

V.A.

CONNECTICUT STATE BOARD OF EDUCATION
Hartford

TO BE PROPOSED:

December 6, 2017

RESOLVED, That the State Board of Education adopts these 2018 Legislative Proposals and directs the Commissioner to take the necessary action.

Approved by a vote of ____ this sixth day of December, Two Thousand Seventeen.

Signed: _____
Dianna R. Wentzell, Secretary
State Board of Education



Agency Legislative Proposal – 2018 Session

Document Name (e.g. OPM1015Budget.doc; OTG1015Policy.doc):

(If submitting electronically, please label with date, agency, and title of proposal – 092611_SDE_TechRevisions)

State Agency: Connecticut State Department of Education

Liaison/Chief of Staff: Laura J. Stefon
Phone: (860) 713 - 6493
E-mail: Laura.Stefon@ct.gov

Lead agency division requesting this proposal: **OFFICE OF FINANCE & INTERNAL OPERATIONS**

Agency Analyst/Drafter of Proposal: **Staff—Lynn Nauss Cipriano / Manager—Kathy Demsey**

Title of Proposal: **An Act Concerning Technical Revisions to the Statutes Relating to Magnet Schools**

Statutory Reference: **Sec. 10-264f**

Proposal Summary

This proposal seeks to:

Align the date magnet enrollment data is frozen for final calculation purposes to the January 31 date used in the calculation of the Education Cost Sharing grant. Currently, the October 1st snapshot for student enrollment stays open for the remainder of the fiscal year to allow for the data to be verified and districts are continually modifying the data until the ECS checks are cut in March. The Department is seeking to align the data that we use to pay all of our statutory and non-statutory grants to a single date, which will help for better alignment and for calculating prior year adjustments.

PROPOSAL BACKGROUND

Reason for Proposal

Please consider the following, if applicable:

- (1) Have there been changes in federal/state/local laws and regulations that make this legislation necessary? **NO**
- (2) Has this proposal or something similar been implemented in other states? If yes, what is the outcome(s)? **NO**
- (3) Have certain constituencies called for this action? **NO**
- (4) What would happen if this was not enacted in law this session? **There would be no certain alignment for data.**

Origin of Proposal New Proposal Resubmission

If this is a resubmission, please share: *These should be answered only if it is a resubmission*

- (1) What was the reason this proposal did not pass, or if applicable, was not included in the Administration's package?
- (2) Have there been negotiations/discussions during or after the previous legislative session to improve this proposal?
- (3) Who were the major stakeholders/advocates/legislators involved in the previous work on this legislation?
- (4) What was the last action taken during the past legislative session?



PROPOSAL IMPACT

) **Agencies Affected** (please list for each affected agency)

Agency Name:	N/A
Agency Contact (name, title, phone):	
Date Contacted:	
Approve of Proposal	<input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> Talks Ongoing
Summary of Affected Agency's Comments	
Will there need to be further negotiation? <input type="checkbox"/> YES <input type="checkbox"/> NO	

) **Fiscal Impact** (please include the proposal section that causes the fiscal impact and the anticipated impact)

Municipal (please include any municipal mandate that can be found within legislation)	None
State	NONE
Federal	NONE
Additional notes on fiscal impact	

) **Policy and Programmatic Impacts** (Please specify the proposal section associated with the impact)

The proposal is technical in nature and designed to clarify the processes the department follows for the purpose of making payment in the magnet account.
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Alignment of Enrollment Data Date of Record for Calculation of Final Magnet Payment to ECS Date of Record

Subsection (d) of section 10-264/

(d) (1) Grants made pursuant to this section, except those made pursuant to subdivision (7) of subsection (c) of this section and subdivision (2) of this subsection, shall be paid as follows: Seventy per cent not later than September first and the balance not later than May first of each fiscal year. The May first payment shall be adjusted to reflect actual interdistrict magnet school program enrollment as of the preceding October first using the data of record as of the intervening [March first] **January 31**, if the actual level of enrollment is lower than the projected enrollment stated in the approved grant application. The May first payment shall be further adjusted for the difference between the total grant received by the magnet school operator in the prior fiscal year and the revised total grant amount calculated for the prior fiscal year in cases where the aggregate financial audit submitted by the interdistrict magnet school operator pursuant to subdivision (1) of subsection (n) of this section indicates an overpayment by the department. Notwithstanding the provisions of this section to the contrary, grants made pursuant to this section may be paid to each interdistrict magnet school operator as an aggregate total of the amount that the interdistrict magnet schools operated by each such operator are eligible to receive under this section. Each interdistrict magnet school operator may distribute such aggregate grant among the interdistrict magnet school programs that such operator is operating pursuant to a distribution plan approved by the Commissioner of Education.



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State Agency: Connecticut State Department of Education

Liaison/Chief of Staff: Laura J. Stefon
Phone: (860) 713 - 6493
E-mail: Laura.Stefon@ct.gov

Lead agency division requesting this proposal: **OFFICE OF FINANCE & INTERNAL OPERATIONS**

Agency Analyst/Drafter of Proposal: **Staff—Lynn Nauss Cipriano / Manager—Kathy Demsey**

Title of Proposal: **An Act Concerning Technical Revisions to the Statutes Relating to Magnet Schools**

Statutory Reference: **Sec. 10-264I**

Proposal Summary

This proposal seeks to:

Clarify 10-264I(c)(8) to reflect a change in payment to magnet operators at the operator level versus the individual school level. In a previous legislative session, statute was changed to reflect payment at the operator level in some places, but not consistently throughout the statute. This technical change seeks to align the statutory payment language.

PROPOSAL BACKGROUND

Reason for Proposal

Please consider the following, if applicable:

- (1) Have there been changes in federal/state/local laws and regulations that make this legislation necessary? **NO**
- (2) Has this proposal or something similar been implemented in other states? If yes, what is the outcome(s)? **NO**
- (3) Have certain constituencies called for this action? **NO**
- (4) What would happen if this was not enacted in law this session? **The magnet statute would remain inconsistent.**

Origin of Proposal New Proposal Resubmission

If this is a resubmission, please share: *These should be answered only if it is a resubmission*

- (1) What was the reason this proposal did not pass, or if applicable, was not included in the Administration's package?
- (2) Have there been negotiations/discussions during or after the previous legislative session to improve this proposal?
- (3) Who were the major stakeholders/advocates/legislators involved in the previous work on this legislation?
- (4) What was the last action taken during the past legislative session?



PROPOSAL IMPACT

) **Agencies Affected** (please list for each affected agency)

Agency Name:	N/A
Agency Contact (name, title, phone):	
Date Contacted:	
Approve of Proposal <input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> Talks Ongoing	
Summary of Affected Agency's Comments	
Will there need to be further negotiation? <input type="checkbox"/> YES <input type="checkbox"/> NO	

) **Fiscal Impact** (please include the proposal section that causes the fiscal impact and the anticipated impact)

Municipal (please include any municipal mandate that can be found within legislation)	None
State	NONE
Federal	NONE
Additional notes on fiscal impact	

) **Policy and Programmatic Impacts** (Please specify the proposal section associated with the impact)

The proposal is technical in nature and designed to clarify the processes the department follows for the purpose of making payment in the magnet account.
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Clarification of Payment Language

Section 10-264/(c)(3)(l)(8)

(8) The amounts of the grants determined pursuant to this subsection shall be proportionately adjusted, if necessary, within available appropriations, and in no case shall **THE TOTAL GRANT RECEIVED BY THE MAGNET SCHOOL OPERATOR** ~~[any grant]~~ pursuant to this section exceed the **AGGREGATE** reasonable operating budget of the interdistrict magnet school ~~[program,]~~ **PROGRAMS OF THE OPERATOR**, less revenues from other sources.



Agency Legislative Proposal – 2018 Session

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State Agency: Connecticut State Department of Education

Liaison/Chief of Staff: Laura J. Stefon
Phone: (860) 713 - 6493
E-mail: Laura.Stefon@ct.gov

Lead agency division requesting this proposal: **OFFICE OF FINANCE & INTERNAL OPERATIONS**

Agency Analyst/Drafter of Proposal: **Staff—Lynn Nauss Cipriano / Manager—Kathy Demsey**

Title of Proposal: **An Act Concerning Technical Revisions to the Statutes Relating to Magnet Schools**

Statutory Reference: **Sec. 10-264I**

Proposal Summary

This proposal seeks to:

Extend the department’s ability to pay supplemental magnet transportation costs in the Sheff region.

PROPOSAL BACKGROUND

Reason for Proposal

Please consider the following, if applicable:

- (1) Have there been changes in federal/state/local laws and regulations that make this legislation necessary? **NO**
- (2) Has this proposal or something similar been implemented in other states? If yes, what is the outcome(s)? **NO**
- (3) Have certain constituencies called for this action? **NO**
- (4) What would happen if this was not enacted in law this session? **We cannot make the supplemental payment for transportation services which would have already been provided in the Sheff Region and would violate our contract with CREC.**

Origin of Proposal New Proposal Resubmission

If this is a resubmission, please share: *These should be answered only if it is a resubmission*

- (1) What was the reason this proposal did not pass, or if applicable, was not included in the Administration’s package?
- (2) Have there been negotiations/discussions during or after the previous legislative session to improve this proposal?
- (3) Who were the major stakeholders/advocates/legislators involved in the previous work on this legislation?
- (4) What was the last action taken during the past legislative session?



PROPOSAL IMPACT

) **Agencies Affected** (please list for each affected agency)

Agency Name: Agency Contact (name, title, phone): Date Contacted: Approve of Proposal <input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> Talks Ongoing	N/A
Summary of Affected Agency's Comments	
Will there need to be further negotiation? <input type="checkbox"/> YES <input type="checkbox"/> NO	

) **Fiscal Impact** (please include the proposal section that causes the fiscal impact and the anticipated impact)

Municipal (please include any municipal mandate that can be found within legislation)	None
State	Provide the department with the authority to pay out approximately \$20 million in supplemental transportation costs to CREC, which are associated with the transportation of magnet school students to Sheff magnet schools.
Federal	NONE
Additional notes on fiscal impact	

) **Policy and Programmatic Impacts** (Please specify the proposal section associated with the impact)

The proposal is responsive to the recent court order in the <i>Sheff v. O'Neill</i> case.
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Extension of Payment Language for Supplemental Sheff Magnet Transportation Costs

Subdivision (4) of subsection (a) of section 10-164i

(4) In addition to the grants otherwise provided pursuant to this section, the Commissioner of Education may provide supplemental transportation grants to regional educational service centers for the purposes of transportation to interdistrict magnet schools. Any such grant shall be provided within available appropriations and after the commissioner has reviewed and approved the total interdistrict magnet school transportation budget for a regional educational service center, including all revenue and expenditure estimates. For the fiscal years ending June 30, 2013, to ~~June 30, 2017,~~ **JUNE 30, 2018**, inclusive, in addition to the grants otherwise provided pursuant to this section, the Commissioner of Education may provide supplemental transportation to interdistrict magnet schools that assist the state in meeting the goals of the 2008 stipulation and order for Milo Sheff, et al. v. William A. O'Neill, et al. , as extended, or the goals of the 2013 stipulation and order for Milo Sheff, et al. v. William A. O'Neill, et al. , as extended~~[, and for transportation provided by EASTCONN to interdistrict magnet schools]~~. Any such grant shall be provided within available appropriations and upon a comprehensive financial review, by an auditor selected by the Commissioner of Education, the costs of such review may be paid from funds that are part of the supplemental transportation grant. Any such grant shall be paid as follows: For the fiscal year ending June 30, 2013, up to fifty per cent of the grant on or before June 30, 2013, and the balance on or before September 1, 2013, upon completion of the comprehensive financial review; for the fiscal year ending June 30, 2014, up to fifty per cent of the grant on or before June 30, 2014, and the balance on or before September 1, 2014, upon completion of the comprehensive financial review; for the fiscal year ending June 30, 2015, up to fifty per cent of the grant on or before June 30, 2015, and the balance on or before September 1, 2015, upon completion of the comprehensive financial review; and for the fiscal year ending June 30, 2016, up to fifty per cent of the grant on or before June 30, 2016, and the balance on or before September 1, 2016, upon completion of the comprehensive financial review; and for the fiscal year ending June 30, 2017, up to seventy per cent of the grant on or before June 30, 2017, and the balance on or before May 30, 2018, upon completion of the comprehensive financial review~~[-]~~ **AND FOR THE FISCAL YEAR ENDING JUNE 30, 2018, UP TO SEVENTY PER CENT OF THE GRANT ON OR BEFORE JUNE 30, 2018, AND THE BALANCE ON OR BEFORE MAY 30, 2019, UPON COMPLETION OF THE COMPREHENSIVE FINANCIAL REVIEW.**



Agency Legislative Proposal - 2018 Session

Document Name (e.g. OPM1015Budget.doc; OTG1015Policy.doc): **Leave this blank**

(If submitting electronically, please label with date, agency, and title of proposal – 092611_SDE_TechRevisions)

State Agency: Connecticut State Department of Education

Liaison/Chief of Staff: Laura J. Stefon
Phone: (860) 713 – 6493
E-mail: laura.stefon@ct.gov

Lead agency division requesting this proposal: Bureau of Special Education

Agency Analyst/Drafter of Proposal: Drafted: Laura Stefon; Bureau Chief: Bryan Klimkiewicz

Title of Proposal: An Act Concerning the Use of “Exclusionary Time Outs”

Statutory Reference: Section 1. Section 10-236b

Proposal Summary

This language provides a definition for “exclusionary time out” and clarifies the definitions for physical restraint and seclusion in the education statutes. Exclusionary time out is a type of behavior intervention that has been developed for students and involves a temporary monitored separation of the student while the child remains under supervision by a qualified staff member and does not rise to the level of a seclusion. This will align our definitions with language from the IDEA and the Federal Office of Civil Rights.

PROPOSAL BACKGROUND

Reason for Proposal

Please consider the following, if applicable:

- (1) *Have there been changes in federal/state/local laws and regulations that make this legislation necessary? **Our definitions are not in alignment with the Office of Civil Rights.***
- (2) *Has this proposal or something similar been implemented in other states? If yes, what is the outcome(s)? **Yes, other states use these updated definitions.***
- (3) *Have certain constituencies called for this action? **Yes***
- (4) *What would happen if this was not enacted in law this session? **Our language will continue to be out of alignment and teachers may not use the very simple and effective time out tool which is employed routinely by parents.***

Origin of Proposal

New Proposal

Resubmission



If this is a resubmission, please share: *These should be answered only if it is a resubmission*

- (1) What was the reason this proposal did not pass, or if applicable, was not included in the Administration's package?
- (2) Have there been negotiations/discussions during or after the previous legislative session to improve this proposal?
- (3) Who were the major stakeholders/advocates/legislators involved in the previous work on this legislation?
- (4) What was the last action taken during the past legislative session?

PROPOSAL IMPACT

) **Agencies Affected** (please list for each affected agency) *Please only complete this section if you have already been working with another agency. If not, I will reach out to the appropriate agency's legislative liaison upon approval from the Commissioner.*

Agency Name:

Agency Contact (name, title, phone):

Date Contacted:

Approve of Proposal ___ YES ___ NO ___ Talks Ongoing

Summary of Affected Agency's Comments

Will there need to be further negotiation? ___ YES ___ NO

) **Fiscal Impact** (please include the proposal section that causes the fiscal impact and the anticipated impact)

Municipal (please include any municipal mandate that can be found within legislation) *None*

State *None*

Federal *None*

Additional notes on fiscal impact



Insert fully drafted bill here

Section 1. Section 10-236b of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2017*):

(a) For purposes of this section:

(1) "Life-threatening physical restraint" means any physical restraint or hold of a person that (A) restricts the flow of air into a person's lungs, whether by chest compression or any other means, or (B) immobilizes or reduces the free movement of a person's arms, legs or head while the person is in the prone position;

(2) "Psychopharmacologic agent" means any medication that affects the central nervous system, influencing thinking, emotion or behavior;

(3) "Physical restraint" means any mechanical or personal restriction that immobilizes or reduces the free movement of a person's arms, legs or head, including, but not limited to, carrying or forcibly moving an individual from one location to another. The term does not include: (A) Briefly holding a person in order to calm or comfort the person; (B) restraint involving the minimum contact necessary to safely escort a person from one area to another; (C) medical devices, including, but not limited to, supports prescribed by a health care provider to achieve proper body position or balance; (D) helmets or other protective gear used to protect a person from injuries due to a fall; [or] (E) helmets, mitts and similar devices used to prevent self-injury when the device is (i) part of a documented treatment plan or individualized education program pursuant to section 10-76d, or (ii) prescribed or recommended by a medical professional, as defined in section 38a-976, and is the least restrictive means available to prevent such self-injury; or (F) Exclusionary Time Out.

(4) "School employee" shall have the same meaning as provided in subsection (b) of section 10-221o;



(5) "Seclusion" means the involuntary confinement of a student in a room[, whether alone or with supervision, in a manner that prevents the student from leaving] from which the student is physically prevented from leaving. It does not include exclusionary timeout, which is a behavior management technique involving the monitored separation of the student in a non-locked setting, and is implemented for the purpose of calming.

(6) "Student" means a child (A) enrolled in grades kindergarten to twelve, inclusive, in a public school under the jurisdiction of a local or regional board of education, (B) receiving special education and related services in an institution or facility operating under contract with a local or regional board of education pursuant to subsection (d) of section 10-76d, (C) enrolled in a program or school administered by a regional education service center established pursuant to section 10-66a, or (D) receiving special education and related services from an approved private special education program, but shall not include any child receiving educational services from (i) Unified School District #2, established pursuant to section 17a-37, or (ii) the Department of Mental Health and Addiction Services; [.] and

(7) "Exclusionary Time out" means the temporary separation of a student from an ongoing activity for the purpose of calming or de-escalating that student's behavior.

(b) No school employee shall use a physical restraint on a student except as an emergency intervention to prevent immediate or imminent injury to the student or to others, provided the restraint is not used for discipline or convenience and is not used as a substitute for a less restrictive alternative.

(c) No school employee shall use a life-threatening physical restraint on a student. This section shall not be construed as limiting any defense to criminal prosecution for the use of deadly physical force that may be available under sections 53a-18 to 53a-22, inclusive.

(d) No school employee shall place a student in seclusion except as an emergency intervention to prevent immediate or imminent injury to the student or to others, provided the seclusion is not used for discipline or



convenience and is not used as a substitute for a less restrictive alternative. No student shall be placed in seclusion unless (1) such student is monitored by a school employee during the period of such student's seclusion pursuant to subsection [(m)] (n) of this section, and (2) the area in which such student is secluded is equipped with a window or other fixture allowing such student a clear line of sight beyond the area of seclusion. Seclusion shall not be utilized as a planned intervention in such student's treatment or educational plan.

(e) No school employee may use a psychopharmacologic agent on a student without that student's consent except (1) as an emergency intervention to prevent immediate or imminent injury to the student or to others, or (2) as an integral part of the student's established medical or behavioral support or educational plan, as developed consistent with section 17a-543 or, if no such plan has been developed, as part of a licensed practitioner's initial orders. The use of psychopharmacologic agents, alone or in combination, may be used only in doses that are therapeutically appropriate and not as a substitute for other appropriate treatment.

(f) Not later than July 1, 2018, each local or regional board of education shall establish a policy regarding the use of exclusionary time out. Such policy shall include, but not be limited to, the requirement that (1) at least one school employee shall remain within close enough proximity to a student placed in time out that such student and school employee are able to communicate verbally; (2) a time out period shall terminate as soon as possible; and (3) if a student is a child requiring special education, as defined in section 10-76a, or a child being evaluated for special education pursuant to section 10-76d and awaiting a determination, and the interventions or strategies are unsuccessful in addressing such student's problematic behavior, such student's planning and placement team shall convene as soon as is practicable to determine alternative interventions or strategies.



Required Agency Approvals

Bureau Chief/Manager

Date

Chief Officer

Date

*Note: For CTHSS, this should be Board Chair and Superintendent.

*Note: Forms must have both signatures to be reviewed by Legal Director for consideration.

Legal Director

Date



Agency Legislative Proposal - 2018 Session

Document Name (e.g. OPM1015Budget.doc; OTG1015Policy.doc): **Leave this blank**

(If submitting electronically, please label with date, agency, and title of proposal – 092611_SDE_TechRevisions)

State Agency: Connecticut State Department of Education

Liaison/Chief of Staff: Laura J. Stefan
Phone: (860) 713 – 6493
E-mail: laura.stefan@ct.gov

Lead agency division requesting this proposal: Division of Legal and Governmental Affairs

Agency Analyst/Drafter of Proposal: Louis Todisco, Attorney and Nancy Pugliese, Bureau Chief

Title of Proposal An Act Concerning the Department of Education's Options for Actions Against Educator Certificates, Authorizations or Permits

Statutory Reference CGS Section 10-145b

Proposal Summary This proposed statutory change expands the State Board of Education's options beyond revocation or denial that may be taken against an educator's certificate, authorization or permit when educator misconduct occurs. This aligns SBE's licensure enforcement authority to that of other licensure agencies, such as the Department of Public Health and allows for a more graduated response to misconduct.

PROPOSAL BACKGROUND

Reason for Proposal

Please consider the following, if applicable:

- (1) Have there been changes in federal/state/local laws and regulations that make this legislation necessary? **No**
- (2) Has this proposal or something similar been implemented in other states? If yes, what is the outcome(s)? **Yes, many other states have revocation, suspension, probation as options to use when taking administrative action against an educator's certificate or license. It provides options less than revocation to be used for offenses that may not reach the level of revocation.**
- (3) Have certain constituencies called for this action? **SDE counsel has discussed these proposed changes with the Child Advocate, and with a DCF staff attorney. Discussions are ongoing.**
- (4) What would happen if this was not enacted in law this session? **The Department of Education would continue to have only revocation and denial as enforcement actions with respect to an educator's certificate, authorization or permit. SDE would continue to be unable to appropriately address cases involving educators whose conduct warrants some professional discipline, but not revocation. Such educators would likely be subject to no discipline or to a revocation proceeding that results in a finding of no revocation.**



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) **Origin of Proposal** **New Proposal** **Resubmission**

- If this is a resubmission, please share: **These should be answered only if it is a resubmission***
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 - (2) *Have there been negotiations/discussions during or after the previous legislative session to improve this proposal?*
 - (3) *Who were the major stakeholders/advocates/legislators involved in the previous work on this legislation?*
 - (4) *What was the last action taken during the past legislative session?*

PROPOSAL IMPACT

) **Agencies Affected** (please list for each affected agency) *Please only complete this section if you have already been working with another agency. If not, I will reach out to the appropriate agency's legislative liaison upon approval from the Commissioner.*

Agency Name: Office of Child Advocate, DCF -- **broad concept discussions, not language**
 Agency Contact (name, title, phone): Ms. Sarah Egan
 Date Contacted: Multiple meeting with working group of OCA, DCF and school district lawyers and HR staff.

Approve of Proposal YES NO Talks Ongoing

Summary of Affected Agency's Comments

Will there need to be further negotiation? YES NO

) **Fiscal Impact** (please include the proposal section that causes the fiscal impact and the anticipated impact)

Municipal (please include any municipal mandate that can be found within legislation) None

State None at this time.

Federal No

Additional notes on fiscal impact



J) **Policy and Programmatic Impacts** (Please specify the proposal section associated with the impact)

By section, what is the impact of this proposal?

Currently, CGS Section 10-145b only provides for the revocation of an educator's certificate or denial of a pending educator application based upon the educator's misconduct. Subsection (1) of this revision expands the provisions available to the Department of Education to include suspension of a certificate, authorization or permit, and probation of a certificate, authorization or permit.

Subsection (5) provides that an educator whose certificate, authorization or permit is placed on probation may continue to be employed in a public school in accordance with the terms of such probation.

Subsection (6) allows the Department of Education to take disciplinary action taken by another state into consideration when conducting an investigation pertaining to teacher misconduct. Connecticut participates in the National Association of State Directors of Teacher Education and Certification's national clearinghouse in which all 50 states report the names of certified/licensed educators against whom their state has taken action. This would provide the Department of Education with authority to use the conclusion of the other states to take similar disciplinary action if the person holds a Connecticut certificate, authorization or permit. Many states have provisions allowing them to rely on the investigation and disciplinary actions of other states to take action in their own state.

Subsection (8) provides that the Department of Education will promulgate regulations to reflect the process for the implementation of these expanded disciplinary options.

Sec. 10-145b (i). of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2018*):

- (1) The State Board of Education may take any of the following actions, singly or in combination, based on conduct that occurred prior or subsequent to the issuance of a certificate, authorization or permit in accordance with subsection (2) of this section:
- a. Revoke an educator's certificate, authorization or permit;
 - b. Suspend an educator's certificate, authorization or permit; or
 - c. Place the educator's certificate on probation subject to conditions determined by the Commissioner of Education.

~~{(1)}~~ (2) The State Board of Education may [revoke any] take any action set forth in subdivision (1) of this subsection with respect to a certificate, authorization or permit issued pursuant to sections 10-144o to 10-149, inclusive, for any of the following reasons: (A) The holder of the certificate, authorization or permit obtained such certificate, authorization or permit through fraud or misrepresentation of a material fact; (B) the holder has persistently neglected to perform the duties for which the certificate, authorization or permit



was granted; (C) the holder is professionally unfit to perform the duties for which the certificate, authorization or permit was granted; (D) the holder is convicted in a court of law of a crime involving moral turpitude or of any other crime of such nature that in the opinion of the board continued holding of a certificate, authorization or permit by the person would impair the standing of certificates, authorizations or permits issued by the board; or (E) other due and sufficient cause. The State Board of Education may [shall] revoke any certificate, authorization or permit issued pursuant to said sections if the holder is found to have intentionally disclosed specific questions or answers to students or otherwise improperly breached the security of any administration of a mastery examination, pursuant to section 10-14n. In any revocation proceeding pursuant to this section, the State Board of Education shall have the burden of establishing the reason for such revocation by a preponderance of the evidence. Revocation shall be in accordance with procedures established by the State Board of Education pursuant to chapter

~~[(2)]~~(3) When the Commissioner of Education is notified, pursuant to section 10-149a or 17a-101i, that a person holding a certificate, authorization or permit issued by the State Board of Education under the provisions of sections 10-144o to 10-149, inclusive, has been convicted of (A) a capital felony, under the provisions of section 53a-54b in effect prior to April 25, 2012, (B) arson murder, pursuant to section 53a-54d, (C) a class A felony, (D) a class B felony, except a violation of section 53a-122, 53a-252 or 53a-291, (E) a crime involving an act of child abuse or neglect as described in section 46b-120, or (F) a violation of section 53-21, 53-37a, 53a-60b, 53a-60c, 53a-71, 53a-72a, 53a-72b, 53a-73a, 53a-88, 53a-90a, 53a-99, 53a-103a, 53a-181c, 53a-191, 53a-196, 53a-196c, 53a-216, 53a-217b or 21a-278 or subsection (a) of section 21a-277, any certificate, permit or authorization issued by the State Board of Education and held by such person shall be deemed revoked and the commissioner shall notify such person of such revocation, provided such person may request reconsideration pursuant to regulations adopted by the State Board of Education, in accordance with the provisions of chapter 54. As part of such reconsideration process, the board shall make the initial determination as to whether to uphold or overturn the revocation. The commissioner shall make the final determination as to whether to uphold or overturn the revocation.

~~[(3)]~~ (4) The State Board of Education may deny an application for the initial issuance or renewal for a certificate, authorization or permit for any of the following reasons: (A) The applicant seeks to obtain a certificate, authorization or permit through fraud or misrepresentation of a material fact; (B) the applicant has been convicted in a court of law of a crime involving moral turpitude or of any other crime of such nature that in the opinion of the board issuance of a certificate, authorization or permit would impair the standing of certificates, authorizations or permits issued by the board; or (C) other due and sufficient cause. Any applicant denied a certificate, authorization or permit shall be notified in writing of the reasons for denial. Any applicant denied a certificate, authorization or permit may request a review of such denial by the State Board of Education.

~~[(4)]~~ (5) A person whose certificate, authorization or permit ~~for authorization~~ has been revoked denied, or suspended may not be employed in a public school during the period of revocation, denial or suspension. A person whose certificate, authorization or permit has been placed on probation may be employed in a public school during the period of probation in accordance with the terms of such probation.

(6) The State Board of Education may take disciplinary action against an applicant's or educator's certificate, authorization or permit as a result of the applicant or educator having been subject to disciplinary action for conduct that would constitute grounds for disciplinary action under subdivision (2) of this subsection by a duly authorized professional disciplinary agency of any state, a federal governmental agency, the District of Columbia, a United States possession or territory or a foreign jurisdiction. The State Board of Education may rely upon the findings and conclusions made by a duly authorized professional

