

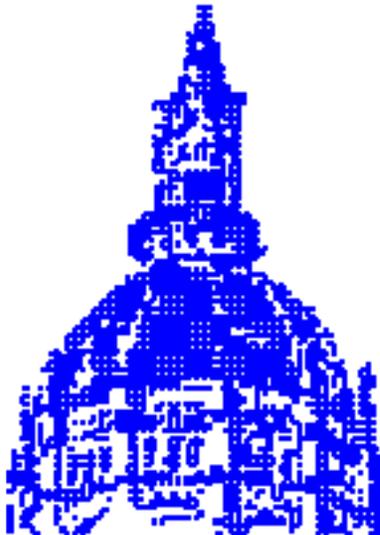
Office of Legislative Research
Connecticut General Assembly



OLR ACTS AFFECTING

EDUCATION

(Part 2)



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NOTICE TO READERS

This report is a supplement to 2003-R-0566, [Acts Affecting Education](#), which summarized acts passed during the 2003 regular session. This report summarizes education-related provisions passed as part of PA 03-6, June 30 Special Session (HB 6806, as amended), the budget implementer act. All sections took effect upon passage.

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GRANTS

Education Cost Sharing (ECS) Grants (§§ 22-25)

The act:

1. extends the existing ECS foundation amount of \$5,891 per student for two years, through June 30, 2005;
2. postpones elimination of the 6% “cap” on annual increases in town ECS grants for two years, until July 1, 2005;
3. starting in FY 2003-04, eliminates the ECS density supplement, which gives additional money to towns with greater-than-average population density;
4. for FY 2003-04, distributes \$50 million to capped towns in proportion to the difference between each town’s capped grant and what its grant would be without the cap (“target aid”);
5. for FY 2003-04, distributes \$3 million to capped towns in proportion to the difference between each town’s capped grant and its target aid;
6. reduces each town’s FY 2003-04 grant, including the cap supplement, by 3%;
7. requires FY 2003-04 grants to Bridgeport, Hartford, and New Haven to be at least equal to their FY 2002-03 grants, plus \$1 million;
8. requires grants to towns eligible for priority school district, transitional school

district, or priority or transitional school district phase-out grants to be at least equal to their FY 2002-03 grants;

9. gives all towns except Bridgeport, Hartford, and New Haven a proportional share of any remaining ECS funds based on their ECS grant;
10. gives every town the same ECS grant in FY 2004-05 as it received in FY 2003-04; and
11. extends the minimum expenditure requirement (MER) for two years, through FY 2004-05.

Under prior law, towns with population densities greater than the state average were eligible for the density supplement. The supplement amount varied according to the ratio of an eligible town’s population density to that of the densest town. The supplement was not subject to the cap and no town’s density supplement could fall below the level it received in the prior year.

The MER requires towns to spend a minimum amount on regular education programs. Under the act, each town’s FY 2003-04 MER is the sum of (1) its FY 2002-03 MER; (2) any ECS grant increase; and (3) if its enrollment dropped between 2001 and 2002, an amount equal to the decrease multiplied by one-half the foundation. Similarly, each town’s FY 2004-05 MER is the sum of (1) its FY 2003-04 MER; (2) any ECS grant increase; and (3) if its enrollment

dropped between 2002 and 2003, an amount equal to the decrease multiplied by one-half the foundation.

Catastrophic Special Education Grants (§§ 20-21)

The act delays from July 1, 2003 to July 1, 2005 the date on which a local school district's maximum share of the funding for high-cost special education placements will be reduced from five to four-and-a-half times its average per pupil expenditure for the preceding fiscal year. By law, the state is responsible for all costs exceeding the local share. The act also requires a proportional reduction in the grants for FYs 2003-04 and 2004-05 if the grant total exceeds the amount appropriated for the excess cost grants.

Proportional Grant Reductions (§§ 9-13, 203, 244-246)

For FYs 2003-04 and 2004-05, the act requires proportional reductions in certain education grants to school districts if the total grant appropriation is less than required to pay the full amount. The reduction provisions apply to:

1. school transportation grants for public and private school students (§§ 9, 203);
2. adult education grants (§ 10);
3. regional education service center (RESC) lease cost grants (§ 11);

4. RESC operating grants (§ 12);
5. grants for health services for students attending private nonprofit schools (§ 13);
6. expenses for special education students placed by state agencies or residing on state property (§§ 244 and 245); and
7. payments for students placed out by the Department of Children and Families commissioner or other agencies in a private residential facility who need educational services other than special education services (§ 246).

The act also eliminates a requirement that, within appropriations, no RESC receive a lower state operating grant than it received in FY 1998-99 and mandating proportional reductions in RESC grants that exceed FY 1998-99 amounts, if needed to implement the requirement.

Local Aid Adjustments (§ 27)

The act transfers \$1,300,000 from funds carried forward by the Transportation Department in section 42 of PA 03-1 of the June 30 Special Session to the Office of Policy and Management (OPM) for local aid adjustments. These funds must be disbursed for FY 2003-04 as follows:

1. \$150,000 to Griswold;
2. \$200,000 to Milford;

3. \$200,000 to Plainfield;
4. \$150,000 to Plymouth;
5. \$200,000 to Southington;
6. \$200,000 to Vernon; and
7. \$200,000 to Wallingford.

Priority School District Grants (§§ 28-29)

For FY 2003-04, the act directs distribution of priority school district grants as follows: (1) \$20,057,500 for priority school districts; (2) \$37,576,500 for school readiness; (3) \$17,858,939 for early reading; (4) \$3,030,669 for extended school building hours; and (5) \$2,630,879 for summer school. For FY 2004-05, the act directs distribution of priority school district grants as follows: (1) \$20,336,250 for priority school districts; (2) \$37,576,500 for school readiness; (3) \$17,647,286 for early reading; (4) \$2,994,752 for extended school building hours; and (5) \$2,599,699 for summer school.

School Readiness Grants (§§ 30 & 32)

The act appropriates \$2,309,249 for school readiness competitive grants in FY 2003-04 and \$2,318,349 in FY 2004-05. It limits the maximum that may be used for administrative purposes in each year to \$198,199.

Beginning in FY 2003-04, the act allows a town that received a school readiness competitive grant for a priority school but is

no longer eligible to receive a grant for that school to receive a phase-out grant for three fiscal years after it received its final grant. For the first fiscal year, it may receive a grant up to 75% of the grant amount it received in the school's final year of eligibility. For the second fiscal year, the town may receive a grant up to 50% of that grant amount and up to 25% for the third fiscal year.

Early Reading Success Grants (§ 31)

The act appropriates \$1,788,001 for early reading success competitive grants for FYs 2003-04 and 2004-05 and limits the maximum that may be used for administrative purposes to \$203,646.

Charter School Grants (§ 14)

The act increases the annual charter school grant from \$7,000 to \$7,250 per student. It allows the grants to be increased proportionately if the amount appropriated for charter school grants exceeds \$7,250 per student.

Reimbursement to School Districts for Health Services to Private School Students (§ 1)

The act makes permanent the existing state reimbursement grants for health services school districts must provide to Connecticut students attending private schools in the district.

Although the budget act (PA 03-1, June 30 Special Session) continues the grants for FYs 2003-04 and 2004-05, this act eliminates the statutory sunset date of June 30, 2003. As under prior law, reimbursement percentages range from 10% to 90%, based on town wealth. A town must receive a minimum 80% reimbursement if (1) its number of children on welfare was more than 1% of its population in 1997 or (2) it has a wealth ranking below 30 and provides such services to more than 1,500 students who do not live in the town.

Funding for Waterbury Technical Training Program (§ 16)

For FYs 2003-04 and 2004-05, the act exempts WACE Technical Training Center in Waterbury from adult education grant requirements and allows it to spend up to \$300,000 of its grant for technical training.

School Choice Transportation Grants (§ 18)

The act allows the education commissioner to grant RESCs additional amounts from funds remaining for school choice transportation if needed to offset transportation costs exceeding the maximum amount. By law, the State Department of Education (SDE) must provide RESCs and school districts participating in school choice

grants for the reasonable cost of transportation, provided the statewide average of the grants does not exceed \$2,100 per student transported.

RESC-Run Magnet Schools (§ 26)

For FY 2003-04, the act directs SDE to use at least \$1 million of its magnet school appropriation, by September 1, 2003, to provide a supplemental grant to RESCs operating full or part-time interdistrict magnet schools. The education commissioner must determine the grant amounts.

Teachers' Retirement System Funds (§ 247)

The act requires Hartford to pay \$1 million of its FY 2003-04 ECS grant to the Teachers' Retirement System.

TEACHERS

School Readiness Staff Qualifications (§ 15)

The act delays, from July 1, 2003 to July 1, 2004, implementation of the requirement that a person in each school readiness classroom have at least (1) a credential issued by an SDE-approved organization and nine or more credits in early childhood education or child development from an accredited college or university or (2) an associate's or

bachelor's degree in early childhood education or child development.

Teaching Certificates (§ 33)

PA 03-168 overrode SDE regulations to allow teachers with certain certificate endorsements to teach kindergarten. This act makes it clear that only elementary endorsements to teach grades one to six and comprehensive special education endorsements to teach grades one to 12 will be construed to allow the holder to teach kindergarten.

SPECIAL EDUCATION

Special Education Definitions (§§ 2-4)

The act makes state law conform to the federal Individuals with Disabilities Education Act (IDEA) by incorporating references to federal definitions and terms and eliminating redundant and inconsistent state provisions and definitions:

1. listing disabilities that qualify a child for special education and related services,
2. defining the eligible disabilities, and
3. requiring transitional services for special education students leaving school.

The act also eliminates an inconsistent provision requiring local boards to identify children who may require special

education only when they reach school age (age five). Another provision of Connecticut law makes three- and four-year olds eligible for special education if they are experiencing a developmental delay. IDEA regulations expressly allow states to include such children aged three to nine.

Special Education Due Process Hearings (§§ 5-7)

The act conforms state law to the federal IDEA by eliminating (1) a prohibition against parents, guardians, or local school boards raising issues at special education due process hearings that they did not previously raise at a meeting of the child's planning and placement team (PPT); (2) a requirement that the mandatory prehearing conference for parties to a due process hearing take place at least 10 days before the hearing is to begin; and (3) a local school board's right to go to a hearing when a parent or guardian refuses to consent to a pre-placement evaluation of the child but the act expressly allows a board to ask for a hearing when a parent refuses to consent to a child's initial evaluation or his reevaluation.

The act also allows a hearing officer to order only a child's initial evaluation, reevaluation, or placement in a private school or facility without the consent of his parent or guardian. Under prior law, the hearing officer

could order any kind of special education evaluation or placement without that consent. As under prior law, such orders are subject to court appeal.

The act allows a hearing officer to order a child placed in a facility without his parent's or guardian's consent only when (1) the parent or guardian agreed to the child's initial receipt of special education and related services and (2) the local school board seeks a private placement after the child's initial placement. Finally, it requires the Superior Court, upon appeal of a hearing officer's decision, to hear additional evidence at a party's request. Prior law gave the court discretion to hear additional evidence if it found certain circumstances to exist.

HOMELESS CHILDREN

McKinney-Vento Act (§ 8)

The act requires local and regional boards of education to follow the federal *McKinney-Vento Homeless Assistance Act* in providing educational services to children who are homeless.

Prior state law required school districts to provide school accommodations to all children who live in the district. In addition, if a child lived in a temporary shelter, the law allowed him go to school in the district where he lived permanently or in the district where the shelter was located.

McKinney-Vento requires local education agencies (LEAs) that receive federal funding to, according to the child's best interest: (1) continue a homeless child's education in his original school (the school he attended when he was permanently housed or where he was last enrolled) for the rest of the school year or, if the family becomes homeless between school years, for the following school year or (2) enroll the student in the regular school in the attendance area where he is actually living. It also requires the LEA to comply with the parent or guardian's request regarding school selection, to the extent feasible, and to make placements regardless of whether the child is living with homeless parents or has been temporarily placed elsewhere.

HIGHER EDUCATION

Constituent Unit Expenditures (§ 17)

Community-Technical College System. For FYs 2003-04 and 2004-05, the act prohibits the Community-Technical College (CTC) system office expenditures, excluding telecommunications and data center funds, capital equipment bond funds, and funds for identified systemwide projects benefiting individual CTC campuses, from exceeding 1.59% of the system annual General Fund appropriation or 1.55% of

operating fund expenditures. The act also prohibits the CTCs' FY 2003-04 and 2004-05 expenditures for institutional administration (defined as system office, executive management, fiscal operations, and general administration), excluding expenditures for logistical services, administrative computing, and development, from exceeding 10.69% of the annual General Fund appropriation or 10.38% of operating fund expenditures. None of these prohibitions include federal, private, capital bond, or fringe benefit funds.

Connecticut State

University System. For FYs 2003-04 and 2004-05, the act prohibits the Connecticut State University (CSU) system office expenditures, excluding telecommunications and data center funds, capital equipment bond funds, and funds for identified systemwide projects benefiting individual CSU campuses, from exceeding 1.13% of the annual General Fund appropriation or 1.1% of operating fund expenditures. The act also prohibits CSU's FY 2003-04 and 2004-05 expenditures for institutional administration, excluding expenditures for logistical services, administrative computing, and development, from exceeding 7.94% of the annual General Fund appropriation or 7.7% of operating fund expenditures.

None of these prohibitions include federal, private, capital bond, or fringe benefit funds.

University of Connecticut.

The act prohibits the University of Connecticut's FY 2003-04 and 2004-05 expenditures for institutional administration, excluding expenditures for logistical services, administrative computing, and development, from exceeding 3.58% of the annual General Fund appropriation or 3.47% of operating fund expenditures. These prohibitions do not include federal, private, capital bond, or fringe benefit funds.

Higher Education

Commissioner's Role. The act requires the higher education commissioner to monitor the public colleges and universities' compliance with the above restrictions and report her findings to the Appropriations and Higher Education and Employment Opportunities committees no more than 60 days after the close of each quarter for FYs 2003-04 and 2004-05.

CRIMINAL HISTORY RECORDS CHECKS

Supplemental Service Providers (§ 19)

The act applies to supplemental service provider employees having direct contact with students those provisions

on criminal history records checks already applicable to other school personnel.

“Supplemental services,” as referenced in the federal No Child Left Behind Act of 2001, means extra help in math, reading, and language arts before or after school or on the weekend.

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