
OLR Bill Analysis

SB 945

AN ACT IMPLEMENTING THE RECOMMENDATIONS OF THE DEPARTMENT OF EDUCATION.

SUMMARY

This bill makes the following changes in the education statutes:

1. requires planning and placement teams (PPTs) for special education students to write transition services into individualized education programs (IEPs) for all 14-year-olds (§ 1);
2. splits the elementary level bilingual education certificate into two and creates alternative methods by which candidates may fulfill the certificates' written competency requirement (§ 2);
3. requires the education commissioner, by January 1, 2022, to approve guidelines for bilingual STEM (science, technology, engineering, and mathematics) and humanities teaching certificate endorsements and establishes coursework eligibility requirements for high school bilingual STEM and humanities teachers (§ 2);
4. removes the grade point average (GPA) requirement for the resident teacher certificate and broadens its eligibility pool (§ 3);
5. requires charter school governing councils and cooperative arrangements to have their requested criminal history records checks for school personnel conducted in accordance with the federal National Child Protection Act of 1992 and the federal Volunteers for Children Act of 1998, in addition to state law (§§ 4 & 5);
6. removes the requirement that the criminal history records

- checks for charter school governing council or management organization members and certain contractors be conducted in accordance with the state law governing their procedure (§ 6);
7. allows the attorney general, on behalf of the State Department of Education (SDE), to bring a civil suit against an organization to recover misused state funds (§ 7);
 8. clarifies the appointment process for the Technical Education and Career System (TECS) superintendent (§ 8);
 9. creates a new PPT process that must occur before a student receiving special education services enrolls in TECS (§ 9); and
 10. removes obsolete language from state law and repeals certain education reports and programs (§§ 10-12).

The bill also makes conforming and technical changes.

EFFECTIVE DATE: July 1, 2021, except the provisions on fingerprinting, criminal history records checks, and civil suits (§§ 4-7) take effect upon passage.

§ 1 — TRANSITION SERVICES IN SPECIAL EDUCATION

Current state law requires a PPT to include a statement of transition service needs in a student's IEP when the child reaches age 14 and has autism spectrum disorder, or at an earlier age if the team finds it appropriate. The bill extends this requirement to all students of this age receiving special education services, regardless of their disability. The federal Individuals with Disabilities Education Act requires transition services to be written into eligible students' IEPs beginning at age 16. States are free to require this at an earlier age (20 U.S.C. § 1414(d)(1)(A)(i)(VIII)(bb)).

Under the bill, IEPs for all 14-year-olds must include the following, as required under current law for students with autism spectrum disorder: (1) appropriate, measurable postsecondary goals based on age-appropriate transition assessments related to training, education,

employment, and, where appropriate, independent living skills and (2) transition services, including courses of study, needed to assist the child in reaching those goals. As under existing law, the IEPs must be updated annually.

§ 2 — BILINGUAL TEACHING

Elementary Bilingual Teacher Certificate

The bill restructures the elementary bilingual teacher certificate, splitting it into two separate certificates by grade level as of July 1, 2021. Currently, the certificate allows its holder to teach grades kindergarten through 8. Beginning July 1, 2021, the bill splits the certificate into one kindergarten through grade 9 elementary certificate and one grade 4 through 9 middle grades certificate.

Bilingual Teacher Certification Written Competency Requirement

Beginning July 1, 2021, the bill creates an alternative method by which candidates for bilingual teacher certification may fulfill the written competency requirement in English or the second language. Under the bill, as an alternative to passing an examination or demonstrating competency through another SDE-approved method if an exam is not available, candidates may fulfill the requirement by holding a bachelor's degree or its equivalent from a regionally accredited higher education institution that delivers instruction in that language.

Bilingual Humanities and STEM High School Courses and Teachers

The bill requires the education commissioner to approve guidelines by January 1, 2022, for unique endorsements to authorize the teaching of bilingual humanities and STEM high school courses. Additionally, the bill establishes coursework eligibility requirements for these teachers.

Under the bill, certified bilingual education teachers who have completed at least 15 semester hours of credit in combined content coursework in the humanities or STEM may teach bilingual high school courses in the applicable field. A certified teacher who does not

hold a bilingual education endorsement is eligible to teach these courses if he or she completes (1) 15 semester hours of credit in combined content coursework in the humanities or STEM, as appropriate and (2) the required coursework and testing for a bilingual endorsement.

§ 3 — RESIDENT TEACHER CERTIFICATE

The resident teacher certificate allows a person to teach in Connecticut public schools while enrolled in an alternate route to certification (ARC) program. The bill changes the academic and training eligibility requirements for the certificate, but maintains the degree requirements, as shown in the table below.

Table 1: Changes to Resident Teacher Certification Requirements Under HB 945

	<i>Requirements Under Current Law</i>	<i>Requirements Under the Bill</i>
Degree requirements	Holds a bachelor's degree from an accredited higher education institution	Unchanged
Academic requirements	Possesses a 3.0 GPA and achieved a qualifying score on a State Board of Education (SBE)-approved subject area assessment	Either (1) completed a major or 30 semester hours of content-specific credit or (2) achieved a qualifying score on an SBE-approved subject area assessment
Training requirements	Is enrolled in an SBE-approved ARC program that meets federal guidelines	Is enrolled in either an SBE-approved (1) ARC program or (2) post-bachelor's degree program leading to educator certification

§§ 4-6 — CRIMINAL HISTORY RECORDS CHECKS FOR SCHOOL PERSONNEL

Reclassification of Nongovernmental Entities (§§ 4 & 5)

In the state laws governing criminal history checks for school personnel, the bill removes state or local charter school governing

councils and cooperative arrangements from the classification of “eligible school operators.” It adds cooperative arrangements to the “nongovernmental school operators” classification in the background check law. (Charter school governing councils are already a member of this class; in current law, they are classified as both eligible and nongovernmental school operators.) These classification changes clarify that both charter school governing councils and cooperative arrangements must have their requested criminal history records checks conducted in accordance with the federal National Child Protection Act of 1992 and the federal Volunteers for Children Act of 1998, in addition to state law.

Charter School Governing Council and Charter Management Organization Members (§ 6)

Under current law, charter school governing council members, charter management organization members, and contractors with direct student contact who are doing business with a state or local charter school must submit to state and national criminal history records checks. The bill removes the requirement that the criminal history records checks for these individuals be conducted in accordance with the state law governing their procedure (CGS § 29-17a; see BACKGROUND).

§ 7 — RECOVERY OF MISUSED STATE FUNDS

The bill allows the attorney general, on SDE’s behalf, to bring a lawsuit in state or federal court against any person, firm, corporation, business, or combination of these, including a charter management organization, if the department has reason to believe that the party has misused state funds or state resources. The claim may (1) enjoin (i.e., prohibit) the parties from continuing the conduct and (2) seek repayment of funds, as well as damages.

The bill also gives the attorney general the express right to (1) depose any witness who he believes, or has reason to believe, has information relating to the claim and (2) take depositions in other states and use other states’ laws on the taking of depositions.

The bill requires the court to order repayment of damages to SDE when the misuse of state funds or resources or damages is proven by a preponderance of the evidence. It also gives the court the right to award treble damages.

§ 8 — TECS SUPERINTENDENT

The bill clarifies the appointment process for the TECS superintendent by removing one provision from current law that conflicts with another. It clarifies that the TECS board may recommend a candidate for TECS superintendent to the education commissioner, who may hire or reject any recommended candidate. It removes the conflicting provision that requires the TECS board and the education commissioner to jointly recommend a superintendent candidate to SBE.

§ 9 — TECS SPECIAL EDUCATION SERVICES

Under current law, if a PPT determines that a student's special education services prevent him or her from participating in the TECS vocational education program, then the student must be referred back to the sending school district to attend school there under an IEP.

The bill instead requires the student's sending district to convene a PPT meeting before a student enrolls in a technical education and career school. The meeting's purpose is to ensure that the student's IEP reflects the current supports and services that he or she requires to access a free, appropriate public education in the least restrictive environment. The bill also requires a TECS representative to be invited to the meeting.

§§ 10-12 — OBSOLETE LANGUAGE AND REPEALERS

The bill removes from statute any reference to the obsolete academic advancement program, which allowed students to graduate from high school early (§§ 10 & 12). It also removes the requirement that the education commissioner annually review and assess professional development for professional educators with an early childhood nursery through grade three endorsement or an elementary endorsement (§ 11).

The bill also repeals the following:

1. the education commissioner's annual report to the legislature about the State Education Resource Center and
2. the requirement for SDE to adopt regulations to implement a fiscal accountability data collection report (§ 12).

BACKGROUND

Criminal History Records Check Procedure

A criminal history records check for an individual must be requested through the State Police Bureau of Identification (hereafter "state bureau"), a division of the Department of Emergency Services and Public Protection (DESPP). The requesting party must arrange for the individual to be fingerprinted or undergo another method of positive identification required by the state bureau, or required by the FBI if a national criminal history records check is requested. The fingerprints or other positive identifying information must be forwarded to the state bureau, which will submit it to the FBI if the check is national. However, the FBI may permit direct submission of the fingerprints or information in some instances.

The DESPP commissioner may charge fees for conducting criminal history background checks. For national checks, the FBI sets the fee. Additionally, the commissioner may provide an expedited criminal history record check service that includes making results available online for a fee (CGS § 29-17a).

COMMITTEE ACTION

Education Committee

Joint Favorable

Yea 38 Nay 0 (03/15/2021)