

<b>Act Number:</b>	09-241	
<b>Bill Number:</b>	1014	
<b>Senate Pages:</b>	1256, 1392, 3909-3941	<b>35</b>
<b>House Pages:</b>	10032-10088	<b>57</b>
<b>Committee:</b>	Education: 583, 585, 601-609, 787-797, 813-814	<b>24</b>
	<b>Page Total:</b>	<b>116</b>

**S - 580**

**CONNECTICUT  
GENERAL ASSEMBLY  
SENATE**

**PROCEEDINGS  
2009**

**VOL. 52  
PART 4  
1015 - 1350**

Without objection, so ordered.

SENATOR LOONEY:

Thank you, Mr. President. Calendar 428, Senate Bill Number 850, Mr. President, I move to refer this item to the Committee on Planning and Development.

THE CHAIR:

Without objection, so ordered.

SENATOR LOONEY:

Thank you, Mr. President. Calendar 429, Senate Bill Number 940, Mr. President, I move to refer this item to the Committee on Government Administration and Elections.

THE CHAIR:

Without objection, so ordered.

SENATOR LOONEY:

Thank you, Mr. President. Calendar 430, Senate Bill Number 1014, Mr. President, I move to place this item on the Consent Calendar.

THE CHAIR:

Motion is on consent. Without objection, so ordered.

SENATOR LOONEY:

Thank you, Mr. President. Calendar page 25, Calendar 431, Senate Bill Number 1017, Mr. President,

**S - 581**

**CONNECTICUT  
GENERAL ASSEMBLY  
SENATE**

**PROCEEDINGS  
2009**

**VOL. 52  
PART 5  
1351 - 1666**

md  
SENATE

191  
April 22, 2009

001392

THE CHAIR:

Seeing no objection, so ordered, sir.

SENATOR LOONEY:

Thank you, Mr. President. Also on calendar page 17, Calendar 382, Senate Bill 841, which had been placed on the Consent Calendar, would move to remove that item from the Consent Calendar and to mark it PR.

THE CHAIR:

Seeing no objection, so ordered, even though I'm already showing it as PR.

SENATOR LOONEY:

Okay. Thank you, Mr. President. Calendar page 24, Calendar 430, Senate Bill 1014, that had been placed on the Consent Calendar, would seek to remove that from the Consent Calendar and mark it PR, also.

THE CHAIR:

Seeing no objection, so ordered.

SENATOR LOONEY:

Thank you, Mr. President. And the final altered marking, calendar page 31, Calendar 466, Senate Bill 1026 had been placed on the Consent Calendar, would move to remove that item from the Consent Calendar and to mark it PR.

THE CHAIR:

**S - 588**

**CONNECTICUT  
GENERAL ASSEMBLY  
SENATE**

**PROCEEDINGS  
2009**

**VOL. 52  
PART 12  
3634 - 3983**

ch/md/dt  
SENATE

153  
May 27, 2009

amendment will be necessary at some point, so at this point would move to remove that bill from the Consent Calendar, mark it passed temporarily.

THE CHAIR:

There's a motion on the floor to move the item from the Consent Calendar and mark it PT.

Seeing no objection, so ordered, sir.

SENATOR LOONEY:

Yes, thank you, Mr. President. And a bill previously marked passed temporarily, if we might now mark that go and proceed to that as the next item. That is calendar page 5, Calendar 430, Senate Bill 1014.

THE CHAIR:

Mr. Clerk.

THE CLERK:

Turning to the calendar, calendar page 5, Calendar Number 430, File Number 648, Substitute for Senate Bill 1014, AN ACT CONCERNING LONGITUDINAL STUDIES OF STUDENT ACHIEVEMENT, favorable report of the Committee on Education. Clerk is in possession of amendments.

THE CHAIR:

Senator Gaffey.

ch/md/dt  
SENATE

154  
May 27, 2009

SENATOR GAFFEY:

Thank you, Mr. President. Mr. President, I move acceptance of the Joint Committee's favorable report and passage of the bill, sir.

THE CHAIR:

Acting on acceptance and approval of the bill, sir, would you like to remark further?

SENATOR GAFFEY:

Thank you very much, Mr. President. Mr. President, the Clerk is in possession of LCO Number 7944 that the Clerk will please call and I be granted leave of the chamber to summarize, sir.

THE CHAIR:

Mr. Clerk.

THE CLERK:

LCO 7944, which will be designated Senate Amendment Schedule A, it is offered by Senator Gaffey of the 13th District.

THE CHAIR:

The Senator requests summarization of the bill.

Seeing no objection, so ordered, sir.

SENATOR GAFFEY:

Thank you, Mr. President. I move adoption.

THE CHAIR:

ch/md/dt  
SENATE

155  
May 27, 2009

Please proceed.

SENATOR GAFFEY:

Thank you, sir. Mr. President and members of the Senate, this LCO becomes the bill. And this bill is one of the more important bills that we will pass this session relative to education policy. Mr. President, this concerns longitudinal studies, the aggregation of student data, drilling down through that data to establish how our students in Connecticut are actually doing.

Many of you, I'm sure, have heard that we have an educational achievement gap here in this state. Some of that, to be quite candid, is the result of our own success here in Connecticut in that we have the richest -- some of the richest municipalities in this nation and a couple of the poorest. But needless to say, it is an issue that we all should be very concerned about here in Connecticut.

What the bill does is give the tools to the State Department of Education, and working with organizations that have an educational mission, to drill down through student performance data and be able to present in a very transparent fashion exactly how our students are doing.

ch/md/dt  
SENATE

156  
May 27, 2009

Now a longitudinal study means that the data will be presented in cohorts of children that move from grade to grade. It doesn't really do us much good to look at data on large groups of students, rather it is of great utility to look at data of the same cohort of students that move from grade to grade. Everyone knows that in any school, typically, you could have new students come in, you could have students leave by virtue of people, you know, moving from one town or the other, and it's very hard to get an accurate snapshot unless you look at the same cohort of students moving grade to grade, how they're performing on the assessments, in particular the Connecticut Mastery Exams that are offered through the third grade on up.

Now Mr. President, the organizations that will access this data will pay the reasonable costs, that will be monitored by the Department of Information and Technology. It will be fully protected and consistent with the federal regulations that protect student privacy, the so-called "FERPA" federal regulations. And these organizations will use their own resources, which is a real assist to the State of Connecticut in drilling down through this data and presenting it, as

ch/md/dt  
SENATE

157  
May 27, 2009

I said, in a very transparent fashion how we're doing.

One great example of this is the Smart Choice web site that's available -- that is developed by ConnCAN, which is the Connecticut Coalition for Achievement Now, and Trinity College -- that is a web site that maps out all the public schools available to parents for their students to go to in the city of Hartford. And it includes the name, the distance of the school, the racial balance, and the test score data, that web site has been available now, it received a very positive review as far as its accessibility and its utility.

In 2007, we appropriated \$6.4 million for the State Department of Education to fund the creation of a longitudinal data system. That data system is full-developed now and is ready for that data to be accessed, and as I said, drilled down upon and presented in a fashion that is of great utility to the state of Connecticut and those that want to access this data -- particularly parents, to see how different schools are doing throughout the state and again, allow us to get at the issues of the educational achievement -- gap.

Without this data we can't reliably say how our

ch/md/dt  
SENATE

158  
May 27, 2009

schools are doing in closing the achievement gap; without this data we can't reliably say what our high school graduation rates really are; without this data we can't reliably say how the interventions that we've funded, whether it's reading programs, new curriculum, mentoring, how they're actually doing, how efficacious are they in closing the achievement gap and helping our students to achieve.

Mr. President, I'll point out that as Chairman of the committee, I've made it quite plain to the Department and to the Early Childhood Cabinet, which is about to phase-out, that I'm not happy that we haven't done this with school-readiness programs; because we actually funded that and they were supposed to perform that longitudinal study, yet have not done that as of this date. And that has got to be a priority and the next order of business, to get that accomplished so we know how our three- and four-year-olds are doing in school-readiness programs that we fund an awful lot of money in many of the priority school districts in having those programs, so we're certain that what we're doing is effective in helping kids in the long run.

So with that, Mr. President, I'll close and urge

ch/md/dt  
SENATE

159  
May 27, 2009

the Senate to adopt the amendment. And with that, Mr. President, thank you very much.

(Senator Coleman of the 2nd in the Chair.)

THE CHAIR:

Thank you, Senator Gaffey.

The question before the Chamber is adoption of Senate Amendment Schedule A.

Will you remark further?

Senator LeBeau.

SENATOR LEBEAU:

Thank you, Mr. President. I'd like to speak in favor of the amendment and I'd like to compliment Senator Gaffey for bringing this amendment out today.

As a teacher for almost 37 years and a student of both the educational process and the evaluation process that we go through and of the educational policies that we have, Senator Gaffey hits the nail on the head. He talks about the inability that we have and schools have and school systems have to actually judge the effectiveness of their programs. Because we don't look at how students are doing from year to year and cannot actually follow those students as opposed

ch/md/dt  
SENATE

160  
May 27, 2009

to, say measuring a second grade class and then measuring a second grade class the following year. We can see how those groups compare to each other, but they're different kids.

So we -- but what we need to do is follow those kids and to be able to do that, that kind of longitudinal study that is necessary to follow those children and to see what their actual growth is. And to see if they're in Program A or Program B, how does that differ from year to year, so we can compare growth, we can see what is working and what is not. I'm reminded of the Reading Success Program, which we did away with, but I think we would have had a much better evaluation of that program if we had had this kind of data available at that time.

The -- you know, there's all kinds of confounding data that takes place. If you're in an urban district like East Hartford for instance, you have all kinds of confounding data when you have a school -- my wife works for a school where there's more than 100 percent transfers, but given total numbers of the school -- given in one school year. So how do you track those kids? Because you've got kids coming in, going out, coming in, going out, and there is a -- a base group

ch/md/dt  
SENATE

161  
May 27, 2009

of kids who you can track. But we need to have this data, we need to be able to follow the data, we need to be able to follow the kids from school system to school system, and that kind of -- having an identification number so we can follow them is absolutely essential to do this.

This is a very, very important -- I can't say enough about how important this is in terms of being able to evaluate what we're doing in the schools and evaluate the programs that we have in the schools. And I really -- want to compliment the good Senator and the Education Committee and all its members for bringing this forward today. Thank you, Mr. President.

THE CHAIR:

Thank you, Senator.

Senator Caligiuri.

SENATOR CALIGIURI:

Thank you, Mr. President. Mr. President, I rise in support of the amendment and ultimately the bill. But let me start, if I may, with a question through you to Senator Gaffey..

THE CHAIR:

Please proceed, sir.

ch/md/dt  
SENATE

162  
May 27, 2009

SENATOR CALIGIURI:

Mr. President, the amendment -- I think the principal difference between the original bill and the amendment, as I see it, is the scope of who it is that can request the data. The original bill permitted public school officials, nonprofit organizations, researchers, and educational policymakers to obtain this data. Under the amendment, which I hope will pass, that's now limited to employees of nonprofit organizations that are 501(c)(3) organizations -- I'm doing that from memory.

The question, through you to Senator Gaffey, is why are we limiting the scope of who this would apply to?

THE CHAIR:

Senator Gaffey.

SENATOR GAFFEY:

Thank you, Mr. President and I thank Senator Caligiuri for asking the question. The reason why we've narrowed the scope for those that may request this data is the Department had a very well-founded concern, and that is that they would be deluged with requests. And while certainly under FOIA they'd release anything that is covered under that section of

ch/md/dt  
SENATE

163  
May 27, 2009

the statute, but this has been utilized by -- I mentioned ConnCAN in my remarks for instance, Trinity College in my remarks; it's been utilized by those two, one an organization, the other an institution of higher education, to present a web site with very transparent results on how these cohorts of kids are doing, you know, from grade to grade.

Really the only concern that was addressed was the fact that the Department didn't want to be, as I said, deluged with requests from far and wide, and then not be able to, in a timely fashion present the data, which of course there's great interest in having that data available for people in, you know, the September, early-October time frame so that parents could look at it, digest it, and make decisions for their kids. Through you, Mr. President.

THE CHAIR:

Senator Caligiuri.

SENATOR CALIGIURI:

Thank you very much, Mr. President. I thank Senator Gaffey for that response. And I will say that I understand the Department's concerns, and it's my hope that once this becomes law -- should it become law -- that the Education Committee will revisit the

ch/md/dt  
SENATE

164  
May 27, 2009

volume of the requests that have come in to the Education Department. And if we find that it's feasible to open it up to researchers and others, I think the more we make this data available, the better off we'll be. And I'd hate for academic researchers for example, and others who may not be associated with a nonprofit organization, to be denied access, because I think ultimately the more we can share this data to legitimate sources of inquiry, the better off we will be. So I hope we can revisit the issue of volume once we have some data from the Department as to how much interest this is generating.

Having said that, Mr. President, I rise in support of the amendment. I, along with several others, introduced legislation this year to accomplish essentially what's being accomplished here. I'm very grateful to Senator Gaffey, Chairman Fleischmann, and the committee for taking up the bill. I couldn't agree more with both Senator Gaffey and Senator LeBeau about the importance of this bill.

This is not something that is necessarily among the sexiest things we might do, but I have to tell you I agree with Senator LeBeau when he says that this is probably one of the most important things we can do.

ch/md/dt  
SENATE

165  
May 27, 2009

I think that is probably going to be among the top two or three pieces of legislation that comes out of the Education Committee this year in my opinion, in terms of the importance that it will have and the significance that it will have to our ability to track student performance and ultimately the effectiveness of our curricula and other educational initiatives. And for that reason, I am very proud and happy to support the amendment and ultimately the underlying bill. I thank you, Mr. President.

THE CHAIR:

Thank you, Senator.

Senate A is before you, will you comment further on its adoption?

Senator Looney.

SENATOR LOONEY:

Yes, thank you, Mr. President. Speaking in support of the amendment, I would like to join in commending Senator Gaffey and the Education Committee for bringing it forward. And I certainly agree with Senator LeBeau and Senator Caligiuri that this proposal, it may be one of the most important things we do this session in terms of educational accountability. One of the greatest challenges that

ch/md/dt  
SENATE

166  
May 27, 2009

we face in our state is that the achievement gap problem that we are all so anguished about, the achievement gap between affluent, suburban students and lower-income, urban students in particular.

And this amendment will go a long way toward helping up to know which programs are actually working, which programs have cumulative benefit to the same students over a period of time, as opposed to mixing cohorts where we don't know whether we're dealing with the same students individually or not. So we talk so many ways about enhancing accountability in education and dealing with the achievement gap and this measure will be a concrete step in that direction and a very important one.

So again, I commend Senator Gaffey for his leadership in bringing it forward and urge the chamber to approve the amendment. Thank you, Mr. President.

THE CHAIR:

Thank you, Senator.

Are there further comments? Are there further comments?

If not, the Chair will try your minds. The item before the Chamber is the adoption of Senate Amendment Schedule A. All in favor please indicate by saying,

ch/md/dt  
SENATE

167  
May 27, 2009

aye.

VOICES:

Aye.

THE CHAIR:

All those opposed say, nay.

The ayes have, Senate A is adopted.

Will you remark further on the bill as amended?

Will you remark further on the bill as amended?

Senator Kissel.

SENATOR KISSEL:

Thank you very much, Mr. President. The Clerk has in his possession LCO Number 7215.

THE CHAIR:

Will the Clerk please call LCO 7215 -- Senator, 7215?

THE CLERK:

LCO 7215, which will be designated Senate Amendment Schedule B, is offered by Senator Kissel, et al.

THE CHAIR:

Senator Kissel.

SENATOR KISSEL:

Thank you very much, Mr. President. I move adoption of the amendment and ask leave to summarize.

ch/md/dt  
SENATE

168  
May 27, 2009

THE CHAIR:

The gentleman has requested leave to summarize, is there objection? Is there objection?

Seeing none, please proceed, Senator Kissel.

SENATOR KISSEL:

Thank you very much. I'm hoping that the Cochair of the Education Committee views this as a friendly amendment. This addresses something that probably just about a month ago rocked this state, rocked this country, and rocked our world -- and not in a good way: The H1N1 swine flue virus.

It emanated up -- first we knew about it was Mexico City, where dozens, if not hundreds of people were afflicted. Before we knew it, there were warnings on our television stations indicating that this swine flu was spreading around the globe. Before you knew it, there were places in the United States of America where cases were being reported. And immediately public health officials throughout the country and here in the state of Connecticut warned us to take precautionary steps, wash your hands, be careful who you come in contact with, perhaps even avoid places where there's a lot of people.

But ladies and gentlemen, my colleagues here in

the Senate circle, there's one place where we encourage others to be around a lot of people, and that's going to school. We have requirements that our youngest and most precious ones go to school. It is a constitutional right and we guarantee it. So as the influenza outbreak spread throughout the United States, and in a small part, here in Connecticut, all of a sudden we became aware of specific incidents where either an adult or a child was struck with the H1N1 swine flu virus influenza.

And by the way, maybe at some point in time -- I have not gotten into the details of how influenza has affected my family's history and there's quite a story to be told there, but I will say this, in 1918, it was the greatest pandemic to hit the world for hundreds of years. And where my mom's family was from, Philadelphia, it was incredibly devastating. I am hoping this variant of the swine flu will not its hideous head and come back with a vengeance this fall. There are some folks who are involved in this that say that's a potentiality, but I can only pray to God that that will not be the case, that this isn't the pandemic that people were fearful of.

I'm happy that as the swine flu worked its way

ch/md/dt  
SENATE

170  
May 27, 2009

through the state of Connecticut that not a lot of folks' lives were completely disrupted, but there were incidents where there was disruption. And one of those places was in the town of Granby, that I share representing here in the circle with a good friend and colleague, Senator Kevin Witkos. And that place was Wells Road Intermediate School in the town of Granby -- and Granby care extraordinarily about kids' education, believe me.

For those of you involved on the Education Committee, I'm sure you've had meetings throughout the years with a gentleman named Cal Heminway; his hometown is Granby, he's the head of the Connecticut Association of Boards of Education. Or perhaps you've bumped into Mrs. Austin, who is the Principal of the Wells Road Intermediate School. Her son is Brian Austin, maybe you've encountered discussions with him representing criminal justice matters for the Office of Policy and Management. Wells Road Intermediate School is just a small school in a fairly rural community serving grade three through six.

But during that swine flu outbreak here in Connecticut about a month ago, there was an individual that was determined to be open possibly to having

ch/md/dt  
SENATE

171  
May 27, 2009

swine flu. And at that time, Principal Austin, overseen by Superintendent Alan Addley, did what I believe was determined to be the best course of action and I believe was the recommended course of action by the Commissioner of Education, shut the school down and cleaned it from top to bottom, and that's what they did.

The young girl as it turns out, is okay. But she was rushed out -- and ask those who may be familiar with the circumstance in your own district, this is not a test where you can go out and get checked by your local pediatrician. The Center for Disease Control gets the determination -- the blood test, the saliva, and everything else and makes that determination -- and then depending on the outcomes, it might get ratcheted up. So luckily, the young girl turned out okay. There were also other possible cases, but they turned out okay too.

I went and visited Wells Road Intermediate School in the great town of Granby the day it reopened. To clean it from top to bottom it took four full days. I talked to the principal and I talked to the building maintenance manager -- really nice guy -- and he said they had to take special cleaning solvents, liquids,

every locker, every door handle, every classroom, every table, every chair, everything in that school; they did what was right.

What this amendment simply does is state that in this particular incident and in any other incident in the state of Connecticut where a school has had to close down for a period of time, that they will not subsequently be penalized if they do not meet the 180 day requirement regarding schooling -- it's the local municipality's call.

In the town of Granby, Superintendent Alan Addley has contacted myself and Senator Witkos, and our friend and colleague Representative Hornish in the House of Representatives, and said, listen, this is our call, we've spoken to all the parents, but unless you're able to pass some kind of statute here in the state of Connecticut, these kids are going to have to go back to school into July -- they've done all their tests, they've done excellent, no downside. Not only will they have to go to school beyond the time that every other child in that town has had to go to school, but there are other financial implications that are wide-ranging. And so there's substantial thousands of dollars on the table here as well.

All this statute says is, regarding the H1N1 influenza virus, that if a school anywhere in Connecticut is shut down, they get a pass when it comes to meeting the 180 day requirement, should their municipal leaders after, I'm sure after speaking to local parents, make that determination. It's commonsense, it's the right thing to do, it acknowledges local control. In this difficult economic situation it acknowledges that every thousands of dollars that a municipality has to budget is important.

It acknowledges public health. That when there's a balancing between what we have to do on the education side and the health side, we don't want municipalities to get cold feet, we don't want them to hesitate. We don't want them to look to the state government and say, you're urging us to do X, Y, and Z, but at the end of the day you're not going to help us out, and now we're going to thing twice about this.

No, it says this, it says you do what's right for the public health, you do it, you stop, you freeze, you take care of those kids' lives and then we'll address it afterwards. And if what you did was reasonable, like the good folks here in the town of

ch/md/dt  
SENATE

174  
May 27, 2009

Granby did, then you're okay.

Commonsense, addresses local municipal financial situations, acknowledges the importance of education, but puts above that the importance of a child's health and wellbeing. And acknowledges that at the end of the day, God willing, we don't reach these situations again, in the future. But in this instance, we've got to address it right now. I urge my colleagues to support this very commonsense and compassionate amendment.

And at this time, Mr. President, I would like to yield to my friend and colleague, Senator Kevin Witkos.

THE CHAIR:

Senator Witkos, do you accept the yield?

SENATOR WITKOS:

Yes, I do, Mr. President. Thank you very much.

THE CHAIR:

Thank you. Please proceed.

SENATOR WITKOS:

Ladies and gentlemen, I believe that my colleague, Senator Kissel, outlined the reason why this amendment is here before us. But I also wanted to add that we got the e-mail from the Superintendent

ch/md/dt  
SENATE

175  
May 27, 2009

of Schools in the Town of Granby stating that they would have done everything they could have in their power to forfeit vacation days, forfeit professional development days, but this happened at such a late time in their school calendar, those days were not available to them. The only thing they could do to comply with state law is to add on to the end of the school year calendar.

Currently the town of Granby is going to school until June 25th, this would extend their date to exit school to June 30th. Now I ask you, we require 180 days by law -- what type of education are they going to be receiving those last four days?

The learning atmosphere -- and this is only one school, the rest of the district will graduate or will end their school calendar on time, we're talking about three grades -- I ask you what type of educational atmosphere will that school building realize? The school is not air conditioned -- in fact, we've allowed last year, principals had sent their students home for half days when we had temperatures reaching in the high 90s, because it was not conducive to a learning atmosphere. We passed in this very legislature measures to provide a learning

ch/md/dt  
SENATE

176  
May 27, 2009

environment, such as acoustic tiles, anything that would restrict a child's ability to learn.

Temperature is going to play into this.

But this was, as Senator Kissel so eloquently stated, this was a public health measure. In fact, just yesterday I received an -- e-mail from the Department Health confirming yet another H1N1 swine flu virus, so everybody's not out of the woods yet. It could very well happen to a school district in your community. And as a matter of fact -- as Senator Kissel and I were sitting around the circle talking, we've had some of our colleagues around this very circle who have suffered from the same fate of their school buildings being closed because of the threat of the virus. And not just one school building, but my friend and colleague from the 9th Senatorial District, his entire school district was closed, even though the case was found in one particular school.

So does the superintendent -- should the superintendent take into account public health versus the lengthening of the school calendar? I think not. I think the superintendent in the town of Granby made the right decision, he closed the school, he made sure that the school was cleaned, that the children were

ch/md/dt  
SENATE

177  
May 27, 2009

safe. And yet now, beyond his power and ability, he would like those children to end their school year with all of their classmates. I would ask the chamber's indulgence in support of the amendment. Thank you, Mr. President.

THE CHAIR:

Thank you, Senator.

Senator Boucher.

SENATOR BOUCHER:

Thank you, Mr. President. Mr. President, I rise for a question to the proponent of the amendment, if I could, through you.

THE CHAIR:

Please frame your question.

SENATOR BOUCHER:

Thank you. This issue raises a very important concern that is probably expressed throughout various school districts. My question would be to the proponent of the amendment, how many days would this amendment encompass? In other words, how many days would they be getting reprieve from in statute when this goes into effect, or is it an unlimited number of days? Through you, Mr. President.

THE CHAIR:

ch/md/dt  
SENATE

178  
May 27, 2009

Senator Kissel, I believe this question is being directed towards you.

SENATOR KISSEL:

Thank you very much, Mr. President. Through you, to the -- to my good friend and colleague, Senator Boucher, four days.

THE CHAIR:

Senator Boucher.

SENATOR BOUCHER:

Through you, Mr. President, four days would be the limitation as to how many days they would be excused from then to comply with the 180 days? Through you, Mr. President.

THE CHAIR:

Senator Kissel.

SENATOR KISSEL:

Thank you very much, Mr. President. My understanding of the situation is that in actuality they would be losing three days. The last we heard was they had budgeted five snow days, apparently downstate there weren't a lot of snow, but up in the -- border towns, bordering Massachusetts, there was a lot of snow; so they used up all those five snow days. They had a half day in-service left after the

last day of school, and in talking to the superintendent he indicated that the teachers were okay with coming in on that in-service day, pushing that out, so that they would use that day after the last day for every other school, to at least give the kids one extra day, a full day, not a half day. But that would still leave three days short.

This bill isn't just drafted for Granby, it applies to every other school system in the town -- in the state of Connecticut rather, but the amount that would be lost, or actually, the amount that would be covered here, would to my understanding as it affects the Wells Road Intermediate School, be a total of three days.

THE CHAIR:

Senator Boucher.

SENATOR BOUCHER:

Thank you very much. And so I understand that this legislation would cover just a maximum of, say four or five days, for any school district that has experienced this situation with regards to the swine flu? Through you, Mr. President.

THE CHAIR:

Senator Kissel.

ch/md/dt  
SENATE

180  
May 27, 2009

SENATOR KISSEL:

That is correct.

THE CHAIR:

Senator Boucher.

SENATOR BOUCHER:

Thank you very much. I think it is a very timely amendment, addressing a very big concern. And I'm glad that there was a vehicle for this issue to be brought forward, and I hope that we can get agreement on both sides of the aisle that it is a pertinent issue that should be addressed either in this bill or possibly on a future bill. Through you, Mr. President.

THE CHAIR:

Thank you, Senator.

Senator Gaffey.

SENATOR GAFFEY:

Thank you, Mr. President. Mr. President, in its current form, as Chairman of the committee, I would have to oppose the amendment for several reasons. Most important, really not much to do with what the good Senators from -- representing Granby had to say today, but there are drafting issues with this amendment that have extenuating impacts beyond Granby.

And in fact, just pointing out -- I don't know what the high school reference, high school graduation reference is in the amendment, because we're talking about intermediate school, not a high school, and there are other issues too. Granby, as I understand it -- and I do know Superintendent Heminway, he's a terrific superintendent, head of CAFE right now, participant for a long time in many of our educational endeavors, including Sheff, so I have the utmost respect for Cal Heminway. My understanding is that Granby -- the last day of school for the district is the 25th. Although -- and they've already made up one day, as I understand it, with a -- using a professional development day. So this would actually carry them to June 30th, not into July.

But all of that aside, I think there's a way of working this out and getting the language right, so it doesn't have any impact beyond Granby and the situation they had with closing down Wells Road Intermediate School for a week. So if the gentleman would be amenable to this and withdraw the amendment, we do have a major bill coming up, probably tomorrow or the next day, on certification which is outside of the bill that we've already discussed. The most major

ch/md/dt  
SENATE

182  
May 27, 2009

bill we'll do the session on education, we certainly could tack that narrow language onto that bill. And you have my commitment, we just need to work out some details with regard to that week. If they're willing to go to the 26th that week, because I think what they're planning to do is do full days instead of half days that week, and then they don't have to go into the next week and it won't disturb whatever schedules the families had or whatever, I'd be more than willing to work with you on language, get agreement on that language, tack it on the e-cert bill if you're willing to withdraw this amendment. I yield to Senator Kissel  
Mr. President.

THE CHAIR:

Senator Kissel, do you accept the yield?

SENATOR KISSEL:

Thank you very much, Mr. President. I do accept the yield. And I know that Senator Gaffey fights passionately for his constituents, he has for many, many years. We've worked closely together on a number of issues that were complicated, education issues are complicated, there's no two ways about that.

I really appreciate the overture made by Senator Gaffey. I will -- and I've spoken very closely with

ch/md/dt  
SENATE

183  
May 27, 2009

Senator Witkos, we're in agreement, we are hopeful that we can craft language that will address everyone's concerns, both the goods folks in the town of Granby as well the overall education system in the state of Connecticut. And with that, and a hearty sigh of thanks and let's get her done, we will be withdrawing the amendment. Thank you, Mr. President.

THE CHAIR:

Motion is to withdraw Senate B. Is there objection? Is there objection?  
Seeing none, so ordered.

Will you remark further on the bill as amended?  
Senator Gaffey.

SENATOR GAFFEY:

Mr. President, if there's no -- if there are no further comments or any objection, I would move the bill be placed on the Consent Calendar, sir.

I'll yield to Senator McKinney, he's got his hand up.

THE CHAIR:

Apparently Senator McKinney's expressed an objection to place the item on Consent.

Will you remark further? Will you remark further?

ch/md/dt  
SENATE

184  
May 27, 2009

If not, the Chair would ask the Clerk to please announce that a roll call vote is in progress in the Senate.

THE CLERK:

Immediate roll call has been ordered in the Senate, will all Senators please return to the chamber. An immediate roll call has been ordered in the Senate, will all Senators please return to the chamber.

THE CHAIR:

The machine is open.

Members, please check the roll call board to make certain that your vote is properly recorded.

If all members have voted, the machine will be closed.

Would the Clerk please take a tally.

THE CLERK:

Motion is on passage of Senate Bill 1014 as amended by Senate Amendment Schedule A.

Total Number Voting	36
Those Voting Yea	36
Those Voting Nay	0
Those Absent/Not Voting	0

THE CHAIR:

ch/md/dt  
SENATE

185  
May 27, 2009

The bill as amended is passed.

Senator Looney.

SENATOR LOONEY:

Yes. Thank you, Mr. President. Mr. President, if the Clerk might return to an item that was passed temporarily earlier on. It was calendar page 26, Calendar 260, Senate Bill 823, we were in the -- in discussion of an amendment earlier and the bill was passed temporarily. Would mark that go and ask that be called.

THE CHAIR:

Will the Clerk --

Senator Looney, would you want the Clerk to call that item?

SENATOR LOONEY:

Yes, Mr. President, if he could call that -- please call that item.

THE CHAIR:

Clerk, please call Calendar 260.

THE CLERK:

Turning to Calendar page 26, Calendar Number 260, File Number 289, Substitute for Senate Bill 823,  
AN ACT CONCERNING REVISIONS TO THE INSURANCE STATUTES,  
as amended by Senate Amendment Schedule A, favorable

**H – 1067**

**CONNECTICUT  
GENERAL ASSEMBLY  
HOUSE**

**PROCEEDINGS  
2009**

**VOL.52  
PART 31  
9841 – 10189**

pat  
HOUSE OF REPRESENTATIVES

192  
June 3, 2009

properly cast. If all Members have voted, the machine will be locked.

Will the Clerk please take and announce the tally.

THE CLERK:

Senate Bill Number 954 as amended by Senate "A" in concurrence with the Senate.

Total Number Voting	150
Necessary for Passage	76
Those voting Yea	150
Those voting Nay	0
Those absent and not voting	1

DEPUTY SPEAKER ALTOBELLO:

The Bill passes as amended in concurrence with the Senate.

Would the Clerk please call Calendar Number 685.

THE CLERK:

On Page 22, Calendar Number 685, Substitute for Senate Bill Number 1014 AN ACT CONCENRING LONGITUDINAL STUDIES OF STUDENT ACHIEVEMENT. Favorable Report of the Committee on Education.

DEPUTY SPEAKER ALTOBELLO:

pat  
HOUSE OF REPRESENTATIVES

193

June 3, 2009

Representative Fleischmann of the 18th, 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 ALTOBELLO:

The question before the Chamber is acceptance of the Joint Committee's Favorable Report and passage of the Bill. Please proceed, sir.

REP. FLEISCHMANN (18th):

Thank you, Mr. Speaker. The Bill that's before us is meant to promote use of longitudinal data that we've been collecting for a number of years now through our State Department of Education so that we can better analyze what is happening with student achievement.

This measure is intended to allow various nonprofit organizations to be able to get access to that data and do the sort of studies that help us best understand how our schools are working. Really tremendously valuable in general, and particular in relation to work that's happening pursuant to the federal stimulus and the rates to the top grants.

pat  
HOUSE OF REPRESENTATIVES

194  
June 3, 2009

Mr. Speaker, the Clerk is in possession of an Amendment, LCO Number 7944. I would ask that the Clerk please call and I be given permission to summarize.

DEPUTY SPEAKER ALTOBELLO:

Will the Clerk please call LCO Number 7944 previously designated Senate "A".

THE CLERK:

LCO Number 7944, Senate "A", offered by Senator Gaffey and Representative Fleischmann.

DEPUTY SPEAKER ALTOBELLO:

The good Representative seeks leave of the Chamber to summarize. Without objection, please proceed, Representative Fleischmann.

REP. FLEISCHMANN (18th):

Thank you, Mr. Speaker. Mr. Speaker, the Amendment that is now before us is in line with the underlying Bill that I was just discussing.

In essence, what it would do is make sure that students were getting assigned unique student identifiers that protected their personal identity.

It makes it clear that nothing that we're doing here shall be construed to limit the ability of employees of nonprofits or any subsequent code that is

pat  
HOUSE OF REPRESENTATIVES

195  
June 3, 2009

organized and operated for educational purpose to obtain information in accordance with the provisions of Subsection (e), and would make sure that the Department was providing information that's subscribed in a 60-day timeframe.

I move adoption.

DEPUTY SPEAKER ALTOBELLO:

The question before the Chamber is adoption of Senate "A"? Further? Representative O'Neill of the 69th, you have the floor, sir.

REP. O'NEILL (69th):

Yes, thank you, Mr. Speaker. With respect to the language that appears, starting in Lines 18, 19, and 20, the question I have is, with respect to the assignment of the number and it talks about, shall be assigned to each student prior to tracking the performance of a student in the public school information system.

If a student is not enrolled in the public school systems, are they going to have a number assigned to them?

Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Fleischmann.

pat  
HOUSE OF REPRESENTATIVES

196  
June 3, 2009

REP. FLEISCHMANN (18th):

Through you, Mr. Speaker, I believe the answer to that question is no. These unique student identifiers pertain to children who enter the public schools.

Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative O'Neill.

REP. O'NEILL (69th):

Thank you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Thank you. Further on? Representative Giuliano, former of the Silver City of the 23rd District, you have the floor, madam.

REP. GIULIANO (23rd):

Thank you very much and good afternoon, Mr. Speaker. Mr. Speaker, through you, some questions to my colleague, the Chairman of the Education Committee.

DEPUTY SPEAKER ALTOBELLO:

Please proceed, madam.

REP. GIULIANO (23rd):

Thank you, Mr. Speaker. Through you, which agencies will have access to this information?

DEPUTY SPEAKER ALTOBELLO:

Representative Fleischmann.

pat  
HOUSE OF REPRESENTATIVES

197  
June 3, 2009

REP. FLEISCHMANN (18th):

Through you, Mr. Speaker, in terms of state agencies, that would continue to be the State Department of Education, and other agencies that it's working in conjunction with on this data, which could be from time to time, I suppose, other agencies with whom they have such understanding. Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Giuliano.

REP. GIULIANO (23rd):

Thank you, Mr. Speaker. And for what purposes will this data be utilized? Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Fleischmann.

REP. FLEISCHMANN (18th):

Through you, Mr. Speaker, it's evident from the measure before us that the nonprofit entities that have been discussed are organized for the purpose of educational research. So it's our understanding and expectation that once this data was properly cleansed as required under federal statute and provided, it would be used for analysis of student achievement and progress.

pat  
HOUSE OF REPRESENTATIVES

198

June 3, 2009

Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Giuliano.

REP. GIULIANO (23rd):

Thank you, Mr. Speaker. Mr. Speaker, I would ask for a clarification in terms of the interplay between FERPA and the request and subdivisions made in Senate Bill Number 1014. Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Fleischmann.

REP. FLEISCHMANN (18th):

Through you, Mr. Speaker, the Family Educational Rights and Privacy Act, commonly known as FERPA is federal statute that pertains to all student data, and that will always preempt any state statute, including the measure before us.

So in essence, any data that is provided pursuant to this Bill, will comply with FERPA, meaning that there will be no identification information that would allow someone to ascertain what was happening with a specific individual student.

Rather, the data would be such that it would be useful for aggregate purposes. Through you, Mr. Speaker.

pat  
HOUSE OF REPRESENTATIVES

199  
June 3, 2009

DEPUTY SPEAKER ALTOBELLO:

Representative Giuliano.

REP. GIULIANO (23rd):

Thank you, Mr. Speaker, and I appreciate that there will be no individually identifying information.

But through you, Mr. Speaker, is the collection of this data anticipated to result in any manner of increased cost for the State Department of Education, either in time, personnel, et cetera? Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Fleischmann.

REP. FLEISCHMANN (18th):

Through you, Mr. Speaker, this measure is designed to take effect within available resources.

DEPUTY SPEAKER ALTOBELLO:

Representative Giuliano.

REP. GIULIANO (23rd):

Thank you, Mr. Speaker. An additional cost question, through you, Mr. Speaker. These requests will be paid for how? And I understand the Chairman's remarks with regard to available appropriations, but this does place an added collection burden on the Department and I'm just seeking to ascertain that this

pat  
HOUSE OF REPRESENTATIVES

200  
June 3, 2009

will not in any way create an unfunded mandate.

Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Fleischmann.

REP. FLEISCHMANN (18th):

Through you, Mr. Speaker, the measure before us specifies that the cost of the request, if in any way going beyond you know, something that can be done without any costs, those costs are to be covered by the nonprofit entity that is making the request.

Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Giuliano.

REP. GIULIANO (23rd):

Thank you, Mr. Speaker, and I wish to thank the Chairman for his responses and the clarification that he has provided both to me and to the Chamber.

Thank you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

You're welcome. Thank you, Representative Giuliano. Representative Mushinsky of the 85th, you have the floor, madam.

REP. MUSHINSKY (85th):

pat  
HOUSE OF REPRESENTATIVES

201  
June 3, 2009

Thank you, Mr. Speaker. I want to commend the Education Committee for their work on this Bill. This is the results based accountability for education, in effect. It provides data drive information so we can make good choices in the schools, and I urge all my colleagues to support it.

DEPUTY SPEAKER ALTOBELLO:

Thank you, Representative Mushinsky.  
Representative Hovey of the 112th, you have the floor, madam.

REP. HOVEY (112th):

Thank you, Mr. Speaker. Mr. Speaker, through you, a couple of questions to the proponent of the Amendment.

DEPUTY SPEAKER ALTOBELLO:

Please proceed, madam.

REP. HOVEY (112th):

Thank you, Mr. Speaker. Mr. Speaker, through you, at what age will the number be assigned to the individual student? Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Fleischmann.

REP. FLEISCHMANN (18th):

pat  
HOUSE OF REPRESENTATIVES.

202  
June 3, 2009

Through you, Mr. Speaker, I believe for most students that would occur when a child enters a public school kindergarten. Through you.

DEPUTY SPEAKER ALTOBELLO:

Representative Hovey.

REP. HOVEY (112th):

Great. Thank you, Mr. Speaker. And Mr. Speaker, through you, with regard to the information that's being gathered, will there also be the possibility of doing data analysis around curricula tracking and teacher assignment tracking? Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Fleischmann.

REP. FLEISCHMANN (18th):

Through you, Mr. Speaker, that is a possibility, and I want to make clear. This data is already being collected by the state. The Senate Amendment "A" that is before us simply specifies that the Department shall, under various circumstances, be making the data that they're already collecting in this regard, available to nonprofits that pursue educational purposes. Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

pat  
HOUSE OF REPRESENTATIVES

203  
June 3, 2009

Representative Hovey.

REP. HOVEY (112th):

Thank you, Mr. Speaker. Mr. Speaker, just for clarification, would the good Co-Chairman of the Education Committee. Presently the Department of Education is able to track children and what particular course of curricula they have gone through and what specific teachers they have had in a database? Through you, Mr. Speaker. Am I correct in understanding that?

DEPUTY SPEAKER ALTOBELLO:

Representative Fleischmann.

REP. FLEISCHMANN (18th):

Through you, Mr. Speaker, I believe my good colleague is correct in understanding that's the purpose of this database. I'm not sure that all of those fields of information and functionalities are currently up and running, but if they aren't, then it's certainly our goal to be able to track which school a child is in, who their teacher is, what sort of classes they've gone through.

That is the intent, certainly, of our creation of this database. Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Hovey.

REP. HOVEY (112th):

Thank you, Mr. Speaker. Mr. Speaker, I would rise in support of this Amendment. I think it's very important when we're looking at, really looking at what might be at the crux of our achievement gap, looking at where students have been, what curricula they have been introduced to, at what points in their academic lives whether or not it has been effective, and whether or not we are providing the type of programming that's relevant to them to keep them in school so that they are functioning young adults.

Thank you, sir.

DEPUTY SPEAKER ALTOBELLO:

Thank you, Representative Hovey. Representative Green of the 1st District, you have the floor, sir.

REP. GREEN (1st):

Thank you, Mr. Speaker. Mr. Speaker, a couple of questions to the proponent of the Amendment, through you.

DEPUTY SPEAKER ALTOBELLO:

Please proceed, sir.

REP. GREEN (1st):

pat  
HOUSE OF REPRESENTATIVES

June 3, 2009

Thank you. Could the proponent clarify for me, if a student is given an identifying number based on taking a test, would that identifying number be accessible to anybody requesting it? Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Fleischmann.

REP. FLEISCHMANN (18th):

Through you, Mr. Speaker, pursuant to federal statutes, the answer to that question is no.

DEPUTY SPEAKER ALTOBELLO:

Representative Green.

REP. GREEN (1st):

Thank you. Through you, Mr. Speaker, could the proponent of the Amendment indicate to me whether or not there may be any opportunity for a breach in that information being given to someone and the student being identified? Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Fleischmann.

REP. FLEISCHMANN (18th):

Through you, Mr. Speaker, the State Department of Education and schools all are governed by FERPA. They all follow its dictates. There is never, to my

June 3, 2009

knowledge, any information regarding students that would allow someone to identify an individual student that is released to the public.

In fact, the data is scrubbed in such a way that if you're looking at a subgroup that has a small enough number of children, sometimes the data is withheld because there's a concern that because of the small size of the subgroup, someone might be able to figure out who an individual child is.

So, in short, there are some very high fences around this information to ensure that no child's individual data is ever disclosed. Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Green.

REP. GREEN (1st):

Thank you, Mr. Speaker. Mr. Speaker, through you, let's imagine, even though we have this high fence and there seems to be a lot of security around protecting the identity, if there was such a breach, are there any consequences or penalties if there was such a breach?

Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

pat  
HOUSE OF REPRESENTATIVES

207  
June 3, 2009

Representative Fleischmann.

REP. FLEISCHMANN (18th):

Through you, Mr. Speaker, yes. I believe under federal statutes there are consequences.

DEPUTY SPEAKER ALTOBELLO:

Representative Green.

REP. GREEN (1st):

Thank you. Through you, Mr. Speaker, based on the language in this Amendment, does the proponent anticipate that this is any violation of federal statutes?

Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Fleischmann.

REP. FLEISCHMANN (18th):

Through you, Mr. Speaker, no. Federal statutes always preempt state statutes and it is certainly our intention in this area, as in all areas, to respect federal law. So any data released pursuant to Senate Amendment "A" would be fully FERPA compliant. Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Green.

REP. GREEN (1st):

pat  
HOUSE OF REPRESENTATIVES

208

June 3, 2009

Thank you, Mr. Speaker. Mr. Speaker, through you, sometimes we do legislation with some intent in mind in terms of the nonprofit or the 501C3 or a purpose of a piece of legislation.

Could the proponent of the Amendment tell me, what would be the goal of this Legislature? What are we trying to do?

DEPUTY SPEAKER ALTOBELLO:

Representative Fleischmann.

REP. FLEISCHMANN (18th):

Through you, Mr. Speaker, there are a number of nonprofits organized for educational purposes and researchers think tanks, even universities, that have a profound interest, as do we, in figuring out how we're doing with regard to student achievement, and what are the key factors in helping children achieve what we'd like or in impeding their progress.

It's anticipated that with passage of this legislation, we'll make it far easier for researchers to get hold of the data that allows them to do the analyses that we policymakers need to come up with the best policies to promote student achievement. Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

pat  
HOUSE OF REPRESENTATIVES

209  
June 3, 2009

Representative Green.

REP. GREEN -(1st):

Thank you, Mr. Speaker. Mr. Speaker, through you, does the State Department of Education have any responsibility since they're currently collecting that data, to provide us with the research and the analysis specifically as it relates to how our students are achieving? Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Fleischmann.

REP. FLEISCHMANN (18th):

Through you, Mr. Speaker, the State Department has to do a number of general reports pursuant to state and federal statutes, but none to my knowledge that provide the kind of longitudinal understanding that's being sought in this measure.

This General Assembly has, for a few years running, funded through the Early Childhood Cabinet, a longitudinal study, which has never happened because the dollars weren't released by the Office of Policy and Management.

So, we have the data. We haven't gotten any real longitudinal studies. This measure is meant to address that situation. Through you, Mr. Speaker.

pat  
HOUSE OF REPRESENTATIVES

210  
June 3, 2009

DEPUTY SPEAKER ALTOBELLO: .

Representative Green.

REP. GREEN (1st):

Thank you, Mr. Speaker. Mr. Speaker, through you, could the proponent of the Amendment tell me, the State Department of Education sometimes asks schools to do school profiles. It appears that they have some kind of data.

Through you, could the proponent of the Bill, of the Amendment, tell me, does the State Department of Education have any researchers to analyze this data, and clarify to me whether or not we in fact ask for any kind of reports on an annual basis, in terms of their analysis of what's happening with our students of our state.

Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Fleischmann.

REP. FLEISCHMANN (18th): .

Through you, Mr. Speaker, to the best of my knowledge, the State Department has folks who go ahead and take the data and use it to help with the creation of strategic school profiles.

pat  
HOUSE OF REPRESENTATIVES

211  
June 3, 2009

They do not, to my knowledge, have researchers tasked with doing the sort of longitudinal study that I just discussed earlier. Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Green.

REP. GREEN (1st):

Thank you, Mr. Speaker. Mr. Speaker, through you, I heard, I think, some responses to some questions about trying to address the achievement gap.

Could the proponent of the Amendment tell me where in the language does it state that the assets of this data, the research of this data, develop a plan to address the achievement gap.

Could the proponent tell me where I may find that? Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Fleischmann.

REP. FLEISCHMANN (18th):

Through you, Mr. Speaker, the, my good colleague didn't find anything along those lines in the language because that relates to the uses to which the data is put, and we did not put any constraints around how researchers are going to use the data.

pat  
HOUSE OF REPRESENTATIVES

212

June 3, 2009

But those who appeared before our Committee in public hearings said it was their intent to try and focus in on what's going on with the achievement gap and what might be done to address it, and what the longitudinal data does to show us things about that gap.

I'll add, Mr. Speaker, that in the State of Massachusetts, where they have done a better job of using their longitudinal data, they used it to help identify sixth graders who were running into academic difficulties and to help increase the graduation rates of this children.

I'm hopeful that we'll be heading down the same path here. Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Green.

REP. GREEN (1st):

Thank you, Mr. Speaker. Mr. Speaker, through you, in the past, I had read a report where towns would be listed as to how students have done on various standardized testing.

I've also read national, read reports that talk about Connecticut in terms of how its students have done in terms of various tests. I've also understood

pat  
HOUSE OF REPRESENTATIVES

213

June 3, 2009

that there's been large gaps in the achievement in terms of some of these scoring on the statewide tests between various subgroups of students.

For example, African-Americans, Latinos, and whites, and so I've read that information. I've seen reports from various school districts. Could the proponent of the Amendment tell me, if the State Department is not gathering that information and may not have the researchers and develop the information, develop the reports from information they receive, how do I get, or how do the media get reports that we have this achievement gap, and how can we in fact, say we have an achievement gap.

What is that information based on? Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Fleischmann.

REP. FLEISCHMANN (18th):

Through you, Mr. Speaker, the news reports of which my colleague speaks are based on annual test results, which are disseminated by the State Department of Education, not a very complicated thing to do.

pat.

214

HOUSE OF REPRESENTATIVES

June 3, 2009

There are test results. They are aligned with various subgroups. They are aggregated and sent out in a press release by the State Department of Education.

This measure before us is meant to get data into the hands of researchers who are going to do longitudinal research, which means in plain English, looking at how children progress through the system.

So we won't just be talking about how eighth graders in one town did on one test, and how fourth graders in another town did on another test. We'll be looking at how children have progressed through the educational process, and where they are achieving or where they are running into impediments. Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Green.

REP. GREEN (1st):

Thank you. Through you, Mr. Speaker, could the proponent tell me whether or not then we have an achievement gap in the State of Connecticut?

Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Fleischmann.

pat  
HOUSE OF REPRESENTATIVES

June 3, 2009

REP. FLEISCHMANN (18th):

Through you, Mr. Speaker, yes, indeed we do.

DEPUTY SPEAKER ALTOBELLO:

Representative Green.

REP. GREEN (1st):

Thank you, Mr. Speaker. Mr. Speaker, after that response, if we recognize that we have a gap in achievement, could the proponent of the Amendment tell me where in this Amendment might it say, that recognizing that we have it, what's the strategy to address it?

Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Fleischmann.

REP. FLEISCHMANN (18th):

Through you, Mr. Speaker. Senate Amendment "A", which is now before us, specifies the timeframe in which the State Department shall provide information to researchers interested in the very achievement gap that interests my colleague.

That's what Senate Amendment "A" is speaking to. The purposes and intents of the nonprofits who are doing this research are not subject to Senate Amendment "A".

pat  
HOUSE OF REPRESENTATIVES

216  
June 3, 2009

Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Green.

REP. GREEN (1st):

Thank you. Mr. Speaker, I guess for me, I'm a little clearer now, because on one hand I thought that this Amendment would provide some information to nonprofit educational organizations and researchers so that they could identify, possibly, some achievement gaps and some issues in terms of where our students are in terms of their learning.

It also appeared to me that part of the reason we wanted to do this was because if we had identified some achievement gap, they might come up with some strategies to address that.

It appears that that's not what this does, and so I guess this is just to give access to that. I don't mind giving access. I would hope that there's definitely some protections here for privacy, but I think that I would like to know what we're doing to specifically address the achievement gap in the State of Connecticut. I think we have the information.

I think we should be asking our educational, our State Department of Education, also our universities,

pat

217

HOUSE OF REPRESENTATIVES

June 3, 2009

to come up with plans, not to come up with, just once again, going through the data, coming up with some statistics, and they're telling us once again, which is something we already know, as recognized by the Chairperson that we have an achievement gap.

We don't need any further information to acknowledge that we have an achievement gap. What we need is specific strategies to address it. Thank you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Thank you, Representative Green. Representative McCrory of the 7th District, you have the floor, sir.

REP. MCCRORY (7th):

Thank you, Mr. Speaker. Mr. Speaker, I rise in support of this Amendment. I think if used properly, this information will be a valuable tool for those who are (inaudible) education to explore research and come up with fundamental solutions to this tragic that we have in the State of Connecticut of having the highest achievement gap.

As we move forward in this state, and as we move forward to improving the quality of education, this is a very good step that I think researchers can use and educators can use.

June 3, 2009

I think next year, or in the following years, we as a State of Connecticut, will have to come together and come up with some strategies that really address the achievement gap as opposed to just coming up with concepts to go after stimulus money.

Unfortunately, education and money goes hand in hand, but I would hate to see that we go after monies on the back of individual communities and populations just to go after what I call a stimulus grab.

But using a strategy such as this to analyze data over an extended period of time, will go a long way for us to improving the quality of education for all of our students.

So with that said, I would encourage my colleagues to support this Amendment. However, I'll be mindful of the fact that we have to monitor when they use this data and what they're going to use it for, and who are going to come up with the strategies and concepts to educate the people who are at the bottom of the well.

So with that said, I would encourage my colleagues to support this measure, but again, we must maintain, and stay on the path and monitor what this data is going to be used for.

pat  
HOUSE OF REPRESENTATIVES

219

June 3, 2009

It's no good just to use the data and say, we're at the bottom of the well again. We're at the bottom of the well again and we need more money. No. What we don't need is more money, but more solutions that have been useful in other communities across this country that improve the quality of education for specific people in this country.

Thank you.

DEPUTY SPEAKER ALTOBELLO:

Thank you, Representative McCrory.

Representative Dillon of the 92nd, you have the floor, madam.

REP. DILLON (92nd):

Thank you, Mr. Speaker. I'm speaking in support of the Amendment, and I think, and I'm really respectful of a lot of the comments that have been made by the proponent of the Amendment, and also some of the concerns, and I guess I want to second some of the concerns Representative Giuliano expressed as well as Representative Green.

I think those of us on the state level have some work to do next year, because it's absolutely true that federal precedent, that federal policy overrides state policy. But the problem is this.

June 3, 2009

FERPA, which is the Family Education Privacy Act of 1974, theoretically protects the rights of students' privacy. However, the Supreme Court ruled that students have no individual cause of action to protect that right of privacy. In the case Gonzaga Doe and that was the Rehnquist court, but the lawyer who was representing Gonzaga at the time was Chief Justice Roberts.

So I'm fairly confident that the Supreme Court will not be revisiting that precedent. That means that we theoretically have a right, which is unenforceable on the individual level.

So I would suggest to the Chamber, and I'm saying this without the Chair of the Judiciary Committee being present, that it wouldn't hurt if those of us looking at the law in Connecticut were to create a separate body of law that would create a cause of action so that we would have those protections. Thank you very much.

DEPUTY SPEAKER ALTOBELLO:

Thank you, Representative Dillon. Representative Candelora of the 86th, you have the floor, sir.

REP. CANDELORA (86th):

pat  
HOUSE OF REPRESENTATIVES

221

June 3, 2009

Thank you, Mr. Speaker. If I may, a couple questions to the proponent of the Amendment.

DEPUTY SPEAKER ALTOBELLO:

Please proceed, sir.

REP. CANDELORA (86th):

Thank you, Mr. Speaker. In Section D of the Amendment there are some references to some information that local regional school boards are to gather, and it's my understanding that that information becomes part of the information database that's created in Section A.

Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Fleischmann.

REP. FLEISCHMANN (18th):

Through you, Mr. Speaker, if the questioner could please tell me what line numbers he's referring to.

I'm having trouble following what he's asking about.

Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Candelora.

REP. CANDELORA (86th):

Thank you, Mr. Speaker. In Section D, which is Lines 36 through 45, excuse me, of the Amendment,

pat  
HOUSE OF REPRESENTATIVES

222  
June 3, 2009

there is language that the local and regional school boards are to create programs, and that the information that's gathered as a result of those programs, shall include student experiences in preschool by program type and by numbers and the readiness of students entering kindergarten.

And my question is that that data gathered, is it contemplated that that information becomes part of Section A, which is Lines 5 through 20? Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Fleischmann.

REP. FLEISCHMANN (18th):

Through you, Mr. Speaker, so all of the citations that my good colleague had just made are with regard to existing statute. Senate Amendment "A" only offers new language in Lines 18, 21 and 46.

So all of that data is already collected and included in that database and has been ever since this law was first enacted. Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Candelora.

REP. CANDELORA (86th):

June 3, 2009

Thank you, Mr. Speaker. And I guess my question pertains to Items 18 through 20, specifically where the Department must assign a unique student identifier to the information that's collected in Section A.

But as I read the existing language in Section D, I'm not sure that those unique identifiers would be required, and so I just, that's why I ask that question because this Amendment is seeking to make information public to other entities.

So I want it to be clear that in Subsection D, while it is existing language, it is requiring our school boards to provide information and data, and I want to make sure that any of that data in the existing law in Subsection D would fall under the requirement that unique identifiers be placed to that information as required in Subsection A.

Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Fleischmann.

REP. FLEISCHMANN (18th):

Through you, Mr. Speaker, I thank my good colleague for the clarification. The answer is yes. All student data is covered under FERPA and pursuant to FERPA is given unique student identifiers so that

pat  
HOUSE OF REPRESENTATIVES

June 3, 2009

it's possible to then have it in the database while not having students identified by name. Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Candelora.

REP. CANDELOR (86th):

Thank you, Mr. Speaker. And through you, in Section A, where we are specifically providing for information that is to be gathered, and where in Section B there can be some disclosure of that information, is it contemplated that a school district may, I guess, be gathering information for other purposes beyond this Amendment, be keeping it in one centralized database.

And if so, if that would subject any of the information to disclosure, necessarily that the provisions of 18 through 20 would apply, so that if, through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Fleischmann.

REP. FLEISCHMANN (18th):

Through you, Mr. Speaker, I can't say I fully understood the question. I'll just say this. All student data collected in Connecticut is collected

pat  
HOUSE OF REPRESENTATIVES

225

June 3, 2009

pursuant to state and federal statute, and that means student identity is totally protected from public disclosure.

Data is only disclosed in an aggregate manner, and the only exception to that is the circumstance where there's a parent coming into a school to talk about their child's progress.

But when it comes to anyone who's coming to the State Department of Education or looking at our data systems, they are never permitted to look at identifiable student data. They only get to see aggregate data where it's impossible to tell which student is which.

Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Candelora.

REP. CANDELORA (86th):

Thank you, Mr. Speaker, and I appreciate those answers. It's very helpful in just getting clarification because I was concerned about that very issue.

And then just one final question, I believe, is in Line 25, what is contemplated, or 24 and 25, what is contemplated that this information could be

pat  
HOUSE OF REPRESENTATIVES

226

June 3, 2009

released to nonprofit organizations that's exempt under federal statute, under Section 501C3.

And my understanding of that federal statute is that it includes a very broad list of nonprofit organizations, whose purpose may not even be educational. They could serve some other sort of public purpose whether it's for recreation or food service or social services.

And I'm wondering why we used such broad language, and was there a discussion or an attempt, maybe, to narrow that language to deal with only nonprofit organizations that are in the field of education? Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Fleischmann.

REP. FLEISCHMANN (18th):

Through you, Mr. Speaker. I would direct my good colleague to Line 27 of the Bill. He's right in pointing to the IRS Code cite, but that's the beginning of the sentence.

The end of the sentence is, and the organization is organized and operated for educational purposes. That does narrow it, in fact, it's a very, very small subgroup of 501C3 organizations that were specifically

pat

227

HOUSE OF REPRESENTATIVES

June 3, 2009

organized and operated for educational purposes, and those are the appropriate entities for this measure.

Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Candelora.

REP. CANDELORA (86th):

Thank you, Mr. Speaker. I appreciate that answer. I missed that in my read of the Bill.

And just a follow up to that, in Line 28, the organization could be organized and operated for educational purposes. The term educational purposes, would it mean that the 501C3 corporation would have to have educational purposes as its exclusive service or could it be that they perform other services in addition, too?

Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Fleischmann.

REP. FLEISCHMANN (18th):

Through you, Mr. Speaker, so I'm not familiar with this part of the IRS Code, I just think the language is pretty clear on its face that it's a 501C3 operated for educational purposes, organized and operated for those purposes.

My guess is you know, it's possible that there's somebody out there who organized and operated for those purposes may do something else, but I really am not an expert in that area of law.

Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Candelora.

REP. CANDELORA (86th):

Thank you, Mr. Speaker, and I appreciate the answer. And a final question is, the definition of educational purposes. Is that contained anywhere in our statutes, or is it a term of art? Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Fleischmann.

REP. FLEISCHMANN (18th):

Through you, Mr. Speaker, I believe that's a term of art from federal statutes.

DEPUTY SPEAKER ALTOBELLO:

Representative Candelora.

REP. CANDELORA (86th):

Thank you, Mr. Speaker. And I guess, is it the intention of this Legislative Body when we use the term educational purposes, that we're limiting it to

pat  
HOUSE OF REPRESENTATIVES

229

June 3, 2009

organizations that have something to do with our public school or private school educational systems as opposed to a nonprofit organization that may be conducting pursuant to educate the general public in various issues or social policies? Through you, Mr. Speaker.

DEPUTY SPEAKER ALTÒBELLO:

Representative Fleischmann.

REP. FLEISCHMANN (18th):

Through you, Mr. Speaker, the language before us covers organizations organized and operated for educational purposes. Some of those may be trying to promote better results in our public schools. Some of them may be trying to do better studies of what's happening in our public schools, but I believe the language is clear on its face.

Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Candelora.

REP. CANDELORA (86th):

Thank you, Mr. Speaker. I appreciate the good Representatives answers.

DEPUTY SPEAKER ALTOBELLO:

pat  
HOUSE OF REPRESENTATIVES

230

June 3, 2009

Representative Wood of the 141st, you have the floor, madam.

REP. WOOD (141st):

Thank you, Mr. Speaker. I just stand to support, I do stand in support of this legislation, being on the Education Committee. Basically, it's consistent access to test scores and information that's going to be helpful in closing this gap.

Privacy is protected. It's a solution and I just would hope that everyone would support this. I think it's important legislation and it is designed to help close the gap. It's very simple legislation, and I do hope you all will support it. Thank you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Thank you, Representative Wood. Further on Senate "A"? Further on Senate "A"? If not, I'll try your minds.

All those in favor please signify by saying Aye.

REPRESENTATIVES:

Aye.

DEPUTY SPEAKER ALTOBELLO:

Opposed? The ayes have it. Senate "A" is  
adopted.

June 3, 2009

Further on the Bill as amended? Representative Miner of the 66th District, you have the floor, sir.

REP. MINER (66th):

Good afternoon, Mr. Speaker. Just one question, through you on the Bill as amended, if I might.

DEPUTY SPEAKER ALTOBELLO:

Please proceed, sir.

REP. MINER (66th):

Thank you, Mr. Speaker. Mr. Speaker, as I understand the most recent conversation, there will be a process by which the Department, State Department of Education will collect data on every student in the State of Connecticut, and then have that available in a longitudinal database.

Through you, am I correct? Is that how I understand it?

DEPUTY SPEAKER ALTOBELLO:

Representative Fleischmann.

REP. FLEISCHMANN (18th):

Through you, Mr. Speaker, the process that my good colleague has just described already occurs under current statute.

The Senate Amendment "A" that we just passed ensures that if there is a 501C3 nonprofit

pat

232

HOUSE OF REPRESENTATIVES

June 3, 2009

organization, organized and operated for educational purposes, that they can go ahead and get FERPA compliance information from that database within 60 days of requesting it from the Department. Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Miner.

REP. MINER: (66th):

Thank you, Mr. Speaker. And so with regard to the cost to the Department in not only developing that information but then forwarding it to any 501C3 that requests it within that 60-day period, is that fee going to be established by the State Department of Education?

Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Fleischmann.

REP. FLEISCHMANN (18th):

Through you, Mr. Speaker, yes. The State Department is to determine the costs that were associated with the data request and the 501C3 is to be billed for all such costs, meaning that this is cost neutral for the State of Connecticut. Through you, Mr. Speaker.

pat  
HOUSE OF REPRESENTATIVES

June 3, 2009

DEPUTY SPEAKER ALTOBELLO:

Representative Miner.

REP. MINER (66th):

Thank you, Mr. Speaker. And as I understood the gentleman, the longitudinal database is currently part of what they do. They collect that data right now and there's no additional expense for that? Through you.

DEPUTY SPEAKER ALTOBELLO:

Representative Fleischmann.

REP. FLEISCHMANN (18th):

Through you, Mr. Speaker, yes.

DEPUTY SPEAKER ALTOBELLO:

Representative Miner.

REP. MINER (66th):

Thank you, Mr. Speaker, and I thank the gentleman for his answer. Mr. Speaker, I have an Amendment that I'd like to offer. It's LCO Number 9180. If it be called and I be allowed to summarize, please.

DEPUTY SPEAKER ALTOBELLO:

Will the Clerk please call LCO Number 9180.

THE CLERK:

LCO Number 9180, House "A", offered by  
Representatives Cafero, Hamzy and Klarides.

DEPUTY SPEAKER ALTOBELLO:

pat  
HOUSE OF REPRESENTATIVES

234  
June 3, 2009

Representative Miner.

REP. MINER (66th):

Thank you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

One moment please. Representative Fleischmann,  
for what purpose do you rise?

REP. FLEISCHMANN (18th):

Mr. Speaker, either we're not in possession of  
said Amendment.

DEPUTY SPEAKER ALTOBELLO:

The Chamber will stand at ease while copies are  
being distributed.

(Chamber at ease.)

Will the House please come to order.

Representative Fleischmann, I believe copies have been  
distributed of the Amendment. Representative Miner,  
you have the floor, sir.

REP. MINER (66th):

Thank you, Mr. Speaker. I don't remember. I  
think I called the LCO Number and, there was a call?  
And now it's my turn to summarize. Is that true, Mr.  
Speaker?

DEPUTY SPEAKER ALTOBELLO:

Yes, sir. My ventriloquist said so.

pat  
HOUSE OF REPRESENTATIVES

235

June 3, 2009

DEPUTY SPEAKER ALTOBELLO:

You were having dinner and I was watching you eat and lost track.

REP. MINER (66th):

Thank you, Mr. Speaker. Mr. Speaker, what this Amendment does is develops a 2010, 2011 budget for the State of Connecticut.

Importantly it is a no tax increase budget that has a \$37 million surplus in both 2010 and 2011.

Mr. Speaker, what the Bill also does is fully fund aid to municipalities.

It takes care of interest payments necessary for borrowing.

It makes very difficult cuts as the Governor has done.

Mr. Speaker, I've been involved in many conversations with people throughout this building. I think everyone's aware that the state faces very difficult circumstances and that we are going to need to make some very difficult cuts, and that, in fact, is what this budget does as well.

Mr. Speaker, formerly our budget came out. There have been some changes as you know, and the Chamber

pat  
HOUSE OF REPRESENTATIVES

236  
June 3, 2009

knows the SEBAC agreement was agreed to. This puts us  
in line with the SEBAC agreement.

REP. FLEISCHMANN (18th):

Mr. Speaker.

REP. MINER (66th):

It also puts us in line--

DEPUTY SPEAKER ALTOBELLO:

Representative Fleischmann, I guess that was you.

For what purpose do you rise?

REP. FLEISCHMANN (18th):

For a point of order, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Please proceed, sir.

REP. FLEISCHMANN (18th):

Mr. Speaker, I believe it was time for a  
summarization of the Amendment before us. I don't  
believe the remarks we're hearing represented  
summarization of the content of the Amendment before  
us.

DEPUTY SPEAKER ALTOBELLO:

Thank you. Representative Miner, I think you  
asked leave of the Chamber to summarize, and I  
appreciate it if you would do so, sir.

REP. MINER (66th):

June 3, 2009

Thank you, Mr. Speaker. I'm attempting to summarize a 98-page Amendment, and I think I am doing so, Mr. Speaker, so if the Chamber will indulge me briefly.

This does put us in alignment with the very significant changes of the SEBAC agreement, and the economic recovery efforts on the federal government, which we know we've received and have had to deal with as well.

Mr. Speaker, this eliminates grants to the Citizens Election Fund.

It also takes care of other adjustments from the '09-'10 budget. It does not close any park. It doesn't reduce rates to private providers.

It doesn't reduce rates to the charter schools.

It maintains same funding for priority schools.

As I said, same aid to municipalities. No cuts to local and district health departments.

We also don't cut Connecticut independent college grants and no cuts to aid to public colleges.

Mr. Speaker, this also funds over the two years of the biennium, aid to the dairy farmers in the amount of \$10 million each year to be administered by the Department of Agriculture.

Mr. Speaker, I move adoption.

DEPUTY SPEAKER ALTOBELLO:

The question before the Chamber is adoption of House "A". Will you remark? Will you remark on House "A"?

REP. MINER (66th):

Thank you, Mr. Speaker. Mr. Speaker, I think we all know these are very difficult times in the State of Connecticut. The public expects us to do the business at hand, and we believe that includes passing a balanced budget.

I believe this document balances the needs of the States of Connecticut against its ability to pay and I hope the Chamber will join me in supporting the Amendment.

REP. MERRILL (54th):

Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Merrill, for what purpose do you rise, madam.

REP. MERRILL (54th):

A point of order, Mr. Speaker. A question whether this Amendment is germane to the underlying Bill.

pat  
HOUSE OF REPRESENTATIVES

June 3, 2009

DEPUTY SPEAKER ALTOBELLO:

The question before the Chamber is germaneness of House "A" to the Bill as amended. The House will stand at ease briefly.

(Chamber at ease.)

The House will come back to order. The question before the Chamber is whether the Amendment, LCO Number 9180 is germane to the underlying Bill.

To determine if this Amendment is germane to the Bill, we must examine the provisions of Mason's Manual, in particular, Sections 402(2), 402(3) and 402(4).

Subsection 2 of 402 requires an amendment to be relevant, appropriate, and in the natural and logical sequence to the subject matter of the original proposal.

Subsection 3 of Section 402 requires the subject of the amendment to relate to the same subject as the original proposal.

And Subsection 4 of Section 402 requires that an amendment be germane to the main purpose of the original proposal.

An examination of these provisions of Mason's Manual reveals a common theme, that is, that the

pat  
HOUSE OF REPRESENTATIVES

240

June 3, 2009

subject of both the Amendment and the underlying Bill must be the same and that the relationship between the Bill and the Amendment must be reasonably related.

Let's examine the Amendment and the Bill. The primary purpose of the underlying Bill, as amended is to require the Department of Education to modify to a certain extent, the method by which the Department collects longitudinal data on the progress of public school students and to dictate the terms of disclosure of such data.

The Amendment sets forth a biennial budget for the state.

The underlying Bill as amended has no fiscal impact and no relationship at all to the State Budget. Thus, these subjects are not substantially related and fail to satisfy the requirement that the Amendment be relevant, appropriate and in a natural sequence to the subject matter.

Consequently, the Amendment is not germane and Representative Merrill's point of order is well taken.

Will you remark further on the Bill as amended?

Representative Miner.

REP. MINER (66th):

Thank you, Mr. Speaker. I wish to appeal the  
ruling of the Chair, please.

REP. CAFERO (142nd):

Second.

DEPUTY SPEAKER ALTOBELLO:

The question before the Chamber is an appeal to the ruling of the Chair. It's been moved and seconded.

REP. MINER (66th):

Mr. Speaker, and I would ask that when the vote on that is taken, it be taken by Roll Call, please.

DEPUTY SPEAKER ALTOBELLO:

Representative Miner, I was just about to give you the floor. You may--

REP. MINER (66th):

I'm sorry, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

You may move that as well when you have the opportunity. Each Member will be allowed to speak no more than once regarding the appeal of the Chair, and of course your remarks must be confined to the ruling.

Representative Miner, you have the floor, sir.

REP. MINER (66th):

pat  
HOUSE OF REPRESENTATIVES

242

June 3, 2009

Thank you, Mr. Speaker. Mr. Speaker, the Chamber might be, remember that when I asked some questions of the Chairman of the Education Committee, we spoke specifically about the State Board of Education, the State Department of Education's role in this process in developing a longitudinal data system, student achievement, and that that system would be collected and provided to any 501C3 nonprofit upon request.

Another state agency of DOIT would be monitoring that. We also spoke about that briefly with regard to establishing a fee for that information.

Mr. Speaker, on a number of occasions we talk about the fact that both of those agencies are imbedded within the budget of the State of Connecticut, and I might call the Chamber's attention to, on Line T 622, you will in fact find the longitudinal data system to which the gentleman referred in our conversation, and additionally on Line T 1764, again, a longitudinal data system.

Mr. Speaker, our budget as the Governor's budget and our budget before it includes fees, a number of fees, and it's anticipated that the fees established for this service would also be imbedded in the future budget of the State of Connecticut, and therefore I

pat  
HOUSE OF REPRESENTATIVES

243

June 3, 2009

believe it is germane, on point, and I would ask that when the Roll be taken it be taken by Roll Call.

Thank you.

DEPUTY SPEAKER ALTOBELLO:

The question before the Chamber is a Roll Call. All those in favor of a Roll Call regarding the appeal of the ruling of the Chair, please indicate by saying Aye.

REPRESENTATIVES:

Aye.

DEPUTY SPEAKER ALTOBELLO:

The requisite amount has been made. When the vote is taken, it shall be taken by Roll.

Further on the appeal of the Chair. If not, Representative Merrill of the 54th District, you have the floor, madam.

REP. MERRILL (54th):

Yes, thank you, Mr. Speaker. Just briefly to rise in support of the ruling of the Chair. I think you very accurately outlined the reasons that the Amendment is not germane.

Generally, there have been previous rulings about appending an entire budget to a Bill that's a very limited scope, so I would encourage everyone to

pat  
HOUSE OF REPRESENTATIVES

244  
June 3, 2009

support the ruling of the Chair that the Amendment is not germane.

DEPUTY SPEAKER ALTOBELLO:

Thank you, madam. Further on the appeal? If not, staff and guests retire to the Well of the House. Members take your seats. The machine will be opened.

THE CLERK:

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

The House is voting on the appeal of the ruling of the Chair by Roll Call. Members to the Chamber, please.

DEPUTY SPEAKER ALTOBELLO:

Just a reminder. A green vote would be to uphold the ruling of the Chair.

Have all Members voted? Have all Members voted? Please check the board to make sure your vote is properly cast.

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

THE CLERK:

On the appeal of the ruling of the Chair.

Total Number Voting

148

pat

245

HOUSE OF REPRESENTATIVES

June 3, 2009

Necessary for Passage	75
Those voting Yea	111
Those voting Nay	37
Those absent and not voting	3

DEPUTY SPEAKER ALTOBELLO:

The ruling of the Chair has been upheld.

DEPUTY SPEAKER McCLUSKEY:

Will you remark further on the Bill as amended?

Will you remark further on the Bill as amended?

Representative Miner, you have the floor, sir.

REP. MINER (66th):

Thank you, Mr. Speaker. Mr. Speaker, I rise only to comment on the section that has to do with the provision of information from the State Department of Education to any 501C3 registered as outlined in this.

And I guess my question to the proponent of the Bill as amended at this point would be, I don't read anywhere in here that that 501C3 designation is limited solely for educational purposes.

And through you, if I might, would this information as I read this Bill it would, be available to anyone with a nonprofit 501C3 filing? Through you.

DEPUTY SPEAKER McCLUSKEY:

Representative Fleischmann.

pat  
HOUSE OF REPRESENTATIVES

246

June 3, 2009

REP. FLEISCHMANN (18th):

Through you, Mr. Speaker, no and like our good colleague who sits near him who I discussed this with previously, I would direct you to Lines 27 and 28 of the Bill that make it clear that the 501C3 is one that is organized and operated for educational purposes and not others. Through you, Mr. Speaker.

DEPUTY SPEAKER McCLUSKEY:

Representative Miner.

REP. MINER (66th):

So even though it's a nonprofit with regard to educational purposes, let's say for outdoor educational activities, they would not have the full availability of that information? Through you.

DEPUTY SPEAKER McCLUSKEY:

Representative Fleischmann.

REP. FLEISCHMANN (18th):

Through you, Mr. Speaker, I don't believe that's what I said. I think the language on its face is clear.

Any 501C3 nonprofit that is organized and operated for educational purposes as set forth under federal code shall be able to request this information.

pat  
HOUSE OF REPRESENTATIVES

247  
June 3, 2009

Those that are not so organized shall not be able to. Through you, Mr. Speaker.

DEPUTY SPEAKER McCLUSKEY:

Representative Miner.

REP. MINER (66th):

Thank you, Mr. Speaker, and I thank the gentleman for his answer.

DEPUTY SPEAKER McCLUSKEY:

Thank you, sir, for your remarks. Will you remark further on the Bill as amended? Will you remark further on the Bill as amended?

If not, will staff and guests please come to the Well of the House. Will Members please take your seats. The machine will be opened.

THE CLERK:

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

The House is voting by Roll Call. Members to the Chamber, please.

DEPUTY SPEAKER McCLUSKEY:.

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

pat  
HOUSE OF REPRESENTATIVES

248

June 3, 2009

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

THE CLERK:

Senate Bill Number 1014 as amended by Senate "A"  
in

concurrence with the Senate.

Total Number Voting	150
Necessary for Passage	76 <sup>^</sup>
Those voting Yea	150
Those voting Nay	0
Those absent and not voting	1

DEPUTY SPEAKER McCLUSKEY:

The Bill as amended is passed.

Representative Mazurek, for what purpose do you rise, Sir?

REP. MAZUREK (80th):

Thank you, Mr. Speaker. To be recorded in the affirmative, if possible, on that last vote.

DEPUTY SPEAKER McCLUSKEY:

The Transcript will so note, sir.

REP. MAZUREK (80th):

Thank you, sir.

DEPUTY SPEAKER McCLUSKEY:

**JOINT  
STANDING  
COMMITTEE  
HEARINGS**

**EDUCATION  
PART 2  
321 – 626**

**2009**

204  
law EDUCATION COMMITTEE

March 9, 2009  
1:30 P.M.

about the humane and respectful treatment of animals. It would also ensure that no student with ethical objections to harming animals would be forced to do so to pass a class. Thank you for your time and I urge you to support House Bill 6565.

REP. FLEISCHMANN: Thank you for your very thoughtful testimony. It's really enlightening to hear someone whose career is in science talk about how it's possible to -- to move forward without using animal models. Comments or questions? If not I'll just say I only wish that the physician who came up with the lobotomy had had the same kind of concerns that you have about not experimenting on living subjects. Thank you.

STACY LOPRESTI-GOODMAN: Thank you.

REP. FLEISCHMANN: Dennis Carrithers to be followed by Alfred Sanseverino.

DENNIS CARRITHERS: Good evening Senator Gaffey, Representative Fleischmann, members of the Committee. My name is Dennis Carrithers and I am the Assistant Executive Director of the Connecticut Association of Schools and I'm here to express support for Senate Bill 944, an act concerning a plan for academic and personal success for every middle and high school student.

We have worked with Commissioner McQuillan on the Connecticut plan for secondary school reform and advocate its adoption. We had a middle school principal and a high school principal here to testify on behalf of themselves and their colleagues in terms of principal support for school reform but they both had to get back for school board meetings tonight. But you have their testimony and I

It has those components. What better application could the Commissioner of Education or the state have to get those federal grants than to have this plan with the support enacted by the legislature, signed by the Governor. We further recommend that the language be included that if such funds are obtained to sufficiently support the Connecticut plan that it take effect at the earliest possible date that the financial resources are available.

By adopting an pursuing federal stimulus money the state of Connecticut actively demonstrates the urgency and the priority the state has in preparing Connecticut's students to continue higher education, prepare for the workplace, and compete with other students in the United States and around the world. Furthermore the plan aggressively addresses the achievement gap that has been a feature -- a feature of Connecticut educational performance for too long.

I'm also here to speak in opposition to Senate Bill 1014, an act concerning the electronic correspondence of students. You have our testimony on that and let me briefly say this is -- no one's spoken on behalf of this bill this evening and that's a good thing. It should not get support because it basically creates the internet as a -- as a free zone of communication. And would really inhibit school administrators who are -- and teachers who are now faced with cyber bullying and having to deal with that.

If the internet is created as a free fire zone it will stimulate cyber bullying and also directly contradict the effect of the anti-bullying law last year which was to reduce and eliminate bullying in Connecticut schools. We have a middle school principal here who will

MARJORIE CRAMER: Yeah. You know that's an argument that's often used. That people say well you have to really feel it and you have to you know -- the hands-on is very important. And I just know from tons of people that I've spoken to that -- that for some people who have an ethical objection that you know it violates their -- their ethical beliefs and are forced to do this that that process actually interferes with learning. So that learning the anatomy or the physiology becomes that much harder. So you know it sort of works the opposite that it actually makes acquisition of the knowledge much more difficult I think and unnecessary.

REP. HORNISH: Thank you very much. Thank you, Mr. Chairman.

SENATOR GAFFEY: Thank you.

MARJORIE CRAMER: Thank you.

SENATOR GAFFEY: Thank you very much for your testimony. Jim O'Connor followed by Sue Weisselberg. Is Jack Condlin here? Jack? You're going to follow Susan. Okay? Thank you.

JAMES O'CONNOR: Good evening Senator and Educational Committee members. Thank you for allowing me to speak. I had to change that to this evening. My name is James O'Connor. I'm the Principal of Hamden Middle School in Hamden, Connecticut. We have approximately 1,000 students; 500 seventh graders and 500 eighth graders. I'm here to speak against 1014, an act concerning electronic correspondence of students. In today's society students are spending less time in the fields playing sports and more time on Facebook, MySpace, or text messaging.

We are having to deal with cyber bullying on a daily basis. Kids think that the internet is a place where they can say what they want with little regard to impact in their words and what they have on other people. Cyber bullying can go on 24 hours a day and have a lasting impact on kids. Once targets of bullying had to endure it only during the school day now it can follow them home and during the evening. A proactive stance by schools is crucial and educational help is considerable in preventing and dealing with these -- with the consequences of cyber bullying.

Being a rookie up here and spending my first seven hours I'm not going to go on with my testimony. But what I did prepare for the Committee was two summarations of articles that I thought were very good plus an actual with names redacted of a cyber bullying issue I had in my school. And it was on Facebook and it was very substantial and I think if you saw it you'd understand what we're dealing with on a daily basis. So without further ado that's obviously my point is against 1014 and thank you for your time.

SENATOR GAFFEY: -- for your testimony. Do you have that to present to the Committee?

JAMES O'CONNOR: Yeah. I'm going to bring it over there to the clerk. Yeah.

SENATOR GAFFEY: John. John, I'd like to see that please. Okay. Thank you very much.

JAMES O'CONNOR: You're welcome.

SENATOR GAFFEY: Any questions? Yes.  
Representative Bartlett.

REP. BARTLETT: Thank you, Mr. Chair. So, you know if I read this it looks a little broad in terms of what you could suspend but -- you know I don't know how I feel about this. I understand the bullying issue but would there be maybe some guidelines that you would include besides a threat to student, school personnel, or the school?

Because I do think that there needs to be some sort of freedom of -- you know I don't know. I just can see a principal or whoever, administrator -- maybe as we talked about in-school suspension earlier today you know using it -- having broad powers to just suspend them. I mean it kind of concerns me.

JAMES O'CONNOR: Well, Representative Bartlett I understand your concern and I'll tell you one thing my in-school's a lot more enjoyable than the seven hours I spent in here. Because I -- it's more educational.

REP. BARTLETT: Well maybe we can use this for --

JAMES O'CONNOR: And we do have in-school suspension fully.

REP. BARTLETT: -- some of the facilities that some of the schools need.

JAMES O'CONNOR: I know why now I am a school administrator but I understand your concern. What's imperative and in what I will be giving to the Committee is a very succinct internet policy that we already have obviously on the book -- but some addition suggestions that each district must adhere to. I think what makes quality administrators is that I'm not experienced in being up here and talking in front of you. Who I'm experienced being is with my students; caring about them.

And if you read the one that happened, I was literally brought to tears for this was a group of girls went on a Friday night to their friend's house, didn't like a boy and they literally text messaged him, Facebooked him to the point where he was embarrassed and had trouble coming to school on that Monday. And his responses were probably better responses than I would -- I would respond and he's a 12 year old boy.

And that's where I think the administrators in the districts, more so your former Deputy Commissioner, Franny Rabinowitz and my Superintendent, should have the latitude to create those district policies but where -- we should have that right. Do I believe that that should be an out-of-school suspension? No. If you look at my numbers at Hamden Middle School since I've taken over in two years, I do believe that things that they were talking about in-school suspensions are -- do cover a majority of these where we can continue the educational you know course of our children's -- because we do have a large achievement gap issue that we're dealing with in Hamden. It's not -- and we don't try to avoid that.

So if we have them in the building it's a lot better than them being out of the building. So I think that liberty in that sense of me being able to judge but it's also the basis, Mr. Bartlett of me knowing my kids and the thousand students I have and working with them on a daily basis.

REP. BARTLETT: I thank you. I appreciate your answer.

JAMES O'CONNOR: You're welcome.

226  
law EDUCATION COMMITTEE

March 9, 2009  
1:30 P.M.

REP. HEINRICH: Thank you, Mr. Chair. Thank you for your testimony on this bill. I couldn't agree with you more. I recently was introduced to this problem firsthand when a parent told me that her daughter was given detention for some -- what they called cyber bullying and she showed me. She was dismayed. She was horrified that her daughter had done it at all. And she said you've got to see this. And she took me on her daughter's site and showed me. This is a -- this is a big, big problem.

They have Facebook pages called I hate Jason so-and-so and you can send that to all your friends and they sign up to be a part of this webpage about I hate so-and-so. And this is a child in their school. And that's -- it's not just one. And it's honors students and it's not honor students, people I recognized, students I recognized and I think when we -- when we look at our children and we give them these tools that are essentially adult tools and at these ages don't necessarily know how to use them properly, we are setting up for some big trouble.

So I agree with you that this is a huge problem and I -- I would not be inclined to support this bill but I would also say that -- and I'm sure you're already working on this but I think -- I think we could use some more programs in the schools to teach children what the proper use for this kind of technology is and the -- and the consequences of their actions. Not just after they do it but before they do it.

JAMES O'CONNOR: Representative, we worked actually with the FBI on it but the funny thing is to the state filter system -- I cannot access Facebook, MySpace or any of these to do my investigations while I'm in the school. I have to go home and use my personal computer. Or as

everybody else in here use my Blackberry. But that's half the battle that we have.

But I think, listen in -- in all the things that we're talking about money, and all the -- all the things we've been talking about today are wonderful but the bottom line here is the school is becoming more and more involved in the parenting. Let's say it like it is, everyday. And if you take a piece away -- and yeah not every administrator might want this responsibility that I want and I'm only speaking for myself is I need to make sure that those -- those students are safe.

The biggest fears for me as an educator are when I get in on Monday of what happened over the weekends because I don't control the weekends as much as I can control the safety and well-being of my students during the week. And it's -- it's a scary thing these days.

We -- we had a bomb scare last year -- last week from the high school and it -- it disrupted CAPT testing, CMTs at my building and that was all from an incident that happened in New Haven that was gang related. Say it like it is. And that's -- these things affect our daily you know educational environment. For us to turn our back on these events in the Facebook and that what you went through is just -- it's -- we can't do that.

REP. HEINRICH: Thank you, Mr. Chairman.

SENATOR GAFFEY: Thank you. Representative Cook.

REP. COOK: I too want to thank you for testimony. We did this in my school district about three or four years ago. We had a gentleman come in with the police department and give a seminar to parents as well as students but more parents

so the students didn't know what we were talking about and how to teach them how to get on.

But these turn out to be tragic some of these stories about what happens and what has been the outcome has not been a very pleasant outcome. And I think what we really need to explain to these children especially at this age because technology is at its -- at a fingertip away. That this is affecting the whole rest of their life.

I've sat with people that are admissions of major universities and say we check everybody's MySpace and Facebook before we ever enter them into college. And if there's things that they don't like they will reject that -- that applicant. So I think what they need to realize is what's on here is on here for life and it goes much further than this simple problem at school. But it also can take a life and I think that that's something we really need to investigate also.

JAMES O'CONNOR: I agree. And the -- the biggest problem for us is keeping up with the technology because when I was first an administrator MySpace was the big place, now Facebook has taken over that and it's changing and us moving with it. You know we have to stay with the police department and luckily I have a good FBI agent that I worked with. He happens to be a parent in my building so I was very lucky. And the parents are getting more educated but the students; they know how to get around everything. They're fantastic. And, you know when I was saying I can't get on Facebook and

MySpace in my school but if I bring one of my students up to my computer they'll be able to

get me on. So -- and that's the way we have to do it sometimes. So -- but these are all things that we have to deal with on a daily basis and again thank you for your time.

SENATOR GAFFEY: Thank you. There's one other Representative who has a question. By the way, I'm sure you haven't had students helping you sidestep the state prohibitions on the accessing MySpace.

JAMES O'CONNOR: Never would.

REP. McCRORY: Yeah, I'm sure. Okay.  
Representative McCrory.

JAMES O'CONNOR: I still have 20 years left.

REP. McCRORY: I just wanted to thank you for your testimony and I just want to concur with you. I'm also a school administrator and I had to deal with a situation in regards to cyber bullying and threatening this morning also. But you know I think it's up to the discretion of the administrator how they should go about handling it.

I don't think we should make a policy to say you cannot suspend because in some cases you might have to do that. But in some cases you might just have to bring in a law enforcement official to explain to the student what's actually going on or more -- better yet, bring their parent in and explain to them what's going on. I mean, it happens every day. That's the new -- that's the new wave right now and I would not support legislation that says we cannot because again it should be up to the discretion -- and any good administrator would handle it in a way that will continually educate -- the education and also reprimand them at the same time. Thank you.

230  
law EDUCATION COMMITTEE

March 9, 2009  
1:30 P.M.

REP. FLEISCHMANN: Thank you.

JAMES O'CONNOR: Perfectly said, Representative. I appreciate your support. Thank you and everyone have a good evening.

REP. FLEISCHMANN: Thank you. You too. And you could stay around if you find what comes after you to be educational. Sue Weisselberg to be followed by Jack Condlin.

SUSAN WEISSELBERG: Good evening, Senator Gaffey, Representative Fleischmann and members of the Education Committee. It's a pleasure to be here. My name is Susan Weisselberg. I'm School Construction Coordinator for New Haven Public Schools. With me is Richard Therrien who is our science supervisor.

I'm going to address several bills and then he will. What we've tried to do in our written testimony is provide comments on specifics for several bills that as we look at if we had to implement them what would our issues be and our testimony really focused that way. Certainly you're facing a great many challenges in the state level and on the Committee and dealing with a whole number of issues as we've heard today.

We in New Haven also are facing a number of issues financial and programmatic. You've heard me testify before about how we feel we've really made progress in terms of achievement and one of our concerns is about slipping backward with changes in funding. In terms of the Governor's bill we certainly concur with a lot of the earlier testimony on ECS and magnets and we would also flag that just as we testified two weeks ago this bill also contains a provision that there'd be a freeze on

SB830  
HB6567  
HB6569

**JOINT  
STANDING  
COMMITTEE  
HEARINGS**

**EDUCATION  
PART 3  
627 - 925**

**2009**

43

~~SB~~Jim O'Conner  
SB 830

### What is cyberbullying, exactly?

"Cyberbullying" is when a child, preteen or teen is tormented, threatened, harassed, humiliated, embarrassed or otherwise targeted by another child, preteen or teen using the Internet, interactive and digital technologies or mobile phones. It has to have a minor on both sides, or at least have been instigated by a minor against another minor. Once adults become involved, it is plain and simple cyber-harassment or cyberstalking. Adult cyber-harassment or cyberstalking is NEVER called cyberbullying.

SB1014

It isn't when adult are trying to lure children into offline meetings, that is called sexual exploitation or luring by a sexual predator. But sometimes when a minor starts a cyberbullying campaign it involves sexual predators who are intrigued by the sexual harassment or even ads posted by the cyberbullying offering up the victim for sex.

The methods used are limited only by the child's imagination and access to technology. And the cyberbully one moment may become the victim the next. The kids often change roles, going from victim to bully and back again.

Children have killed each other and committed suicide after having been involved in a cyberbullying incident.

Cyberbullying is usually not a one time communication, unless it involves a death threat or a credible threat of serious bodily harm. Kids usually know it when they see it, while parents may be more worried about the lewd language used by the kids than the hurtful effect of rude and embarrassing posts.

Cyberbullying may arise to the level of a misdemeanor cyberharassment charge, or if the child is young enough may result in the charge of juvenile delinquency. Most of the time the cyberbullying does not go that far, although parents often try and pursue criminal charges. It typically can result in a child losing their ISP or IM accounts as a terms of service violation. And in some cases, if hacking or password and identity theft is involved, can be a serious criminal matter under state and federal law.

When schools try and get involved by disciplining the student for cyberbullying actions that took place off-campus and outside of school hours, they are often sued for exceeding their authority and violating the student's free speech right. They also, often lose. Schools can be very effective brokers in working with the parents to stop and remedy cyberbullying situations. They can also educate the students on cyberethics and the law. If schools are creative, they can sometimes avoid the claim that their actions exceeded their legal authority for off-campus cyberbullying actions. We recommend that a provision is added to the school's acceptable use policy reserving the right to discipline the student for actions taken off-campus if they are intended to have an effect on a student or they adversely affect the safety and well-being of student while in school. This makes it a contractual, not a constitutional, issue.

"Kids think that the Internet is this place where they can say what they want with little regard to the impact their words have on other people," says Jeffrey Wolfsberg, a Massachusetts-based anti-bullying consultant, in this *Education Digest* article. "And yet, cyberbullying can go on 24 hours a day and have lasting impact on kids. Once, targets of bullying had to endure it only at school. Now, it can follow them home."

Wolfsberg thinks it's a mistake for schools to leave prevention and troubleshooting to individual teachers. He recommends a schoolwide approach and outreach to parents, and says that the school's "acceptable use" policy should include a provision that students can be disciplined for actions taken off-campus "if they are intended to have an adverse effect on a student or they adversely affect the safety and well-being of a student while in school."

For students who are being cyberbullied, Wolfsberg has the following pointers (this list might be shared with parents):

- *Report bullying to an adult.*

- *Don't engage the person.* If you are being "flamed," don't reply. "It's a natural response to want to defend yourself," says Wolfsberg, "but you must bear in mind that you can never have a mature discussion with a bully."

- *Think before you send.* If for some reason you must reply, watch what you say! It's a good idea to check with a parent or another adult before sending any message to a bully.

- *Print everything out.* Since an electronic bullying message can be cleaned up later on, get a hard copy of the original message.

- *Change your screen name.* If you are being harassed under a particular name, you might want to create a new one and share it only with family and trusted friends.

- *Don't share personal information in chat rooms or websites.* This includes name, address, e-mail address, or phone number.

- *Try to identify the cyberbully.* Clicking or right-mouse clicking over the sender's e-mail address will sometimes reveal details on his or her identity.

- *Contact your internet service provider.* Bullying is a misuse of subscription services and can be grounds for cutting off the bully's service.

Wolfsberg also has suggestions for students who are using Internet chat rooms and instant messaging:

- Choose a generic nickname that doesn't reveal personal information.
- Always remain anonymous; there are predators out there!
- Never meet in person.
- Use filtering software to block messages from people you don't know.
- Instant message only with people you know.
- Watch what you type!

- Never click on links or open attachments from people you don't know or trust.
- When using a third-party computer, avoid auto log-ins, which can reveal information.
- Watch what you say on computers in job situations; bosses can monitor traffic.
- Don't forget to log off so access ports are closed.
- Watch for signs of viruses and report any strange computer behavior.
- Don't be afraid to report mistakes you've made to an adult.

"Student Safety from Cyberbullies, in Chat Rooms, and in Instant Messaging" by Jeffrey Wolfsberg in *Education Digest*, October 2006 (Vol. 72, #2, p. 33-37), no e-link available

Filtering software is ineffective at stopping all this, says Willard, and students tend not to report cyberbullying because they fear (rightly) that they may be punished by being cut off from using the Internet. So what can educators do to prevent this kind of bullying? Willard says that adults need to become more involved in the online lives of students and make it clear that they will respond (and help) when some cross the line. When kids realize that adults can and will respond effectively, they are more likely to report bullying. Willard recommends that if cyberbullying is reported, schools should conduct individualized searches of the Internet-use activities of those students through the district's Internet system.

A proactive stance by schools is crucial, says Willard: "If students are engaging in cyberbullying at school and the school is not engaged in reasonable efforts to detect, prevent, and respond to it, the potential for liability is real."

But what if cyberbullying is happening outside school hours and doesn't involve the school's Internet system? The legal standard for taking disciplinary action, says Willard, is that the bullying creates a "substantial and material disruption or threat of disruption at school." As yet, there are no court precedents involving seriously harmful cyberbullying, but Willard says that "if the off-campus harmful speech involving students were to result in a material and substantial disruption of the targeted student's ability to fully participate in learning and enrichment activities at school, this should meet the legal standard."

If off-campus bullying is detected or suspected, Willard recommends contacting parents and urging them to install monitoring software on their home computers. "If parents know that their children are causing harm to others and fail to intervene to stop it," writes Willard, "they can be held financially liable in civil-court proceedings."

"Cyberbullying: What Educators Need to Know to Combat Online Cruelty" by Nancy Willard in *Education Week*, April 5, 2006 (Vol. 25, #30, p. 41, 43), no free e-link available

*An example of a good Cyberbullying policy* – This sidebar in an article on curbing cyberbullying quotes the full policy adopted by the William Penn Charter School in Philadelphia:

“Neither the school’s network nor the broader Internet (whether accessed on campus or off campus, either during or after school hours) may be used for the purpose of harassment. All forms of harassment in cyberspace, often called cyberbullying, are unacceptable.

“Cyberbullying includes, but is not limited to, the following misuses of technology: harassing, teasing, intimidating, threatening, or terrorizing another person by sending or posting inappropriate and hurtful e-mail messages, instant messages, text messages, digital pictures or images, or Web site postings (including blogs). Often the author (sender or poster) of the inappropriate material is disguised (logged on) as someone else.

“Community members who feel that they have been the victims of such misuses of technology should not erase the offending material from the system. They should print a copy of the material and immediately report the incident to a school official (the director of technology, the dean of students, or the director of the upper school). All reports of harassment in cyberspace will be investigated fully. Sanctions may include, but are not limited to, the loss of computer privileges, detention, suspension, separation, or expulsion from the school.”

“Foiling Cyberbullies in the New Wild West” by Mark Franek in *Educational Leadership*, Dec. 2005/Jan. 2006 (Vol. 63, #4, p. 39-43), no free e-link available

### **Take a stand against cyberbullying**

Education can help considerably in preventing and dealing with the consequences of cyberbullying. The first place to begin an education campaign is with the kids and teens themselves. We need to address ways they can become inadvertent cyberbullies, how to be accountable for their actions and not to stand by and allow bullying (in any form) to be acceptable. We need to teach them not to ignore the pain of others.

Teaching kids to “Take 5!” before responding to something they encounter online is a good place to start. Jokingly, we tell them to “Drop the Mouse! And step away from the computer and no one will get hurt!” We then encourage them to find ways to help them calm down. This may include doing yoga, or deep-breathing. It may include running, playing catch or shooting hoops. It may involve taking a bath, hugging a stuffed animal or talking on the phone with friends. Each child can find their own way of finding their center again. And if they do, they will often not become a cyberbully, even an inadvertent cyberbully. Teaching them the consequences of their actions, and that the real “Men in Black” may show up at their front door sometimes helps. Since many cyberbullying

campaigns include some form of hacking or password or identity theft, serious laws are implicated. Law enforcement, including the FBI, might get involved in these cases.

But we need to recognize that few cyberbullying campaigns can succeed without the complacency and the often help of other kids. If we can help kids understand how much bullying hurts, how in many cases (unlike the children's chant) words *can* hurt you, fewer may cooperate with the cyberbullies. They will think twice before forwarding a hurtful e-mail, or visiting a cyberbullying "vote for the fat girl" site, or allowing others to take videos or cell phone pictures of personal moments or compromising poses of others. Martin Luther King, Jr. once said that in the end we will remember not the words of our enemies, but the silence of our friends. We need to teach our children not to stand silently by while others are being tormented. While it is crucial that we teach them not to take matters into their own hands (and perhaps become a "vengeful angel" cyberbully themselves) they need to come to us. And if we expect them to trust us, we need to be worthy of that trust. (Read more about this at "[Goldilocks and the cyberbullies...not too hot and not too cold](#)," a guide for parents.)

And, in addition to not lending their efforts to continue the cyberbullying, if given an anonymous method of reporting cyberbullying Web sites, profiles and campaigns, kids can help put an end to cyberbullying entirely. School administration, community groups and even school policing staff can receive these anonymous tips and take action quickly when necessary to shut down the site, profile or stop the cyberbullying itself.

They can even let others know that they won't allow cyberbullying, supporting the victim, making it clear that they won't be used to torment others and that they care about the feelings of others is key. Martin Luther King, Jr. once said "In the end, we will remember not the words of our enemies, but the silence of our friends."

We need to teach our children that silence, when others are being hurt, is not acceptable. If they don't allow the cyberbullies to use them to embarrass or torment others, cyberbullying will quickly stop. It's a tall task, but a noble goal. And in the end, our children will be safer online and offline. We will have helped create a generation of good cybercitizens, controlling the technology instead of being controlled by it.

#### **Telling the difference between flaming, cyber-bullying and harassment and cyberstalking (A guide for law enforcement)**

It's not always easy to tell these apart, except for serious cases of cyberstalking, when you "know it when you see it." And the only difference between "cyberbullying" and cyber-harassment is the age of both the victim and the perpetrator. They both have to be under-age.

When you get a call, your first response people need to be able to tell when you need to get involved, and quickly, and when it may not be a matter for law enforcement. It might help to start by running through this checklist. If the communication is only a flame, you may not be able to do much about it. (Sometimes ISPs will consider this a terms of

service violation.) But the closer it comes to real life threats the more likely you have to get involved as law enforcement. We recommend that law enforcement agents ask parents the following questions. Their answers will help guide you when to get involved and when to recommend another course of action.

**The kind of threat:**

1. The communication uses lewd language
2. The communication insults your child directly ("You are stupid!")
3. The communication threatens your child vaguely ("I'm going to get you!")
4. The communication threatens your child with bodily harm. ("I'm going to beat you up!")
5. There is a general serious threat. ("There is a bomb in the school!" or "Don't take the school bus today!")
6. The communication threatens your child with serious bodily harm or death ("I am going to break your legs!" or "I am going to kill you!")

**The frequency of the threats:**

1. It is a one-time communication
2. The communication is repeated in the same or different ways
3. The communications are increasing
4. Third-parties are joining in and communications are now being received from (what
5. appears to be) additional people

**The source of the threats:**

1. Your child knows who is doing this
2. Your child thinks they know who is doing this
3. Your child has no idea who is doing this
4. The messages appear to be from several different people

**The nature of the threats:**

1. Repeated e-mails or IMs
2. Following the child around online, into chat rooms, favorite Web sites, etc.
3. Building fake profiles, Web sites or posing as your child's e-mail or IM
4. Planting statements to provoke third-party stalking and harassment
5. Signing your child up for porn sites and e-mailing lists and junk e-mail and IM.
6. Breaking in to their accounts online
7. Stealing or otherwise accessing their passwords
8. Posting images of the child online (taken from any source, including video and photo phones)
9. Posting real or doctored sexual images of the child online
10. Sharing personal information about the child

11. Sharing intimate information about the child (sexual, special problems, etc.)
12. Sharing contact information about the child coupled with a sexual solicitation ("for a good time call ..." or "I am interested in [fill in the blank] sex...")
13. Reporting the child for real or provoked terms of service violations ("notify wars" or "warning wars")
14. Encouraging that others share their top ten "hit lists," or ugly lists, or slut lists online and including your child on that list.
15. Posting and encouraging others to post nasty comments on your child's blog.
16. Hacking your child's computer and sending your child malicious codes.
17. Sending threats to others (like the president of the United States) or attacking others while posing as your child.
18. Copying others on your child's private e-mail and IM communications.
19. Posting bad reviews or feedback on your child without cause.
20. Registering your child's name and setting up a bash Web site or profile.
21. Posting rude or provocative comments while posing as your child (such as insulting racial minorities at a Web site devoted to that racial minority).
22. Sending spam or malware to others while posing as your child.
23. Breaking the rules of a Web site or service while posing as your child.
24. Setting up a vote for site (like "hot or not?") designed to embarrass or humiliate your child.
25. Masquerading as your child for any purpose.
26. Posting your child's text-messaging address or cell phone number online to encourage abuse and increase your child's text-messaging or cell phone charges.
27. Launching a denial of service attack on your child's Web site
28. Sending "jokes" about your child to others or mailing lists.

The more repeated the communications are, the greater the threats (or enlarging this to include third-parties) and the more dangerous the methods, the more likely law enforcement or legal process needs to be used. If personal contact information is being shared online, this must be treated very seriously.

If the child thinks they know who is doing this, that may either make this more serious, or less. But once third-parties are involved (hate groups, sexually-deviant groups, etc.) it makes no difference if the person who started this is a young seven year old doing it for a laugh. It escalates quickly and can be dangerous.

It's best to work out relationships with the big ISPs in your area well before you need them. Find their offline contact information, including off hours. Learn how to track an IP address and preserve evidence. And make sure that you issue your subpoenas in the form they need, using your time zone for tracking the dynamic IP addresses of record. Many ISPs discard the subscriber/IP data after a week to thirty day period. So time is crucial. If you need to get your paperwork together, send them a quick note asking them to preserve the records pending your formal subpoena. They will usually do this on a less formal request on law enforcement letterhead.

hey

Between You and [REDACTED]

[REDACTED]  
February 6 at 4:01pm

Report Message

wait ma bad i didnt mean to call u homie i ment to call u dumbass bitch who got no frendz cuz ya a lozer bitch!!!!!!!!!!!!exactly jus got suned by both of us nd u want frendz but ur neva gonna have any if u keep actin da way u do!!!!

(This is from [REDACTED] hey joe i herd u called me a bitch nd i jus wanted to make it clear wit u.....bitch keep ma name out ya fuckin mouth nd also [REDACTED])

(This is from [REDACTED])stop messin wit [REDACTED] cuz ur the 1 who startin nd u started wit [REDACTED] so u gonna get moved houses bitch!!!!

(This is from [REDACTED] agen)SO now u learn keep our names out of ur mouth or sumthin will definatly happen if u keep startin trouble....bitch....nd if u print both of these out like u did wit da otha one everyone will think ur a bitch nd hate u cuz no one likes tatle tales u homol!!!!!!!!!!

love, [REDACTED] [REDACTED] [REDACTED].....NOT!!!!!!!!NO ONE LOVES U BITCH!!!!!!

[REDACTED]  
February 6 at 4:45pm

You Guys Are one group of people who have really matured over your lifetime. [REDACTED] You had nothing to do with this so stay out of it. [REDACTED], Just shut up and get over your self. At least i don't have to but into other peoples conversations and TRY to make them feel bad. And [REDACTED] You are very smart. I think you can fight your own battles. Getting other people like [REDACTED] and [REDACTED] into it is just lowering yourself to standereds that you can exceed with flying colors.

[REDACTED]

February 7 at 12:57pm

Report Message

(This is [REDACTED]) yo wat da hell is ur problem [REDACTED] didnt bring me in to dis u did bitch u da one who was talkin bout me sayin i was da bitch so u get da fuck ova ur self homo ass..... [REDACTED] y da hell r u gonna say mad mean stuff to [REDACTED] nd then compliment her i think u jus like her but to hide it u jus start mad problems wit everyone.....ur jus a gay ass fag nd stop puttin our names in ur dirty ass mouth gay fag!!!!!!!!!!!!!!!

(This is [REDACTED]) y r u fukin complimenting me saying im smart and tht i dnt need to exceed with fukin flying colors, wtf is tht supposed to fukin mean tht im a fag like you, rainbow child, anyway stop bein a gay ass bitch okay and im bout to show ppl this message and see if they think tht u r gay then u shud stop sending messages, if u gonna try to spazz bak u shud say sutin betta then flying wit colors...u b like nate and u def shud go out wit th bitch cuz u both pussy's!!!!

February 7 at 1:36pm

Report Message

(This is [REDACTED]) bitch DONT TELL ME I CANT BE IN THIS CUZ i wil be in it like a bomb goes tick tick.....i hate u so dont ever fuckn talk to me or [REDACTED] or [REDACTED] cuz we dont like u nd ur gayyyy!!!

(This is [REDACTED]) u said u had a plan, well wat the fuk r u gonna do cuz if u do anythn i will get mad ppl on ur sineely grimey ass!! u r the most grimey and fukin ugly ass pperson ight so dnt come at us wit wat we shud do wit ourselves u need to start makin friends and takin some long ass showers!!!!

(This is [REDACTED]) jus stop botherin us cuz we dnt like u nd news flash i dnt really give a shit if kyra is lookin at ya fuckin nutts or not cuz really i dnt like u nd i think u have a pussy nd kno one cares where any one is lookin at u cuz theres nuttin good to look at nd therez nuttin there any way.....so....guess wat....u jus got spazzed on three wigazz agen.....nd u neva can beat us at we do best....nd thts spazzin on ur lil dirty nasty lil pussy smellin ass u homo freak.....hoe bag!!!! lol....lmffadfo cuz we hate u!!!!!!!!!!

February 7 at 1:37pm

Report Message

fukin ugly ass bitch...  
luv yaz ho bag

[REDACTED]  
February 7 at 1:40pm  
Report Message  
biatchhhhhhhhhh  
luv [REDACTED]

[REDACTED]  
February 7 at 2:29pm  
Report Message  
bitch  
ass  
hoe  
bag  
got  
no  
frends  
lol  
no  
life  
stawks  
everyone  
cuz  
u  
got  
nuttin  
better  
to  
do  
ur  
so  
pathetic  
suck  
balls  
cuz  
u  
kno  
u  
like  
them  
ha  
ha  
ha  
lol  
bitch!!!

[REDACTED]  
February 7 at 2:36pm  
Report Message  
love [REDACTED].....

[REDACTED]  
February 7 at 2:37pm  
Report Message  
NOT CUZ I HATE U...BASTARD...LMFFADFO...HOMO BITCH!!!!

P.S. NO ONE LIKES U [REDACTED] HATE U!!!!!!!

—  
hey joe

Between [REDACTED] and [REDACTED]

[REDACTED]  
February 6 at 3:46pm  
Report Message  
hey [REDACTED] its me [REDACTED] we jus wanted to say keep our names out ya fuckin dirty ass mouth probably dnt even brush at all!!!!!!(This is [REDACTED]) If you fucking say or do anything tht involves us i will get my boyfriend on ya ass...okay bitch ass man hoboe!!!!

P.S. [REDACTED] bitch it looks like u have sumthin nasty hangin out ya mouth so u definatly need to delete tht pic homie

Rhonda Stevens ?

61



Connecticut Association of Boards of Education, Inc.

81 Wolcott Hill Road, Wethersfield, CT 06109-1242 - (860) 571-7446 - Fax (860) 571-7452 - Email admin@cabe.org

**Testimony  
Submitted to the  
Education Committee**

**March 9, 2009**

**SB 830 AN ACT CONCERNING THE GOVERNOR'S RECOMMENDATIONS  
REGARDING EDUCATION**

**SB 944 AN ACT CONCERNING A PLAN FOR ACADEMIC AND PERSONAL  
SUCCESS FOR EVERY MIDDLE AND HIGH SCHOOL STUDENT**

**SB 1011 AN ACT CONCERNING RECYCLING PROGRAMS IN SCHOOLS**

**SB 1014 AN ACT CONCERNING THE ELECTRONIC CORRESPONDENCE OF  
STUDENTS**

**SB 1016 AN ACT CONCERNING SUBSTITUTE TEACHERS**

**HB 6568 AN ACT CONCERNING FOOD ALLERGIES IN SCHOOLS**

The Connecticut Association of Boards of Education supports many of the provisions in SB 830, An Act Concerning the Governor's Recommendations Regarding Education. We appreciate the pledge to flat fund education aid to municipalities. However, we must mention that such flat funding by itself represents a finding challenge to local community budgets. The inflationary effect to collective bargaining agreements and other contracted obligations must be funded or economies effected.

It should go without saying that any "cut" in education funding below that in the Governor's budget is not a cut but rather a transfer of taxing obligation from sales and income tax sources to the local property tax. State government would simply transfer the work of tax collection to the local level in the apparent assumption that local taxpayers would agree to pay the increased taxes for the same level of service of the prior year.

The State of Connecticut is a party to the most recent Sheff Stipulation and Proposed Order. Explicit stipulations, including funding are delineated in the Order. The Governor's budget does not address these stipulations. Local communities from the City of Hartford to the surrounding

towns cannot even begin to address these stipulations if the Legislature fails to address this court order.

We urge you, at the very least, to provide for full funding for students attending magnet schools statewide and increased pupil subsidies for students participating in the Open Choice program.

CABE supports the provision in Section 17 to postpone the implementation of the in-school suspension legislation.

The Connecticut Association of Boards of Education appreciates the manner in which SB 944, An Act Concerning a Plan for Academic and Personal Success for Every Middle and High School Student, has been crafted to make participation by local and regional boards of education voluntary, and to make the requirements for high school students outlined in Section 3 (h) contingent upon the decision of a board of education to implement the plan. Given the voluntary nature, however, we are not certain that legislation is actually needed in this area. The Connecticut Association of Boards of Education strongly supports the work of the AdHoc Committee for Secondary School Redesign. This broad based group, which included a representative from CABE, worked for many months to design modifications to both the middle and high school experience. Unfortunately, the current economic situation makes it impossible to fully implement these recommendations on either the local or state levels. We do strongly encourage districts to participate in the pilot phase described in Section 2 of this bill.

CABE opposes SB 1011, An Act Concerning Recycling Programs in Schools, as an additional unfunded mandate at a time where the economic situation necessitates real restraint in imposing any new requirements on school districts.

CABE opposes SB 1014, An Act Concerning the Electronic Correspondence of Students. This bill would restrict the ability of school administrators to discipline students in one specific area, the use of electronic correspondence off school grounds. This is an area that has been addressed extensively in case law, beginning with the case of *Tinker v. DesMoines* (1969), in *Packes v. Thomaston Board of Education* (1998) and most recently in *Doninger v. Niehoff* (Second Circuit 2008).

The standard articulated in these cases is that discipline can be imposed when administrators reasonably forecast that such speech will result in:

- Substantial disruption of the education process
- Material interference with school activities or
- Invasion of the rights of others.

We urge you to reject this bill and allow boards of education and administrators to rely upon the long standing guidance of the courts in these areas.

CABE opposes SB 1016, An Act Concerning Substitute Teachers. This bill would prohibit a board of education from utilizing a temporary staffing services organization to employ substitute teachers. Many boards of education have successfully used such organizations to ensure