



PA 18-51—sSB 183
Education Committee
Appropriations Committee

**AN ACT IMPLEMENTING THE RECOMMENDATIONS OF THE
DEPARTMENT OF EDUCATION**

SUMMARY: This act 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, (4) magnet school grants, and (5) background checks for adult education teachers.

EFFECTIVE DATE: July 1, 2018

§ 4 — EXCLUSIONARY TIME OUT IN SCHOOL

Existing law, unchanged by the act, provides a number of limits and safeguards related to using restraints and seclusion in public schools (see BACKGROUND). The act 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 the student’s behavior. By law, seclusion is the involuntary confinement of a student in a room that the student is prevented from leaving. The act adds that the student is “physically” prevented from leaving. By law, seclusion can be used only as an emergency intervention to prevent immediate or imminent injury to the student or others, and cannot be used (1) as discipline or for convenience and (2) instead of a less-restrictive alternative. The act 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).

Local Exclusionary Time Out Policies

The act 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 outs 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

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- appropriate for calming or deescalating the student's behavior;
4. exclusionary time out must end as soon as possible (the act does not include a time 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 act 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 prior law, the SBE could only revoke a credential.

By law, a teacher whose credential has been revoked is barred from working in a public school during the revocation.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

The act 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 by 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. is in a situation involving other due and sufficient cause.

Under prior law, SBE was required to revoke a certificate, permit, or other authorization to teach if the credential holder was found to have intentionally disclosed questions or answers to students or otherwise breached the security of a mastery examination. Under the act, the SBE has discretion whether to revoke the credential in this situation.

By law, unchanged by the act, the commissioner must automatically revoke a teacher's credential upon notification of conviction of any crime from a specific statutory list (see BACKGROUND).

The act 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 act also permits SBE to adopt or revise regulations relating to SBE procedures for actions the act authorizes.

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

The act 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 a grades one through six endorsement issued on or after July 1, 2017, and (2) requested by the superintendent. The commissioner cannot permit a teacher who uses the one-year exception to teach kindergarten to use 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.

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

Under prior law, a teacher could receive a (1) temporary one-year non-renewable certification if he or she meets certain criteria and (2) a two-year extension of the certification in certain cases. The act changes criteria for receiving the certification and extends the terms of all temporary non-renewable certifications from one to three years.

Prior law allowed four different paths for a person to be granted a temporary certification. The act retains the path for charter school teachers, which applies if the person 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. The act eliminates one of the two paths for out-of-state teachers and makes changes to the paths it retains as described below.

Under prior 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; or
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.

The act replaces the three criteria with the following two criteria under which a teacher may get the temporary certification. It is available 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

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- 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 is not required.

Under prior law, the additional two-year extension was 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.

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

By law, SBE must adopt teacher credential regulations for the state's Alternative Route to Certification (ARC) program for teachers. Prior law required regulations that state (1) for an initial educator 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 certificate 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. Under the act, SBE's regulations may also allow equivalent coursework to be submitted for the history and reading instruction courses to meet these requirements.

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

By law, with some exceptions, 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 act changes the date when the October 1 data is finalized, from March 1 to January 31.

The act 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), limits an operator's total grant to the reasonable operating budgets of all of an operator's magnet schools in aggregate.

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

The act 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.

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For the supplemental grants, the act 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, upon completion of a comprehensive financial review. It also makes conforming and technical changes.

§ 9 — EXEMPTS ADULT EDUCATION TEACHERS FROM BACKGROUND CHECKS

The act 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, with or without a firearm of an elderly, blind, disabled, or pregnant person, or a person with an intellectual disability; second-, third-, or fourth-degree sexual assault; third-degree sexual assault with a firearm; third-degree promoting prostitution; enticing a minor; 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.

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