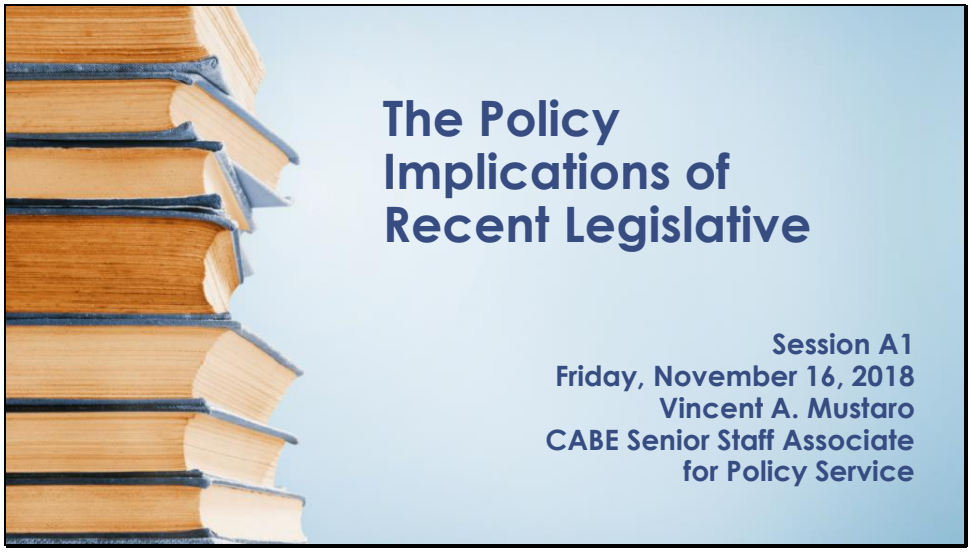
Slide 1


The Policy Implications of Recent Legislative
Session A1
Friday, November 16, 2018
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CABE Senior Staff Associate
for Policy Service

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Goals of the Presentation

1. **To address the numerous policy areas impacted by the 2018 CT General Assembly**
   - Administration of Medication
   - Attendance/Excuses/Truancy
   - Basic Instructional Program
   - Drug & Alcohol Testing for Bus Drivers
   - Food Allergy Management
   - Food Service
   - Health Assessments & Immunizations
   - Independent Educational Evaluations (IEEs) and In-School Observations
   - Medical Reimbursement for Special Education Students
   - Minority Recruitment
   - Physical Restraint/Seclusion/Exclusionary Time Out
   - Placement of Special Education Students Out of District
   - Recruitment & Selection of Staff
   - Reporting of suspected Child Abuse, Neglect & Sexual Assault
   - School Governance Councils
   - Student Data Protection & Privacy/Cloud-Based Issues
   - Student Health Services
   - Truancy
2. **To review other recent impacts on policy**

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New Connecticut Legislation Impacting Educational Policy

P.A. 18-15	AAC School Counselors
P.A. 18-17	AA Requiring Behavioral Analysts to be Mandated Reporters of Suspected Child Abuse & Neglect
P.A. 18-24	AAC Holocaust & Genocide Ed. & Awareness
P.A. 18-34	AAC Minority Teacher Recruitment & Retention
P.A. 18-42	AAC …. Members of School Governance Councils and …Reemployment of Certain Teachers

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More New Connecticut Legislation

P.A. 18-51	AA Implementing the Recommendations of the Department of Education
P.A. 18-73	AAC the Sale of "CT Grown" Products
P.A. 18-125	AAC Revisions to the Student Data Privacy Act
P.A. 18-168	AAC….Revisions to the Public Health Statutes
P.A. 18-181	AAC….Curriculum on Climate Change
P.A. 18-182	AAC Minor Revisions & Additions to the Ed. Statutes
P.A. 18-183	AAC …..Private Providers of Special Education
P.A. 18-185	AAC ….. Life Threatening Food allergies in Schools

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Additional Impacts on Policy

- SDE Guidelines: Independent Educational Evaluations at Public Expense and In-school Observations
- Employee Notification of Requests Made under the FOIA (P.A. 18-93)
- Classroom Safety & Disruptive Behavior (Follow-up to Governor's Veto)
- U.S. Supreme Court: *Janus v. AFSCME, Co. #31*
- Task Forces/Study Groups
  - Safety of Sports Helmets
  - Processing& retention of Fingerprint & Criminal History Records
  - Issues Related to Search & Seizure of Student's personal electronic Devices

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P.A. 18-15: AAC School Counselors

- Adds "school counselor" to every state law that mentions "guidance counselor"
- Neither term defined in state law
- Adds school counselors to following situations:
  - To definition of "mental health professionals
  - List of school employees attesting to drop-out and providing of options
  - Membership on district and school attendance review teams
- This legislation impacts many policies.
- In short, consider as synonymous terms guidance counsels and school counselor.

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P.A. 18-15: Policies Impacted (some)

- #5111 Admission
- #5112 Ages of Attendance
- #5112.3 Drop Outs
- #5113 Attendance and Excuses
- #5113.2 Truancy
- #5131.911 Bullying/Safe School Climate Plan
- #5141.4 Reporting of Child Abuse, Neglect, & Sexual Assault
- #5144.1 Physical Restraint & Seclusion
- #5144.4 Physical Exercise & Discipline of Students

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P.A. 18-17: AC Requiring Behavior Analysts to be Mandated Reporters of Suspected Child Abuse & Neglect

- Adds licensed behavior analysts to the statutory list of mandated reporters of suspected child abuse and neglect
- Effective July 1, 2018
- Impacts policy #5141.4, 'Reporting by Mandated Reporters of Suspected Child Abuse, Neglect and Sexual Assault

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P.A. 18-24: AAC the Inclusion of Holocaust & Genocide Education & Awareness in the Social Studies Curriculum

- Adds Holocaust and genocide education & awareness to the required courses of study for public schools beginning in the 2018-2019 school year
- Required to include this topic in the social studies curriculum
- Impacts policy #6142, "Basic Instructional Program," (an optional policy)

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P.A. 18-34: AAC Minority Teacher Recruitment & Retention

- Bulk of legislation pertains to new requirements for the SDE to implement concerning:
  - Teacher certification
  - Out-of-state reciprocity for exams & assessments
  - Alternative Routes to Certification
  - Membership in PEAC
  - Membership in the minority teacher
  - Retaking of licensure exams task force
- Section 7 speaks to the need for all districts to develop & implement a written plan for minority staff recruitment

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P.A. 18-34 (continued)

- Limits boards' of education minority recruitment plan to "educators," rather than "staff"
- Effective July 1, 2018
- Impacts policy #4111.3/4211.3, "Minority Recruitment,"- considered a good practice/recommended policy

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P.A. 18-42: AAC…Members of School Governance Councils and …Reemployment of Certain Teachers

- Only two sections of Act pertain to education policy
- Specifies that elementary, middle & high school governance councils may include students' parents/guardians who are also public officials
- Extends by two years (to 2020) provision allowing certain retired teachers & administrators to exceed the annual earnings limit without having to pay back the excess to the Teachers Retirement System

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P.A. 18-42 (continued)

- Legislation impacts following policies:
  - #1110.3 – School Governance Councils (a recommended policy)
  - #4111/4211 – Recruitment and Selection (a mandated policy)
- Effective date: July 1, 2018

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P.A. 18-51: AC Implementing the Recommendations of the Department of Education

- Act makes changes in education laws pertaining to:
  - The use of seclusion in schools
  - SBE's authority to suspend or place on probation a teacher's credentials
  - Teacher certification & subject area endorsements
  - Magnet school grants
- Defines "exclusionary time out" & makes it a separate category from seclusion
- Requires policy for use of exclusionary time outs by January 1, 2019
- Prohibits use of seclusion as a planned student intervention

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P.A. 18-51 (continued)

- This legislation adds the term "exclusionary time out" to the law and makes it a separate category from seclusion.
- It defines exclusionary time out as "a temporary, continuously monitored separation of a student in a non-locked setting away from an ongoing activity for the purpose of calming or deescalating such student's behavior."
- By law, seclusion is the involuntary confinement of a student in a room that the student is prevented from leaving.
- Under the Act, seclusion does not include exclusionary time out.
- Seclusion can only be used as an emergency intervention to prevent immediate or imminent injury to the student or others, as long as it is not used (1) as discipline or for convenience and (2) instead of a less-restrictive alternative.

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P.A.18-51 (continued): Policy for Exclusionary Time Out

The local policies must include, at a minimum, requirements that:

1. exclusionary time outs are not to be used as a form of discipline;
2. at least one school employee must remain with the student or be immediately available to the student so that the student and employee can communicate verbally throughout the time out;
3. the space used for an exclusionary time out is clean, safe, sanitary, and appropriate for calming or deescalating the student's behavior;
4. the exclusionary time out period must end as soon as possible (the Act does not include a limit); and
5. if the student requires special education services or is being evaluated for them and is awaiting a determination, and the intervention and strategy in use is failing to address the student's problematic behavior, then the student's planning and placement team must meet as soon as is practicable to determine alternative interventions or strategies.

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P.A. 18-51 (continued)

- The Act exempts from criminal history and child abuse and registry background checks any person employed by a board of education as a teacher for a noncredit adult class or adult education activity who is not required to hold a teaching certificate for his or her position.
- Impacts following policies:
  - #5144.1 – Physical Restraint/Seclusion/Exclusionary Time Out (a mandated policy)
  - #5144.2 - Use of Exclusionary Time Out Rooms ((a mandated policy)
  - #4112.5/4212.5 – Security Check/Fingerprinting (a recommended policy)
  - #4112.51/4212.51 – Employment/Reference Checks (a recommended policy)
- Legislation effective July 1, 2018

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P.A.18-73: AAC the Sale of "Connecticut Grown" Products

- CT farm-to-school program encourages use of CT grown farm products in school cafeterias
- Proof required that the product was produced in Connecticut
- Name of person or business that produced the product, & name and address of the farm where it was produced
- Effective October 1, 2018
- Policy #3542, "Food Service" impacted (an optional policy)

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P.A. 18-125: AAC Revisions to the Student Data Privacy Act

- Numerous changes made to the student data privacy law
  - The law restricts how website, online service, and mobile application (i.e., "online service") operators and consultants who contract with boards of education process and access student data.
  - The law requires operators and consultants to use reasonable security practices to safeguard student data.
- The Act requires the Commission for Educational Technology (CET) to develop a student data privacy terms-of-service agreement addendum that may be used in contracts entered into pursuant to the student data privacy law.

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P.A. 18-125 (continued)

The legislation:

1. creates certain exceptions for contractors and operators from requirements for deleting student data at a board of education's, student's, parents', or guardian's request
2. creates an exception, under certain conditions, for boards when they have special education students using a particular online service that is necessary, but unable to meet the contract requirements
3. eliminates a requirement that boards electronically notify students and parents of new contracts

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P.A. 18-125 (continued)

The legislation:

4. requires the State Department of Education (SDE) to add more information to the guidance it must already provide school districts
5. requires boards of education to annually report to CET on using any online service that does not operate under a contract as required by the law and the Act
6. adds the Connecticut Association of Schools' executive director, or designee, as a member of the student data privacy task force.

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P.A. 18-125 (continued)

- Impacts policy #3520.13, Student Data Protection & Privacy/Cloud –Based Issues (a recommended policy)
  - A very detailed policy
  - Describes what must be contained in a contract with a contractor regarding survives, including Cloud-based services, digital educational software
- Boards may use uniform student data privacy terms-of-service agreement addendum developed by Commission for educational technology (CET)
- Effective July 1, 2018

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P.A. 18-168: AAC the Dep't of Public Health's Recommendations Regarding Various Revisions to the Public Health Statutes

- Requires boards of education to ***request*** students have an oral health assessment
  - Prior to school enrollment
  - In grade 6 or 7
  - In grade 9 or10
- Establishes related requirements regarding who may perform the assessment, parental consent, assessment forms, notification, records access

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P.A. 18-168 (continued)

- Oral assessment results must be recorded on SBE forms, which specifies risk factors
- School health personnel required to review assessment results
- Changes made to required asthma monitoring system
  - Frequency
  - Removal of some requirements
- Effective July 1, 2018
- Impacts policies:
  - #5141 – Student Health Services (an optional policy)
  - #5141.3 – Health Assessments& Immunizations (an optional policy)

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P.A. 18-181: AAC Revisions to Certain Environmental Quality & Conservation Programs of the Dep't of Energy & Environmental Protection

- Amends C.G.S. 10-16b to add climate change curriculum consistent with the Next Generation Science Standards as a ***permissible*** area of instruction within the science curriculum.
- Effective October 1, 2018
- Impacts policy #6142 – Basic Instructional Program (an optional policy)

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P.A. 18-182: AAC Minor Revisions & Additions to the Education Statutes

Changes made to the education statutes:

1. Delays, by one year, the transition of the Technical Education and Career System (TECS) (formerly known as the technical high school system) into an independent state agency, separate from the State Department of Education (SDE) (§§ 7-17)
2. Makes instruction on opioid use and related disorders part of the state's required public school program of instruction (§ 2) ***(policy implication***)
3. Requires the State Board of Education (SBE) to assist boards of education in including instruction related to Connecticut's "safe haven law" (§ 2)
4. Creates a process to exempt small school districts from enrolling as Medicaid providers and other related state requirements (§ 21) (***policy implication)***

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P.A. 18-182 (continued)

5. Extends youth service bureau grant eligibility to bureaus who applied for grants in FY 18 (§ 1)
6. Requires school districts' chronic absenteeism and prevention plans to include a way to collect and analyze data on student attendance, truancy, and chronic absenteeism for students with disabilities (§ 3***) (policy implication)***
7. Requires SDE to identify effective truancy intervention models for boards of education that address the needs of students with disabilities and include them in a listing made available to the boards (§ 4)
8. Establishes a 12-member task force to study high school interscholastic athletics programs and must submit its report to the Education Committee by January 1, 2019 (§§ 19 & 20);
9. Prohibits a board of education from denying certain students from enrolling in an agricultural science and technology education center ("vo-ag center") (§ 22).

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P.A.18-182 (continued)

- Policies impacted:
  - #6142 – Basic Instructional Program (an optional policy)
  - #3231 – Medical Reimbursement for Special Educational Students (an optional policy)
  - #5113 – Attendance/Excuses/Dismissals (a mandated policy*)
  - #5113.2 – Truancy (a mandated policy*)

    *Either policy fulfills mandate if it contains language pertaining to truancy
- Effective July 1, 2018

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P.A. 18-183: AA Implementing the Recommendations of the Auditors of Public Accounts Concerning Private Providers of Special Education

- Starting July 1, 2019, boards of education required to have a written contract, instead of an agreement as under current law, with a private special education provider in order to qualify for special education excess cost reimbursement.
- Clarifies that IEPs are not considered contracts
- Requires that any agreements entered into or amended on or after July 1, 2018 but before June 30, 2019 and any contract entered into or amended on or after July 1, 2019 must include an explanation of how the provider's tuition or costs for services provided are calculated. It makes the same change to the current law's requirements that districts must follow when they choose to enter into a contract for private special education services.
- The Act also requires the State Department of Education (SDE) to develop standards and a process for documenting special education services provided by private providers that includes the use of standard forms or other electronic reporting systems.
- It also requires any private provider providing special education services for a board of education to annually submit its operating budget to SDE.

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P.A.18-183 (continued)

- Private providers for board of education for special education services required to annually submit its operating budget to the SDE.
- Effective July 1, 2018
- Impacts policy #6171.3 – Placement of Special Education Students (Out of District)- (an optional policy)

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P.A.18-185: AAC the Recommendations of the Task Force on Life-Threatening Food Allergies in Schools

- Makes several changes to ed. laws addressing food allergies in schools
- Act allows any student with a medically diagnosed life-threatening allergic condition, with written authorization of parent/guardian and written order of a qualified medical professional to:
  - Possess
  - Self-administer, or
  - Possess and self-administer his/her medication to protect against serious harm or death

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P.A. 18-185 (continued)

- SDE required, in conjunction with DPH, to revise, review, & update its guidelines for managing students with life-threatening food allergies & glycogen storage disease
- Requires school transportation carriers to provide training in identifying & appropriately responding to severe allergic reactions to all school bus drivers
- Bus drivers covered under "Good Samaritan " law when rendering certain emergency first aid in response to a student's allergic reaction

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P.A. 18-185 (continued)

School Bus Driver Training:

- By June 30, 2019, the Act requires school transportation carriers to provide training to all school bus drivers, including instruction on (1) identifying the signs and symptoms of anaphylaxis, (2) administering epinephrine by a cartridge injector ("EpiPen"), (3) notifying emergency personnel, and (4) reporting an incident involving a student's life-threatening allergic reaction. It allows the training to be completed online, provided the online module meets the Act's requirements.
- Beginning July 1, 2019, each carrier must provide the training to school bus drivers as follows:
  - following the issuance or renewal of a public passenger endorsement to operate a school bus for carrier employees, and
  - upon the hiring of a school bus driver who is not employed by such carrier (e.g., subcontractor), except a driver who received the training after the most recent issuance or renewal of his or her endorsement is not required to repeat it.

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P.A. 18-185 (continued)

- Effective July 1, 2018
- Three policies are impacted by this new legislation.
  - Policy #5141.21 – Administration of Medication (A mandated policy)
  - Policy #5141.25 – Food Allergy Management (A recommended policy)
  - Policy #4212.42 – Drug and Alcohol Testing for Bus Drivers (A mandated policy)
- Policy #514.21 and policy 34212.42 have been revised.
- Policy #5141.25 has not been revised at this time due to the fact that the SDE has until January 1, 2020 to revise its guidelines and adopt implementing regulations which will probably impact policy language.

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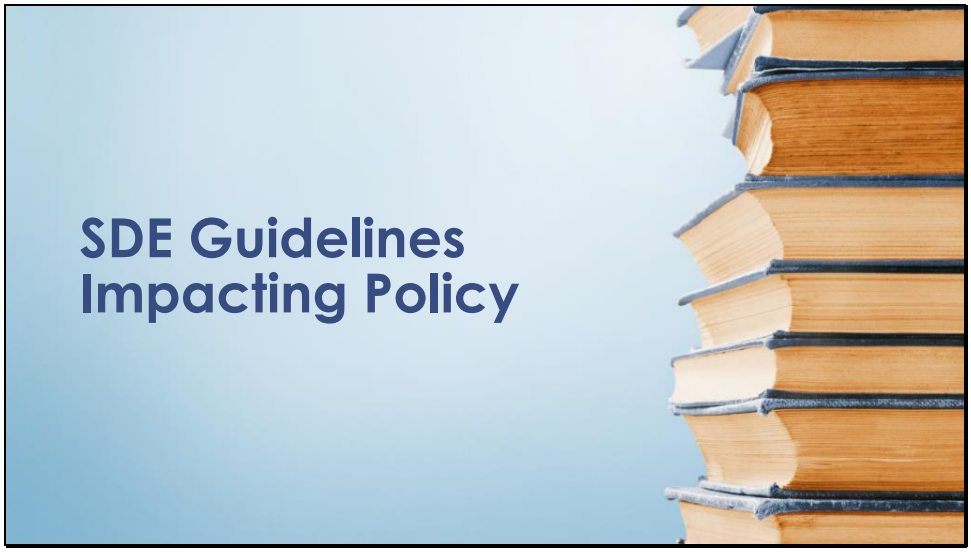

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Independent Educational Evaluations & In-School Observations

- *"Guidelines Regarding Independent Educational Evaluations at Public Expense and In-School Observations"* issued spring 2018
  - Clarifies district obligations regarding IEEs pursuant to the IDEA
  - Represent SDE's interpretation of the applicable legal requirements for IEEs
- IDEA permits a parent/guardian to request an IEE at public expense if parent/guardian disagrees with district's evaluation
- District has two options:
  - Request a due process hearing to show its evaluation is appropriate
  - Provide an IEE at public expense, unless district at a due process hearing demonstrates obtained by parent/guardian does not meet district's IEE criteria

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Key Points Contained in SDE *Guidelines* for IEEs at Public Expense

Key points contained within the SDE *Guidelines*

1. Option for a voluntary informal resolution period
2. Best practice reasonable timeline for district response to IEE request
3. Clarification on when parent/guardian may request IEE
4. Provides for district receipt of IEE at same time received by parent/guardian

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More Key Points

5. Clarification regarding the types of criteria a district may and may not include in its district IEE criteria

6.Clarifies & specifies how, when & where parents/guardians may make the evaluation request & the procedure for review of completed evaluation

Guidance also provided on in-school observations by independent Evaluators as part of IEEs & by parents/guardians generally

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IEEs/*Guidelines* (continued)

- SDE encourages districts to adopt policies & procedures governing observations of children in school setting
- Policy Implications:
  - New policy, #6171.4 – Independent Educational Evaluations (IEEs)
  - New policy, #1250.1 – Classroom Observations
    - Pertains to all requests for classroom observations, not only those considered as part of the IEE request process or special education in general
  - Both policies considered optional

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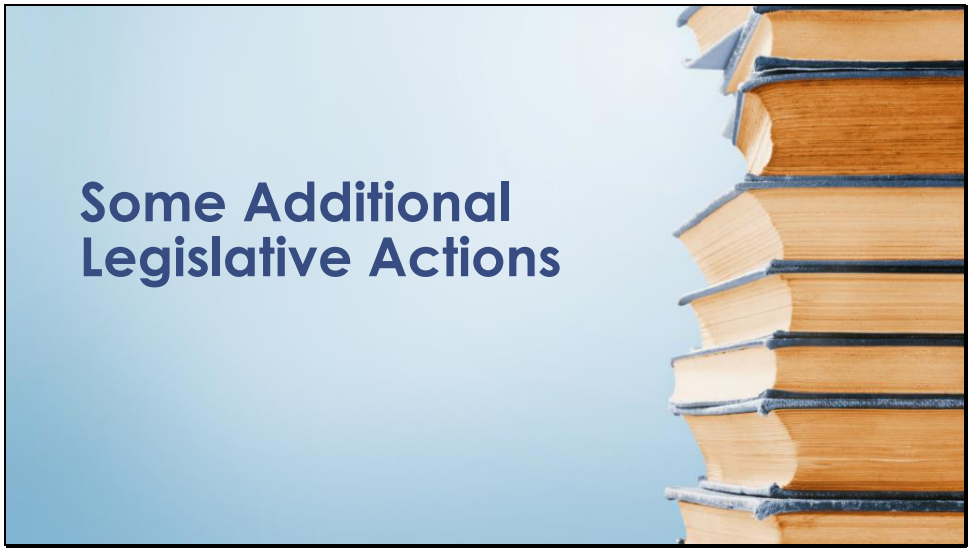

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Task Forces/Study Groups

1. The Processing & Retention of Fingerprint Records & Criminal History records for Educators (Special Act 18-25)
2. A Study on Access to Information Regarding the Safety of Sports Helmets (Special Act 18-15)
3. Establishing a Working Group to Study & Make Recommendations Concerning Issues Relating t the Search & Seizure of Students' Personal electronic Devices (Special Act 18-28)

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Additional Legislation

- P.A. 18-12: AA Permitting the Amendment of Municipal Charters for the Purpose of Modifying Budget Adoption Dates
- P.A. 18-20: AA Allowing Applicants for Security Officer Licenses to Work as Security Officers
- P.A. 18-31: AAC the Transfer of the Juvenile Services from the Department of children & Families to the Court Support Services Division of the Judicial Branch
- P.A. 18-93: AAC Employee Notification of Requests Made Under the Freedom of Information Act.
- P.A. 18-144: AAC Teacher Permits for Spouses of Transferred Members of the Armed Forces

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Other Issues:

- P.A. 18-89: AAC Classroom Safety & Disruptive Behavior
  - Vetoed by Governor
  - Commissioner's task force working on bill
    - CEA, AFT, PTA, CABE, CAPSS, CAS, Special Ed. & Child Advocates, CT Education Committee
  - CEA proposed as "Enhancing Classroom Safety & School Climate"
- U.S. Supreme Court: *Janus v. AFSCME, Co#31*
  - *Declared compelled public sector agency fees unconstitutional*

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