



General Assembly

**Amendment**

February Session, 2016

LCO No. 6072



Offered by:

REP. FLEISCHMANN, 18<sup>th</sup> Dist.

SEN. SLOSSBERG, 14<sup>th</sup> Dist.

To: Subst. House Bill No. 5550

File No. 536

Cal. No. 338

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

1 Strike section 7 in its entirety and insert the following in lieu thereof:

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3 the general statutes is repealed and the following is substituted in lieu  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

5 (c) The Auditors of Public Accounts shall conduct the audit  
6 described in subsection (b) of this section as follows: (1) [At least once  
7 for each private provider] Using a risk-based approach, audits of  
8 private providers of special education services [during a period of  
9 seven years] will occur at a frequency the Auditors of Public Accounts  
10 deem necessary, except that no private provider of special education  
11 services shall have its records and accounts so examined more than  
12 once during such five-year period, unless the auditors have found a  
13 problem with the records and accounts of such private provider of  
14 special education services during such five-year period; (2) [as

15 practical, approximately half of such] audits [conducted in a year] shall  
16 be of private providers of special education services approved by the  
17 Department of Education and [approximately half of such audits  
18 conducted in such year shall be] of private providers of special  
19 education services not approved by the Department of Education; and  
20 (3) priority of conducting such audits, as practical, shall be given to  
21 those private providers of special education services (A) that receive  
22 the greatest total amount of state or local funds for the provision of  
23 special education services to students, (B) that provide special  
24 education services to the highest number of students for whom an  
25 individual services plan has been written by a local or regional board  
26 of education, and (C) that have a highest proportion of state and local  
27 funds for the provision of special education services in relation to their  
28 total operational expenses."

29 Strike section 13 in its entirety and insert the following in lieu  
30 thereof:

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

32 (1) "Mobile electronic device" means any hand-held or other  
33 portable electronic equipment capable of providing data  
34 communication between two or more individuals, including, but not  
35 limited to, a text messaging device, a paging device, a personal digital  
36 assistant, a laptop computer, equipment that is capable of playing a  
37 video game or a digital video disk or equipment on which digital  
38 images are taken or transmitted; and

39 (2) "School employee" means: (A) A teacher, substitute teacher,  
40 school administrator, school superintendent, guidance counselor,  
41 psychologist, social worker, nurse, physician, school paraprofessional  
42 or coach employed by a local or regional board of education or a  
43 private elementary, middle or high school or working in a public or  
44 private elementary, middle or high school; or (B) any other person  
45 who, in the performance of his or her duties, has regular contact with  
46 students and who provides services to or on behalf of students

47 enrolled in (i) a public elementary, middle or high school, pursuant to  
48 a contract with the local or regional board of education, or (ii) a private  
49 elementary, middle or high school, pursuant to a contract with the  
50 supervisory agent of such private school.

51 (b) No school employee may take custody of a student's personal  
52 mobile electronic device for purposes of accessing any data or other  
53 content stored upon or accessible from such device, or compel a  
54 student to produce, display, share or provide access to any data or  
55 other content stored upon or accessible from such device, except a  
56 school employee may take custody of a student's personal mobile  
57 electronic device if (1) such device is located on school property, and  
58 (2) the school employee has a reasonable suspicion that a student (A)  
59 has violated or is violating an educational policy and that such device  
60 contains evidence of the suspected violation, or (B) poses a risk of  
61 imminent personal injury to such student or others. Upon taking  
62 custody of a student's personal mobile electronic device, the school  
63 employee shall immediately turn over such device to a school  
64 administrator.

65 (c) A school administrator may conduct a search of a student's  
66 personal mobile electronic device seized pursuant to subsection (b) of  
67 this section. Any such search shall (1) be strictly limited to finding  
68 evidence of the suspected policy violation or to prevent imminent  
69 personal injury to such student or others, and (2) immediately cease  
70 upon (A) finding sufficient evidence or no evidence of the suspected  
71 violation, or (B) preventing such imminent personal injury to such  
72 student or others. Immediately after searching such device, the school  
73 employee shall report, in writing, to the principal the reasonable  
74 suspicion that gave rise to the search. Not later than twenty-four hours  
75 after the completion of the search, the principal shall notify the student  
76 and the parent or guardian of the student of the suspected violation  
77 and what data was accessed from such device during the search of  
78 such device. The principal shall provide a copy of the report detailing  
79 the reasonable suspicion that gave rise to the search.

80 (d) No school employee shall copy, share or transfer any data or any  
81 information accessed on a student's personal mobile electronic device  
82 during a search of such device that is unrelated to the suspected  
83 violation of an educational policy or risk of imminent personal injury  
84 to such student or others."

85 After the last section, add the following and renumber sections and  
86 internal references accordingly:

87 "Sec. 501. Section 10-5 of the general statutes is repealed and the  
88 following is substituted in lieu thereof (*Effective July 1, 2016*):

89 (a) The Commissioner of Education shall, in accordance with this  
90 section, issue a state high school diploma to any person (1) who  
91 successfully completes an examination approved by the commissioner,  
92 or (2) who (A) is seventeen years of age and has been officially  
93 withdrawn from school in accordance with the provisions of section  
94 10-184 or is eighteen years of age or older, and (B) presents to the  
95 commissioner evidence demonstrating educational qualifications  
96 which the commissioner deems equivalent to those required for  
97 graduation from a public high school. Application for such a diploma  
98 shall be made in the manner and form prescribed by the commissioner  
99 provided, at the time of application to take the examination described  
100 in subdivision (1) of this subsection, the applicant is seventeen years of  
101 age or older, has been officially withdrawn from school, in accordance  
102 with section 10-184, for at least six months and has been advised, in  
103 such manner as may be prescribed by the commissioner, of the other  
104 options for high school completion and other available educational  
105 programs. For good cause shown, the commissioner may allow a  
106 person who is sixteen years of age to apply to take the examination,  
107 provided the commissioner may not issue a state high school diploma  
108 to such person until the person has attained seventeen years of age.

109 (b) Application to take or retake the examination described in  
110 subdivision (1) of subsection (a) of this section shall be accompanied  
111 by a money order or certified check in the nonrefundable amount of

112 thirteen dollars. This amount shall include the fee for the state high  
113 school diploma.

114 (c) No veteran, member of the armed forces, as defined in section  
115 27-103, or any person under twenty-one years of age shall be required  
116 to pay the fees described in subsection (b) of this section. The  
117 commissioner may waive any fee described in subsection (b) upon the  
118 submission of evidence indicating an inability to pay.

119 (d) The Commissioner of Education shall keep a correct account of  
120 all money received under the provisions of this section and shall  
121 deposit with the State Treasurer all such money received by said  
122 commissioner. Funds paid to a local or regional board of education  
123 under this section shall be deposited in the school activity fund  
124 established under section 10-237 and expended to defray the costs of  
125 such testing and related administration and information.

126 (e) The commissioner shall establish criteria by which an "honors  
127 diploma" may be issued for exemplary performance on the  
128 examination.

129 (f) Not later than September 1, 2017, the State Board of Education  
130 shall establish criteria by which a local or regional board of education  
131 may affix the Connecticut State Seal of Biliteracy on a diploma  
132 awarded to a student who has achieved a high level of proficiency in  
133 English and one or more foreign languages. For purposes of this  
134 subsection, "foreign language" means a world language other than  
135 English and includes American Sign Language and any language  
136 spoken by a federally recognized Native American tribe.

137 Sec. 502. Section 10-221a of the 2016 supplement to the general  
138 statutes is amended by adding subsection (k) as follows (*Effective July*  
139 *1, 2016*):

140 (NEW) (k) Commencing with classes graduating in 2018, and for  
141 each graduating class thereafter, a local or regional board of education  
142 may affix the Connecticut State Seal of Biliteracy, as described in

143 subsection (f) of section 10-5, as amended by this act, to a diploma  
144 awarded to a student who has achieved a high level of proficiency in  
145 English and one or more foreign languages, as defined in said  
146 subsection (f). The local or regional board of education shall include on  
147 such student's transcript a designation that the student received the  
148 Connecticut State Seal of Biliteracy.

149 Sec. 503. (*Effective from passage*) The Department of Education shall  
150 conduct a study regarding the October first reporting date for  
151 purposes of interdistrict magnet school enrollment, as prescribed in  
152 subdivision (1) of subsection (d) of section 10-264l of the general  
153 statutes. The study shall examine the feasibility of extending such  
154 reporting date by at least one calendar month, and shall include, but  
155 not be limited to, an analysis of how such extension will impact (1)  
156 magnet school operators and local and regional boards of education,  
157 and (2) state grants relating to interdistrict magnet schools, such as  
158 prior year adjustments and other reconciliations that are designed to  
159 keep school districts whole. Not later than January 1, 2017, the  
160 department shall submit such study and any recommendations to the  
161 joint standing committee of the General Assembly having cognizance  
162 of matters relating to education, in accordance with the provisions of  
163 section 11-4a of the general statutes.

164 Sec. 504. Subsection (d) of section 10-7600 of the 2016 supplement to  
165 the general statutes is repealed and the following is substituted in lieu  
166 thereof (*Effective July 1, 2016*):

167 (d) For the school year commencing July 1, [2016] 2017, and each  
168 school year thereafter, if the department purchases a digital  
169 individualized education program under this section, the department  
170 shall initially provide such digital individualized education program  
171 form software to [fifty per cent of the local and regional boards of  
172 education and to fifty per cent of the technical high schools under the  
173 jurisdiction of the technical high school system] at least ten local or  
174 regional boards of education, one of which may be the technical high  
175 school system. For the school year commencing July 1, [2017] 2018, and

176 each school year thereafter, the department shall provide the digital  
177 individualized education program form software to [the remaining  
178 fifty per cent of the] each local and regional [boards] board of  
179 education and to the [remaining fifty per cent of the technical high  
180 schools under the jurisdiction of the] technical high school system.

181 Sec. 505. Section 10-4b of the 2016 supplement to the general statutes  
182 is repealed and the following is substituted in lieu thereof (*Effective July*  
183 *1, 2016*):

184 (a) Any resident of a local or regional school district, or parent or  
185 guardian of a student enrolled in the public schools of such school  
186 district who has been unable to resolve a complaint with the board of  
187 education of such local or regional school district may file with the  
188 State Board of Education a complaint in writing, or the state board  
189 may initiate a complaint, alleging the failure or inability of the board of  
190 education of such local or regional school district to implement the  
191 educational interests of the state in accordance with section 10-4a. If  
192 the state board, or its designee, finds such complaint to be substantial,  
193 it shall notify the local or regional board of such complaint and shall  
194 designate an agent who shall conduct a prompt investigation in  
195 accordance with procedures established by said state board and report  
196 the results of such investigation to the state board. The agent of the  
197 State Board of Education, in conducting an investigation, may  
198 summon by subpoena any records or documents related to the  
199 investigation. If the findings indicate that there is reasonable cause to  
200 believe that a local or regional board of education has failed or is  
201 unable to make reasonable provision to implement the educational  
202 interests of the state as defined in section 10-4a or that a local  
203 governmental body or its agent is responsible for such failure or  
204 inability, said state board shall conduct an inquiry. The State Board of  
205 Education shall give the board of education or a local governmental  
206 body or its agent involved the opportunity to be heard in accordance  
207 with the provisions of sections 4-176e to 4-184. Said state board may  
208 summon by subpoena any person whose testimony may be pertinent  
209 to the inquiry and any records or documents related to the provision of

210 public education in the school district. For purposes of this section,  
211 "public school" includes any school under the jurisdiction of a local or  
212 regional board of education, state or local charter school, as such terms  
213 are defined in section 10-66aa, interdistrict magnet school, technical  
214 high school, agricultural science and technology education center, as  
215 described in section 10-64, and incorporated or endowed high school  
216 or academy approved under the provisions of section 10-34; and "local  
217 or regional board of education" includes a local or regional board of  
218 education, governing council of a state charter school, interdistrict  
219 magnet school operator, as described in section 10-264l, regional  
220 educational services center, as defined in section 10-282, the technical  
221 high school system board, a cooperative arrangement committee  
222 established pursuant to section 10-158a, and the board of trustees of an  
223 incorporated or endowed high school or academy approved pursuant  
224 to section 10-34.

225 (b) If, after conducting an inquiry in accordance with subsection (a)  
226 of this section, the state board finds that a local or regional board of  
227 education has failed or is unable to implement the educational  
228 interests of the state in accordance with section 10-4a, the state board  
229 shall (1) require the local or regional board of education to engage in a  
230 remedial process whereby such local or regional board of education  
231 shall develop and implement a plan of action through which  
232 compliance may be attained, or (2) order the local or regional board of  
233 education to take reasonable steps where such local or regional board  
234 has failed to comply with subdivision (3) of section 10-4a. Where a  
235 local or regional board of education is required to implement a  
236 remedial process pursuant to subdivision (1) of this subsection, upon  
237 request of such local or regional board, the state board shall make  
238 available to such local or regional board materials and advice to assist  
239 in such remedial process. If the state board finds that a local  
240 governmental body or its agent is responsible for such failure or  
241 inability, the state board may order such governmental body or agent  
242 to take reasonable steps to comply with the requirements of section 10-  
243 4a. The state board may not order an increase in the budgeted

244 appropriations for education of such local or regional board of  
245 education if such budgeted appropriations are in an amount at least  
246 equal to the minimum budget requirement in accordance with section  
247 10-262j. If the state board finds that the state is responsible for such  
248 failure, the state board shall so notify the Governor and the General  
249 Assembly.

250 (c) Upon the failure of a local or regional board of education to  
251 implement a remedial process, or upon the failure of a local or regional  
252 board of education or local governmental body or its agent to comply  
253 with an order of the state board in accordance with subsection (b) of  
254 this section, said state board may seek an order from the Superior  
255 Court to compel such board of education to implement a remedial  
256 process or to compel a local or regional board of education or local  
257 governmental body or its agent to carry out the order of the State  
258 Board of Education.

259 (d) The state board shall pursuant to the provisions of chapter 54  
260 adopt regulations concerning procedures for purposes of this section.

261 Sec. 506. Subsection (b) of section 10-157 of the general statutes is  
262 repealed and the following is substituted in lieu thereof (*Effective from*  
263 *passage*):

264 (b) A local or regional board of education may appoint as acting  
265 superintendent a person who is or is not properly certified for a  
266 probationary period, not to exceed one school year, with the approval  
267 of the Commissioner of Education. During such probationary period  
268 such acting superintendent shall assume all duties of the  
269 superintendent for the time specified and shall successfully complete a  
270 school leadership program, approved by the State Board of Education,  
271 offered at a public or private institution of higher education in the  
272 state. At the conclusion of such probationary period, such appointing  
273 local or regional board of education may request the commissioner to  
274 grant (1) a waiver of certification for such acting superintendent  
275 pursuant to subsection (c) of this section, or (2) a one-time extension of

276 such probationary period, not to exceed one additional school year, if  
 277 the commissioner determines that such board of education has  
 278 demonstrated a significant need or hardship for such extension."

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|---|---------------------|-------------|
| This act shall take effect as follows and shall amend the following sections: |                     |             |
| Sec. 7  | <i>from passage</i> | 10-91g(c)   |
| Sec. 13   | <i>July 1, 2016</i> | New section |
| Sec. 501  | <i>July 1, 2016</i> | 10-5        |
| Sec. 502  | <i>July 1, 2016</i> | 10-221a     |
| Sec. 503  | <i>from passage</i> | New section |
| Sec. 504  | <i>July 1, 2016</i> | 10-7600(d)  |
| Sec. 505  | <i>July 1, 2016</i> | 10-4b       |
| Sec. 506  | <i>from passage</i> | 10-157(b)   |