
OLR Bill Analysis

sHB 5446 (as amended by House "A," "B," "C," "D," "E" and "F")*

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

SUMMARY

This bill makes the following changes in the education statutes:

1. delays, by one year, the transition of the Technical Education and Career System (TECS) (formerly known as the technical high school system) into an independent state agency, separate from the State Department of Education (SDE) (§§ 7-17);
2. makes instruction on opioid use and related disorders part of the state's required public school program of instruction (§ 2);
3. requires the State Board of Education (SBE) to assist local and regional boards of education in including instruction related to Connecticut's "safe haven law" (see BACKGROUND) (§ 2);
4. creates a process to exempt small school districts from enrolling as Medicaid providers and other related state requirements (§ 21).
5. extends youth service bureau grant eligibility to bureaus who applied for grants in FY 18 (§ 1);
6. requires school districts' chronic absenteeism and prevention plans to include a way to collect and analyze data on student attendance, truancy, and chronic absenteeism for students with disabilities (§ 3);
7. requires SDE to identify effective truancy intervention models for boards of education that address the needs of students with disabilities and include them in a listing made available to the boards (§ 4);

8. establishes a 12-member task force to study high school interscholastic athletics programs and must submit its report to the Education Committee by January 1, 2019 (§§ 19 & 20); and
9. prohibits a board of education from denying certain students from enrolling in an agricultural science and technology education center (“vo-ag center”) (§ 22).

It makes other minor changes, including requiring (1) the Children’s Committee’s annual children’s report card to include, in addition to existing categories, data indicators according to disability (see BACKGROUND) (§ 5) and (2) the After School Committee to report recommendations to the Appropriations and Education committees to improve summer and after school programs (§ 6). The bill also makes technical and conforming changes.

*House Amendment “A” (1) removes a requirement that newly hired school nurses complete 12 hours of professional development during their first year on the job; (2) changes the deadline, from August 15, 2017 to August 15, 2018, for SDE to identify and list for school districts all effective truancy intervention models; and (3) requires the After School Committee to report on recommendations to improve summer and after school programs.

*House Amendment “B” delays by one year the transition of TECS into an independent state agency separate from SDE.

*House Amendment “C” (1) makes instruction on opioid use and related disorders part of the state’s required public school program of instruction, (2) eliminates a provision in the underlying bill making Connecticut’s “safe haven law” a required public school program of instruction and instead requires SBE to assist and encourage school districts to include safe haven instruction, and (3) requires the Department of Children and Families (DCF) to provide instructional materials related to the safe haven law to boards of education and SBE.

*House Amendment “D” establishes a task force to study high school interscholastic athletics programs and repeals a similar existing

law.

*House Amendment "E" creates a process to exempt certain boards of education from enrolling as Medicaid providers and other related state requirements.

*House Amendment "F" prohibits a board of education from denying certain students from enrolling in a vo-ag center.

EFFECTIVE DATE: July 1, 2018, except where noted below.

§ 1 — YOUTH SERVICE BUREAU GRANTS

By law, the education commissioner must establish a youth service bureau grant program that, within available appropriations, awards \$14,000 grants to eligible bureaus that have applied for grants during designated fiscal years, with prior approval of their town's contribution. Towns must contribute an amount equal to the state grant amount of \$14,000.

The bill extends grant eligibility to bureaus that applied to receive grants during FY 18 with prior approval of their town's contribution. Current law limits eligibility to FY 17 applicants.

By law, youth service bureaus coordinate community-based services that provide prevention and intervention programs for delinquent, pre-delinquent, pregnant, parenting, and troubled youths referred to them by schools, police, and juvenile courts, among others.

§§ 2 & 18 — INSTRUCTIONAL MATERIALS ON THE SAFE HAVEN LAW

Within available appropriations and resources, the bill requires SBE to assist and encourage boards of education to include instruction related to the safe haven law. It also requires DCF to provide instructional materials related to the safe haven law to (1) SBE by October 1, 2018 in order to assist SBE in meeting this responsibility and (2) upon their request, to boards of education.

§ 3 — CHRONIC ABSENTEEISM AND PREVENTION PLANS

By law, SDE must develop a chronic absenteeism and prevention plan for use by local and regional school boards. The plan must include the means for collecting and analyzing data relating to student attendance, truancy, and chronic absenteeism. The data must be disaggregated by school district, school grade, and specified subgroups such as race, ethnicity, and gender. The bill adds students with disabilities to the list of data subgroups.

§ 4 — TRUANCY INTERVENTION MODELS

Existing law requires SDE to identify effective truancy intervention models for local and regional boards of education. The bill requires SDE to include intervention models that address the needs of students with disabilities. It also extends the deadline, from August 15, 2017 to August 15, 2018, by which SDE must make a listing of all approved intervention models available to boards.

§ 6 — AFTER SCHOOL COMMITTEE REPORT

The bill requires the After School Committee to report on recommendations to the Appropriations and Education committees to improve summer school after school programs by February 1, 2019. By law, the education commissioner, in consultation with the social services commissioner and the Commission on Women, Children, and Seniors executive director, appoint the members.

The report, and any recommendations for legislation, must address on how to better coordinate, expand, finance, and improve the quality, accessibility, and affordability of summer and after school programming for school-age children in all settings.

§§ 7-17 — ONE YEAR DELAY IN MAKING TECHNICAL HIGH SCHOOL SYSTEM AN INDEPENDENT AGENCY

The bill delays, by one year, the mandated steps that transition TECS into an independent agency, separate from SDE and SBE. This means the transition will be complete for the 2020-2021 school year.

EFFECTIVE DATE: Upon passage except the provision making TECS a separate budgeted agency is effective July 1, 2020.

Under current law, the new position of TECS executive director, the agency head who is appointed by the governor, is created beginning July 1, 2019. The bill delays this until July 1, 2020. It also delays by one year, until July 1, 2020, the (1) elimination of SBE as the system's oversight body and (2) the creation of the new TECS board to oversee the new agency. It also makes corresponding delays, from July 1, 2019 to July 1, 2020, for the new board's and executive director's budget making responsibilities and conforming changes related to the elimination of SBE's oversight and the creation of the new TECS board.

The bill extends for one additional year, from June 30, 2020 to June 30, 2021, the current TECS board's existing authority to recommend a superintendent candidate to the education commissioner, who may hire or reject the candidate. Similarly, under the bill, the term of office for a superintendent who is hired this way expires June 30, 2021, rather than June 30, 2020.

Further, the bill delays, from July 1, 2020, to July 1, 2021, the new TECS board's authority to recommend a candidate for TECS superintendent to the TECS executive director, who may hire or reject a candidate. The superintendent is in charge of the system's educational program.

The bill also adds two additional fiscal years to the period that SBE is required to hire a consultant to assist the TECS board with the system transition plan. Under current law, the consultant requirement is for FY 18, and the bill extends it to FYs 19 and 20.

It also requires SDE to provide two additional years of training to TECS staff who will perform central office and administrative functions in the new system. Instead of the training requirement ending with FY 19, it must continue until the end of FY 20.

The bill also makes conforming changes related to adding TECS to the statutory list of executive branch agencies and the executive director as a department head. It also makes other minor and conforming changes.

§§ 19 & 20 — TASK FORCE ON INTERSCHOLASTIC ATHLETICS PROGRAMS

The bill creates a 12-member task force to study the governance, financing, general conduct, and role of high school interscholastic athletics programs in Connecticut. It establishes the task force study scope and membership.

EFFECTIVE DATE: Upon passage

Study Scope

The task force study must examine, but is not limited to, the following topics:

1. barriers to participating in sanctioned interscholastic athletic activities,
2. the impact of non-sanctioned activities on interscholastic sports participation,
3. financing of interscholastic athletic teams,
4. policies regarding school districts' performance reviews of interscholastic athletics,
5. the athletic season's length for specific sports and restrictions on participating in interscholastic athletics,
6. academic requirements for interscholastic athletics participation,
7. participant and spectator safety and sportsmanship, and
8. issues on participation of students enrolled in private schools and schools of choice.

The task force must submit its findings and recommendations to the Education Committee by January 1, 2019. It terminates on that date or the date it submits the report. The Education Committee's administrative staff serve as the task force's staff.

Membership

The bill requires each of the six legislative leaders to appoint one task force member, who may be a legislator. The task force must also include the following six members (it does not specify who appoints them):

1. one Connecticut Interscholastic Athletic Conference representative,
2. one Connecticut High School Coaches Association representative,
3. one Connecticut Athletic Directors Association representative,
4. one Connecticut Association of Boards of Education representative,
5. one Connecticut Association of Public School Superintendents representative, and
6. one Connecticut Parent Teacher Association representative.

The bill requires legislative leaders to make their appointments within 30 days after the bill's passage. The House speaker and Senate president pro tempore must select the task force chairpersons, who must schedule the first task force meeting within 60 days after the bill's passage.

The bill also repeals a law creating a similar body that was due to submit a report to the Education Committee by January 1, 2018.

§ 21 — EXEMPTION FOR BOARDS OF EDUCATION AS MEDICAID PROVIDERS

The bill creates a process to exempt certain local and regional boards of education from existing requirements to (1) enroll as Medicaid providers, (2) participate in the Department of Social Services' (DSS) Medicaid School-Based Child Health Program (SBCH Program), and (3) submit billable service information electronically to DSS or its billing agent. The SBCH Program enables school districts to seek federal Medicaid reimbursement for covered special education

services (e.g., assessment and occupational therapy) provided to an eligible student with disabilities pursuant to his or her individualized education plan.

The bill allows a board of education with a student population of fewer than 1,000 students to conduct a cost benefit analysis, in a form DSS prescribes, to determine whether the cost of Medicaid participation exceeds the revenue it would generate for the board.

Under the bill, a board of education may be exempted from these requirements after the cost benefit analysis (presumably, by DSS). But it must complete and submit the analysis to DSS every three years in order to remain exempt. (The bill does not specify the circumstances under which DSS is authorized or required to exempt boards from the requirements.)

The bill also requires, by September 1, 2018, the DSS commissioner to develop a cost benefit analysis model and determine the feasibility of directly certifying students as Medicaid eligible on behalf of a local or regional board of education.

EFFECTIVE DATE: Upon passage

§ 22 — VO-AG CENTER ENROLLMENT

The bill prohibits a board of education from denying, or otherwise prohibiting, any student under its jurisdiction from enrolling in a vo-ag for the 2018-19 school year provided the student:

1. was enrolled in a vo-ag center during the 2017-18 school year or
2. received a notice on or before April 1, 2018, that he or she was admitted for enrollment in a vo-ag center for the 2018-19 school year.

Vo-ag centers are regional high schools that provide vocational agricultural education in addition to the comprehensive education provided at other high schools. Each center serves a multi-town region with local districts sending students interested in agriculture to the vo-

ag center.

EFFECTIVE DATE: Upon passage

BACKGROUND

Safe Haven Law

The safe haven law allows a parent or a parent's lawful agent to voluntarily give up custody of an infant, age 30 days or younger, to the nursing staff of an emergency room without being subject to arrest for abandonment. The law does not protect the parent from being arrested and criminally prosecuted if abuse or neglect has occurred (CGS §§ 17a-57 to 17a-61).

Children's Committee Annual Report Card

By law, the Children's Committee must maintain an annual report card evaluating the progress of state policies and programs in promoting the result that all Connecticut children grow up in a stable living environment, safe, healthy, and ready to lead successful lives. Progress must be measured by primary indicators, such as statewide rates of child abuse, child poverty, low birth weight, and third grade reading proficiency. Each progress indicator presents data by ethnicity or race, gender, geography, and, where appropriate, age and other characteristics (CGS § 2-53m of the 2018 supplement).

COMMITTEE ACTION

Education Committee

Joint Favorable Substitute

Yea 35 Nay 0 (03/23/2018)