

Connecticut Association of School Psychologists

2010 Legislative Summary

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This legislative session was an active year for education issues. The General Assembly's Education Committee introduced several proposals and spent a great deal of time on education reform legislation following the January rejection of Connecticut application for "Race to the Top" money. On behalf of CASP, Capitol Consulting monitored 40 legislative proposals. This report summarizes the major proposals that were of interest to CASP.

HB 5425 An Act Concerning Special Education (PA 10-175)

This bill was introduced by the Education Committee and this proposal makes changes to the Advisory Council for Special Education. Of particular interest to CASP is the section on applied behavior analysis for students with autism. During the 2009 session the Attorney General was charged with making recommendations, in conjunction with the State Department of Education, to the General Assembly on the issue of applied behavioral analysis. Following the 2009 session, Capitol Consulting scheduled meetings with officials at the Office of the Attorney General and the Department of Education where on behalf of CASP Jennifer Mitchell Robinson and Jessica Bartolini-Buggeln had the opportunity to outline CASP's concerns with the recommendations. We sought to ensure that school psychologists would be able to continue serving this population of students. As a result of our lobbying efforts, the legislation states that applied behavior analysis services shall be provided by an individual that's licensed by the Department of Public Health or certified by the Department of Education and they are acting within their scope of practice. The insertion of this language ensures that school psychologists may continue to serve students with autism. This section of the legislation will take effect on July 1, 2012.

The bill also revamps the Advisory Council for Special Education by:

- reduces its statutorily specified membership from 37 to 30 and updating those members' qualifications;
- requires appointees to reflect the ethnic and racial diversity and types of disabilities found in the state;
- requires the terms of all current council members to expire on June 30, 2010;

- requires that, for terms starting July 1, 2010, the appointees of the Commissioners of Education, Developmental Services, and Children and Families serve initial terms of three years and thereafter serve the same two-year terms as the other appointees.

This section of the bill takes effect from its passage.

This legislation was overwhelmingly approved by the House and Senate during the final days of the legislative session. At the writing of this report, this act awaits the Governor's signature.

HB 5426 An Act Concerning Individualized Educational Programs (SA 10-9)

This Special Act establishes a task force to study individualized educational programs. The task force shall:

- examine the existing processes and procedures for the development and administration of individualized educational programs;
- examine relevant federal laws and propose legislation that codifies such federal laws into state law;
- reevaluate existing individualized educational programs under federal law standards;
- examine the training required for personnel administering individualized educational programs and develop ways in which such training can be included in professional development for certified employees;
- develop a program for the auditing of individualized educational programs at the district level; examine ways in which to address issues of noncompliance by personnel and districts in the administration of individualized educational programs.

The following individuals shall serve on this task force:

- The Commissioner of Education, or the commissioner's designee;
- The Commissioner of Higher Education, or the commissioner's designee;
- The Commissioner of Developmental Services, or the commissioner's designee;
- One appointed by the Commissioner of Education who shall be an official of the Bureau of Special Education within the Department of Education;
- Four who are members of the General Assembly, one appointed by the majority leader of the House of Representatives, one appointed by the minority leader of the House of Representatives, one appointed by the president pro tempore of the Senate and one appointed by the minority leader of the Senate;
- Two appointed by the president pro tempore of the Senate, one of whom shall be a member of the Connecticut Association of Boards of Education and one of whom shall be a parent of a child who requires special education services;
- Two appointed by the majority leader of the Senate, one of whom shall be a representative of a regional educational service center and one of whom shall be a parent of a child who requires special education services;
- Three appointed by the minority leader of the Senate, one of whom shall be a representative of a vocational, community or business organization concerned with the provision of transitional services to children with disabilities, one of whom shall be a member of the Connecticut Association of Private Special Education Facilities and one of whom shall be a parent of a child who requires special education services;
- Two appointed by the speaker of the House of Representatives, one of whom shall be a member of the Connecticut Association of School Administrators and a local education

official and one of whom shall be a parent of a child who requires special education services;

- Two appointed by the majority leader of the House of Representatives, one of whom shall be a person working in the field of special-education-related services and one of whom shall be a parent of a child who requires special education services; and
- Three appointed by the minority leader of the House of Representatives, one of whom shall be a member of the Connecticut Association of Pupil Personnel Administrators and an administrator of a program for children who require special education, one of whom shall be a special education teacher and one of whom shall be a parent of a child who requires special education services.

All appointments to the task force shall be made not later than thirty days after the effective date of this section. Any vacancy shall be filled by the appointing authority. The speaker of the House of Representatives and the president pro tempore of the Senate shall select the chairpersons of the task force from among the members of the task force. The chairpersons shall schedule the first meeting of the task force, which shall be held not later than sixty days after the effective date of this section.

This task force shall submit a report on its findings and recommendations to the Education, Human Services and Higher Education Committees of the General Assembly no later than February 1, 2011.

Capitol Consulting will monitor the activities of this task force for CASP. If an individual of CASP has a desire to serve on this task force they should immediately notify Capitol Consulting so that we can contact the appointing authorities with this request. With numerous organizations interested in serving on this task force an appointment by the legislative leadership is not a guarantee.

This Special Act was overwhelmingly approved by the Education Committee, the House and Senate. At the writing of this report, this Act awaits the Governor's signature.

HB 5533 An Act Concerning Sexting (PA 10-191)

This legislation was introduced in the Judiciary Committee at the request of Rep. Rosa Rebimbas (R-Naugatuck). With the introduction of this legislation Rep. Rebimbas is seeking to protect minors that engage in sexting from the potential felony convictions that would come with transmitting and possession of child pornography.

As approved by the General Assembly this legislation creates a new class A misdemeanor for students that engage in sexting or other electronic transmission or possession of child pornography. By law, class A misdemeanors are punishable by up to one year in prison, a fine of up to \$ 2,000, or both. The recipient must be 13 to 17 years old, and the sender must 13 to 15 years old and the subject of the depiction.

Without this legislation in place a student in possession of child pornography could be convicted of felony and may have to register as sex offenders. Such person convicted of possession of child pornography also face potentially longer periods of probation than those convicted for most other

felonies. If signed into law by the Governor these conditions would not apply to persons convicted of the misdemeanor offense created by the bill.

This bill was approved by the Judiciary Committee, the House and Senate without opposition. At the writing of this report the bill awaits the Governor's signature. If signed into law, this act will take effect on October 1, 2010.

SB 197 An Act Concerning In-School Suspensions

This bill sought to delay, from July 1, 2010 until July 1, 2011, the implementation date of the 2007 law limiting out-of-school suspensions. The law requires suspensions to be in-school unless the school administration determines, after the required informal suspension hearing, that the student poses a danger to people or property or is so disruptive to the educational process that the suspension must be served outside of school.

In addition, this bill sought to require the education commissioner to analyze the cost to local and regional school districts of in-school suspensions. The analysis must include whether in-school suspensions will cost school districts more, and if so, how much more; and affect school districts of different sizes differently. Under this proposal the commissioner was required to report his findings to the Education and Planning and Development Committees by December 1, 2010.

This bill failed to be acted upon by the General Assembly but the in-school suspension issue was merged into SB 438. Please see this proposal for more information.

SB 438 An Act Concerning Education Reform in Connecticut (PA 10-111)

SB 438 is the major education reform proposal for the 2010 legislative session. Early in the year Connecticut made an unsuccessful application for federal Race for the Top dollars. In the first round Connecticut finished 25th out of 40 states that applied for nearly \$4.3 billion in school reform incentives. With the changes brought forward in this legislation Connecticut hopes to address the areas of their application that were deficient in the first round. Connecticut submitted the second and final application to the federal government on June 1st in the hopes of securing \$175 million over a four year period to reform Connecticut's schools. Some of the major changes in this legislation see to eliminate enrollment limits on charter schools, improving procedures for collecting school data and creating a system that links teacher evaluations with student progress. In addition beginning with the class of 2018 high school graduation requirements will be much more rigorous. Students will have additional credits in math, science and foreign language as well seniors will be required to complete a project and pass graduation exams in algebra, geometry, biology, American history and English.

Of particular interest to CASP are the changes to the school suspension law. SB 438 gives school administrators express authority to use a student's past disciplinary problems that have lead to the student being suspended or expelled as a criterion for determining whether an out-of-school suspension is warranted in a particular case. Before determining that an out-of-school suspension is appropriate, the school must have tried to address the problem through means other than an out-of-school suspension or expulsion, including through "positive behavioral support strategies." The bill does not define this term but it is generally considered to mean using

research-based strategies to increase quality of life and decrease problem behavior by teaching new skills and making changes in a person's environment. Under current law, starting July 1, 2010, student suspensions must be in-school suspensions unless the school administration, at the required hearing on any suspension, determines that a student poses enough of danger to school property or is such a disruption to the educational process that he or she must be excluded from school during the suspension.

The following are the specific changes made to confirm Connecticut Statute to the federal Race to the Top proposal:

- set higher standards to receive a high school diploma, including increasing the minimum credits necessary to graduate from 20 to 25, starting with the graduating class of 2018;
- require the State Department of Education to provide grants, within available appropriations, beginning in FY 13 to assist school districts with the new standards;
- give the State Board of Education the power, without first seeking legislative approval, to reconstitute a local or regional board of education that, after being designated as a low-achieving district, fails for two consecutive years to make adequate progress;
- require the SBE to develop, by July 1, 2013, guidelines for teacher evaluations that include student academic growth and local district evaluations to be consistent with the guidelines;
- require the SDE to expand the public school information system, by July 1, 2013, to track and report to school boards data on performance growth by students, teachers, schools, and school districts; and
- give school authorities explicit authority to consider a student's previous disciplinary problems when deciding whether an out-of-school suspension is warranted, as long as the school previously attempted to address the problems by means other than an out-of-school suspension or an expulsion.

In addition the bill makes a number of changes to charter schools laws including:

- eliminating a requirement that, when SBE issues charters for state and local charter schools, it does so only within available appropriations;
- requiring SBE to waive enrollment limits for charter schools whose students show a record of achievement, if the school applies for a waiver;
- making the charter school facility grant program permanent;
- requiring teachers first employed by a charter school on or after July 1, 2010 to participate in the Teachers' Retirement System; and
- requiring SBE to regulate charter management organizations and their relationships to charter schools.

Regarding certification for administrators and superintendents, the bill:

- requires SDE to review and approve proposals for school administrator alternate route to certification (ARC) programs according to criteria the bill specifies and any other criteria the department requires, and
- gives the education commissioner additional criteria to waive the requirement that a school superintendent hold a superintendent certificate issued by the SBE, if a waiver is requested by the superintendent's employing board of education and the applicant has three years of experience in, and holds a certificate from, another state.

Furthermore the Public Act:

- permits the school board of a priority school district to convert an existing school or establish a new school as an “innovation school” through agreements with the teacher and administrator unions at the school for the purpose of improving school performance and student achievement. By law, the education commissioner must identify low-achieving schools for reconstitution. The bill adds innovation schools to the specific reconstitution models the commissioner may choose for such schools.
- allows teachers and administrators who had tenure in another school district in Connecticut or out-of-state and who take a job in a priority school district to attain tenure in the new district in half the usual time, for example, after working 10 months rather than 20 months in the priority school district.
- allows retired teachers to teach any subject, not just a shortage subject, in a priority school district for up to two consecutive years at full salary without loss of pension benefits.
- expands the entities eligible for state funding to provide professional development services, technical assistance, and evaluation activities to local and regional boards of education, state charter schools, vocational-technical schools, school readiness providers, and other educational entities, as the education commissioner determines.

As it relates to low-achieving schools the Act requires school boards to create school governance councils made up mostly of students' parents or guardians. The councils are empowered to, among other things, advise the principal on the school budget before it is submitted to the superintendent, interview candidates to fill principal vacancies, and vote to reconstitute low-achieving schools using models included in the bill. A council must indicate which reorganization model it prefers from a list of three choices in the federal No Child Left Behind (NCLB) law, two choices in state law, and any other choice to be developed later under NCLB. The bill provides a process for the choice to be considered at a hearing and later the local board of education must accept it or choose an alternative. When the council and the local board make different choices, the education commissioner must pick one to implement.

It also makes the following changes for low-achieving schools:

- requires the State Department of Education to report periodically to the Education Committee on the progress of the reconstituted schools and school governance councils;
- transfers the Parent Trust Fund from the Department of Social Services to the SDE, allows the fund to receive state money, and requires the education commissioner, rather than DSS, to use the fund to improve parental involvement;
- requires districts with a dropout rate of 8% or higher to provide on-line credit recovery courses;
- requires school districts to hold two, rather than one, parent-teacher conferences a year;
- establishes an achievement gap task force; and
- requires high schools to offer courses for which an advanced placement exam is available.

This Public Act is effective on July 1, 2010. This bill was approved in the House on a party-line vote of 106 to 38 and the Senate approved the measure with only 4 no votes to 31 yes votes. At a signing ceremony Governor Rell signed this bill into law on May 26th.

**HB 5286 An Act Concerning Licensure of Master and Clinical Social Workers
(PA 10-38)**

This Public Act creates a new license category for certain social workers. The new category, called “master social worker,” is administered by the Department of Public Health (DPH).

The Act:

- defines the practice of a master social worker,
- requires practitioners to be licensed annually and establishes licensure requirements and fees,
- allows for licensure by endorsement or licensure without examination in certain cases,
- provides for one-time \$50 temporary permits to practice,
- prohibits independent practice after October 1, 2013,
- specifies activities certain master social workers can do, and
- establishes continuing education requirements.

DPH currently licenses clinical social workers and continues to do so under the act, with some changes concerning work experience requirements.

On May 21, 2010 Governor Rell vetoed this legislation stating, “this bill creates a new category of social workers in Connecticut while failing to provide adequate funding to the Department of Public Health for implementation of this licensure type. Passage of the Act without corresponding funds in the budget is no cause for celebration – only confusion.”

The General Assembly will have a Veto Session on June 21st at which time the Legislature will either sustain or override the gubernatorial veto.

**SB 400 An Act Concerning Insurance Reimbursement Payments to School-Based Health Centers
(PA 10-118)**

This Act requires each Connecticut licensed health insurer, at the request of one or more school-based health centers, to offer to contract with the center or centers to reimburse covered health services to the insurer's enrollees. This offer must be made on terms and conditions similar to contracts offered to other health care service providers.

SB 400 was approved by the Public Health and Insurance Committees where it was approved without opposition. In the final days of the legislative session this bill was approved by the Senate and House. At the writing of this report it awaits the approval of the Governor.

This bill will be effective upon passage.

SB 278 An Act Concerning Truancy

This bill was introduced in the Education Committee, where it was approved without opposition. However, upon the referral to the Appropriations Committee this bill was approved on a party-line vote with Republicans voting in opposition. Though the Senate approved this bill with any no votes, the House failed to take action this proposal before session adjourned on May 5th.

Under current law, when the parent or guardian of a truant child fails to meet with school officials or cooperate in addressing the child's truancy, the school district superintendent must file a complaint in the Superior Court alleging the student's family is a family with service needs. Under the bill, the superintendent must file this complaint within 30 calendar days of the parent or guardian failing to attend the meeting or cooperate with school officials. It also requires that schools' truancy monitoring system include notifying parents by mail whenever a child has an unexcused absence and that a specific number of unexcused absences can result in a complaint that the student's family is a family with service needs.

The bill would have required the State Board of Education, by July 1, 2011, to define "excused absence" and "unexcused absence" so that local and regional school boards can meet statutory requirements for addressing truancy among schoolchildren. It would have required the SBE to establish criteria the local and regional boards must use to measure, collect, and report on attendance data and include this information in their strategic school profile, an annual required report on student performance. Currently, boards define excused and unexcused absences.

By law, and unchanged by the bill, a truant is a child, age 5 to 18, who is enrolled in a public or private school and has four unexcused absences from school in any month or 10 unexcused absences in any year.

SB 278 would have required the SBE to report, by July 1, 2012 and each following year, on the attendance data gathered under the bill's provisions and on any truancy programs that local or regional boards of education use to address truancy, including the steps that law mandates they take. SBE would have been required to submit this report to the governor and the Education Committee.

Finally the bill would have given local and regional boards of education the authority to expel a student who has been convicted of certain sexual assault or kidnapping crimes.

SB 381 An Act Concerning Students with Terminally Ill Parents

This bill was introduced by the Education Committee in attempt to assist students that are taking care of a terminally ill parent. This bill received a public hearing on March 8th at which time the Connecticut Association of Boards of Education testified in opposition to this proposal due to the cost for municipalities to administer such a program. The bill sought to require local and regional school boards to provide two hours of home instruction to students who are assisting with the care of a terminally ill parent.

Following the hearing the bill failed to be acted upon by the Education Committee.