

RECENT LEGISLATIVE ACTION AFFECTING LOCAL DISTRICT POLICY

("They did it to us again")

Session A1
Friday, November 15, 2019
Vincent A. Mustaro
CABE Senior Staff Associate
for Policy Service

Goals of the Presentation

- 1. To address actions of the 2019 CT General Assembly affecting board of education policy.**
 - Firearm Safety Programs
 - Black & Latino Studies in the Curriculum
 - Electronic & Vapor Products in Schools
 - Combatting Sexual Assault & Sexual Harassment
 - Transitional Services for Autistic Children
 - School Security
 - Promotion of Manufacturing Careers
 - Student Application of Sunscreen
 - Minority Teacher Recruitment & Retention
 - Criminal History Background Checks
 - Student Expulsions
 - Instruction in Culturally Response Pedagogy
 - Computer Science Instruction
 - Information for Victims of Domestic Violence
 - Safe School Climate/Bullying
 - Time for Undirected Play
 - Gifted and Talented Students
 - Non-Lapsing Education Fund/Financial Reports
- 2. To address other recent impacts on policy.**

2019 Connecticut Legislation Impacting Educational Policy

- P.A. 19-5 AAC Firearm Safety Programs**
- P.A. 19-12 AAC the Inclusion of Black & Latino Studies in the Public School Curriculum**
- P.A. 19-13 AA Prohibiting the Sale of Cigarettes, Tobacco Products, Electronic Nicotine Delivery Systems to Persons Under 21**
- P.A. 19-16 AA Combatting Sexual Assault and Sexual Harassment**
- P.A. 19-49 AAC Transitional Services for Children with Autism Spectrum Disorder**
- P.A. 19-52 AAC School Security**

More New Connecticut Legislation

- P.A. 19-58** AA Promoting Careers in Manufacturing ...
- P.A. 19-60** AA Allowing Students to Apply Sunscreen Prior to Engaging in Outdoor Activities
- P.A. 19-74** AAC Minority Teacher Recruitment and Retention
- P.A. 19-91** AAC Various Revisions & Additions to the Education Statutes
- P.A. 19-100** AAC the Inclusion of Instruction in Culturally Responsive Pedagogy and Practice ...
- P.A. 19-117** AAC the State Budget (The Budget Implementer Bill)

More Legislation Impacting Policy!

- P.A. 19-128 AAC Computer Science Instruction in Public Schools**
- P.A. 19-146 AA Requiring the Provision of Information Concerning Domestic Violence Services and Resources to Students...**
- P.A. 19-166 AAC School Climates**
- P.A. 19-173 AAC the Inclusion of Additional Time Devoted to Undirected Play to the Regular School Day**
- P.A. 19-179 AAC Homeless Students' Access to Education**
- P.A. 19-184 AAC the Provision of Special Education**
- P.A. 19-195 AAC the Establishment of a Firm Graduation Date**

Additional Impacts on Policy

- **Task Forces/Study Groups**
- **U.S. Supreme Court Decisions**
- **Legislation without Policy Implications**

P.A. 19-5: AAC the Safe Storage of Firearms in the Home and Firearm Safety Programs in Public Schools

- **Expands age schools may offer firearm safety programs**
- **Requires SDE to develop guides to help local boards develop firearm safety programs**
- **Students cannot be required to participate in a firearm safety program**
- **Effective July 1, 2019**
- **Policy #5142 – “Student Safety”**

P.A.19-12: AAC the Inclusion of Black & Latino Studies in the Public School Curriculum

- **Adds African-American & Black & Latino studies to required programs of study**
- **SDE required to make curriculum materials available to boards**
- **SBE required to approve by 1/1/21 a Black & Latino studies high school course**
- **Phase in of Programs**
 - **2021-22: Allows local boards to offer the high school course**
 - **2022-23: Requires local boards to offer the state-approved course**
 - **2021-22: Must offer the Black & Latino Studies in local schools**

P.A. 19-12: Black & Latino Studies (continued)

- **Act effective July 1, 2019**
- **Beginning with 2021-22 school year program of such studies to be a part of local curriculum**
- **Districts allowed to use existing & appropriate public or private materials, personnel, other resources including SDE material in developing & implementing the new curriculum**
- **The curriculum must meet SBE-approved statewide subject matter content standards**
- **Policy #6142 –” Basic Instructional Program” (a recommended policy)**

P.A. 19-13: AA Prohibiting the Sale of Cigarettes, Tobacco Products, Electronic Nicotine Delivery Systems & Vapor Products to Persons under Age 21

- **Raises age to purchase such products from 18 to 21**
- **Bans smoking and e-cigarettes on all school property, both inside and outside at any time**
- **Act effective October 1, 2019**
- **Policy #1331 – “Smoke Free Environment” (an optional policy)**

P.A. 19-16: AA Combatting Sexual Assault & Sexual Harassment

- **Expands requirements to train all employees**
- **Extends time to file a CHRO complaint alleging employer discrimination, including sexual harassment**
- **Extends time to file a civil lawsuit related to sexual abuse or related conduct for victims under age 21**
- **Eliminates criminal statute of limitations for sexual assault crimes against minors & extends it for such crimes against adults**
- **Act effective October 1, 2019**
- **Policy # #4118.112/4219.112, “Sexual Harassment” (a recommended policy)**

P.A. 19-16: Notification Requirements

- **Posting notice that sexual harassment is illegal & the remedies available**
- **Send copy of this information to employees by email within three months of hire**
- **Post this information on district website**
- **Can link & use CHRO website posting to satisfy this requirement by providing link to employees**
- **Onsite inspections to insure compliance**

P.A. 19-49: AAC Transitional Services for Children with Autism Spectrum Disorder

- **IEP for child 14 years old with autism to include:**
 - **Appropriate measurable postsecondary goals**
 - **Transition services including courses of study needed to assist child in reaching those goals**
- **Post secondary goals based on age-appropriate transition assessments related to training, education, independent living skills**
- **PPT to update IEP annually**
- **Effective July 1, 2019**
- **Policy #6159 “Individualized Education Program /Special Ed. Program (a mandated policy)**

P.A. 19-52: AAC School Security

- **Department of Emergency Services & Public Protection (DESPP) required by Act to :**
 1. **Update state school security & safety plan standards**
 2. **Simplify certain school security reporting requirements & school security infrastructure grant applications**
 3. **Develop criteria to identify qualified school security consultants & limit existing registry to such individuals only**
- **Adds new duties for SDE & School Safety Infrastructure Council**
- **Act effective upon passage except school security consultants portion effective October 1, 2019**

P.A. 19-52 Continued

- **DESPP must implement new requirements by July 1, 2020**
- **Competitive state grant program to improve security infrastructure in schools- new requirements to be implemented by July 1, 2020**
- **Policy #3516 – Safe and Secure School Facilities, Equipment and Grounds (a recommended policy)**
- **Policy #3517 – Security of buildings and Grounds (a recommended policy)**

P.A. 19-58: AA Promoting Careers in Manufacturing to Public School Students & Establishing a Task Force to Study the Demand for Career & Technical Education Teachers.

- **Student success plans must provide evidence of career exploration for each student in each grade, starting in grade 6**
- **Boards required to develop career placement goals for students choosing not to pursue an advanced degree & include those goals in their statements of educational goals**
- **Act effective July 1, 2019**
- **Policy #6146 – Graduation Requirements (a recommended policy)**
- **Policy #0200 – District Goals (a mandated policy)**

P.A. 19-60: AA Allowing Students to Apply Sunscreen Prior to Engaging in Outdoor Activities

- **Allows students, 6 or older, to possess & self-apply sunscreen if parent/guardian provides written authorization to school nurse**
- **Local boards may adopt policies & procedures to implement Act**
- **Effective July 1, 2019**
- **New policy – Policy #5141.214 -Student Sunscreen Use (an optional policy)**

P.A. 19-74: AAC Minority Teacher Recruitment & Retention

- **SDE's Minority Teacher Recruitment Oversight Council required to develop & implement strategies & use existing resources to ensure boards annually hire 250 new minority teachers & administrators**
- **At least 30% to be men**
- **Expands teacher certification reciprocity with other states**
- **Mortgage assistance for graduates**
- **Reemployment of retired teachers**
- **Flexibility in certain teacher certification requirements**
- **Changes in subject-matter assessment for lapsed certifications**

Minority Teacher Recruitment (continued)

- **Beginning with 2020-2021 school year the hiring goals to be met**
- **Act effective July 1, 2019, except the annual minority hiring goal became effective upon passage**
- **Policy #4111.3/4211.3 – Minority Recruitment (a recommended policy)**

P.A. 19-91: AAC Various Revisions& Additions to the Education Statutes

- **Changes to laws governing criminal history checks for school personnel**
 1. **Separate criminal history check requirements for student teachers**
 2. **Separate criminal history check requirements for all other individuals performing services causing them to have direct contact with students**
 3. **Changes concerning dissemination of criminal history & child abuse registry results**
- **SDE to update comprehensive school health education component of the “Healthy & Balanced Living Curriculum Framework” by January 1, 2020**

P.A. 19-91: More Revision to the Ed. Statutes

- **Sexual harassment & assault, adolescent relationship abuse & intimate partner violence, & human trafficking & commercial sexual exploitation to be added to health ed. component of “Healthy & Balanced Living Curriculum Framework”**
- **Service providers required to undergo same disclosures & criminal history records checks**
- **Change in School Governance Council term limits from two to four terms**

P.A. 19-91: More Revision to the Ed. Statutes

- **Narrowing of expulsion criteria for student conduct on school grounds or at a school-sponsored activity**
The student's conduct must be found to be (1) violative of a board policy and (2) either seriously violative of board policy or endangering persons or property
- **Boards required to post its grade-level curricula on its website by August 1 each year (effective July 1, 2020)**
- **Effective date of legislation is July 1, 2019 with exception of posting of grade-level curricula and SDE changes to health framework**

P.A. 19-91: Policies Impacted

- **Policy #1110.3 – School Governance Councils (a recommended policy)**
- **Policy #4112.5/4212.5 – Security Check/Fingerprinting (a recommended policy)**
- **Policy #4112.51/4212.51 – Reference Checks (a recommended policy)**
- **Policy #4122 – Student Teachers (an optional policy)**
- **Policy #5114 – Suspension/Expulsion/Due Process (a mandated policy*)**
- **Policy #5131 – Conduct and Discipline (a mandated policy*)**
- **Policy #5144 – Student Discipline (a mandated policy*)**

***Any one of these three policies fulfill the statutory mandate.**

P.A. 19-100: AAC the Inclusion of Instruction in Culturally Responsive Pedagogy & Practice in the Preservice Training, Professional Development & Inservice Training Provided to Teachers

- **Changes term “cultural competency” to “culturally responsive pedagogy & practice” in laws addressing teacher preparation training, special education coursework and Alternate Route to Education**
- **Adds to professional development/inservice training**
- **Effective date is July 1, 2019**
- **Policy #4131 - Staff Development (a recommended policy)**

P.A. 19-117: AAC the Implementation of the Budget

- **Contains approved budget for next two fiscal years , beginning July 1, 2019.**
- **Sections having specific policy implications:**
 1. **School district uniform chart of accounts: adds “federal impact aid” to list of required items in the chart of accounts**
 2. **Unexpended education funds account: increases from 1% to 2% the maximum amount of unspent ed. funds that a town may deposit in a “non-lapsing account”**
 3. **Boards to post, each quarter, current & projected expenses & revenue on its website, and submit copy of such expenses & revenue to municipal legislative body or board of selectpersons, as applicable**

Policies Impacted by Budget implementer Bill

- Policy #3410 – System of Accounts (an optional policy)
- Policy #3171.1 – Non-Lapsing Education Fund & Memorandum of Agreement (an optional policy)
- Policy #3430 – Periodic Financial Reports (a recommended policy)
- Policy #3432/3433 – Budget and Expense Report/Annual Financial Statement (a recommended policy)

Note: P.A. 19-117 also impacted implementation of ECS funding, MBR Calculations, Sheff transportation grants, minority teacher incentive grants, Sheff magnet school grants,

P.A. 19-120: AAC the Inclusion of Additional Mandated Reporters

- **Act adds to the statutory list of mandated reporters of suspected child abuse and neglect:**
 - 1. individuals who have regular contact with and provide services to or on behalf of children through a contract with or credential from the Department of Children and Families (DCF)**
 - 2. victim services advocates employed by the Judicial Department's Office of Victim Services, and**
 - 3. employees of a Court Support Services Division-operated or-contracted juvenile justice program.**
- **Expands requirements for DCF to check the state child abuse and neglect registry for individuals employed by certain DCF-licensed facilities. It requires DCF to (1) check the child abuse and neglect registry in any state in which various individuals resided in the previous five years and (2) comply with any request from a child welfare agency of another state to check the child abuse and neglect registry.**
- **The Act modifies, from 45 calendar days to 33 business days, the time DCF has to complete a child abuse or neglect investigation.**
- **The effective date of this legislation is July 1, 2019, except that the mandated reporter provision takes effect October 1, 2019.**
- **Impacts policy #5141.4, "Reporting by Mandated Reporters of Suspected Child Abuse, Neglect, and Sexual Assault." (a mandated policy)**

P.A. 19-128: AAC Computer Science Instruction in Public Schools

- **Expands required curriculum to include computer science, not just computer programming**
- **Adds computer science in teacher preparation programs**
- **Creates an alternate route program targeted to computer science teachers; provides computer science endorsement**
- **Beginning July 1, 2020 consideration to be given in creation of student success plans to career & academic choices in computer science, science technology, engineering & math**
- **Effective July 1, 2019**
- **Policy #6142 – Basic Instructional Program (a recommended policy)**

P.A. 19-139: AAC Education Issues

- **Repeals expedited teacher tenure provision for teachers or administrators who were previously tenured in one district and subsequently transfer into a priority school district (§ 2)**
- **establishes a working group to study issues related to implementing the pre-service teacher performance assessment known as “edTPA,” which was adopted by the State Board of Education (SBE) (§ 3)**
- **allows non-*Sheff* magnet schools that are not in compliance with the state’s minority student enrollment requirements to continue to be eligible for magnet school operating grants for FYs 20 and 21 if the schools submit a compliance plan to the commissioner and is approved (§ 4).**
- **Effective date July 1, 2019.**
- **Policy #4116, “Probationary/Tenure Status,” (an optional policy).**

P.A.19-146: AA Requiring the Provision of Information Concerning Domestic Violence Services & Resources to Students, Parents & Guardians

- **Requires the Judicial Branch’s Office of Victim Services (OVS), in consultation with the Connecticut Coalition Against Domestic Violence, to compile information on domestic violence victim services and resources and provide the information to the State Department of Education (SDE) by December 1, 2019.**
- **SDE required to publish the information it receives from OVS on its website by January 1, 2020. It also requires OVS to review the information annually and inform SDE of any necessary revisions and SDE to revise the information on that basis.**
- **SDE must also disseminate the above information to boards of education each school year starting with the 2020-2021 school year. Each school board must in turn require that the information be provided to any:**
 - *student or student’s parent or guardian who expresses to a school employee that the student, parent, guardian, or a person residing in the home does not feel safe because of domestic violence, and**
 - *student’s parent or guardian who authorizes the transfer of his or her education records to another school.**
- **Legislation effective July 1, 2019.**
- **New policy, #4118.16/4218.16, “Domestic Violence” (an optional policy)**

P.A. 19-166: AAC School Climates

- **Numerous changes to laws related to bullying & safe school climate**
- **Establishes a statewide “social& emotional learning & school climate advisory collaborative”**
 - **Collect information relative to school climate improvement**
 - **Identify best practices for promoting positive school climates**
 - **Develop a model positive school climate policy by Jan. 1, 2020**
 - **Develop an assessment for screening gr.3-12 students for suicide risk**
 - **Develop a plain language explanation of rights & remedies available to parents/guardians under C.G.S 10-4b complaint process, provide to BOEs**
 - **Develop a biennial statewide school climate survey**

P.A. 19-166: Safe School Climate (continued)

- **State Department of Education (SDE), required by August 1, 2021, to publish on its website the model policy and school climate survey the collaborative develops (§ 2);**
- **The definition of bullying modified, eliminating the requirement that the action occur between students (§ 3);**
- **Specifies that schools, when they contact parents and guardians whose children have been involved in bullying, must let the parents know the results of the investigation into the incident and requires the schools to also notify the parents or guardians that they may refer to information on the board of education's website about rights and remedies under school law (§ 3);**
- **Requires boards of education to publish such information in plain language on their websites by June 30, 2021 (§ 4); and**
- **Requires boards of education, in consultation with the collaborative and SDE, to provide on the department website certain training materials for school administrators regarding bullying prevention and intervention (§ 5).**
- **The effective date of this legislation is July 1, 2019**

P.A. 19-166: Safe School Climate (continued)

- **New definition of bullying:**

“Bullying” means an act that is direct or indirect and severe, persistent, or pervasive and (1) causes physical or emotional harm to an individual, (2) places an individual in reasonable fear of physical or emotional harm, or (3) infringes on the rights or opportunities of an individual at school.”
(The actions do not necessarily have to occur between two students.)

- **Bullying shall include, but **need** not be limited to, a written, oral, or electronic communication or physical act or gesture based on any actual or perceived differentiating characteristic, such as race, color, religion, ancestry, national origin, gender, sexual orientation, gender identity or expression, socioeconomic status, academic status, physical appearance, or mental, physical, developmental or sensory disability, or by association with an individual or group who has or is perceived to have one or more of such characteristics.**

P.A. 19-166: Safe School Climate (continued)

- **Changes made to requirements of required safe school climate plans**
- **New definition of “school climate”**
 - **“School climate” means the quality and character of school based on patterns of students’, parents’ and guardians’ and school employees’ experiences of school life, including, but not limited to, norms, goals, values, interpersonal relationships, teaching and learning practices and organizational structures.**
- **Definitions added for:**
 - **“Positive school climate**
 - **“Emotional Intelligence”**
 - **“Social and emotional learning”**

P.A. 19-166: Safe School Climate (continued)

- **Schools, when they contact parents & guardians whose children have been involved in bullying, must let the parents know the results of the investigation into the incident and requires the schools to also notify the parents or guardians that they may refer to information on the board of education's website about rights and remedies under school law (within 48 hours after completion of the investigation)**
- **The notice, must be verbal or by email if the parents' or guardians' email addresses are known, that they may refer to the plain language explanation of their legal rights and remedies that is published on the board of education's website**
- **Boards required to develop training materials for administrators**

P.A. 19-166: Safe School Climate (continued)

- **Impacts policy #5131.911, “Bullying” and its accompanying administrative regulation which currently is a sample safe school climate plan. (a recommended policy)**
- **Sample safe school climate plan not modified at this time**
- **Act raises numerous questions:**
 - **Lack of clarity regarding limits of school district’s obligations or authority to address conduct by individuals who may or may not be a district student**
 - **Possibility of additional actions by Legislature after the advisory collaborative finishes its work**

P.A.19-173: AAC the Inclusion of Additional Time Devoted to Undirected Play to the Regular School Day

- **Allows boards of education to offer an additional amount of time for undirected play in public elementary schools beyond current law's required minimum of 20 minutes of daily physical exercise.**
- **Requires boards of education to adopt a policy, by October 1, 2019, to address any school employee who prevents an elementary school student from participating in the period of undirected play as a form of discipline during the regular school day. (The law, unchanged by this Act, requires such a policy for employees who prevent an elementary school student from participating in the required period of physical activity as a form of discipline.)**
- **Establishes a nine-member task force to study the issues relating to, and the feasibility of, including time devoted to undirected play during the regular school day in public elementary schools. The task force to report its findings and recommendations to the Legislature's Education Committee by January 1, 2020. CABE has representation on this task force.**
- **The effective date is July 1, 2019.**
- **Policy #5144.4, "Physical Education and Discipline of Students" and/or policy #6142.61, "Physical Activity" (a mandated policy)**

P.A.19-179: AAC Homeless Students' Access to Education

- Adds unaccompanied youth to existing law's appeals process, generally requiring boards of education to notify students of hearings and decisions;
- Modifies the burden of proof in cases where the child is claiming to be homeless; and
- Establishes additional steps that boards must take in the case of a homeless child.
- Uses the definition of “unaccompanied youth” from federal law, which includes a homeless child or youth not in the physical custody of a parent or guardian (42 USC § 11434a).
- Specifically permits unaccompanied and homeless youth to continue attending or be allowed to enroll in the school of their choice while the appeals process takes place.
- The effective date is July 1, 2019.
- The policies impacted by this new legislation:
 - Policy #5111 – Admission (a optional policy)
 - Policy #5112 – Ages of Attendance (a mandated policy)
 - Policy #5118.1 – Homeless Students (a mandated policy)

P.A.19-184: AAC the Provision of Special Education

- **Changes in education statutes relating to special education and nondiscrimination. The Act:**
 - Prohibits boards of education from disciplining, suspending, terminating, or otherwise punishing their employees for making special education recommendations in planning and placement team (PPT) meetings (§ 1);
 - Requires the creation of new service and accommodation plans for students who are deaf or hard of hearing, and requires various state entities to address “emergency communication plans” in the school safety guidance they issue to school districts (§§ 3-5);
 - Requires the State Department of Education (SDE) to establish a working group to study language skills assessment for students whose primary disability is identified as deaf or hard of hearing or both blind or visually impaired and deaf (§ 6);
 - Establishes a working group to study issues related to student transitions between Birth to Three and kindergarten special education services (§ 2)
 - Requires boards of education to electronically notify parents or guardians if their child has been identified as gifted and talented (§ 7);
 - Requires SDE’s Individual Education Program (IEP) Advisory Council to study the authorization of private therapists to provide special education and related services directly to students at school during the regular school day (§ 9); and
 - Requires any private special education provider that has a contract with a local or regional board of education to inform the board about certain complaints against the provider (§ 10).
- **Effective July 1, 2019**
- **Policy #6159, “Individualized Education Program/Special Education Program” (a recommended policy)**
- **Policy #6172.1, “Gifted and Talented Students Program” (an optional policy)**

P.A.19-195: AAC the Establishment of a Firm Graduation Date

- **Permits boards to establish a firm graduation date at any time during the school year, provided that the date chosen falls no earlier than the 180th day noted in the adopted school calendar.**
- **Specifies that school boards can set their calendars to begin school on any day before or after Labor Day (the first Monday in September).**
- **Effective July 1, 2019**
- **Policy #6111 – School Calendar (a recommended policy)**

Task Forces/Study Groups

- **S.A 19-8**: To Analyze the Implementation of Laws Governing Dyslexia Instruction & Training
- **P.A. 19-58**: To study the demand for career & technical education teachers
- **P.A. 19-68**: To coordinate education for public school students on manufacturing careers (CT Apprenticeship & Education Committee)
- **P.A.19-139**: To study edTPA
- **P.A. 19-117**: To study ways to encourage regionalism
- **P.A. 19-193**: To study ways to encourage regionalization of municipal functions & services, including education

2018-2019 U.S. Supreme Court Decisions

- **Census citizen question (Department of Commerce v. New York)**
- **Age discrimination (Mount Lemmon Fire District v. Guido)**
- **Religion in the Public square (American Legion v. American Humanist Association)**
- **Federal administrative power (Kisor v. Wilkie)**

Question/Answer/Discussion Period

Thank you for your kind attention

Vin Mustaro