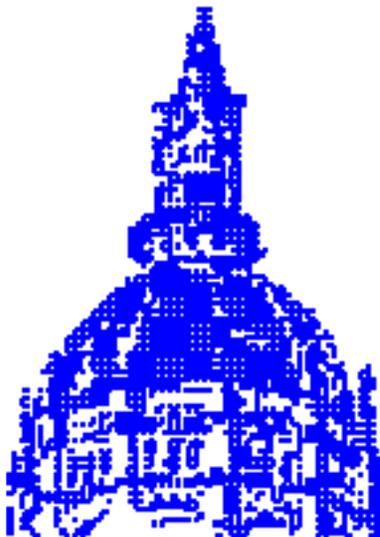


Office of Legislative Research
Connecticut General Assembly



EDUCATION



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NOTICE TO READERS

This report provides brief highlights of public and special acts affecting education enacted during the 2003 regular session. It will be revised at a later date to reflect the budget and other acts adopted during the special session.

Not all provisions of the acts are included; readers are encouraged to obtain the full text of acts that interest them from the Connecticut State Library, the House Clerk's office, or the General Assembly's website (<http://www.cga.state.ct.us/default.asp>). Complete summaries of all public acts passed during the 2003 regular session will be available in early fall when OLR's *Public Act Summary* book is published; some are now available on the OLR website (<http://www.cga.state.ct.us/olr/publicactsummaries.asp>)

All acts summarized here are effective October 1, 2003, unless otherwise noted.

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ACCOUNTABILITY AND TESTING

Additional Tests

Beginning in the 2005-06 school year, a new law requires each public school student to take statewide mastery tests in grades 3, 5, and 7 in addition to those they already must take in grades 4, 6, 8, and 10. Starting in 2005-06, the act requires tests in grades 3 to 8 to cover reading, writing, and math. Starting in 2007-08, tests in grades 5, 8, and 10 must also cover science. Prior law already required statewide mastery tests to cover math, reading, and language arts, and the 10th grade test already included science, although it was not previously required to do so by law. As under prior law, the State Board of Education (SBE) must provide and supervise administration of all mastery tests.

The act requires the new testing to be implemented in accordance with P.L. 107-110, the federal No Child Left Behind Act (NCLB). That law mandates the new tests and test content as a condition of states receiving federal education grants for low-income schools under Title I of the federal Elementary and Secondary Education Act. Starting July 1, 2003, the act requires that any state and local costs for aligning state mastery tests with the federal

requirements be paid exclusively from federal NCLB Act funds the state and local school districts receive (**PA 03-168**, effective July 1, 2003).

Testing Schedule

A new law requires all mastery tests, both old and new, to be given in April, starting in 2005-06 for the reading, writing, and math tests in grades 3-8 and starting in 2007-08 for the science tests in grades 5, 8, and 10. While the 10th grade test is already given in the spring, the 4th, 6th, and 8th grade mastery tests have been given in October (**PA 03-168**, effective July 1, 2003).

Connecticut Academic Performance Test (CAPT) Scores

A new law allows school districts to include student scores on each part of the CAPT on students' permanent records and transcripts. In addition, it requires districts to note on the permanent record or transcript whenever a student meets or exceeds the state's goal on any part of the CAPT and to issue a certificate of mastery for that part. Prior law required districts to include CAPT scores on records and transcripts and issue certificates of mastery only for students who met state goals on all parts of the CAPT (**PA 03-174**, effective July 1, 2003).

Test Start Times

A new law prohibits schools from administering any state mastery examination or test required by the federal No Child Left Behind Act for students in grades seven through 12 before 9:00 a.m. (**PA 03-174**, effective July 1, 2003).

TEACHERS AND SCHOOL EMPLOYEES

Teachers' Retirement System and Reemployment of Retired Teachers

A new law:

1. increases contributions by the state and active and retired teachers' contributions towards retired teachers' health coverage;
2. bars the state from passing any laws to diminish specified retirement benefits for teachers who are or become vested in the Teachers' Retirement System (TRS) on or after October 1, 2003;
3. liberalizes earning limits for retired teachers who return to the classroom temporarily;
4. allows retired teachers to earn more than the limit while continuing to collect retirement benefits for up to two years if they are reemployed in shortage

5. areas identified by the education commissioner;
5. requires local boards to offer reemployed shortage area teachers the same health insurance benefits the school system provides for its active teachers;
6. eliminates a reemployment option that allowed retirees to stop receiving benefits and, after six months of reemployment, resume making TRS pension contributions and accumulating service credit;
7. allows teachers to purchase additional credited service in the TRS before, instead of only when, they retire;
8. establishes payment dates and interest charges for additional credited service purchased on behalf of a member by a board of education under an early retirement incentive program;
9. allows an elected teachers' representative in a statewide, national, or international teachers' union to receive TRS credit for such service even if the organization is not affiliated with a local union representing Connecticut teachers, if the Teachers' Retirement Board receives the full actuarial cost of the service;

10. renames the TRS excess earnings account, which pays TRS' annual cost of living adjustments, the "cost of living adjustment reserve account"; and
11. makes technical and conforming changes and updates obsolete language (**PA 03-232**, effective upon passage for changes in early retirement incentive plan service purchase procedures; July 1, 2003 for reemployment, excess earnings account name, union representative, and technical changes; October 1, 2003 for the ban on laws diminishing vested teachers' retirement benefits; July 1, 2004 for the increase in active teachers' contributions for retiree health coverage and conforming sections; October 1, 2004 for changes in members' credited service purchase procedures; and July 1, 2005 for the increased state and retiree contributions to retired teachers' health insurance).

Paraprofessionals

State law requires employers to pay all wages (1) weekly on a regular pay day and (2) no more than eight days after the end of the pay period the wages cover. An act allows local and regional boards of education and unions

representing their paraprofessional employees to establish different wage payment schedules in their collective bargaining agreements. Boards and unions already had authority to establish different pay schedules for certified board employees, such as teachers and school administrators.

The act applies to employees who work for boards of education as instructional or administrative assistants in positions that do not require State Board of Education certificates (**PA 03-11**, effective July 1, 2003).

Durational Shortage Area Permit (DSAP) Holders

An act makes those teaching under DSAPs part of teachers' bargaining units, thus subjecting their wages, hours, and working conditions to mandatory collective bargaining. A DSAP is a temporary public school teaching credential SBE issues at the request of a local board of education. The law allows an uncertified person to teach a subject when no certified teacher is available. A DSAP is valid for one year and can be renewed twice, thus allowing its holder to teach for up to three years (**PA 03-174**, effective July 1, 2003).

New Teacher Certification Regulations

A new law forestalls SDE's implementation of its new, comprehensive teacher

certification regulations scheduled to take effect July 1, 2003 and requires the department to keep its previous regulations in effect until January 1, 2005. In general, the preempted regulations, adopted in 1998, require applicants for teaching certificates to demonstrate competence in specified areas rather than to complete specified courses (**PA 03-168**, effective upon passage).

Endorsements

A new law overrides SDE's teacher certification regulations to allow teachers with elementary education or comprehensive special education endorsements to teach kindergarten as well as other grades. SDE regulations had restricted the former to grades one through six and the latter to grades one through 12. (An endorsement specifies the subject and grades a certified public school teacher is qualified to teach.) (**PA 03-168**, effective upon passage)

Teaching Experience

SDE regulations allow an applicant for a teaching certificate who has not completed a state-approved teacher preparation program to substitute 20 school months of appropriate full-time teaching experience in one state-approved private school. A new law requires teaching experience in Department of Mental

Retardation-approved Birth-to-Three programs to count towards this experience (**PA 03-168**, effective upon passage).

Reading Instruction Course Requirement

A new law postpones, from July 1, 2003 to July 1, 2004, the implementation of a requirement that an applicant for an initial teaching certificate with either an early childhood through grade 3 or elementary endorsement complete a comprehensive reading instruction course of at least six semester hours (**PA 03-168**, effective upon passage).

Criminal Convictions

A new law extends the existing ban on the SBE issuing or reissuing teaching certificates for applicants convicted of specified crimes to include issuing or reissuing educational permits and authorizations, such as those required for athletic coaches and substitute teachers. SBE may already revoke a permit or authorization based on convictions of the specified crimes.

The crimes are: (1) a capital felony; (2) arson murder; (3) any class A felony; (4) a class B felony, except first-degree larceny, computer crime, or vendor fraud; (5) risk of injury to a minor; (6) deprivation of a person's civil rights by a person wearing a mask or hood; (7) second-degree assault of an

elderly, blind, disabled, pregnant, or mentally retarded person; (8) second-, third-, or fourth-degree sexual assault; (9) third-degree promoting prostitution; (10) substitution of children; (11) third-degree burglary with a firearm; (12) crimes involving child neglect; (13) first-degree stalking; (14) incest; (15) obscenity as to minors; (16) importing child pornography; (17) criminal use of a firearm or electronic defense weapon; (18) possession of a weapon on school grounds; and (19) manufacture or sale of illegal drugs (**PA 03-168**, effective July 1, 2003).

Child Abuse Reports and Investigations

By law, when a mandated child abuse reporter who is a school employee reports suspected child abuse to the Department of Children and Families (DCF) commissioner, he must also submit a copy of the written report to the head of the school or his designee. If the report concerns a certified school employee, the school head must send a copy to the education commissioner. An act also allows the school head to send a copy to the education commissioner if the report concerns a school employee who holds an SBE-issued authorization or permit.

By law, if the DCF commissioner's investigation leads her to the reasonable belief that an SBE-certified school staff

member has abused a child, she has to notify and provide records of the investigation to the SBE. The act extends this requirement to include any such staff member who has an SBE-issued permit or authorization (**PA 03-168**, effective July 1, 2003).

Donation of Teaching Services by Private Sector Specialists

An act authorizes local or regional boards of education that elect to expand academic offerings in areas identified as workforce shortage areas to solicit and use qualified private sector specialists, whether or not they are certified to teach, as long as the private sector specialist does not have sole responsibility for a classroom. By law, the Office of Workforce Competitiveness, after consulting with the labor department, must annually submit to the governor and designated legislative committees a report indicating the forecasted workforce shortage areas for the succeeding two- and five-year periods.

Previously, a board of education could use qualified private sector specialists only when it had a demonstrated shortage of qualified teachers in fields designated by the State Board of Education as teacher shortage areas. By law, services must be donated, but a private sector specialist may not work more than one-half of the maximum classroom hours of a full-time certified teacher. Also,

by law, (1) no certified teacher may be terminated, transferred, or reassigned because of the use of a private sector specialist and (2) boards of education must annually review the need for private sector specialists and may not renew or place a private sector specialist if a certified teacher is available (**PA 03-168**, effective July 1, 2003).

SPECIAL EDUCATION

Special Education Services for Children in the Juvenile Justice System

A new law requires juvenile probation officers to tell the court about any special education and related service needs of a delinquent child before the court sentences him. This information must be included in their pre-sentence investigation report, which already contains information about the child and his family; circumstances of the offense and damages caused; prior offenses; school attendance, behavior, and adjustment; and any school officials' recommendations on probation conditions (**PA 03-86**, effective October 1, 2003).

ADULT EDUCATION

Civics Requirement

Under a new law, the required one-half credit in civics and American government is part of the minimum three credits in

social studies already required for an adult education diploma. The new requirement matches the civics requirement for a regular high school diploma that applies starting with the class of 2004 (**PA 03-100**, effective July 1, 2003).

Computer Equipment Spending Limit

A new law eliminates a limit on the amount of state-reimbursable adult education expenses a local or regional board of education may devote to computer equipment (**PA 03-100**, effective July 1, 2003).

Formula Changes

An act eliminates two bonus provisions in the adult education reimbursement formula (**PA 03-100**, effective July 1, 2003).

INDOOR AIR QUALITY

Indoor Air Quality in Schools

A new law makes several changes to the school construction and board of education statutes to improve and protect indoor air quality in Connecticut schools. These changes include:

1. making school boards responsible for maintaining their facilities;
2. requiring local and regional school districts to implement an inspection and evaluation program,

- such as the U.S. Environmental Protection Agency's (EPA) Tools for Schools, for new building construction, extensions, renovations, and replacements;
3. allowing the education commissioner to approve school construction projects for certified school indoor air quality emergencies without putting them on the list for General Assembly approval;
 4. requiring districts to conduct Phase I environmental site assessments of proposed school construction sites;
 5. prohibiting the State Department of Education (SDE) from approving school construction projects or sites if certain conditions exist;
 6. requiring operation and maintenance of heating, ventilating, and air conditioning (HVAC) systems in accordance with prevailing standards;
 7. increasing the maximum square footage per pupil limit if necessary to accommodate an HVAC system; and
 8. allowing local and regional boards of education to establish indoor air quality committees to increase staff and student awareness of indoor

9. environmental quality (**PA 03-220**, effective July 1, 2003).

BOARD OF EDUCATION AND SERVICES FOR THE BLIND

Priority System for Payments and Services

An act establishes a priority system for the Board of Education and Services for the Blind (BESB) to use when it provides and pays for educational services to blind or visually impaired children. It requires BESB to use funds from its Educational Aid for Blind and Visually Handicapped Children Account (the educational aid account) in the following order: (1) to pay for goods and services, such as specialized books; (2) to pay for teaching services that school districts request directly from BESB; and (3) to reimburse towns that purchase these services on their own. A formula is used to determine the number of BESB teachers the districts receive. The act authorizes BESB to charge districts for any goods or services if insufficient funds are appropriated to the account.

The act requires any funds left in the account after paying for goods, services, and teaching services to go to the school districts. It requires BESB to make its existing resources, such as its library, available to the districts and permits it to provide the districts with professional development and training. The

act allows BESB to adopt regulations to carry out these provisions.

By law, blind and visually impaired residents, regardless of age, are entitled to educational services from BESB when the BESB director recommends them. BESB must pay up to \$6,400 per blind or visually impaired child for these services. The act eliminates a requirement that the director annually submit a list of these residents to the BESB board. It also eliminates a requirement that blind children be “educable” as a condition of their parent’s or guardian’s petitioning their local school boards for services.

The act eliminates BESB’s authority to spend up to \$11,000 per fiscal year to send children who are both blind or visually impaired and deaf, or blind or visually impaired with other severe physical handicaps to in- or out-of-state facilities. It eliminates a \$100 allowance for clothing and \$300 for transporting children to and from specialized residential facilities serving the blind, which is in addition to the established statutory cap for educational services. It also eliminates BESB’s authority to provide educational services to children whose vision is better than the statutory definition of blindness (**PA 03-219**, effective July 1, 2003).

SCHOOL CHOICE

Open Choice Program Preference

An act adds to existing preferences for certain students in lotteries conducted when the number of students seeking to attend school in a particular district under the state’s Open Choice attendance program exceeds the spaces available. By law, in such situations, the regional education service center (RESC) for the district involved must use a lottery designed to preserve or increase racial, ethnic, and economic diversity. Under prior law and the act, RESCs must give preference in conducting the lotteries to siblings of students already participating and to students who would otherwise attend a school that has lost its accreditation from the New England Association of Schools and Colleges. The act adds a preference for students attending schools determined to be “in need of improvement” under the school accountability requirements of the NCLB (**PA 03-168**, effective July 1, 2003).

AFTER-SCHOOL PROGRAMS

After School Committee

An act requires the education commissioner to establish and appoint an after school committee, in consultation with

the social services commissioner and Children's Commission executive director. The committee's members must include people who operate, or are experts in, after school programs; local elected officials; members of community agencies; business people; and professional educators.

The committee may report and make recommendations on some or all of these topics:

1. existing government and private resources to support after school programs,
2. ways to improve goal setting and coordination among state agencies to achieve efficiencies and encourage training and local technical assistance for after school programs,
3. best practices,
4. ways to encourage community-based providers,
5. professional development and joint training,
6. ways to address barriers to after school programs, and
7. a public and private governance structure that ensures after school programs are sustainable.

The committee must report its findings to the General Assembly by February 1, 2004. To support the committee, the act allows the education commissioner to seek and accept funds from private organizations that do not receive grants or other funds from the Education Department (**PA 03-206**, effective upon passage).

Priority School Districts

A new law allows priority school districts receiving state funding for after-school academic enrichment, support, and recreational programs under the extended school building hours grant program to charge fees for students to participate in the grant-funded programs, as long as (1) the fees are calculated on a sliding scale based on ability to pay and (2) no fee exceeds 75% of the average cost of participation. It prohibits a school district from excluding a student from participating in an after-school program based on his inability to pay a fee (**PA 03-174**, effective July 1, 2003).

STUDENT HEALTH

Provision of Medical Care for Students' Health Care Needs

A new law:

1. requires school boards to let diabetic students test their own glucose levels in school if a physician's or advanced practice registered nurse's (APRN) written order states the student needs to self-test and is capable of doing so;
2. expands the types of school personnel who can administer medication to students under specified circumstances, expands the scope of the regulations that govern administration, and shifts

- authority to adopt regulations from the public health commissioner to the SBE;
3. specifies the school personnel who can recommend medical evaluations for students, requires school board policies to address procedures for recommending such evaluations, and clarifies and expands the provisions of the law requiring school boards to adopt policies prohibiting school personnel from recommending psychotropic drugs for a child;
 4. requires health care providers to report to school districts when they immunize or conduct a health care assessment on a child seeking to enroll in a public school and to report on immunizations and assessments for each child enrolled in that school;
 5. immunizes from civil liability volunteers and certain nonprofit organizations when, under specified conditions, a volunteer uses an automatic prefilled cartridge injector on a child who apparently needs an injection due to an allergic reaction;
 6. prohibits school boards from denying a student access to school transportation solely because he needs to carry an automatic cartridge injector or similar equipment to deliver epinephrine to treat allergic reactions;
 7. requires school boards to honor APRNs' orders restricting a student's physical activity in school; and
 8. explicitly requires in-service programs on the development of exceptional children that school districts must offer for certified school personnel to cover students with attention-deficit hyperactivity disorder (ADHD) and learning disabilities (**PA 03-211**, effective July 1, 2003).

HIGHER EDUCATION

Smoking in Dormitories

An act bans smoking in private college and university dormitories. The law already prohibits smoking in the dormitories of public colleges and universities (**PA 03-45**, effective October 1, 2003).

Students Called to Active Duty

A new law requires the state's community-technical colleges, Connecticut State University System, and University of Connecticut to allow students

called to active duty in the armed forces during any semester to reenroll in any course for which they paid tuition but did not complete because of their active duty status. Students have four years from the date of release from active duty to reenroll. The schools may not impose any additional tuition, student fee, or related charge on the affected students for the courses, unless they had fully reimbursed the students for courses not completed (**PA 03-33**, effective October 1, 2003 (**PA 03-278** changes the effective date to upon passage, May 12, 2003)).

Veterans' Benefits

An act makes all veterans who have at least 90 days of active duty service in the armed forces since August 2, 1990 eligible for property tax, education, and other war service benefits, even if they did not serve in a war or war theater. Under prior law, veterans of this period were eligible only if they served in Somalia after December 2, 1992; in Bosnia after December 20, 1995; or during Operation Desert Shield and Operation Desert Storm, August 2, 1990, to June 30, 1994.

But the act eliminates benefits for veterans of the:

1. Cuban pacification, September 12, 1906, to April 1, 1909;
2. Nicaraguan campaign, August 28, 1912, to November 2, 1913;

3. Haitian campaign, July 9, 1915, to December 6, 1915; and

4. Berlin airlift, August 14, 1961, to June 1, 1962.

It also eliminates benefits for (1) veterans with active duty service in South Korea's demilitarized zone after February 1, 1955; (2) veterans who did not serve in a combat or combat-support role in the Lebanon conflict, July 1, 1958, to November 1, 1958; and (3) some veterans of the Mexico expedition.

The laws waive tuition at the state's public colleges and universities for qualified veterans who reside in Connecticut and are accepted for admission (**PA 03-85**, effective upon passage).

BIRTH-TO-THREE PROGRAMS

Notification Requirement

A new law requires the statewide birth-to-three program to include a system for annually notifying local and regional boards of education by January 1 of any child (1) living in the district, (2) participating in the statewide program, and (3) turning three years old during the next fiscal year (**PA 03-174**, effective October 1, 2003).

CASINO NIGHTS

Repealing Las Vegas Night Games

An act makes Las Vegas nights illegal by repealing the statutes that allow (1) charitable, civic, and other organizations to hold such events as fundraisers and (2) high school-sponsored Las Vegas nights. It repeals statutes governing these games, including the Division of Special Revenue's (DSR) permit application process, conditions on operating the games, and reporting requirements.

The act terminates all Las Vegas night permits or registrations on January 7, 2003. It requires DSR to refund fees for any terminated permit or registration. The act changes the definition of gambling, which applies to the crime of illegal gambling, by (1) eliminating the exemption for Las Vegas night activities and (2) explicitly including casino gambling such as blackjack, poker, craps, roulette, and slot machines. It also eliminates a provision that allows a permittee conducting a bazaar to award cash prizes of up to \$25 in a "money-wheel" game **(PA 03-1, January 6 Special Session**, effective upon passage).

ELECTIONS

Statewide Student Voter Registration

A new law requires the secretary of the state to designate a period of time each year between January 1 and May 31 for a Statewide Student Voter Registration Drive. She must do this in consultation with the state's registrars of voters and she must coordinate and publicize the drive **(PA 03-54**, effective October 1, 2003).

Students as Official Checkers

An act allows a 16- or 17-year-old to be appointed as a checker in a polling place at an election or a primary without first having to serve as an unofficial checker or a candidate checker. It permits the appointment after the person attends poll worker training and, if the person is a high school student and the primary or election is held on a day when school is in session, has received written permission from a parent, guardian, or the school principal. The act also permits such youth to serve as translators at a polling place and requires the same poll worker training and permission for appointment as a voting machine tender or translator.

By law, a 16- or 17-year-old poll worker must be a U.S. citizen and resident of the town where the primary or election is held. Prior law (1) permitted a

youth to serve as a challenger, voting machine tender, unofficial checker, candidate checker, or checker and (2) required the youth to have served as an unofficial checker in an election or as a candidate checker in a primary before being eligible for appointment as a checker in a subsequent election or primary (**PA 03-108**, effective July 1, 2003).

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