 commissioner's designee, (9) the Secretary of the Office of Policy and
249 Management, or the secretary's designee, [and] (10) the Commissioner
250 of Housing, or the commissioner's designee, and (11) the Chief Court
251 Administrator, or the Chief Court Administrator's designee. The
252 chairperson of the council shall be the Lieutenant Governor, or the
253 Lieutenant Governor's designee. The council shall meet at least
254 quarterly.

255 Sec. 11. Subsection (h) of section 10-145d of the 2016 supplement to
256 the general statutes is repealed and the following is substituted in lieu
257 thereof (*Effective July 1, 2016*):

258 (h) Any person who is a licensed marital and family therapist,
259 pursuant to section 20-195c, or a candidate for licensure as a marital
260 and family therapist, and employed by a local or regional board of
261 education as a marital and family therapist shall provide services to
262 students, families and parents or guardians of students. Not later than
263 July 1, 2014, the State Board of Education shall, in accordance with the
264 provisions of chapter 54, adopt regulations to implement the
265 provisions of this subsection and provide standards for the
266 certification of marital and family therapists employed by local or
267 regional boards of education. Such regulations shall authorize marital
268 and family therapists employed by a local or regional board of
269 education to provide services to students, families and parents or
270 guardians of students and include certification requirements to be met
271 by (1) licensure as a marital and family therapist under section 20-195c,
272 and (2) such other experience as the State Board of Education deems

273 appropriate for the position of marital and family therapist in a school
274 system.

275 Sec. 12. (NEW) (*Effective July 1, 2016*) A local or regional board of
276 education may establish a Pipeline for Connecticut's Future program.
277 Under the program, a local or regional board of education shall partner
278 with one or more local businesses to offer on-site training and course
279 credit to students.

280 Sec. 13. (NEW) (*Effective July 1, 2016*) (a) As used in this section:

281 (1) "Mobile electronic device" means any hand-held or other
282 portable electronic equipment capable of providing data
283 communication between two or more individuals, including, but not
284 limited to, a text messaging device, a paging device, a personal digital
285 assistant, a laptop computer, equipment that is capable of playing a
286 video game or a digital video disk, or equipment on which digital
287 images are taken or transmitted; and

288 (2) "School employee" means: (A) A teacher, substitute teacher,
289 school administrator, school superintendent, guidance counselor,
290 psychologist, social worker, nurse, physician, school paraprofessional
291 or coach employed by a local or regional board of education or a
292 private elementary, middle or high school or working in a public or
293 private elementary, middle or high school; or (B) any other person
294 who, in the performance of his or her duties, has regular contact with
295 students and who provides services to or on behalf of students
296 enrolled in (i) a public elementary, middle or high school, pursuant to
297 a contract with the local or regional board of education, or (ii) a private
298 elementary, middle or high school, pursuant to a contract with the
299 supervisory agent of such private school.

300 (b) No school employee may take custody of a student's personal
301 mobile electronic device for purposes of accessing any data or other
302 content stored upon or accessible from such device, or compel a
303 student to produce, display, share or provide access to any data or
304 other content stored upon or accessible from such device, except a

305 school employee may search, in accordance with the provisions of
306 subsection (c) of this section, a student's personal mobile electronic
307 device if the school employee has a reasonable individualized
308 suspicion that a student (1) has violated or is violating an educational
309 policy and that such device contains evidence of the suspected
310 violation, or (2) poses a risk of imminent personal injury to such
311 student or others.

312 (c) A school employee may search a student's personal mobile
313 electronic device, pursuant to subsection (b) of this section, provided
314 (1) such device is located on school grounds, (2) the search is strictly
315 limited to finding evidence of the suspected policy violation, and (3)
316 the school employee immediately ceases searching such device upon
317 finding sufficient evidence of the suspected violation. Immediately
318 after searching such device, the school employee shall report, in
319 writing, to the principal the reasonable individualized suspicion that
320 gave rise to the search. Not later than twenty-four hours after the
321 search, the principal shall notify the student and the parent or
322 guardian of the student of the suspected violation and what data was
323 accessed from such device during the search of such device. The
324 principal shall provide a copy of the report detailing the reasonable
325 individualized suspicion that gave rise to the search.

326 (d) No school employee shall copy, share or transfer any data or any
327 information accessed on a student's personal mobile electronic device
328 during a search of such device that is unrelated to the suspected
329 violation of an educational policy.

330 Sec. 14. Subsections (b) to (d), inclusive, of section 10-221a of the
331 2016 supplement to the general statutes are repealed and the following
332 is substituted in lieu thereof (*Effective July 1, 2016*):

333 (b) For classes graduating from 2004 to [2020] 2021, inclusive, no
334 local or regional board of education shall permit any student to
335 graduate from high school or grant a diploma to any student who has
336 not satisfactorily completed a minimum of twenty credits, not fewer
337 than four of which shall be in English, not fewer than three in

338 mathematics, not fewer than three in social studies, including at least a
339 one-half credit course on civics and American government, not fewer
340 than two in science, not fewer than one in the arts or vocational
341 education and not fewer than one in physical education.

342 (c) Commencing with classes graduating in [2021] 2022, and for each
343 graduating class thereafter, no local or regional board of education
344 shall permit any student to graduate from high school or grant a
345 diploma to any student who has not satisfactorily completed (1) a
346 minimum of twenty-five credits, including not fewer than: (A) Nine
347 credits in the humanities, including not fewer than (i) four credits in
348 English, including composition; (ii) three credits in social studies,
349 including at least one credit in American history and at least one-half
350 credit in civics and American government; (iii) one credit in fine arts;
351 and (iv) one credit in a humanities elective; (B) eight credits in science,
352 technology, engineering and mathematics, including not fewer than (i)
353 four credits in mathematics, including algebra I, geometry and algebra
354 II or probability and statistics; (ii) three credits in science, including at
355 least one credit in life science and at least one credit in physical science;
356 and (iii) one credit in a science, technology, engineering and
357 mathematics elective; (C) three and one-half credits in career and life
358 skills, including not fewer than (i) one credit in physical education; (ii)
359 one-half credit in health and safety education, as described in section
360 10-16b; and (iii) two credits in career and life skills electives, such as
361 career and technical education, English as a second language,
362 community service, personal finance, public speaking and nutrition
363 and physical activity; (D) two credits in world languages, subject to the
364 provisions of subsection (g) of this section; and (E) a one credit senior
365 demonstration project or its equivalent, as approved by the State Board
366 of Education; and (2) end of the school year examinations for the
367 following courses: (A) Algebra I, (B) geometry, (C) biology, (D)
368 American history, and (E) grade ten English.

369 (d) Commencing with classes graduating in [2021] 2022, and for
370 each graduating class thereafter, local and regional boards of education
371 shall provide adequate student support and remedial services for

372 students beginning in grade seven. Such student support and remedial
 373 services shall provide alternate means for a student to complete any of
 374 the high school graduation requirements or end of the school year
 375 examinations described in subsection (c) of this section, if such student
 376 is unable to satisfactorily complete any of the required courses or
 377 exams. Such student support and remedial services shall include, but
 378 not be limited to, (1) allowing students to retake courses in summer
 379 school or through an on-line course; (2) allowing students to enroll in a
 380 class offered at a constituent unit of the state system of higher
 381 education, as defined in section 10a-1, pursuant to subdivision (4) of
 382 subsection (g) of this section; (3) allowing students who received a
 383 failing score, as determined by the Commissioner of Education, on an
 384 end of the school year exam to take an alternate form of the exam; and
 385 (4) allowing those students whose individualized education programs
 386 state that such students are eligible for an alternate assessment to
 387 demonstrate competency on any of the five core courses through
 388 success on such alternate assessment.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	10-14n
Sec. 2	<i>July 1, 2016</i>	10-145b(g)
Sec. 3	<i>July 1, 2016</i>	10-144o(7)
Sec. 4	<i>July 1, 2016</i>	10-198c(a)(2)
Sec. 5	<i>July 1, 2016</i>	10-223h(j)
Sec. 6	<i>July 1, 2016</i>	10-214(a)
Sec. 7	<i>from passage</i>	10-91g(c)
Sec. 8	<i>from passage</i>	10-91h
Sec. 9	<i>from passage</i>	2-90(i)
Sec. 10	<i>from passage</i>	10-16nn(a)
Sec. 11	<i>July 1, 2016</i>	10-145d(h)
Sec. 12	<i>July 1, 2016</i>	New section
Sec. 13	<i>July 1, 2016</i>	New section
Sec. 14	<i>July 1, 2016</i>	10-221a(b) to (d)

ED *Joint Favorable Subst.*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 17 \$	FY 18 \$
Education, Dept.	GF - Delays Cost	3.4-6 million	None

Note: GF=General Fund

Municipal Impact:

Municipalities	Effect	FY 17 \$	FY 18 \$
Local and Regional School Districts	Delays Cost	14-21 million	None
Local and Regional School Districts	STATE MANDATE - Cost	less than 500 per district	less than 500 per district

Explanation

The bill delays, by one year, implementation of the scheduled changes to the state's high school graduation requirements. This will result in a significant cost savings for local and regional school districts. It is anticipated that local and regional school districts would have incurred costs ranging from \$14 million to \$21 million (statewide) to implement the expanded high school graduation requirements. These costs will be delayed for one year.

Additionally, the delay will result in a cost savings to the State Department of Education (SDE). It is anticipated that SDE would have incurred costs ranging from \$3.4 million to \$6 million to develop the model curriculum and prepare local and regional school districts for the change in curriculum. These costs will be delayed for one year.

The bill also requires public school superintendents to recommend in writing to students' parents or guardians that their child be examined by a licensed optometrist or ophthalmologist. This could result in an additional minimal cost to districts, associated with

mailing and supplies. It is anticipated that the additional cost would be less than \$500 per district.

The Out Years

The delay in costs is only for FY 17. The on-going costs for mailings would continue into the future subject to inflation.

OLR Bill Analysis

sHB 5550

AN ACT CONCERNING VARIOUS REVISIONS AND ADDITIONS TO THE EDUCATION STATUTES.

SUMMARY:

This bill makes the following changes to the education statutes:

1. requires the State Department of Education to provide local and regional boards of education with mastery exam scores by August 15 of each school year following their administration (§ 1);
2. postpones for two years the requirement that a person hold a master's degree in a subject matter area determined by the State Board of Education (SBE) in order to earn a professional educator certificate (see BACKGROUND), from July 1, 2016 to July 1, 2018 (§§ 2-3);
3. narrows the definition of "absence" used to calculate student absenteeism rates in public school districts by removing any in-school suspension greater than or equal to a half school day (§ 4);
4. establishes a specific date by which the education commissioner must make reports to the Education Committee on the Commissioner's network of schools and requires the committee to meet annually with the commissioner to discuss such reports (§ 5);
5. requires public school superintendents to recommend in writing to students' parents or guardians that their child be examined by a licensed optometrist or ophthalmologist if such child is found to have a vision defect or eye disease during an in-school exam (§ 6);

6. changes the frequency of private special education provider audits and requires boards of education and such private providers to provide auditors with certain information (§§ 7-9);
7. adds the Chief Court Administrator, or the administrator's designee, to the membership of the Interagency Council for Ending the Achievement Gap (see BACKGROUND) (§ 10);
8. allows boards of education to employ candidates for marital and family therapist licensure in their schools to provide services to students and their parents or guardians (§ 11);
9. allows boards of education to establish a "Pipeline for Connecticut's Future" program, in which local or regional boards of education partner with local businesses to offer on-site training and course credit (§ 12);
10. prohibits school employees from taking a student's personal mobile electronic device to access any data or content on the device or force such student to share data on the device, with some exceptions (§ 13); and
11. delays by one year the implementation of secondary school reforms enacted in 2010 that increase the number of credits required to graduate high school from 20 to 25 and requires school districts to offer students support and alternative ways to meet the new graduation requirements (§ 14).

The bill also makes several conforming and technical changes.

EFFECTIVE DATE: July 1, 2016, except the provisions about mastery exam scores, audits of private special education providers, and the Interagency Council for Ending the Achievement Gap take effect upon passage.

COMMISSIONER'S NETWORK REPORTS

By law, the Commissioner's network of schools is a program that selects certain low-performing schools to craft turnaround plans aimed

at improving student performance. The state supplies additional funds to help implement a school's turnaround plan once the education commissioner approves it.

Current law requires the commissioner to submit two annual reports to the Education Committee: one on the academic performance of each school in the network and another comparing and analyzing the academic performance of all schools in the network. The bill establishes a September 15, 2016 deadline for these reports and maintains their annual nature.

Additionally, current law requires the commissioner to submit a final report to the Education Committee on each school in the network after the schools' respective turnaround plans expire. This report evaluates each plan and the school's academic performance under the plan and also makes recommendations about the school's operation. The bill specifies that the commissioner must submit these final reports no later than September 15 after the expiration of the respective turnaround plans.

The bill also requires the Education Committee to meet annually, by September 30, with the commissioner and any other people it deems appropriate to discuss the above three reports, along with a report due January 1, 2020 under existing law in which the commissioner must evaluate the entire network and make recommendations about its operation.

AUDITS OF PRIVATE SPECIAL EDUCATION PROVIDERS

Existing law requires the Auditors of Public Accounts to examine the records and accounts of every private special education provider. The auditors' examination must include a compliance audit of whether the private provider expended state or local funds for allowable costs in accordance with (1) state and federal law and (2) the Individualized Education Program or individual services plan for each child receiving special education and related services from the provider.

Under the bill, the auditors may determine the frequency of such

audits as often as they deem necessary using a risk-based approach, rather than conducting an audit of each provider at least once every seven years as required by law. Additionally, the bill requires local and regional boards of education, as well as private providers, to give the auditors any information the auditors deem necessary in order to conduct the audit.

SEARCH OF MOBILE ELECTRONIC DEVICES

The bill prohibits school employees from taking a student's personal mobile electronic device to access any data or content on the device or force such student to share data on the device, with some exceptions.

Definitions

Under the bill, "mobile electronic device" refers to any hand-held or other portable electronic equipment that can communicate data between two or more people, including devices for (1) text messaging, (2) paging, (3) personal digital assistance, (4) laptop computing, (5) playing a video game or digital video disk, or (6) taking or transmitting digital images.

Also under the bill, "school employees" refers to the following individuals employed by a board of education or private elementary, middle, or high school: (1) teachers or substitute teachers; (2) school administrators or superintendents; (3) guidance counselors, psychologists, or social workers; (4) nurses or physicians; or (5) school paraprofessional or coaches.

It also refers to anyone who has regular contact with students in performing his or her duties and provides services to or on behalf of students enrolled in (1) public elementary, middle, or high school, pursuant to a contract with the local or regional board of education or (2) a private elementary, middle, or high school, pursuant to a contract with the private school's supervisory agent.

Exceptions

The bill allows school employees to search a student's mobile electronic device if the employee has reasonable individualized

suspicion that a student (1) has violated or is violating a school policy, and the device contains evidence of that or (2) poses a risk of imminent personal injury to himself or herself or others. The employee may search the device only if the following additional circumstances exist:

1. the device is on school grounds,
2. the search is strictly limited to finding evidence of the suspected policy violation (see COMMENT), and
3. the school employee immediately ceases searching the device once he or she finds sufficient evidence of the suspected violation.

The bill also requires the school employee to give a written report to the principal about the reasonable individualized suspicion that gave rise to the search immediately after searching a device. Additionally, the principal must notify the student whose device was searched and the student's parent or guardian within 24 hours of the search about the (1) suspected violation and (2) data that was accessed from the device during the search. As part of this notice, the principal must supply a copy of the employee's report.

The bill also prohibits school employees from copying, sharing, or transferring any data or information accessed on the student's device during the search that is unrelated to the suspected violation of an educational policy.

HIGH SCHOOL GRADUATION REQUIREMENTS

Starting with the class graduating in 2021, current law requires students to earn 25 credits in specified subjects, pass end-of-year examinations in five subjects, and complete a senior demonstration project to graduate from high school. It also requires school districts to provide adequate support and remedial services for students, starting with students in seventh grade in the 2015-16 school year.

The bill postpones the effective dates of these requirements by one

year. It requires the increased high school graduation requirements to take effect with the class of 2022 instead of the class of 2021 and requires school districts to provide support and remedial services for seventh graders starting in 2016-17 rather than 2015-16.

BACKGROUND

Professional Educator Certificate

This certificate is the highest level certificate for public school teachers. Prior to July 1, 2016, to earn this certificate a teacher must hold a provisional teaching certificate (the mid-level certificate), have taught at least three years, and completed at least 30 semester credit hours beyond a bachelor's degree. On and after that date, a teacher must hold a master's degree in an appropriate subject matter area related to the certification endorsement area, as determined by SBE (CGS 10-144o).

Interagency Council for Ending the Achievement Gap

This council is charged with assisting the achievement gap task force in developing its master plan, implementing the plan's provisions, and submitting annual progress reports on plan implementation to the Education Committee (CGS § 10-16nn).

COMMENT

Conflicting Authority for Student Device Search

The bill allows a school employee to search a student's personal mobile electronic device if the employee has reasonable individualized suspicion that a student (1) has violated or is violating a school policy, and the device contains evidence of that or (2) poses a risk of imminent personal injury to himself or herself or others. The bill then specifies three additional criteria that must exist for the employee to conduct such a search; two of which mention school policy violations; therefore, it is unclear if a search based on risk of imminent personal injury that does not implicate violation of a school policy would be permissible.

COMMITTEE ACTION

Education Committee

Joint Favorable Substitute

Yea 33 Nay 0 (03/18/2016)