
OLR Bill Analysis

sSB 183 (File 269, as amended by Senate "A")*

AN ACT IMPLEMENTING THE RECOMMENDATIONS OF THE DEPARTMENT OF EDUCATION.

SUMMARY

This bill makes changes in state education law related to (1) the use of seclusion in schools, (2) the State Board of Education's (SBE) authority to suspend or place on probation a teacher's credential, (3) teacher certification and subject area endorsements, and (4) magnet school grants.

*Senate Amendment "A" (1) extends the deadline for a local board of education to establish a policy for exclusionary time out from July 1, 2018 to January 1, 2019, and specifies exclusionary time out cannot be used as a planned student intervention; (2) eliminates the provision that makes a teacher certification endorsement for grades one through six valid for kindergarten through grade six, and instead gives the education commissioner discretion to allow a teacher with a grades one through six endorsement to teach kindergarten under certain conditions; (3) changes the payment date for one magnet school transportation grant; (4) adds a provision exempting certain adult education teachers from background checks, and (5) eliminates the provision related to professional development for certain kindergarten teachers.

EFFECTIVE DATE: July 1, 2018

§ 4 — EXCLUSIONARY TIME OUT AS SEPARATE FROM SECLUSION

Existing law, unchanged by the bill, provides a number of limits and safeguards related to using restraints and seclusion in public schools (see BACKGROUND). The bill adds the term "exclusionary time out" to the law and makes it a separate category from seclusion. It

defines exclusionary time out as “a temporary, continuously monitored separation of a student in a non-locked setting away from an ongoing activity for the purpose of calming or deescalating such student's behavior.” By law, seclusion is the involuntary confinement of a student in a room that the student is prevented from leaving. Under the bill, seclusion does not include exclusionary time out.

By law, seclusion can only be used as an emergency intervention to prevent immediate or imminent injury to the student or others, as long as it is not used (1) as discipline or for convenience and (2) instead of a less-restrictive alternative. The bill also bans seclusion as a planned intervention in a student's behavioral intervention plan, special education individual education plan, or “504 plan” (i.e., the accommodation plan for a student under the federal Rehabilitation Act of 1973).

The bill requires each local or regional board of education to establish, by January 1, 2019, a policy regarding the use of exclusionary time out. The local policies must include, at a minimum, requirements that:

1. exclusionary time out cannot be used as a form of discipline;
2. at least one school employee must remain with the student or be immediately available to the student so that the student and employee can communicate verbally throughout the time out;
3. the space used for an exclusionary time out is clean, safe, sanitary, and appropriate for calming or deescalating the student's behavior;
4. exclusionary time out must end as soon as possible (the bill does not include a limit); and
5. if the student requires special education services or is being evaluated for them and is awaiting a determination, and the intervention and strategy in use is failing to address the student's problematic behavior, then the student's planning and

placement team must meet as soon as is practicable to determine an alternative intervention or strategy.

§ 5 — SBE’S AUTHORITY TO REVOKE, SUSPEND, OR PLACE A TEACHER’S CREDENTIAL ON PROBATION

The bill allows SBE to suspend a teacher’s certificate, permit, or authorization (“credential”) or to place a teacher’s credential on probation in certain discipline cases. Under current law, the SBE can only revoke a credential.

Current law prohibits a teacher whose credential has been revoked from working in a public school during the revocation. The bill also bans a person from employment in a public school if his or her credential has been denied or suspended. Under the bill, if SBE places a credential on probation, the teacher may continue in the profession under conditions the commissioner sets.

The bill allows SBE to place on probation or suspend a credential under the same conditions it may revoke a credential, which include if the teacher:

1. obtained the credential through fraud or misrepresenting a material fact;
2. persistently neglected to perform the duties for which the credential was granted;
3. is professionally unfit to perform the duties for which the credential was granted;
4. is convicted in a court of law of a crime involving moral turpitude or of any other crime of such nature that in the opinion of the board allowing the person to remain credentialed would impair the standing of all board-issued credentials; or
5. other due and sufficient cause.

By law, unchanged by the bill, the commissioner must automatically revoke a teacher’s credential upon notification of conviction of any

crime from a specific statutory list (see BACKGROUND).

The bill allows SBE to consider and use disciplinary findings and conclusions from duly authorized agencies of another state, the federal government, the District of Columbia, a U.S. possession or territory, or a foreign jurisdiction when making decisions regarding a teacher in Connecticut.

The bill also permits SBE to adopt or revise regulations relating to SBE procedures for actions authorized in the bill.

§ 6 — CHANGING TEACHER CERTIFICATION ENDORSEMENT FOR GRADES ONE THROUGH SIX

The bill authorizes the education commissioner to allow a teacher with a teacher certification endorsement for grades one through six to teach kindergarten for one year if (1) the teacher holds the grades one through six endorsement issued on or after July 1, 2017 and (2) the superintendent requests the change to the commissioner. The commissioner cannot permit a teacher who uses the one year exception to teacher kindergarten under it again, except she may extend it for one additional school year if the teacher can demonstrate that he or she is enrolled in a program to meet the requirements for the appropriate endorsement to teach kindergarten.

§ 8 — EXTENDS DURATION OF THE TEMPORARY NON-RENEWABLE CERTIFICATION

This section extends the temporary non-renewable certification from one to three years. Current law allows certain holders to renew their one-year temporary certification for two additional years. Current law also allows four different paths for a person to be granted a temporary certification. The bill reduces this to three paths by eliminating one of the two paths for out-of-state teachers.

Under current law, a teacher may receive the temporary one-year non-renewable certification if he or she meets one of the following sets of criteria:

1. (a) was certified and taught for at least one year in another state

in which he or she resided during the year immediately preceding the application and (b) meets the certification requirements except for the competency examination and subject matter assessment;

2. has taught under an appropriate certificate issued by another state, U.S. territory or possession, the District of Columbia, or Puerto Rico for at least two years;
3. has graduated from a regionally accredited college or university teacher preparation program outside of the state and meets the certification requirements, except for the competency exam and subject matter assessment; or
4. is hired by a charter school after July 1 of a school year for a teaching position that school year, provided he or she could be reasonably expected to complete certain education and training requirements.

Under current law, the additional two year extension is available for those (1) working in bilingual education and seeking a bilingual certification or (2) who taught under an appropriate certification in another state, territory, or possession for at least two years. The bill eliminates the two year extension and instead allows anyone eligible for a temporary certification to get one for three years. It also specifically allows teachers hired by charter schools under the above-described conditions to get the certification.

The bill also replaces the other three one-year certification criteria with two three-year certification criteria, under which a teacher may get the temporary certification if he or she:

1. graduated from (a) a teacher preparation program at a regionally accredited college or university in another state or (b) an SBE-approved alternative route to certification (ARC) program, and meets the requirements for certification, except for certain testing requirements; or

2. successfully taught under an appropriate certificate issued by another state, U.S. possession or territory, the District of Columbia, or Puerto Rico for at least two of the 10 years preceding the application and meets the certification requirements, except successful completion of certain testing requirements.

§ 9 — FLEXIBILITY REGARDING READING AND HISTORY REQUIREMENTS IN ARC PROGRAM BY ALLOWING THE EQUIVALENT OF SEMESTER HOURS

By law, SBE must adopt teacher credential regulations. Current law requires regulations that state (1) for an initial education certificate with an elementary endorsement, an applicant must have completed at least three semester hours of a U.S. history survey course and (2) for an initial educator with an early childhood through grade three or an elementary endorsement, an applicant must have completed at least six semester hours of a comprehensive reading instruction course. The bill allows regulations to be adopted with the equivalent of the history and reading instruction courses to be substituted for these requirements.

§§ 1 & 2 — MAGNET SCHOOL ENROLLMENT DATA AND GRANTS

By law, the state makes magnet school per-student grants to magnet school operators twice a school year, with the second payment coming in May. The May payment is adjusted to reflect the actual number of students attending each magnet school as of October 1. The bill changes when the October 1 data is finalized from March 1 to January 31.

The bill specifies that (1) magnet school grants are paid to magnet school operators, rather than to magnet schools, and (2) the existing provision that limits a grant from exceeding the school's reasonable operating budget (less revenue from other sources), also applies, in aggregate, to the reasonable operating budgets of all of an operator's magnet schools.

§ 3 — EXTENDING AUTHORIZATION FOR MAGNET SCHOOL TRANSPORTATION GRANTS AND SUPPLEMENTAL TRANSPORTATION GRANTS

The bill extends the education commissioner's authority to give (1) *Sheff* magnet school transportation grants through FY 19 and (2) supplemental *Sheff* magnet school transportation grants through FY 18. The authority to award each grant expired in law on June 30, 2017.

For the supplemental grants, the bill specifies up to 70% of the grant will be paid on or before June 30, 2018, and the balance will be paid on or before September 1, 2018. It also makes conforming and technical changes.

§ 501 — EXEMPTS ADULT EDUCATION TEACHERS FROM BACKGROUND CHECKS

The bill exempts from criminal history and child abuse and registry background checks any person employed by a board of education as a teacher for a noncredit adult class or adult education activity who is not required to hold a teaching certificate for his or her position.

BACKGROUND

Restraint and Seclusion

State law limits how long students can be kept in allowable physical restraints or seclusion and specifies the types of locations in which a student may be secluded. It also bars school employees from using physical restraints on students or placing students in seclusion unless the employees have been properly trained. School boards must develop policies and procedures to (1) provide this training and (2) establish monitoring and internal reporting on the use of physical restraints and seclusion.

By law, school boards must (1) notify parents and guardians no later than 24 hours after a child has been placed in physical restraint or in seclusion and (2) make a reasonable effort to notify them immediately after the start of the physical restraint or seclusion.

School boards must also take certain steps for students placed in physical restraint or seclusion four or more times in 20 school days.

Convictions Requiring Automatic Revocation of Educational Credentials

By law, an educator's certificate, permit, or authorization to teach in the public schools is considered revoked as soon as the education commissioner is notified that the educator was convicted of any of the following crimes: a capital felony; arson murder; any class A felony; a class B felony, except first-degree larceny, first-degree computer crime, or first-degree vendor fraud; any crime involving child abuse or neglect; risk of injury to a minor; deprivation of a person's civil rights by a person wearing a mask or hood; second-degree assault of an elderly, blind, disabled, pregnant, or mentally retarded person, with or without a firearm; second-, third-, or fourth-degree sexual assault; third-degree sexual assault with a firearm; third-degree promoting prostitution; substitution of children (i.e., when a person entrusted with an infant returns another infant other than the one entrusted); third-degree burglary with a firearm; first-degree stalking; incest; obscenity as to minors; importing child pornography; criminal use of a firearm or electronic defense weapon; possession of a weapon on school grounds; or manufacture or sale of illegal drugs.

COMMITTEE ACTION

Education Committee

Joint Favorable Substitute

Yea 36 Nay 0 (03/19/2018)

Appropriations Committee

Joint Favorable

Yea 47 Nay 0 (04/24/2018)