CURRENT FORCES IMPACTING POLICY

Recent Legislative Action Policy Implications

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Goals of the Presentation

- To address the policy areas impacted by recent federal and state legislation, regulations and judicial decisions
- Emphasis
  - Uniform School Calendar
  - Youth Athletics and Concussions
  - Safe School Climate
  - School Safety and Security
  - Domestic Violence and Sexual Assault
  - Epinephrine Use in Schools
  - Cardiac Arrest Prevention
  - Expulsion Records
  - Statewide Assessments
  - Nutrition Standards
  - Family Medical Act Changes
New Connecticut Legislation Impacting Educational Policy

- P.A. 14-38 AAC the Recommendation of the Uniform Regional School Calendar Task Force
- P.A. 14-39 AC Establishing the Office of Early Childhood ---
- P.A. 14-66 AAC Youth Athletics and Concussions
- P.A. 14-94 AAC Sudden Cardiac Arrest Prevention
- P.A. 14-172 AAC Improving Employment Opportunities Through Education and Ensuring Safe School Climates
More New Connecticut Legislation

- P.A. 14-130 AA Revising Motor vehicle Laws
- P.A. 14-172 AAC Improving employment Opportunities Through Education & Ensuring Safe School Climates
- P.A. 14-176 AAC the Storage and Administration of Epinephrine at Public Schools
- P.A. 14-198 AAC Excused Absences from School for Children of Service Members
And still more CT Legislation--

- P.A. 14-212  
  AAC the State Education Resource Center

- P.A. 14-217  
  The Budget Implementer Bill

- P.A.14-229  
  AAC the Expungement of a Pupil’s Cumulative Education Record for Certain Expulsions

- P.A. 14-232  
  AAC the Review & Approval of Safe School Climate Plans by the Department ….

- P.A. 14-234  
  AAC Domestic Violence & Sexual Assault
Other Recent Impacts on Policy

- Dep’t of Labor Regulations regarding FMLA
- Regulations – “The Healthy, Hunger-Free Kids Act
- P.A. 14-76 regarding sale of e-cigarettes
- U.S. Supreme Court:
  - Greece vs. Galloway
  - D.O.M.A.
- P.A. 14-230 – Vetoed, but some will be back!
P.A. 14-38: Uniform Regional School Calendars

- Requirements established by P.A. 13-247
  - Minimum 180 days of sessions
  - Uniform start date
  - Uniform days for statutorily required professional development
  - Up to three uniform school vacation periods
    - Two one-week periods during school year
    - One during summer
  - Task force to establish guidelines

- Implementation of July 1, 2015
Uniform School Calendar

- Task force guidelines
  - Start date of last Wednesday in August, with a 3 day flexible window before or after that Wed.
  - Election Day
    - A professional development day
    - No students to attend school
  - 5 flexible days for individual district needs
Changes Due to P.A. 14-38

- Delays start date from 7/1/15 to 7/1/16
  - RESC’s developed a regional calendar as of 4/1/14 consistent with guidelines
  - Can delay implementation until 7/1/17
    - If existing employee contract makes implementation of regional school calendar impossible

- Policy #6111, “School Calendar” pertains to this issue
P.A. 14-39: AAC the Office of Early Childhood etc.

- Development of a plan regarding age for eligibility for kindergarten enrollment
- Dyslexia
  - added to the special education IEP form as a separate category
  - Added to teacher preparation program training
- Notification required to parents/guardians of preschool special education students regarding entry to kindergarten
- Policy #5112, “Ages of Attendance”
P.A. 14-66: AAC Youth Athletics and Concussions

- Impacts previous legislation on concussions
  - Concussions cited as a type of brain injury
  - Narrows scope to concussions (eliminating other head injuries)
  - Narrows content of required training course and subsequent information review for intramural and interscholastic athletic coaches to only concussions
  - Expands training and refresher courses for football coaches
    - Singles out football coaches for special training

- SBE to develop a concussion education plan
  - Boards to implement by July 1, 2015

- Task force to study concussion occurrences
Concussions (continued)

Schools prohibited from allowing student participation in any intramural or interscholastic athletic activity unless:

- Athlete & his/her parents/guardians complete certain requirements pertaining to the concussion education plan

- SBE required to develop or approve an informed consent form

- Parental approval required for participation in the athletic activity.
Concussions (continued)

- Concussion notification required to parents/guardians
- Collection and reporting of concussion occurrences required
- Policy #5141.7, “Student Sports-Concussions”
  - Now considered a recommended policy
- In the implementation of the various facets of this policy, the materials, forms and training programs of the CIAC should be utilized
P.A. 14-93; AAC Sudden Cardiac Arrest Prevention

- SBE, beginning 7/1/15, to develop or approve a sudden cardiac arrest awareness education program for local boards to use
- Requirements for coaches of intramural & interscholastic athletics:
  - Written consent requirement
  - Annual review of cardiac arrest awareness program
  - Removal from athletic activities when signs exhibited
  - Required medical clearance
- Required posting of program on SDE website
Sudden Cardiac Arrest Prevention (continued)

• SBE developed and approved informed consent form (by 7/1/15)
• Coaches responsible for giving form to parents/guardians and obtaining written approval
• Permit revocation if coach does not annually review the program
• New policy: #5141.28 “Sudden Cardiac Arrest Prevention” (subject to change due to 7/1/15 effective date of legislation & SBE actions)
P.A. 14-130: AA Revising Motor Vehicle Laws

- Act allows, but does not require, that “carrying school children” signs on student transportation vehicles be removed or covered when these vehicles not being used for such purposes

- F.Y.I. purposes– no policy implication
P.A. 14-172: AAC Improving Employment Opportunities through Education & Ensuring Safe School Climates

Changes made to responsibilities of districts to address bullying:

• Separate meetings with the parents/guardians of a bullying victim & those of his/her assailants rather than a combined meeting

• Notification to parents/guardians when the investigation has begun into a report of bullying

• Annual notice to students, parent/guardians to include how students can anonymously report bullying & such notification be provided at the beginning of each school year.
Bullying (continued)

More changes

• Bullying & intervention strategy to add additional component of *culturally competent school-based curricula on social-emotional learning, self-awareness and self-regulation.*

• Defines interventions for the bullied child to include
  • Referrals to a school counselor, psychologist, other appropriate social or mental health services
  • Periodic follow-up by the safe school climate specialist with the child
Bullying (continued)

• Changes effective July 1, 2014

• Impacts policy #5131.911 “Bullying” & its administrative regulation (Safe School Climate Plan)

• Policy also impacted by legislation pertaining to teen dating violence and school safety.
P.A. 14-176: AAC the Storage & Administration of Epinephrine…

- Requires schools to designate & train nonmedical staff to administer epinephrine in cartridge injectors (epipens) to students having allergic reactions who were not previously known to have serious allergies

- Emergency use authorized in absence of school nurse under certain conditions

- Law requires that a qualified school employee be on school grounds now at all times

- Applicable during regular school hours
Epipens (continued)

- Immunity extended for employees
- SDE & DPH to develop annual training program
- SDE to adopt necessary regulations
- Deletes dentists from list of personnel authorized to administer emergency epipens
Epipens (continued)

- Administration to a student having an allergic reaction without prior written parental authorization or medical authorization

- Under following conditions:
  - Nurse absent or unavailable
  - Employee has completed the annual training
  - Nurse & medical advisor attest to the training
  - School to maintain a store of epipens
Policy Requirements

- Policy required allowing emergency administration of epinephrine
  - Conform to the legislation & SBE regulations
  - Approved by medical advisor

- Impacts policy #5141.21, “Administration of Medication”

- Effective July 1, 2014
P.A. 14-196: AAC A State-Wide Sexual Abuse & Assault Awareness Program

• Requires by **July 1, 2015** identification or development of a statewide sexual abuse & assault awareness program for local BOE use

• SDE, DCF, CT Sexual Assault Crisis Services share the responsibility

• Program must include:
  - Age-appropriate materials for grades K-12
  - Sexual abuse & assault prevention as well as awareness
  - Instructional modules for teachers
  - Uniform child sexual abuse & assault response **policy** & reporting procedures

• Opt-out provision
Ten days of excused absence if parent/guardian is an active duty U.S. armed forces member who:
- Has been called for,
- Is on leave from, or
- Has immediately returned from deployment in a combat zone or combat support posting

Local boards may grant additional excused days

Policy #5112 (Attendance) and/or #5113.2 (Truancy impacted)

Effective July 1, 2014
P.A. 14-212: AAC the State Education Resource Center

• Establishes a new State Education Resource Center as a quasi-public agency to act on behalf of the state

• School Security Officers
  • Allows local boards to employ retired federal law enforcement agents or retired officers from policy departments in another state as school security officers
  • Policy #5142.4, “School Resource Officers”
P.A. 14-217: The “Budget Implementer Bill”

• Section 115 – Mastery Test Dates Changes
  • Previously only in March or April
  • Beginning in 2013-2014 annual mastery examinations in reading writing and math during any month of the school year
    • grades 3-8 & grade 10 or 11
  • Policy #6146.2, “Statewide Proficiency/Mastery Examinations”

• Section 254 – Retired police as school security guards
P.A. 14-229: AAC the Expungement of a Pupil’s Cumulative Education Record for Certain Expulsions

- BOEs prohibited from shortening or waiving the expulsion period for mandatory expulsions based on possession of a firearm or deadly weapon
- Notice of any expulsion and the reasons required on student’s cumulative record
- Act allows erasure of an expulsion from student’s record
- Previously could not remove an expulsion based on possession of a firearm or deadly weapon
  - Cannot expunge notice if student in grades 9-12 expelled for possession of a firearm or deadly weapon
Expungement of Record (continued)

• Erasure of a firearm or deadly weapon expulsion record upon high school graduation
  • Previously if never previously expelled/suspended or
  • Completed a board specified program, met board conditions

• Students expelled in Kdg. through grade 8 for any reason
  • Erasure required upon graduation
  • Erasure permitted before graduation if conditions met

• Policy #5114 (Suspension/Expulsion), #5131 (Conduct) and #5144 (Discipline/Punishment)
P.A. 14-232: AAC the Review & Approval of Safe School Climate Plans

- SDE required to approve or reject district’s safe school climate plans
- Specific grade level requirements added to safe school climate surveys
- Feasibility study for a student safety hotline
- Approved plan must be posted on district & school websites within 30 days of approval
- Policy #5131.911, “Bullying”
P.A. 14-234: AAC Domestic Violence and Sexual Assault

- Act defines “teen dating violence”
- Sections of Act pertaining to teen dating violence added to the statutes pertaining to bullying
- District safe school climate plans must now also include a prevention and intervention strategy to deal with bullying **AND** teen dating violence
- Policy #5131.911, “Bullying” & #6142, Basic Instructional Program
- Added to required program of instruction
- Effective Oct. 1, 2014
P.A. 14-230: AAC Minor Revisions to the Education Statutes

- Changes to vision, hearing & postural screenings (#5141.3, “Health Assessments & Immunizations”)
- National Exam as part of substitute for standard graduation requirements (#6146, “Graduation Requirements”)
- Nutritional Drink Standards (#6141.101, “Wellness”)
- Magnet School Enrollment Notification (#6172.12. “Magnet Schools”)
- VETOED---BUT “I’LL BE BACK!!!!
Paraprofessional FMLA Regulations

- P.A. 12-43 created special, reduced hours-worked FMLA eligibility threshold, contingent on issuance of regulations
- Federal law requires 1,250 hrs. in 12 month period to become FMLA eligible
- Difficulty for paraprofessionals to meet threshold
- Regulations effective May 12, 2014
- 950 hours in 12 month period
- Policy #4152.6/4252.6, “FMLA”
P.A.14-76: AAC “E-Cigarettes"

- Sale of “E-cigarettes” to minors banned
- Defines Terms
  - Electronic nicotine delivery system
  - Vapor product
- Effective October 1, 2014
- Use policy to ban at schools, school events
  - #1331 – Smoke Free Environment
  - #5131.6 – Alcohol, Drugs, Tobacco
  - #4118.231/4218.231 – Drugs, Alcohol Use & Possession
New Mandates

- Educate children about dangers of sexual assault, training for all teachers, opt-out provision
- Sudden cardiac arrest awareness program; informed consent, coaches training
- Concussion education program
- Teen dating violence
Newest Regulations: Healthy, Hunger-Free Kids Act (P.L. 111-286)

- Effective July 1, 2014
- New “Smart Snacks in Schools “ rules
  - U.S. Dep’t of Agriculture guidelines for every food offered during entire school day
  - Standards for “competitive foods”
    - Vending machine products
    - A la carte offerings
    - Foods sold in school stores
    - Snacks sold as part of fundraisers
Requirements of USDA’S School Food Rules

• Grain-based products must be at least 50% whole-grain
• Other products must have fruit, vegetable, dairy, or protein as first ingredient
• Fewer than 35% of calories from fat
• Limits placed on amount of sodium, sugar, caffeine, total calories
• States may set number of fundraisers schools can exempt from the nutritional standards yearly
More USDA Rules

• Beverages
  - **Juice**: 100% fruit or vegetable juice, no added sweeteners
  - **Milk**: unflavored low-fat, flavored fat-free, milk alternatives allowed
  - **Water**: no restrictions on plain water
  - Restrictions also on no-/low calorie beverages

• **Serving size**
  - Elementary Schools: 8 oz. portions milk, juice
  - Middle/H.S.: 12 oz. portions milk, juice
Ramifications of USDA Rules

• Concern for revenue
• Options can pose difficulties
  • e.g. H.S. student can purchase just 12 oz. portion of milk, but can buy 20 oz. portion of diet soda
• Political “posturing’
• Relationship to existing state standards for competitive standards
• CT’s “List of Acceptable Foods and Beverages”
Policies Impacted

• # 6142.101 – School Wellness Policy

• #3542.33 – Food Sales Other than National School Lunch Program

• #3542.34 – Nutrition Program
U.S. Supreme Court Decisions

Town of Greece v. Galloway (May 5, 2014)

• “Legislative prayer” not violative of “Establishment Clause” of U.S. Constitution
• Can routinely open town board meetings with prayer given by clergy selected from congregation listed in local directory
  • Must maintain a policy of nondiscrimination in selection of prayer givers
  • Prayers must be solemn, respectful in tone, and do not over time evidence a pattern of denigrating others or proselytizing
U.S. Supreme Court Decisions

*United Stated v. Windsor*

- Portion of federal Defense of Marriage Act (DOMA) defining marriage unconstitutional
- Same-sex marriages recognized
- Employees in a same-sex marriage must receive the same benefits as employees in an opposite-sex marriage
- Dep’t of Labor issued guidance on defining terms “spouse” and “marriage”
Impacted Policies

Policies, benefits, collective bargaining agreements that define or refer to marriage or spouses are affected

- Health benefits, FMLA, leaves of absence, retirement benefits, beneficiary designations, health care spending accounts, dependent care accounts, nepotism rules, ethics policies

- #4112.8/4212.8 – Nepotism
- #4152.6/4252.6 – Family Medical Leave Act
Summary of Impacted Policies

#3531.6  #5131  #6146
#3542.33  #5131.6  #6146.2
#3542.34  #5131.911  #6172.12
#4112.8/4212.8  #5141.28
#4115  #5141.21
#4118.231  #5141.7
#4218.231  #5142.4
#4152.6/4252.6  #5144
#5112  #6111
#5113.2  #6142
#5114  #6142.101
Question/Answer Period

Thank You!