
OLR BILL ANALYSIS

SB 24 (LCO 551)

AN ACT CONCERNING EDUCATIONAL COMPETITIVENESS

§§ 1-3—EDUCATION COST SHARING (ECS) FORMULA AND GRANTS

This bill changes several elements used in the ECS formula starting in FY 13. The changes increase the aggregate amount distributed through the formula and direct much of the increase to less wealthy towns with lower academic performance and higher numbers of students with low income and limited English. Under the bill, no town receives a lower ECS grant in FY 13 than in FY 12.

The ECS formula distributes state education aid to towns to allow them to reach a state-established level of per-pupil spending (the foundation) based on an equalized tax burden with the state making up any difference between what a town can raise and the foundation, up to the state guaranteed wealth level (GWL). The GWL is currently set by law at 75% above the wealth of the median town.

The ECS formula has three main elements: (1) the ratio of each town's wealth to the GWL ("base aid ratio"), (2) the level of per-pupil spending the state is helping districts achieve (the foundation), and (3) the number of each town's resident students adjusted for educational and economic need ("need students").

Foundation

The bill increases the ECS foundation from \$9,687 to \$12,000 per need student.

Base Aid Ratio and Base Aid

The base aid ratio represents the relationship between each town's wealth (measured by its equalized net grand list adjusted for income) and the GWL. The base aid ratio determines the percentage of the foundation each town will receive from the state for each need student.

Current law establishes a minimum base aid ratio of 9% for most towns and 13% for towns with the highest concentrations of low-income students, thus allowing towns

whose wealth exceeds the GWL to receive an ECS grant. For FY 13 and subsequent fiscal years, this bill (1) reduces the minimum base aid ratio to zero for towns not designated as a low-achieving “conditional funding districts” under the bill (see below) and (2) increases it to 20% for conditional funding district towns.

Although all towns continue to receive an ECS grant, the bill sets each town’s base (minimum) aid for FY 13 and subsequent fiscal years at the amount of its FY 12 ECS grant. Thus, ECS grants for wealthier towns not designated as conditional funding districts will remain at the FY 12 level in future years.

Need Students

The ECS formula weights each town’s number of resident students for educational and economic need to yield a “need student” count. The two categories of students given additional weight in the need student count are those with limited-English proficiency (LEP), each of whom is counted as 1.15, and students in poverty, each of whom is counted as 1.33. This bill changes the students in each of these categories, starting in FY 13.

Limited English. The bill adds the 15% weighting to all LEP students, whether or not they are participating in bilingual education programs, if:

1. they are enrolled in public school in kindergarten through grade 12,
2. their dominant language is not English, and
3. their English proficiency is not good enough to ensure them an equal educational opportunity in the regular school program.

Under current law, LEP students who participate in bilingual education programs are not weighted.

Poverty. The bill changes the basis for the 33% poverty weighting by applying it to the number of each town’s children aged five through 17 whose family incomes are below 185% of the federal poverty level. Under current law, the weighting applies to students aged five through 17 who are eligible for federal Title I education aid as of each October 1. The bill requires the social services commissioner to certify the number of children in poverty and submit it annually to the education commissioner by July 1 “of the following fiscal year.” (It is not clear which year this is.)

Income Adjustment for Town Wealth

By law, each town's wealth is determined using a three-year average of its equalized net grand list, adjusted for income. The income adjustment is the average of the ratios of each town's per capita and median household incomes to the per capita and median household incomes of the towns with the highest such incomes in the state.

Under current law, the town per capita and median household income figures used in the ECS formula must come from either of two figures issued by the U.S. Census Bureau, whichever is the most recent and available on January 1 of the fiscal year two years before the fiscal year in which the grant is paid. Starting in FY 13, the bill changes the required town median family income data source to figures issued by the Department of Economic and Community Development (DECD) and available on July 1 of the fiscal year before that in which the grant is paid. The bill requires the DECD commissioner to certify the numbers and submit them annually to the education commissioner by August 1 of the year before the grant year.

The bill does not change the source for per capita income data.

FY 13 Grants

The bill phases in the new ECS grants but specifies the phased-in amounts only for FY 13. Instead of the fixed ECS grant amounts for FY 13 specified in the current law, the bill requires towns' FY 13 ECS grants to be calculated as follows:

1. for a town not designated as a conditional funding district, its FY 12 grant plus 1.41% of the difference between its FY 12 grant and its fully funded grant; and
2. for a conditional funding district, its FY 12 grant amount plus 2.47% of the difference between its FY 12 grant and its fully-funded grant.

As already mentioned, no town can receive an FY 13 grant that is lower than its FY 12 grant.

EFFECTIVE DATE: July 1, 2012

§ 4—MINIMUM BUDGET REQUIREMENT

The minimum budget requirement (MBR) law requires most towns to budget at least the same amount for education for FY 13 as they did for FY 12. But, towns may reduce

their FY 13 education budgets within certain limits if their school district enrollment falls or they have permanently closed one or more schools because of falling enrollment. The bill adjusts two of these MBR reduction options and eliminates a third. It also establishes a new, separate MBR for conditional funding districts (see next section).

MBR Reduction Based on Documented Savings

The bill gives most towns more flexibility to reduce their budgeted appropriations for education in FY 13 below the FY 12 level. Under the bill, a town can reduce its education budget to reflect new savings from regional collaboration or efficiencies within its school district, as long the savings can be documented. The education commissioner must determine the reduction amount, which can be no more than 1% of the town's budgeted appropriation for education in FY 12.

MBR Reduction Based on School Closure

Under current law, if a school district permanently closes one or more schools because of falling enrollment in FYs 11, 12, or 13, the education commissioner may permit the town to reduce its MBR for FY 12 or FY 13 by an amount the commissioner determines. This bill allows the commissioner to permit such a town to reduce its MBR for FY 13 only if it can clearly demonstrate and document savings from closing a school during FY 13.

MBR Reduction for Towns Without High Schools

The bill eliminates a provision allowing a town that (1) does not have its own high school, (2) pays tuition for its high-school-aged residents to attend high school in other districts, and (3) has fewer students attending high school in the 2012-13 school year than it did the year before, to reduce its MBR for FY 13 by the difference in the number of students multiplied by the annual per-student tuition. The reduction cannot exceed 0.5% of its prior year's budgeted appropriation for education.

EFFECTIVE DATE: July 1, 2012

§§ 1 & 4—CONDITIONAL FUNDING DISTRICTS

Designating the Districts

The bill establishes grants, in addition to ECS grants, for conditional funding districts. A conditional funding district is one that is among the districts with the lowest

academic performance as measured by a district performance index the bill establishes. For FY 13, the bill limits the number of such districts to 30. Districts keep the designation for five years, but the bill allows the education commissioner to remove a district from the list after determining it has violated its required improvement plan (see below).

The bill requires the commissioner, by June 30, 2016, to determine if there are any additional conditional funding districts.

District Performance Index

A town's district performance index is its students' weighted performance on the statewide mastery tests in reading, writing, and mathematics given in grades three through eight and 10, and science in grades five, eight, and 10. The index is calculated by:

1. weighting the scores in each subject as follows: zero for below basic (the lowest score), 25% for basic, 50% for proficient, and 100% for advanced;
2. adding the weighted results; and
3. dividing the total by the number of subjects.

The weightings produce the lowest indexes for districts with lowest test scores and vice versa.

Under the bill, the test score data used for the index is either (1) the data of record on the December 31st following the tests, or (2) that data as adjusted by the State Department of Education (SDE) according to a board of education's request for an adjustment filed by the November 30th following the tests.

Holding Back ECS Grant Increases

The bill requires the state comptroller to hold back any ECS grant increase payable to a conditional funding district town in FY 13 or any subsequent fiscal year. The comptroller must transfer the money to the education commissioner, who must use it to (1) implement the district's required improvement plan and (2) offset any local education costs the commissioner consider appropriate to achieve improvement. The commissioner must pay the funds to the district on condition that they are spent according to its approved plan (see below) and the commissioner's directives.

Since districts are only required to submit plans if they apply for conditional grants, it is unclear how the commissioner will implement this holdback provision if a district has no plan.

Conditional Grants

The bill allows a conditional funding district to apply for an additional grant up to the amount of its ECS grant increase. It requires the education commissioner to prescribe the time and manner of the grant applications and allows the State Board of Education (SBE) to develop guidelines or adopt regulations to administer the grant program.

Although the conditional grants must be awarded for five years, the bill allows the education commissioner to terminate a grant if a district fails to comply with its requirements. The commissioner may also renew a grant if a district's school board provides evidence that the district is meeting stated objectives and performance targets. (The bill is silent on who develops these objectives and targets. It is also not clear if this provision gives the commissioner authority to restore a grant terminated during the five-year period it or to renew it for another five years.)

Grants must be spent for educational purposes and cannot supplant federal, state, or local education funding. Unspent grant funds can be redistributed for conditional grants to other conditional districts or for competitive grants to conditional and other districts (see § 5). Districts receiving conditional grants must submit an expenditure report to the education commissioner in a form and manner the commissioner prescribes.

The commissioner must also determine whether (1) the district must refund unspent money when the program for which it was awarded ends and (2) to either require a district to refund any amounts not spent in accordance with the bill or reduce its grant by that amount in a subsequent year.

District Plan

To be eligible for a conditional grant, a district must submit a plan that may include:

1. a tiered intervention system for its schools based on their needs;
2. a plan for strengthening reading programs to ensure reading mastery in grades

- K-3 that focuses on (a) standards and instruction, (b) proper data use, (c) intervention strategies, (d) current information for teachers, (e) parental engagement, and (f) teacher professional development;
3. additional learning time, including extended school day or year programs run by school personnel or external partners;
 4. a talent strategy that includes teacher and school leader recruitment and assignment, career ladder policies that draw on SDE-issued and locally adopted teacher evaluation guidelines and that may include provisions demonstrating increased ability to attract, retain, promote, and bolster staff performance according to performance evaluation findings and, for new personnel, other indicators of effectiveness;
 5. training for school leaders and other staff on new teacher evaluation models;
 6. provisions for cooperating and coordinating with early childhood education providers to ensure alignment between those programs and district expectations for students entering kindergarten;
 7. provisions for cooperating and coordinating with other government and community programs to ensure students receive adequate support and “wraparound services,” including community school models; and
 8. any additional categories or goals the commissioner determines.

The plan must also demonstrate collaboration with “key stakeholders” the commissioner identifies in order to achieve efficiencies and align the intent and practice of current programs with those of the conditional programs identified in the bill.

MBR for Conditional Funding Districts

The bill requires each conditional funding district’s budgeted appropriation for education for FY 13 to at least (1) equal to its budgeted appropriation for education for FY 12 and (2) meet the bill’s required minimum local funding percentage for the year. Under the bill, the minimum local funding percentages are 20% for FY 13, 22.5% for FY 14, 25% for FY 15, and 30% for FY 16 and subsequent fiscal years.

The education commissioner can allow a conditional funding district town to reduce

its FY 13 appropriation for education if it can demonstrate that its local contribution for FY 13 has increased compared to the local contribution used to determine its local funding percentage under the bill.

Under the bill, the local funding percentage must be determined by dividing, for the fiscal year two years prior to the grant year, a district's:

1. total current education spending excluding (a) capital construction and debt service, private school health services, and adult education, (b) other state education grants, federal grants other than those for adult education and impact aid, and income from school meals and student activities, (c) income from private and other sources, and (d) tuition,
2. by its total current education spending excluding only capital construction and debt service, private school health services, and adult education.

EFFECTIVE DATE: July 1, 2012

§ 5—COMPETITIVE GRANTS FOR IMPROVING STUDENT PERFORMANCE

The bill establishes annual competitive grants, within available appropriations, for school districts seeking to improve student performance using methods the bill suggests for a conditional funding district plan (see above). The minimum grant is \$500,000. SDE must administer the program and can accept private donations for the grants as long as the donations do not limit their scope.

Although the competitive grant program is open to all districts, SDE must give a preference to conditional funding districts in awarding grants. The bill requires the education commissioner to prescribe the time and manner of the grant applications and allows SDE to develop necessary guidelines and grant criteria to administer the program.

As with conditional grants, districts receiving competitive grants must submit an expenditure report to SDE in a form and manner the department prescribes. SDE must also determine whether (1) the district must refund unspent money when the program for which it was awarded ends and (2) to either require a district to refund any amounts not spent in accordance with the bill or reduce its grant by that amount in a subsequent year.

There is no nonsupplant requirement for competitive grants.

EFFECTIVE DATE: July 1, 2012

§ 6—GRANT PROGRAM FOR COMMISSIONER’S NETWORK SCHOOLS

The bill establishes a grant program for low-achieving schools identified for the commissioner’s network under § 18 of the bill. It:

1. allows the SDE to develop guidelines and grant criteria to administer the program,
2. requires unspent funds appropriated for the grants to be available for redistribution to other network schools, and
3. requires school districts that receive the grants to submit an expenditure report to SDE in a form and manner the department prescribes.

SDE must also determine whether (1) the district must refund unspent money when the program for which it was awarded ends and (2) to either require a district to refund any amounts not spent in accordance with the bill or reduce its grant by that amount in a subsequent year.

EFFECTIVE DATE: July 1, 2012

§ 7—FUNDING FOR STATE CHARTER SCHOOLS

Starting in FY 13, the bill:

1. increases the state’s annual grant to state charter schools from \$9,400 to \$11,000 per student;
2. requires local school districts to pay each state charter school \$1,000 in annual tuition for each of their resident students who attends the school; and
3. if a local school district fails to pay the required tuition, allows the education commissioner to withhold it from the town’s ECS grant and pay it to the charter school’s fiscal agent as a supplemental grant.

The bill also specifies that funding for state charter school grants is considered to be an ECS grant. The legal effect of this provision is unclear since ECS grants go to towns

and the bill does not incorporate charter schools into the ECS grant formula. By law, which the bill does not change, students enrolled in state charter schools cannot be counted by their home districts as resident students for ECS grant purposes.

§ 8—ASSISTANCE FOR NEW LOCAL CHARTER SCHOOLS (SEE ALSO §§ 9 & 52)

The bill authorizes SBE to provide one or more of the following forms of assistance to new local charter schools that meet certain conditions, if the charter school applicant requests it: (1) per-student operating grants, (2) grants to help with the school's startup funding, or (3) restricted collective bargaining for the school's professional employees.

Under the bill, the operating and startup grants are considered ECS grants. As noted above, the legal effect of these provisions is not clear. By law, students attending a local charter school are counted as resident students in their home districts for ECS grant purposes.

Eligibility

Assistance under the bill is available to an applicant for a local charter school to be established on or after July 1, 2012 that the SBE determines has either:

1. high-quality, feasible strategies for, or a record of success in, serving students who (a) have a history of low academic performance or behavioral or social difficulties, (b) receive free or reduced-price school lunches, (c) are eligible for special education, or (d) are English language learners; or
2. a high-quality, feasible plan for, or a record of success in, turning around existing schools with consistently substandard student performance.

Operating Grants

Starting in FY 13, the bill allows SBE, within available appropriations, to approve operating grants of up to \$3,000 per student for eligible local charter schools. As under the regular charter school funding law, SBE must determine the number of students enrolled and make operating grant payments of 25% of the grant amount by July 15th and September 15th based on estimated student enrollment on May 1st and 25% of the amount by January 15th and April 15th based on actual enrollment as of October 1st.

Startup Grants

The bill also allows SBE to approve grants of up to \$500,000 for school startup costs, provided (1) the eligible charter school applies to SBE for the grant as the board prescribes and (2) a school that receives a grant files reports and financial statements required by the education commissioner. SDE may (1) redistribute unspent funds appropriated for startup grants for the same purposes and (2) develop needed criteria and guidelines to administer the grants.

Restricted Collective Bargaining

Under the bill, SBE can also restrict collective bargaining for an eligible school's teachers, administrators, and other professional employees holding SBE-issued educator certificates or charter school educator permits. SBE may limit the scope of bargaining in such schools to (1) salaries, (2) leave time and vacations, and (3) insurance benefits.

The bill supersedes the Teacher Negotiation Act (TNA), which requires bargaining over salaries, hours, and other conditions of employment. Under the TNA, the scope of bargaining excludes only (1) the length of the student school day and year; (2) the length and number of parent teacher conferences; (3) the scheduling of the student school day, except for teacher lunch and preparation periods; and (4) teacher retirement incentive programs.

EFFECTIVE DATE: July 1, 2012

§ 9—DISTRICT SUPPORT FOR LOCAL CHARTER SCHOOLS

This bill makes the local school board for a charter school (presumably, the board for the district where the school is located) responsible for financially supporting the school. The board's support must at least equal its per-pupil cost for the prior fiscal year, minus any per-pupil special education costs paid by a student's home district, multiplied by the number of students attending the school in the current fiscal year.

Under the bill, the district's per-pupil cost is its net current expenditures for education divided by the number of public school students enrolled at the board's expense as of October 1st or the immediately preceding full school day, plus the number of students who attended full-time summer school sessions at district expense in the preceding summer.

The district's "net current expenditures" are its total education spending excluding

(1) student transportation, (2) capital costs supported by school construction grants and debt service, (3) adult education, (4) health services for private school students, (5) tuition, (6) income from federal- and state-aid school meal programs, and (7) fees for student activities.

The law already requires the school board of a local charter school student's home district to pay the school's fiscal authority an amount for that student specified in the school's charter. The payment must include reasonable special education costs for a student requiring special education.

The bill's required local support is in addition to such payments from a student's home district and any operating grant a local charter school receives from the state under § 8. By law, students attending a local charter school are counted as resident students in their home districts for purposes of ECS grants.

EFFECTIVE DATE: July 1, 2012

§ 10—UNIFORM SYSTEM OF ACCOUNTING AND CHART OF ACCOUNTS

The bill requires SDE to develop and implement a uniform system of accounting for school expenditures that includes a chart of accounts for each local and regional board of education, regional educational service center (RESC), state charter school, and the regional vocational-technical school system (this appears to be a reference to the Connecticut Technical High School System). The bill gives SDE the authority to impose "select measures," which the bill allows SDE to define, upon individual schools.

The bill requires each board of education, RESC, state charter school, and the CTHSS to implement the uniform system of accounting for FY 14 (it does not say whether this is required for each following year). It also requires the new system to be subject to an existing statute regarding (1) boards of education submitting receipts, expenditures, and statistics to the education commissioner, (2) such information being certified by an independent public accountant selected to audit municipal accounts, and (3) possible penalties of between \$1,000 and \$10,000 for failure to submit the information on time (CGS § 10-227).

The bill permits the Office of Policy and Management (OPM) to annually audit the chart of accounts for any board of education, RESC, state charter school, or the CTHSS.

It is unclear if the bill's requirements relieve boards of education from any of their

existing expenditure reporting requirements or is in addition to them.

Ambiguity Regarding Audits and Accounts

The bill makes the uniform system of accounting, which includes the chart of accounts, subject to an existing law that requires the information submitted in the system to be certified by an independent accountant (CGS § 10-227). It also permits OPM to audit the chart of accounts. It is unclear if the uniform system of accounts and the chart of accounts are different and this is why OPM only audits the chart of accounts.

Ambiguity Regarding CTHSS and Municipal Auditing Law

The CTHSS is part of a state agency (SDE) with expenditure reporting requirements to OPM like any agency. It is unclear why the bill links the new uniform system of accounts to an existing law regarding financial reporting and local boards of education (CGS 10-227). That law requires the accountant who certifies the information to be selected according to a provision in the Municipal Auditing Act. It is not clear if it is appropriate to require a state agency to select an accountant through a law for municipalities (CGS § 7-392). It is also not clear if this new requirement is in place of, or in addition to, CTHSS's existing reporting requirements.

EFFECTIVE DATE: Upon passage

§ 11—SMALL DISTRICT PENALTY AND REGIONAL INCENTIVE

Starting in FY 16, the bill creates a penalty for school districts with fewer than 1,000 students and per-student costs at least 10% higher than the statewide average. Districts that meet the criteria may have their ECS or state education aid reduced in amounts ranging from \$100 to \$500 per student.

Determining the Small District Penalty

The bill defines per-student cost as a district's net current expenditures divided by its average student membership (student count) as of October 1. Likewise, the state average per-student cost is the sum of the net current expenditures of all local and regional school districts divided by the sum of their average student memberships as of October 1.

For the FY 16 and each following fiscal year, any small district whose prior year’s per-pupil cost exceeds the state’s prior-year average per-pupil cost by at least 10%, must have its state education aid reduced by an amount equaling:

\$1,000 for each student based on the average daily student count for the prior fiscal year, multiplied by

the small district percentage (presumably the “small district reduction percentage” defined in the bill).

The small district reduction percentage starts at 10% for the first year a district is 10% or more above the state per-student average cost and increases each year for five years as shown in Table 1 below if the district continues to spend at least 10% more than the state average per-pupil cost.

Table 1: State Education Aid Reduction Amounts

Year	<i>Small District Reduction Percentage Factor</i>	<i>Per-Pupil Reduction</i>
1	10%	\$100
2	20%	200
3	30%	300
4	40%	400
5	50%	500

Provisions Related to Consolidation and Recommendations to the Education Committee

The bill requires SDE to provide funding, within available appropriations, to small districts to support efforts to examine school district consolidation.

By October 1, 2016, and each following year, the education commissioner must make recommendations to the Education Committee regarding small district consolidations. They must relate to the:

ECS formula regional bonus,

effect of regional districts and cooperative arrangements on bonus provisions in state

reimbursements, and
minimum budget requirement.

EFFECTIVE DATE: July 1, 2012

§ 12—REGIONAL AGRICULTURAL SCIENCE TECHNOLOGY CENTER TUITION

The bill makes a conforming change to the percentage used to determine the maximum per-student tuition a regional agricultural science and technology center may charge sending districts. As a result the maximum tuition remains unchanged at \$7,992.

EFFECTIVE DATE: July 1, 2012

§ 13—GRANT INCREASES FOR NON-SHEFF MAGNET SCHOOL

The bill increases the state per-pupil operating grant for non-Sheff interdistrict magnet schools for FY 13 and thereafter, while leaving operating grants for other magnet schools unchanged.

It increases the per-pupil grant for students who are not residents of the town hosting the interdistrict magnet school from \$6,730 to \$7,440 for FY 13 and thereafter. It also increases the per-pupil grant for students attending an interdistrict magnet schools operated by a RESC in different ways, depending upon the percentage of students attending that school from a single town. Table 2 shows these increases. (RESC magnets that are part of the *Sheff v. O'Neill* court settlement have different per pupil grants.)

Table 2: Per-Pupil Grant Increase for RESC-Operated Magnet Schools

<i>Type of Magnet and School Population</i>	<i>Current Law</i>	<i>Bill</i>
For all students attending a RESC Magnet School that enrolls less than 55% of its students from a single town	\$7,620	\$8,180
For each out of district student attending a RESC Magnet School that enrolls at least 55% of its students from a single town*	6,730	7,440

*With one exception.		
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EFFECTIVE DATE: July 1, 2012

§ 14—SUPPLEMENTAL PRIORITY SCHOOL GRANT ELIMINATED

The bill eliminates an annual \$650,000 supplemental priority school district grant currently awarded to the town with the sixth highest population (Norwalk), based on the most recent decennial census.

EFFECTIVE DATE: July 1, 2012

§ 15—SPECIAL EDUCATION

By law the Department of Mental Health and Addiction Services (DMHAS) must provide regular and special education services to eligible residents in its facilities. Current law requires the SBE to pay DMHAS 100% of the reasonable costs of special education services for eligible residents. The bill requires DMHAS to pay 100% those costs.

EFFECTIVE DATE: July 1, 2012

§ 16—CHARTER SCHOOL STUDENT DATA

The bill allows any local or regional board of education to ask SDE for student performance data from any charter school located in its district, and to use the data exclusively to determine the school district's performance under the state's performance management and support plan for districts in need of improvement (as modified by § 18 of the bill). Charters currently report this information and it is not incorporated into the district's data. Presumably, the charter school data would be added to the student performance data of all the non-charter school students in the district.

Boards may make this request starting with the 2012-13 school year and must submit the request in a manner SDE prescribes.

EFFECTIVE DATE: July 1, 2012

§ 17—TEACHER SCHOLARSHIP PROGRAM

The bill establishes a “Connecticut attract the best teacher scholarship program” administered by the Office of Financial and Academic Affairs for Higher Education (FAAHE), in consultation with SDE. Eligible students who are hired by priority school districts or schools in the commissioner’s network (see below) may receive a combination of grants and loan reimbursement of up to \$15,000.

Grants

The program will, within available appropriations, provide grants of up to \$5,000 per student. To be eligible, students must demonstrate exemplary academic achievement which may be measured by, but is not limited to, (1) grade point averages, (2) scores on state-required reading, writing, and mathematics competency examinations (Praxis exams), and (3) an employment commitment from a priority school district or a school in the commissioner’s network.

A student eligible for a grant under the program must be enrolled in:

a teacher education program during his or her senior year at a four-year public or private college or university and complete the requirements of the program as a graduate student for one year or

an alternate route to certification program administered through FAAHE.

No student may receive more than one grant under the program.

Loan Reimbursement

A student who is awarded a grant and is hired by a priority school district or a commissioner’s network school is eligible for a federal or state education loan reimbursement of up to \$2,500 a year for up to four years, as long as the student remains employed at the district or school.

Program Administration

The bill permits FAAHE to use up to 2% of the funds appropriated for the program for administration costs.

EFFECTIVE DATE: July 1, 2012

§ 18—ACTIONS REGARDING LOW-ACHIEVING SCHOOLS, COMMISSIONER’S NETWORK SCHOOLS, RECONSTITUTION OF LOCAL BOARDS

The bill makes numerous changes to the education accountability law regarding actions the education commissioner and the SBE can take to improve low-achieving schools, including establishing the commissioner's network schools through which the commissioner has broad authority over schools in the network. The commissioner can require districts to enter into agreements addressing how the schools are operated and what entity operates them.

It limits the collective bargaining rights of, and offers incentives to, teachers and administrators who work at network schools.

The bill also makes changes to the law regarding reconstitution of local boards of education that oversee low-performing districts. It appears to retroactively validate the state's takeover of the Bridgeport school board, a matter that is currently before the Supreme Court.

The bill deletes references to the federal No Child Left Behind Law (NCLB), P.L. 107-110, but continues to require the state plan for districts in need of improvement and low-performing schools to be consistent with federal law and regulation.

Actions Regarding School Districts in Need of Improvement and Low-Performing Schools, and Focus Schools

Under the current education accountability law, the education commissioner identifies school districts and individual schools "in need of improvement" in the statewide education accountability plan. The designation "in need of improvement" is based on NCLB that requires school districts and schools make adequate yearly progress toward proficient student performance on required tests. The bill severs the specific connection between state designation and the federal NCLB.

Under the bill the accountability plan is instead called the performance management and support plan. As part of the plan, the bill requires SDE to:

continue to identify districts as in need of improvement apparently in conformance with federal law;

classify schools in five performance categories with one representing the highest and five the lowest; and

designate as focus schools, a new term, schools with identifiable low performing

student subgroups (the subgroups are defined in NCLB).

Under the bill, districts in need of improvement, category four and five schools, and focus schools must be designated as low achieving and therefore are subject to intensified SBE direction and supervision. Category three schools are subject to certain discretionary actions from SDE. The bill does not address category one and two schools.

Category Three Schools

The bill allows SDE to impose certain requirements on category three schools. The department may (1) require the schools to develop and implement plans consistent with the bill and federal law to elevate the school from a low-achieving status and (2) impose on the school any of the actions as defined in the state-wide performance management and support plan the bill describes.

SDE may also require the local or regional board of education for category three schools to collaborate with the appropriate RESC to develop plans to ensure such schools provide (1) early education opportunities, (2) summer school, (3) extended school day or year programming, (4) weekend classes, (5) tutors, or (6) professional development to their administrators, principals, teachers and paraprofessional aides. The commissioner can limit such programs to the student subgroup that has failed to reach performance benchmarks or those in transitional or milestone grades or those who are otherwise at substantial risk of educational failure.

Low-Achieving Schools

The bill designates category four and five schools as low-achieving schools and gives the SBE and the education commissioner two ways of addressing them. There are existing actions (for low-achieving schools) and some new actions under the bill that can be applied to category four and five schools.

The bill also creates commissioner's network schools with a new list of actions for schools in the network. The bill does not require category four and five schools to be in the network, but the commissioner may designate them as such with SBE's approval. It is not clear whether being designated as a commissioner's network school is mutually exclusive from the other list of actions for low-achieving schools.

Low-Achieving Schools Not in the Commissioner's Network

The bill extends an existing list of SBE actions for low achieving schools or districts to category four and five schools and focus schools. The SBE must take any of the following actions to improve student performance and remove a school or district from the low-achieving list:

require operational and instructional audits;

require the local board use state and federal funds for critical needs as directed by SBE;

provide incentives to attract high quality teachers and principals;

direct the transfer and assignment of teachers and principals;

require additional training for parents and guardians of students;

require the local board to implement model curriculum;

identify schools to be reconstituted as charters, innovation schools, or other models for school improvement;

require members of the boards of education to undergo training to improve their effectiveness as leaders; and

several other actions including establishing learning academies within the schools and crafting achievement plans.

The bill allows SBE to require a school district appoint an education commissioner-approved superintendent or a commissioner-selected special master, whose authority is consistent with that given to the Windham School District special master under PA 11-61 (§ 138). The special master's term must be for one year unless the SBE extends it.

The bill limits teacher collective bargaining over changes ordered by the state. Current law requires many of the possible SBE actions (including 3, 4, 6, 7, and 9 from the list above) to be carried out according to the Teacher Negotiation Act (CGS §§ 10-153a to 153n). The bill limits negotiations to the impact of these decisions. This means the negotiations are required only over how the change impacts the employees, not over whether the change takes place or not.

Commissioner's Network Schools

The bill gives the commissioner broad authority to operate the commissioner's network of schools. It gives him authority to designate schools as network schools, assume responsibility of the schools through turnaround agreements, or to designate responsibility of the schools to other entities.

The bill does not change the law requiring school governance councils for low-achieving schools, but it is unclear what effect the bill will have on the councils.

Designating Network Schools

The bill authorizes the commissioner, with SBE approval, to designate low-achieving schools classified as category four and five schools as commissioner's network schools. It further specifies that these are the lowest performing schools in the state and require highly intensive oversight, support, and direction at the school level or at particular grade levels. The oversight and direction may include approaches that involve phasing in grades over time to improve student achievement.

For the school year commencing July 1, 2012, the commissioner must identify the schools by network July 15, 2012. For each following school year, the department must identify the schools by January first of the prior school year.

Under the bill, the commissioner may take the following actions as part of the commissioner's network:

assume responsibility for implementing the state's educational interests from the school's board of education, to the extent the department determines necessary to bring student achievement to an acceptable level;

issue a directive detailing the extent the commissioner will assume responsibility for implementing the state's educational interests, including the duties he will assume on behalf of the board (board will retain responsibility for the duties not specified);

select a school turnaround model for each network school that will be implemented at the school level or at particular grade levels within the school, to improve student achievement to an acceptable level;

require the implementation of specific operating and working conditions in a network school;

publish a list of school turnaround models that may be implemented in network schools; and

waive any rule adopted by the board that inhibits or hinders the ability of SDE or its designee to effectively implement the provisions of this bill at a network school.

Turnaround Agreements Can Supersede Various Statutes

The bill authorizes the commissioner, as part of his network, to require a board of education to enter into a turnaround agreement with the department regarding, without limitation, all aspects of the school operation and management. The commissioner has discretion over what areas he asserts his authority and what areas the local board of education retains its authority. Apparently, the local board continues to operate with reduced authority.

This authority related to the turnaround agreement specifically supersedes the following existing statutes:

state appropriations and purchase order requirements (CGS § 4-98),

state personal service agreements limits (CGS §§ 4-212 - 4-219),

the administrative services commissioner's duties regarding purchasing (CGS § 4a-51),

competitive bidding for purchases (CGS § 4a-57), and

duties of local boards of education (CGS § 10-220).

The bill also supersedes the same statutes mentioned above regarding the commissioner's network schools and any other entity designated to operate a network school. This gives the commissioner the authority to award network schools either as a group or individually to entities other than SDE including private entities. But the bill does not supersede the privatization contracts law under the State Contracting Standards Board (CGS § 4e-16). This law requires a number of steps including a cost-benefit analysis and a contingency plan that addresses contractor nonperformance.

Required Elements of a Turnaround Agreement with Board of Education. The

bill requires the following elements to be included in a turnaround agreement between the commissioner and a board regarding the network school:

the school turnaround model to be implemented,

a plan for the schools' operation and SDE's monitoring and oversight of the school,

annual measurable benchmarks for progress toward the goal of removing the school from low-achieving status, and

other provisions required by the school turnaround model or identified by SDE.

The agreement must be signed no later than 120 days from the date the school is designated as a network school. For schools identified for the network for the school year starting July 1, 2012, the turnaround agreement must be executed by August 1, 2012. (The bill gives the commissioner until July 15, 2012 to name the schools.)

If the board of education and SDE cannot agree on the turnaround agreement during the negotiation period, the commissioner can designate another entity to operate the school with terms that supersede the local board's duties and state competitive bidding and other laws as mentioned above.

Special Conditions for Network Teachers and Administrators.

The bill makes teachers and administrators who work in the network subject to special conditions regarding how they are (1) chosen, (2) compensated, and (3) provided with financial and other incentives. It also greatly restricts collective bargaining rights (some of the provisions on collective bargaining are ambiguous). It is unclear if some portions of the bill supersede existing union contracts and whether that provision would be vulnerable to a court challenge regarding existing contracts legally entered into by two parties.

The bill requires the commissioner to develop criteria to identify exemplary teachers and administrators, based on performance evaluations conducted as provided in the bill and other available measures. He must provide incentives, including, financial incentives and enhanced career ladder and career advancement opportunities to encourage teachers and administrators to work and excel in the network schools.

Under the bill, a teacher or administrator working at a network school may apply for a position at the network school. If the employee chose not to apply or if he or she was

not selected, the bill requires the teacher to be assigned or transferred to an available position at another school in the same school district. The transfer may include special teaching positions that provide coverage for teachers participating in professional development and other related activities based on performance evaluations, employment qualifications, special skills or expertise, and the needs of the school district. It cannot be based on seniority or tenure, unless all considerations are otherwise equal.

Selecting Teachers for Network Schools. A teacher or administrator can be employed at a network school only with the mutual consent of the teacher or administrator and SDE or SDE's designee, regardless of the seniority or tenure status of the teacher or administrator or any agreement to the contrary. The bill requires SDE or its designee to give priority to candidates who are employed by the board of education where the network school is located as long as the SDE or its designee deems the candidates qualified for a position in the school.

Conditions and Incentives at Network Schools. Any teacher or administrator selected to work at network school must be:

considered an employee of the board of education in which the school is located during the period the teacher or administrator is assigned to the school,

assigned to the school for a term of two years, which may be renewed by mutual consent,

entitled to a leave of absence without pay from the board of education where the teacher or administrator was employed immediately before going to the network school, so that the teacher or administrator may be assigned to a network school, and at any time after the completion of his or her assignment at network school, he or she can return to his or her original position, or a comparable one, and the leave of absence will not be deemed to be an interruption of service for purposes of seniority, teachers' retirement credit or attaining tenure, and

permitted to use total compensation, including the salary and any financial incentives received through the network school assignment in calculating average annual salary under the Teachers' Retirement System.

The bill states that the collective bargaining law for teachers and administrators does

not apply to any teacher or administrator who is assigned to a network school, except in two limited ways, (1) the teacher or administrator can vote as a union member in the network school on the ratification of an agreement and (2) is entitled to any protection of accumulated benefits or leave accrued before the employee began his or her assignment at the network school. But another provision of the bill specifies that any teacher or administrator taking a position at a network school be compensated and receive benefits and leave provided under the union contract negotiated under the teachers bargaining law that exists at the network school. It is not clear how the Teacher Negotiation Act does not apply if a contract negotiated under that law explicitly applies (CGS §§ 10-153a to -153n).

The bill also makes network teachers and administrators eligible to receive SDE established financial or other incentives during the period in which the teacher or administrator is assigned to the network school, but specifies the incentives must not be subject to collective bargaining. Any financial or other incentives, including compensation or the availability of professional coverage positions (the bill does not define), must not be subject to the teachers' negotiation law. The bill creates a committee comprised of three representatives from the department, appointed by the commissioner, and one member each from the Connecticut Education Association, the American Federation of Teachers-Connecticut, and the Connecticut Federation of School Administrators to advise SDE on the development and implementation of incentives for teachers and administrators at network schools or any professional coverage positions for teachers and administrators who do not apply for or are not selected to work in network schools.

Local Funding Requirement

The bill requires the local school district where a network school is located to continue to provide financial support for the school. The amount of local funding, operational support and resources for any network school must (1) not decrease from one fiscal year to the next and (2) proportionally reflect any increase in funding for the board of education over the previous fiscal year.

The department must conduct an audit of the board of education to ensure it is in compliance with this requirement. If SDE determines a board is in violation, the SDE must notify the board of the violation and give it opportunity to comply. If the board still fails to comply, the commissioner may withhold from the board's town or towns an

amount due under the ECS aid formula equal to the required amount. The withheld funds must be used to provide funding, support, or resources to the network school.

Exiting the Commissioner's Network

Network schools must remain in the commissioner's network for a minimum of three years. The bill requires the commissioner to evaluate each network school annually to determine whether it has made acceptable progress towards raising student achievement to acceptable levels, as determined by SDE, and remove the school from low-achieving status. If the commissioner determines that the school has not made acceptable progress or the school turnaround model is not successful, he may order:

any action necessary to ensure compliance with or specific performance of a turnaround agreement,

that the school be phased out of operation,

the operation of the school be assigned to a new entity or SDE,

any turnaround agreement be revised according to his directives, or

any combination of such orders.

After the third year, the commissioner's evaluation, conducted as described above, will determine whether the school is prepared to leave the network. In determining whether a school should exit the network, the commissioner must consider whether the board of education has the capacity to ensure that the school will maintain or improve its performance.

If the commissioner determines the school is ready to leave the network, the board of education must develop, in consultation with SDE and subject to the by the commissioner's approval, a plan for the transition of the school back to full control by board of education.

State Funding

The bill requires funds to be provided to the network schools despite any provision in the general statutes to the contrary. It is unclear what the legal affect of this provision is considering the funding obligations the state has.

The funds are to assist with (1) implementation of turnaround models, (2) operational costs of the schools, and (3) additional compensation and other financial incentives for teachers and administrators at the network schools.

Plan to Encourage Exemplary Teachers and Administrators

The bill requires SDE to develop a comprehensive plan to encourage exemplary teachers and administrators, as identified by performance evaluations under the bill and other measures, to work in the state's lowest performing schools and school districts and enhance the education profession's career ladder in these schools. The SBE must (1) approve the plan, (2) provide funding to develop and implement it, and (3) adopt regulations or issue orders, as appropriate, to ensure that it is implemented.

The plan must:

encourage individuals to pursue and maintain careers in education in low performing schools and school districts;

identify professional and financial incentives, including salary increases, signing bonuses, stipends, housing subsidies, and housing opportunities that will encourage exemplary teachers and administrators to work and remain in low performing schools and school districts; and

expand the capacity of nonprofit and private organizations in the state to stimulate teacher and administrator leadership and career advancement opportunities in low-performing schools and school districts, and enable other organizations to do the same.

Reconstitution of Local Boards of Education

Under current law, the SBE can authorize the commissioner to reconstitute a local board of education for up to five years if the district fails to make adequate yearly academic progress. Part of the reconstitution process is disbanding the existing board of education and installing a new one. The bill allows the SBE to authorize reconstitution for a period of time specified by the SBE without a limit on its duration. Since eliminating an elected local board of education raises issues about disenfranchising voters, it is uncertain whether a reconstitution that has a potentially unlimited duration would survive a legal challenge.

Retroactively Validating Reconstitution Despite Requirements to Provide Training to Board Members

Current law prohibits the SBE from authorizing the commissioner to reconstitute a local board unless the state has required the local board members to complete training to improve their efficiency and effectiveness as leaders of the district's improvement plan. The bill eliminates this requirement. It also retroactively validates any reconstitution ordered on or after July 1, 2010 without the required board member training. This provision appears to be directed at the Bridgeport school board reconstitution, which is currently the subject of a state Supreme Court case. If the current court case finds the SBE action invalid, it is not clear if a retroactive legislative validation would have any legal effect.

EFFECTIVE DATE: July 1, 2012

§ 19—COLLEGE-READINESS TEST

By March 31, 2013, the bill requires SBE to develop or adopt a college-readiness test to be administered to students in the 11th grade. The board must also adopt a plan for supporting 12th graders whose test results show they are not ready for college.

EFFECTIVE DATE: July 1, 2012

§ 20—HELP FOR COLLEGE APPLICATIONS

The bill requires the education commissioner to establish a competitive grant, within available appropriations, to share the cost of providing training and help to encourage students to apply for, enroll in, and graduate from college. Under the bill, local and regional boards of education, municipalities, and nonprofit organizations are eligible for the grants.

Grant-funded programs must (1) provide students with (a) training and assistance in the college application process, (b) the federal student aid application, and (c) college and university applications, and (2) within limits, cover the cost of college application fees. Recipients must spend any grant funds that exceed a program's operating costs, but no more than 25% of the total grant, to offset college application fees for students who need assistance.

Grant recipients must provide matching funds equal to the state grant. The matching funds may come from public or private sources. Municipalities may use money from

ECS grants to contribute matching funds to their local or regional boards of education or nonprofit organizations located in the municipality.

Grant applicants must use an application form approved by the education commissioner and file their applications by June 1 of the fiscal year before the grant is to be paid.

EFFECTIVE DATE: July 1, 2012

§ 21—INNOVATION SCHOOL GRANTS AND CRITERIA

The bill requires SDE to establish a pilot grant program, within available appropriations, for a local or regional board of education operating an innovation school to help the state meet the desegregation goals of the 2008 *Sheff v. O'Neill* stipulation and court order. The grants begin for the 2012-13 school year. The bill establishes an application process and criteria for awarding the grants.

By law, a board of education for a priority school district can convert an existing school to, or establish a new school as, an “innovation school” through agreements with the teacher and administrator unions for the purpose of improving school performance and student achievement. They must have innovation plans that detail areas of autonomy and flexibility in curriculum, budget, school schedule and calendar, school district policies, professional development, and staffing policies.

Applications

The bill authorizes the commissioner to establish the time and manner for submitting innovation school grant applications. He must consider the following, at a minimum, when determining whether to approve an application and award a grant for the school:

whether the school’s program provides a reduced racial isolation educational program;

whether the school’s program is likely to increase student achievement;

whether the school’s program is unique and will not adversely impact enrollment in a program already offered by an existing interdistrict magnet school, regional vocational-technical school, or regional agricultural science and technology education center in the region; and

the proposed operating budget and the funding sources for the innovation school.

Per-Pupil Grants

The bill establishes a grant system that is linked to either a school's percentage of students from Hartford or a Hartford school's percentage of students who are nonminority. In either case, to be eligible an innovation school must help the state meet the desegregation goals of the 2008 *Sheff v. O'Neill* stipulation and court order.

The innovation school grant enrollment criteria are:

a school outside of Hartford must enroll at least 25% of its students from Hartford to be eligible for a \$4,000 per-pupil grant for each Hartford student or

a school in Hartford must enroll at least 25% nonminority students to be eligible to receive a \$4,000 per-pupil grant for each out-of-district student enrolled in the school.

For the second criterion above, the Hartford school could have 25% nonminority students, yet receive a grant for each minority and nonminority student from outside of Hartford (i.e., the grant amount could be based on a larger number than is required to qualify for the grant). On the other hand, a school could reach the 25% nonminority threshold in part with nonminority students from Hartford.

Operating Grants

The commissioner may, within available appropriations, provide operating grants of up to \$250,000 in a fiscal year for the purpose of enhancing educational programs at an innovation schools.

Construction Grants

A board of education that operates an innovation school to help the state meet the goals of the *Sheff* stipulation and court order can also qualify for higher school construction reimbursement rates than exist under the standard provisions if the school is outside Hartford and enrolls at least 25% of its students from Hartford or is within Hartford and enrolls at least 25% nonminority students.

These schools may be eligible for a state construction reimbursement rate of 20 percentage points higher than the town's standard rate, but not exceeding 95%. This

greater reimbursement rate can cover the reasonable costs of any capital expenditure for the renovation, alteration, or expansion of the school facilities for programmatic purposes, including the purchase of equipment. The project must meet the regular statutory requirements for a school building project. (Presumably, the higher reimbursement rate applies only to the innovation schools, but the bill is ambiguous on this.)

By law, standard reimbursement rates vary from 10% to 80% of eligible costs on a sliding scale depending on town wealth, with less wealthy towns receiving a higher reimbursement.

Special Education Costs

The bill specifies how the per-pupil grant affects special education costs for students enrolled at innovation schools. For an out-of-district student who requires special education and related services, the sending district must pay the district that hosts the innovation school the difference between the reasonable cost of providing special education services to the student and the amount received by the host district from the innovation grant. The sending district is eligible for state reimbursement according to existing state special education law.

Permitting Out-of-District Students to Continue in the Host District

A board of education operating an innovation school must allow out-of-district students enrolled in the school to continue to attend school in host district until they graduate from high school, regardless of the grades offered at the innovation school.

EFFECTIVE DATE: July 1, 2012

§ 22—SCHOOL DISTRICT COST-SAVING GRANTS

The bill allows the education commissioner, within available appropriations, to provide grants to support school districts in developing plans to implement significant cost savings while maintaining or improving educational quality. The grants must be for technical assistance and regional cooperation.

EFFECTIVE DATE: July 1, 2012

§ 23—OPEN CHOICE PROGRAM INCENTIVE FOR LARGER DISTRICTS

The bill provides an additional incentive for larger school districts to increase their enrollment of out-of-district students under the Open Choice interdistrict public school attendance program. It does so by giving districts with more than 4,000 students the highest state grant (\$6,000 for each out-of-district student) if the education commissioner determines they have increased their Open Choice enrollment by at least 50% on October 1, 2012. Under current law, receiving districts qualify for the \$6,000-per-student grant only if the number of out-of-district students they enroll equals or exceeds 3% of their total enrollment.

EFFECTIVE DATE: July 1, 2012

§ 24—CONNECTICUT SCHOOL LEADERSHIP ACADEMY

The bill requires SDE to create a Connecticut School Leadership Academy program to provide educational management and professional development programs to teachers or school administrators who are either already certified or participating in an alternate route to certification (ARC) program. SDE must provide grants to the academy, within available appropriations. The bill also authorizes the academy to charge tuition to boards of education or participants.

School leaders from designated low-achieving schools or school districts must apply to participate in the academy program. (The bill is unclear if these are the only people who may participate or the only participants who must apply.) The SDE must prescribe the form and manner of the applications.

EFFECTIVE DATE: July 1, 2012

§ 25—REWARDS FOR EXEMPLARY SCHOOLS

The bill allows SDE to reward exemplary schools. The rewards may include, at the education commissioner's discretion, (1) public recognition, (2) financial awards, and (3) enhanced autonomy or operational flexibility. The bill allows the SDE or any other entity designated to operate a commissioner's network school (see § 18) to accept private donations for these rewards.

The bill does not define "exemplary schools."

EFFECTIVE DATE: July 1, 2012

§§ 26-28 & 37-49—CERTIFICATION OF TEACHERS AND SCHOOL

ADMINISTRATORS

This bill revamps Connecticut's three-tier teacher and school administrator certification system by (1) eliminating the mid-level provisional certificate and creating a new top-level master educator certificate, (2) tying certificate issuance and renewal to performance evaluations, and (3) revising professional development requirements to emphasize improved practice and individual and small group coaching as part of the teacher's job.

The bill applies to certificates issued on or after July 1, 2013. It is unclear whether and how unexpired certificates, especially provisional certificates, issued before that date are continued or renewed after July 1, 2013. The bill also makes technical and conforming changes and repeals obsolete provisions (§§ 37-49).

Three-Tier Certificate Structure

The bill retains the state's existing three-tier educator certification, but revises its structure by:

1. eliminating the provisional certificate, currently the middle-level certificate with a maximum duration of eight years;
2. extending the duration of the initial, or beginning, certificate from a maximum of three to a maximum of five years, with up to three possible SBE-approved extensions;
3. making the professional certificate, currently the highest, the middle-level certificate; and
4. establishing a new master educator certificate as the top-level certificate.

Initial Educator Certificate

Duration. The bill extends the duration of an initial certificate from three to five years and also allows the SBE to approve annual extensions totaling up to three additional years in order to meet the requirements for a professional certificate (see below). Current law allows the education commissioner to approve one initial certificate extension lasting one year for good cause. As under current law, the superintendent of the holder's employing district or the assessment team reviewing the holder's performance must ask for the extension.

The bill requires SBE to “renew” an initial certificate if the holder is not serving in either a public school or private special education facility during “such period” (presumably, the five-year term of the certificate). It is not clear what “renew” means, since the law and bill refer only to initial certificate extensions.

Qualifications. The bill allows graduates of master’s as well as baccalaureate teacher preparation or equivalent programs to qualify for initial certificates, if the teacher preparation programs are SBE-approved or taken at an accredited college or university.

Professional Educator Certificates

Initial Issuance. The bill revises the qualifications for initial issuance of a professional certificate by requiring an applicant to have (1) completed at least three years of effective, rather than satisfactory, teaching in a public or nonpublic school under an initial, rather than a provisional, certificate; (2) attained tenure, which under the bill (§ 29), requires a teacher to meet minimum performance standards; and (3) a record of effectiveness, rather than competence, while holding the initial certificate. The bill does not define “effectiveness” for purposes of an initial certificate holder. But, it states that a signed recommendation from the applicant’s school superintendent or private special education facility supervisory agent is evidence of effectiveness.

The bill specifies that the required three-years of effective teaching under an initial certificate can be in an SBE-approved private special education facility as well as a public or other nonpublic school.

The bill eliminates a requirement that a candidate for a professional certificate have at least 30 semester hours of credit beyond the bachelor’s degree. With two exceptions, it requires a candidate to have finished the teacher education and mentoring (TEAM) program if there is one for his or her endorsement area. (This qualification currently applies to candidates for provisional certificates.) The two TEAM Program exceptions are for:

1. out-of-state teachers who have taught under an appropriate certificate for at least three years and
2. Connecticut teachers who have taught for at least three years in the last 10.

The bill also applies the tenure requirement to initial certificate holders who apply for professional certificates before July 1, 2013. This appears to be an error as the section

(§ 28) does not take effect until July 1, 2013.

Renewal Based on Evaluations. By law, professional certificates are renewable every five years. The bill requires professional certificate holders to meet performance standards to have their certificates renewed. It eliminates a current requirement that teachers and administrators have 90 hours of continuing education for renewal.

The bill makes it a condition for renewing a professional certificate that its holder receive at least three proficient or exemplary evaluations, or a combination of the two, during the preceding five years. If the holder works in a private school, he or she must receive equivalent evaluations, as SDE determines. The evaluations must be given through a system approved under the bill (§ 30) and attested to by the superintendent of the holder's employing board of education or the supervisory agent of his or her employing private special education facility or school.

If the certificate holder does not meet the evaluation standard, SBE may renew the professional certificate only if two conditions are met. First, the person must have successfully completed at least 30 semester hours of graduate credit beyond a bachelor's degree as part of an "evaluation-informed," SBE-approved course of study. (The bill does not define "evaluation-informed," but presumably it means that the courses relate to deficiencies in the person's evaluations.) Second, the person's employing superintendent or designee must explain to SDE, in writing, the extenuating circumstances that justify certificate renewal.

If the holder cannot provide the written explanation, the bill requires SBE to issue the holder an initial certificate. It is not clear if an initial certificate issued in these circumstances lasts for five years or if the annual SBE extensions "to meet the requirements for the professional educator certificate" apply. It is also unclear how many proficient or exemplary evaluations the person must receive and over what time span to regain his or her professional certificate.

Master Educator Certificate

The bill establishes a new master educator certificate for a person who has:

1. attained tenure under the bill's new requirements,
2. at least five years of teaching in a public school or SBE-approved private special education facility,

3. a master's degree in an "evaluation-informed" course of study from an SBE-approved program or accredited institution, and
4. at least three exemplary evaluations in the past five years.

The SBE must renew the master certificate every five years if the person demonstrates at least three exemplary evaluations during the time the person has held the certificate (presumably, even if he or she has held it longer than five years.) The bill is silent on what happens if the holder fails to maintain these evaluation standards after obtaining the certificate.

Temporary 90-Day Certificates and Alternate Route to Certification

The bill eliminates a temporary 90-day certificate issued at the request of a local or regional board of education for graduates of alternative route to certification (ARC) programs. Instead, it requires SBE to issue an initial certificate to such graduates who qualify.

It raises the overall grade point average (GPA) for ARC graduates applying for initial certificates from "B" to "B+." The GPA requirements apply to an applicant's overall undergraduate college work, or to his or her graduate work if the applicant has completed at least 24 hours of graduate credit. As under current law, the education commissioner can waive the GPA standard for good cause.

The bill does not change other certification requirements for an ARC program graduate.

Professional Development

The bill eliminates the requirement that professional certificate holders successfully complete 90 hours of continuing education activities every five years as a condition of certificate renewal. Instead, it requires all certified employees to "participate" in professional development programs.

Program Design. By law, school districts must make available at least 18 hours of professional development for certified employees at no cost. The bill requires that no more than six of these hours be spent in a "large group instructional setting." (The bill does not define a "large group.")

The bill requires district professional development programs to:

1. be used to improve teacher practice based on general results and findings from teacher evaluations reported by the school superintendent or designee;
2. be comprehensive, sustained, and intensive enough to improve teacher and administrator effectiveness in raising student achievement;
3. foster collective responsibility for improving student performance;
4. be (a) aligned with state standards, (b) conducted among educators at the school, and (c) facilitated by principals, coaches, mentors, and master or lead teachers; and
5. occur frequently for teachers individually or in groups, within their jobs, and as part of a continuous improvement process.

Program Content. The bill maintains an existing requirement that school superintendents and other administrators complete at least 15 hours of professional development every five years in teacher evaluation and support. It eliminates the following professional development requirements:

1. for those with childhood nursery through grade three endorsements, at least 15 hours of training in teaching reading, reading readiness, and reading assessment;
2. for those with elementary, middle, or secondary academic endorsements, at least 15 hours in how to use computers in the classroom unless they can demonstrate competency; and
3. for those with bilingual endorsements, training in language arts, reading, or math for elementary school teachers and in the subject they teach, for secondary school teachers.

It also eliminates professional development completion deadline extensions for certificate holders who were unemployed or were General Assembly members during the five-year period.

SDE Audits and Penalties. By law, SDE must notify a school board of its failure to meet the professional development requirements. This bill also requires SDE to audit district professional development programs and allows SBE to assess financial penalties against districts it finds are out of compliance based on such an audit.

Under the bill, SBE can require a school board to forfeit an SBE-determined amount from its state grants, to be assessed in the fiscal year after the determination of noncompliance. SBE can waive the penalty if it determines the noncompliance was due to circumstances beyond the school board's control.

Consultations with Teachers. The bill allows, rather than requires, boards of education to take advice and assistance from teachers, including teachers' union representatives, in developing specific professional development activities. It does not change requirements for boards to (1) establish professional development committees; (2) develop a comprehensive professional development plan, with the advice and assistance of its teachers and administrators, including their unions, and whatever other resources the board considers appropriate; and (3) develop, evaluate, and annually update the professional development plan (CGS § 10-220a (b)).

Certification for Out-Of-State Teachers

Starting July 1, 2013, the bill makes it easier for certified teachers who taught in other states, U.S. possessions or territories, the District of Columbia, or Puerto Rico to obtain Connecticut teaching certificates. It requires SBE to issue an initial certificate to an out-of-state teacher if he or she has taught under an appropriate certificate in the other jurisdiction for at least one year in the past five.

It also changes the one-year nonrenewable temporary certificate for an out-of-state teacher to a one-year nonrenewable initial certificate. This certificate allows a teacher who lived or was trained out-of-state and who meets all other Connecticut certification requirements to defer Connecticut's required teacher competency testing for one year (CGS § 10-145f (c)).

Current law, unchanged by the bill, allows a person who holds a valid teaching certificate in another state to be awarded a Connecticut certificate without completing Connecticut's teacher testing requirements if he or she meets certain standards and teaches successfully in Connecticut for one year. The person must have either (1) three years of experience in the last 10 teaching the subject for which he or she is seeking Connecticut certification in a public school or state-approved private school in the other state or (2) a Master's or higher degree in that subject (CGS § 10-145f (f)).

The bill eliminates a requirement that SBE issue a Connecticut provisional or professional certificate to any out-of-state teacher who (1) has taught for at least three of

the past 10 years in the other jurisdiction and (3) holds a national board certification from an organization the education commissioner considers appropriate.

It also eliminates SBE's authority to deny a certificate to an 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 (CGS § 10-145b (j) (3)).

Teacher Certification Fees

The bill establishes a fee of \$200 for a master educator certificate and reduces the fee for a professional certificate from \$375 to \$200. The fee for an initial certificate is unchanged at \$200. The bill also allows the education commissioner to waive any certification fee if he or she determines that an applicant cannot pay because of extenuating circumstances.

By law, an applicant pays the fee when seeking initial issuance of an educator certificate. There are no renewal fees.

Teacher Preparation Courses

The bill eliminates requirements that (1) a course in special education required to obtain an initial certificate consist of at least 36 hours and (2) students in teacher preparation programs complete training in computer and other information technology as applied to student learning and classroom instruction, communications, and data management. It continues to require teacher preparation programs to encourage the computer training.

Minor Conforming Changes

The bill allows those holding master, as well as professional, educator certificates to serve as mentors in the TEAM program. It eliminates provisional certificate holders from such mentorships (§ 41).

It also allows only provisional certificate holders whose certificates are issued before July 1, 2013 to appeal to the education commissioner for an extension if they are unable to complete the professional educator requirements within the required time. In such

cases, the commissioner can grant up to one extension of up to 24 months on the basis of the applicant's personal hardship or because of an emergency shortage of certified teachers in the applicant's employing school district (§ 42).

EFFECTIVE DATE: July 1, 2013

§ 29—TEACHER TENURE

Teacher Performance Ratings

This bill requires teachers and school administrators below the rank of superintendent ("teachers") to meet job performance standards in order to be covered by the state's teacher tenure law.

By law, local and regional boards of education must evaluate teachers using evaluation programs consistent with SBE guidelines. The bill (§ 30) requires the SBE's guidelines for a model teacher evaluation program to use a four-tier scale to rate teacher performance. The four ratings are, from lowest to highest, below standard, developing, proficient, and exemplary. The bill ties statutory tenure protections to a teacher's ratings on this scale.

The teacher tenure law establishes for-cause and due process termination requirements for teachers, whether or not they have tenure. It covers certified professional employees below the rank of superintendent who are employed by boards of education in a position that requires certification.

Teachers Covered by Tenure Law Protections

By law, tenured teachers have their contracts automatically renewed from year-to-year; can be dismissed only for six statutorily specified reasons (see Grounds for Termination below); and have the right to (1) bump untenured teachers in positions for which they are qualified if their positions are eliminated, (2) written notice of the reasons for termination, (3) a termination hearing before the board of education or an impartial hearing panel or officer, and (4) appeal the results of the hearing to Superior Court.

This bill requires that a teacher receive a minimum performance rating of "developing" (the second-lowest rating) in order to be covered by the tenure law. It also increases the length of the minimum qualifying employment for tenure law coverage from 90 days to one year. (This minimum appears to refer to a 12-month year, even

though a school year typically lasts only 10 months.) During this probationary period, a teacher is an at-will employee and can be dismissed without cause or a hearing.

Attaining Tenure

The bill allows teachers to attain tenure according to different schedules based on performance, with highly rated performers attaining tenure sooner and lower-rated ones later than under current law.

It eliminates the requirement that a teacher attain tenure after working continuously for 40 school months (four school years) for the same school board, if his or her contract is renewed for the following year. Instead, under the bill, a teacher attains tenure:

1. after 30 school months (three years) of continuous employment with the same school board if he or she has (a) received two exemplary performance ratings during that time and (b) been offered a contract renewal for the following year; or
2. after 50 school months (five years) with the same board if he or she has, during that time, received any combination of three proficient or exemplary ratings. This alternative does not include a requirement for the teacher's contract to be renewed for the next school year.

Tenure for Previously Tenured Teachers

If a teacher has attained tenure with a school board and either leaves to work for another board or is reemployed by the same board after a break in service, current law requires the teacher to work 20 school months (two years) to attain or re-attain tenure with the employing board. The bill extends this period to 30 months and requires the teacher to receive at least two proficient or exemplary ratings in the year before completing the 30 months. (The bill is unclear whether the teacher must receive both ratings in the year prior to completing the 30 months or only the second of the two.) The bill applies the same requirements to any teacher who is issued an initial certificate because his or her professional certificate was not renewed according to the bill's teacher certification provisions (§§ 26-28).

The bill also allows an employing district's superintendent to override these requirements and award tenure to a previously tenured teacher before the teacher receives the two proficient or exemplary ratings.

It eliminates a provision that gives tenure after 10 months to any certified teacher or administrator who (1) is employed in a priority school district and (2) previously had tenure with another board of education in this or another state.

Grounds for Teacher Termination

By law, a tenured teacher may be dismissed only for six specified reasons. Before they become tenured, teachers can also be dismissed at any time for any of the six reasons. This bill changes two of these reasons.

Ineffectiveness. The bill allows districts to terminate a teacher on the grounds of ineffectiveness instead of for inefficiency or incompetence. Under both current law and the bill, the determination that these grounds exist must be based on evaluations that comply with SBE guidelines for evaluating teachers.

The bill requires any tenured or nontenured teacher to be designated as ineffective if he or she is, at any time, rated below standard (the lowest rating) on an evaluation. In addition, a tenured teacher must be designated as ineffective if he or she is rated as developing (the second-lowest rating) for two or more consecutive years.

Unprofessionalism. Under current law and the bill, a tenured or nontenured teacher can be dismissed for “other due and sufficient cause.” The bill specifies that these grounds include “unprofessionalism,” which it defines, by example, to include a violation of the code of professional responsibility for educators. (Presumably, the bill is referring to the *Connecticut Code of Professional Responsibility for Educators*, Conn. State Agency Reg. §10-145d-400a.)

Grounds Unchanged. The bill does not change the other four grounds for teacher termination, namely:

1. insubordination against reasonable board of education rules;
2. moral misconduct;
3. disability proven by medical evidence; or
4. elimination of the position to which the teacher was appointed or loss of a position to another teacher, as long as there is no other position for which the teacher is qualified and subject to the applicable provisions of a collective

bargaining agreement or school board policy.

In addition, under both current law and the bill, nontenured teachers can be notified in writing that their contracts will not be renewed for the coming year. The school board does not have to specify any reason for nonrenewal unless the teacher files a written request for the reason. If the teacher makes such a request, the board must supply a reason within seven days.

Nontenured Teachers – Termination and Contract Renewal

Performance Standard. The bill requires teachers who do not have tenure to meet minimum performance standards to continue their employment. It does so by requiring superintendents to offer annual contract renewals only to nontenured teachers who have performance ratings of developing or above on the four-tier evaluation scale.

Nonrenewal Notice Deadline. By law, unless a district terminates a nontenured teacher for cause, it must continue the teacher's contract for the following year if it fails to notify him or her in writing of nonrenewal by the statutory deadline. The bill delays this deadline from May 1 to June 1 of the current school year.

Termination Hearing Requirements and Procedures for Tenured and Nontenured Teachers

Under current law and the bill, both tenured and nontenured teachers are entitled to a hearing before being terminated for cause. The bill makes several changes in the processes for these hearings.

Changes Affecting Processes for Both Tenured and Nontenured Teachers. The bill eliminates the current option for teacher termination hearings for tenured and nontenured teachers to be held before an impartial hearing panel, instead requiring that they be held either before the board of education, a board subcommittee, or a single impartial hearing officer chosen by the teacher and the superintendent.

Tenured Teachers. The bill shortens termination hearings for tenured teachers, by:

1. limiting evidence and testimony at the hearing to eight hours unless the board, board subcommittee, or hearing officer extends that time for good cause and
2. giving a board subcommittee or hearing officer a maximum of 30 rather than 75 days after the hearing request to submit findings and recommendations on the

termination to the board of education, unless the parties agree to extend the deadline for a maximum of 15 days.

In addition, when the parties cannot agree on an impartial hearing officer, the bill allows them to use the help of either the American Arbitration Association or another mutually agreeable organization specializing in judicial arbitration or mediation, instead of only the former.

Nontenured Teachers. Under current law, a nontenured teacher may be terminated at any time for any of six statutorily specified reasons. If the teacher receives a termination notice, he or she (1) must, upon a written request, receive written notice of the reasons for the termination; (2) may request a hearing before the board of education, an impartial hearing panel, or an impartial hearing officer; and (3) is entitled to be represented by his or her own counsel at the hearing. A nontenured teacher whose contract is not renewed has the same rights, except that the teacher has no right to a hearing if the nonrenewal is because the person's position was either eliminated or lost to another teacher.

The bill appears to eliminate a nontenured teacher's right to a hearing on a nonrenewal regardless of the grounds, thus restricting the right to a hearing only to cases of termination on specified statutory grounds. But the bill is ambiguous on this point because it retains the existing language implying that the teacher is entitled to such a hearing in certain circumstances.

The bill requires the board to uphold the termination of the nontenured teacher unless the board or the impartial hearing officer finds it arbitrary and capricious. It also requires the board subcommittee or hearing officer to submit its recommendations on final disposition of the case to the board of education within 30 days after the hearing request. Current law imposes no deadline.

Finally, the bill eliminates a nontenured teacher's right to appeal a termination for moral misconduct or disability to Superior Court.

Procedure for Terminations Based on Ineffectiveness

The bill establishes a separate process for terminating a tenured or nontenured teacher for ineffectiveness. Unlike the existing termination process, the bill's process for termination based on ineffectiveness does not allow a tenured teacher to appeal the

result to Superior Court.

Notice Requirement. Before terminating a teacher for ineffectiveness, the bill requires the school superintendent to notify the teacher in writing that the district is considering termination because of ineffectiveness. Within 20 days after receiving the notice, the teacher may file a written request for a hearing before the local school board. The termination notice requirement currently applies only to termination of tenured teachers.

Hearing Adjudicator. For a nontenured teacher, the board as a whole, a board-designated subcommittee of three or more members, or a board-designated impartial hearing officer must hold the hearing. The hearing for a tenured teacher must be held before an impartial hearing officer chosen by the teacher and the superintendent within five days after the request for a hearing. If the teacher and superintendent cannot agree, the hearing officer must be selected with the help of the American Arbitration Association (AAA) or similar mutually agreed-upon organization according to the organization's expedited selection process and usual rules for selecting neutral arbitrators for grievance proceedings. (These requirements mirror those for teacher termination hearings under current law as amended by the bill.)

Hearing Scope and Duration. The bill:

1. limits the hearing's scope to the issue of whether the evaluation procedures used to determine the teacher's ratings complied with state law;
2. limits hearing evidence and testimony to eight hours unless the board, board subcommittee, or hearing officer extends that time for good cause;
3. requires the hearing to start within 15 days after the board of education receives the teacher's written request, unless the parties agree to extend the deadline for a maximum of 15 days (the same deadline as for existing termination hearings);
4. requires the board, board subcommittee, or hearing officer to make a written finding and decision within 15 days after the hearing starts (for existing hearings, this deadline is currently 75 days, reduced to 30 days under the bill); and
5. allows the board, board, subcommittee, or hearing officer to terminate the teacher if it finds that the teacher's rating was determined according to the evaluation procedures required by state law.

Ambiguity Regarding Ineffectiveness Termination Hearings. The bill provides two different but overlapping hearing procedures for tenured and nontenured teachers terminated for ineffectiveness. It is unclear which process applies. The bill's new termination process (see above) has no provision for a tenured teacher to appeal a local board's termination for ineffectiveness to court, while the existing process does.

Authority to Employ Teachers and Administrators

The bill requires, rather than allows, school boards to delegate to their superintendents the authority to choose the certified teachers and school administrators districts will employ. It eliminates a process for school boards to make the final decisions from among nominees submitted by the superintendent.

EFFECTIVE DATE: July 1, 2013

§ 30—TEACHER SALARY SCHEDULE LINKED TO EVALUATION & EVALUATION SYSTEM

The bill supersedes existing teacher collective bargaining law and instead links a teacher's progression through the steps of his or her salary schedule to the teacher's evaluation as prescribed under the bill. Under current law, teacher unions negotiate contracts that include salary provisions with local or regional boards of education. The contract controls the progression through the salary schedule. The bill links progression through the salary schedule solely on whether the teacher achieved "effective practice," as defined in the bill.

The bill also specifies that the teacher evaluation system guidelines adopted by the SBE must use four designators when evaluating teacher performance: (1) developing, (2) proficient, (3) exemplary and (4) below standard. Under the bill effective practice means (1) for teachers holding an initial educator certificate, a rating of developing, proficient, or exemplary, and (2) for any teacher holding a professional educator certificate or a master educator certificate, a rating of proficient or exemplary.

It is not clear if the new evaluation system and the resulting evaluations will be in place when the bill takes effect on July 1, 2012. Also it is not clear if the bill can supersede the provisions of existing union contracts already in effect when the bill takes effect or if it is meant to apply to new contracts agree to after the bill's effective date.

EFFECTIVE DATE: July 1, 2012

§ 31—NEW SALARY SCHEDULES TO ALIGN WITH NEW CERTIFICATE LEVELS

The bill requires local and regional boards of education to negotiate with teachers unions to establish new salary schedules that align with the new teacher certification categories (initial, professional, and master) the bill establishes. For boards of education in designated conditional funding districts, the requirement applies to contracts effective on or after July 1, 2014. (The bill states on July 1, 2014, but presumably it also means after that date.) For all other boards of education, the requirement applies to contracts effective on or after July 1, 2015.

The bill adds negotiating additional compensation for certain teachers as a mandatory subject of collective bargaining. These mandatory negotiations for additional compensation apply to teachers who:

hold a master educator certificate (created in the bill),

hold any certificate and are rated exemplary on performance evaluations conducted pursuant to the bill, or

improve in their performance ratings on performance evaluations conducted pursuant to the bill.

Under current law, salaries, hours and other conditions of employment that either party chooses to negotiate over are mandatory subjects of collective bargaining. The negotiations necessary to accomplish this may be conducted by either of the existing negotiation timeframes (CGS §§ 10-153d (b) or 10-153f(e)).

EFFECTIVE DATE: July 1, 2013

§§ 32 & 33—SCHOOL SUPERINTENDENT QUALIFICATIONS

The bill gives local and regional boards of education additional flexibility to appoint, with the education commissioner's approval, school superintendents who are not state-certified.

Acting Superintendents

By law, a board of education can appoint someone who does not have a Connecticut superintendent certificate as acting school superintendent. The bill permits the board to

make such an appointment for a specified period of unlimited length rather than for a specified period up to 90 days, with possible extensions for good cause shown. As under current law, the board must have the education commissioner's approval for such an appointment. The bill also requires the board to include in its approval application a plan to supervise and support the appointee.

Superintendent Certification Waiver

The bill gives the education commissioner additional discretion to waive the requirement that a school superintendent hold a Connecticut superintendent certificate, if the superintendent's employing board of education requests a waiver and the commissioner considers the person to be exceptionally qualified. It eliminates requirements that, to be considered exceptionally qualified, the person must:

1. be an acting superintendent,
2. have worked as a school superintendent in another state for at least 15 years, and
3. be or have been certified as a superintendent by the other state.

The bill does not change the commissioner's authority to waive certification for someone who has at least three years of successful experience in a public school in another state in the 10 years prior to the waiver application date. The experience must be as a certified administrator with a superintendent certificate issued by another state.

Teachers Retirement System Membership

The bill makes any superintendent employed under a certification waiver from the education commissioner a member of the state Teachers Retirement System (TRS), thus allowing the person to receive retirement credit for such service. Under current law, to be a TRS member, a superintendent must be employed while holding a Connecticut certificate in a position requiring the certificate. This provision is retroactive to anyone hired on or after July 1, 2007.

EFFECTIVE DATE: July 1, 2012

§ 34—COMPETITIVE GRANTS TO INCREASE AGRICULTURAL SCIENCE AND TECHNOLOGY CENTER ENROLLMENT

The bill requires SDE, within available appropriations, to provide competitive grants

to agricultural science and technology centers for developing plans to increase both their overall enrollment and enrollment by students from priority school districts.

EFFECTIVE DATE: July 1, 2012

§ 35—COORDINATED EARLY CHILDHOOD SYSTEM

By law, the state is in the planning process to create a coordinated system of early care and education and child development by July 1, 2013. PA 11-181 required several steps to take place toward creating this system. The bill makes SDE, rather than the early childhood system, responsible for developing a quality rating and improvement system that the early childhood must incorporate.

EFFECTIVE DATE: July 1, 2012

§ 36—DISSEMINATING INFORMATION ON SCHOOL CHOICE OPTIONS

Under current law, each local or regional board of education must provide its students full access to technical high schools, regional agricultural science and technology education centers, interdistrict magnet schools, charter schools, and interdistrict student programs for recruitment purposes (provided it is not for the purpose of interscholastic athletic competition). The bill also requires that each board of education post information about these school choice programs on its website. It also makes a technical change.

EFFECTIVE DATE: July 1, 2012

§§ 37-49—CONFORMING SECTIONS

These sections make changes to conform to the teacher certification changes described above.

EFFECTIVE DATE: July 1, 2013

§§ 50 & 51—SCHOOL ACCOUNTABILITY AND REORGANIZATION

These sections make several technical and conforming changes.

EFFECTIVE DATE: July 1, 2012

§ 52—STATE AND LOCAL CHARTER SCHOOLS

This bill makes changes to the process to approve state and local charter schools, including limiting the approval of new schools only to districts with low-achieving school districts.

It also establishes additional preferences for granting charters, adds new grounds to consider regarding charter renewals, and grants waivers from the required lottery process for student enrollment. It ties all these changes to whether a charter is specifically designed to enroll, retain, and service students with one or more characteristics that identify them as potentially needy students.

EFFECTIVE DATE: July 1, 2012

Application Process

By law the SBE annually reviews and approves all applications for local and state charter schools. For local charters the local host school district must also approve them.

Under the bill, the SBE can only grant new state or local charters to those located in a town (1) with at least one school in the commissioner's network of schools or (2) whose district is designated as a low-achieving district. Current law does not limit the locations of charters.

The bill also adds more focuses or types of schools that SBE must give preference to when reviewing charter school applications. The law already gives preference to charter applications containing certain elements, such as locating schools in priority districts or districts with the student population made up of 75% or more minorities. The bill requires SBE to give preference to applications whose primary purpose is to:

serve one or more of the populations (a) with a history of low academic performance or behavioral and social difficulties, (b) receiving free or reduced priced lunches, (c) requiring special education, or (d) who are English language learners; or

improve the academic performance of an existing school that has consistently demonstrated substandard academic performance, as determined by the education commissioner.

In addition to providing the preference for serving one or more of the needy populations mentioned above, it also gives preference to applications that demonstrate highly credible and specific strategies to attract, enroll, and retain students from those

same populations.

The bill requires applications to include a student recruitment and retention plan that, at a minimum, includes a clear description of a plan and the school's capacity to recruit and retain students from those previously mentioned populations.

Charter Renewal

The law provides a list of reasons why a charter renewal application may be denied. The bill adds to that list the school made insufficient efforts to affectively attract, enroll, and retain students from among the same populations the bill adds for application preference and the student recruitment plan.

Enrollment Lottery Waiver

The bill also permits the sponsors of a local or state charter to apply to the SBE for a waiver of the statutorily required enrollment lottery for new students. The waiver must be for the purpose of allowing preference for the same needy populations included above in all the other aspects of this section.

§ 53 & 54—TECHNICAL HIGH SCHOOL SYSTEM BOARD

The bill creates a new 11-member board of education to govern the Connecticut Technical High School System (CTHSS). Under current law CTHSS is under the authority of the SBE and a technical high school subcommittee.

The new board will consist of the following members:

four executives of Connecticut-based employers who shall be nominated by the regional chambers of commerce and business associations and appointed by the governor,

five members appointed by the SBE,

the economic and community development commissioner, and

the labor commissioner.

The governor must appoint the chairperson, who will serve as a nonvoting ex-officio member of the SBE.

The bill increases the number of members of the SBE by one, from 13 to 14 on and after July 1, 2012, to reflect the addition of the CTHSS chairman.

The bill makes a number of conforming and technical changes to reflect the CTHSS board governs the CTHSS.

EFFECTIVE DATE: July 1, 2012

§§ 55-71—TECHNICAL HIGH SCHOOL SYSTEM

The bill makes numerous technical and conforming changes to reflect that the CTHSS is headed by the chairman of the CTHSS board the bill creates. In several areas, including submitting budget requests and meeting various reporting requirements, the chairman must take the action rather than the CTHSS superintendent.

EFFECTIVE DATE: July 1, 2012

§ 72—BLOOMFIELD MAGNET SCHOOL EXEMPTION

The bill extends for an additional year, through FY 12, an exemption for the Big Picture Magnet School, an approved interdistrict magnet school operated by Bloomfield, from statutory student diversity requirements for interdistrict magnet schools. These requirements (1) limit the number of students from any of the school's participating towns to 75% of its total enrollment and (2) specify that students of racial minorities must comprise at least 25% but no more than 75% of a school's student body.

The bill's exemption allows the school to continue receiving a state magnet school operating grant in FY 12. Starting July 1, 2012, the school must reopen as The Global Experience Magnet School under an operation plan approved by the education commissioner. For purposes of meeting diversity requirements for interdistrict magnet schools, the bill specifies that the school is considered to have begun operating as of that date, thus, by law, giving it until its second year of operation to meet the desegregation requirements of the *Sheff v. O'Neill* settlement. The education commissioner can grant an extension for one additional year.

EFFECTIVE DATE: Upon passage

