
OLR Bill Analysis

sHB 5437 (as amended by House "A")*

AN ACT CONCERNING EDUCATION MANDATE RELIEF.

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§ 29 — BEREAVEMENT AND GRIEF COUNSELING SERVICES TASK FORCE

Establishes a 13-member task force on bereavement and grief counseling services

SUMMARY

This bill makes various changes in the state’s education laws as described in the section-by-section analysis below.

*House Amendment “A” (1) broadens the mandate review council’s charge to include all education mandates, rather than only those for professional development as in the original bill; (2) restores certain in-service training requirements enacted in 2023; (3) narrows the original bill’s changes on organic materials recycling so that they apply to K-12 schools only; (4) narrows the original bill’s FAFSA exemption for certain endowed academy students; and (5) adds the provisions on reserve funds, physician assistants certifying students’ nonparticipation in physical education, school discipline, disconnected youth, youth service bureaus, credit recovery programs, model student work release policy, working groups on high school graduation requirements and grading policies, and the bereavement and grief counseling services task forces.

EFFECTIVE DATE: Various; see below.

§§ 1 & 30 — EDUCATION MANDATE REVIEW ADVISORY COUNCIL

Establishes a 10-member Education Mandate Review Advisory Council; repeals a mandate working group established in 2023

Duties

The bill establishes a 10-member Education Mandate Review Advisory Council to advise and provide annual reports to the Education Committee on the (1) cost and implementation of existing education mandates on local and regional boards of education and (2) impact of proposals to add to or revise these mandates (§ 1). It repeals an 11-member working group established in 2023 with a similar charge (§ 30).

Under the bill, the council’s annual reports may include a review of education mandates on school boards in the state’s laws and regulations to identify those that may be burdensome or limit or restrict providing student instruction or services. For these mandates, a report must have a detailed analysis and indicate the specific statutory or regulatory citation and how it is imposed on the board. It must also make recommendations on repealing or amending any statutes or regulations.

Under the bill, the council’s reports to the Education Committee must be submitted annually beginning by January 1, 2025. They must include recommendations for legislation (if any) as well as the following:

1. a review of all existing education mandates in state law;
2. costs incurred by school boards to implement these mandates;
and
3. how the boards implement the mandates, including how and when they are provided.

Membership

Under the bill, the council consists of 10 legislative appointees as shown in the table below.

Table: Council Membership

<i>Appointing Authority</i>	<i>Criteria</i>
House speaker	Represents the Connecticut Association of Boards of Education
Senate president pro tempore	Represents the Connecticut Association of Public School Superintendents
House majority leader	Represents the Connecticut Association of Schools
Senate majority leader	Represents the Connecticut Association of School Business Officials
House minority leader	Member of a local or regional school board
Senate minority leader	Represents the Connecticut Federation of School Administrators
Education Committee House chairperson and ranking member (one each)	Public school paraeducator in Connecticut
Education Committee Senate chairperson and ranking member (one each)	Public school teacher in Connecticut

The bill requires appointing authorities to make their initial appointments by August 1, 2024, and fill any vacancies. The initial terms end on January 31, 2029, and subsequent terms last for five years. The bill allows members to serve multiple terms.

The bill requires the House speaker and Senate president pro tempore to select the council’s chairpersons from among its members.

The chairpersons must schedule and hold the first meeting by October 1, 2024. The Education Committee's administrative staff must serve as the council's administrative staff.

EFFECTIVE DATE: July 1, 2024

§§ 2-5 — IN-SERVICE TRAINING

Requires that (1) the manner and frequency of in-service training for certified educators be determined by the school board's professional development and evaluation committee and (2) the required subject matter be provided at least once every five years; eliminates specified subject matter from in-service training that, generally, is addressed by other training requirements; restores in-service training requirements that inadvertently sunset in 2025

Existing law requires school boards to have an in-service training program for teachers, administrators, and pupil personnel who hold the initial educator, provisional educator, or professional educator certificate. The bill requires that (1) the manner and frequency of the training be determined by the school board's professional development and evaluation committee and (2) at a minimum, the required subject matter be provided at least once every five years.

Additionally, the bill eliminates requirements that the training include (1) identification and prevention of and response to bullying, (2) culturally responsive pedagogy and practice, and (3) the principles and practices of social-emotional learning and restorative practices. Generally, training on these subjects is required by other statutes (e.g., certified employees' professional development programs must include culturally responsive pedagogy and practice (CGS § 10-148a)). The bill also makes conforming changes.

Effective July 1, 2025, the bill also restores in-service training requirements enacted in 2023 on special education, planning and placement teams and Section 504 plans (Rehabilitation Act of 1973), and emergency response to students who experience a seizure in school. These requirements were enacted in two 2023 public acts (PA 23-137, § 49, and PA 23-160, § 2) but sunset June 30, 2025, under current law due to a codification conflict with a different act (PA § 23-167, § 60).

EFFECTIVE DATE: July 1, 2024, except that the restoration of the 2023

enacted requirements is effective July 1, 2025.

§ 6 — LARGE ORGANIC MATERIALS GENERATORS

For public and private K-12 schools, (1) delays, from January 1, 2025, to July 1, 2026, the requirement for certain organic materials generators to separate the materials and recycle them and (2) limits the requirement to buildings or facilities located within a 20-mile radius of a permitted source-separated organic material composting facility

Beginning January 1, 2025, PA 23-170, § 5, expands the scope of the law requiring certain organic materials generators to separate the materials and recycle them. Among other things, it requires public and private educational facilities (and other newly included entities) that generate an average projected volume of at least 26 tons of source-separated organic materials (e.g., food scraps) per year to (1) separate the materials from other solid waste and (2) recycle them at a permitted source-separated organic material composting facility that has capacity and is willing to accept them.

For public and nonpublic school buildings or facilities with students in grades K-12 (in any combination), the bill (1) delays the implementation of this requirement to July 1, 2026, and (2) limits it to buildings and facilities located within a 20-mile radius of a permitted source-separated organic material composting facility. It retains the January 1, 2025, implementation for public or independent higher education institution buildings or facilities.

EFFECTIVE DATE: July 1, 2024

§§ 7 & 8 — RESERVE FUNDS

Allows local boards of education, rather than local boards of finance or other appropriating authorities, to deposit unexpended education funds into a nonlapsing account; allows regional boards of education to create reserve funds for educational expenditures, rather than reserve funds for capital and nonrecurring expenditures

Current law allows a town board of finance, board of selectmen in a town with no board of finance, or other appropriating authority for a school district, to deposit unexpended education funds into a nonlapsing account. Beginning with FY 24, the bill instead allows the local board of education to make this deposit. As under existing law, the deposit may be up to 2% of the previous fiscal year's budgeted appropriation for education, and account expenditures must be only for

educational purposes (§ 7).

Beginning with FY 24, the bill allows regional boards of education to create reserve funds for educational expenditures, rather than reserve funds for capital and nonrecurring expenditures as current law allows, and makes conforming changes (e.g., repealing language that limited fund expenditures to certain capital projects and equipment purchases). As under existing law, boards may create the fund by a majority vote of their members, and the aggregate amount of annual and supplemental appropriations by the district to the fund cannot exceed 2% of the annual district budget for the fiscal year (§ 8).

EFFECTIVE DATE: Upon passage

§§ 9 & 10 — HIGH SCHOOL GRADUATION REQUIREMENTS

Delays the FAFSA completion requirement to the graduating class of 2027 and exempts certain international students at endowed academies from the requirement; eliminates the option for school boards to require students to complete a one-credit mastery-based diploma assessment; eliminates the ban on partisan political activities counting as community service; adds physician assistants to the list of practitioners who may certify that a student should not participate in physical education

FAFSA Completion

Beginning with the graduating class of 2025, current law requires students to complete a Free Application for Federal Student Aid (FAFSA), institutional financial aid application (if the student does not have legal immigration status), or signed waiver in order to graduate from high school. The bill delays the requirement by two years, to the graduating class of 2027.

The bill also exempts endowed academy students who hold F-1 visas from this requirement (i.e., nonimmigrant student visas). The state has three endowed academies that function as public high schools under state law (i.e., Gilbert School, Norwich Free Academy, and Woodstock Academy).

Credit Requirements

Beginning with the graduating class of 2027, the bill eliminates the option for school boards to require students to complete a one-credit mastery-based diploma assessment (i.e., a “capstone”) in order to

graduate from high school.

Additionally, existing law requires students, beginning with the graduating class of 2027, to complete a half-credit of personal financial management and financial literacy, which may count as either a humanities credit or an elective credit. The bill provides a third option by allowing this requirement to count as a science, technology, engineering, and mathematics credit.

Community Service

Existing law allows school boards to offer, and count towards high school graduation requirements, one half-credit in community service. Among other things, students must complete at least 50 hours of actual service outside of school hours.

The bill eliminates current law's (1) ban on partisan political activities counting as community service and (2) requirement that the State Board of Education give community service recognition awards to students who complete at least 50 hours of community service.

Physical Education

Existing law requires students to complete one credit in physical education and wellness unless they present a certificate from a physician or advanced practice registered nurse stating that, in the practitioner's opinion, participation is medically contraindicated by the student's physical condition. The bill additionally allows students to present this certificate from a physician assistant.

EFFECTIVE DATE: July 1, 2024

§§ 9, 11 & 12 — STUDENT SUCCESS PLANS

Requires that student success plans consider enrollment opportunities in the Connecticut Technical Education and Career System

The bill requires that student success plans consider enrollment opportunities in the Connecticut Technical Education and Career System. By law, school boards must create a student success plan for each public school student beginning in sixth grade. The plan must include the student's career and academic choices in grades 6-12.

EFFECTIVE DATE: July 1, 2024

§ 13 — IN-SCHOOL SUSPENSIONS

Reduces the maximum number of consecutive days for in-school suspensions from 10 to five

The bill reduces, from 10 to five, the maximum number of consecutive days a school may give a student for an in-school suspension. By law, an in-school suspension is an exclusion from regular classroom activity but not exclusion from school, and the exclusion must not extend beyond the end of the school year in which the suspension was imposed.

EFFECTIVE DATE: July 1, 2024

§ 14 — STANDARD FOR EARLY GRADES OUT-OF-SCHOOL SUSPENSION

Changes the standard for out-of-school suspensions in early grades and shortens the maximum out-of-school suspension for these grades from 10 to five days

The bill changes the standard for out-of-school suspensions for grades preschool to two to situations with evidence that the student's conduct on school grounds is behavior that causes physical harm. Under current law, the standard is conduct of a violent or sexual nature that endangers persons.

Additionally, under the bill, in order to suspend a student in these grades, the school administration must (1) require that the student receives trauma-informed and developmentally appropriate services that align with any behavioral intervention plan, individualized education program, or Section 504 plan (Rehabilitation Act of 1973), when the student returns to school immediately after the suspension and (2) consider whether to convene a planning and placement team meeting to evaluate whether the student may need special education or related services.

It also limits out-of-school suspensions for this group to no more than five school days. By law, out-of-school suspensions for other grades may not be longer than 10 consecutive school days.

EFFECTIVE DATE: July 1, 2024

§ 15 — SRO REPORTS

Clarifies to whom SROs must give investigation and intervention reports

Current law requires each school resource officer (SRO) to give his or her agency’s police chief a report for each investigation or behavioral intervention the SRO conducts within five days after doing so. The law details what must be in the report and requires police chiefs to submit SROs’ reports to their school districts’ superintendents at least monthly.

The bill clarifies that if the SRO’s chief of police is not Police Officer Standards and Training (POST)-certified, then the SRO must instead submit the reports to the superintendent. (In some towns, by charter or municipal ordinance, the chief law enforcement officer is the first selectman.) The Police Officer Standards and Training Council (POST) provides the required training for all uniformed municipal police in the state.

EFFECTIVE DATE: July 1, 2024

§§ 16 & 17 — SCHOOL CLIMATE SURVEYS AND CLIMATE IMPROVEMENT PLANS

Requires the development of a (1) school climate survey standard and (2) model school climate improvement plan

The bill requires the Social and Emotional Learning and School Climate Advisory Collaborative (i.e., “the collaborative”) to develop a (1) school climate survey standard and (2) model school climate improvement plan. For the survey, the standards must address collecting diversity, equity, and inclusion data and how to reduce disparities in data collection between school districts.

By law, the collaborative has numerous responsibilities related to fostering a positive school climate, including developing a statewide school climate survey and a model positive school climate policy.

The bill includes duplicate sections of the same law with different effective dates to conform with changes from past legislation.

EFFECTIVE DATE: July 1, 2024 (§ 16) and July 1, 2025 (§ 17)

§§ 18 & 19 — LOCAL SCHOOL CLIMATE STEPS

Requires school climate surveys to meet or use the state school climate survey standards; allows a local school climate specialist to incorporate the model school climate plan into his or her school climate plan

Under current law, a “school climate survey” must be a research-based, validated, and developmentally appropriate survey for students, school employees, and families of students, in the predominant languages of the school community, that measures and identifies school climate needs and tracks progress through a school climate improvement plan.

The bill additionally requires that the surveys meet the collaborative survey standards or use the statewide school climate survey that the collaborative develops.

By law, the school climate specialist has numerous duties at the individual school level. The bill allows a school climate specialist to incorporate the model school climate improvement plan into his or her school climate improvement plan. Unchanged from current law, the school climate specialist must submit the plan to the school district’s school climate coordinator for review and approval.

EFFECTIVE DATE: July 1, 2024

§ 20 — STATE DIRECTOR OF SCHOOL CLIMATE IMPROVEMENT

Requires SDE to appoint a state director of school climate improvement

The bill requires the State Department of Education (SDE), within available appropriations, to appoint a director of school climate improvement to serve as the statewide social and emotional learning and school climate expert. Under the bill, the director’s duties include annually, beginning by January 1, 2026, submitting a report to the Education Committee on recommendations for best practices and school climate improvement strategies in the state.

At the state level, the bill requires the director to also do the following:

1. help the collaborative develop and implement tools and best practices for school climate and culture, including developing a

model school climate survey and a model school climate improvement plan, and

2. in collaboration with the collaborative, develop strategies to improve service delivery for social and emotional learning, skills building, and mental health supports.

At the local level, the bill requires the director to do the following:

1. help school boards implement the (a) state anti-bullying, school climate, and social and emotional learning policy and requirements and (b) Connecticut school climate policy;
2. provide information and assistance to school boards, students, and parents and guardians of students on the uniform bullying complaint form;
3. help school climate coordinators (the districtwide school climate official) develop a continuum of strategies to prevent, identify, and respond to challenging behavior; and
4. develop and provide technical assistance and recommendations, in collaboration with the collaborative, to school boards on school employee trainings for school climate improvement.

EFFECTIVE DATE: July 1, 2024

§§ 21 & 22 — DISCONNECTED YOUTH

Requires P20 WIN to (1) develop a plan to establish a statewide data intermediary to assist nonprofits serving disconnected youth and (2) annually report on disconnected youth to the legislature using specified data

The bill requires the Connecticut Preschool through Twenty and Workforce Information Network (P20 WIN) to develop a plan to establish a statewide data intermediary to provide technical support, create data-sharing agreements, and build and maintain the infrastructure needed to share data between nonprofit organizations serving disconnected youth. The P20 WIN executive board must submit the plan to the Education Committee by January 1, 2025.

The bill additionally requires the P20 WIN executive board to submit a report on disconnected youth annually beginning by January 1, 2025, to the Appropriations, Children, Education, Human Services, Judiciary, Labor and Public Employees, and Public Health committees. In developing the report, the board must use the data model established through the data-sharing agreement 0043 regarding Research on Disengaged and Disconnected Youth in Connecticut (i.e., a 2023 agreement between various state agencies, a nonprofit, and a private consulting firm to share certain data from P20 WIN).

For the plan and annual reports, a “disconnected youth” is an individual age 14-26 who is (1) an at-risk student (see below) or (2) not enrolled in high school and (a) has not obtained a high school diploma or its equivalent; (b) has obtained a diploma or equivalent but is unemployed and not enrolled in an adult education program, institution of higher education or otherwise pursuing postsecondary education, or a workforce training or certification program, including an apprenticeship program; or (c) is incarcerated.

“At-risk” students are those enrolled in high school who are in danger of not graduating due to, among other things, (1) not earning sufficient credits; (2) being chronically absent (i.e., absences totaling at least 10% of the number of days enrolled); or (3) behavioral and other disciplinary issues (e.g., suspensions and expulsions).

EFFECTIVE DATE: Upon passage

§§ 23 & 24 — YOUTH SERVICE BUREAUS

Requires school boards, when requested by a YSB, to enter into an MOU on when students’ educational records may be shared between the board and YSB; allows private youth-serving organizations to establish a YSB if they are designated to act as agents of one or more school boards

Data-Sharing (§ 23)

The bill requires school boards, when requested by a youth service bureau (YSB) that provides services to the board, to enter into a memorandum of understanding (MOU) on when students’ educational records may be shared between the board and a YSB in the bureau’s service provision. Any MOU must require the board to provide, and

bureau to receive and maintain, any educational records in accordance with the federal Family Educational Rights and Privacy Act (FERPA, see *Background – FERPA*).

Establishing YSBs (§ 24)

Existing law allows one or more municipalities or private youth-serving organizations they designate to act as their agents, to establish a YSB. The bill additionally allows the organizations to establish a YSB if they are designated to act as agents of one or more local or regional boards of education.

As under existing law, the YSB may evaluate, plan, coordinate, and implement services, including prevention and intervention programs for delinquent, predelinquent, pregnant, parenting, and troubled youths referred to the bureau. The bill specifies that these youths may be referred by, among other entities, school boards, rather than schools as current law provides.

EFFECTIVE DATE: July 1, 2024

Background — FERPA

With certain exceptions, FERPA requires schools, school districts, and federally funded institutions to keep personally identifying information (PII) in a student’s records confidential unless (1) the parents (of students under age 18) or students age 18 or older (“eligible students”) consent to disclose it or (2) one of the legal exceptions to the confidentiality requirement applies (20 U.S.C. § 1232g).

Under FERPA’s regulations, “education records” are, with certain exceptions, records that refer to a student and are maintained by an educational agency or institution. Examples of PII include a student’s name, date of birth, and personal identifier (34 C.F.R. § 99.3).

§ 25 — CREDIT RECOVERY PROGRAMS

Requires school boards with a credit recovery program as part of their alternative education to allow certain students enrolled in a traditional school program to simultaneously enroll in the credit recovery program

Existing law allows school boards to have a school or program in a

nontraditional setting that addresses students’ social, emotional, behavioral, and academic needs (i.e., “alternative education”).

Under the bill, school boards with a credit recovery program as part of their alternative education must allow students enrolled in a traditional school program and at risk of not graduating to also enroll in the credit recovery program while remaining enrolled in the traditional program. The boards must do so beginning with the 2024-2025 school year.

EFFECTIVE DATE: July 1, 2024

§ 26 — MODEL STUDENT WORK RELEASE POLICY

Requires the chief workforce officer to consult with the SDE commissioner when updating the model student work release policy

Existing law allows the state’s chief workforce officer to update the model student work release policy as necessary. The bill requires her to consult with the SDE commissioner when doing so. By law, local and regional boards of education must adopt the model policy or the most recently updated version of it beginning with the 2024-2025 school year.

EFFECTIVE DATE: July 1, 2024

§§ 27 & 28 — WORKING GROUPS ON HIGH SCHOOL GRADUATION REQUIREMENTS, GRADING POLICIES, AND ACCOUNTABILITY INDEX

Allows (1) CUBE to convene a working group to review high school graduation requirements and (2) CEA and AFT-CT to jointly convene a working group to review high school grading policies and the accountability index

The bill allows the Connecticut Association of Boards of Education (CUBE) to convene a working group of at least 15 members to review high school graduation requirements to identify requirements that limit or restrict instruction or service provision to students and recommend revisions (§ 27). CUBE’s executive director or a designee must chair the working group.

The bill also allows the Connecticut Education Association (CEA) and the American Federation of Teachers-Connecticut (AFT-CT) to jointly convene a working group of at least 15 members to review (1) high

school grading policies used by local and regional boards of education and (2) the accountability index and information and data SDE uses to calculate index scores (§ 28). CEA's and AFT-CT's executive directors, or their designees, must serve as the working group's chairpersons.

Under the bill, the groups must each submit a report to the Education Committee by January 1, 2026. Each group terminates when it submits its report or July 1, 2026, whichever is later.

EFFECTIVE DATE: July 1, 2024

Membership

The bill establishes identical membership requirements for the two groups. Both must include one representative from each of the following organizations:

1. CAFE;
2. the Connecticut Association of Public School Superintendents;
3. the Connecticut PTA;
4. AFT-CT;
5. CEA;
6. the Connecticut Association of Schools;
7. the Connecticut Federation of School Administrators;
8. the Connecticut School Counselor Association;
9. the Connecticut Association for Health, Physical Education, Recreation and Dance; and
10. the Connecticut Business and Industry Association's education and workforce affiliate.

The groups must also include the following ex-officio members or their designees: the SDE commissioner and Education Committee's

chairpersons and ranking members. Each group may also include additional members deemed appropriate by the group's chairpersons.

The bill requires appointing authorities to make their initial appointments to the working groups by July 31, 2024, and fill any vacancies. Each group's chairpersons must schedule and hold the initial meetings by August 30, 2024. The groups may allow for public comment or seek input from students, parents, educators, boards of education, and other education stakeholders.

§ 29 — BEREAVEMENT AND GRIEF COUNSELING SERVICES TASK FORCE

Establishes a 13-member task force on bereavement and grief counseling services

Duties

The bill establishes a 13-member task force to develop recommendations for creating and administering a statewide program for delivering bereavement and grief counseling services to children and families at no cost to participants.

The task force must make recommendations on the following:

1. appropriate administering agency or agencies;
2. scope of services, including those to marginalized communities and culturally informed services;
3. role that existing counseling services and school-based health centers should have in service delivery;
4. service delivery, including necessary resources, in parts of the state where services are currently insufficient or non-existent;
5. long-term funding sources; and
6. additional considerations the task force identifies.

The task force must submit a report on its findings and recommendations to the Children and Public Health committees by July 1, 2025. It terminates on this date or when it submits its report,

whichever is later.

Membership

Under the bill, the task force consists of 13 members: eight legislative appointees (who may be legislators), shown in the table below, and five ex-officio members, listed below the table. Appointing authorities must make their initial appointments within 30 days after the bill's passage and fill any vacancies.

Table: Appointed Task Force Members

<i>Appointing Authority</i>	<i>Criteria</i>
House speaker	Represents a bereavement and grief counseling services program that serves children and families
Senate president pro tempore	Represents a statewide association of school-based health centers
House majority leader	Represents a statewide association of school counselors
Senate majority leader	Represents the state chapter of a national nonprofit organization that works to improve the lives of children and families
House minority leader	Represents a child study center affiliated with a medical school in the state
Senate minority leader	A licensed psychologist who is an expert in treating bereaved children
Education Committee House chairperson and ranking member (joint appointment)	Experience with grief and bereavement
Education Committee Senate chairperson and ranking member (joint appointment)	Represents the Connecticut Association of School Psychologists

The task force also includes the following officials or their designees: the (1) children and families, education, mental health and addiction services, and public health commissioners and (2) Commission on Women, Children, Seniors, Equity and Opportunity's (CWCSEO) executive director.

The bill requires the House speaker and Senate president pro tempore to select the task force chairpersons from among its members. The chairpersons must schedule and hold the task force's first meeting

within 60 days after the bill's passage. CWCSEO's administrative staff must serve as the task force's administrative staff.

EFFECTIVE DATE: Upon passage

COMMITTEE ACTION

Education Committee

Joint Favorable Change of Reference - APP
Yea 43 Nay 1 (03/20/2024)

Appropriations Committee

Joint Favorable Substitute
Yea 52 Nay 0 (04/04/2024)