

Series 2005-2006

Circular Letter C-5

To: Superintendents of Schools

From: Dr. Betty J. Sternberg, Commissioner of Education

Date: August 24, 2005

Subject: Most Important Educational Mandates and ED001 Certification

Attached you will find a document entitled "Connecticut General Statutes Which Have a Major Impact on the Operation of School Districts." It contains the most important mandates imposed on our school districts by Connecticut state law, and has been revised to include legislation enacted in the 2005 regular session of the General Assembly.

Please note that there are many other statutes and regulations, both state and federal, which impose additional requirements. We have been providing you with as much information as possible, for example, about the federal No Child Left Behind Act. However, this document has been prepared to provide you with a summary of those state laws which we feel are the most vital to the orderly operation of your schools. You may wish to share it with members of your boards of education.

Please note that all Superintendents of Schools are required to certify that their schools have been maintained according to law on the ED001, which is due on September 1<sup>st</sup> of each year. You may use this document in making this certification, keeping in mind that the certification is for the 2004-05 school year. Therefore, the italicized provisions contained in the document are not applicable to that certification. Please note any exceptions from statutory requirements by letter addressed to Attorney Karen Flanagan, Office of Legal and Governmental Affairs, at the address below.

I hope this document is helpful to you. While it provides general information about the laws governing the operation of public schools, you should always refer directly to the law for specific information.

If you have any questions about these mandates or the ED001 certification, please contact Attorney Karen Flanagan, Office of Legal and Governmental Affairs, at (860) 713-6517.

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## CONNECTICUT GENERAL STATUTES WHICH HAVE A MAJOR IMPACT ON THE OPERATION OF SCHOOL DISTRICTS

**Note:** Provisions which represent new requirements appear in italics.

Section **10-220(a)** describes the **duties of boards of education**. It provides as follows:

Each local or regional board of education shall maintain good public elementary and secondary schools, **implement the educational interests of the state** as defined in section 10-4a and provide such other educational activities as in its judgment will best serve the interests of the school district; provided any board of education may secure such opportunities in another school district in accordance with provisions of the general statutes and shall **give all the children of the school district as nearly equal advantages as may be practicable**; shall provide an appropriate learning environment for its students which includes (1) adequate instructional books, supplies, materials, equipment, staffing, facilities and technology, (2) equitable allocation of resources among its schools, (3) proper maintenance of facilities, and (4) a safe school setting; shall have charge of the schools of its respective school district; shall make a **continuing study of the need for school facilities** and of a **long-term school building program** and from time to time make recommendations based on such study to the town; shall adopt and implement an **indoor air quality program** that provides for ongoing maintenance and facility reviews necessary for the **maintenance and improvement of the indoor air quality** of its facilities; shall report annually to the Commissioner of Education on the condition of its facilities and the action taken to implement its long-term school building program and indoor air quality program, which report the Commissioner of Education shall use to prepare an annual report that said commissioner shall submit in accordance with section 11-4a to the joint standing committee of the General Assembly having cognizance of matters relating to education; shall advise the Commissioner of Education of the relationship between any individual school building project pursuant to chapter 173 and such long-term school building program; shall have the **care, maintenance and operation of buildings, lands, apparatus and other property** used for school purposes and at all times shall **insure all such buildings and all capital equipment** contained therein against loss in an amount not less than eighty per cent of replacement cost; shall determine the number, age and **qualifications of the pupils to be admitted** into each school; shall develop and implement a **written plan for minority staff recruitment** for purposes of subdivision (3) of section 10-4a; shall **employ and dismiss the teachers** of the schools of such district subject to the provisions of sections 10-151 and 10-158a; shall **designate the schools which shall be attended** by the various children within the school district; shall make provisions as will enable each child of school age, residing in the district to attend some public day school for the period required by law and **provide for the transportation** of children wherever transportation is reasonable and desirable, and for such purpose **may make contracts** covering periods of not more than five years; may place in an alternative school program or other suitable educational program a pupil enrolling in school who is nineteen years of age or older and cannot acquire a sufficient number of credits for graduation by age twenty-one; may arrange with the board of education of an adjacent town for the instruction therein of such children as can attend school in such adjacent town more conveniently; shall cause each child five years of age and over and under eighteen years of age who is not a high school graduate and is living in the school district to attend school in accordance with the provisions of section 10-184, and shall perform all acts required of it by the town or necessary to carry into effect the powers and duties imposed by law. **(Please note** that pursuant to Section 10-184, a parent or person having control of a child five or six years of age has the option of not sending the child to school until age seven by

personally appearing at the school district office and signing an option form. The school district must provide information about the educational opportunities available in the school system. **Students must stay in school until age 18** unless a parent or other person having control over them consents to their leaving school at 16 or 17.)

Each school district must prescribe **rules for the management, studies, classification and discipline of the public schools**, including the selection and use of nondiscriminatory texts, supplementary books, library books, supplies, materials and equipment as it deems necessary to meet the needs of instruction in its schools; adopt and **implement policies and procedures** concerning (1) homework, attendance, promotion and retention, (2) drug and alcohol use, sale and possession on school property, (3) youth suicide prevention and attempts, (4) truancy, (5) the encouragement parent-teacher communication, and (6) weighted grading for honors and advanced placement courses, (7) the existence of bullying in its schools, and (8) ensuring that time is available each school day for the recitation of the pledge of allegiance. **Promotion and graduation policies** must be revised to ensure that such policies foster student achievement and reduce the incidence of social promotion and local boards must specify the **basic skills necessary for graduation** for classes graduating in 2006 and thereafter. Each local and regional board of education is responsible for providing and displaying **flags** in each classroom. (Sections **10-18a, 10-198a, 10-221, 10-222d, 10-223a, 10-228, 10-230** and **10-223a**)

Sections **10-16b, 10-18, 10-19, 10-220(b)** and **10-221a** obligate school districts to (1) offer **prescribed courses of study** in accordance with duly adopted educational goals and student objectives **as part of a planned, ongoing and systematic program of instruction**, and (2) **require minimum credit requirements for high school graduation**. Section 10-221h requires boards to develop and implement a three-year **plan to improve the reading skills** of students in grades kindergarten through three. **Prescribed courses of study** pursuant to Sec. 10-16b **include** the arts; career education; consumer education; health and safety, including, but not limited to, human growth and development, nutrition, first aid, disease prevention, community and consumer health, physical, mental and emotional health, including youth suicide prevention, substance abuse prevention, safety, which may include the dangers of gang membership, and accident prevention; language arts, including reading, writing, grammar, speaking and spelling; mathematics; physical education; science; social studies, including, but not limited to, citizenship, economics, geography, government and history; and in addition, on at least the secondary level, one or more foreign languages and vocational education. Instruction must also be given in United States history, government and citizenship (Sec. 10-18); in the knowledge, skills and attitudes required to understand and avoid the effects of alcohol, of nicotine or tobacco, and drugs (Sec. 10-19); and on acquired immune deficiency syndrome (Sec. 10-19). The **minimum high school graduation requirement** is twenty credits, not fewer than four of which must be in English, not fewer than three in mathematics, not fewer than three in social studies, not fewer than two in science, not fewer than one in the arts or vocational education and not fewer than one in physical education. Beginning with high school classes graduating in 2004, students must have at least **a one-half credit course in civics and American government**, which is to be part of the credits required in social studies.

Section **10-14n** requires students in fourth, sixth, eighth and tenth grades to take a **statewide mastery test**. This section has been amended to conform to the requirements of the **No Child Left Behind Act of 2001**, and beginning in the 2005-2006 school year, statewide mastery tests must be given annually, in *March or April*, to all students enrolled in grades three to eight, inclusive and in grade ten to

measure skills in reading, writing and mathematics. Beginning in the 2007-2008, the statewide mastery test must include science. No student in grades seven through twelve shall be administered such test earlier than 9:00 am. (Please see the various circular letters and other information which has been sent to you concerning the No Child Left Behind Act, including requirements concerning adequate yearly progress and consequences for failure to meet this goal; highly qualified teaching staff; persistently dangerous schools and other provisions of this federal law.)

Pursuant to Sections **10-145 to 10-145b**, inclusive, **10-151 to 10-151c**, inclusive, **10-153 to 10-153g**, inclusive, **10-155f**, **10-156 to 10-157a**, inclusive, **10-220a**, **10-221d**, **10-235**, **10-236a** and **10-76dd**, **districts must employ, evaluate and indemnify appropriately certified and qualified personnel; develop and implement teacher evaluation and professional development programs; provide in-service training** on (1) the nature and relationship of drugs and alcohol to personality development and procedures to discourage their abuse, (2) health and mental health risk education, (3) the growth and development of exceptional children, and (4) school violence prevention and conflict resolution, (5) cardiopulmonary resuscitation and other emergency life saving procedures, (6) computer and other information technology as applied to student learning and classroom instruction, communications and data management, (7) the teaching of the language arts, reading and reading readiness for teachers in grades kindergarten to three, inclusive, and (8) second language acquisition in districts required to provide a program of bilingual education; and file a signed copy of its teacher and administrator collective bargaining agreements with the Commissioner of Education. **Athletic coaches** must be evaluated annually and be provided with certain rights if terminated. (Section **10-222e**) No board member shall be employed by the board of education of which he or she is a member under Section **10-232**.

Sections **10-221** and **10-233a through 10-233g**, inclusive, require school districts to (1) adopt policies governing student conduct which provide for the fair and consistent application of **disciplinary policies and procedures**, (2) afford annual notice of such policies to all pupils and their parents and guardians, and (3) comply with due process requirements in imposing discipline.

Section **10-4a** defines the **educational interests of the state** which shall include, but not be limited to the concern of the state that

- (1) each child shall have for the period prescribed in the general statutes equal opportunity to receive a suitable program of educational experiences;
- (2) each school district shall finance at a reasonable level at least equal to the minimum expenditure requirement pursuant to the provisions of section 10-262j an educational program designed to achieve this end;
- (3) in order to reduce racial, ethnic and economic isolation, each school district shall provide educational opportunities for its students to interact with students and teachers from other racial, ethnic, and economic backgrounds and may provide such opportunities with students from other communities; and
- (4) the mandates in the general statutes pertaining to education within the jurisdiction of the State Board of Education be implemented.

Section **10-226h** requires school districts to report, by July 1, 2000 and biennially thereafter, on **the programs and activities undertaken to reduce racial, ethnic and economic isolation**, including

information on the programs undertaken and **evidence over time of progress made**. Section **10-220** requires each local and regional board of education to develop and implement a **written plan for minority staff recruitment**.

School districts are required to provide at least **one hundred and eighty days** of actual school work for grades kindergarten to twelve and no less than **nine hundred hours** of actual school work for full day kindergarten and grades one to twelve and **four hundred and fifty hours** of actual school work for half-day kindergarten pursuant to Sections **10-15** and **10-16**.

Sections **10-15c**, **10-186** and **10-253** require school districts to **provide full and free access**, by transportation or otherwise, to its programs to all eligible students **without discrimination** on account of race, color, sex, religion, national origin or sexual orientation, including to those residing with relatives and non-relatives and to those residing in temporary shelters. Children are eligible to attend school if they attain the age of five on or before January 1 of a school year until they attain the age of twenty-one or graduate.

Section **10-220d** requires local and regional boards of education to provide **full access** to regional vocational-technical schools, regional vocational agriculture centers, interdistrict magnet schools, charter schools and interdistrict student attendance programs for the **recruitment**, other than for the purpose of interscholastic athletic competition, **of students** attending the schools under the board's jurisdiction.

School districts must provide **special education and related services** to all eligible children requiring special education pursuant to Sections **10-76a through 10-76q**. School districts have certain responsibilities for resident students requiring special education and related services who attend charter and magnet schools pursuant to Section **10-66ee** and Section **10-264l(h)**.

Sections **10-17**, **10-17a** and **10-17d through 10-17g** require school districts to assess the needs of students who are speakers of languages other than English and to provide **bilingual education, English as a second language and other support services** where required and when requested by parents.

**Adult education services** must be provided for adult residents by a local or regional board of education or through cooperative arrangements or at a cooperating eligible entity or at a regional educational service center as required by Sections **10-67 through 10-73c**.

School districts must furnish **transportation** to eligible public and private school students, including students attending charter schools and magnet schools, and develop and implement a policy for reporting of all complaints relative to school transportation safety pursuant to Sections **10-66ee**, **10-97**, **10-186**, **10-220**, **10-221c**, **10-264l**, **10-277**, **10-280a** and **10-281**.

When a student enrolls in a new school district, the district must notify the student's former district, which must **transfer the student's records** no later than ten days after such notification. (Section **10-220h**)

Section **10-16a** requires each local and regional board of education to provide an opportunity for **silent meditation** for teachers and students at the start of each school day.

Sections **10-15b** and **46b-56** require school districts to allow parents (custodial and non-custodial) **access to the records** of their minor children except for records containing information that is considered confidential under Section 10-154a and certain health information which is confidential pursuant to other provisions of the General Statutes. Under **Section 10-221b**, districts must establish a written, uniform policy concerning **on-campus recruiting** and access to directory information for all recruiters, including commercial, military and non-military and those representing institutions of higher education.

School districts must operate **school health programs** to ensure the well-being of their students in accordance with Sections **10-203 through 10-204a, 10-205 through 10-210, 10-212, 10-212a, and 10-214 through 10-215** and allow students to be exempted from **family life education** programs under Section **10-16e**. A copy of the record of each **pesticide application** at a school must be maintained at the school for five years. **Pesticides may not be applied** during regular school hours or planned activities, and, at the beginning of each school year, boards must **notify parents about pesticide application** policies and pesticide applications the previous year. Boards must also establish a registry of those who want prior notice of pesticide application and provide such notice. (Sections **10-231b through 10-231d**) *Except in certain circumstances, lawn care pesticides may not be applied on the grounds of any public or private preschool or elementary school. (P.A. 05-252)* Section **10-220(a)** requires each board of education to adopt and implement an **indoor air quality program** which provides for ongoing maintenance and facility review. Prior to January 1, 2008, and every five years thereafter, boards must provide for a **uniform inspection and evaluation of the indoor air quality** of every school building constructed, extended, renovated or replaced on or after January 1, 2003. (Section **10-220(d)**) *P.A. 05-104 requires the State Department of Education to develop and make available guidelines for the management of students with life-threatening food allergies and requires local boards to implement plans based on such guidelines not later than July 1, 2006.*

Each local and regional board shall require each school to (1) offer full day students a **daily lunch period** of not less than twenty minutes and (2) include in the regular school day for each student enrolled in grades kindergarten to five, inclusive, a **period of physical exercise**. (Section **10-221o**) Each local and regional board shall make available for purchase by students enrolled in their schools **nutritious, low-fat drinks** when drink is available for purchase and **low-fat dairy products and fresh or dried fruit** at times when food is available for purchase. (Section **10-221p**) Section **10-266w** obligates school districts to provide **breakfast programs** when required.

School districts must maintain **sanitary and safe schools** in accordance with all applicable fire, safety and health codes, ordinances, regulations and laws so that no serious threat of danger exists to any lawful occupant. **Smoking in school buildings** is prohibited while school is in session or student activities are being conducted. (Sections **10-203, 10-220, 10-221, 10-231 and 19a-342**)

Section **10-221g** requires each local and regional board of education to conduct an **instructional time and facility usage assessment** in order to maximize student learning and community use of facilities. Section **10-220** requires each board to report annually to the Commissioner on the **condition of its facilities** and action taken to implement its long term school building program.

Teachers, principals, guidance counselors, paraprofessionals and coaches of intramural and interscholastic athletics must report **suspected or known abuse, or danger of abuse, of children** to the

Commissioner of Children and Families or his representative or law enforcement officials as soon as practical but not less than twelve hours of forming a reasonable belief of abuse, neglect or imminent risk of serious harm. Boards must report suspected or known abuse by a school employee to the Commissioner of Education and adopt a written policy regarding the reporting by school employees of suspected child abuse. (Sections **17a-101 through 17a-101i and 17a-103**)

Section **10-217a** requires school districts to provide **health services to students in eligible private schools** when designated this responsibility by the town or city.

School districts must properly plan for and maintain all **funds and accounts** within their jurisdiction pursuant to Sections **10-222** and **10-237** and **make returns of receipts, expenditures and statistics** as prescribed by the Commissioner under Section **10-237**. Section **10-220(c)** requires local and regional boards of education to submit **strategic school profile reports** by November 1 of each year.

Boards of Education must **elect officers** and **hold meetings** pursuant to Section **10-218**, and **hold public hearings** on citizen petition under Section **10-238**.

Sections **10-249** and **10-250** require boards of education to determine by age the **number of children** of compulsory school age residing in the district and report this information to the Commissioner.

**Special note re Priority School Districts** – Priority school districts receive special grants for such programs as extra school hours, preschool, library book purchase, infrastructure repair, early reading success and summer school. These districts may have to comply with additional requirements due to their status or as conditions for receipt of specific grants available to them.

**PLEASE NOTE:** THERE ARE MANY OTHER STATUTES WHICH IMPOSE ADDITIONAL REQUIREMENTS; HOWEVER, THIS LIST CONTAINS THOSE MOST VITAL TO THE ORDERLY OPERATION OF OUR SCHOOLS.