

Office of Legislative Research  
Connecticut General Assembly



**OLR ACTS AFFECTING**

**EDUCATION**



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## NOTICE TO READERS

This report provides brief highlights of public and special acts affecting education enacted during the 2004 regular session and the May special session. Not all provisions of the acts are included; readers are encouraged to obtain the full text of the 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>). As of the date of the report, the governor has not signed all of these acts. Thus, some of the changes described herein might not become law.

Complete summaries of all public acts passed during the 2004 regular session and May special 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/>).

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## **EDUCATION GRANTS AND FUNDING**

### ***Education Cost Sharing (ECS)***

An act implementing the budget gives each town an FY 2004-05 ECS grant equal to its FY 2003-04 grant plus 23.27% of the difference between that grant and its full ECS entitlement. This allocation is subject to the following constraints:

1. every town's grant must be at least 60% of its full entitlement;
2. no priority school district may receive less than \$370 per student;
3. every town, except Winchester, must receive at least the greater of (a) its FY 2002-03 grant or (b) its FY 2003-04 grant plus 0.07%; and
4. Winchester must receive a grant at least equal to its fixed entitlement for FY 2002-03. (A "fixed entitlement" is a town's full ECS formula grant, excluding prior year adjustments.)

The implementing legislation also (1) eliminates the cap on annual increases in ECS grants one year early, as of July 1, 2004, instead of July 1, 2005 and (2) starting with FY 2004-05,

restores the density supplement, which gives additional ECS funding to towns with population densities greater than the state average. (**PA 04-216 and sHB 5584**, effective July 1, 2004)

### ***Grants for Priority and Former Priority Districts***

An act establishes annual grants for priority school districts that vary according to population. The grant amounts and the districts eligible for each amount in FY 2004-05 are: \$1.5 million for the priority district with the largest population (Bridgeport), \$1 million each for districts ranked two through four (Hartford, New Haven, and Stamford), \$600,000 for the fifth-ranked district (Waterbury), and \$500,000 for each district ranked six through eight (Danbury, New Britain, and Norwalk). The seven smallest priority districts receive \$250,000 each (Ansonia, Bloomfield, Bristol, East Hartford, Meriden, New London, and Windham).

For FY 2004-05 only, the act also allocates money for two former priority districts, also according to population. West Haven receives \$200,000 and Putnam, \$100,000. (**sHB 5584**, effective July 1, 2004)

## **Other Grants**

The act also increases FY 2004-05 allocations to four categorical education grant programs by the following amounts: Priority School District Grants, \$8.65 million; School Readiness, \$7 million; Early Reading Success, \$2,052,714; and Summer School, \$900,000. (**sHB 5584**, as amended by **HB 5801**, (May Special Session) effective July 1, 2004)

## **EARLY CHILDHOOD/SCHOOL READINESS**

### ***School Readiness Programs and Funding***

An act:

1. allows the State Department of Education (SDE), in consultation with the Department of Social Services (DSS), to grant waivers to allow for variation in the school readiness program schedule;
2. allows the SDE to reallocate 70% rather than 50% of unused non-competitive school readiness grant program funds to create new program slots and allows the remaining percentage to be used for professional development, rather than allowing those funds to lapse;

3. increases the maximum per child reimbursement for the SDE school readiness component of a program offered by a school readiness provider to \$6,400 from \$5,891; and
4. increases the maximum school readiness program competitive grant by \$7,000 per priority school. (**PA 04-215**, effective July 1, 2004)

Another act extends the school readiness competitive grant program to towns that are among the 28 poorest in the state, but are not considered priority school districts. These towns are: Ashford, Chaplain, Griswold, Sprague, Sterling, and Thompson. Prior law allowed towns or regional school readiness councils to apply for these funds only to provide spaces in school readiness programs for eligible children who live in area served by a priority school or former priority school. (**sHB 5584**, effective July 1, 2004)

### ***School Readiness Staff Qualifications***

Another act increases the minimum required number of early childhood education or child development credits from nine to 12 for school readiness staff holding credentials from a commissioner-approved

organization beginning July 1, 2005. The act also expands the qualifications of people who may serve as school readiness staff to include:

1. certified early childhood or special education teachers and
2. anyone with an associate's or bachelor's degree who has a specified minimum number of credits, rather than a major, in early childhood education or child development.

The act specifies a minimum requirement of nine credits for the first year ending June 30, 2005 and after that, 12 credits in those subject areas. (**PA 04-15**, effective July 1, 2004)

### ***Pre-school Facility Projects***

A new law allows the Connecticut Health and Educational Facilities Authority (CHEFA) to issue bonds to fund loans to municipalities, local and regional school boards, regional educational service centers, and other participating qualified nonprofit organizations to enable them to acquire, build, improve, expand, furnish, or equip a facility for providing educational programs for three- and four-year-olds. Such programs can include school readiness and Head Start programs. A local

school board must have the approval of its municipal legislative body to participate.

It authorizes participating entities to borrow money from CHEFA for the authorized preschool projects and allows them to make any loan or other agreements or promises the borrowing requires.

The act allows both the preschool project program bonds and bonds issued to finance loans to child care and child development centers under an existing CHEFA program, to be fully or partly backed by fees, charges, tuition, other revenues, or third-party payments on behalf of the children the programs serve.

Finally, it exempts any CHEFA pre-school facility bonds from participating municipalities' statutory debt limits. The bonds must be secured only by the revenues pledged for their repayment and are not backed by the municipalities' general taxing power or by any other municipal property. (**SB 801**, effective on passage)

### ***Child Day Care Training***

An act requires DSS to add an early childhood education component to the statewide coordinated child day care training system that they are required to develop and implement and adds the

Department of Higher Education (DHE) to the list of agencies required to assist them in this task. The act requires that the system make available, within available appropriations, scholarships, career counseling and training, advancement in career ladders, program accreditation support and other initiatives recommended by DSS, SDE, and DHE. (**PA 04-212**, effective October 1, 2004)

## **SCHOOL CONSTRUCTION**

### ***State Grant Commitments For School Building Projects***

The act:

1. authorizes \$280.5 million in state grant commitments for 23 school construction projects;
2. reauthorizes 39 previously authorized school building projects that have changed substantially in scope or cost, increasing the total grant commitments for those projects by \$127.4 million;
3. makes the Board of Trustees of the Community-Technical Colleges (CTC) eligible for a state school construction grant of 100%, instead of the usual 95%, of the eligible cost for building an interdistrict magnet school on the Manchester

Community College (MCC) campus, as long as the total cost does not exceed \$28 million;

4. makes the CTC board eligible to receive state interdistrict magnet school transportation and operating grants on MCC's behalf;
5. forgives required repayment of a Norwich school construction grant; and
6. waives various statutory and regulatory requirements to add projects to the 2004 authorization list and make otherwise ineligible projects in several districts eligible for state school construction grants. (**PA 04-213**, effective on passage)

### ***Bonding***

An act increases the bonding authorizations for school construction grants and school construction interest subsidy grants by \$625.5 million and \$33 million respectively. (**SB 801**, effective July 1, 2004)

### ***Bridgeport Projects***

A new law waives school construction statutes and regulations to allow Bridgeport to count federal funds it receives

and uses to finance state-aided school construction projects as part of its local share of the projects' cost. By law, the state reimburses school districts for between 20% to 80% of the eligible cost of school construction projects, depending on their wealth. The remainder of the project cost is considered the local share. (**PA 04-251**, effective July 1, 2004 and **SB 801**, effective on passage)

Another act allows the Bridgeport board of education to submit a consolidated grant application for several school construction projects and be eligible for a single grant for the state share of all the projects. The act also allows the consolidated Bridgeport project to be classified as a renovation for purposes of school construction grants. By law, to be eligible for a school construction grant, a renovation project must (1) produce a school with a useful life comparable to that of a new school and (2) cost less than building a new school.

The act also waives the June 30, 2003 application deadline and adds Bridgeport school construction projects to the 2004 school construction project authorization list (approved in the 2004 regular session as part of PA 04-213). Finally, it waives laws and regulations requiring that a school construction

project's scope be established when the grant application is filed to allow Bridgeport to change a project. (**SB 801**, effective on passage)

### ***Stonington Project***

For an extension, alteration, and roof replacement project at Stonington High School, an act waives the requirement that districts obtain SDE approval before offering projects for competitive bids, thus making the project eligible for a state grant after the SDE approves the plans. (**SA 04-1**, effective on passage)

### ***Requirements for School Roofing Projects***

A new law allows the education commissioner to reduce the minimum roof pitch in school construction project plans submitted for the total replacement of existing roofs to from one-half to one-quarter inch per foot if the following conditions are met:

1. the flatter roof will not be more likely than the steeper roof to impede drainage or cause pooling of water that may leak into the building;
2. it would cost substantially more and take substantially longer to replace the roof with the steeper pitch; and

3. the existing building would require substantial construction to support the roof with the steeper pitch.

The act also allows towns or regional boards of education that have submitted or had total existing roof replacement project plans approved since July 1, 2003 to apply to the education commissioner before June 30, 2004 to reduce the roof pitch in their plans. (**PA 04-168**, effective on passage)

## **TEACHERS AND SCHOOL PERSONNEL**

### ***National Board Certification***

An act requires the State Board of Education (SBE) to issue a Connecticut provisional or professional certificate, with an appropriate endorsement, to any teacher from another state, U.S. possession or territory, the District of Columbia, or Puerto Rico who (1) applies; (2) holds a national board certification from an organization the education commissioner considers appropriate; and (3) has taught for at least three of the past 10 years in another state, U.S. possession or territory, the District of Columbia, or Puerto Rico. The teacher must receive a provisional educator certificate if he has not completed 30 credits of qualifying coursework beyond a bachelor's degree. If he has the 30 credits, SBE must give him a professional certificate.

Under the act, SBE can still deny a certificate to a nationally certified out-of-state teacher for the same reasons it can deny any other applicant, namely because (1) the teacher seeks the certificate through fraud or misrepresents a material fact; (2) the teacher has been convicted of a crime involving moral turpitude or some other crime that, in SBE's opinion, would impair the standing of the state's teaching certificates; or (3) it has other due cause. A teacher denied certification can ask SBE to review its decision. (**PA 04-138**, effective July 1, 2004)

### ***Teacher Evaluations***

An act allows a teacher or administrator to file a grievance claiming that the evaluation procedure a school district followed in a particular case differed from its established procedures. Such grievances may be filed only according to grievance procedures established in collective bargaining agreements negotiated after July 1, 2004. (**PA 04-137**, effective on passage)

### ***Training On English Language Acquisition***

New legislation requires local and regional school boards to include information on second language acquisition in their in-service training programs for certified teachers, administrators, and pupil

personnel in districts required to provide bilingual education for English language learners. It also requires that, beginning July 1, 2006, any teacher preparation program leading to professional certification include, as part of the curriculum, instruction in the concepts of second language learning, acquisition, and processes that reflects current research and best practices in these areas. The instruction must be incorporated in student major and concentration requirements. **(PA 04-227, effective July 1, 2004)**

### ***Literacy Skills Training***

Another act requires that, beginning July 1, 2006, the curriculum of any teacher preparation program leading to professional certification include instruction in literacy skills and processes that reflects current research and best practices in the field. The instruction must be incorporated into the requirements for a student major and concentration. **(PA 04-75, effective July 1, 2004)**

### ***Payment Schedules for Noncertified Employees***

Last year, the General Assembly exempted noncertified school district employees who work in instructional or administrative capacities from laws requiring that they receive 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. This new act extends the exemption all noncertified school employees regardless of their duties (for example, cafeteria or maintenance staff). It allows local and regional boards of education and unions representing their noncertified employees to establish different wage payment schedules in their collective bargaining agreements. The law already exempts certified school district staff (teachers and administrators). **(PA 04-13, effective July 1, 2004)**

### ***Notification in Cases of Termination of Coaches***

An act requires a board of education that employs an athletic coach to have his immediate supervisor evaluate him annually and provide him with a copy of the evaluation.

When a board, or its agent, terminates or declines to renew the contract of a coach who has held the same position for three or more consecutive school years, the act requires that the board: (1) inform the coach of the decision no later than 90 days after the end of the sport season covered by the contract and (2) allow him to appeal the decision to the board in a manner the board prescribes.

The act does not prohibit a board from terminating a coach's contract at any time for moral

misconduct, insubordination, or violation of the rules of the board or because the sport is being discontinued by the board. (**PA 04-243**, effective July 1, 2004)

***Sexual Assault of Youths By Persons Standing in a Position of Trust, Authority or Supervision***

A new act makes it second- or fourth-degree sexual assault for an adult to have sexual intercourse or sexual contact, respectively, with a person under age 18 who participates in a program or activity if the adult's professional, legal, occupational, or volunteer status gives him power, authority, or supervision over the minor. The act covers actors age 20 or older.

Second-degree sexual assault is a class C felony unless the victim is under age 16 in which case it is a class B felony. A class C felony is punishable by up to 10 years' imprisonment, up to a \$10,000 fine, or both. A class B felony is punishable by up to 20 years' imprisonment, up to a \$15,000 fine, or both. Nine months of the prison term cannot be reduced or suspended.

Fourth-degree sexual assault is a class A misdemeanor unless the victim is under age 16 in which case it is a class D felony. A class A misdemeanor is punishable by up to one year in prison, a \$2,000 fine, or both. A class D felony is punishable by

up to five years' imprisonment, up to a \$5,000 fine, or both. (**PA 04-130**, effective October 1, 2004)

**SCHOOL OPERATIONS**

***Childhood Nutrition In Schools, Recess And Lunch Breaks***

The act requires local and regional school boards to (1) provide all full-day students with a minimum 20-minute daily lunch break and (2) include a daily period of physical exercise for most students in kindergarten through grade five, except those students requiring special education for whom a planning and placement team develops a different exercise schedule. The act also requires school boards to make nutritious food and drinks, such as low-fat milk, water, 100% fruit juices, low-fat dairy products and fresh and dried fruit, available for purchase whenever students can purchase drinks in school or whenever they can buy food during the regular school day. (**PA 04-224**, effective July 1, 2004)

***Administration of Medication in Schools and School Nurses***

The act:

1. makes statutory the requirement that school boards adopt written policies and procedures for

- administering medication in schools and changes the approving authority for such policies and procedures from the Department of Public Health (DPH) to the local school medical adviser or other qualified physician;
2. requires nurses and nurse practitioners who provide health services to students in a public or private school to submit to criminal background checks even if they are not directly employed by the local school board or private school; and
  3. requires regional education service centers (RESCs) to arrange for the fingerprinting of school personnel of the SBE-approved endowed or incorporated academies and special education facilities upon the request of those institutions.

(**PA 04-181**, effective July 1, 2004, except for the provisions on criminal background checks, which are effective on passage)

***Norwich School-Based Health Clinic***

An act appropriates \$75,000 in FY 2004-05 to the DPH for a school-based health clinic in Norwich. (**sHB 5689**, effective July 1, 2004)

***Graduation Date Exception for 2004***

A new law makes an exception to the law concerning high school graduation dates to allow a local school board that (1) set its 2004 graduation date before May 1, 2004 and (2) had to close its high school for emergency repairs, to hold its 2004 graduation ceremony on the scheduled date as long as it continues to offer at least 180 days and 900 hours of actual school work for the year. The law generally bars a school board from setting a firm high school graduation date that is earlier than the 185<sup>th</sup> day of its originally adopted school calendar for the year. But if a board waits until on or after April 1 in any school year to set the graduation date, it can set one that provides for a minimum of 180 days of school. (**PA 04-251**, effective on passage)

**CHARTER SCHOOLS**

***Funding Reallocations***

By law, if for any fiscal year, the state appropriation for charter schools exceeds \$7,250 per student, the excess funds must be used for proportionate increases in charter school per-student grants. For FY 2004-05, this act limits the reallocation to \$110 per student (or a maximum of \$7,360 per student). (**HB 5584**, effective July 1, 2004)

### ***Amistad Academy Enrollment***

An act makes an exception to a law that limits enrollment at charter schools, other than K-8 schools, to 250 students. The exception allows Amistad Academy to enroll up to 300 students. Amistad is a New Haven charter school that enrolls students in grades 5-8. (**HB 5584**, effective July 1, 2004)

### **VOCATIONAL AGRICULTURE CENTER TUITION**

An act increases the maximum tuition a school district operating a vocational agriculture (“vo-ag”) center can charge other districts for each student they send to the center from 102% to 120% of the ECS foundation amount. Since the ECS foundation is \$5,891 per student, the act raises the maximum vo-ag center tuition from \$6,009 to \$7,069 per student. (**PA 04-197**, effective July 1, 2004)

### **VOCATIONAL TECHNICAL SCHOOLS**

An act requires the Office of Workforce Competitiveness (OWC) to establish an Innovation Challenge Grant Program, within available appropriations. The program must encourage partnerships and collaboration between technology-based businesses and higher education institutions and vocational-technical (V-T) schools to (1)

develop educational programs in emerging interdisciplinary technology fields and (2) address related issues. OWC must establish the program in consultation with the Council of Advisors on Strategies for the Knowledge Economy, which the act creates to (1) advise OWC on the process for awarding challenge grants to public postsecondary schools and their business partners, (2) promote university-industry partnerships, and (3) identify benchmarks for technology-based workforce innovation and competitiveness.

The act requires the education commissioner, by January 1, 2005, in collaboration with the higher education commissioner, chancellor of the Community-Technical College (CTC) System, and OWC to report to OWC, the Governor’s Council on Economic Competitiveness and Technology, and the Connecticut Employment and Training commission (CETC) on certain initiatives involving CTCs and V-T schools.

The act also requires that the superintendent of the V-T school system create an integrated system of statewide industry advisory committees for each career cluster offered in the V-T school and CTC systems by October 1, 2005. The committees must include industry representatives of the specific career cluster. Each career cluster committee must, with support from the OWC, V-T

schools, CTCs, and Education Department, establish and implement, as part of the school's core curriculum, specific skill standards, corresponding curriculum, and a career ladder for the cluster. (**PA 04-212**, effective July 1, 2005 for the Challenge Grant Program and Knowledge Council and upon passage for the other provisions)

## **SPECIAL PROGRAMS**

### ***International Studies Programs***

A new law expands the duties of the International Education Advisory Committee by requiring it to (1) develop criteria and guidelines for international studies programs, as well as partnership programs between Connecticut public schools and foreign schools and (2) submit them to SBE for review and approval. The act requires the committee also to advise SBE on incentives to encourage the formation of the partnership programs, such as cooperation in teacher certification, student assessment programs and course credit recognition, summer program participation, and other low-cost measures that would maximize the benefits of the partnerships.

The act also authorizes SBE to recognize international education and sister-school partnership programs and allows foreign schools to receive

professional development and technical assistance under the partnership program within available appropriations under the same conditions as Connecticut public schools. (**PA 04-153**, effective July 1, 2004)

### ***Educational Technology Programs***

An act expands the permissible uses of SDE educational technology program grants for school districts to include wireless connectivity, as well as traditional wiring and connectivity, computers, and software.

It requires superintendents to affirm in their school construction grant applications that the school district considered using wireless connectivity technology in their school building projects.

Finally, the act shifts primary responsibility for the development of (1) a statewide teacher and administrator competency standard for the use of technology for teaching and (2) a statewide plan for the achievement of this standard from the Commission for Educational Technology to SDE. (**PA 04-57**, effective July 1, 2004)

## **NO CHILD LEFT BEHIND (NCLB) COST STUDY**

New legislation requires the Office of Policy and Management secretary and the education commissioner, or their designees, to conduct a cost study of NCLB mandates. The analysis must include an estimate of the costs to the state and local and regional boards of education minus any federal funds allocated for compliance. The data must be submitted to the Education Committee by January 1, 2005. (**HB 5584**, effective on passage)

## **HIGHER EDUCATION**

### ***Bonding***

An act authorizes \$136.5 million in general obligation bonds for capital projects for the community technical colleges and Connecticut State University for FY 04 and 56.8 million for FY 05. (**PA 04-3**, effective on passage)

### ***Training and Recruitment of Health Care Professionals***

New legislation establishes a 17-member Connecticut Allied Health Workforce Policy Board to work with the Connecticut Career Ladder Advisory Committee and specifies its responsibilities, which include:

1. identifying recruitment and retention strategies for (a)

public and independent higher education institutions that have allied health programs and (b) allied health employers;

2. recommending financial and other assistance for students enrolled or thinking of enrolling in allied health programs offered at public or independent higher education institutions;
3. making recommendations for recruiting and using retired nursing faculty members to teach or train students to become practical or registered nurses; and
4. examining nursing programs at public and independent higher education institutions and making recommendations about the possibility of streamlining the programs' curricula to facilitate timely program completion.

The board must report its findings and recommendations annually to the General Assembly. (**PA 04-220**, effective on passage)

Another act establishes a Connecticut nursing faculty incentive program to be administered by the Office of Workforce Competitiveness (OWC). The program must

provide grants, within available funds, to higher education institutions that work with hospitals to:

1. establish or expand nursing education programs that qualify people to teach or train nursing students enrolled in a bachelors or registered nurse certification program or
2. encourage those who already have those qualifications to serve as full- or part-time faculty members at these institutions.

The act also requires the higher education commissioner to report to the Public Health and Higher Education and Employment Advancement committees by January 1, 2005 on her department's assessment of the current and future capacity of the state higher education system to educate and train nurses. (**PA 04-196**, effective on passage)

A third act establishes a Connecticut Nursing Incentive Program, which DHE must administer. It appropriates \$200,000 to DHE in FY 2004-05 to provide program assistance to the state's four regional community-technical colleges and allows DHE to use up to 2%

of the funds for program administration in FYs 2004-05 and 2005-06. (**sHB 5571**, effective on passage)

### ***Textbooks***

New Legislation requires the higher education commissioner, in collaboration with the Board of Trustees for Community-Technical Colleges, the Board of Trustees of the Connecticut State University System, the Board of Trustees for The University of Connecticut and the Connecticut Conference of Independent Colleges, to examine ways to maximize the combined purchasing power of the constituent units of the state system of higher education and independent institutions of higher education in order to ensure that textbooks are priced and sold at a reasonable cost to students enrolled at public and independent institutions of higher education.

The act requires the higher education commissioner to submit a report on her findings and any legislative recommendations to the Higher Education and Employment Advancement Committee by January 1, 2005. (**SA 04-3**, effective July 1, 2004)

### ***The Graduate Institute***

An act authorizes The Graduate Institute to confer degrees and grant diplomas

subject to the requirements of the Board of Governors for Higher Education (BGHE). BGHE granted The Graduate Institute's license to operate graduate programs in 1999. The Institute, located in Milford and New London, offers four Masters of Arts programs including Conscious Evolution, Experimental Health and Healing, Holistic Thinking and Oral Traditions. (**HB 5801**, effective October 1, 2004)

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