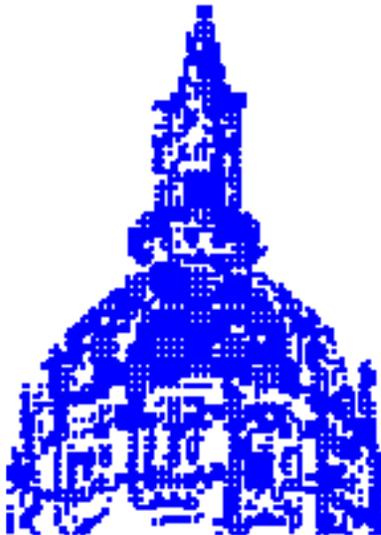


Office of Legislative Research
Connecticut General Assembly



OLR ACTS AFFECTING

EDUCATION



By:
Jennifer Gelb, Research Attorney

2002-R-0717
August 30, 2002

NOTICE TO READERS

This report provides brief summaries of the 2002 public acts affecting education. Not all provisions of the acts are included. Readers are encouraged to obtain the full texts of acts that interest them from the Connecticut State Library, the House or Senate Clerk's Office, or online at the General Assembly's website at <http://www.cga.state.ct.us>.

Complete summaries of all public acts passed during the 2002 regular and special sessions will be available in book form in early fall when the Office of Legislative Research's *Summary of 2002 Public Acts* book is published. Many public act summaries are also currently available on OLR's webpage at <http://www.cga.state.ct.us/olr/>.

TABLE OF CONTENTS

FUNDING AND GRANTS	5
Education Cost Sharing (ECS) Grants	5
Regional Educational Services Center (RESC) Grant Reduction	5
Grant Reductions	5
School Readiness grants	5
SPECIAL EDUCATION	6
Delay in Reduction of School District's Maximum Share of Special Education Costs	6
SCHOOL CONSTRUCTION	6
Local Funding	6
Temporary School Construction Grant Commitment Limit	6
Vocational Agriculture Centers and Regional Special Education Facilities	6
Interdistrict Magnet School Capital Expenditure Grants	7
NEW SCHOOL ACCOUNTABILITY REQUIREMENTS	7
TEACHERS AND SCHOOL EMPLOYEES	7
Sexual Assault by a Coach or Instructor	7
Mandated Reporting of Child Abuse or neglect	8
Issuance and Revocation of Educator Certificates	8
Disclosure of Records of Teacher Misconduct	8
K-12 STUDENTS	9
Military Recruiters at Vocational-Technical (V-T) Schools	9
Test Exemptions for Students with Limited English	9
LOCAL SCHOOL BOARDS	9
Bullying Behavior in Schools	9
Pledge of Allegiance	10
INTERDISTRICT MAGNET SCHOOLS	10
Enrollment Restrictions	10
State Operating Budget Review and Oversight	10
Supplemental Grants	10

ONE STOP FAMILY CENTERS	11
HIGHER EDUCATION	11
21 st Century UConn	11
Connecticut Aid to Public College Students Grants	12
Smoking in Dormitories	
Educational Support Orders	12
Manufacturing Technology Centers	13
Private Occupational School Attendance Requirement	13
New England Board of Higher Education (NBHE)	13
New Connecticut Futures Account	13
O'Neill Center and the Connecticut State University	14
Bidding Process	
Connecticut Institute for Municipal Studies	14
CONNECTICUT MUSEUMS AND HISTORICAL COMMISSION	14
Museum Funding	14
Connecticut Historical Commission	14

FUNDING AND GRANTS

Education Cost Sharing (ECS) Grants

A new act holds all towns harmless from decreases in their state education aid for FY 2002-03, ensuring that no town receives less ECS aid than it did in FY 2001-02. **(PA 02-7, May Special Session, effective on passage)**

Regional Educational Service Center (RESC) Grant Reduction

A new act reduces all RESC grants for FY 2002-03 by giving each RESC a proportional share of the appropriated grant based on what it would have received if the total RESC grant were \$3,132,515. **(PA 02-7, May Special Session, effective on passage)**

Grant Reductions

An act requires, for FY 2002-2003, certain grant payments to be reduced proportionately if the total of these grants exceeds their FY 2002-03 appropriations. This provision affects grants for: (1) public libraries; (2) transportation to local, regional, and vocational-technical schools; (3) State Board of Education (SBE) feeding programs; (4) RESC lease grants; and (5) bilingual education.

After determining any adjustments to the prior year, the act requires FY 2002-03 grants for the following to be reduced proportionally to remain within available appropriations: (1) adult education programs, (2)

transportation reimbursement formulas, (3) transportation to private schools, and (4) health services for students in private nonprofit schools.

The act limits each local or regional school district's special education grant to its proportional share of the total grants times the total available appropriated amount for: (1) special education costs in excess of five times the district's average per-pupil expenditure, (2) expenses for special education students placed by state agencies or residing on state property, (3) costs for no-nexus special education students placed by a state agency in a private residential facility or a facility run by the Department of Children and Families (DCF), and (4) payments for students needing educational services other than special education services whom the DCF commissioner or another agency places in a private residential facility. **(PA 02-7, May Special Session, effective on passage)**

School Readiness Grants

An act appropriates \$2,576,580 for school readiness competitive grants in FY 2002-03 and limits the maximum that may be used for administrative purposes to \$198,199. **(PA 02-7, May Special Session, effective on passage)**

SPECIAL EDUCATION

Delay in Reduction of School Districts' Maximum Share of Special Education Costs

An act delays until July 1, 2003 the date on which a local school district's maximum share of the funding for high cost special education payments will be reduced from five to four-and-a-half times its average per-pupil expenditure for the preceding fiscal year. The state is responsible for all costs exceeding that amount. **(PA 02-7, May Special Session, effective on passage)**

SCHOOL CONSTRUCTION

Local Funding

Starting July 1, 2002, an act requires school districts to secure funding for the local share of a school construction project before applying for a state grant. (School construction grant applications are due by June 30 annually.) The state reimbursement percentages applicable to projects requiring prior authorization are those in effect in the fiscal year during which the district secures local funding authorization for the project.

The state reimburses school districts for between 20% and 80% of eligible school construction costs, depending on wealth, with certain types of projects eligible for a 5% or 10% bonus. The remaining portion is the local share. The law requires the education commissioner to submit a school construction project priority list to the General Assembly by December 15 annually. **(PA 02-5**

and PA 02-6, May Special Session, effective July 1, 2002)

Temporary School Construction Grant Commitment Limit

For each priority list the education commissioner submits to the General Assembly in December 2003 and 2004, an act limits to \$ 1 billion the total amount he may request for school construction reimbursement grant commitments. In each list, the commissioner must state the categories of eligible projects by priority and classify each project within these categories by priority. Eligible projects left off a list because of the cap must be listed first for the following year. **(PA 02-5, May Special Session, effective July 1, 2002)**

Vocational Agriculture Centers and Regional Special Education Facilities

An act reduces, from 100% to 95% of eligible costs, the state reimbursement for (1) building, acquiring, renovating, expanding, improving, or equipping a regional vocational agriculture center or expanding or improving its equipment or (2) buying, building or rebuilding, equipping, and furnishing a regional special education facility. It also requires state grants for such projects to be paid in progress payments like regular school construction grants, rather than in a lump sum. **(PA 02-5, May Special Session, effective July 1, 2002)**

Interdistrict Magnet School Capital Expenditure Grants

An act extends through FY 2002-03 interdistrict magnet schools' eligibility for 100% reimbursement on capital expenditures and begins the 95% reimbursement in FY 2003-04. **(PA 02-5 and PA 02-6, May Special Session, effective July 1, 2002)**

NEW SCHOOL ACCOUNTABILITY REQUIREMENTS

An act replaces the prior state school accountability law with an accountability plan aligned with the new federal law and prepared by the education commissioner. The act provides a transition from the prior to the new program for the 28 schools the education commissioner already identified as needing improvement under the state law.

Under the act, the education commissioner must prepare a statewide education accountability plan that, consistent with the federal law and its regulations, (1) identifies schools and school districts needing improvement, (2) requires them to develop and implement improvement plans, and (3) uses a system of rewards and consequences. The act requires the 28 schools already identified as needing improvement under prior state law to continue in that status and continue implementing the improvement plans they developed under state law until June 30, 2004.

Under the act, the 28 schools' progress must be evaluated by their local boards of education by

February 1, 2003. If they find the schools are making insufficient progress, the local boards must develop new remediation and organization plans for them. Beginning in February 2003, the State Department of Education (SDE) must monitor the schools for adequate yearly progress, as defined in the state's federal accountability plan, and subject them to the plan's rewards and consequences system. The 28 schools remain eligible for state and federal aid.

Prior law required the commissioner to issue a new list of elementary and middle schools needing improvement based on mastery test data by February 1, 2003 and superintendents of school districts with schools on the list had to meet with the commissioner to discuss how to improve school performance by April 1, 2003. **(PA 02-7, May Special Session, effective on passage)**

TEACHERS AND SCHOOL EMPLOYEES

Sexual Assault by a Coach or Instructor

An act creates separate forms of sexual assault crimes based on the relationship between the actor and the victim. It makes it a crime for a person who provides intensive, ongoing instruction or an athletic coach to engage in sexual intercourse or have sexual contact with (1) a secondary school student receiving coaching or instruction in a secondary school setting or (2) anyone under age 18 receiving such coaching or instruction.

The act makes sexual intercourse with a person under these circumstances 2nd degree sexual assault, punishable by one to 10 years in prison (with a nine-month mandatory minimum), a fine of up to \$10,000, or both. It makes sexual contact with a person under these circumstances 4th degree sexual assault, punishable by up to one year in prison, a fine of up to \$2,000, or both. **(PA 02-106, effective October 1, 2002)**

Mandated Reporting of Child Abuse or Neglect

An act makes coaches of intramural or interscholastic athletics mandated child abuse reporters. Mandated reporters already include school teachers, principals, guidance counselors, and school paraprofessionals. A mandated reporter must report to the Department of Children and Families when, acting in his professional capacity, he has reasonable cause to suspect that a child under age 18 has been abused, neglected, or is at risk of abuse or neglect. The act raises the penalty for any mandated reporter who fails to report from a maximum of \$500 to between \$500 and \$2,500.

If a person holding a State Board of Education certificate, authorization, or permit is convicted of a felony or fined for being a mandated reporter who fails to report, the act requires the state's attorney or assistant state's attorney in the judicial district where the conviction or fine occurred to notify the education commissioner in writing. **(PA 02-106, effective October 1, 2002, except that the**

provision on notice to the education commissioner takes effect on July 1, 2002)

Issuance and Revocation of Educator Certificates

An act allows a school superintendent to designate someone else to (1) attest that a person successfully completed a beginning educator program and one year of teaching, for purposes of an application for a provisional educator certificate and (2) sign a recommendation as evidence of competency, for purposes of an application for a professional educator certificate. Previously, only a superintendent could do this.

If a person bases his eligibility for a provisional certificate on completing three years of successful teaching in a public or private school within the previous 10 years, the act requires that it be attested by the (1) superintendent or his designee in the school district where the person was employed or (2) supervising agent of the nonpublic school where the person was employed. **(PA 02-106, effective July 1, 2002)**

Disclosure of Records of Teacher Misconduct

An act makes a teacher's personal misconduct records public and subject to disclosure under the Freedom of Information Act without the teacher's consent. **(PA 02-138, effective October 1, 2002)**

K-12 STUDENTS

Military Recruiters at Vocational-Technical (V-T) Schools

To comply with the federal “No Child Left Behind Act of 2001” (PL 107-110), an act requires V-T schools to give military recruiters from the U.S. and state armed forces on-campus recruiting opportunities and access to student directory information. Failure to provide this access could result in the loss of federal funds to the schools or the state. V-T schools were not previously authorized to allow this access because the state Supreme Court interpreted prior state law to bar state agencies from being used “in furtherance” of discrimination (*Gay and Lesbian Law Students Assn. v. Board of Trustees*, 236 Conn. 453 (1996)). **(PA 02-7, May Special Session, effective on passage)**

Test Exemptions for Students with Limited English

An act expands the mastery test exemption for limited English proficient students in accordance with new federal laws. It considers a student to have limited English proficiency if he (1) was not born in the United States or comes from a country where English is not the dominant language and (2) has sufficient difficulty reading, writing, speaking, and understanding English that he may not be able to learn successfully in an English-language classroom or participate fully in American society.

Under prior law, only students enrolled in an English as a Second Language or bilingual program for 10 months or less were exempt. The act exempts: (1) any student with limited English proficiency who has been enrolled in school for 10 months or less and (2) any such student enrolled in school for between 10 and 20 months who did not meet the SBE's English language mastery standard on an assessment given the month before the statewide mastery test. **(PA 02-7, May Special Session, effective July 1, 2003)**

LOCAL SCHOOL BOARDS

Bullying Behavior in Schools

An act requires all school boards to develop a policy addressing bullying. It defines bullying as repeated, overt acts by one or more students on school grounds or at a school-sponsored activity that are intended to ridicule, humiliate, or intimidate another student.

Each district's bullying policy must:

1. permit anonymous reports by students of bullying and written reports by parents or guardians of suspected bullying,
2. require teachers and other school staff to notify school administrators of bullying they witness and students' reports they receive,
3. require school administrators to investigate parents' written reports and review students' anonymous reports,

4. require each school to maintain a publicly available list of the number of verified bullying acts that occurred there,
5. include an intervention strategy for school staff to deal with bullying,
6. provide for including language about bullying in student codes of conduct, and
7. require notice to parents or guardians of all students involved in a verified act of bullying. The notice must describe the school's response and any consequences that may result from further acts of bullying.

The policy must be developed for use starting February 1, 2003. **(PA 02-119, effective July 1, 2002)**

Pledge of Allegiance

An act requires all school boards to develop a policy ensuring that time is available during each school day for students to recite the Pledge of Allegiance. The act states that it is not to be construed to require anyone to recite the pledge. **(PA 02-119, effective October 1, 2002)**

INTERDISTRICT MAGNET SCHOOLS

Enrollment Restrictions

Starting July 1, 2005, an act reduces from 80% to 75% of the school's total enrollment the maximum percentage of students

from one participating district that may enroll in an interdistrict magnet school. As of the same date, the act limits a magnet school's enrollment to between 75% and 25% minority students, as defined in the state's racial imbalance law. That law currently defines racial minorities as people whose racial ancestry the federal Census Bureau defines as other than white. After July 1, 2005, the act prohibits a school that fails to meet these standards from receiving a state magnet school operating grant, but it allows the education commissioner to award an otherwise eligible school a one-year grant for good cause. He may not award such a grant for a second consecutive year. **(PA 02-7, May Special Session, effective on passage)**

State Operating Budget Review and Oversight

The act requires interdistrict magnet schools to include proposed operating budgets and funding sources with their annual applications for state operating grants. It requires them to meet with the commissioner or his designee at his request to discuss these submissions. **(PA 02-7, May Special Session, effective on passage)**

Supplemental Grants

For FYs 2002-03 and 2003-04, the act allows the education commissioner to give supplemental grants, within available appropriations, to enhance educational programs at magnet schools. He must first review and approve the interdistrict magnet

schools' total operating budgets, including all of their revenue and spending estimates. **(PA 02-7, May Special Session, effective on passage)**

ONE STOP FAMILY CENTERS

An act requires the education and public health commissioners to develop a plan to co-locate, where feasible, family resource centers and school-based health clinics established after July 1, 2002. By law, new family resource centers must be located in public elementary schools, unless the education commissioner grants an exception. **(PA 02-36, effective on passage)**

HIGHER EDUCATION

21st Century UConn

An act adds a third phase to UConn 2000, a program of capital improvements for the University of Connecticut. Phase III allows UConn 2000, which previously had two phases and was scheduled to be completed in 2005, to run for an additional 10 years, from July 1, 2005 through June 30, 2015.

The act allows the UConn board of trustees to borrow \$1.25 billion for Phase III and increases the trustees' authority to borrow to finance Phase I and II projects from \$980 million to \$1.03 billion. It authorizes 51 specific projects for Phase III, increases authorizations for two projects from earlier phases, and eliminates certain projects from the first two phases.

The act also makes several changes in borrowing authority for UConn 2000. It:

1. doubles the cap on the annual amount of securities the UConn board can issue in fiscal year 2005 and establishes annual limits for fiscal years 2006 through 2015,
2. requires the State Bond Commission to approve the master resolution or indenture for state-backed securities for Phase III and requires UConn to submit to the commission a list of Phase III projects to be financed with state-backed securities,
3. eliminates UConn's authority to issue securities to finance temporary deficits, and
4. gives UConn additional flexibility in using security proceeds.

With regard to project bidding, construction, and approval, the act:

1. gives UConn construction authority over all projects on its campuses regardless of when they are authorized and carried out,
2. eliminates some expedited procedures for state agency approval of UConn 2000 projects,
3. requires UConn to consider its contractors' and their subcontractors' past

compliance with state wage and hour laws, and

4. requires Phase III projects to be consistent with the state plan of conservation and development.

The act requires UConn to file:

1. semi-annual reports on labor law compliance with the Finance, Revenue and Bonding Committee;
2. five-year performance reviews by January 15, 2006 and 2011; and
3. continued semi-annual progress reports with the governor and the Education, Appropriations, and Finance, Revenue and Bonding committees, starting by October 1, 2002.

Finally, the act expressly authorizes the Finance, Revenue and Bonding Committee's bonding subcommittee to recommend modifications in UConn 2000 to the full committee if warranted by a significant change in the state's economic circumstances. **(PA 02-3, May Special Session, effective July 1, 2002)**

Connecticut Aid to Public College Students Grants

An act requires the Board of Governors of Higher Education to request an appropriation for the Department of Higher Education (DHE) for each year of the biennium equal to the amount Charter Oak State College set aside for fee waivers in the previous fiscal year.

This appropriation may be up to 15% of the total amount of tuition and fees paid to Charter Oak in the previous fiscal year. The act requires DHE to give this appropriation to Charter Oak to use as grants for the educational expenses of needy Connecticut residents enrolled in Charter Oak degree programs. It limits individual awards to the amount of a student's calculated financial need based on a federally approved needs analysis system. **(PA 02-7, May Special Session, effective on passage)**

Smoking in Dormitories

An act prohibits smoking in public college or university dormitories. Prior law exempted dorm rooms from the general prohibition on smoking in public buildings. **(PA 02-110, effective July 1, 2003)**

Educational Support Orders

An act permits judges and family support magistrates to order parents to support their children for up to four full academic years when enrolled in accredited college or vocational programs after high school and until they reach age 23. Courts can do this only if they find it more likely than not that the parents would have provided this support if the family remained intact. The act specifies other circumstances the courts must consider and conditions the parents and students must satisfy.

The act states that it does not give children the right to sue their parents for educational support and that its coverage does not include

support for graduate or post-graduate studies. It only applies to cases where the first child support order is entered on or after October 1, 2002. **(PA 02-128, effective October 1, 2002)**

Manufacturing Technology Centers

An act allows the Community-Technical Colleges' trustees to develop, within available appropriations, manufacturing technology centers on three campuses in geographically diverse locations. **(PA 02-7, May Special Session, effective on passage)**

Private Occupational School Attendance Requirement

An act requires the Department of Higher Education's commissioner to accept a federally recognized accrediting agency's institutional accreditation for a private occupational school's attendance requirement in addition to the evaluation requirement. (It is unclear what statutory attendance requirement private occupational schools must meet.) **(PA 02-7, May Special Session, effective on passage)**

New England Board of Higher Education (NEBHE)

During FY 2002-03, an act requires the Department of Higher Education to evaluate the benefits of Connecticut's continued participation in NEBHE. NEBHE is a compact among the New England states that allows a student from any member state to attend a public college or university in any other member state for less than the

normal out-of-state tuition if the desired course of study is not available in the student's home state. **(PA 02-7, May Special Session, effective on passage)**

New Connecticut Futures Account

An act allows the Board of Governors of Higher Education (BOG) to establish and administer a "Gear Up for Connecticut Futures" account as a separate and nonlapsing account within the General Fund. It (1) requires the account to be used for scholarships under the federal "Gaining Early Awareness and Readiness for Undergraduate Programs" (GEAR UP) program; (2) allows BOG to deposit in the account state funds appropriated as a state match to a federally funded GEAR UP grant; and (3) allows the state treasurer to invest surplus account funds as the statutes authorize, but it directs her to credit all investment interest to the account.

The federal Department of Education (DOE) created the GEAR UP program in 1998 to fund partnerships between high-poverty middle schools and colleges, universities, community organizations, and businesses. These partnerships provide (1) tutoring; (2) mentoring; (3) college preparation and financial aid information; (4) an emphasis on core academic preparation; and (5) in some cases, scholarships. DOE chose to start the program no later than the seventh grade based on research showing that students who take difficult classes early tend to do well in high school and go on to college. GEAR UP aims to address the college opportunity gap by

creating long-term mentoring relationships and working with entire grades to improve low-income schools. **(PA 02-88, effective July 1, 2002)**

The O'Neill Center and the Connecticut State University Bidding Process

An act:

1. allows the Department of Public Works commissioner to use the same negotiated contracting and bidding procedures for Connecticut State University (CSU) student dorm projects as he already may use for other designated state construction projects, such as the Connecticut Juvenile Training School and the downtown Hartford higher education center;
2. from July 1, 2002 to June 30, 2006, exempts money Western Connecticut State University's contractor receives from O'Neill Center ticket sales from regular requirements for depositing state funds;
3. allows public education constituent unit or institution chief executive officers to accept electronic bids, quotations, and proposals for equipment, supplies, and contractual services but bars them from refusing to consider a bid, quotation, or proposal because it is not submitted electronically; and
4. allows constituent units to meet requirements to keep certain bids "sealed" either by sealing them in an envelope

or keeping them in a safe and secure electronic environment. **(PA 02-140, effective July 1, 2002)**

Connecticut Institute for Municipal Studies

An act eliminates the Connecticut Institute for Municipal Studies (CIMS) as a separate entity and transfers its financial and other assets to Central Connecticut State University. It also eliminates the requirement that the comptroller provide group health coverage for CIMS employees. **(PA 02-140, effective July 1, 2002)**

CONNECTICUT MUSEUMS AND HISTORICAL COMMISSION

Museum Funding

PA 01-6, June Special Session, required the Department of Revenue Services to direct \$688,202 in hotel tax revenue to the Department of Transportation for the Rocky Hill, Chester, and Hadlyme ferries during FY 2002-03. An act diverts \$350,000 of this sum to the Connecticut Historical Commission for the continued operation of state museums. **(PA 02-7, May Special Session, effective on passage)**

Connecticut Historical Commission

For administrative purposes only, an act transfers the Connecticut Historical Commission from SDE to the State Library. **(PA 02-7, May Special Session, effective on passage)**

JG:ts