



**PA 21-144—SB 945**

*Education Committee*

*Judiciary Committee*

**AN ACT IMPLEMENTING THE RECOMMENDATIONS OF THE  
DEPARTMENT OF EDUCATION**

**SUMMARY:** This act makes the following changes in the education statutes:

1. requires planning and placement teams (PPTs) for special education students to write transition service needs into individualized education programs (IEPs) beginning at age 14 (§ 1);
2. adds a middle grades bilingual education certificate for grades four through nine, specifies that the elementary certificate in existing law is valid for kindergarten through grade nine, 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. changes the academic and training eligibility requirements for the resident teacher certificate (§ 3);
5. requires charter school governing councils and cooperative arrangements to have their 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 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 act also makes conforming and technical changes (§ 6).

**EFFECTIVE DATE:** July 1, 2021, except the provisions on criminal history

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records checks and civil suits (§§ 4-7) take effect upon passage.

### § 1 — TRANSITION SERVICES IN SPECIAL EDUCATION

The act requires a PPT to include a statement of transition service needs in all student IEPs, regardless of their disability, beginning when they reach age 14. Prior law required this only for students with autism spectrum disorder.

The act also allows a PPT to include a transition statement in IEPs for younger children, if they deem it appropriate. The federal Individuals with Disabilities Education Act requires transition services to be written into eligible students' IEPs beginning at age 16, but states are free to require this at an earlier age (20 U.S.C. § 1414(d)(1)(A)(i)(VIII)(bb)).

Under the act, IEPs for all 14-year-olds must include the same criteria as existing law requires 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 for these students must be updated annually.

### § 2 — BILINGUAL TEACHING

#### *Elementary Bilingual Teacher Certificate*

The act restructures the elementary bilingual teacher certificate. Beginning July 1, 2021, it adds a middle grades certificate for grades 4 through 9. It specifies that the elementary certificate in existing law is valid for grades kindergarten through 9.

#### *Bilingual Teacher Certification Written Competency Requirement*

By law, a candidate for bilingual teacher certification must fulfill written competency requirements in both English and the second language. Beginning July 1, 2021, the act creates an alternative method by which a candidate may fulfill the requirement in either one of the languages. Under the act, 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 act 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 act establishes coursework eligibility requirements for these teachers.

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Under the act, 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 a teacher training program. The act changes the academic and training eligibility requirements for the certificate, but maintains the degree requirements, as shown in the table below.

**Changes to Resident Teacher Certification Requirements Under the Act**

	<i>Requirements Under Prior Law</i>	<i>Requirements Under the Act</i>
Degree requirements	Holds a bachelor’s degree from an accredited higher education institution	Unchanged
Academic requirements	Possesses at least 3.0 undergraduate 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 alternate route to certification program that meets federal guidelines	Is enrolled in either an SBE-approved (1) alternate route to certification program or (2) post-bachelor’s degree program leading to educator certification

§§ 4 & 5 — CRIMINAL HISTORY RECORDS CHECKS FOR SCHOOL PERSONNEL

*Reclassification of Nongovernmental Entities (§§ 4 & 5)*

In the state laws governing criminal history record checks for school personnel, the act removes state or local charter school governing councils and cooperative arrangements from the “eligible school operators” classification. It adds cooperative arrangements to the “nongovernmental school operators” classification in the background check law. (Charter school governing councils

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are already a member of this class; under prior law, they were classified as both eligible and nongovernmental school operators.) These classification changes clarify that both charter school governing councils and cooperative arrangements must have their 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.

### § 7 — RECOVERY OF MISUSED STATE FUNDS

The act 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 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 act 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 taking depositions.

The act 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 act 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 a conflicting provision in prior law that required the TECS board and the education commissioner to jointly recommend a superintendent candidate to SBE.

### § 9 — TECS SPECIAL EDUCATION SERVICES

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

The act instead requires the student's sending district to convene a PPT meeting before a student enrolls in a technical education and career school to (1) address the student's transition to the TECS school and (2) ensure that the student's IEP reflects the current supports and services that he or she needs to access a free, appropriate public education in the least restrictive environment. The act also requires a TECS representative to be invited to the meeting.

### §§ 10-12 — OBSOLETE LANGUAGE AND REPEALERS

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The act removes from statute references 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 required by law for certified professional educators with an early childhood nursery through grade three endorsement or an elementary endorsement. This review assessed whether their professional development meets state goals for student academic achievement through implementation of (1) the Common Core State Standards, (2) research-based reading interventions and (3) federal special education law under the Individuals with Disabilities Education Act (§ 11).

The act also repeals requirements for:

1. the education commissioner to annually report to the Education and Government Administration committees about the State Education Resource Center's awarding of contracts, private funding sources, and payment of employee and consultant salaries, fringe benefits, and other compensation and
2. SDE to adopt regulations to implement a fiscal accountability data collection report that includes all sources, amounts, and uses of public and private funds by school districts and public schools, including charter schools (§ 12).