

Series: 2003-2004
Circular Letter: C-14

TO: Superintendents of Schools

FROM: Mark A. Stapleton, Acting Commissioner of Education

DATE: October 17, 2003

SUBJECT: **Education Legislation Enacted in the 2003 June and September Special Sessions**

As you know, the General Assembly has now enacted a budget for 2003-04 and 2004-05, legislation to implement the budget and a school construction bill. Since these were not finalized until mid-August and early September, information about them was not included in earlier circular letters to you concerning 2003 education legislation. However, now that the budget and school construction bills are in place, this circular letter is to provide you with a summary of that legislation.

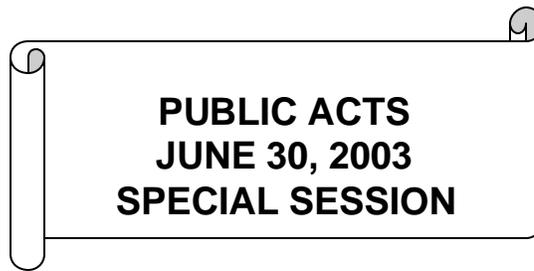
In reviewing this summary, please keep the following in mind:

- This document does not describe every detail of the acts that are summarized. When specificity is required, the actual statutory language should be reviewed. The public acts described in this letter are available on the Department of Education's website at <http://www.state.ct.us/sde/legal/bills2003.htm>. If you have questions about accessing this information or would like a copy of a particular bill, please call Marybeth Aleskwiz at (860) 713-6520.
- Each narrative entry is followed by a section number and effective date. The section number refers to the section of the public act that has been summarized. In some cases only selected sections of an act have been included.

Additionally, the August 19, 2003, circular letter (C-9), which provided a final summary of education legislation enacted in the General Assembly's 2003 Regular Session, included a table listing the sections of the Connecticut General Statutes and public acts which were amended or repealed in the Regular Session. Attached is an updated table that includes statutes amended not only by the Regular Session bills, but also those amended by the Special Session bills summarized in this letter (Attachment A).

If you have any questions about the new legislation, Department of Education staff members are ready and willing to help you. In most cases you will know from past experience whom to consult. However, if you do not know whom to contact or have general questions about this letter, please contact Attorney Katherine Nicoletti of the Office of Legal and Governmental Affairs at (860) 713-6520 or at: katherine.nicoletti@po.state.ct.us.

MAS:knb
Attachments



**PUBLIC ACTS
JUNE 30, 2003
SPECIAL SESSION**

**June 30 Special Session, P.A. 03-1
AN ACT CONCERNING EXPENDITURES AND REVENUE FOR THE BIENNIUM
ENDING JUNE 30, 2005**

- Appropriates funds to state agencies, including the Department of Education, for 2003-04 and 2004-05. Preliminary 2003-04 education costs sharing (ECS) entitlements by town are available at: <http://www.state.ct.us/sde/whatsnew/index>. Statutory language to implement the budget are described in the summary of P.A. 03-6 of the June 30 Special Session, below.

**June 30 Special Session, P.A. 03-3
AN ACT CONCERNING PUBLIC HEALTH, HUMAN SERVICES AND OTHER
MISCELLANEOUS IMPLEMENTER PROVISIONS**

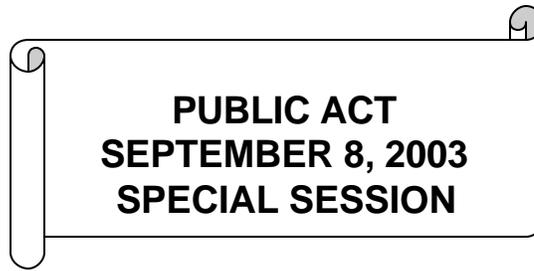
- Amends the provisions concerning the **licensing of child day care services** that are offered by a municipal agency or department and located in a public school building. The act removes the requirement that the children served in such programs must be enrolled in the school (Sec. 29, effective August 20, 2003).
- Reduces the amount of grants to towns that participate in the **School-Based Child Health Program** from 60% to 50% of the federal portion of Medicaid claims for Medicaid eligible special education and related services beginning with the fiscal year ending June 30, 2004 (Sec. 54, effective August 20, 2003).
- Establishes civil penalties for failure to install an **automatic fire extinguishing system** in violation of Section 29-315 of the Connecticut General Statutes in any building (1) to be built as an educational occupancy (as defined in the Fire Safety Code), (2) eligible for a school construction grant and (3) put out to bid on or after July 1, 2004 (Section 92, effective August 20, 2003).

**June 30 Special Session, P.A. 03-6
AN ACT CONCERNING GENERAL BUDGET AND REVENUE IMPLEMENTATION
PROVISIONS**

- Extends the language providing a formula for calculating **grants for health services for children in nonpublic schools** for the fiscal year ending June 30, 2004, and each fiscal year thereafter (Sec. 1, effective August 20, 2003).
- Amends the **special education statutes** to make a number of changes including, but not limited to:

1. Making the state law conform to the federal Individuals with Disabilities Education Act, 20 U.S.C. § 1400 et seq., by incorporating references to federal definitions and terms and eliminating redundant and inconsistent state provisions and definitions;
 2. Eliminating the prohibition against raising, at due process hearings, issues that have not been previously raised at a planning and placement team (PPT) meeting;
 3. Eliminating the requirement that a prehearing conference must take place at least 10 days before the hearing is scheduled to begin;
 4. Amending provisions concerning a board's right to go to a hearing when a parent refuses to consent to initial placement in special education; and
 5. Providing that a court that hears an appeal of a hearing officer's decision must hear additional evidence at a party's request (Secs. 2 to 7, inclusive, effective August 20, 2003).
- Requires boards of education to provide educational services to **homeless children** and youth in accordance with the provisions of the McKinney-Vento Act, 42 U.S.C. § 11431, et seq. (Sec. 8, effective August 20, 2003).
 - Provides for **proportionate reductions of the grants** for the following purposes in order to remain within the appropriations made available in the budget for the biennium ending June 30, 2005 (P.A. 03-01 of the June 30 Special Session, above): transportation, adult education, regional educational service centers, health services for children in nonpublic schools, special education, nonpublic school transportation and regular education for children placed by state agencies (Secs. 9 to 13, inclusive, 21, 203, and 244 to 246, inclusive, effective August 20, 2003).
 - Increases the annual **charter school grant** from \$7,000 to \$7,250 per pupil and provides that the grants may be increased proportionately if the amount appropriated for charter school grants exceeds \$7,250 per pupil (Sec. 14, effective August 20, 2003).
 - Postpones from July 1, 2003, until July 1, 2004, the implementation of certain staff qualification requirements for **school readiness programs** (Sec. 15, effective August 20, 2003).
 - Allows the Commissioner of Education to grant regional educational service centers additional **funding for OPEN choice program transportation** services if (1) there are funds remaining in the appropriation for such purposes and (2) additional grants are needed to offset transportation costs in excess of \$2,100 for each student transported (Sec. 18, effective August 20, 2003).

- Provides that boards of education must require each worker who (1) is employed by a provider of **supplemental services pursuant to the No Child Left Behind Act** and (2) performs a service involving direct student contact, to submit to state and national criminal history records checks within 30 days from the date such worker begins to perform such service (Sec. 19, effective August 20, 2003).
- Postpones from July 1, 2003, until the fiscal year beginning July 1, 2005, the reduction in the local contribution for the **special education excess costs grant** (school district placements) from five times the school district's average per pupil education costs for the prior fiscal year to four and one-half times such costs (Sec. 20, effective August 20, 2003).
- Amends the **education cost sharing (ECS) grant** by (1) postponing the elimination of the 6% cap on annual increases in ECS grants for two years (through the fiscal year ending June 30, 2005), (2) extending the foundation amount of \$5,891 for two years (through the fiscal year ending June 30, 2005), (3) providing some cap reduction aid to towns still impacted by the cap, (4) limiting the amount of any decrease a town may receive and (5) extending the minimum expenditure requirement (MER) through the fiscal year ending June 30, 2005 (Secs. 22 to 25, inclusive, effective August 20, 2003).
- Specifies that for the fiscal year ending June 30, 2004, not less than \$1 M of the funds appropriated for **magnet schools** shall, on or before September 1, 2003, be used to provide a supplemental grant to regional educational service centers operating full- or part-time interdistrict magnet schools in such amounts as the Commissioner of Education determines (Sec. 26, effective August 20, 2003).
- Extends **grants** for the fiscal years ending June 30, 2004 and June 30, 2005, for **priority school districts** and for programs for school readiness, early reading, extended school building hours, and summer school (Secs. 28 to 31, inclusive, effective August 20, 2003).
- Establishes phase-out grants for towns that received **competitive school readiness grants** and are no longer eligible for such grants (Sec. 32, effective August 20, 2003).
- Provides that a **certification endorsement** to teach **elementary** education for grades 1 to 6, inclusive, shall be valid for grades kindergarten to 6, inclusive, and an endorsement to teach **comprehensive special education** for grades 1 to 12, inclusive, shall be valid for grades kindergarten to 12, inclusive. Formerly, the statute applied to any elementary or comprehensive special education endorsement and was not limited to those endorsements for particular grade levels (Sec. 33, effective August 20, 2003).
- Suspends, for the fiscal years ending June 30, 2004 and June 30, 2005, the operation of the **neighborhood youth center grant program** administered by the Office of Policy and Management (Secs. 185 and 186, effective August 20, 2003).



**September 8 Special Session, P.A. 03-2
AN ACT CONCERNING SCHOOL CONSTRUCTION**

- Authorizes the Commissioner of Education to enter into **grant commitments** for school construction projects, including previously authorized projects that have changed substantially in scope or cost (Sec. 1, effective September 10, 2003).
- Enacts **special provisions** for individual school construction projects (Secs. 2 to 17, inclusive, 22, 23 and 25, effective September 10, 2003).
- Adds two **Hartford magnet schools** to the school construction grant commitment list to comply with the *Sheff v. O'Neill* settlement agreement (Secs. 18 and 19, effective September 10, 2003).
- Increases the **amount of bonds** that the State Treasurer is authorized to issue **for school building projects and interest subsidy grants** (Secs. 20 and 21, effective September 10, 2003).
- Extends for an additional year a **facility renovation grant program** that gives eligible **charter schools** grants of up to \$500,000 for certain types of construction and renovation projects (Sec. 24, effective September 10, 2003).

Attachment A

**TABLE OF AMENDED AND REPEALED STATUTES
AND PUBLIC ACTS FOR 2003 – as of October 15, 2003**

Statute	Public Act
1-210(b)	03-200, S. 17
2-79a	June 30 Sp. Sess. 03-6, S. 56
4b-91	03-215, S. 1
7-127d (a)	June 30 Sp. Sess. 03-6, S. 185
7-127e (a)	June 30 Sp. Sess. 03-6, S. 186
8-265pp	03-278, S. 23
9-235d	03-108, S. 1
10-4 (b)	03-174, S. 12
10-4h (a)	03-76, S. 2
10-4o (a)	03-76, S. 38
10-5a	03-76, S. 3
10-14n	03-168, S. 1
10-14n (d)	03-174, S. 1
10-16o (5)	03-76, S. 39
10-16p (b)	June 30 Sp. Sess. 03-6, S. 15
10-16p (d)	June 30 Sp. Sess. 03-6, S. 32
10-16p (k)	June 30 Sp. Sess. 03-6, S. 30
10-19o (a)	03-174, S. 11
10-20f	03-76, S. 4
10-21c (a)	03-66, S. 1
10-27 (c)	03-76, S. 40
10-28b	03-76, S. 5
10-29a (a)(47) (added)	03-29, S. 1; 03-79, S. 1
10-66j (e) (added)	June 30 Sp. Sess. 03-6, S. 12
10-66n (a)	03-76, S. 6
10-66bb (h)	03-76, S. 7
10-66ee (c)	June 30 Sp. Sess. 03-6, S. 14
10-66hh	03-76, S. 50; Sept. 8 Sp. Sess. 03-2, S. 24
10-67 (1)	03-100, S. 1
10-67 (7)	03-100, S. 2
10-69 (b)	03-100, S. 3
10-71 (a)(1)	03-76, S. 8; 03-100, S. 4
10-71 (b)	03-76, S. 9
10-71 (d) (added)	June 30 Sp. Sess. 03-6, S. 10

Attachment A (continued)

**TABLE OF AMENDED AND REPEALED STATUTES
AND PUBLIC ACTS FOR 2003 – as of October 15, 2003**

Statute	Public Act
10-76a	June 30 Sp. Sess. 03-6, S. 2
10-76d (a)(1)	June 30 Sp. Sess. 03-6, S. 3
10-76d (a)(3)	June 30 Sp. Sess. 03-3, S. 54
10-76d (a)(7)	June 30 Sp. Sess. 03-6, S. 4
10-76d (e)(2)	June 30 Sp. Sess. 03-6, S. 244
10-76d (e)(3)	June 30 Sp. Sess. 03-6, S. 245
10-76g (a)	03-76, S. 1, 10; 03-174, S. 8
10-76g (b)	June 30 Sp. Sess. 03-6, S. 20
10-76g (d) (added)	June 30 Sp. Sess. 03-6, S. 21
10-76h	03-76, S. 11
10-76h (a)(1)	June 30 Sp. Sess. 03-6, S. 5
10-76h (c)(2)	June 30 Sp. Sess. 03-6, S. 6
10-76h (d)	June 30 Sp. Sess. 03-6, S. 7
10-76i (b), (c)	03-76, S. 41
10-76t	03-76, S. 12
10-95i (a)	03-76, S. 34
10-95m (b)(3)	03-76, S. 42
10-98a	03-76, S. 43
10-145b (l)(1)	03-76, S. 44
10-145b (p)	03-185, S. 107 (Vetoed)
10-145d (a)	03-168, S. 4
10-145d (f) (added)	03-168, S. 3 June Sp. Sess. 03-6, S. 33
10-145d (g) (added)	03-168, S. 3
10-145f (b)(3)	03-76, S. 13
10-145f (c)	03-76, S. 14
10-145f (d)	03-174, S. 2
10-145i	03-168, S. 5
10-153b (a)	03-174, S. 15
10-154a	June 30 Sp. Sess. 03-6, S. 146
10-155d (b)	03-76, S. 45
10-183b	03-232, S. 7
10-183c	03-232, S. 5
10-183e (c)	03-232, S. 2
10-183e (g)	03-232, S. 14

Attachment A (continued)

**TABLE OF AMENDED AND REPEALED STATUTES
AND PUBLIC ACTS FOR 2003 – as of October 15, 2003**

Statute	Public Act
10-183g	03-232, S. 8
10-183g (m)	03-232, S. 3
10-183g (n)	03-232, S. 4
10-183k	03-232, S. 9
10-183l (a)	03-278, S. 24
10-183n	03-232, S. 10
10-183t (a)--(c)	03-232, S. 11
10-183t (d)	03-232, S. 12
10-183v	03-232, S. 1; 03-232, S. 13
10-183jj (e)	03-232, S. 6
10-202f	03-76, S. 15
10-208a	03-211, S. 2
10-209	03-211, S. 9
10-212 (a)	03-211, S. 3
10-212a	03-211, S. 4
10-212b	03-211, S. 8
10-217a (b)(1)	June 30 Sp. Sess. 03-6, S. 1
10-217d	June 30 Sp. Sess. 03-6, S. 146
10-217g	June 30 Sp. Sess. 03-6, S. 146
10-220 (a)	03-220, S. 1
10-220 (d) (added)	03-220, S. 2
10-220a (a)	03-211, S. 6
10-220a (c)	03-76, S. 16
10-220a (d)	03-76, S. 16; 03-174, S. 3
10-221 (b)	03-76, S. 17
10-221d (a)	June 30 Sp. Sess. 03-6, S. 19
10-221l	03-76, S. 46
10-226a (b)	03-174, S. 4
10-227	03-76, S. 18
10-253 (b)	June 30 Sp. Sess. 03-6, S. 246
10-253 (f) (added)	June 30 Sp. Sess. 03-6, S. 8
10-260a (b)	03-76, S. 19
10-261 (a)(2)	03-278, S. 114
10-261 (a)(3)	03-76, S. 20

Attachment A (continued)

**TABLE OF AMENDED AND REPEALED STATUTES
AND PUBLIC ACTS FOR 2003 – as of October 15, 2003**

Statute	Public Act
10-261a (b), (c)	03-174, S. 6
10-262f (9)	June 30 Sp. Sess. 03-6, S. 24
10-262f (16)	03-76, S. 21
10-262f (20)	03-76, S. 22
10-262f (22)	03-278, S. 115
10-262f (28)	June 30 Sp. Sess. 03-6, S. 22
10-262h (a)(6)	June 30 Sp. Sess. 03-6, S. 23
10-262j (d)(10), (11) (added)	June 30 Sp. Sess. 03-6, S. 25
10-262j (e)	03-76, S. 23
10-262k	03-174, S. 7
10-262n (b)	03-174, S. 10
10-263e (a)	03-76, S. 33
10-264i (c)	03-76, S. 24
10-264l (c)	03-76, S. 36
10-265f (d)	03-76, S. 47
10-265f (h) (added)	June 30 Sp. Sess. 03-6, S. 31
10-265l (b)	03-174, S. 9
10-266m (a)(4) (added)	June 30 Sp. Sess. 03-6, S. 9
10-266p (a)	03-76, S. 35; 03-278, S. 116
10-266t (h) (added)	03-174, S. 14
10-266u (a)	03-76, S. 25
10-266w (c)	03-76, S. 26
10-266aa (a)	03-76, S. 48
10-266aa (e)	03-168, S. 2
10-266aa (f)	June 30 Sp. Sess. 03-6, S. 18
10-281	June 30 Sp. Sess. 03-6, S. 203
10-282 (19) (added)	03-220, S. 3
10-283 (a)	03-76, S. 27
10-283 (b)	03-220, S. 4
10-285a (b)	03-76, S. 49
10-286 (a)(1)	03-76, S. 28
10-286 (a)(9) (added)	03-220, S. 5
10-286 (d) (added)	03-220, S. 8

Attachment A (continued)

**TABLE OF AMENDED AND REPEALED STATUTES
AND PUBLIC ACTS FOR 2003 – as of October 15, 2003**

Statute	Public Act
10-287 (d)	03-76, S. 29
10-287d	Sept. 8 Sp. Sess. 03-2, S. 20
10-291	03-76, S. 30; 03-220, S. 6
10-292 (b)	03-76, S. 31
10-292h (a), (b)	03-76, S. 32
10-292k	Sept. 8 Sp. Sess. 03-2, S. 21
10-292o (d)	June 30 Sp. Sess. 03-6, S. 11
10-294	03-217, S. 1
10-295	03-219, S. 1
10a-155 (a)	03-13, S. 1
14-36	03-171, S. 1; 03-265, S. 20
14-69	03-265, S. 10
17a-101c	03-168, S. 6
17a-101i(b)	03-168, S. 7
17a-248d(e)(added)	03-174, S. 13
17b-244(a)	June Sp. Sess. 03-3, S. 81
19a-2a	03-252, S. 1
19a-77(b)	03-252, S. 22 June Sp. Sess. 03-3, S. 29
19a-221	03-236, S. 12
20-195o(c)	03-252, S. 21
28-11(a)	03-236, S. 13
29-315	June Sp. Sess. 03-3, S. 92
29-381	03-231, S. 2
31-71b(c)	03-11, S. 1
45a-82(c)	03-236, S. 14
46b-134	03-86, S. 1
51-164n(b)	03-136, S. 9
Public Act	Amended by
03-215, S. 3(a)	03-278, S. 129
03-215, S. 4(c)	03-278, S. 130