

Act Number: SA10-9

2010

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**JOINT
STANDING
COMMITTEE
HEARINGS**

**EDUCATION
PART 2
318 – 666**

2010

8

Education Committee
March 8, 2010

Testimony of Mark K. McQuillan, Commissioner of Education

ON

Raised Bills 379, 5421, 5425, 5426, 380, 376, 377, and 5422

Raised Bill 379: AN ACT CONCERNING VOCATIONAL-TECHNICAL SCHOOLS

The Department opposes in part and supports in part the provisions contained in Raised Bill 379, An Act Concerning Vocational-Technical Schools. While the Department understands and appreciates the General Assembly's concern for the technical high school system, the Department feels that many of the provisions in this bill will not address the issues at hand and, in fact, could potentially cause further harm. The Superintendent of the Technical High School System will expand on our position on this bill in her testimony however there are two provisions in the bill that directly impact the State Board of Education which I would like to address.

First, section 1 of this bill prohibits the State Board of Education from closing or suspending operations of any technical high school for more than six months unless a formal vote is taken. The Department firmly believes that I acted within my authority under section 10-95 of the General Statutes when I acted to suspend operations at J.M. Wright Technical High School last summer. However, we understand the General Assembly's desire for a procedural clarification on this issue moving forward and we support this provision of the bill.

Section 2 of the bill requires that two members of the State Board of Education have industrial trade or technical school experience. The Department supports this concept given the important role that the Board plays in overseeing the technical high school system. However, the Department has some concerns about the implementation of this provision given that the Board currently has twelve active members. We recommend that either the proposal be revised to expand the Board membership by two members or that the effective date be pushed back until July 2011, as five members of our Board are up for reappointment in March of 2011.

Raised Bill 5421: AN ACT CONCERNING EDUCATORS AND ADMINISTRATORS

The Department has concerns with Raised Bill 5421 which seeks to establish an alternate route to certification program for administrators and superintendents as well as to change current law to allow nonpublic school teaching experience to count towards teacher certification.

Section 2: Alternate Route to Certification for Principals and Superintendents

Section 2: Credential Requirements for Individuals Providing Behavior Analytic Services to Public School Children

Pursuant to Public Act 09-01 of the June 19th Special Session, the Department worked with the Office of the Attorney General to report on the provision of applied behavioral analytic services to children in the state. The Department issued recommendations on December 3, 2009, regarding certification or licensure for individuals who may provide applied behavioral analysis services for children who require such services. For the most part, the language in this bill reflects these recommendations however we offer two proposed changes.

First, we recommend strengthening the language concerning individuals who hold BCBA certification who work in public schools to ensure that they have appropriate school based experiences and training by requiring that the holder of BCBA certification must also hold a master's degree in a related education or human services field and have successfully completed 300 hours of school-based behavior analytic services within the preschool, elementary or secondary educational settings specific to the population to be served. In addition, we recommend that public schools not be required to contract external personnel to provide behavior analytic services to children with autism in lieu of other are certified educators or licensed support services providers who are currently providing behavior analytic services.

Section 4. Financial Responsibility of Students with Disabilities

Section 4 of this bill seeks to require that the school district in which a child resided prior to moving to another school district remain financially responsible for the child's special education program for the duration of the school year if the child moved to a new school district after October 1 of the school year. The Department has concerns with this proposal as drafted for the intent of the proposal is uncertain and there are some important issues that need to be addressed if this proposal were to move forward.

For example, once the child moves to another school district, that district becomes responsible for ensuring the child receives a free appropriate public education as required under the Federal Individuals with Disabilities Education Act, however, the financial responsibility of the school district would remain with the prior school district of residence. It is unclear from the bill as drafted however whether the former school district would be required to pay the current school district for the cost of the special education being provided to the student even if the new school district changes the child's program and placement. In addition, because responsibility for the child's program is with the new town of residence, the new school district would be a necessary party to any challenge to the child's program or placement; however, if financial responsibility is assigned to another school district, it is unclear whether both districts have to be named in any due process proceeding.

Raised Bill 5426: AN ACT CONCERNING INDIVIDUALIZED EDUCATION PROGRAMS

The Department opposes Raised Bill 5425, An Act Concerning Individualized Education Programs. This bill seeks to require that the State Board of Education develop a streamlined process for the administration of individualized education programs (IEP), including, creating an IEP form that clearly and adequately records all relevant information necessary for students in need of special education services.

The process in which an IEP is reviewed, revised and developed is governed by federal law under IDEA to which the Department of Education is bound. Therefore, the Department has little to no flexibility to amend the process for administering such IEP. In addition, the IEP form already includes an exhaustive list of required elements as identified in IDEA. The State Department provides a model IEP form for use in the public schools. The state IEP form has been reviewed and revised with each successive congressional reauthorization of the Individuals with Disabilities Education Act to ensure all of the elements required by the IDEA as well as by state statute and regulation are included in the form and that the form is user friendly. The Department convenes stakeholder groups periodically to address required changes to the IEP as per revisions to IDEA and already has a stakeholder group scheduled for this summer to convene to examine any further required changes as well as to examine revisions that would be helpful for its implementation.

As such, the Department must oppose this bill as unnecessary and overly burdensome.

Raised Bill 380: AN ACT CONCERNING EARLY CHILDHOOD EDUCATION CREDENTIALING

The Department opposes Raised Bill 380 which seeks to require the Department use unexpended school readiness funds to provide professional development to school readiness staff for the purpose of satisfying the new staff qualifications requirements, effective in 2015. Current law already requires the Department to develop a continuing education program for the staff of school readiness programs, under section 10-16p(b). In addition, the new staff qualifications currently in statute and effective in 2015 require school readiness classrooms to be staffed with teachers who hold (1) a bachelor's degree from an accredited higher education institution in early childhood education, child development, or a related commissioner-approved field; or (2) a teaching certificate with a special education or early childhood endorsement. A professional development program offered by the Department is not going to assist school readiness staff in achieving that goal.

As such, the Department opposes Raised Bill 380 and reiterates its support for Raised Bill 275, An Act Concerning Staff Qualifications for School Readiness Programs for 2015.

Raised Bill 376: AN ACT CONCERNING AUTHORIZATION OF STATE GRANT COMMITMENTS FOR SCHOOL BUILDING PROJECTS AND CONCERNING CHANGES TO THE STATUTES CONCERNING SCHOOL BUILDING PROJECTS

Raised Bill 376 contains the school construction priority list that the Department of Education submits annually to the General Assembly for approval. The Department of Education supports this bill.

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**CONNECTICUT
GENERAL ASSEMBLY
HOUSE**

**PROCEEDINGS
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HOUSE OF REPRESENTATIVES

April 28, 2010

DEPUTY SPEAKER O'ROURKE:

Have all Members voted? Have all Members voted?

Please check the board and make sure your vote is properly recorded.

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

THE CLERK:

House Bill 5393.

Total Number Voting	144
Necessary for Passage	73
Those voting Yea	144
Those voting Nay	0
Those absent and not voting	7

DEPUTY SPEAKER O'ROURKE:

The Bill is passed.

Mr. Clerk, please call Calendar 258.

THE CLERK:

On Page 12, Calendar 258, Substitute for House Bill Number 5426 AN ACT CONCERNING INDIVIDUALIZED EDUCATIONAL PROGRAMS. Favorable Report by the Committee on Education.

DEPUTY SPEAKER O'ROURKE:

Representative Michelle Cook.

REP. COOK: (65th)

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HOUSE OF REPRESENTATIVES

April 28, 2010

Good evening, Mr. Speaker, how are you today?

DEPUTY SPEAKER O'ROURKE:

Good evening. Very good, thank you.

REP. COOK: (65th)

Mr. Speaker, I move for acceptance of the Joint Committee's Favorable Report and passage of the Bill.

DEPUTY SPEAKER O'ROURKE:

Motion is on acceptance and passage. Will you remark?

REP. COOK: (65th)

Thank you, Mr. Speaker. Mr. Speaker, this Bill is a work in progress. It's the development of educational programming review for students who have a variety of educational needs.

And so what happens in an IEP is, there's about 30 pages on this one form to help the students' career educationally. These forms are ridiculously cumbersome and come with many flaws. And what we're looking to do is develop a task force to bring the players to the table to make sure that IEPs are evaluated, improved, streamline the process, make more time for our teachers, better quality for our students, and overall give our students a better education.

I urge passage of the Bill.

DEPUTY SPEAKER O'ROURKE:

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The motion is on passage. Will you remark? Will you remark? Representative Giuliano.

REP. GIULIANO: (23rd)

Mr. Speaker, thank you. I rise in support of this Bill, Mr. Speaker, and let me explain just a little bit, having been a school psychologist for a number of years and having dealt with individualized educational plans, IEPs, for quite some time.

The IEP is really the contract between the parent and the school district, and we construe the parents to be members of a school planning team.

However, as you know, it's very difficult to be a member of a team if you don't understand the rules of the game.

So I support the notion of a task force so that, and particularly since the composition of this task force will include many parents of special needs students. Those are the people who sit on the other, across the table from the school specialist and need to understand the terms of this contract that is the IEP.

So, Mr. Speaker, I urge the Members' support. I think this is movement in the right direction in terms of making individualized educational plans user friendly for kids and for parents. Thank you, Mr. Speaker.

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DEPUTY SPEAKER O'ROURKE:

Thank you Representative Giuliano. Will you remark?
Representative Hetherington.

REP. HETHERINGTON: (125th)

Thank you, Mr. Speaker. Just a brief question to the
proponent if I may.

DEPUTY SPEAKER O'ROURKE:

Representative Cook, prepare yourself for a question.
Representative Hetherington.

REP. HETHERINGTON: (125th)

Thank you. It's described as a work in progress.
Does that indicate we're going to see amendments on it or
to what extent is what we see not what we're going to get?

Through you, Mr. Speaker.

DEPUTY SPEAKER O'ROURKE:

Representative Cook.

REP. COOK: (65th)

Through you, Mr. Speaker, no. It's about what we're
going to get, not what's going to have to be done later.

Thank you, Mr. Speaker.

DEPUTY SPEAKER O'ROURKE:

Representative Hetherington.

REP. HETHERINGTON: (125th)

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Thank you. Through you, Mr. Speaker, I'm sorry, but what did the gentle lady intend to convey in meaning by saying it's a work in progress?

Through you, Mr. Speaker.

DEPUTY SPEAKER O'ROURKE:

I thought she answered that question, but Representative Cook, maybe you could rephrase.

REP. COOK: (65th)

Through you, Mr. Speaker. We're putting together the task force to look at an efficient way to help the educational process for the students with needs across the State of Connecticut. Thank you.

DEPUTY SPEAKER O'ROURKE:

Representative Hetherington.

REP. HETHERINGTON: (125th)

I see. Thank you. So that the task force contemplated by the Bill will continue to work and therefore, that would be the work in progress. Is that correct?

DEPUTY SPEAKER O'ROURKE:

Representative Cook.

REP. COOK: (65th)

Through you, Mr. Speaker, yes. Correct.

REP. HETHERINGTON: (125th)

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Thank you. I thank the gentle lady and thank you, Mr. Speaker.

DEPUTY SPEAKER O'ROURKE:

Thank you both. Will you remark? Representative Fleischmann.

REP. FLEISCHMANN: (18th)

Thank you, Mr. Speaker. Mr. Speaker, I rise in support of the measure before us. First and foremost I wanted to thank Representative Cook, who has worked hard with some of our colleagues to put this Bill in place.

It's unfortunate that we need this Bill, but we do, because the process that we have hasn't been working in as quick and easy and user friendly a way as it ought to.

Representative Giuliano put it very clearly.

Oftentimes it's a very difficult process with lengthy forms where it could be much simpler, and Representative Cook and Representative Abercrombie and others have been working diligently with the Department to try and get this process cleaned up and I think the task force that's set up by this Bill will make sure that we get that done, and that all of these children with special needs get the individualized education plans that they need.

So the entire Education Committee supported this measure and I hope the entire Chamber will as well.

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Thank you, Mr. Speaker.

DEPUTY SPEAKER O'ROURKE:

Very good, thank you. Will you remark?

Representative Sawyer.

REP. SAWYER: (55th)

Thank you, Mr. Speaker. A question through you to the proponent of the Bill.

DEPUTY SPEAKER O'ROURKE:

Please proceed.

REP. SAWYER: (55th)

Representative, in looking at the Bill that is in the file copy, will the state vocational schools be represented on this particular task force?

Through you, Mr. Speaker.

DEPUTY SPEAKER O'ROURKE:

Representative Cook.

REP. COOK: (65th)

Through you, Mr. Speaker, yes.

DEPUTY SPEAKER O'ROURKE:

Representative Sawyer.

REP. SAWYER: (55th)

I thank the gentle lady for her answer. One of the things that is very important for the State of Connecticut is certainly to watch out for its own students that we

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educate, those that come from the vocational technical schools. It could be vocational technical. It could also be some of the state vo-age schools. They are students that sometimes get missed on our task forces when we do educational task forces because we think of the schools as being municipal.

So I thank her for her effort on behalf of our state students as well.

DEPUTY SPEAKER O'ROURKE:

Very good. Will you remark on the Bill? Will you remark? If not, staff and guests come to the well of the House. Members take their seats. The machine will be opened.

THE CLERK:

The House of Representatives is voting by Roll Call.

Members to the Chamber.

The House is taking a Roll Call Vote. Members to the Chamber, please.

DEPUTY SPEAKER O'ROURKE:

Have all Members voted? Have all Members voted?
Check the board and make sure your vote is properly recorded.

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

THE CLERK:

House Bill- 5426.

Total Number Voting	143
Necessary for Passage	72
Those voting Yea	142
Those voting Nay	1
Those absent and not voting	8

DEPUTY SPEAKER O'ROURKE:

The Bill is passed.

Mr. Clerk, please return to the Call of the Calendar.

Recall Calendar 343.

THE CLERK:

On Page 29, 39, Calendar 343, House Bill Number 5030

AN ACT CONCERNING THE FORFEITURE OF MONEY AND PROPERTY RELATED TO CHILD SEXUAL EXPLOITATION AND HUMAN TRAFFICKING AND THE POSSESSION OF CHILD PORNOGRAPHY. Favorable Report by the Committee on Public Safety. House "A" has been designated.

DEPUTY SPEAKER O'ROURKE:

The Chair recognizes Representative Lawlor.

REP. LAWLOR: (99th)

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**CONNECTICUT
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cd
SENATE

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May 5, 2010

Seeing no objection, so ordered.

SENATOR LOONEY:

Yes, thank you, Mr. President.

And, Mr. President, calendar page 14, Calendar 514,
House Bill 5426, move to place the item on the consent
calendar.

THE CHAIR:

Seeing no objection, so ordered.

SENATOR LOONEY:

Yes, Mr. President, at this time would call the
consent calendar.

THE CHAIR:

Mr. Clerk, please call for the consent calendar.

THE CLERK:

An immediate roll call vote has been ordered in the
Senate on the consent calendar. Will all Senators please
return to the chamber. An immediate roll call vote has
been ordered in the Senate on the consent calendar. Will
all Senators please return to the chamber.

Mr. President, the items on the Consent Calendar
Number 2:

Calling from agendas first: Agenda 3, Substitute
for House Bill 5208, Substitute for House Bill 5490;

Senate Agenda Number 6, House Bill 5482.

cd
SENATE

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May 5, 2010

Calendar page 10, Calendar 461, House Bill 5207;
Calendar 483, House Bill 5244.

Calendar 484, on page 11, House Bill 5383; Calendar
487, House Bill 5220; Calendar 488, House Bill 5297;
Calendar 490, 5425 -- House; Calendar 496, House Bill
5497; Calendar 509, House Bill 5126.

Calendar page 14, Calendar 511, House Bill 5527;
Calendar 514, House Bill 5426; Calendar 516, House Bill
5393.

Calendar page 15, Calendar 520, House Bill 5336;
Calendar 521, House Bill 5424; Calendar 523, House Bill
5223; Calendar 525, House Bill 5255.

Calendar page 16, Calendar 531, House Bill 5004.

Calendar page 17, Calendar 533, House Bill 5436;
Calendar 540, House Bill 5494; Calendar 543, House Bill
5399.

Calendar page 18, Calendar 544, House Bill 5434;
Calendar 547, House Bill 5196; Calendar 548, House Bill
5533; Calendar 549, House Bill 5387; Calendar 550, House
Bill 5471; Calendar 551, House Bill 5413; Calendar 552,
House Bill 5163; Calendar 553, House Bill 5159.

Calendar page 19, Calendar 554, House Bill 5164.

cd
SENATE

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Calendar page 20, Calendar 556, House Bill 5498;
Calendar 557, House Bill 5270; 559, House Bill 5407; 562,
House Bill 5253; and House Bill -- Calendar 563, House
Bill 5340; Calendar 567, House Bill 5371; and Calendar
573, House Bill 5371.

Mr. President, I believe that completes the items

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THE CHAIR:

Mr. Clerk, could you please give me on Calendar 567,
do you have 5516, sir?

THE CLERK:

What -- what calendar?

THE CHAIR:

567 on page 22.

THE CLERK:

It's 5516.

THE CHAIR:

Yes, sir. Okay.

Machine's open.

THE CLERK:

An immediate roll call vote has been ordered in the
Senate on the consent calendar. Will all Senators please
return to the chamber. Immediate roll call has been ordered in the Senate on the
consent calendar. Will all Senators please return to the chamber.

cd
SENATE

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THE CHAIR:

Have all Senators voted? Please check your vote. The machine will be locked. The Clerk will call the tally.

THE CLERK:

Motion is on adoption of Consent Calendar Number 2.

Total number voting	35
Necessary for Adoption	18
Those voting Yea	35
Those voting Nay	0
Those absent and not voting	1

THE CHAIR:

Consent Calendar Number 2 passes.

Senator Looney.

SENATOR LOONEY:

Yes, Mr. President.

Mr. President -- Mr. President, before moving to adjourn, I would like to ensure the entire chamber will wish Laura Stefon, Senator McDonald's aide, my former intern, a happy birthday.

And with that -- and with that, Mr. President, I would move the Senate stand adjourn