

Series: 2005-2006
Circular Letter: C-4

TO: Superintendents of Schools

FROM: Dr. Betty J. Sternberg, Commissioner of Education

DATE: August 23, 2005

SUBJECT: **Final Summary of Education Legislation Enacted in the 2005 Regular and Special Sessions**

On June 20, 2005, I provided you with a circular letter highlighting the major education legislation passed by the 2005 Regular Session of the General Assembly (2004-05 Circular Letter C-12). Now, for your use, is a more comprehensive summary of all of the public and special acts which are of general applicability and interest to school districts and were enacted during the 2005 Regular and Special Sessions of the General Assembly.

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

- While comprehensive, this document does not describe every public or special act affecting the operation of a school district or provide every detail of the acts that are summarized. Consequently, since this is only a summary of new public and special acts, you should read the actual text of any act that is of interest to you. The public acts described in this letter are available on the Department of Education's website at <http://www.state.ct.us/sde/legal/2005bills.htm>. If you are reviewing this document electronically, you can click on the act title to see the text of the act. Questions about accessing this information and requests for copies of particular acts should be directed to Marybeth Aleskwiz at (860) 713-6520.
- Unlike previous years in which we have provided all of the act summaries in numerical order by act number, this year's summaries have been divided into two parts. The first part contains those acts that primarily concern education laws. The second part includes summaries of other acts that may be of interest. This latter section has been included to alert you to changes in those areas. Questions concerning those acts should be directed to the appropriate state agency or your board attorney.

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- Each narrative entry is followed by a section number and effective date of the public or special act. The section number refers to the section of the act that has been summarized. In some cases only selected sections of an act have been included.
- “P.A.” means Public Act; “S.A.” means Special Act; and “JSS” means June 2005 Special Session.

To assist you, also included are:

- An index to key legislation; and
- A table that lists the sections of the Connecticut General Statutes and public and special acts which have been amended or repealed by the summarized legislation (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

BJS:kn
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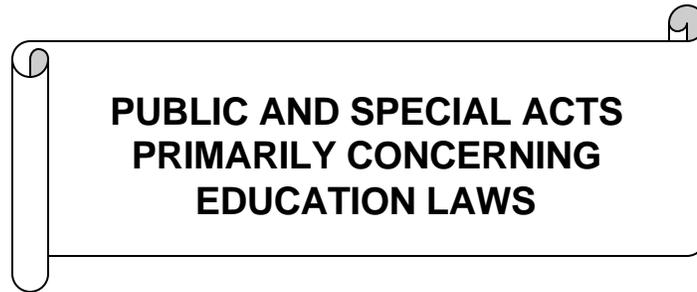
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**PUBLIC AND SPECIAL ACTS
PRIMARILY CONCERNING
EDUCATION LAWS**

P.A. 05-2, AN ACT TO CORRECT A TECHNICAL ERROR IN ECS DISTRIBUTION, TO AUTHORIZE PROVISION OF GRANTS TO INTERDISTRICT MAGNET SCHOOLS AND TO SPECIFY DISPOSITION OF THE FAIRFIELD HILLS HOSPITAL PROCEEDS.

- Makes a **technical correction** to the education cost sharing (**ECS**) formula for the fiscal year ending June 30, 2005 (Sec. 1, effective March 22, 2005).
- Allows the Commissioner of Education to provide **supplemental grants** to enhance educational programs in **interdistrict magnet schools** for the fiscal year ending June 30, 2005 (Sec. 3, effective March 22, 2005). (Note: This statute was also amended by Sec. 25 of P.A. 05-245 and Sec. 77 of P.A. 05-3 of the June Special Session, below.)

P.A. 05-13, AN ACT CONCERNING TECHNICAL CHANGES TO EDUCATION GRANT STATUTES.

- Amends the definition of “**net cost of special education**” (Sec. 1, effective July 1, 2005). (Note: Sec. 26 of P.A. 05-245, below, amends the definition further. See summary of P.A. 05-245 for a summary of the new definition.)
- Makes **technical changes** to provisions concerning **ECS** and **competitive school readiness grants** for statutory consistency (Secs. 2 to 5, inclusive, effective May 4, 2005).

P.A. 05-49, AN ACT DESIGNATING THE F4U CORSAIR AS THE STATE AIRCRAFT.

- Makes the F4U Corsair the **state aircraft** and establishes May 29th of each year to be **Corsair Day**, to commemorate the first flight of the F4U Corsair and to honor the achievement of the Connecticut workers involved in the production of the aircraft, the only major combat aircraft of World War II that was the product of a single state (Secs. 1 and 2, effective May 9, 2005).

P.A. 05-104, AN ACT CONCERNING FOOD ALLERGIES AND THE PREVENTION OF LIFE-THREATENING INCIDENTS IN SCHOOLS.

- Requires the Department of Education, in conjunction with the Department of Public Health and not later than January 1, 2006, to develop and make available to each local and regional board of education **guidelines for the**

management of students with life-threatening food allergies (Sec. 1, effective June 7, 2005).

- Specifies that not later than July 1, 2006, each such board of education shall implement a **plan based on these guidelines** (Sec. 1, effective June 7, 2005).

P. A. 05-141, AN ACT CONCERNING PROGRAMS AND SERVICES OF THE DEPARTMENT OF SOCIAL SERVICES.

- Specifies that, for purposes of **Medicaid reimbursement** under the state's School-Based Child Health program, a service eligible for reimbursement is deemed authorized by a practitioner of the healing arts under 42 C.F.R. 440.130 when it is recommended by a planning and placement team and specified on an individualized education program, provided the service is recommended by an appropriately licensed or certified individual and is within the individual's scope of practice (Sec. 3, effective June 24, 2005).

P.A. 05-144, AN ACT CONCERNING THE EMERGENCY USE OF CARTRIDGE INJECTORS.

- Specifies that on the request and written authorization of a parent or guardian of a child attending a **before- or after-school program** and the written order of specified medical professionals, the owner or operator of the program shall approve, and provide general supervision to, an identified staff member trained to administer medication with an **automatic prefilled cartridge injector** used to deliver epinephrine to the child if the child has a medically diagnosed allergic condition that may require prompt treatment in order to protect the child against serious harm or death (Sec. 2, effective October 1, 2005). (Note: Sec. 35 of P.A. 05-272, below, amends this act by redefining "before or after school program" and changing the training that the identified staff member must have.)
- **Immunizes from civil liability** certain trained individuals, including before- or after-school program staff members identified to administer medication with a cartridge injector as described above, who use such cartridge injectors as an emergency first aid response to an allergic reaction (Sec. 1, effective October 1, 2005).

P.A. 05-152, AN ACT CONCERNING COURT OPERATIONS.

- Amends provisions concerning the inspection of criminal history records to substitute "conviction information or nonconviction information" for "criminal history record" thereby providing that each person or agency holding **conviction or nonconviction information** shall establish reasonable hours and places of **inspection of** such information in accordance with Section 54-142k of the Connecticut General Statutes (C.G.S.) (Sec. 10, effective October 1, 2005).

P.A. 05-156, AN ACT CONCERNING THE ADMINISTRATION AND DUTIES OF THE BOARD OF EDUCATION AND SERVICES FOR THE BLIND.

- Permits the Board of Education and Services for the Blind (BESB) to cover the cost for **paraprofessionals** from school districts to participate in BESB-sponsored **Braille training programs** (Sec. 6, effective October 1, 2005).
- Permits certain BESB funds to be used to employ rehabilitation **teachers**, rehabilitation technologists and orientation and mobility teachers in numbers sufficient to provide compensatory skills evaluations and training to blind and visually impaired children (Sec. 6, effective October 1, 2005).
- Provides that in order for a school district to receive BESB funds, on a pro rata basis, for the costs to the district of retaining a teacher of the visually impaired, the teacher must have participated in not less than five hours of **professional development training on vision impairment or blindness** during the school year (Sec. 6, effective October 1, 2005).

P.A. 05-179, AN ACT ESTABLISHING FREDERICK LAW OLMSTED DAY.

- Establishes April 26th of each year to be **Frederick Law Olmsted Day** to honor his legacy as the founder of American landscape architecture (Sec. 1, effective October 1, 2005).

P.A. 05-218, AN ACT AMENDING CERTAIN MOTOR VEHICLE STATUTES.

- Provides (1) that the Commissioner of Motor Vehicles is to issue distinctive registration marker plates to each motor vehicle, except a taxicab or motor vehicle in livery service, that is used as a **student transportation vehicle** and (2) requirements for the inspection of these vehicles. A "student transportation vehicle" is any motor vehicle other than a registered school bus used by a carrier for the transportation of students, including children requiring special education (Secs. 13 and 14, effective July 1, 2005).
- Increases from not less than 8 to not less than 20 as the number of clock hours of behind-the-wheel instruction a **course in motor vehicle operation and highway safety** provided by a board of education may include (Sec. 40, effective July 1, 2005). (Note: There is a related change to the statute concerning the requirements for the amount of behind-the-wheel, on-the-road instruction individuals 16 and 17 years of age must have in order to obtain a motor vehicle operator's license in Sec. 1 of P.A. 05-54, below.)

(For further information about this public act, please contact Delbert Cornell, Division Chief, Commercial Vehicle Safety Division, Department of Motor Vehicles, at (860) 263-5445 or Delbert.Cornell@dmvct.org.)

P.A. 05-245, AN ACT CONCERNING EDUCATION IMPLEMENTER PROVISIONS.

- Establishes an **Early Childhood Education Cabinet** to be co-chaired by the Governor and Commissioner of Education, or their designees. Within available appropriations, the cabinet is to (A) advise the Commissioner of Education on school readiness policies and initiatives, (B) conduct a state-wide longitudinal evaluation of the school readiness program, (C) develop budget requests for the program, and (D) promote consistency of quality and comprehensiveness of early childhood services (Sec. 3, effective July 1, 2005).
- Enhances **programmatic components** of the state's school readiness initiative by:
 1. Raising the **qualifications for school readiness program staff** by providing that on and after July 1, 2015, there must be in each school readiness classroom an individual who has at least (A) a bachelor's degree in early childhood education or childhood development, or in a related field approved by the Commissioner of Education, or (B) State Board of Education certification with an endorsement in early childhood education or special education (Sec. 1, effective July 1, 2005);
 2. Establishing a **committee** to review and assess pathways to baccalaureate degrees in early childhood education and child development to promote the **professionalization of the early childhood education workforce** and report to the General Assembly not later than January 1, 2006 (Sec. 50, effective June 30, 2005);
 3. Requiring the Commissioner of Education, within available appropriations and not later than October 1, 2009, to develop and implement a state-wide developmentally appropriate **kindergarten assessment tool** that measures a child's level of preparedness for kindergarten (Sec. 9, effective July 1, 2005);
 4. Requiring the Commissioner, within available appropriations, to provide technical assistance and training to school readiness programs to assist in the **application of preschool curriculum guidelines** adopted by the State Board of Education (Sec. 11, effective July 1, 2005);
 5. Allowing the Department of Education's school readiness standards to include, but not be limited to, guidelines for **transition to school** (Sec. 1, effective July 1, 2005);
 6. Adding a representative from a health care provider in the community to the membership of each local and regional **school readiness council** (Sec. 2, effective July 1, 2005); and

7. Requiring the **early childhood education center at Eastern Connecticut State University** to work with local and regional school readiness councils to address their childcare and early education needs and specifying that the university must report to the Department of Education on the results of such work (Sec. 12, effective June 30, 2005).
- Enhances and amends **financial components** of the state's school readiness program by:
 1. Increasing the maximum **per child cost** of the Department of Education school readiness portion of the program offered by school readiness providers from \$6,400 to \$6,650 for the fiscal year ending June 30, 2006, and to \$6,925 for the fiscal year ending June 30, 2007, and each fiscal year thereafter (Sec. 8, effective July 1, 2005);
 2. Increasing the number of towns eligible for **competitive school readiness grants** by including towns ranked 1 to 50, rather than 1 to 25, when all towns are ranked in ascending order according to town wealth, excluding towns whose school district is a priority school district (Sec. 10, effective July 1, 2005);
 3. Making elementary school building projects for a school in a priority school district or for a priority school eligible for a ten percentage point school **construction reimbursement bonus** for the portion of the school used primarily for a **full-day preschool** program, provided the district maintains full-day preschool enrollment for at least 10 years (Sec. 7, effective July 1, 2005);
 4. Providing that a district may receive the five percentage point school **construction reimbursement bonus** for school building projects that include space for **school readiness programs** only if the district maintains full-day preschool enrollment for at least 10 years (Sec. 6, effective July 1, 2005);
 5. Expanding the uses of Department of Social Services' **supplemental quality enhancement grants** for new purposes such as providing services that enhance the quality of programs to maximize the health, safety and learning of children from birth to three years of age, inclusive (Sec. 4, effective July 1, 2005);
 6. Requiring the Department of Education, in consultation with others, to establish priorities for financing preschool facilities through the **Connecticut Health and Educational Facilities Authority loan program** (Sec. 5, effective July 1, 2005); and
 7. Making a **technical change** to the hold harmless provision in the school readiness grant program (Sec. 28, effective July 1, 2005).

- Provides for the **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, 2007: transportation, excess cost-student based (except for students eligible for 100% state funding), adult education, health services and regional educational service center (RESC) lease grants. However, most of the appropriations for these grants have been increased for the fiscal year ending June 30, 2006 (Secs. 13 to 18, inclusive, 43 and 44, effective July 1, 2005, and P.A. 05-251, below). (Note: A summary of the Department's budget is available at: <http://www.state.ct.us/sde/dgm/report1/BUD05-07.htm>.)
- Specifies that for purposes of special and regular education and provisions concerning the entitlement to free school privileges, the **placement of a child by the offices of a government of a federally recognized Native American tribe** is to be treated like a placement by a public agency (Secs. 18 to 20, inclusive, effective July 1, 2005).
- Changes the definition of "**net cost of special education**," to, along with changes made by Section 1 of Public Act 05-13, above, clarify what is to be subtracted from the board of education expenditures for special education in order to determine the net cost of special education for various education grant formulas (Sec. 26, effective July 1, 2005).
- Amends **charter school provisions** to:
 1. Increase the amount of the charter school **operating grants** from \$7,250 for each student enrolled in a school to \$7,625 for the fiscal year ending June 30, 2006, and \$8,000 for the fiscal year ending June 30, 2007, and each fiscal year thereafter (Sec. 38, effective July 1, 2005); and
 2. Require (1) annual reports submitted by the governing council of each **charter school** to include information on the **best practices** used by the charter school that contribute significantly to the academic success of students and (2) the Department of Education to annually publish, and distribute to each superintendent and governing council of each charter school, a report on all of the best practices that have been reported by the charter schools (Secs. 21 and 22, effective July 1, 2005).
- Requires the State Board of Education to establish a **state education resource center** to assist the Board in the provision of programs and activities that will promote educational equity and excellence (Sec. 24, effective July 1, 2005).
- Specifies that the new state education resource center may conduct the **special education resource center** maintained pursuant to C.G.S. Section 10-76n (Sec. 23, effective July 1, 2005).

PA 05-245 (continued)

- Provides that within available appropriations, the Department of Education shall establish a Connecticut **school reform resource center** within the state education resource center or by contract through a regional educational service center (Sec. 24, effective July 1, 2005).
- Allows the Commissioner of Education to provide **grants to local and regional boards of education for districts in need of improvement**. The grants are to be used for the creation and acquisition of new curricula, training in the use of the curricula, and related supporting textbooks and other materials (Sec. 24, effective July 1, 2005). (Note: \$500,000 has been appropriated for this program for the fiscal year ending June 30, 2007, see Sec. 11 of P.A. 05-251, below.)
- Amends **interdistrict magnet school provisions** to:
 1. Allow the Commissioner of Education, for the fiscal year ending June 30, 2003, and each fiscal year thereafter, to provide **supplemental grants**, within available appropriations, to enhance educational programs at interdistrict magnet schools (Sec. 25, effective June 30, 2005). (Note: This statute was also amended by Sec. 3 of P.A. 05-2, above, and Sec. 77 of P.A. 05-3, June Special Session, below.);
 2. Establish a **task force to study interdistrict magnet school issues**, e.g., per pupil expenditures, the adequacy of state grants for the operation of the schools and for transportation, and cost sharing by participating districts. The task force is to be chaired by the chairpersons of the General Assembly's Education Committee. The Commissioner of Education is to report on the study to the Education Committee not later than January 1, 2006 (Sec. 34, effective June 30, 2005); and
 3. Establish specific per pupil grant amounts for **interdistrict magnet schools that are operated by regional educational service centers** (RESCs). For those that enroll less than 55% of the school's students from a single town, the per pupil grants are \$6,250 for the fiscal year ending June 30, 2006, and \$6,500 for the fiscal year ending June 30, 2007, and for each fiscal year thereafter. For those enroll at least 55% of the school's students from a single town, the per pupil grant is to be at least \$3,000 for the fiscal year ending June 30, 2006, and each fiscal year thereafter (Sec. 36, effective July 1, 2005).
- Amends the education cost sharing (**ECS**) formula to:
 1. Provide that for fiscal years ending June 30, 2006, and June 30, 2007, the **foundation** is \$5,891, which is the same amount as it was for the fiscal years ending June 30, 2000, to June 30, 2005, inclusive (Sec. 29, effective July 1, 2005);

2. Extend the **minimum expenditure requirement** (MER) through the fiscal year ending June 30, 2006 (Sec. 30, effective July 1, 2005); and
 3. For the fiscal years ending June 30, 2006, and June 30, 2007, specify that all towns are to receive (1) a 2% increase over their 2004-05 **ECS entitlement** and (2) supplemental education equalization aid grants in the amounts listed in the act (Secs. 32 and 33, effective July 1, 2005).
- Requires that the **budgeted appropriation for education** in any town receiving an ECS increase shall be not less than the amount appropriated for education for the prior year plus such increase in funds. If the State Board of Education determines that in any fiscal year a town or kindergarten to grade twelve, inclusive, regional school district failed to meet these requirements, the town or regional school district shall forfeit an amount equal to two times the amount of the shortfall, unless waived by the State Board of Education (Sec. 31, effective July 1, 2005).
 - Specifies how the State Board of Education is to allocate and distribute **priority school district funds** (Secs. 27 and 35, effective July 1, 2005). (Note: Sec. 35 is further amended by Sec. 100 of P.A. 05-3 of the June Special Session, below.)
 - Allows new applicants to be eligible for **youth service bureau grants** if they meet certain conditions (Sec. 37, effective June 30, 2005).
 - Allows the Department of Education, within available appropriations, to establish a **pilot program** for the use of **technology in providing computer-assisted writing, instruction and testing**, in the 9th and 10th grades. Under this program grants may be awarded to local and regional boards of education and the Connecticut Technical High School System. The Commissioner is to select a diverse group of participants based on population, geographic location and economic characteristics (Sec. 39, effective July 1, 2005). (Note: \$500,000 has been appropriated for this program for the fiscal year ending June 30, 2006, and \$1,000,000 for the fiscal year ending June 30, 2007, see Secs. 1 and 11 of P.A. 05-251, below.)
 - Requires the Department to establish a competitive grant program for the fiscal year ending June 30, 2007, for an **adult education initiative** to provide for new and unique methods of educating **young adults** entering adult education (Sec. 41, effective June 30, 2005). (Note: \$500,000 has been appropriated for this program, see Sec. 11 of P.A. 05-251, below.)
 - Allows the Department, within available appropriations, to administer a program to give grants to boards of education, towns and not-for-profit organizations for **after-school programs** (Sec. 46, effective July 1, 2005). (Note: There is no funding for this program.)

PA 05-245 (continued)

- Allows the Commissioner of Education, for the fiscal year ending June 30, 2005, to provide grants for children in the **Hartford OPEN Choice** interdistrict public school attendance program to participate in an **all-day kindergarten** program (Sec. 47, effective June 30, 2005). (Note: A similar provision is in Sec. 41 of P.A. 05-6, June Special Session, below, but that provision applies also to the fiscal years ending June 30, 2006, and June 30, 2007.)
- Specifies the amounts available for the competitive **early reading success grants** for the fiscal years ending June 30, 2006, and June 30, 2007 (Sec. 49, effective July 1, 2005).
- Provides that **state testing** of students, i.e., Connecticut mastery tests (CMTs) and the Connecticut Academic Performance test (CAPT), is to be administered in March or April, rather than only in April (Sec. 51, effective June 30, 2005).

P.A. 05-251, AN ACT CONCERNING THE BUDGET FOR THE BIENNIUM ENDING JUNE 30, 2007, DEFICIENCY APPROPRIATIONS FOR THE FISCAL YEAR ENDING JUNE 30, 2005, AND CERTAIN TAXES AND OTHER PROVISIONS RELATING TO REVENUE.

- **Makes general fund appropriations** to state agencies, including the Department of Education, **for the fiscal years ending June 30, 2006, and June 30, 2007**. For the fiscal year ending June 30, 2006, general fund appropriations (including surpluses) for education grants will increase by \$125 million, a 6.4% increase. In addition to increases for education cost sharing (ECS), special education, priority school districts, school readiness, charter schools and interdistrict magnet schools, there are several new initiatives. These initiatives include \$200,000 for gambling awareness education and several other new programs that are described above under Public Act 05-245. Grant caps will continue for a number of programs (see P.A. 05-245, above), but the appropriations for most of those programs are increased for the fiscal year ending June 30, 2006. A summary of the Department's budget is available at: <http://www.state.ct.us/sde/dgm/report1/BUD05-07.htm>.

P.A. 05-252, AN ACT CONCERNING PESTICIDES AT SCHOOLS AND DAY CARE FACILITIES.

- Prohibits the application of a **lawn care pesticide** on the grounds of any public or private preschool or elementary school except that (1) between January 1, 2006, and July 1, 2008, an application of a lawn care pesticide may be made at a public or private elementary school on the playing fields and playgrounds of such schools pursuant to an integrated pest management plan which meets certain requirements and (2) an emergency application of a lawn care pesticide may be made to eliminate a threat to human health, as determined by the local health director, the Commissioners of Public Health or

Environmental Protection or, in the case of a public elementary school, the school superintendent (Secs. 2 and 3, effective January 1, 2006).

(For further information about this public act and model integrated pest management plans, please contact Bradford Robinson, Pesticide Program Supervisor, Department of Environmental Protection, at (860) 424-3324, fax (860) 424-4060 or Bradford.robinson@po.state.ct.us.)

P.A. 05-256, AN ACT CONCERNING REVISIONS TO THE DEPARTMENT OF MENTAL RETARDATION STATUTES.

- Amends Department of Mental Retardation (DMR) statutes including, but not limited to, (1) eliminating the requirement that each regional **Birth-to-Three Interagency Coordinating Council** (ICC) must have a representative of at least one local public school district and (2) changing the membership of the state ICC. The regional and state ICCs provide advice and assistance to DMR's birth-to-three program (Secs. 2, 4, and 7, effective June 30, 2005).

P.A. 05-257, AN ACT CONCERNING MINOR REVISIONS TO THE EDUCATION STATUTES.

and

P.A. 05-246, AN ACT CONCERNING A NURTURING FAMILIES NETWORK, DEPARTMENT OF CHILDREN AND FAMILIES ACCREDITATION AND REVISION OF CERTAIN DEPARTMENT OF CHILDREN AND FAMILIES STATUTES.

- Public Act 05-257 specifies that **assistive devices** used to increase, maintain or improve the functional capabilities of students with disabilities are, like books and equipment, (1) to be loaned by school districts to students free of charge and (2) subject to such rules and regulations as to their care and use as a board of education prescribes (Sec. 1, effective July 1, 2005).
- Public Acts 05-257 and 05-246 amend the statute requiring the Commissioner of Children and Families to **notify** an employing superintendent of the **abuse of a child by a certified school employee** so that the notification is more timely and accurate (Sec. 2 of P.A. 05-257, effective January 1, 2006, and Sec. 17 of P.A. 05-246, effective January 1, 2006). (Note: P.A. 05-207, below, changes the procedures for the placement of names on the DCF child abuse and neglect registry.)
- Public Act 05-257 specifies that the Commissioner of Children and Families shall provide the notice described above whether or not the **child was a student in the employing school** or school district (Sec. 2 of P.A. 05-257, effective January 1, 2006).

P.A. 05-272, AN ACT CONCERNING REVISIONS TO DEPARTMENT OF PUBLIC HEALTH STATUTES.

- Provides that the information about **students with asthma** that districts must collect and report to the local health department and Department of Public Health does not have to be based only on information recorded on the health assessment forms required at the time of enrollment, in either grade six or seven, and in either grade 10 or 11, but additionally can be based on other information available to the district at those points in time (Sec. 2, effective October 1, 2005).

- Expands the term "speech pathology" to "**speech and language pathology**," adds disorders of "feeding and swallowing or other upper aerodigestive functions" as areas of diagnosis and treatment, and makes technical conforming changes throughout the Connecticut General Statutes (Secs. 14, 15, 18, and 22 to 28, inclusive, effective October 1, 2005).

- Amends Section 2 of Public Act 05-144, above, regarding the definition of "**before or after school program**" and the training that a staff member of a before or after school program must have in order to be identified as a person to administer **medication with a cartridge injector** if a child has a medically diagnosed allergic condition that may require prompt treatment in order to protect the child against serious harm or death. The amended definition of "before or after school program" is any educational or recreational program for children administered in any building or on the grounds of any school by a local or regional board of education or other municipal agency, before or after regular school hours, or both, but does not include a program that is licensed by the Department of Public Health (Sec. 35, effective October 1, 2005).

P.A. 05-290, AN ACT CONCERNING CERTIFICATION REQUIREMENTS FOR BILINGUAL EDUCATORS.

- Amends the certification requirements for new **bilingual education teachers** for the period from July 1, 2005, to July 1, 2008, by eliminating the requirement that they be dually certified and instead require that they (1) be certified in either bilingual or a subject area (which includes elementary education for an individual teaching in the elementary grades) and (2) satisfactorily complete specified assessments or coursework (Sec. 1, effective July 1, 2005).

- Clarifies that the **transition support services** provided to students who have spent 30 months in a bilingual education program and who do not meet the English mastery standard at the end of that time period may not include a program of bilingual education (Sec. 2, effective July 1, 2005).

S.A. 05-2, AN ACT CONCERNING A. I. PRINCE TECHNICAL HIGH SCHOOL, HENRY ABBOTT TECHNICAL HIGH SCHOOL AND H. C. WILCOX TECHNICAL HIGH SCHOOL.

- Increases state bond authorizations for school construction projects at several technical high schools (Sec. 1, effective April 7, 2005).

P.A. 05-2, June Special Session, AN ACT CONCERNING THE NO CHILD LEFT BEHIND ACT.

- Permits the Attorney General to **sue the federal government** on behalf of the General Assembly and the State of Connecticut to enforce the provisions of the No Child Left Behind Act, P.L. 107-110 (Sec. 1, effective July 1, 2005).

P.A. 05-3, June Special Session, AN ACT CONCERNING THE IMPLEMENTATION OF VARIOUS BUDGETARY PROVISIONS.

- Provides that **supplemental interdistrict magnet school grants** may be used for **summer school** programs (Sec. 77, effective July 1, 2005). (Note: This statute was also amended by Sec. 3 of P.A. 05-2 and Sec. 25 of P.A. 05-245, above.)
- Permits the Commissioner of Education, within available appropriations, to make grants to regional educational service centers that provide **summer school** educational programs for students participating in the **OPEN Choice** interdistrict student attendance program (Sec. 78, effective July 1, 2005).
- Amends the distribution of **priority school district funds** in Section 35 of P.A. 05-245, above (Sec. 100, effective July 1, 2005).

P.A. 05-5, June Special Session, AN ACT INCREASING CERTAIN BOND AUTHORIZATIONS FOR CAPITAL IMPROVEMENTS, CONCERNING THE COLLECTION OF COSTS BY THE PROBATE COURT AND CONCERNING A HOUSING TRUST FUND.

- Increases the amount of **bonds** that the State Treasurer is authorized to issue for **school construction grants and interest subsidy grants** (Secs. 5 and 6, effective July 1, 2005).

P.A. 05-6, June Special Session, AN ACT CONCERNING AUTHORIZATION OF STATE GRANT COMMITMENTS FOR SCHOOL BUILDING PROJECTS AND OTHER MISCELLANEOUS PROVISIONS.

- 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 July 1, 2005).

P.A. 05-6, JSS (Continued)

(Note: S.A. 05-2, above, increases bond authorizations for several technical high schools).

- Enacts **special provisions** for individual school construction projects (Secs. 2 to 18, inclusive, 22 to 32, inclusive, 34, 35 and 40, effective July 1, 2005).
- Provides that any **professional or consulting fee** that is calculated as a proportion of the total project costs for any school building project for which state assistance is provided pursuant to Chapter 173 of the Connecticut General Statutes shall not be increased as a result of increased prices for construction materials (Sec. 19, effective July 1, 2005).
- Provides that for any school building project authorized by the General Assembly on or after July 1, 2005, classrooms and libraries shall be constructed or altered in accordance with American National Standard: Acoustical Performance Criteria, Design Requirements and Guidelines for Schools unless (1) adequate **acoustical modifications** cannot be made without compromising health and safety or the educational purpose or function of a specific classroom or library or (2) the Commissioner of Education, under specified conditions, grants a waiver for a relocatable classroom (Sec. 20, effective July 1, 2005).
- Exempts, from the **state standard space specifications** used to calculate grants for school construction projects, projects in school districts with an enrollment of less than 150 students in grades kindergarten to eight, inclusive, and provides that the Commissioner of Education may modify the standard space specifications for a project in such a district (Sec. 21, effective July 1, 2005).
- For **regional school districts**, extends the maximum term of **temporary notes** issued in anticipation of receiving the proceeds from a general obligation bond issue from four to eight years and specifies new requirements for any series of notes the term of which is extended past the fourth year (Sec. 33, effective July 1, 2005).

(For further information about Section 33, above, please contact bond counsel to ensure compliance with local ordinances and resolutions.)

- Gives the State Bond Commission the power to authorize up to \$10M in bond funds, for the fiscal years ending June 30, 2006, and June 30, 2007, for the Department of Education to provide grants to assist **state charter schools** in financing **school building projects**, general improvements to school buildings and repayment of debt incurred prior to July 1, 2005, for school building projects (Secs. 36 and 37, effective July 1, 2005).

PA 05-6, JSS (Continued)

- Establishes a commission to study the **long-term capital needs of state charter schools** and to report its findings to the General Assembly not later than January 1, 2006 (Sec. 38, effective July 1, 2005).
- Establishes a **pilot program** for the **purchase and renovation** of a building to be used as a **state charter school** facility (Sec. 39, effective July 1, 2005).
- Allows the Commissioner of Education to provide grants for the fiscal years ending June 30, 2005, to June 30, 2007, inclusive, for children in the **Hartford OPEN Choice** interdistrict public school attendance program to participate in an **all-day kindergarten** program (Sec. 41, effective July 1, 2005). (Note: In Sec. 47 of P.A. 05-245, above, there is a similar provision, but it is only for the fiscal year ending June 30, 2005.)

S.A. 05-1, June Special Session, [AN ACT AUTHORIZING BONDS OF THE STATE FOR CAPITAL IMPROVEMENTS AND OTHER PURPOSES.](#)

- Authorizes, subject to State Bond Commission approval, **bond funds** for the Department of Education for the following in amounts not to exceed:
 1. \$16M for alterations and improvements to buildings and grounds, including new and replacement equipment, tools and supplies necessary to update curricula, vehicles and technology upgrades at all **Connecticut technical high schools**, with \$8M effective July 1, 2005, and \$8M effective July 1, 2006 (Secs. 2(m) and 21(i), effective July 1, 2005, and July 1, 2006, respectively);
 2. \$10M for grants-in-aid to towns, regional school districts and regional educational service centers for the costs of **wiring school buildings**, with \$5M effective July 1, 2005, and \$5M effective July 1, 2006 (Secs. 13(g) and 32(g), effective July 1, 2005, and July 1, 2006, respectively); and
 3. \$2M for grants-in-aid for minor capital improvements and wiring for technology for **school readiness programs** (Sec. 13(g), effective July 1, 2005).
- Authorizes, subject to State Bond Commission approval, various amounts of bond funds for the Department of Social Services for certain capital expenditures for **school readiness facilities** and for the facilities of other early childhood programs (Secs. 13(m) and 32(m), effective July 1, 2005, and July 1, 2006, respectively).
- Authorizes, subject to State Bond Commission approval, bond funds for the Departments of Education and **Environmental Protection** for several individual **school projects** (Miscellaneous sections, effective July 1, 2005, and July 1, 2006).

OTHER PUBLIC AND SPECIAL ACTS

P.A. 05-31, **AN ACT CONCERNING SPRINKLERS IN EDUCATIONAL OCCUPANCIES.**

- Permits the State Fire Marshal and the State Building Inspector to jointly, in writing, grant **variations or exemptions** from, or approve equivalent or alternate compliance with, the requirement that a building (1) 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, must have on each floor an **automatic fire extinguishing system** approved by the State Fire Marshal (Sec. 1, effective May 2, 2005).

P.A. 05-174, **AN ACT CONCERNING FLOOD MANAGEMENT AND THE STREAM CHANNEL ENCROACHMENT PROGRAM.**

- Amends Department of Environmental Protection (DEP) provisions concerning **flood management**, which may have an impact on the number of school construction projects requiring DEP flood management review (Secs. 1 to 5, inclusive, effective October 1, 2005).

P.A. 05-38, **AN ACT INCREASING THE CONTRACT AMOUNT FOR WHICH A MUNICIPALITY MUST RECEIVE A BOND ON A CONSTRUCTION OR PUBLIC WORKS PROJECT.**

and

P.A. 05-193, **AN ACT CONCERNING OWNER-CONTROLLED INSURANCE PROGRAMS ON STATE AND MUNICIPAL CONSTRUCTION PROJECTS.**

and

P.A. 05-229, **AN ACT CONCERNING THE FAILURE OF A MUNICIPALITY TO OBTAIN A BOND FROM CERTAIN CONTRACTORS, PREPAID HOME HEATING OIL CONTRACTS AND HEAT AND UTILITY SURCHARGE CLAUSES IN RESIDENTIAL LEASES.**

- These acts amend C.G.S. Section 49-41 which concerns certain contracts for the **construction of public buildings and public works** and bonds for the protection of persons supplying labor or materials as follows:

1. Increases from \$50,000 to \$100,000 as the **threshold amount** above which certain contracts must include a provision requiring the contractor to furnish a bond to guarantee payment to persons supplying labor or material on the project. The requirement applies to contracts for the construction, alteration or repair of any public building or public work of the state or any subdivision of the state (Sec. 1 of P.A. 05-38, effective October 1, 2005);
2. Amends the statute to refer to the **state and municipalities**, instead of the state and any of its subdivisions (Sec. 1 of P.A. 05-193, effective July 1, 2005);
3. Prohibits contracts for the construction, alteration or repair of any public building or public work of the state or a municipality from permitting or requiring the state or a municipality to maintain an **owner-controlled insurance program**, except in the case of certain specified types of projects (Sec. 1 of P.A. 05-193, effective July 1, 2005); and
4. Provides that if a political subdivision of the state enters into a contract that is subject to this statute and fails to obtain delivery from the contractor of the bond required, any person who has not been paid by the contractor for labor or materials supplied in the performance of work under the contract shall have the same **legal right of action against such political subdivision** as such person would have had against a surety under C.G.S. Section 49-42 (Sec. 1 of P.A. 05-229, effective July 8, 2005).

P.A. 05-134, AN ACT CONCERNING RESTAURANT SAFETY.

- Requires each **food service establishment** to, not later than October 1, 2005, acquire and conspicuously display a sign that describes how to recognize the signs of **choking** and addresses appropriate procedures to be taken if a patron of a food service establishment is choking. Food operators and employees of the food service establishment are to become familiar with the contents of the sign (Sec. 1, effective June 24, 2005).

P.A. 05-153, AN ACT REQUIRING THE TIMELY TRANSMITTAL BY EMPLOYERS OF NECESSARY INFORMATION TO THE TEACHERS' RETIREMENT BOARD.

- Requires the local treasurer or other person having custody of the amounts deducted for purposes of the teachers' retirement system to include, with the transmission of the amounts of teachers' retirement deductions to the **Teachers' Retirement Board (TRB)**, the **supporting reports and information** required by the TRB for the proper administration of the TRB system (Sec. 1, effective July 1, 2005).

(For further information about this public act, please contact Lou Laccavole, Fiscal Administrative Supervisor, Teachers' Retirement Board, at (860) 241-8429 or lou.laccavole@po.state.ct.us.)

P.A. 05-175, AN ACT CONCERNING THE REVISION AND MODERNIZATION OF MILK REGULATION STATUTES AND THE LICENSING OF POULTRY DEALERS.

- Specifies that the milk dispensed in sealed containers that is exempt from vending machine regulation is pasteurized milk (Secs. 3 and 4, effective October 1, 2005).
- Specifies that only pasteurized milk and milk products may be served in schools, whether served as milk and low fat milk and cream or as part of a mixed beverage (Secs. 4 and 11, effective October 1, 2005).

P.A. 05-198, AN ACT CONCERNING THE PROMOTION OF COLLABORATIVE RESEARCH APPLICATIONS WITH INDUSTRY.

- Provides that the Office of Workforce Competitiveness establish, within available appropriations, a program to provide grants to institutions of higher education to provide a flexible source of funding for (1) the creation and generation of talent in institutions of higher education and (2) with appropriate connections to the state's technical high schools and other secondary schools, **student outreach** and development (Secs. 2(a) and 3, effective July 1, 2005).

P.A. 05-207, AN ACT CONCERNING THE DEPARTMENT OF CHILDREN AND FAMILIES AND CHILD ABUSE OR NEGLECT PROCEEDINGS.

- Establishes (1) the conditions under which an individual's name can be placed on the Department of Children and Families' (DCF's) **child abuse and neglect registry**, including notice, hearing, and appeals procedures and (2) rules for the disclosure of information concerning a finding of abuse or neglect, including provisions for the sealing and expunging of unsubstantiated findings (Secs. 1 to 4, inclusive, effective October 1, 2005).

P.A. 05-228, AN ACT CONCERNING FARM LAND PRESERVATION, LAND PROTECTION, AFFORDABLE HOUSING AND HISTORIC PRESERVATION.

- Specifies that of the funds allocated to the Department of Agriculture from the new Land Protection, Affordable Housing, and Historic Preservation Account, \$100,000 shall be used annually to encourage the **sale of Connecticut grown food to schools**, restaurants, retailers, and other institutions and businesses in the state (Sec. 6, effective July 1, 2005; but effective date changed to October 1, 2005, by Sec. 113 of P.A. 05-3, JSS, above).

P.A. 05-234, AN ACT CONCERNING TRESPASS, LITTERING AND VANDALISM ON PUBLIC LANDS.

Broadens the list of activities that constitute **trespass and criminal mischief** to include certain acts committed on public land, which is defined as a state or municipal park, state forest, or any other publicly-owned land open to the public for active or passive recreation (Secs. 1 to 8, inclusive, effective January 1, 2006).

P.A. 05-234 (Continued)

- Prohibits anyone from **littering** on any public land, as defined above (Sec. 10, effective January 1, 2006).
- Provides that in addition to the imposition of fines for violating the provisions of this act described above, the court is to impose a **surcharge** in an amount equal to 50% of the fine (Secs. 9 and 10, effective January 1, 2006).

P.A. 05-267, AN ACT CONCERNING EXPEDITED CRIMINAL HISTORY RECORDS CHECKS.

- Permits the Commissioner of Public Safety to provide, for a fee in addition to that for a routine **criminal history records check**, an **expedited service** for persons requesting such a check. The expedited service shall include making the results of such a records check available to the requesting party through the Internet (Sec. 1, effective October 1, 2005).

P.A. 05-54, AN ACT CONCERNING ADDITIONAL TRAINING AND RESTRICTIONS FOR DRIVERS UNDER THE AGE OF EIGHTEEN.

- Increases from not less than 8 to not less than 20 clock hours as the amount of **behind-the-wheel, on-the-road instruction** individuals 16 and 17 years of age must have in order to obtain a motor vehicle operator's license and makes other changes regarding the training needed for these individuals to obtain such a license (Sec. 1, effective October 1, 2005). (Note: There is a related change to the statute concerning board of education courses in motor vehicle operation and highway safety, Sec. 40 of P.A. 05-218, above.)
- Prohibits **16- and 17-year-old drivers** from **operating motor vehicles between 12:00 a.m. and 5:00 a.m.** unless they are traveling for employment, school or religious activities or there is a medical necessity for such travel (Sec. 2, effective October 1, 2005).

P.A. 05-58, AN ACT CONCERNING CHILD RESTRAINT SYSTEMS.

- Specifies that any person who transports (1) a child four years of age or older in a **student transportation vehicle** shall either provide and require the child to use an approved child restraint system or require the child to use a seat safety belt or (2) a child under four years of age weighing less than 40 pounds in such a vehicle shall provide and require the child to use a child restraint system approved by the Department of Motor Vehicles (DMV) (Sec. 1, effective October 1, 2005).

P.A. 05-159, AN ACT CONCERNING THE USE OF HAND-HELD MOBILE TELEPHONES BY OPERATORS OF MOTOR VEHICLES.

and

P.A. 05-220, AN ACT CONCERNING ACCIDENTS INVOLVING STATE VEHICLES AND THE USE OF HAND-HELD MOBILE TELEPHONES AND MOBILE ELECTRONIC DEVICES BY OPERATORS OF MOTOR VEHICLES.

- These acts prohibit the **operator of a moving school bus** from using a hand-held mobile telephone or other electronic device, including one with hands-free accessories, or a mobile electronic device, except under specified circumstances, and provide penalties for violating the prohibition. For purposes of this provision, a mobile electronic device means any hand-held or other portable electronic equipment capable of providing data communication between two or more persons (Secs. 1 to 8, inclusive, of P.A. 05-159, effective October 1, 2005, and Secs. 2 and 3 of P.A. 05-220, effective October 1, 2005).

P.A. 05-127, AN ACT IMPLEMENTING THE FEDERAL MOTOR CARRIER SAFETY IMPROVEMENT ACT.

- Establishes a transition period for the Department of Motor Vehicles to implement changes enacted in 2004 in Public Act 04-217 concerning the issuance of operators' and **commercial drivers' licenses** (Sec. 1, effective June 24, 2005).

(The preceding five public acts concern the operation of motor vehicles. For further information about them, please contact Delbert Cornell, Division Chief, Commercial Vehicle Safety Division, Department of Motor Vehicles, at (860) 263-5445 or Delbert.Cornell@dmvct.org.)

S.A. 05-7, AN ACT ESTABLISHING A CONNECTICUT CLEAN DIESEL PLAN.

Requires the Commissioner of Environmental Protection to develop a Connecticut diesel emission reduction strategy that is to include, but not be limited to, an implementation strategy to (1) maximize, not later than December 31, 2010, diesel particulate matter **emission reductions from school buses**, and (2) prevent by that date diesel particulate matter engine emissions from entering the passenger cabins of the buses (Sec. 1, effective June 24, 2005).

Attachment A

**TABLE OF AMENDED AND REPEALED STATUTES
AND PUBLIC ACTS FOR 2005**

Statute	Public Act
10-14n (b), (c)	05-245, S. 51
10-14n (h) (added)	05-245, S. 9
10-16p (a), (b)	05-245, S. 1
10-16p (d)	05-13, S. 5; 05-245, S. 10
10-16p (e)	05-245, S. 28
10-16q (b)	05-245, S. 8
10-16r (a)	05-245, S. 2
10-16s	05-245, S. 3
10-17f (d)	05-290, S. 2
10-19o (a)	05-245, S. 37
10-29a (a)(49) (added)	05-49, S. 2; 05-179, S. 1
10-56 (c)	June Sp. Sess. 05-6, S. 33
10-66j (f)	05-245, S. 44
10-66cc (b)	05-245, S. 21
10-66ee (c)	05-245, S. 38
10-66hh	June Sp. Sess. 05-6, S. 36
10-71 (d)	05-245, S. 16
10-76d (a)	05-141, S. 3
10-76d (e)	05-245, S. 18
10-76f (h)	05-13, S. 1; 05-245, S. 26
10-76g (a)	05-245, S. 19
10-76g (d)	05-245, S. 13
10-76n	05-245, S. 23
10-145b (k)(1)	05-288, S. 49
10-145h (d) (added)	05-290, S. 1
10-183b	05-99, S. 1
10-183n	05-153, S. 1
10-183t (a)	05-98, S. 1
10-206 (f)	05-272, S. 2
10-217a (h) (added)	05-245, S. 14
10-220f	05-117, S. 2 (Vetoed)
10-221o	05-117, S. 1 (Vetoed)
10-228	05-257, S. 1
10-231a	05-252, S. 2
10-231b	05-252, S. 3

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**TABLE OF AMENDED AND REPEALED STATUTES
AND PUBLIC ACTS FOR 2005**

Statute	Public Act
10-253	05-245, S. 20
10-262f (9)	05-245, S. 29
10-262f (15), (16)	05-13, S. 2
10-262f (31)	05-13, S. 3
10-262h (a)(6)	05-2, S. 1; 05-245, S. 32
10-262i	05-245, S. 31
10-262j (d)(12) (added)	05-245, S. 30
10-262l (a)	05-13, S. 4
10-264l	05-245, S. 36; June Sp. Sess. 05-3, S. 79
10-264l(c)	05-2, S. 3; 05-245, S. 25; June Sp. Sess. 05-3, S. 77
10-265f (h)	05-245, S. 49
10-266m (a)(4)	05-245, S. 17
10-266p (f) (added)	05-245, S. 27
10-266aa (m) (added)	June Sp. Sess. 05-3, S. 78
10-281 (b)	05-245, S. 15
10-285a (e)	05-245, S. 6
10-285a (h)	05-245, S. 7
10-286 (b)(4)	June Sp. Sess. 05-6, S. 21
10-287d	June Sp. Sess. 05-5, S. 5
10-292k	June Sp. Sess. 05-5, S. 6
10-292o (d)	05-245, S. 43
10-293	05-156, S. 3
10-294	05-156, S. 4
10-294a	05-156, S. 5
10-294b Rd.	05-156, S. 11
10-295	05-156, S. 6
10-296	05-156, S. 7
10-298	05-156, S. 1
10-298a	05-156, S. 8
10-298b	05-156, S. 9
10-306	05-156, S. 10
10-311 Rd.	05-156, S. 11
10-311a	05-156, S. 2

Attachment A

**TABLE OF AMENDED AND REPEALED STATUTES
AND PUBLIC ACTS FOR 2005**

Statute	Public Act
10a-194h (c)	05-245, S. 5
14-36(d)	05-54, S. 1
14-36e(b)	05-218, S. 40
14-36g	05-54, S. 2
14-100a	05-58, S. 1
17a-28(c)	05-207, S. 3
17a-28(f)	05-207, S. 4
17a-101g	05-207, S. 2
17a-101i(a)	05-246, S. 17 05-257, S. 2
17a-101k	05-207, S.1
17a-241(a)	05-256, S. 4
17a-248b(a)	05-256, S. 7
17a-248c	05-256, S. 2
17b-749c(c)	05-245, S. 4
19a-14(c)	05-272, S. 14, 15
20-7a(c)	05-272, S. 18
20-408	05-272, S. 22
20-410	05-272, S. 23
20-411	05-272, S. 24
20-412	05-272, S. 25
20-413	05-272, S. 26
20-416	05-272, S. 27
21a-44	05-175, S. 3
22-127	05-175, S. 4
22-193	05-175, S. 11

Attachment A

**TABLE OF AMENDED AND REPEALED STATUTES
AND PUBLIC ACTS FOR 2005**

Statute	Public Act
22a-349	05-174, S. 4
22a-349a	05-174, S. 5
22a-250 (a) and (b)	05-234, S. 10
25-68b	05-174, S. 1
25-68c	05-174, S. 2
25-68d	05-174, S. 3
26-6(a)	05-234, S. 11
29-17a	05-267, S. 1
29-315(a)	05-31, S. 1
46a-11b(a)	05-272, S. 28
49-41	05-38, S. 1 05-193, S. 1 05-229, S. 1
51-164n(b)	05-159, S. 8
52-557b(h) (added)	05-144, S. 1
53a-100(a)	05-234, S. 8
53a-107	05-234, S. 1
53a-108	05-234, S. 2
53a-109	05-234, S. 3
53a-115	05-234, S. 4
53a-116	05-234, S. 5
53a-117	05-234, S. 6
53a-117a	05-234, S. 7
54-142k	05-152, S. 10
Public Act	Amended by
05-144, S. 2	05-272, S. 35
05-159, S. 1	05-220, S. 2
05-159, S. 2	05-220, S. 3
05-228, S. 6	05-3, JSS, S. 113
05-245, S. 35	05-3, JSS, S. 100