

Legislative History for Connecticut Act

Act Number: 08-160
Bill Number: 5826
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CONNECTICUT
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SENATE

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jlm

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Senate

May 7, 2008

Hearing and seeing no objection, so ordered.

SEN. LOONEY:

Thank you, Mr. President. Also Calendar Page 9, Calendar 532, House Bill 5845, move to place this item on the Consent Calendar.

THE CHAIR:

Hearing and seeing no objection, so ordered.

SEN. LOONEY:

Thank you, Mr. President. Calendar Page 10, Calendar 544, Calendar 544, House Bill 5826, move to place this item on the Consent Calendar.

THE CHAIR:

Hearing and seeing no objection, so ordered.

SEN. LOONEY:

Thank you, Mr. President. Calendar Page 11, Calendar 545, House Bill 5724, move to place this item on the Consent Calendar.

THE CHAIR:

Hearing and seeing no objection, so ordered.

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Calendar 529, Substitute for House Bill 5869.

Calendar 532, Substitute for House Bill 5845.

Calendar Page 10, Calendar 544, Substitute for
House Bill 5826.

Calendar Page 11, Calendar 545, Substitute for
House Bill 5724.

Calendar Page 12, Calendar 556, Substitute for
House Bill 5873.

Mr. President, that completes those items placed
on the first Consent Calendar.

THE CHAIR:

The machine will be open.

THE CLERK:

The Senate is now voting by roll call on the
Consent Calendar. Will all Senators please return to
the Chamber.

The Senate is now voting by roll call on the
Consent Calendar. Will all Senators please return to
the Chamber.

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Senate

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THE CHAIR:

Senator Looney and Senator Meyer, could you vote on the Consent Calendar, please?

If all Senators have voted, the machine will be locked. The Clerk will call the tally.

THE CLERK:

Motion on adoption of the Consent Calendar No. 1.

Total number voting, 36; those necessary for adoption, 19. Those voting "yea", 36; those voting "nay", 0. Those absent and not voting, 0.

THE CHAIR:

Consent Calendar No. 1 passes. Senator Looney.

SEN. LOONEY:

Yes, thank you, Mr. President. Mr. President, would ask for suspension to take up an item appearing on Senate Agenda No. 2.

THE CHAIR:

The motion is on suspension of the rules. Without objection, so ordered, Sir.

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Thank you. We welcome you. We thank all the small businesses for all the jobs they create for us.

Thank you.

Any further announcements or introductions?

We'll return back to the Calendar. Will the Clerk please call Calendar Number 377.

CLERK:

On Page 11, Calendar Number 377, Substitute for House Bill Number 5826, AN ACT CONCERNING SCHOOL LEARNING ENVIRONMENTS, Favorable Report of the Committee on Appropriations.

DEPUTY SPEAKER GIANNAROS:

Representative Fleischmann, you have the floor, Sir.

REP. FLEISCHMANN: (18th)

Thank you, Mr. Speaker. Mr. Speaker, I move acceptance of the Joint Committee's Favorable Report and passage of the bill.

DEPUTY SPEAKER GIANNAROS:

The question before the Chamber is acceptance of the Joint Committee's Favorable Report and passage of

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the bill. Will you remark? Representative
Fleischmann.

REP. FLEISCHMANN: (18th)

Thank you, Mr. Speaker. Mr. Speaker, just to
give you a little context for the bill before us
presently.

Last year, this General Assembly, our state, set
standards for out-of-school suspensions effective July
1st of this year. In the time since last Session, many
of us here have heard concerns raised in our local
school system, some regarding the policy change and
others regarding the budgetary implications of the
change.

The Education Committee held a public
informational forum on this topic. We invited policy
experts and teachers and administrators to come.

The policy experts were unified in support of the
change we made last year. The Commissioner of
Education indicated he was open to issuing guidelines
that could help administrators and others who were
unsure what last year's law meant, to better
implement.

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So the measure now before us takes steps pursuant to the information we gathered. It clarifies that in-school suspensions can be served in any building under the jurisdiction of a school board.

In other words, a single location in a school system can be sufficient.

It requires that as of October 1, 2008, the Commissioner issued guidelines that local school boards will be able to use.

It modifies the definition of bullying to make it clearer and more reflective of what actually happens within schools, and it moves the implementation date of in-school suspensions to January 1, 2009.

Mr. Speaker, the Clerk is in possession of an amendment, LCO Number 5484. I ask that the Clerk please call and I be given permission to summarize.

DEPUTY SPEAKER GIANNAROS:

Thank you. Will the Clerk please call LCO Number 5484, which will be designated House Amendment Schedule "A".

CLERK:

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LCO Number 5484, House "A", offered by
Representatives Fleischmann and Hovey, Senators
Gaffey, Herlihy and Caligiuri.

DEPUTY SPEAKER GIANNAROS:

Will you remark, excuse me. The Representative
seeks leave to summarize the amendment. Are there any
objections? Are there any objections?

If not, Representative Fleischmann, you have the
floor, Sir. You may summarize.

REP. FLEISCHMANN: (18th)

Thank you. Thank you, Mr. Speaker. This
amendment before us is really self-explanatory. It
changes the July, I'm sorry, the January 1, 2009,
implementation date to July 1, 2009.

In other words, for all who are concerned about
budgetary impacts locally, it takes this change and
pushes it out past the end of the coming school year.

I move adoption.

DEPUTY SPEAKER GIANNAROS:

The question before the Chamber is adoption of
House "A". Will you remark? Representative Hovey,
you have the floor, Madam.

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REP. HOVEY: (112th)

Thank you, Mr. Speaker. Mr. Speaker, I rise in support of the amendment. This amendment is a compromise.

As a lot of Members in the Hall know, I had worked on a formula that would target, I guess, for lack of any other word, would target those systems that are not implementing what we would consider best practice, which is to have plans that they are able to keep kids in school. And instead, they have excessive suspensions from school.

One of the things that, in this compromise that caused me to think very carefully about it is that I believe the underlying legislation may be a little heavy-handed. And when we do that type of legislation, we need to be very careful.

There are some who believe that it's good policy to have a broad scope of legislation, but it's my belief that we need to provide support for improvement so that the systems can focus on developing positive learning environments. So our legislation should

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encourage our schools to implement best practice and have positive plans.

This compromise is based on conversations that we, in the next year, will look very carefully at the suspension policies of different systems, at the numbers of children that are being suspended from school, and try to come up with a formula that would get at those systems and protect those young people who are being excessively suspended from school.

We cannot educate children if they are not within the context of our four walls. We cannot bridge the achievement gap if the very young people that we need to be spending our time with are not in our systems. So I urge adoption.

DEPUTY SPEAKER GIANNAROS:

We thank the Ranking Member of the Education Committee, Representative Hovey. Representative Miner.

REP. MINER: (66th)

Thank you, Mr. Speaker. Briefly, as I understand this amendment, it actually takes the date from January 1st '09 to July 1st '09. Is that correct?

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Through you, Mr. Speaker, if I could pose a question to the gentleman posing the amendment, please.

DEPUTY SPEAKER GIANNAROS:

Yes, Sir. Proceed.

REP. MINER: (66th)

As I understand the amendment, it changes the effective date under the law, the bill as proposed, from January 1st '09 to July 1st '09. Is that correct?

Through you, Mr. Speaker.

DEPUTY SPEAKER GIANNAROS:

Representative Fleischmann.

REP. FLEISCHMANN: (18th)

Through you, Mr. Speaker, yes.

DEPUTY SPEAKER GIANNAROS:

Representative Miner, you have the floor, Sir.

REP. MINER: (66th)

Thank you, Mr. Speaker. And so with regard to all the issues that have been raised about the costs associated with this, the change in date, both in the underlying bill and the amendment, if passed, would make the circumstances better in that anything after the start of school next year, they would not come

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under any provision that would require in-school suspension under the '07 law. Is that correct?

Through you, Mr. Speaker.

DEPUTY SPEAKER GIANNAROS:

Representative Fleischmann.

REP. FLEISCHMANN: (18th)

Through you, Mr. Speaker, yes.

DEPUTY SPEAKER GIANNAROS:

Representative Miner.

REP. MINER: (66th)

It's a great idea, Mr. Speaker.

DEPUTY SPEAKER GIANNAROS:

Thank you, Representative Miner. Representative Rowe, you have the floor, Sir.

REP. ROWE: (123rd)

Thank you. Good afternoon, Mr. Speaker.

DEPUTY SPEAKER GIANNAROS:

Good afternoon.

REP. ROWE: (123rd)

It is a great idea. It might be greater, I think, if we delayed implementation from, instead of moving from January to July of '09, to maybe January

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to July of 2030, but I will take what we can get, I suppose.

This is an unfunded mandate that was passed and imposed upon the municipalities and local school boards and towns last session, and we need to look at it a little bit more and the impact it's going to have.

Representative Hovey made some good points about making sure that we have specificity with who is being subjected to the in-school suspensions, what school systems need the in-school suspensions and which ones perhaps don't need it. So this is a step.

I hope that we can look at this again next year, and if we don't push it back to 2030, at least exempt municipalities and school systems for which this unfunded mandate really isn't necessary. But I look forward to supporting this amendment and working next session to helping blunt its effects even more. Thank you, Mr. Speaker.

DEPUTY SPEAKER GIANNAROS:

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Thank you, Representative Rowe. The Honorable Minority Leader, Representative Cafero, you have the floor, Sir.

REP. CAFERO: (142nd)

Thank you, Mr. Speaker. Mr. Speaker, a few questions through you to the proponent of the amendment.

DEPUTY SPEAKER GIANNAROS:

Please proceed, Sir.

REP. CAFERO: (142nd)

Thank you, Mr. Speaker. Mr. Speaker and Representative Fleischmann, I understand, of course, that the amendment delays the implementation.

In your bringing out the bill initially, you talked about the ability for boards of education to conduct in-school suspensions, not only on the building from which the child is being suspended, but any other building within their control. Is that correct? Through you, Mr. Speaker.

DEPUTY SPEAKER GIANNAROS:

Representative Fleischmann.

REP. FLEISCHMANN: (18th)

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Thank you. Through you, Mr. Speaker, yes.

DEPUTY SPEAKER GIANNAROS:

Representative Cafero.

REP. CAFERO: (142nd)

And through you, Mr. Speaker, I think that's a very welcome change to the existing law. I know so many local boards of education have come up with various alternative programs to, instead of obviously suspending their students and letting them just go home for up to ten days, actually making it a meaningful experience.

But sometimes space is an issue within the school from which they are being suspended. And many interpreted the original law as precluding them from housing them or in-school suspending them, if I may, in any other place but the school from which they were suspended.

To expand a little bit, I guess, or to understand a little bit more, for instance, I know in my school system there had been some thoughts about having an arrangement, say, with a local corporation wherein they might have some space available to them, and that

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they would offer to the board of education for purposes of conducting an in-school suspension program.

Would that be allowed under the bill, as amended?

Through you, Mr. Speaker.

DEPUTY SPEAKER GIANNAROS:

Representative Fleischmann.

REP. FLEISCHMANN: (18th)

Thank you, Mr. Speaker. Through you, it is my opinion that, yes, it would be permitted. The language, now I'll just point out, we're still on House "A", which simply changes the date. But in the underlying bill, the language talks about something that's under the jurisdiction of the school board.

And it is my understanding, if the school board has gone and made an arrangement with any kind of other entity, be it for profit or nonprofit, to be conducting its in-school suspension program, that program is essentially under the jurisdiction of the board because it's something that the board is overseeing.

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It's pursuant to a contract that the board has set up, so I believe that any such program that the local school board has set up would qualify under the language that we have before us in the underlying bill. Through you, Mr. Speaker.

DEPUTY SPEAKER GIANNAROS:

Thank you, Representative Fleischmann. We are discussing Amendment "A", House Amendment "A".

Representative Cafero.

REP. CAFERO: (142nd)

Through you, Mr. Speaker, I realize that we are discussing House Amendment "A". House Amendment "A" delays the implementation of the underlying bill by approximately six months, so it is only natural that we need to talk about the effect of that delay on the underlying bill.

So if it seems as if my questions are geared towards the underlying bill, they are by necessity because the amendment we're discussing delays that implementation by six months.

DEPUTY SPEAKER GIANNAROS:

Please proceed, Sir.

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REP. CAFERO: (142nd)

Thank you. Through you, Mr. Speaker, just for purposes of legislative intent, and I was glad to hear the Chairman indicate that that was the case.

When defining, or I guess the underlying bill uses language, within the jurisdiction or under the jurisdiction of the school system. That would include any entity by which the school system has made an arrangement, contractual or otherwise, for the housing of this in-school suspension program. Is that correct? Through you, Mr. Speaker.

DEPUTY SPEAKER GIANNAROS:

Representative Fleischmann.

REP. FLEISCHMANN: (18th)

Through you, Mr. Speaker, yes, that is my interpretation. I'd also like to add one other point here, which is, in my opinion and in the opinion of others who worked on last year's legislation, this notion that any sort of in-school suspension program that a school board has set up would be sufficient, that we didn't need to have a separate program in each

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school. That was our understanding of what we had done last year.

And the language in this bill before us was added to make that perfectly clear to everyone because we had people from local boards of ed who felt that perhaps there was some new mandate that there be a program in every single school. That was not my intention. It was not the intention of this General Assembly, and this language is meant to clarify that point.

So, in my opinion, today, as we stand here, that notion that a single, in-school suspension center is sufficient for a local school board to operate is also in effect. Through you, Mr. Speaker.

DEPUTY SPEAKER GIANNAROS:

Representative Cafero.

REP. CAFERO: (142nd)

Through you, Mr. Speaker, and that's why I think the underlying bill, which is amended in implementation by the amendment before us is so important because I agree with the Chairman.

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There was confusion as to that, and that's what I think caused a lot of consternation on the part of school boards thinking that they had no room in their schools to house these programs, and that it mandated that they house them within the school from which the student was expelled, excuse me, suspended.

Through you, Mr. Speaker, I'm wondering, along those lines, when a school system contracts, say, with another entity or has an arrangement with another entity, for instance, say corporation, etc., is there anything in the amendment that delays the underlying bill that would require that in all cases a certified teacher must be supervising whatever program the in-school suspension is and wherever that may be located? Through you, Mr. Speaker.

DEPUTY SPEAKER GIANNAROS:

Representative Fleischmann.

REP. FLEISCHMANN: (18th)

Thank you. Through you, Mr. Speaker, no.

DEPUTY SPEAKER GIANNAROS:

Representative Cafero.

REP. CAFERO: (142nd)

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Okay, that is very, very interesting because, through you, Mr. Speaker, there are many school systems that interpreted the original bill that we passed last year to say, when we have these in-school suspension programs, we must have a program.

And if we have that program, this program must be administered by or supervised by a teacher, a teacher that's certified. And as opposed to say a teacher's aide or a hall monitor or something like that.

We're all familiar with the show or the movie back in, what was it, the late '80s, *The Breakfast Club*, where it was Saturday detention and a bunch of kids showed up, sat in a library for the entire day on Saturday and had sporadic supervision by I guess what was portrayed as the vice principal.

Through you, Mr. Speaker, again for legislative intent, and I'm talking about the amendment, which delays the implementation of the underlying bill, is it the Chairman's interpretation of the law, as it will be amended in all forms, that so long as there is a program, a place, if you will, to locate these students that have been suspended from that school, it

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does not matter who supervises them during that period of in-school suspension. Am I correct in that, or have I misunderstood? Through you, Mr. Speaker.

DEPUTY SPEAKER GIANNAROS:

Representative Fleischmann.

REP. FLEISCHMANN: (18th)

Through you, Mr. Speaker, yes, in my opinion, you're correct. As a matter of law, we are not saying this year, nor did we say last year, that there was some new requirement that a certified teacher be the person overseeing the program.

As a matter of public policy, I think our school districts in general are going to be best served if they do have someone with a certification in teaching who is involved in developing the curriculum or helping to oversee.

I think generally these alternative ed programs that are put in place for in-school suspension programs are served best and the children are served best if there's someone who really knows quite a bit about teaching who is involved.

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But as a matter of law, we did not last year, nor would we this year, require that there be a certified teacher at the front of that room. If there was someone who the school district did hire because they thought they could do a good job and that person wasn't someone holding a certification, I believe that that is permissible. Through you, Mr. Speaker.

DEPUTY SPEAKER GIANNAROS:

Representative Cafero.

REP. CAFERO: (142nd)

Thank you. Through you, Mr. Speaker, does the good gentleman know how this law would be interpreted with regard to collective bargaining agreements?

In other words, in the event a collective bargaining agreement for a particular school system calls that any sanctioned program by the board of education must be supervised by certified education personnel, based upon what the gentleman has indicated is not the intent of the underlying bill and amendment, how would that be reconciled? Through you, Mr. Speaker.

DEPUTY SPEAKER GIANNAROS:

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Representative Fleischmann.

REP. FLEISCHMANN: (18th)

Through you, Mr. Speaker, so as I mentioned in my last response, as a matter of state law, there would be no statewide requirement for there to be a certified teacher who was leading the program.

Based on my experience, it seems that if there is a local collective bargaining agreement that covers that area and that requires that in that given school system any sort of program that's rolled out always has a certified teacher that, for that local board, that section of that collective bargaining agreement would pertain. Through you, Mr. Speaker.

DEPUTY SPEAKER GIANNAROS:

Representative Cafero.

REP. CAFERO: (142nd)

Through you, Mr. Speaker, I thank the gentleman for his answers. Ladies and gentlemen, what we have just heard, and I think the words should go forth to those schools, school districts throughout the state.

Currently when you, or I should say, prior to last year, when you suspended someone and they stayed

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out of school for ten years, obviously the school had no responsibility to know what that child was doing while he or she was out on suspension. They had no responsibility for their supervision, for their care taking, for their educational experience, etc.

What we did last year is say that, unless it's for a violent offense, a child must be suspended and must have their suspension served in school. We are clarifying that through this law.

But based upon the Chairman's interpretation and for purposes of legislative intent, unless there is a contradiction in a collective bargaining agreement, anyone, a hall monitor, security guard, anyone may supervise an in-school suspension program during the period of time those students are being suspended at a locale that is under the operation or the jurisdiction of the school system, and I think that's important for clarification.

I thank the gentleman for his answers. If there is a contrary view, I think it's important we get that out before we pass this bill. Thank you, Mr. Speaker.

DEPUTY SPEAKER GIANNAROS:

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We thank the Minority Leader, Representative Cafero. Representative Hetherington, you have the floor, Sir.

REP. HETHERINGTON: (125th)

Thank you, Mr. Speaker. If I may follow up with several questions to the learned Chairman of the Education Committee and proponent of the bill.

DEPUTY SPEAKER GIANNAROS:

You may proceed, Sir.

REP. HETHERINGTON: (125th)

Thank you. For purposes of legislative intent as well, because this is a matter that is of great concern to our school districts. I've heard several times from the superintendent of schools in both of the towns that I represent.

Is there a requirement that students of different ages and different educational classes be separated when they are in in-school suspension or maybe may they be collected together in one place, as the school authorities deem appropriate? Through you, Mr. Speaker.

DEPUTY SPEAKER GIANNAROS:

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Representative Fleischmann.

REP. FLEISCHMANN: (18th)

Through you, Mr. Speaker, the measure before us, like state statutes, as they stand today, give local boards of education latitude in that determination.

Through you, Mr. Speaker.

DEPUTY SPEAKER GIANNAROS:

Representative Hetherington.

REP. HETHERINGTON: (125th)

Thank you. And so a school system in a town such as New Canaan. Let me take back that because I don't want to particularize it. I think that's unfair to the proponent.

A school system generally could have a consolidated facility for the purposes of accommodating the students who are serving in-school suspension. I would ask the proponent if that's correct. Through you, Mr. Speaker.

DEPUTY SPEAKER GIANNAROS:

Representative Fleischmann.

REP. FLEISCHMANN: (18th)

Through you, Mr. Speaker, yes.

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DEPUTY SPEAKER GIANNAROS:

Representative Hetherington.

REP. HETHERINGTON: (125th)

I thank the proponent for those responses and just like to pass on to the other portion of this bill and ask if the changes with respect to bullying, does this?

The way that bullying will be defined after this bill becomes law will still require that the harassing or humiliating behavior occurs more than once. I believe that's correct. Through you, Mr. Speaker.

DEPUTY SPEAKER GIANNAROS:

Representative Fleischmann.

REP. HETHERINGTON: (125th)

I'm sorry. I'm reminded we're on the amendment, and I withdraw my question, and I will save that. Thank you, Mr. Speaker.

DEPUTY SPEAKER GIANNAROS:

The question has been withdrawn. Thank you, Representative Hetherington. Will you remark further on the amendment before us? The question before the Chamber is adoption of House "A". Will you remark?

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Will you remark on House "A"? If not, let me try your minds. All those in favor, please say Aye.

REPRESENTATIVES:

Aye.

DEPUTY SPEAKER GIANNAROS:

All those opposed, Nay. The Ayes have it. The amendment is adopted. The Honorable Chairman of the Education Committee, Representative Fleischmann, you have the floor, Sir.

REP. FLEISCHMANN: (18th)

Thank you, Honorable Speaker. The Clerk is in possession of an amendment, LCO Number 5636. I would ask that the Clerk please call and I be given permission to summarize.

DEPUTY SPEAKER GIANNAROS:

Will the Clerk please call LCO Number 5636, and designate that as House Amendment Schedule "B"?

CLERK:

LCO Number 5636, House "B", offered by Representative Fleischmann, Senator Gaffey, Representative Abercrombie, Representative Hovey, Representative Witkos, etc.

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DEPUTY SPEAKER GIANNAROS:

Will you remark? Representative Fleischmann.

REP. FLEISCHMANN: (18th)

Thank you, Mr. Speaker. Mr. Speaker, the amendment now before us maintains the definitional change that was described earlier. It requires local boards to submit their bullying policies to the State Department of Education and include them in the student handbook.

It sets up a system for training on the prevention of bullying, and has SDE, within available resources, do an analysis of successful policies to reduce bullying and improve school climate. I move adoption.

DEPUTY SPEAKER GIANNAROS:

The question before the Chamber is adoption of House Amendment "B". Will you remark? Representative Fleischmann, you have the floor, Sir.

REP. FLEISCHMANN: (18th)

Thank you, Mr. Speaker. Mr. Speaker, this amendment now before us reflects hard work by a number

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of legislators, most notably Representatives Abercrombie and Morris.

They labored many, many hours to go ahead and come up with something that builds on the underlying purpose of this bill, which is to improve school climate and to make sure that we're doing everything we can to insure that we're limiting the kind of bullying that's happening in our schools.

We're identifying the policies that move us in that direction, and we're improving the overall school climates, so that we've got schools that have less violence and are places where it is far easier for children to learn.

It's important to note that this is in tune with the spirit of what we did last year. And what we did last year wasn't to say that there couldn't be out of school suspensions. It didn't say there could only be out of school suspensions in the case of violence, as the good minority leader represented earlier.

Instead, what it said was this. If you want to do an out of school suspension, you have to have a finding that a child was either a danger to themselves

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or others or disruptive of the educational process.

Let me repeat that again, disruptive of the educational process.

That gets at the heart of what this amendment does and what this bill does, which is to make sure that, for children who are ready to learn and who are not disrupting the educational process, we're keeping them in school and respecting their constitutional right to an education.

And that for children who aren't doing that, for children who are disrupting others, that we're making sure that they're suspended out of school if need be, but even more important, we're making sure that all the teachers and administrators and others involved in our school systems know best how to deal with these children, under the policies that best deflect and end bullying, the policies that best improve our school climate.

So for all those reasons, I hope the Members of the Chamber will join me in supporting this bipartisan amendment. Thank you, Mr. Speaker.

DEPUTY SPEAKER GIANNAROS:

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Thank you, Sir. Will you remark? Representative Abercrombie, you have the floor, Madam.

REP. ABERCROMBIE: (83rd)

Thank you, Mr. Speaker. I rise in support of this legislation. Back in 2002, Connecticut took bold steps to combat bullying. In 2007, the State Department of Ed, in collaboration with the University of Hartford, did a survey among school principals in reference to experience with interpreting and implementing Connecticut anti-bullying laws.

Today's legislation has the State Department of Ed examining the effectiveness of the school districts' bullying policies. It also has the State Department of Ed collecting information on the prevention and intervention strategies utilized by schools to reduce the incident of bullying.

Some of the outcomes that the State Department of Ed will be looking at are teen suicide, dropout rates. I urge my colleagues to vote favorably on this bill. And I would like to just thank my colleagues, Representative Mushinsky, Representative Morris, and especially the Ranking Member of the Education

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Committee, Representative Hovey Lee, DebraLee Hovey,
for their support on this. Thank you, Mr. Speaker.

DEPUTY SPEAKER GIANNAROS:

Thank you, Madam. Representative Hovey, you have
the floor, Madam.

REP. HOVEY: (112th)

Thank you, Mr. Speaker, and I thank the good
representative for her note.

Bullying is a problem in Connecticut schools, but
the larger problem of Connecticut Schools is the
environment. And hopefully this legislation will
allow the State Department to start really tracking
what type of environment is positive for learning and
for our children.

We know there's a great body of research out
there, best practice needs to be put in place once
again, and I would urge adoption of this amendment.

DEPUTY SPEAKER GIANNAROS:

Thank you, Madam. Representative Noujaim, you
have the floor, Sir.

REP. NOUJAIM: (74th)

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Thank you, Mr. Speaker. Good afternoon, Mr. Speaker.

DEPUTY SPEAKER GIANNAROS:

Good afternoon, Sir.

REP. NOUJAIM: (74th)

Through you, Mr. Speaker, I would like to pose a question to the proponent of this amendment.

DEPUTY SPEAKER GIANNAROS:

Please proceed, Sir.

REP. NOUJAIM: (74th)

Thank you, Mr. Speaker. To the Chairman of the Education Committee, although I know that bullying does exist, it exists everywhere. It exists wherever we are in any society, and it also exists in schools. But there are just a few questions that I would like to know in reference to this amendment.

The first one, through you, Mr. Speaker, is throughout the entire amendment, it says in here, within available appropriation. So does this mean that if our budget is not approved this year or we do not have money in the budget, then this amendment will not be adopted? Through you, Mr. Speaker.

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DEPUTY SPEAKER GIANNAROS:

Representative Fleischmann.

REP. FLEISCHMANN: (18th)

Through you, Mr. Speaker, no. Here's what it does mean. If this Chamber passes this amendment and it becomes part of the bill and the bill becomes law, there will be mandates created for the State Department of Education, which it is asked to exercise under available resources.

The crafters of this amendment were very careful to develop language that allowed for action by the State Department of Ed without additional moneys because, for example, the department has already collected some data from a variety of school systems from what's happening with anti-bullying policies today.

So if we make the language before us law, there will be follow up steps taken by the State Department of Education within available resources. Through you, Mr. Speaker.

DEPUTY SPEAKER GIANNAROS:

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Thank you, Representative Fleischmann.

Representative Noujaim, you have the floor.

REP. NOUJAIM: (74th)

Thank you, Mr. Speaker. Mr. Speaker, the representative, in his previous answer, mentioned several times the word mandates and within available resources.

And through you, Mr. Speaker, does this mean if this bill is adopted and it becomes law, this amendment is adopted and it becomes law, then there will be a mandate on the municipalities to adopt those policies and procedures, and how would their budgets be reimbursed? Through you, Mr. Speaker.

DEPUTY SPEAKER GIANNAROS:

Representative Fleischmann.

REP. FLEISCHMANN: (18th)

Through you, Mr. Speaker, already under state statute all of our local boards of education are required to develop anti-bullying policies. That is a policy of the State of Connecticut that was adopted several years ago.

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All this amendment would do is ask that local boards send their policies in to the State Department of Ed and include them in their local handbooks. So our own Office of Fiscal Analysis has said that they believe that this has minimal impact. Through you, Mr. Speaker.

DEPUTY SPEAKER GIANNAROS:

Representative Noujaim.

REP. NOUJAIM: (74th)

Thank you, Mr. Speaker. And Mr. Speaker, in Section 5 of this amendment, which begins on Line 54 and ends on Line 74, there are several new initiatives that I see here, which I presume in the past were not defined and/or implemented as part of the implementation process.

So if this amendment becomes law, again, would this add more to the mandates on the municipalities or not? Through you, Mr. Speaker.

DEPUTY SPEAKER GIANNAROS:

Representative Fleischmann.

REP. FLEISCHMANN: (18th)

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Through you, Mr. Speaker, no. If you look at the language that commences Section 5, it says that prevention and intervention strategies, quote, may include but are not limited to the following.

So what we're doing here is we're enumerating a bunch of policies that local school boards may go ahead and turn to, but they're not required to, so there is no mandate. Through you, Mr. Speaker.

DEPUTY SPEAKER GIANNAROS:

Representative Noujaim.

REP. NOUJAIM: (74th)

Thank you, Mr. Speaker. And through you, Mr. Speaker, I truly believe and know that obviously there are, and as I mentioned before, issues in reference to bullying in the schools, also the issue in reference to suicide, which is mentioned in Line 144 of this amendment.

But again, in Lines 142 and 143, it says that any new teachers preparing to professional certification shall be encouraged. And through you, Mr. Speaker, shouldn't we require this rather than just encourage

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it, to make sure that our students are safe? Through you, Mr. Speaker.

DEPUTY SPEAKER GIANNAROS:

Representative Fleischmann.

REP. FLEISCHMANN: (18th)

Through you, Mr. Speaker, certainly I share my good colleagues' preference for making sure that every candidate for teacher preparation completes this type of training and has knowledge of dealing, not just with school violence, but also bullying and suicide prevention, and that would be ideal.

But if we were worded this bill in that way, we would have many, many colleagues popping up on the floor of the House to say that this is a new mandate, that it's costly, that it's not affordable at this time.

So while I share Representative Noujaim's belief that this is the right direction for us to go and eventually all teachers should have this as part of their core curriculum, we concluded that wisdom was the better part of valor in this case and that we

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should start off making this non-required. Through
you, Mr. Speaker.

DEPUTY SPEAKER GIANNAROS:

Representative Noujaim.

REP. NOUJAIM: (74th)

Thank you, Mr. Speaker, and I extend my gratitude
to the Chairman of the Education Committee for his
answers. Thank you.

DEPUTY SPEAKER GIANNAROS:

[inaudible] thank you. Representative Morris,
you have the floor, Sir.

REP. MORRIS: (140th)

Thank you, Mr. Speaker. I rise with many of my
colleagues who spoke earlier, and particularly
Representative Abercrombie, who worked so hard on this
bill, and encouraging our colleagues to vote
positively toward this bill.

This certainly is an improvement upon what
exists, and the things that really are an
encouragement to me in this bill is we're talking more
about positive interventions, positive behavioral
supports. And those are the things, that's the focus

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that we really need to be on. And certainly addressing what we need to make certain we have a safe school climate.

So I encourage each of you to vote for this. The State Department of Education has been involved, all the stakeholders who primarily would have some type of input here. We've worked on this now, I guess, for a year, so I encourage you to vote for this, which will certainly be an improvement.

Again, the State Department of Education is being required to provide some type of assessments as to the current policies that are in their implementation throughout the state, and that is a positive thing. Thank you.

DEPUTY SPEAKER GIANNAROS:

Thank you, Representative Morris from Norwalk. Representative Johnston, you have the floor, Sir.

REP. JOHNSTON: (51st)

Thank you, Mr. Speaker. Mr. Speaker, I had a question to the proponent of the amendment, the Chairman of the Education Committee, through you, Mr. Speaker.

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DEPUTY SPEAKER GIANNAROS:

You may proceed, Sir.

REP. JOHNSTON: (51st)

Thank you, Mr. Speaker. Through you, Mr. Speaker, in lines beginning at the end of Line 26 and going through Line 29, it references within available appropriations that a town would have to submit a list to the State Department of Education.

And we often put that term in as far as state mandates, and basically it references if we put the money in the budget that they would do it or they would have to pull resources from somewhere else.

But I'm not sure I've seen, within available appropriations for a municipal program, so the question is, would this be the town's decision of whether they feel that they have the appropriate appropriations to do the work and submit this list?

And if they felt they didn't, could they just decide that their town taxpayers did not appropriate enough money to fulfill this function? Through you, Mr. Speaker.

DEPUTY SPEAKER GIANNAROS:

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Representative Fleischmann.

REP. FLEISCHMANN: (18th)

Through you, Mr. Speaker, I appreciate the question, and while the phrasing here isn't ideal, I think it actually gets at a slightly different issue, which is this. For this reporting to happen, the State Department of Ed really is going to have to create a system to make it easy, simple, and not costly at all for localities to go ahead and report these numbers.

So I believe that phrase, within available appropriations, applies to the State Department of Ed indicating that we're not giving them tens or hundreds of thousands of dollars to build a new information technology system for this reporting, but we are asking them, with the budget that they have now, to see if it would be possibly to bootstrap systems they already have in place to allow for easy reporting by our local school boards. Through you, Mr. Speaker.

DEPUTY SPEAKER GIANNAROS:

Representative Johnston.

REP. JOHNSTON: (51st)

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Thank you, Mr. Speaker, and I thank the Chairman of the Education Committee. I think we could end up in a quandary if a town did decide that they, you know, were not appropriated enough. Is there any?

Has there been any discussion or was there any hope that, in the next budget cycle, since the in-school suspension is being put off until the next budget cycle, that there's a possibility that the state was going to put resources toward this change? Through you, Mr. Speaker.

DEPUTY SPEAKER GIANNARO :

Representative Fleischmann.

REP. FLEISCHMANN: (18th)

Thank you, Mr. Speaker. Through you, I think it's the hope of those who have been involved with this that we'll manage as a state to set up a system of reporting that's easy and simple enough that there's essentially little or not cost to municipalities, that using a system that's already in place, they'll just have another place to enter some data, and it'll go straight to the State Department of Ed. So that's, I think, the hope here.

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Should it be the case that in fact there is some cost that localities would incur by participating, I'm certainly open to trying to make sure that we've got those additional dollars available to our local school boards. Through you, Mr. Speaker.

DEPUTY SPEAKER GIANNAROS:

Representative Johnston from the 51st, you have the floor, Sir.

REP. JOHNSTON: (51st)

Thank you very much, Mr. Speaker. And I appreciate the answer, and I understand the intent of what we're trying to do here and to come up with some type of a recording, reporting system that would not overly burden a town.

I do think we leave ourselves sort of open to some interesting interpretation if a town believed that they did not have the resources to do it.

But I appreciate the hard work on everyone's behalf to try to keep this process moving forward and make it as least burdensome on our communities. Thank you, Mr. Speaker.

DEPUTY SPEAKER GIANNAROS:

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Thank you, Sir. Representative Mushinsky, you have the floor, Madam.

REP. MUSHINSKY: (85th)

Thank you, Mr. Speaker. My name is on this amendment and that's because I desperately want this law to work. This is a bill I sponsored in 2002 after a suicide in a nearby town to a small child. And even today, our suicide rate is higher in Connecticut among high school students than it is U.S. wide.

And I always will embrace changes to this law that will make this law easier to work, easier to work with, and that will, I hope, reduce the suicide rate in Connecticut.

We had, the last school health survey I have is from 2005. But there were 43,000 high school students in Connecticut that felt so sad or hopeless for two weeks or more in a row that they stopped doing their usual activities, and 12% of high school students attempted suicide in 2005, so that's a significant number and a significant reason to keep working on this bill to make sure that we improve child safety

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and we don't have a repeat of that 2002 incident, which prompted the original legislation.

But I do have a question to the proponent because there is a change to the definition of bullying, which I'm a little worried about, and I just want to make sure I'm not worried in vein.

The original definition that we wrote in 2002 was written to identify a repeated victim, someone who had been tormented by kids in the school repeatedly to the point where they were suicidal. That was the original definition.

This definition, in Lines 43 to 45, is being changed to identify repeated incidences of the bully, the aggressor, so it's being changed from identifying a repeat victim to identifying a repeat bully, and I just wanted to make sure, through you, Mr. Speaker, that this definition change is necessary and that we aren't going to lose the protection the original law had to identify and protect chronic victims, so that they might not kill themselves. Through you, Mr. Speaker.

DEPUTY SPEAKER GIANNAROS:

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Representative Fleischmann.

REP. FLEISCHMANN: (18th)

Through you, Mr. Speaker, the definition that is included in this amendment encompasses both situations that Representative Mushinsky just described. If you read the language, as it would be, once this amendment is adopted, it makes it clear that we're talking about acts that are committed more than once against any student during the school year.

Our intention is related to the fact there are bullies who have more than one target, who beat up one child on Monday, do things that harass another child on Tuesday, and go after yet a third victim on Wednesday. That child is a bully, even though they haven't picked the same victim each day.

Now, let's take the scenario that Representative Mushinsky was talking about where you've got a bully who does have a single victim and they go after that victim on Monday, and Tuesday, and Wednesday.

That circumstance would be covered by this definition, so there would be no change in the law in

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that regard. That repeat victimization of one child would be covered.

But we would have a whole additional set of circumstances that this new language would cover, those circumstances where you have a bully who's going after multiple children, not just one. So for that reason, we, on the Education Committee, believe that this is a better, stronger definition. Through you, Mr. Speaker.

DEPUTY SPEAKER GIANNAROS:

Thank you, Representative Fleischmann.

Representative Mushinsky.

REP. MUSHINSKY: (85th)

I just wanted to ask, through you, Mr. Speaker, just one more question to the proponent of the amendment, and that is, because we're deleting the phrase, repeated against the same student over time, it's being deleted, are we lessening protection for the chronically victimized students who this act, this 2002 act, had intended to focus the attention of the legislature on and protect them from chronic abuse?

DEPUTY SPEAKER GIANNAROS:

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Representative Fleischmann.

REP. FLEISCHMANN: (18th)

Through you, Mr. Speaker, no, to the contrary. The language about acts being repeated over time is replaced by language regarding acts being committed more than once. So our new language is actually more stringent. You can have a situation where there's a child who is twice victimized by a bully who now would be protected under this statute.

Under our previous formulation, it wasn't clear if that child was protected because if those two incidents happened within a few days of each other, it wasn't clear if those were really repeated over time.

The language was vague enough as to leave some administrators confused. This language is clearer, more precise and, therefore, more protective of students because, if a student is victimized twice, they now could be protected. Through you, Mr. Speaker.

DEPUTY SPEAKER GIANNAROS:

Thank you, Representative Fleischmann.

Representative Mushinsky, you have the floor, Madam.

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REP. MUSHINSKY: (85th)

Thank you, Mr. Speaker. I hope the Chairman is correct. I hope this will, this language will make the enforcement clearer and more apparent to the school districts.

I know one of the problems we've had with this legislation since 2002 is that some of the school districts claim to have no incidences at all, and I just didn't believe it.

I just didn't believe that a large school district would show zero incidences of bullying when the town was a large size and there was a large student body population. I just did not believe those statistics.

So we'll try again. We'll keep tweaking this law. And hopefully next year's statistics will show a reduction in suicide rate in Connecticut. I think that's what everyone here wishes for, and I hope that'll happen. Thank you to the Chairman for his answers.

DEPUTY SPEAKER GIANNAROS:

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Thank you, Madam. Representative Caruso, you have the floor, Sir. We'll go to Representative Hetherington.

REP. HETHERINGTON: (125th)

A question or two to the proponent. With respect to the language in Line 44, 45, how would the repeated offense typically be established? Would it be necessary that there be a report of the first instance and then there be a separate report of the second instance? Through you, Mr. Speaker.

DEPUTY SPEAKER GIANNAROS:

Representative Fleischmann.

REP. FLEISCHMANN: (18th)

Through you, Mr. Speaker, it's my opinion that there are a few different ways that this definition could be met. One would be the manner that my good colleague just described where there are two separate reports of two separate incidents.

I think this language would also come into effect if there were a single report that went and describes two or more incidents. Through you, Mr. Speaker.

DEPUTY SPEAKER GIANNAROS:

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Representative Hetherington.

REP. HETHERINGTON: (125th)

Thank you. And I assume that they could be different types of behavior. One could be oral harassment. Another could be threatening or menacing behavior. It wouldn't necessarily have to be the same kind of behavior. Through you, Mr. Speaker.

DEPUTY SPEAKER GIANNAROS:

Representative Fleischmann.

REP. FLEISCHMANN: (18th)

Through you, Mr. Speaker, that's' correct. There could be different types of behavior, but any of those types of behavior would have to fall under this definition of bullying, meaning overt acts by a student or group of students directed against another student with the intent to ridicule, harass, humiliate, intimidate the other student.

So, you know, in one case it could be intimidation. In another case, it could be harassment. In another case, it could be ridicule or it might even be violence in a fourth case. But each

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of those instances would have to fit under the definition. Through you, Mr. Speaker.

DEPUTY SPEAKER GIANNAROS:

Representative Hetherington.

REP. HETHERINGTON: (125th)

Thank you. If I may direct a question to the report requirement, is it anticipated that the report submitted would be evaluated by the Department of Education, and is it possible there would be a determination made the report was not sufficient and, therefore, the school district would be subject to the same sanctions that it would be if they filed no report? Through you, Mr. Speaker.

DEPUTY SPEAKER GIANNAROS:

Representative Fleischmann.

REP. FLEISCHMANN: (18th)

Through you, Mr. Speaker, I'm not sure.

DEPUTY SPEAKER GIANNAROS:

Representative Hetherington.

REP. HETHERINGTON: (125th)

Okay. Thank you. I appreciate the learned Chairman's candor, and I thank you, Mr. Speaker.

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DEPUTY SPEAKER GIANNAROS:

Thank you, Sir. Will you remark further on House Amendment "B"? Will you remark further on House Amendment "B"? Representative Truglia, you have the floor, Madam.

REP. TRUGLIA: (145th)

Thank you, Mr. Chair. Several years ago, when we were first working on this legislation, we had a press conference, and a young woman came forward. And I thought she was going to speak about having been bullied.

Instead, she spoke about being the bullier, and she said she wanted to say that she was very sorry to this girl after she realized what she had done. Well, the girl had died, and she said I will never forgive myself.

So, you see, this affects not just the victim, but also the bullier, so I am supporting this legislation. Thank you very much.

DEPUTY SPEAKER GIANNAROS:

Thank you, Madam. The question before us is adoption of House "B". Will you remark? Will you

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remark further on House "B"? If not, let me try your minds. All those in favor, please say Aye.

REPRESENTATIVES:

Aye.

DEPUTY SPEAKER GIANNAROS:

All those opposed, Nay. The Ayes have it. The amendment is adopted. Will you remark further on the bill as amended? Representative Dillon, you have the floor, Madam.

REP. DILLON: (92nd)

Thank you, Mr. Speaker. I was actually on my feet because I had my light on to ask questions about the amendment, but somehow it seems to have gotten lost in the system. It went out. And I guess I have a couple of questions, through you, to the proponent of the bill as amended.

DEPUTY SPEAKER GIANNAROS:

Thank you, Madam. The light did go out, because my panel did not show your name at some point, but you may proceed and ask the questions you need to ask.

Thank you, Madam.

REP. DILLON: (92nd)

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Thank you. Through you, Mr. Speaker, is it your opinion that any of the language changes and the bill before us, as amended, creates a new cause of action against a school system by the parents or child of a victim or an alleged bullier? Through you, Mr. Speaker.

DEPUTY SPEAKER GIANNAROS:

Representative Fleischmann, you may answer that.

REP. FLEISCHMANN: (18th)

Through you, Mr. Speaker, I'm not an attorney. I'm not a litigator, so I really can't speak to that with the kind of clarity that someone who had that profession could.

I would say this. We already have a definition of bullying on the statute books here in the State of Connecticut. We already have requirements that all school systems set up policies to prevent bullying. So to the extent that there might be a cause of action, there already is one here in the State of Connecticut, I would think, and what we're doing with the bill before us is clarifying a number of those sections and statutes.

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So there is a cause of action today, and it's my personal sense that with the language before us, which is clearer than what's currently on the books, it will be easier for victims, easier for families whose children are accused of bullying, easier for school systems to know precisely what definitions pertain. Through you, Mr. Speaker.

DEPUTY SPEAKER GIANNAROS:

Representative Dillon.

REP. DILLON: (92nd)

Thank you, Mr. Speaker. And I was trying to get clarity on the impact of the last amendment, and I have not been able to actually determine that by inspection.

I wonder, through you, if the Chair of Education could clarify the penalties. Last year, actually, I was very concerned about the financial impact of multiple penalties, possibly by a drafting error. I didn't know. And I think this is, the amendment and the bill before us, I think, are a little bit better.

But I wonder if, through you, the financial penalties, are they gone? Through you, Mr. Speaker.

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DEPUTY SPEAKER GIANNAROS:

Excuse me for a moment.

(GAVEL)

Could we please have it a little quieter? Thank you. Representative Fleischmann.

REP. FLEISCHMANN: (18th)

Through you, Mr. Speaker, yes. House Amendment "B" eliminated any financial penalties against school districts. Through you.

DEPUTY SPEAKER GIANNAROS:

Representative Dillon.

REP. DILLON: (92nd)

Thank you, Mr. Speaker, and that would have been the question that I would have had if we hadn't had some kind of a system problem.

Again, and this again is on the amendment, which is now part of the bill. I'm interested in the change of the definition of bullying, and I don't know what to make of it. I have to think it through, but we had always thought in terms of the victim.

And to a certain extent, this continues to think in terms of the victim, but it actually, and I know

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this isn't really an appropriate use of language, but to a certain extent it also includes what we could call kind of a serial bully, that is that it could be someone with multiple victims. Through you, Mr. Speaker, is that an accurate representation of the policy change?

DEPUTY SPEAKER GIANNAROS:

Representative Fleischmann.

REP. FLEISCHMANN:

Through you, Mr. Speaker, yes.

DEPUTY SPEAKER GIANNAROS:

Representative Dillon.

REP. DILLON: (92nd)

Thank you, Mr. Speaker. Then I think it's good, actually, from a public health point of view in terms of case finding. I'm sure that given that my town is losing \$2 million that they already had last year in another program and that they're very anxious about litigation on everything, I'm sure they'll be going over this with a fine toothcomb.

But I think from a public health point of view, the new language expands the sensitivity of finding

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bullying cases, and without, I think, given the responses to the Representative from Wallingford, it appears to be without doing so at the expense of the existing policy. So I think that that's a salutary change.

Now one other thing, and it goes to my concern about whether or not there's a new cause of action against towns. The report [inaudible] Department of Education, I'm assuming that all of this is effective either on passage or at the end of this year, unlike the in-school suspension that the departments are going to have to be preparing for this right away.

And I guess I want to know, will the list reported to the Department of Education continue to be public. Through you, Mr. Speaker.

DEPUTY SPEAKER GIANNAROS:

Representative Fleischmann.

REP. FLEISCHMANN: (18th)

Through you, Mr. Speaker, yes.

DEPUTY SPEAKER GIANNAROS:

Representative Dillon. Representative Dillon has the floor. You may proceed, Madam.

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REP. DILLON: (92nd)

I'm trying. Well, that's a pun. So that there would not be any personal identifiers, and that is it broken down by school or is it an aggregate number, and are there any personal identifiers that would help to identify a victim? Through you, Mr. Speaker.

DEPUTY SPEAKER GIANNAROS:

Representative Fleischmann.

REP. FLEISCHMANN: (18th)

Through you, Mr. Speaker, there would be no personal identifiers, to my knowledge. And also to my knowledge, the data would be broken down by school.

DEPUTY SPEAKER GIANNAROS:

Representative Dillon.

REP. DILLON: (92nd)

Thank you, Mr. Speaker. I want to congratulate the people who are working on this bill. I know the initial policy took a tremendous amount of work.

Some of us represent school districts that have extremely challenging populations and it's very difficult to sort all this through. And, on the other

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hand, we know the devastating consequences that this sort of thing has on a victim.

I've always been worried about what we do, to be honest. I can remember when I was a teacher that if someone reported bullying, very often they ended up getting beat up on the way home instead of on the playground, and so I always worry whether what we do invites retaliation. And I have no idea how to sort all of that through.

But, in general, I think the change in the definition of the case in particular and the alterations here, I think, is very, very positive, and I want to thank the Chairman and the workgroup for the work that they did. Thank you.

DEPUTY SPEAKER GIANNAROS:

Thank you, Madam. Representative DelGobbo.
Representative DelGobbo, you have the floor, Sir.

REP. DELGOBBO: (70th)

Thank you, Mr. Speaker. I apologize. Mr. Speaker, I've heard the general debate on the bill, as amended now.

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I'd like to, in a sense, reflect some of the comments that I heard earlier from the Representative from Trumbull where he suggested that perhaps the delay, at least in the in-school suspension portion of the provisions of this bill, delaying it until July was good, maybe making the date 2030 rather than 2009 would be even better.

And I do accept that in fact there are attempts in this bill to accommodate the needs of school systems to implement both the bullying provisions, but also the in-school suspension provisions.

I just wanted to mention, when I heard, since we passed this bill last year, I've heard of individuals saying that too many school systems were being perhaps too harsh on how they implemented out of school suspensions. There was perhaps a cost to school systems for implementing the law that we adopted this year.

And Mr. Speaker, I have, beyond even cost and other issues, another concern that I've heard from teachers and administrators, and I hope in this discussion and certainly to the extent that this is

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revisited in future years, we take the following into account.

When we adopted the bill last year, I believe there was a massive sort of undercurrent that went through school systems throughout this state that made it more difficult for teachers and administrators to create the learning environment that we would all hope to have in the school system.

In other words, when you let it be known that you are limiting the authority of teachers and administrators to have certain sanctions against students based upon their behaviors, believe me, these students hear about it very quickly.

And I've heard the comment, the flip comment sort of, you know, I'm going to do what I want. What can you do to me? What can you do to me? And that's a problem, and I think it's one we should be very, very cautious of.

I have a very dear friend of mine who actually supported the in-school suspension bill said to me, you know, one of the problems is that an out of school

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suspension is actually like a vacation. The students love it. Heck, wonderful, you know.

And I can appreciate that, and some students do abuse policies and school systems to their benefit in circumstances like that.

What I'm more concerned with, however, aren't those students who have exhibited the bad behavior in the first place, whether it's an in-school suspension, an out of school suspension, or perhaps even an expulsion, it's all those other students whose learning environment are affected by any of those behaviors.

We take pride in the constitutional provision in this state that we have a free public education. However, there comes a point when, because of student behavior, I believe bad behavior, because of bad student behavior in certain circumstances, that right is forfeited to an extent because their behavior should not deprive the other students, their peers from being able to get the greatest opportunity possible to them in the school system.

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And that by limiting the choices that school administrators have, I think we do a great disservice to the environment, the ability, not in a specific case, but generally in a school for there to be an understanding that there are consequences and they may be any number of things.

Some of the discussion has centered around examples like, well, you know, some school systems will suspend you out of school simply for wearing a hat when you're not supposed to or wearing a T-shirt with something on it or some inappropriate, quote, unquote, piece of clothing. And we think of that as a minor infraction. And in certain circumstances, it might be.

But in certain school systems, perhaps even including my own of Naugatuck, a little, quiet, suburb, burrow of Naugatuck, clothing can have a very radical impact. You know, there are more and more gang influence in schools.

We've heard the impact of, you know, well, you can go into the wrong bar with the wrong set of colors and you might not walk out alive.

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Well, the same is true for an atmosphere that could be created based upon clothing, so it's not a minimal thing for which there's no reason to exclude a student from school.

It's not an overly harsh type of discipline under certain circumstances, and those circumstances may not exist in every school system or even in every school within a school system. But they should be understood to be available to the administrators and teachers to create the best learning environment.

So, Mr. Speaker, again relating to the Representative from Trumbull, Representative Rowe earlier, this bill, in my mind, is an improvement because it does try and create a better framework for how this in-school suspension issue will be handled, but also because it delays the implementation of this at all, perhaps giving us an opportunity to visit it.

I have grave concerns that limiting the school administrators and teachers also limits the opportunities for the good children, the good, young men and women in school systems to have the best possible educational environment.

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And for that reason, I will support the bill only because it extends the deadline for a proposition I'm not particularly fond of, but appreciate those who have worked on it to make both the provision more workable for the school systems, as well as the issues relating to bullying. Thank you.

DEPUTY SPEAKER GIANNAROS:

Thank you, Representative DelGobbo.

Representative Hovey, you have the floor, Madam.

REP. HOVEY: (112th)

Thank you, Mr. Speaker. Mr. Speaker, I rise in support of this legislation. I want to thank the good Chairman of the Education Committee for working collaboratively with a number of people.

I spoke earlier about good policy. Good policy is based on reflective integration of theory, technique, and there's also a recognition here that education is a craft. When we talk about the delay of this legislation for a year, some people have a hope that it might disappear. Others have other hopes and wishes for this legislation.

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What I would say is that you shouldn't hope that this would disappear. And it shouldn't disappear because when we're talking about consequences of not implementing an appropriate response to students who are acting out, those consequences are so significant to our society.

We should all be very, very cognizant of what that means. Kids who are not educated are the individuals who end up incarcerated.

More than 70% of our incarcerated population cannot read beyond the third grade, so when we're talking about excessive suspension of children in our public schools, we are talking about the impact on our society as a body and the impact on our prison system.

When we talk about good kids and good kids doing well in school, I agree. We need to structure classrooms so that kids who have easier time learning, are interesting in the learning, are intrigued by the learning, are in classrooms where they're engaged and moving forward and attaining their academic goals.

But we also need to look very, very carefully at why we have children who are not interested in what

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our public schools have to offer, and that's what good policy does.

So in my mind, I'm very proud of the Education Committee and of the work that has been done here. I think that while it extends it out for a year, it gives us some time to actually focus on those school systems who are not doing what they should.

When you look at a formula, you come up with approximately 25 school systems that appear to be excessively out of school suspending children. We need to look at what is not working for those school systems.

We need to look at how to implement policy that sends the very clear message to those systems they have a year now, and in that year, they need to be looking at how to develop school communities that are supportive of children, supportive of learning, and supportive of our society as a whole. Thank you, Mr. Speaker.

DEPUTY SPEAKER GIANNAROS:

Thank you, Madam. Representative Green, you have the floor, Sir.

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REP. GREEN: (1st)

Thank you, Mr. Speaker. Mr. Speaker, I rise in opposition to this bill. I'm going to vote no. I'm not encouraging my colleagues to do so, however. The reason I do so is because even though the goals of the bill are admirable, we want to deal with suspensions and we also want to deal with the issue of bullying.

As a school social worker who works with students each and every day, I think that we here at the legislature tend to think that we have the answers, and we have passed legislation. We passed two pieces of legislation that we're discussing today and we're revising.

And the reason we're revising that is because we're trying to implement something and we're trying to ask the schools to do something that we really haven't given enough thought to as to what we want them to do.

We're talking about suspension, and as I heard my colleagues mention, we have a piece of legislation that technically hasn't even gone into effect, and we're changing it already.

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And so what happened is we passed a piece of legislation. The school systems responded with some concerns about it, and we're trying to change it because we may not have had the buy-in from them in terms of suspensions in school and what to do for all of our students to make sure that they can be productive citizens.

So we're changing that, and it hasn't even gone into effect, and here we are changing it. Instead of changing it, we really should have repealed it and then try to find the real answers and working with the schools to find out what they need to have to educate all of our students and have a safe climate in the school. So we're changing that.

The second piece is that part of the amendment talked about the bullying, and once again, I heard one of my colleagues mention that it's been very difficult for schools to even report and document the cases of bullying and that it was quite surprising that, in some towns, there were no reported incidents of bullying.

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Part of the reason is because schools are once again being asked to do something that they're not equipped to do. You're asking teachers and staff to teach. You're asking them to monitor.

You're asking them to comply with certain kinds of law from the federal and state government. Yet now you're telling them to conduct, to monitor and be aware of and write up and inform and meet with parents on the issue of bullying.

And in the legislation, bullying, as defined, is very, very, in my opinion, weak in a sense that it would be very suggestive in how it's going to be applied by a particular adult to a particular student under a particular situation. And so there are a lot of flaws with this and, again, I would be voting no.

I think it's a good thought that we want to have safe climates in schools. We want to make sure that students are in school and not being suspended out of school unnecessarily, but doing it here this way is really not getting at the issue, and I really just think that we are continuing to put more burden on our school systems.

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I understand that there's no fiscal note with either the amendment or the bill. If you ask school systems, there is definitely a fiscal note. There's a fiscal note when you talk about developing new programs.

There's a fiscal note when you're talking about process, when you have to write up reports, when you have to call in parents to meet, because you take away time from teachers, and sometimes you need to bring in other staff to support those teachers when they're out of the classroom. So there is a fiscal note and a fiscal cost to this legislation.

I understand the intent of it. I just feel that we, as a legislature and legislators, should be very careful when we try to implement these kinds of policies to our school systems who are currently overburdened with just trying to do the job that they're doing the best they can. Thank you.

DEPUTY SPEAKER GIANNAROS:

Thank you, Representative Green. Representative Nicastro of the 79th.

REP. NICASTRO: (79th)

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Thank you, Mr. Speaker. Mr. Speaker, the bill, as proposed in front of us today, has an awful lot of good things to it. And I rise to speak as somebody who probably has more experience of dealing with children on a daily basis that probably most other people that you know.

I served 17 years as a truant officer for the City of Bristol, Connecticut, and I have dealt with over 9,000 cases in those 17 years. Bullying was one of them, but there's much more. It's much more complex than that.

Children don't go to school, and they don't receive an education for a lot of reason. You've got our truant. You've got your habitual truant. And you have your non-attendant student. A non-attendant student is a much more dangerous child to deal with. When I say dangerous, it's because we have to get to the core of why that child is not attending school.

A truant might dismiss school for a day or two because he wants to go fishing or whatever the case may be. A habitual truant sets a pattern, every Friday, every Monday, the day after a holiday.

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But a non-attendant student has a much more deeper psychological reason for not attending school. It can be bullying, but it goes much more deeper than that, Mr. Speaker, much more deeper. And it's the responsibly of the school system to find out why this child isn't attending school.

I will give you a perfect example. Several years ago, when I was doing that, I had a young lady who claimed she wasn't coming to school because she was being picked on, and she was being bullied. Well, when we investigated, come to find out it really wasn't that.

What the truth was, Mr. Speaker, quite frankly and quite honestly the young lady was overweight, and every time she dressed down for gym, they used to call her fatso, pig, and stuff like that.

So every day that there was gym, Mr. Speaker, she chose not to come to school, and every day that there wasn't gym, she was in school. But by investigating it and finding out what the problem was, we gave her an alternative form of gym. She came to school and never skipped school again, but she was using the word

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bullying. So if bullying, believe it or not, can take on a giant category.

I think it would behoove us to make sure that our board of eds are not only listening to reasons why, but investigating the reason why. And let me tell you. I know, from 17 years of experience, it's a lot more than a case of bullying.

It goes much more deeper, and it would behoove us, like I said, to get in there and find out why these kids aren't coming to school or why they're using that as a reason for not coming.

Bullying can take on many aspects, many aspects. And I heard my good colleague speaking, Representative Green, and I hear where he's coming from on this. We need to come together on this. But you know what?

No matter what bill we pass, no matter what we tell our school districts to do, unless they get involved deeply with these kids to find out why they're not coming, we're not going to attain any goal.

They're going to continue to stay out of school. They're going to miss out on their education, and they

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don't have to be poor. They don't have to be rich. They don't have to be black. They don't have to be white. They don't have to be Hispanic.

Let me tell you. It's a damn good thing that we have people that care because there are so many kids today who are dropping out of school, not just for one reason, but for a multitude of reasons. So anything that we can do to make that learning environment better is a step in the right direction.

Is it perfect? No. Can we improve on it? Yes. But if we don't start somewhere, we're going to take a giant step backward. So, Mr. Speaker, all I can say is I support what we're trying to do here today, and I just hope that we can move forward on this. Thank you.

DEPUTY SPEAKER GIANNAROS:

Thank you, Sir. The question before us is passage of the bill as amended. Will you remark? Will you remark further? Will you remark further? If not, will staff and guests please come to the Well of the House, and the machine will be opened.

CLERK:

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The House of Representatives is voting by Roll Call. Members to the Chamber. The House is taking a Roll Call Vote. Members to the Chamber.

DEPUTY SPEAKER GIANNAROS:

Have all the Members voted? Have all the Members voted? Will the Members please check the board to determine whether your vote has been properly cast?

If all the Members have voted, the machine will be locked, and the Clerk will take a tally. Will the Clerk please announce the tally?

CLERK:

House Bill Number 5826, as amended by House Amendment Schedules "A" and "B".

Total Number Voting	148
Necessary for Passage	75
<u>Those voting Yea</u>	<u>141</u>
Those voting Nay	7
Those absent and not voting	3

DEPUTY SPEAKER GIANNAROS:

Will the Clerk please call Calendar Number 214.

CLERK:

JOINT
STANDING
COMMITTEE
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ALEXIS PARCHMENT: Yes.

SEN. GAFFEY: And that you enjoy it so much that that bus ride doesn't bother you one iota. You're on the bus for two and a half hours a day. That's a long time to be traveling, but good for you.

And, Philip, good luck to you in college, and, Kathleen, you're a very impressive young woman, and I'm glad to hear Connecticut is your number one choice.

There aren't too many people that get letters of assurance from the United States Coast Guard Academy and say no, thanks. That's terrific. I predict you're probably going to be in this building someday running things, which is a good thing for the future of Connecticut. Thank you.

REP. FLEISCHMANN: Are there any other comments or questions? If not, thank you so much. I love that you said the U.S. Coast Guard Academy is a great inst, just clearly not the right one for you.

With that, we're alternating back to public officials, and next up will be Commissioner McQuillan, and then when the Commissioner is done, we'll be hearing from Alexandra and Pauline and one other small child from the Polish language school.

COMM. MARK MCQUILLAN: Good afternoon,
Representative Fleischmann and Senator Gaffey.

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Thank you very much for squeezing us in, and I generally understand how pressed you are, so I'll try to be brief.

I wanted to make note of the fact that we have submitted testimony on six bills, House Bill 5820, House Bill 5821, House Bill 5871, House Bill 5026, House Bill 5824, and House Bill 5826, and that written testimony has been sent to you.

I did want to take a moment, however, just to comment on the three particular bills, in part because I think they signal an indication of where I hope to begin a discussion and sustain a discussion with all of us in Connecticut regarding secondary school reform.

And to that end I'd like to comment briefly on the first two that I mentioned, House Bill 5820, AN ACT CONCERNING HIGH SCHOOL CREDIT FOR PRIVATE WORLD LANGUAGE COURSES that had come from New Britain, and then the distance learning proposal.

HB 5821

My comments really on those center on the fact that I have been, as you know, out talking to communities since December, talking about the importance of secondary school reform, and the importance of world language is a part of that. It's one of the features of the proposal.

But in a more broad sense, I wanted to speak to the fact that what both bills are alluding to, I think, is the future of how we need to look at secondary school and high school requirement insofar as I think we need to have alternatives

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when we've been talking about reforming our secondary programs.

That went very quickly. I'm sorry. The other piece that I wanted to speak to, and, again, I'll reference the bill, has to do with the BEST program.

HB5871

In the best sense of the meaning, I understand that there has been a lot of criticism of the BEST program and understand where much of the frustration has gone.

However, I would urge that there be no legislative action taken in this session, primarily because I will be actively studying a series of changes to the BEST program with my own staff and with other constituents and stakeholders throughout the state, and we'll be working with the State Board of Education to bring those things to fruition.

They are placed in a context that I also allude to, and that is that we are in the process of building a new certification system for all of our future teachers, and this is tied directly to it, and to that end I would like to have another year before we continue. So thank you very much.

REP. FLEISCHMANN: Thank you for that helpful and concise testimony. Are there questions from Members of the Committee? Senator Caligiuri.

SEN. CALIGIURI: Thank you, Mr. Chairman. Good afternoon, Commissioner. Welcome back. I have a question about a bill you referenced but

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didn't speak on directly. That's House Bill 5826, AN ACT CONCERNING SCHOOL CONSTRUCTION GRANTS.

I have a question specifically about the new language in subsection F as in Frank, Lines 25 through 28, when you have a moment. Take your time, Commissioner.

Commissioner, the requirement that an application cannot be submitted, quote, unless the applicant has secured a site for the project, I'd like to explore what's meant by that language.

I guess specifically does that mean that the municipality needs to have actually purchased the site, or alternatively does it mean that they need to have identified the site, or if neither of those two things, what exactly does it mean to have, quote, secured a site for the project?

COMM. MARK MCQUILLAN: I think if you wouldn't mind, I'd invite Dave Wedge to join me to answer your question specifically, partly because that's a detail that I'm not familiar with.

REP. FLEISCHMANN: Sure.

COMM. MARK MCQUILLAN: My hunch is that you have to identify the site but not purchase it, but, sorry, Dave.

REP. FLEISCHMANN: And, Dave, if you could just fully identify yourself for the record.

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DAVID WEDGE: My name is David Wedge. I'm Chief of the Bureau of School Facilities for the State Department of Education. We have several questions on that section of the bill that was not proposed by the Department, so we do have questions of our own.

SEN. CALIGIURI: All right, perhaps I could try it this way. Do you see any reason why this change needs to be made, why this new language needs to be inserted at all? In other words, is the existing program satisfactory from your point of view?

COMM. MARK MCQUILLAN: There were some questions raised when we presented our annual School Construction Priority List Bill to the Priority List Subcommittee about site selection.

It may be able to enhance the program, but I would prefer personally to see some study going forward at least a year, to see how the system could be improved.

I think there's some questions in the language of this, you know, that lend too many questions and answers at this point in time.

SEN. CALIGIURI: And currently, as a matter of policy, what is the best approach in your opinion, in order [Gap in testimony. Changing from Tape 1B to Tape 2A.]

--is it sufficient to come in after the fact with a specific site as long as the purchase of the site otherwise satisfies the eligibility guidelines for reimbursement?

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What's your general approach that you think is best as a matter of public policy when it comes specifically to site selection for these types of projects?

DAVID WEDGE: As it stands right now, the general process is the site is selected usually for a new school after the submission of the application. That generally works well within the school construction grant program.

However, not knowing the exact site, the obvious unknown would be the cost of the site, what's remediation of the site that's ultimately chosen.

So the more information you have up front obviously the more accurate your budget controls are going to be, which tie in to local funding authorizations as well as the state grant commitment.

But I also think it's really unrealistic to really have a site selected at the time of the application to be able to move forward when your local funding is, you know, authorized that early in the process.

SEN. CALIGIURI: Thank you, and then just to summarize, and I appreciate it, Mr. Chairman, I don't want to put words in your mouth, but I think what I'm hearing you say is you'd rather not see this change made, at least insofar as subsection F is concerned this year, pending further study to see how things are working. Is that correct?

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DAVID WEDGE: I think so, yes.

SEN. CALIGIURI: Thank you, Dave, thank you,
Commissioner, thank you, Mr. Chairman.

REP. FLEISCHMANN: Thank you, Senator. I'd like to
just follow up on that line of questioning,
because in fact we have a serious problem right
now in the state, which is the genesis of this
section, which admittedly as of now could
probably use some fine tuning.

And as you know, Commissioner and Dave, we
often have circumstances where we approve a
school construction project, and then a school
system or school systems, that are working on
the project, run into an array of site
challenges which they may not have divulged as
being even challenges at all at the time of the
application.

And those challenges sometimes lead to the
school being delayed by years or not getting
built at all, and a return to the General
Assembly for a new project that's a modified
project for a different site.

And the net result for us as state taxpayers
can be staggering in terms of the inflated
costs. And certainly members of the School
Construction Subcommittee and this Committee
have been frustrated by some of the increases
we've seen over the last several years.

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So is there some proposal that the Department is prepared to bring forward that would help us get past what has been a really vexing problem?

COMM. MARK MCQUILLAN: Well, just thinking it out loud and hearing it as you've described it, I would think that we could actually exact more criteria as part of the qualification of the site, and as such bring more rigor to the process.

And certainly there could be any number of other issues that could be part of that, such as the contamination issues that might be part of an original proposal that are not necessarily there.

We can do some halfway steps, I think, to bring more rigor to it. So that would be my one thought, unless you'd like to add more, Dave.

REP. FLEISCHMANN: Well, thank you. That would be helpful. I think it's critical that we have a clearer sense of the siting situation before the state goes and approves bond funds.

There's a concept that has also been discussed a bit that would relate to incenting school systems to be as far along in their site preparation as is possible.

So the concept would be some kind of bump in the state reimbursement level if a site is already fully remediated and ready for construction, as opposed to a situation, say, where a site is hypothetical and not prepared at all.

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Would the Department be open to that kind of an incentive system, and if so is that something that theoretically could be included in some language you might get us?

COMM. MARK MCQUILLAN: I would say yes. Any way you could do that in the form of sort of, I guess potentially even awarding some study of it prior to even submission would be something, if there are modest competitive grants for that purpose, that could be very helpful.

And I think the idea of trying to get people into that mode of thought makes good sense. So I do think that while we're talking about trying to hit that tip point before it's really inconvenience versus when it's really potentially going to cost a lot, and it makes sense to try to do something along the lines you've proposed.

REP. FLEISCHMANN: Thank you. Are there other comments or questions? Representative Reynolds, and let me just observe that concept of a sliding scale of incentives was first broached publicly by Representative Reynolds.

REP. REYNOLDS: Thank you, Mr. Chairman, thank you, Commissioner, for your testimony. Also on the school construction grant bill, what is the eligibility that now exists for districts to be reimbursed for those projects that would be more viewed in the category of deferred maintenance, still of a significant nature, but yet may not meet what would be traditionally

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the threshold of a major school renovation or new construction project?

COMM. MARK MCQUILLAN: Costs generally characterized as repair, replacement, or maintenance are currently not eligible under the school construction grant program, unless it's incorporated into a comprehensive renovation, which is also referred to as a renovate-as-new project.

REP. REYNOLDS: That's my understanding as well, and the reason I raise it is that my experience on a school board was that there is significant deferred maintenance that only grows as a result of local budget pressures.

And more and more of those costs and obligations are ultimately pushed into what becomes a major renovation or new school construction project.

And so I wonder if it is your view that the state is focused too much on new construction and major renovation rather than providing funds earlier to districts where it may save both the district and the state money in the long run if there is less deferred maintenance and better maintenance of schools on an annual basis, rather than what has been my experience, which is we wait every ten to twenty years and send the state one very large bill because of what we didn't do the preceding decades.

COMM. MARK MCQUILLAN: I think anytime you can get to the issues of a regular maintenance program

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and an ability to pay for it, the better off we are.

I think if there's a way that we could do this intelligently without having it become so large an expenditure that we're really losing control of it I think makes sense.

I think the issue is communities need to have a long-range plan for their buildings and for the maintenance of the buildings and for the overall plan of when they're no longer continuing, I think, in their original intent, and therefore would begin the process of contemplating a new construction program.

So in some respects, one could bring into this mix kind of a long-range planning process that would try to tie both construction and maintenance together so that you could do that.

I do think the advantages of maintenance like you've described is that it's really more cost-effective if you can get it done in the right timing.

Having built a number of buildings as a superintendent, most of them are actually just as you've described, things that were let go for years and years and years, and so I became a real advocate for the maintenance process and the constant replenishment of our maintenance budget.

So I don't know that I'm fluent enough yet at this point to talk about a long-range solution to this issue. But I do think some kind of

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expectation around long-range planning is part of that look-see at the balance of how you deal with maintenance and construction long-term.

REP. REYNOLDS: I appreciate that stated commitment and the philosophy behind it. I'm just not sure our school construction grant program is aligned with the philosophy and values that you've just articulated.

And so I hope, if not this session, that in the future our school construction grant bill can look at some better incentives for the districts that will be better for facilities and kids, and better for the taxpayer as well. Thank you.

REP. FLEISCHMANN: Are there other comments or questions for the Commissioner? Representative Sawyer.

REP. SAWYER: Thank you, Mr. Chairman. Mr. Commissioner, you referenced the Polish education that we had heard of before, and the House Bill 5820, AN ACT CONCERNING HIGH SCHOOL CREDIT FOR PRIVATE WORLD LANGUAGE COURSES.

And in that bill it says at the end that such credit will not exceed two. Would you consider a stretch of that or waiver of that perhaps at some point, if they continue this education throughout their high school career, literally getting four years, just as in our high school where they get credit for four years of Latin or four years of Spanish if they were able to do that?

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REP. FLEISCHMANN: You know, you've just experienced one of life's typical chapters. The moment that you leave after hours of sitting in your seat is the moment that you get called. But glad you could make it back.

JEFF CUGNO: Good afternoon, Mr. Chairman, Members of the Committee. My name--

REP. FLEISCHMANN: If you could please turn on the mike, there you go.

JEFF CUGNO: My name is Jeff Cugno. I am the Director of Program Management Services for O&G Industries. O&G is a Connecticut company that has been involved in school construction for decades. Our building division provides services, general contracting, construction management, and program management.

I'm before you today to speak to Raise House Bill 5826, AN ACT CONCERNING SCHOOL CONSTRUCTION GRANTS. O&G provides program management services to both the City of Waterbury and the City of Bridgeport.

In that light, we provide staff capacity and consulting services to both the school construction programs. In that role, O&G assists cities with searching for and selecting sites for new school sites.

Section three of the bill would amend a subsection of section 10-283 of the General Statutes in a manner to affect when a municipality can apply for a school

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construction grant, and basically when the Commissioner can accept such an application.

As you know, an application for a school construction grant happens early on in the process of developing and constructing a school facility.

Although the communities might be providing master plans, educational specifications, or projections on student needs, they're developed early on by the community.

Most physical planning and design does not take place until the community knows that it has received funding from the State for the project.

As a matter of fact, that's the way that most of the process or regulations for school construction are set up by the State. No applicant wants to or should get too far out on these issues without the appropriate authorization and funding.

The specific language of the bill that is of concern is a part that says the Commissioner cannot accept an application unless the applicant has secured a site for the project.

I would ask the Committee to consider some specific definition to that word secure in this case. Secure may mean, depending on who is reading it, take legal control of or establish ability to purchase or procure, an option to purchase, or purchase, etc.

To really secure or procure a site for school construction, within legal terms, would necessitate more authority, more expenditures, more liability than a community is usually willing to take on without authorization of funding, and certainly in that early a stage of a project.

The selection of the site, with the appropriate support of a school building committee, a board of education, takes a tremendous amount of planning, effort, and commitment by and from the local leaders.

Sometimes the local process for site selection can be long and arduous. A couple of examples for the Committee, in Waterbury it took us almost a year to do the appropriate site searches and come up with three sites for new elementary schools, which the Committee and the Legislature were so nice to fund a couple of years back.

And at this point, we're anticipating doing an application next year for a new high school, and because of that, the school building committee has authorized starting site search now, a year I advance. If it's done correctly, it obviously takes quite awhile.

Sometimes in order to secure or acquire the site, a community has to pass the appropriate resolutions pursuant to State Statutes for Eminent Domain.

That is something that a community usually does not go forward with, with all that process that

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is prepared by the State Statutes, whether it's a municipal development plan under Chapter 32 or 132, or it's done under other statutes, without knowing that there's funding available from the state and basically having that support from the state to build that school. The Bureau of School Facilities could not really--

REP. FLEISCHMANN: If you could please summarize, the bell has gone off.

JEFF CUGNO: I'm sorry, I didn't hear it. In any event, this matter may need some additional due diligence, as well as some further definition of the term of secure.

I would like to thank you for your time and consideration of this matter. The Committee's continued support for school construction in our communities and urban centers has been tremendous.

I hope these comments will help in defining at least technically this bill and making it one that can work for the communities. Thank you.

REP. FLEISCHMANN: Thank you, and I'm not sure if you were present at the time, but there was some discussion with the Commissioner around this bill, and one of the notions that came up was setting up [Gap in testimony. Changing from Tape 2B to Tape 3A.]

--that the state would ask school systems to try and meet incentives, so that districts that were farther along and making sure that they

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knew that the property was available, that they knew that the environmental problems were remediated, that they knew that they could begin construction by such-and-such a date certain, they would get some kind of a bump in their reimbursement, as compared to those who hadn't gone through those kind of due diligence steps in making the way for a school.

Just interested to get your reaction to that kind of incremental incentivized approach.

JEFF CUGNO: Mr. Chairman, I think that any manner that the Legislature can use to assist the communities in doing timely site selection and evaluation would be very good.

It's very, very difficult at the local level to do site selection for any development project. It's not necessarily any easier to do in school construction. I think financial incentives work.

I think potentially re-applications for site selection and separate funding might do it. There's a number of things that I think are possible, and I think the Committee has got some good ideas.

REP. FLEISCHMANN: Thank you, and may I just say if you have some examples drawn from other states where you work, or with pre-applications for sites, or things of that sort that you're aware of that you think would be a smart approach to the state and helpful, our job is basically to take in the best practices, best information, and try and incorporate it.

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So if you do have that, please feel free to get that to us, and we'll try and see what we can do with it.

JEFF CUGNO: I certainly will. Thank you.

REP. FLEISCHMANN: Any questions or comments from Members of the Committee? If not, thank you for your testimony, and next up is Bruce Dwork. Just for folks who are out there waiting, so after Bruce is going to be Lauren Kaufman. After Lauren will be Chris Grohs, after Chris Dan Diaz, and Bernadette Conway.

BRUCE DWORK: Good afternoon, Mr. Chairman. I'm here to discuss the House Bill 5867, AN ACT CONCERNING VOCATIONAL-TECHNICAL SCHOOLS. I'm owner and president of Hobson Motzer. We're a small tool and die metal-stamping company located in Durham. We have about 150 employees.

I'm also on the Board of Directors for CBIA and serve on the Manufacturing Advisory Council, and I'm also the President of the Connecticut Tooling and Machining Association, which is the local chapter of the National Tooling and Machining Association.

And I'm here to talk probably a little bit more specifically. One of the critical issues facing the tooling and machining industry certainly is the lack of skilled labor, and that's really one of the biggest issues of our local association, and even at the national level I spend a lot of time at the national

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DEPARTMENT OF EDUCATION



EDUCATION COMMITTEE
March 10, 2008

TESTIMONY OF
MARK K. MCQUILLAN, COMMISSIONER OF EDUCATION

ON

RAISED BILL 5826
AN ACT CONCERNING SCHOOL CONSTRUCTION GRANTS

Section 1 of Raised Bill 5826 specifies that school construction change orders be submitted to the Department of Education for code and grant eligibility review within six months of issuance to be considered eligible for state grant assistance. There is currently no law concerning when change orders must be submitted, and there are occasions when school districts, and the construction managers they hire, wait until the end of a construction project to submit change orders to the Department. Occasionally change orders for one project are delivered in multiple boxes. When this happens, the department's review of change orders for other projects is slowed down considerably. By requiring that change orders be submitted within six months of execution, the flow of change orders submitted to the Department will be steadier and there will not be unexpected delays. Consequently, we support Section 1 of this bill.

Under current law if state reimbursement for the acquisition, purchase or construction of a building was for 100% of the eligible costs of such acquisition, purchase or construction, and the building ceases to be used for the purpose for which the grant was provided within 20 years of the date of approval by the General Assembly of the project, title to the building reverts to the state, unless the Commissioner of Education decides otherwise

for good cause. Section 2 of this bill specifies that the provisions concerning title reversion, described above, apply not just to projects for which state reimbursement is 100%, but to projects for which state reimbursement is 95% or greater.

When these title reversion provisions were originally written, magnet schools, regional vocational-agriculture centers and regional special education centers were eligible for 100% state school construction grant funding. Since that time, state grant participation for these types of facilities was reduced to 95%, but the title reversion statute was not updated to conform to this reduction. This bill will update that statute to require application of the reversion provision to the projects currently authorized at 95% state grant participation as well as the older projects with 100% state grant participation. We support this change.

Section 3 of this bill requires a school construction grant applicant to secure a site for a school construction project before applying for a school construction grant. While we agree with the concept of this proposal, we have a few concerns about the wording of this section that we would like to discuss with the committee.