

Legislative History for Connecticut Act

PA 78-218

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<b>Act Number:</b>	218	<b>Year:</b>	1978
<b>Bill Number:</b>	HB 5999		
<b>Senate Pages:</b>	2499-2500		2
<b>House Pages:</b>	2547-2551		5
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Transcripts from the Joint Standing Committee Public Hearing(s) and/or Senate  
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CONNECTICUT  
GEN. ASSEMBLY  
SENATE

PROCEEDINGS  
1978

VOL. 21  
PART 7  
2475 - 2864

1978 - GENERAL ASSEMBLY

## SENATE

THURSDAY  
APRIL 27, 1978

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LFU

Senator Lieberman.

SENATOR LIEBERMAN:

Mr. President, I'd like the record to note that I think Mike is kind of cute.

THE CHAIR:

That's incontestable.

THE CLERK:

Continuing on page 6 of the Calendar, Calendar 752, File 491 Favorable Report of the Joint Standing Committee on Education, Substitute for House Bill 5999, AN ACT CONCERNING TECHNICAL REVISIONS OF THE EDUCATION STATUTES, as amended by House Amendment, Schedule A.

THE CHAIR:

Senator Reimers.

SENATOR REIMERS:

Mr. President, I move acceptance of the Committee's Favorable Report and passage of the Bill in concurrence with the House, as amended by the House.

THE CHAIR:

Will you remark?

SENATOR REIMERS:

Thank you Mr. President. This is a very long and detailed Bill. It's 142 pages. It's the result of a year's study by a special commission which was empowered to recodify and revise the education statutes. The commission found it impossible to in fact revise and so they have just recodified. In other words, this is entirely a technical Bill. The effort was made to remove sexist language, to remove obsolete parts of the statute and to make some kind of coherent and consistent use of the term local and regional board of education where, if you go

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## SENATE

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into this Bill in any detail, you see that the old terminology is still there; such as school district. It is there for a reason because we have developed a peculiar relationship between the towns and the school districts which involves the fiscal authority of both. In some cases to have changed the words to be consistent might have changed that delicate balance of fiscal authority. Therefore, we left it the way it was. The House Amendment picks up some errors, most of which were typographical and one or two places where there was a question about that matter of fiscal authority and where we went back to the old language. I would urge the adoption of the Bill.

THE CHAIR:

Will you remark further? Senator Schneller.

SENATOR SCHNELLER:

Mr. President, just briefly, I rise to associate myself with the remarks of Senator Reimers. There was a tremendous amount of work put in on this Bill over a period of a couple of years by Senator Reimers, Representative Dorothy Osler, former Senator Ruth Truex, Clair Weir of the League of Women Voters and Howie Brux who acted more or less as a Director of the Commission. I think this will do a great deal to clarify the education statutes and I would just like to personally thank all of those who devoted as much time to this work as they did. If there is no objection, I would move it to the Consent Calendar.

THE CHAIR:

Hearing none, so ordered.

THE CLERK:

Calendar 753, Files 432 and 690, Favorable Report of the Joint Standing Committee on General Law, Substitute for House Bill 5906, AN ACT CONCERNING LANDSCAPE ARCHITECTS AND THE PRACTICE OF LANDSCAPE ARCHITECTURE, as amended by

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on the calendar.

THE SPEAKER IN THE CHAIR

THE SPEAKER:

Is there objection? Hearing none, the matter is retained.

THE CLERK:

The next item on the Calendar is HJR 90 Calendar No. 775. It is a favorable report, however it should have been printed at the back of the Calendar under "Matters Reported in Accordance with Petitions".

The next item on the Calendar, Calendar No. 779, Substitute for H.B. No. 5527, File No. 472. AN ACT CONCERNING ENFORCEMENT PROCEDURES FOR LAS VEGAS NIGHTS.

Favorable report of the Committee on General Law.

MR. O'NEILL (34th):

Mr. Speaker, I move this item be passed retaining its place on the Calendar.

THE SPEAKER:

Is there objection? Hearing none, the matter is retained.

THE CLERK:

Calendar No. 783, Substitute for H.B. No. 5999, File No. 491. AN ACT CONCERNING TECHNICAL REVISIONS OF THE EDUCATION STATUTES.

Favorable report of the Committee on Education.

MR. GLASSMAN (14th):

Mr. Speaker, I move for the acceptance of the Joint Committee's favorable report and passage of the bill.

THE SPEAKER:

House of Representatives

Wednesday, April 19, 1978

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mcb

The question is on acceptance of the Joint Committee's favorable report and passage of the bill, and will you remark, sir?

MR. GLASSMAN (14th):

Yes, Mr. Speaker. The Clerk has an amendment, LCO No. 2394. I would ask that he please call and I'd be permitted to summarize.

THE SPEAKER:

Would the Clerk please call LCO No. 2394, House Amendment Schedule "A".

THE CLERK:

House Amendment Schedule "A", LCO No. 2394.

THE SPEAKER:

Is there objection to the gentleman from the 14th summarizing in lieu of the Clerk's reading. Hearing no such objection, the gentleman from the 14th first to summarize.

MR. GLASSMAN (14th):

Mr. Speaker, basically what this amendment does is to further correct the statutes. It is an additional technical correction to the education statutes. In our review of the revisions we found some additional corrections and it is merely technical and as a supplement to what we have before us in the file. I would urge its adoption.

THE SPEAKER:

Will you remark further on adoption of "A"? If not, the question is on its adoption. All those in favor of House Amendment Schedule "A" will indicate by saying "Aye". Opposed? The "Ayes" have it and "A" is ADOPTED and ruled technical.

Will you remark further on the bill as amended by House "A"?

MR. GLASSMAN (14th):

This bill revises the education statutes. It refers to the replacing many terms which refer to local school boards to local or regional boards of education. It deletes or repeals obsolete references. It replaces language sexually neutral. It makes clarifications such as dividing sections into subsections, rewording awkward language and modernizing language. The bill also standardizes reporting requirements and the purpose of the bill is to clean up the statutes without making any substantive changes.

I would refer to the members of this Assembly to the floor report by the Office of Legislative Research in which they do suggest that there is a substantive change. Rather than try to pass this legislation without explaining what was done in this particular instance, they suggest and there is some question as to whether or not a substantive change has taken place in this particular instance. Under the existing law on line 4480, when a school pupil is required to have a physical examination the parent or a third party under the present statute is required to be present only for a female pupil. In correcting the language of the statutes, the reference to female was eliminated and required a third party to be present and the parent or guardian to be notified for an examination of any pupil. It is only in this one particular instance that there was concern whether there was a substantive change and we call this to your attention.

(record  
#34)

I urge for the passage of the bill before us as amended.

THE SPEAKER;

Will you remark further on the bill?

MRS. OSLER (150th):

Mr. Speaker, this is truly a technical bill. It was very difficult to keep it that way because the committee that was appointed with some legislative and some public members really had a number of things they would have liked to clear up and some language that they would have liked to revise but always in revising language very much there is a possibility that one inadvertently changes it. Really very little was done and your file copy does not show it in the form that we hope it will eventually take. When the Legislative Commissioner's Office this summer revises the statutes for the new edition that we will be getting in the winter or whenever they come out, some of the sections will be rearranged. We have decided to put them in a little bit different arrangement, copying some other States education legislation and so you will be finding them the same laws as we now have in somewhat different sections of Section 10 of the General Statutes. So I just wanted to mention that ahead of time. But generally speaking, you should find no problem with any parts of this bill.

THE SPEAKER:

Will you remark further on the bill as amended? If not, will the members please take their seats. Staff and guests come to the well of the House and the machine will be open. Have all the members voted and is your vote properly recorded? If so, the machine will be locked and the Clerk be good enough to take a tally.

The Clerk please announce the tally.

THE CLERK:

Total Number Voting.....130  
 Necessary for Passage..... 66  
     Those Voting Yea.....130  
     Those Voting Nay..... 0  
     Those Absent and Not Voting.... 21

THE SPEAKER:

The bill as amended is PASSED.

THE CLERK:

Calendar No. 784, Substitute for H.B. No. 5703, File No. 490.

AN ACT CONCERNING THE IMPLEMENTATION OF COURT REORGANIZATION.

Favorable report of the Committee on Judiciary.

MR. O'NEILL (34th):

Mr. Speaker, I move this item be passed retaining its place.

THE SPEAKER:

Is there objection? Hearing none the matter is retained.

THE CLERK:

Calendar No. 785, Substitute for H.B. No. 5984, File No. 498.

AN ACT CONCERNING THE CORRECTION OF TECHNICAL DEFECTS IN THE GOVERNMENT  
 REORGANIZATION ACT OF 1977.

Favorable report of the Committee on Government Administra-  
 tion and Policy.

MRS. HENDEL (40th):

Mr. Speaker, I move for acceptance of the Joint Committee's  
 favorable report and passage of the bill.

THE SPEAKER:

The question is on acceptance of the Joint Committee's favor-  
 able report and passage of the bill, and will you remark, madam?

**JOINT  
STANDING  
COMMITTEE  
HEARINGS**

**EDUCATION  
PART 2  
373-614**

**1978**

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## EDUCATION

State Capitol  
Room 408  
March 27, 1978  
1:30 P.M.

PRESIDING CHAIRMEN: Senator Schneller, Senator Reimers,  
Representative Glassman

COMMITTEE MEMBERS PRESENT:

SENATORS:

REPRESENTATIVES: Dyer, Wellman, Smith, Goodwin, Durrell, Eads,  
Osler, Bertinuson, Rosso

SEN. SCHNELLER: I'm Dick Schneller, Chairman of the Education Committee. On my left is Senator Barbara Reimers who is the ranking Senate member of the Education Committee. As is our custom, we will hear from legislators and state agency representatives. We seem to have more of those this afternoon than we have members of the public, but I think some of these bills, or many of these bills merely require the input of legislators and state agency representatives.

With the indulgence of the Committee and of some of those who've signed up, I'm going to first call Miss Hollace Brooks who has been the director and guiding light of the Committee to recodify the state education statutes. Miss Brooks has indicated she has to be in Federal Court at two o'clock, I assume as an attorney not a defendant (laughter) and Holly if you'll go ahead and make your presentation.

HOLLACE BROOKS: Thank you. I'm here to speak about Bill 5999, an Act concerning Technical Revisions of the Education Statutes. This Bill contains the technical revisions recommended by the Commission to Revise and Recodify the Education Laws. In this testimony, I plan to outline the types of technical revisions which the Commission recommends.

First, in going over Title 10, the Commission observed that the local education agency was referred to in many, many different ways. The Commission has eliminated these many different terms and utilized the term Local or Regional Board of Education to refer to the local education agency. This term has been substituted wherever possible for a term such as school district, school board, town board of education, board of education of the school district and the many other terms used to refer to the local agency.

Secondly, the Commission reviewed the statutes to make them sexually neutral. This revision includes substitutions of

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HOLLACE BROOKS (Continued): sexually neutral words where possible, as in Section 3 of the Bill, or substituting -- or adding the word "she" if there were no possible way or appropriate neutral term. Section 7 of the Bill contains several revisions to make it sexually neutral and I think it's indicative of what we did in that area.

Third, the Commission changed the term Commission for Higher Education to Board of Higher Education in all those sections which had not been previously changed by the government or reorganization act.

Fourth, the provisions for reporting to the General Assembly were standardized. All reports from the Department of Education would now be submitted to the Joint Standing Committee on Education by February 15. It seemed to be the practice and we just brought the statutes in line.

Fifth, references to supervising agents were removed from this statute. These agents were employees of the state who served rural districts as superintendents and they are no longer provided by the state, however, Section 159 of the General Statutes which authorized the State Board of Education to provide this supervisory service was not repealed, because it serves as the basis for Section 159A which allows school districts to receive a grant in lieu of receiving this service.

Sixth, obsolete dates were removed from the statutes. An example of such a deletion may be found in Section 146 of the Bill.

Seventh, the Commission attempted to clarify the language of several sections without doing anything to alter the meaning. Section 185 of the Bill is an example of such a clarification. However, many more sections would benefit from rewriting for clarification and the Commission makes this recommendation in this report which has been submitted to the Education Committee.

Eighth, the Commission has broken some sections apart either to provide emphasis to a portion of the section or to make the section easier to read. Section 10-15 of the General Statutes is one of those sections which we have divided. Section 9 of the Bill removes the language from the section where it is previous -- where it is currently codified and Sections 10 and 11 add the language to the statutes again and before Sections 10 and 11 the word "new" appears. There's nothing new in this Bill, this is just -- it will be a new

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HOLLACE BROOKS (Continued): section, but it is not new language. It's just a restatement of language, but when we reorganize the statutes, we want some things to stand apart. Section 10-15 of the General Statutes, for instance, contain a provision in the middle, an anti-discrimination provision, which was buried with a whole bunch of other provisions and we pulled that out to emphasize it.

The Commission has also recommended repeal of certain sections of the statutes, some which have been obsolete -- been made obsolete either because the date has passed or because they're just no longer used, some which involve appropriations which have been depleted, one which is redundant, one which was combined with another statute and one which was proved unconstitutional.

SEN. SCHNELLER: Holly, I'd like to ask you this question, primarily for the record. You worked with this Commission for a year and a half - two years, you're probably as conversant with the changes that have been made here as anyone, and you're a certified attorney in the State of Connecticut, in your opinion, are there any changes that have been made in this, in all of this recodification that is any way substantive or that can be possibly construed as substantive, or is it all purely technical?

HOLLACE BROOKS: We made a concerted effort to limit the changes to technical changes. There are no changes in here that I could identify as substantive. We made an effort to avoid substantive changes.

SEN. SCHNELLER: Do you want to comment on that, Senator Reimers?

SEN. REIMERS: Yes I do. The one most difficult change that could be substantive, depending upon your interpretation and how deeply you get involved in the court cases and history of Connecticut law, is where we have changed town to Local and Regional Board of Education. It is a part of the statute that makes a town and a local school district coterminous and when it comes to the fiscal powers of the town and the school district, there's a very muddy area, and sometimes by changing the statute so that it no longer reads "Town and Regional Board of Education" it may have an influence on the fiscal powers of the town vis-a-vis the board of education. We have attempted to avoid that in every place where the statute referred to money going to either a town or a board of education.

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- SEN. REIMERS (Continued): I just in checking, picked up one list having to do with construction grants, but there are one or two areas like that that depend upon your interpretation whether it's technical or substantive.
- REP. BERTINUSON: Representative Bertinuson. I'd like to react to that a little bit, because I think this is one of the questions on the Bill that we were dealing with on the floor of the House the other day which had to do with school -- with who -- had to do with permission for the use of school buildings while there is still school in process going on, but there is available space, and a lot of the debate seemed to hinge on that very thing, because in that change -- one of the changes that we made was from the old language which said "district, school district or town should have this right to decide by a two-thirds vote of the town meeting" or something whether the school should be used and was changed to read "board of education". There was some, I thought, a great deal of concern on the floor of the House that we were taking away some power from the town which it now had over the use of school buildings and giving it to the school board. I wasn't clear myself whether this will be clear with the recodification or whether that is a substantive question, I'm not really sure.
- SEN. SCHNELLER: Since that is an area of some contention or concern here, I'd like to have staff go through the Bill and pick out one by one those areas where district has been substituted for town and let's get more evaluation as to whether or not there is any substantive change involved here. Okay, ? I think all of us want to be comfortable and the reason I'm going through this is all of us want to be comfortable with the fact that the changes made here basically are technical changes and not substantive changes. Thank you very much, Holly. make it.
- Is John Toffolon here? This is the last name I'm going to call out of order. Mr. Toffolon is the Chairman of the State Board of Education and they have a monthly Board meeting that starts at 3:15. John, if you'll give your testimony.
- JOHN TOFFOLON: Thank you, Senator Schneller. I'm John Toffolon, Chairman of the State Board of Education. As you near the end of your Committee's review of legislative proposals, I appreciate this opportunity once again to comment on one last measure, which is of great importance to the educational community.

Today you will be examining Senate Bill 572, which would allow state funding support for Connecticut's system of regional