

Education Committee JOINT FAVORABLE REPORT

Bill No.: SB-183

AN ACT IMPLEMENTING THE RECOMMENDATIONS OF THE DEPARTMENT
Title: OF EDUCATION.

Vote Date: 3/19/2018

Vote Action: Joint Favorable Substitute

PH Date: 2/26/2018

File No.:

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SPONSORS OF BILL:

Education Committee

REASONS FOR BILL:

This bill makes several revisions and additions to the existing education statutes that have been requested by the State Department of Education.

EFFECTIVE: JULY 1, 2018

Section 1 – Date when magnet school enrollment data is finalized

The bill changes date when magnet school enrollment data is frozen for purposes of magnet school grants. It changes the enrollment finalization date for the data or record from March 1 to January 31.

Section 2 – Minor change regarding grants to magnet schools

The bill specifies that magnet school grants are paid to magnet school operators, rather than to magnet schools.

Section 3 - Extending authorization for magnet school transportation grants and supplemental transportation grants

The bill extends the authority of the commissioner to give (1) *Sheff* magnet school transportation grants to FY 19 and (2) supplemental *Sheff* magnet school transportation grants (primarily goes to CREC) to FY 18 (Sec. 10-264i(a)(3) & (4)).

Section 4 – Creates definition of exclusionary time out as separate from seclusion

The proposal defines exclusionary time out “means 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.” It also requires all districts to adopt an

exclusionary time out policy that requires such time outs to end “as soon as possible.” Finally, the bill bans the use of seclusion in an IEP as a planned intervention.

Section 5 - State Board of Education’s authority to revoke, suspend or place a teacher’s certification on probation

The bill gives SBE the latitude to suspend a teacher’s certification or to place it on probation, rather than only have the ability to revoke a certification in discipline cases. SDE indicated this is intended to address situations when there may be misconduct that does not rise to the level of revocation, but still requires some level of a graduated response. Under the bill when a certification is suspended the person is not licensed to teach, but if the certification is placed on probation, the teacher is allowed to continue in the profession under conditions the commissioner sets. It also allows SBE to consider and use disciplinary findings and conclusions from duly authorized agencies of another state when making decisions regarding a teacher in Connecticut.

Sections 6 & 7 – Changing Teacher Endorsement for Grades 1-6 to K-6 and Related Professional Development

Section 6 makes teacher certification endorsement for grades 1 through 6 valid for Kindergarten through grade 6.

Section 8 – Extends the temporary non-renewable certification

This section extends the temporary non-renewable certification from 1 to 3 years without the need for a renewal during the three years and makes changes for out of state teachers who seek the temporary certification. Current law allows the one-year temporary certification to be renewed for two additional years for certain holders, so the total potential time does not change for them.

Under current law, the additional two years 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 also gives the three-year duration to those who (1) graduated from a regionally accredited teacher prep program and meet the certification requirements, except for successful completion of competency exam and subject matter testing or (2) were hired at a charter school in a teaching position and are reasonably expected to complete the requirements under the statute for a 90-day- temporary certification (10-145b(c) (1)(B) and (C)).

Under the current temporary certificate law, an out of state teacher can obtain the temporary certification in one of two different ways. The bill eliminates one of these ways and modifies the other.

Section 9 – Creates flexibility regarding reading and history requirements in ARC program by allow the equivalent of semester hours

Under current law, the State Board of Education must issue relations relating to teacher certification. Current law requires regulations that state (1) for an initial education certificate with an elementary endorsement an applicant must have completed a U.S. history survey course of not less than three semester hours and (2) for an initial educator with an early childhood through grade three or an elementary endorsement an applicant must have completed a comprehensive reading instruction course of at least six semester hours. Bill would allow “its equivalent” to be substituted for the history and reading instruction courses.

SUBSTITUTE LANGUAGE

Section 3

Adds the extended authorization for *Sheff* magnet school transportation grants (this was Sec. 1 of SB 8);

Section 4

Adds “continuously” to the definition of exclusionary time out and specifies that local policies must state that:

- Exclusionary time out cannot be used as a form of discipline.
- 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 throughout the time out.
- The space used for an exclusionary time out is clean, safe, sanitary and appropriate for the purpose of calming or deescalating such student's behavior.

Section 5

Makes conforming changes

Section 7

Adds a professional development requirement in early childhood education for certain kindergarten teachers in their first year of teaching.

Section 8

Contains the language that was previously in Section 7. It modifies some aspects of the out of state teacher qualifications by specifying that the two years of teaching in another state must have been “successful” and removes the option that the applicant could have just held a certificate in another state.

Section 9

No longer contains the modifications to the team program that were in the original bill. Instead, it contains the language that was previously in section 8 regarding creating flexibility regarding reading and U.S. history requirements in alternative route to certification programs by allowing equivalent semester hours.

RESPONSE FROM ADMINISTRATION/AGENCY:

Dianna R. Wentzell, Commissioner, State Department of Education:

Commissioner Wentzell testified on behalf of the Department and explained the requested revisions and changes as follows:

Section 1 - Changes the date when magnet school data is frozen for final calculation to pay the Education Cost Sharing grant to January 31st (from March 1st), the date when October 1st data collection is finalized a released. The Department is attempting to align the data used to pay all of their statutory and non-statutory grants, which will help significantly when it comes to making prior year adjustments.

Section 2 – Removes conflicting statutory language regarding different payment levels for the magnet school grant. This proposal aligns all of the payment language to say that magnet school grants are paid to the magnet school operators and not to the schools themselves.

Section 3 – Allows the Department to pay the Supplemental Magnet Transportation Grant to the Capital Region Education Council (CREC) to cover the costs associated with transporting students in the Hartford area in support of the Sheff initiative.

Section 4 – Provides a definition for exclusionary time out and clarifies the definitions of physical restraint and seclusion to align our definitions with language from IDEA and the Office of Civil Rights. Adding these definitions will assist the Department in clarifying their data as to when seclusion has been used and when it is really a time out.

Section 5 – Pertains to the actions the State Board of Education may take in situations of teacher misconduct. Currently it is all or nothing and the department is asking for the ability to have a more graduated response that closely mirrors Department of Public Health statutes pertaining to physician licensure. This language also allows the Department to access and consider disciplinary actions against a teacher from another state, but does not require us to take the same action.

Section 6 – Adds kindergarten back into the elementary teaching certificate. In 2012, the K-6 certification was changed to grades 1-6. The law was phased in and went into full effect on July 1, 2017. Since that time, the Department has been contacted by multiple candidates and districts asking that the K-6 certificate be reinstated so that principals can have the flexibility to fill a vacancy with an existing teacher should the need arise.

Section 7 – This extends the non-renewable temporary certificate for out of state teachers from 1 year to 3 years. The legislature passed a bill last year allowing the 1 year certificate to be extended up to 2 times, so in an effort to save Department staff time processing renewals, we would like to allow all applicants to have 3 years to complete the requirements to become certified. This section also eliminates the state of residence as a basis for eligibility. The more important factor is whether the preparation program is regionally accredited, not the state in which the program is located. Lastly, this proposal requires for the 2 years of successful teaching experience a candidate needs to have completed in another state, to have happened within the last 10 years. That requirement is consistent with other sections of the certification statutes.

Section 8 – In order to obtain an initial educator certificate endorsed in early childhood or elementary education, there are requirements for completing “semester hours” (i.e. earning credits) in both Reading and U.S. History. This is a problem for our non-credit bearing Alternative Routes to Certification Programs (ARC), which require the same amount of seat time as the credit bearing programs, but cannot meet the statutory requirement to issue credits. Current law has forced ARC programs to partner with institutions of higher education, which results in candidates having to pay twice, once for the ARC program and again to receive the credits. The Department is proposing to add “or the equivalent” when the statute calls for semester hours.

Section 9 – This pertains to the Teacher Education and Mentoring Program (TEAM). With the complete elimination of all state funds to support this program, the Board is looking to

remove some of the more burdensome requirements of the TEAM statute that effect both the Department and the local and regional boards of education. This will not remove the requirement for beginning teachers to have guided teacher support within the district during their first year in the classroom and meet other benchmarks outlined in the statute, but will provide some mandate relief.

Attorney Sarah Eagan, Child Advocate, State of Connecticut (OCA):

Sarah Eagan, the Child Advocate for the State of Connecticut, testified specifically on section 4 of the bill which seeks to provide a definition for exclusionary time out and clarifies the definitions of physical restraint and seclusion.

According to Attorney Eagan, the Office of the Child Advocate (OCA) believes that the State needs to continue to reduce the use of restraint and seclusion for children in Connecticut schools and provided statistics in her written testimony to support this belief.

She went on to explain that the OCA has some concern that a soft definition of time out, may still result in over-reliance on isolation for children with disabilities, but that they could support S.B.183 with additional suggested amendments that would accomplish the following:

- Add clarification to the distinction between time-out and seclusion.
- Ensure continuous monitoring of a child in seclusion.
- Ensure consistency in the proposed language regarding the elimination of planned seclusion from a child's IEP (notice the reporting and data collection provisions).

She informed the committee that the OCA's suggested amendments were emailed to the committee with her testimony.

NATURE AND SOURCES OF SUPPORT:

Sections 1 & 2 - None Expressed

SECTION 3

Greg J. Florio, Ed.D, Executive Director, Capitol Region Education Council (CREC):

Mr. Florio testified that CREC supports the portion of S.B. 183 that extends the ability of the State Department of Education to pay supplemental Sheff transportation funding to CREC, but opposes the proposed timeline for that repayment. He explained that prior to FY2017, the balance payment was paid on or before September 1st. Under current law, and in this bill, the deadline forces CREC to wait an additional nine months, until May. CREC is asking that the bill be changed to revert to the prior payment schedule so that they receive the final payment on or before September 1, 2018. He expressed that if the timeline in the proposed bill is not adjusted, it may be financially impossible for CREC to continue its contract with the State to provide transportation for Sheff programs because of cash-flow issues. To date, SDE owes CREC \$4.5 million for transportation services for Sheff programs during the 2016-2017 school year.

Section 4

Susan Kelley, Director, Alliance for Children’s Mental Health (ACMH):

Susan Kelley testified on behalf of ACMH and explained that in 2009 the U.S. Department of Health and Human Service issued a report emphasizing that the use of seclusion and restraint is ineffective, dangerous, and traumatic. In response, in 2015 Connecticut prohibited physical restraint and seclusion in schools except “as an emergency intervention to prevent imminent injury to the student or others.” She also explained that ACMH supports section 4, and its clarification of the terms “restraint,” “seclusion,” and “exclusionary timeout” because she believes this will clarify what is permissible under the law and ensure that these strategies are being used appropriately. ACMH supports most of the definitions as proposed, but believes that additional language may be required so that a time out is carried out for its intended purpose. ACMH believe that the additional language suggested by Sarah Eagan, Child Advocate would address this issue.

Connecticut Association of Boards of Education, Inc. (CABE):

CABE submitted testimony supporting section 4 of the bill because they believe it is important that school staff have the ability to use this strategy rather than it being a prohibited physical restraint for the well- being of the individual student and others. CABE suggests that the date by which boards must establish a policy on “exclusionary time out” be changed from July 1, 2018 to October 1, 2018 to give boards more time to draft a policy.

Dr. Karissa L. Niehoff, Executive Director, Connecticut Association of Schools (CAS):

CAS submitted testimony in support of Section 4. Specifically, they appreciate the clarification that an “exclusionary time out” is NOT included in the terms “Physical restraint” or “seclusion.” Under current law there is some confusion among teachers and administrators as to whether or not exclusionary time outs are prohibited or considered to be a form of physical restraint or inappropriate seclusion. CAS believes that there are a multitude of situations for which temporarily separating a student from the main body of the class or main activity is an appropriate behavioral intervention.

Judy Goldberg, Vice President of Government Relations (CT PTA):

CT PTA submitted testimony in support of this section of the bill because they acknowledge that the use of seclusion and restraint are sometimes necessary; but explained their position that “The use of seclusion must include constant direct monitoring of the welfare of the student, including the ability for immediate intervention and, facilities used for seclusion must allow self-egress in case of emergencies, must comply with life safety codes for confinement, and must be designed to keep children safe; and restraint and seclusion should not be utilized as an intervention in a treatment or behavior plan or an educational plan.” They also would like to see the law contain a more clear definition of emergency. They suggested the “an unanticipated and already occurring event that is placing the individual or others in imminent danger of physical harm.”

Kathryn Meyer, Center for Children's Advocacy (CCA):

CCA submitted testimony in support of section 4. They particularly support the provision that removes seclusion as a planned intervention in a student’s Individualized Education Plan. Their testimony included an anecdote about a 6 year old boy named Justin with mental health issues, who has been secluded for almost 2000 minutes over the past 1.5 years and is subsequently being treated for PTSD. They also endorsed the amended language offered by the Office of the Child Advocate. CCA believes that the OCA’s language will add clarification to the distinction between an exclusionary time out and seclusion; ensure continuous

monitoring of a child in seclusion; and ensure consistency in the proposed language regarding the elimination of planned seclusion from a child's IEP.

Lauren Ruth, Advocacy Director-Connecticut Voices for Children (CVC):

Lauren Ruth testified on behalf of Connecticut Voices for Children in support of Section 4 of S.B. 183. CVC supports the intent of the legislation because they are concerned by *any* use of restraint or seclusion for children. They think the proposed clarification of the definition of restraint should be strengthened to say “any use of force” as opposed to just “forcible movement.” They also have concerns that as written, the definition of “exclusionary Time out” could be confused with “planned seclusion.” To alleviate this confusion they offered the following additional recommendations:

- Statutorily define what an appropriate space for exclusionary time out is
- Provide a method for documenting the use of time outs
- Provide a method for documenting that the educator or administrator recommending the time out for that student has expertise in trauma-informed behavioral supports
- Add a requirement that a student be assessed for unmet educational needs following the use of a time out.

Patricia Buell, Superintendent of Schools, Town of Brooklyn:

Patricia Buell submitted testimony supporting section 4 and explained that sometimes a temporary, monitored separation, in a non-locking setting is necessary for the purpose of calming or deescalating student behavior. She went on to say that sometimes students require alternative strategies to get themselves regulated and ready to learn and these strategies can't always happen in the classroom without causing a significant disruption for the other children or possible trauma.

Section 5

Jennifer Ellis, Director of Research & Policy-ConnCAN:

Jennifer Ellis delivered testimony on behalf of ConnCAN in support of section 5 as they believe it would be beneficial for SDE to have greater flexibility to handle educator misconduct by allowing them to suspend, or place on probation, a teacher's certification. ConnCAN believes these changes are a step in the right direction but do not go far enough to empower superintendents and school leaders to hire the best candidates for their communities. If we can hold leaders accountable for equity and results in hiring we will allow Connecticut to compete for top talent.

Michele Ridolfi O'Neill, Educational Issues Specialist, CT Education Association (CEA):

CEA does not support or oppose this provision but did express in written testimony that they are concerned about unintended consequences, such as caseload expansion at the State Board of Education. **CEA reserves judgement on this proposal pending legal review.**

Section 6

Justin Boucher, Executive Director, Educators for Excellence:

Justin Boucher testified that Educators for Excellence supports this section because keeping kindergarten separate from the 1-6 teaching certificate is an obstacle making it more difficult for people to join the teaching profession in Connecticut. He went on to say that adding

kindergarten back into the elementary certification also provides districts much needed staffing flexibility in filling vacancies.

Jennifer Ellis, Director of Research & Policy-ConnCAN:

Jennifer Ellis testified that ConnCAN supports adding kindergarten back into the elementary teaching certification.

Fran Rabinowitz, Executive Director-CAPSS

Fran Rabinowitz acknowledged the importance of kindergarten and how important it is that we have very well prepared teachers, but she believes that many grade 1-6 teachers have what it takes to teach kindergarten. By adding kindergarten back in to the certification we will provide flexibility for districts and provide more competent candidates to the job pool.

The individuals and groups below also submitted testimony supporting Section 6 for similar reasons as those cited above.

Karissa Niehoff, Executive Director-Connecticut Association of Schools
Michele Ridolfi O'Neill, Educational Issues Specialist –CEA
Ryan Brown, member, Educators for Excellence

Section 7

Justin Boucher, Executive Director-Educators for Excellence:

Justin Boucher shared in his testimony that Educators for Excellence supports making the temporary permits valid for three years instead of one to eliminate costs and bureaucracy. This would help teachers by reducing the cost for teacher candidates which could make it easier for a wide variety of people to enter the profession.

Jennifer Ellis, Director of Research & Policy-ConnCAN:

Jennifer Ellis testified that lengthening the temporary permit process is a step in the right direction, but “this proposal does not address the issue that many of our permits and pathways intended to create flexibility for an educator’s initial entry into our certification system often lead to dead ends”. “We need to establish a streamlined system to allow temporary permit holders to obtain full, professional certification”. Jennifer Ellis also pointed out that this proposal as written will limit temporary permits by removing a category of eligible candidates (those who live out of state, are licensed by another state and have successfully taught for one year) and restricting another(those holding or teaching under out of state certification for at least 2 years). ConnCAN does not support any measures that limit the pool of eligible candidates

The individuals and groups below also submitted testimony supporting Section 7 for similar reasons as those cited above.

Connecticut Association of Boards of Education, Inc. (CABE)
Niehoff, Karissa, Executive Director-Connecticut Association of Schools

Section 8

Jennifer Ellis, Director of Research & Policy-ConnCAN:

Jennifer Ellis expressed ConnCAN's support for this section but added that they believe that equivalent semester hours should be extended to other subject areas, not just reading & U.S. History. ConnCAN believes this because our state does not have enough teachers to teach in our highest-need communities and in critical subject areas. Every year, about 6 of every 10 unfilled teaching positions exist due to a lack of qualified candidates.

NATURE AND SOURCES OF OPPOSITION:

Sections 1-5 – None Expressed

Section 6

Paige Bray, Early Childhood Educator:

Paige Bray opposes adding kindergarten back into the elementary teaching certificate because she believes that kindergarten is a year of critical development and that those who teach it need to have specific early childhood education training. They specifically need training in child development, preparation in early identification and intervention, and experience working with children and families.

Section 7 – None Expressed

Section 8

Michele Ridolfi O'Neill, Educational Issues Specialist –CEA:

CEA submitted testimony opposing this section because they are concerned that the "equivalent" course work language is vague and undefined. They do not support measures that diminish the rigor of teacher preparation programs which compromise the status of the profession.

Section 9

Justin Boucher, Executive Director-Educators for Excellence:

Justin Boucher testified that Educators for Excellence believes that TEAM is a valuable program for new teachers because it helps them transition into the classroom and has been proven to increase retention. In light of last year's cuts, Educators for Excellence understands the tough decisions that the state had to make to ensure the programs sustainability but is hoping that the state will consider restoring funding. They do however appreciate the additional flexibility for districts in implementing the program provided in this legislation.

Michael Brosnan, New Teacher Coordinator, Bridgeport Public Schools, TEAM Program:

Mr. Brosnan discussed his strong support for the TEAM program and expressed how financially devastating it will be for the large urban districts, in particular to have the costs of facilitating and funding the program shifted to them. According to his testimony, having to provide the TEAM mentors with their \$500 statutorily required stipend will cost the City of Bridgeport an unexpected \$91,000 this year, and since the RESCs will no longer be paying for the TEAM dashboard, the Bridgeport School District will need to pay an additional \$27,300 as well. Since the large urban districts employ a larger number of new teachers,

these costs are disproportionately larger for them compared to the smaller suburban districts. He also explained that leaving so much to the districts will adversely affect new teacher preparation because of the ambiguity in the expectations passed down for SDE. Leaving so much to the districts will mean that beginning teachers will face inequitable expectations and inconsistent requirements because of the different levels of resources available in districts around the state. He is asking that the State consider funding and supporting the program in the future.

Katherine Field, Teacher Development Specialist, Connecticut Education Association, TEAM Program:

Ms. Field testified that CEA opposes section 9 because TEAM is an award winning and highly successful program that has won national recognition and benefited thousands of teachers across the state. According to her testimony, over 75% of novice teachers attribute their decision to remain in the profession to the support they received through TEAM; therefore, the lack of funding and the shift to local administration will hurt the development of new teachers and will decrease retention rates. She also explained that the increase in costs shifted to the local districts by the budget will have a disproportionate impact on the large urban districts with the highest percentage of beginning teachers. CEA opposes both the dismantling of the program and the lack of state funding for it.

Robert Riccitelli, Executive Union Representative, SVFT:

Robert Riccitelli testified that he supports the TEAM program and though it is imperfect, TEAM provides structured support for new teachers by providing them a veteran mentor to guide them through their first year and answer questions. He believes the proposed changes make sense given the fact that the program is not being funded but believes the program is too important for the state to not make it a priority.

Jennifer Dayton, CABA

CABA submitted testimony expressing their concern that the bill eliminates SDE's responsibility to make available to school districts the data systems needed to manage and document the teacher education and mentoring program and eliminates the State's responsibility to provide training and stipends for the mentors. CABA recognizes that these changes are the result of the elimination of funding, but urge that the state restore the funding rather than eliminate these responsibilities.

Maria Cahill, Teacher, Stamford Public Schools

Maria Cahill has been teaching for about 40 years and has served as a TEAM mentor for at least half of them. In her testimony she expressed how important it is that the TEAM program continue with expectations that follow state requirements. She said that the first year of teaching is very overwhelming, and that the program helps new teachers to comfortably ease into the profession. She continued by saying that without the financial support to maintain mentors and a common organizational method, the certification process will be inconsistent.

Mary Yordon, President-Norwalk Federation of Teachers, AFT CT, AFL-CIO

Mary Yordon expressed her concerns and opposition to much of Section 9 on behalf of the Norwalk Federation of Teachers. She explained that in her district, TEAM is the only institutional support specifically for new teachers and its existence is vital. She continued to say that the idea that the local districts would be in charge of establishing a committee to develop a 3-year plan for new teacher support is not practical as there is not time in the day,

nor is it likely that principals and teachers would be able to come to a mutual agreement on these issues. She is concerned that this huge task, without state oversight and consistency, would not be successful, especially without the data dashboard. She believes that continuing to fund TEAM would be a better option, and urged the committee to wait and see what this newly formed working group set up by SDE comes up with first.

The individuals below also submitted testimony opposing section 9 of S.B.183. They all shared the sentiment that the TEAM program is a very effective program that is too important to new teachers to be eliminated from state oversight and asked that the TEAM program funding be restored completely.

Philip Apruzzese, Past President CT Education Association
Sharon Bartlett, TEAM District Coordinator, Windham
Stuart Beckford, member, Educators for Excellence
Linette Branham, retired teacher and CEA Director of Professional Practice, Policy, & Research
Robin Denninger, CT TEAM
Jeannette Faber, Teacher
Kathryn Firth, Performance and Evaluation Specialist, Windham Public Schools
Connie Konya, Library Media Specialist
Sharon Leger, Teacher
Liz Misiewicz, Ridgefield Public School Teacher, TEAM Program
Lisa Rampulla Bress, TEAM
Mary Raphael George, Teacher, Stamford
Tiffany Smith, Teacher
Katelyn Tavalacci, TEAM Mentor
Debra Wilson, TEAM

Reported by: Amy L. Orschel

Date: March 27, 2018