

Series: 2009-10

Circular Letter: C-8

TO: Superintendents of Schools

FROM: Mark K. McQuillan, Commissioner of Education

DATE: November 12, 2009

SUBJECT: Summary of Legislation Enacted in the 2009 June and September Special Sessions of the Connecticut General Assembly

On September 1, 2009, the General Assembly passed a budget for the next biennium that went into law on September 8, 2009, without the Governor's signature. On October 1, 2009, the General Assembly passed the education implementer bill, which was signed by the Governor on October 5, 2009. The purpose of this circular letter is to provide you with a summary of these pieces of legislation as well as any relevant provisions contained in the other implementer bills that recently passed.

In reviewing this summary, please keep the following in mind:

- While comprehensive, this document does not describe every 2009 public or special act affecting the operation of a school district or provide every detail of the acts that are summarized. Consequently, since this is only a summary of new legislation, you should read the actual text of any act that may impact your district. If you are reviewing this document electronically, you can click on the act title to see the text of the act.
- Each narrative entry is followed by the section number of the act that has been summarized and the effective date of that section. In some cases only selected sections of an act have been included.

To assist you, also included is a table that lists the sections of the Connecticut General Statutes and public and special acts which have been amended or repealed by education-related legislation enacted in 2009 (Attachment A).

If you have any questions about the new legislation, Department of Education staff members are ready and willing to help you. In most cases you will know from past experience whom to consult. However, if you do not know who to contact or have general questions about this letter, please contact Attorney Jennifer Widness of the Division of Legal and Governmental Affairs at (860) 713-6515 or at jennifer.widness@ct.gov. Thank you.

**SUMMARY OF LEGISLATION
ENACTED IN 2009 JUNE AND SEPTEMBER SPECIAL SESSIONS**

Public Act 09-03, June Sp. Sess.: [AN ACT CONCERNING EXPENDITURES AND REVENUE FOR THE BIENNIUM ENDING JUNE 30, 2011](#)

- Makes general fund appropriations to state agencies, including the Department of Education, for the 2009-2010 and 2010-2011 fiscal years. With the exception of Stamford, for both years of the biennium, the education cost sharing grants to towns are funded at the same level as FY 09 (*see also*, Sec. 30 of Public Act 09-06, below, regarding the Minimum Budget Requirement for FY 10 and FY 11). In addition, this act:
 - Allows the Commissioner to provide grants, for FY 10 and FY 11, within available appropriations, in an amount not to exceed two thousand five hundred dollars per pupil, to local and regional boards of education that transport students who previously attended **J. M. Wright Technical High School** in Stamford to Henry Abbott Technical High School in Danbury, for the costs associated with such transportation (Sec. 85, effective from passage).
 - Raises **teacher certification fees**, as follows:

TYPE OF CERTIFICATE	Prior to 10/1/09	After 10/1/09
Initial Certificate (incl. interim initial certificate)	\$100	\$200
Provisional Certificate (incl. interim provisional certificate)	\$200	\$250
Professional Educator Certificate	\$300	\$375
Adult Education Certificate	\$50	\$100
Request for Duplicate Certificate	\$25	\$50
Cross Endorsement	\$50 (each)	\$100 (each)

Note: Pursuant to section 152 of Public Act 09-03, these fees were effective upon passage (September 1, 2009), however, section 60 of Public Act 09-06 of the September Special Session amended the effective date to be October 1, 2009.

Public Act 09-02, Sept. Sp. Sess.: [AN ACT AUTHORIZING AND ADJUSTING BONDS OF THE STATE FOR CAPITAL IMPROVEMENTS, TRANSPORTATION AND OTHER PURPOSES](#)

- Authorizes an additional \$4 million in state bonding to the State Department of Education for capital start-up cost grants for new interdistrict magnet schools required for the purpose of the 2008 stipulation and order for Sheff v. O'Neill and it expands the uses for the grants to include purchasing a building (Sec. 63, effective from passage).

Public Act 09-06, Sept. Sp. Sess.: [AN ACT IMPLEMENTING THE PROVISIONS OF THE BUDGET CONCERNING EDUCATION, AUTHORIZING STATE GRANT COMMITMENTS FOR SCHOOL BUILDING PROJECTS, AND MAKING CHANGES TO THE STATUTES CONCERNING SCHOOL BUILDING PROJECTS AND OTHER EDUCATION STATUTES](#)

School Construction

- Authorizes the Commissioner of Education to enter into **grant commitments for school construction projects**, including previously authorized projects that have changed substantially in scope or cost, and enacts special provisions for individual school construction projects (Sec. 1 and Secs. 6 to 21, inclusive, effective from passage).
- On and after July 1, 2009, **prohibits the Commissioner from accepting applications for school construction grants and operating grants for new interdistrict magnet schools located outside of the Sheff region** until the Commissioner develops a comprehensive statewide magnet school plan, which must be submitted to the Education Committee by January 1, 2010 (Secs. 2 and 22, effective from passage).
- For school construction projects authorized after July 1, 2009 that exceed \$10 million in total costs, prohibits state reimbursement for the cost of **change orders** and other change directives that exceed 5% of the projects total authorized costs. (Sec. 3, effective from passage).
- Grants the Commissioner the discretion to disapprove an application for a school construction project if **the educational offering of the proposed program duplicates another program** offered by a technical high school or interdistrict magnet school in the region (Sec. 4, effective from passage).
- Requires the state to reimburse eligible local and regional school boards for the costs associated with **short-term borrowing** that was required to cover state school construction grant payments that were delayed in fiscal year 2010 (Sec. 5, effective from passage).
- Repeals section 10-292o of the Connecticut General Statutes, which permitted the Commissioner to provide grants to assist **regional educational service centers** (RESCs) with their costs for leasing facilities for use in furnishing educational programs and services. There was no funding for these grants in the budget for the next biennium (Sec. 61, effective from passage).

Minimum Budget Requirement

- Requires that for fiscal years 2010 and 2011, the budgeted appropriation for education shall be no less than the budgeted appropriation for education for the fiscal year ending June 2009, minus the portion of the educational cost sharing grant that the local or regional board of education received directly from the State Fiscal Stabilization Funds (Sec. 30, effective from passage).

Districts in Need of Improvement

- Carries forward for expenditure during FY 10 the **unexpended balance of ECS funds** transferred to the Department of Education to be awarded to districts with low academic achievement to spend in accordance with the Commissioner's directives, pursuant to the state's **education accountability** laws (Sec. 28, effective from passage).
- **Note:** With the exception of Stamford, for FY 10 and FY 11, no ECS funds will be set aside for this purpose due to the fact that there was no increase in ECS for the next biennium.

Interdistrict Magnet Schools

- **Prohibits the Commissioner from accepting applications for school construction grants and operating grants for new interdistrict magnet schools outside of the Sheff region** until the Commissioner develops a comprehensive statewide magnet school plan. Such plan must be submitted to the legislature by January 1, 2011 (Sec. 22, effective from passage).
- Authorizes the Commissioner to only approve annual budgets for magnet schools not operated by local or regional school districts that do not exceed, on a per pupil basis, the "maximum allowable threshold" to ensure reasonable tuition rates for students attending these schools. The "maximum allowable threshold" is 120% of the state average of the "net current expenditures" divided by the "average daily membership," using data from two fiscal years before the fiscal year for which the grant is sought. Upon the request of an applicant, the Commissioner is authorized to approve a budget that exceeds the "maximum allowable threshold" if the Commissioner determines there are extraordinary programmatic needs (Sec. 22, effective from passage).
- Requires that tuition charged to a local or regional board of education for a student enrolled in an interdistrict magnet school operated by a regional educational service center ("RESC"), shall, for FY 10, be an amount equal to 90% of the difference between the average per pupil expenditure of the magnet school for the prior fiscal year and the amount of any per pupil state subsidy, plus any revenue from other sources calculated on a per pupil basis. In FY 11, the RESC must charge 100% of such difference (Secs. 22 and 24, effective from passage). If a local or regional board of education fails to pay such tuition, the Commissioner is authorized to deduct from that town's ECS grant an amount not to exceed the amount of the unpaid tuition, and pay such amount to the fiscal agent for the magnet school as a supplementary grant for the operation of the interdistrict magnet school program.
- Prohibits a RESC from charging tuition in excess of the difference between the total expenditures of the magnet school for the prior fiscal year and the total per pupil state subsidy, plus any revenue from other sources. It also allows the Commissioner to conduct a comprehensive financial review of the school's operating budget to verify such tuition rate (Secs. 22 and 24, effective from passage).
- **Magnet School Grants:**

- **Generally:**
 - Except as otherwise noted in the act, and as noted below, for FY 10 and FY 11, establishes the per pupil grant at \$6,730 for students enrolled in an interdistrict magnet school who are not residents of the town operating such magnet school and \$3,000 for those students enrolled who are residents of the town operating such magnet school (Sec. 22, effective from passage).
 - Requires the Commissioner to conduct a “comprehensive financial review” of the operating budgets for those interdistrict magnet schools that receive supplemental grants for the purposes of enhancing the school’s educational programs (Sec. 22, effective from passage).
- ***RESC Operated Magnet Schools (non-Sheff):***
 - Except as otherwise noted in the act, extends the per pupil grant for students enrolled in an interdistrict magnet school operated by a regional educational service center (“RESC”) that **enrolls less than fifty-five per cent of the school's students from a single town** of \$7,620 for FY 09 and each fiscal year thereafter (Sec. 22, effective from passage).
 - Except as otherwise noted in the act, extends the per pupil grant for students enrolled in an interdistrict magnet school operated by a RESC that **enrolls at least fifty-five per cent of the school's students from a single town** at \$6,730 for FY 09 and each fiscal year thereafter for those students who are not a resident of such town that enrolls at least fifty-five per cent of the school’s students. For those students enrolled in the school that are a resident of such town that enrolls at least fifty-five percent of the school’s students, the per pupil grant shall be \$3,000 (Sec. 22, effective from passage).
 - Establishes the per pupil grant for students enrolled in an interdistrict magnet school operated by a RESC that (1) began operations in the school year commencing July 1, 1998, and (2) for the school year commencing July 1, 2008, enrolled at least fifty-five percent but not more than seventy percent of the school’s students from a single town, at \$4,894 for FY 10 and each fiscal year thereafter for those students who are a resident of such town. For those students enrolled in the school that are not a resident of such town that enrolls at least fifty-five percent of the school’s students, the per pupil grant shall be \$6,730 for FY 10 and each fiscal year thereafter. This provision is intended for the Wintergreen Magnet School, in Hamden, Connecticut (Sec. 22, effective from passage).
 - Establishes the per pupil grant for students enrolled in an interdistrict magnet school operated by a RESC that (1) began operations in the school year commencing July 1, 2001, and (2) for the school year commencing July 1, 2008, enrolled at least fifty-five percent but not more than eighty percent of the school’s students from a single town, at \$4,250 for FY 10 and each fiscal year

thereafter for those students who are a resident of such town. For those students enrolled in the magnet school that are not a resident of such town that enrolls at least fifty-five percent of the school's students, the per pupil grant shall be \$6,730 for FY 10 and each fiscal year thereafter. This provision is written to apply for the Edison Magnet School, in Meriden, Connecticut (Sec. 22, effective from passage).

- **Sheff Magnet School Grants:**
 - Establishes the per pupil grant for students enrolled in an interdistrict magnet school operated by a RESC, or other entities as described in the act, that enrolls less than sixty-percent of its students from Hartford, for the purpose of the 2008 stipulation and order for Sheff v. O'Neill, at \$9,695 for FY 10 and \$10,443 for FY 11 (Sec. 22, effective from passage).
 - Establishes the per pupil grant for students enrolled in an interdistrict magnet school operated by the Hartford school district, pursuant to the 2008 stipulation and order for Sheff v. O'Neill, for students who are not residents of the city of Hartford, at \$12,000 for FY 10 and \$13,054 for FY 11. There is no per pupil grant for FY 10 and FY 11 for students who are residents of Hartford who are enrolled in an interdistrict magnet school operated by the Hartford school district.
 - The act prohibits Hartford from charging tuition to the sending districts for FY 10 and FY 11; however the Commissioner may provide Hartford a supplemental grant for FY 10, up to \$1,054 per enrolled pupil who is not a resident of Hartford (Sec. 22, effective from passage).
- Allows magnet schools that opened after July 1, 2008, pursuant to the 2008 stipulation and order for Sheff v. O'Neill, to operate without participation agreements and to enroll students through a lottery process designated by the Commissioner (Sec. 24, effective from passage).
- Increases the per pupil grant for transportation for students attending magnet schools in the Sheff region to \$1,400 for FY 10 and \$2,000 for FY 11 (Sec. 25, effective from passage).

Charter Schools

- Extends the per pupil grant for students attending state charter schools at \$9,300 for FY 09 and each fiscal year thereafter. The language which increased the per pupil grant proportionately, up to seventy dollars a student, if the appropriation exceeded \$9,300 per pupil, was not extended (Sec. 36, effective from passage).

Substitute Teachers

- Allows **substitute teachers** without a bachelor's degree to work in assignments lasting ten days or less, for the 2009-2010 school year. Public Act 09-01 of the June Special Session eliminated the Commissioner's authority to grant a waiver to allow an individual without a bachelor's degree to work as substitute teacher and this authority was not reinstated in this act. Therefore, this provision does not require a waiver from the Commissioner (Sec. 48, effective from passage).
 - **Note:** Any application forms (ED174s) for substitute teachers who do not hold a bachelor's degree that were submitted to the Bureau of Educator Standards and Certification will NOT be processed. This authorization is no longer issued by the department. Therefore, please destroy all paper copies of the ED174 application form that you may have stored.

In-School Suspension

- Extends the **implementation date** of the in-school suspension law enacted in 2007 to July 1, 2010 (Sec. 56, effective from passage).

Teacher Education and Mentoring Program

- Establishes a new beginning educator program, to replace BEST, known as the **Teacher Education and Mentoring Program (TEAM)** which, beginning in the 2010-2011 school year, requires teachers holding an initial educator certificate to complete five instructional modules over two years while working with an assigned mentor. Each local or regional board of education must develop a three-year plan for its participation in the TEAM program, that meets the requirements laid out in the act, and it must form a local or regional coordinating committee or committees that include teachers' union representatives, to guide its activities under the plan. For additional information on the TEAM program, please review Section 37 of the Public Act and visit: www.ctteam.org (Sec. 37, effective from passage).
- Requires the Connecticut State University System to develop a plan to allow teachers to earn graduate credits for completing the TEAM modules. This plan would be submitted to the General Assembly by February 1, 2011, for implementation July 1, 2011 (Sec. 38, effective from passage).

Student Drop-out Provisions

- Raises the age that a parent or guardian may provide consent for a child to withdraw from school from sixteen to seventeen, beginning with the school year commencing July 1, 2011. Such parent or guardian must appear in person and sign a **withdrawal form** that shall include an attestation from a guidance counselor or school administrator of the school that such school district has provided such parent or guardian with information on the educational options available in the school system and in the community (Sec. 53, effective from passage).
- Requires a local or regional board of education to report to the Commissioner in the annual **strategic school profile** report measures of the number of students enrolled in an adult high school credit diploma program operated by a local or regional board of education or a regional educational service center (Sec. 54, effective from passage).
- Requires a local or regional board of education to provide school accommodations for a child sixteen years or older (except on and after July 1, 2011, a child seventeen years or older) who voluntarily terminated enrollment if that child seeks readmission within ten school days from such termination. Such school accommodations shall be provided to such student within three school days after such child seeks readmission (Sec. 55, effective from passage).

CT Technical High Schools

- Allows the Commissioner of Education to provide grants, within available appropriations, up to \$2,000 per student, to local and regional boards of education and regional educational service centers that transport students outside of Hartford to attend A.I. Prince Technical High School, located in Hartford, to assist the state in meeting the goals of the 2008 stipulation and order for Sheff v. O'Neill. Under current law, the Commissioner has the authority to provide such grants for Hartford students to attend any technical high school or a regional agricultural science and technology education center outside of the district, for the same purpose (Sec. 23, effective from passage).

Early Childhood

- Establishes a new **Office of Early Childhood Planning, Outreach and Coordination** within the Department of Education. Such office shall be responsible for:
 - Planning, developing, and coordinating, with other agencies, the delivery of services to children from birth to nine years old;
 - Coordinating the enhancement and implementation of the Early Childhood Information System, in consultation with the Early Childhood Education Cabinet;
 - Developing and reporting on an early childhood accountability plan, in consultation with the cabinet;

- Implementing an outreach communications strategy to families, service providers, and policymakers;
 - Beginning a state-wide longitudinal evaluation of the school readiness program, by January 1, 2010, in consultation with the Department of Social Services (DSS), that examines the educational progress of children from prekindergarten programs to grade four, including a reliability and validity study of the kindergarten assessment tool required by law two years ago to measure the preparedness level of kindergarten children; and
 - Developing, coordinating, and supporting public and private partnerships to aid early childhood initiatives (Sec. 49, effective from passage).
- Reconstitutes the **Early Childhood Cabinet** and changes its membership and duties, as follows:
 - The Cabinet will operate within available appropriations and any private funding that may be available. It will be located within the SDE for administrative purposes. Under the act, the Cabinet must:
 1. Coordinate the development of services that enhance the health, safety, and learning of children from birth to nine among state agencies and public and private partnerships;
 2. Annually by December 1, 2009, develop a plan of action that assigns the appropriate state agency to complete the tasks specified in the federal Head Start Act (P. L. 110-134); and
 3. Annually by March 1, 2010, submit a state-wide strategic report, pursuant to the federal Head Start Act to the General Assembly and the Governor addressing the progress the agencies have made toward the completion of (1) the tasks outlined under said federal Head Start Act and (2) the aforementioned duties under this bill.
 - The act eliminates the requirement that early childhood education providers that receive state funding report annually to the Cabinet on the effectiveness of the provider's services (Sec. 50, effective from passage).
- Requires the Commissioners of Education and Social Services to develop an agreement to define the duties and responsibilities of their departments concerning school readiness programs and to submit the agreement on or before January 1, 2010, and annually thereafter, to the Cabinet and the Education and Human Services Committees. The act removes the requirement that the Commissioners must consult the Cabinet in developing the agreement (Sec. 51, effective from passage).
- Makes permanent the formula for distributing **school readiness grants to priority school districts** and the maximum per pupil school readiness grant of \$8,346, both enacted in 2008 (Secs. 31 and 33, effective from passage).
- Allows the Department of Education, in consultation with the Department of Social Services, to determine the amount of school readiness funds that a town receives pursuant to subsection (c) or (d) of section 10-16p of the Connecticut General Statutes, that may be used by the town for coordination, program evaluation, and administration for early childhood education. Such amount must be between \$25,000 and \$75,000, based on the school readiness grant award and the number of operating sites. This amount can be increased by the amount

of local funding provided for coordination, program evaluation, and administration, up to \$25,000 (Sec. 32, effective from passage).

Priority School Districts

- Extends the FY 09 allocation of \$2,610,798 to the three largest priority school districts (Bridgeport, Hartford, and New Haven) for two additional years, through FY 11 (Sec. 35, effective from passage).
- Reduces the total annual funding for a supplemental priority school district grant to all priority districts by \$419,549, from \$4,160,122 to \$3,740,573 per fiscal year (Sec. 35, effective from passage).

Public Act 09-07, Sept. Sp. Sess.: [AN ACT IMPLEMENTING THE PROVISIONS OF THE BUDGET CONCERNING GENERAL GOVERNMENT AND MAKING CHANGES TO VARIOUS PROGRAMS](#)

- Requires the Education Commissioner's annual report to the legislature to include information about referrals and diversions of 16-year-olds from the court system to youth service bureaus (Sec. 78, effective from passage).

Attachment A

**TABLE OF AMENDED AND REPEALED STATUTES
AND PUBLIC ACTS FOR 2009**

Statute	Public Act
4-70b	09-210, §6
4-124d	09-231, §3
4d-83	09-143, §3
10-10a	09-241, §1
10-16p(e)	Sept. Sp. Sess. 09-06, §31
10-16p(g)	Sept. Sp. Sess. 09-06, §32
10-16q(b)	Sept. Sp. Sess. 09-06, §33
10-16s	Sept. Sp. Sess. 09-06, §51
10-17g	Sept. Sp. Sess. 09-06, §43
10-19m(c)	Sept. Sp. Sess. 09-07, §78
10-29a(a)	09-224, §1
10-66j(f)	Sept. Sp. Sess. 09-06, §44
10-66o	June 19 Sp. Sess. 09-01, §20
10-66ee	June 19 Sp. Sess. 09-01, §22
10-66ee(c)	Sept. Sp. Sess. 09-06, §36
10-71(d)	Sept. Sp. Sess. 09-06, §42
10-76d(e)	Sept. Sp. Sess. 09-06, §45
10-76g(d)	Sept. Sp. Sess. 09-06, §46
10-144o(3)	Sept. Sp. Sess. 09-06, §39
10-144o(7)	June 19 Sp. Sess. 09-01, §9
10-145	June 19 Sp. Sess. 09-01, §15
10-145(a)	Sept. Sp. Sess. 09-06, §48
10-145a	June 19 Sp. Sess. 09-01, §1
10-145b	June 19 Sp. Sess. 09-01, §2
10-145d (repealed)	June 19 Sp. Sess. 09-01, §26
10-145e (repealed)	June 19 Sp. Sess. 09-01, §26
10-145f	June 19 Sp. Sess. 09-01, §3
10-145h(d)	June 19 Sp. Sess. 09-01, §4
10-145i	June 19 Sp. Sess. 09-01, §5
10-145j	June 19 Sp. Sess. 09-01, §14
10-146b(a)	June 19 Sp. Sess. 09-01, §6
10-146c	June 19 Sp. Sess. 09-01, §7
10-146e (repealed)	June 19 Sp. Sess. 09-01, §26
10-158a	June 19 Sp. Sess. 09-01, §21
10-184	Sept. Sp. Sess. 09-06, §53
10-186(d)	Sept. Sp. Sess. 09-06, §55
10-212a	09-155, §1
10-212c(b)	09-155, §2
10-217a(i)	Sept. Sp. Sess. 09-06, §40
10-220	09-81, § 2
10-220(c)	Sept. Sp. Sess. 09-06, §54

Attachment A

**TABLE OF AMENDED AND REPEALED STATUTES
AND PUBLIC ACTS FOR 2009**

Statute	Public Act
10-220(d)	09-220, §6
10-220a(b)	June 19 Sp. Sess. 09-01, §16
10-221d	June 19 Sp. Sess. 09-01, §8
10-231	09-131, §1
10-231b	09-56, §2
10-233c	Sept. Sp. Sess. 09-06, §56
10-233d	09-82, §1
10-253(b)	Sept. Sp. Sess. 09-06, §47
10-262f(25)	Sept. Sp. Sess. 09-06, §26
10-262i	Sept. Sp. Sess. 09-06, §30
10-264h(a)(1)	Sept. Sp. Sess. 09-06, §2
10-264i	Sept. Sp. Sess. 09-06, §25
10-264l	Sept. Sp. Sess. 09-06, §22
10-264o	Sept. Sp. Sess. 09-06, §24
10-266m(a)	Sept. Sp. Sess. 09-06, §23
10-266p(f)	Sept. Sp. Sess. 09-06, §35
10-266p(g)	Sept. Sp. Sess. 09-06, §35
10-281(b)	Sept. Sp. Sess. 09-06, §41
10-284	Sept. Sp. Sess. 09-06, §4
10-286(c)	Sept. Sp. Sess. 09-06, §3
10-292o (repealed)	Sept. Sp. Sess. 09-06, §61
10-292p (repealed)	09-232, §105
17a-37	09-205, §8
17a-101(b)	09-242, §2
17a-101i(a)	June 19 Sp. Sess 09-01, §17
17b-27a	09-175, §1
17b-297b	09-148, §15
19-420(1)	09-232, §99
19a-37b	09-220, §5
20-195o(c)(2)	June 19 Sp. Sess 09-01, §18
20-408	09-232, §61
29-305	09-227, §1
36a-145	09-100, §8
38a-514b	09-115, §1
52-557b(a)	09-59, §1
53a-65 (13)	09-242, §1
54-258	09-199, §1

Attachment A

**TABLE OF AMENDED AND REPEALED STATUTES
AND PUBLIC ACTS FOR 2009**

Public Act	Public Act
08-170, §18	Sept. Sp. Sess. 09-06, §29
Special Act	Amended by
09-3	09-232, §52