

2023 EDUCATION LEGISLATION SUMMARY

A Shipman & Goodwin LLP™ Legislation Summary



In its 2023 regular session, the General Assembly made a number of changes to the statutes that affect public education in Connecticut. This summary provides a brief overview of some of the more significant changes. Unless otherwise noted, these statutory changes are effective July 1, 2023 or upon passage. Links to the new legislation are provided in the electronic version of this publication.

STATUTORY CHANGES AFFECTING SCHOOL DISTRICT OPERATIONS

New Board Member Required Training

Section 2 of [Public Act 23-167](#) requires the Connecticut State Department of Education (“CSDE”) to offer annual training to newly elected members of boards of education. The Act directs the CSDE to develop such training program to include, at a minimum, the role and responsibilities of a board member, the duties and obligations of a board of education, and school district budgeting and education finance. Section 3 of the Act requires first-time elected board members to complete the prescribed training at a time and in a manner determined by the CSDE, but no later than one year after assuming office.

Board Meeting Agenda and Document Posting

Section 6 of [Public Act 23-160](#) expands the duties of boards of education to require boards to make available for public inspection, and post on the board’s website, the meeting agenda for any regular or special board meeting and any associated documents that board members may review at such meeting. This requirement is in addition to posting requirements under the Freedom of Information Act.

School Resource Officers Memorandum of Understanding

Under Connecticut General Statutes § 10-233m, each board of education that assigns a school resource officer (“SRO”) to its schools must have a memorandum of understanding (“MOU”) with the SRO’s local law enforcement agency outlining the SRO’s role and responsibility in the school. Section 72 of [Public Act 23-167](#), as amended by Section 9 of [Public Act 23-208](#), now requires that any such MOUs entered into, extended, updated, or amended on or after July 1, 2023 address the SRO’s duties concerning, and procedures for, the: (1) restraint of students, (2) use of firearms, (3) school-based arrests and (4) reporting of any investigations and behavioral interventions of challenging behavior or conflict that escalates to violence or constitutes a crime. The MOU must be maintained in a central location in the school district and posted on the school district’s website and the website of each school in which SROs are assigned.

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Under Section 73 of Public Act 23-167, as amended by Section 10 of Public Act 23-208, SROs must submit a report to their police chief for each investigation or behavioral intervention of challenging behavior or conflict that escalates to violence or constitutes a crime, no later than five school days after conducting such investigation or behavioral intervention. The SRO's report must include: (1) the date, time and location of the investigation or behavioral intervention; (2) the name and badge number of the SRO; (3) the race, ethnicity, gender, age and disability status of each student involved; (4) the reason for and nature and disposition of the investigation or behavioral intervention; and (5) whether any involved student was (a) searched, (b) informed of their constitutional rights, (c) issued a citation or a summons, (d) arrested, or (e) detained and the length of the detainment. The new law defines "investigation or behavioral intervention" as "a circumstance in which a school resource officer is conducting (i) a fact-finding inquiry concerning student behavior or school safety, including, but not limited to, emergency circumstances, or (ii) an intervention to resolve violent or nonviolent student behavior or conflicts."

School Indoor Air Quality and HVAC Inspections

Connecticut General Statutes § 10-220 previously required boards of education to conduct indoor air quality inspections every three years for any school building that was constructed, extended, renovated, or replaced on or after January 1, 2003. Sections 43 and 44 of [Public Act 23-167](#) amend state law to require boards of education, beginning January 1, 2024, to provide for uniform indoor air quality inspections and evaluations (1) within each school building, (2) on an annual basis, and (3) using the Environmental Protection Agency's Indoor Air Quality Tools for Schools Program. Existing law, unchanged by the Act, identifies myriad areas that the inspection or evaluation must address and requires that the results be made available at a regularly scheduled board meeting. Boards of education are also required to post the inspection and evaluation results on the board's website and each individual school's website, if any.

Current law also requires boards of education to conduct HVAC inspections and evaluations by a certified technician, certified industrial hygienist, or mechanical engineer (1) within each of their school buildings, (2) every five years, and (3) in accordance with statutory standards. The Act extends the deadline for completing such inspection and evaluation to January 1, 2025. The Act also establishes a waiver process of the January 1, 2025 inspection and evaluation deadline if the Department of Administrative Services ("DAS") finds that (1) there is an insufficient number of certified individuals or engineers to perform such inspection and evaluation, or (2) the board has scheduled such inspection and evaluation for a date after January 1, 2025. Any waivers granted shall be valid for one year. The Act also allows boards that have had an inspection conducted in a different format, deemed equivalent by the DAS, to use such inspection in place of the uniform inspection and evaluation required by the statute.

In addition, the Act directs the DAS to develop (1) a standard school building indoor air quality reporting form and (2) a standard school building HVAC form for boards of education to use when completing the uniform air quality and HVAC inspections and evaluations, which forms must be made available on the DAS's website. Boards of education will be required to submit these completed forms to DAS.

Optimal Temperature Comfort Range Guidelines

Section 45 of [Public Act 23-167](#) requires the Commissioner of the Department of Public Health to develop guidelines by July 1, 2024 on the optimal temperature comfort range of sixty-five to eighty degrees Fahrenheit for school buildings and facilities. The Act permits a larger comfort range for gymnasiums and natatoriums.

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[Paraeducator Professional Development and PDEC Membership](#)

Last year, the General Assembly revised state law to require boards of education to make available, at no cost and in accordance with statutory requirements, an annual program of professional development of at least eighteen (18) hours to paraeducators employed by the board. Beginning with the 2023-2024 school year, Section 10 of [Public Act 23-159](#) adds to these existing requirements and mandates that such program integrate the principles and practices of social-emotional learning and restorative practices. The new law clarifies that the professional development program may not include trainings otherwise mandated by law, such as trainings regarding DCF policies and procedures, sexual harassment, and bloodborne pathogens.

Section 11 of [Public Act 23-159](#) requires the CSDE to collaborate with the School Paraeducator Advisory Council to develop or update guidance and best practices for paraeducator professional development programs and distribute such guidance to boards of education by January 1, 2025.

Current law requires that each board of education form a Professional Development and Evaluation Committee (“PDEC”) to (1) participate in developing or adopting the district’s teacher evaluation and support program and (2) develop, evaluate, and annually update the district’s comprehensive local professional development plan for certified employees and paraeducators. The new law amends the list of individuals that must comprise the PDEC to add at least one paraeducator chosen by any exclusive bargaining representative for paraeducators.

[In-Service Violence Prevention and Seizure Response Training](#)

Section 2 of [Public Act 23-160](#) amends the annual in-service training requirements in Connecticut General Statutes § 10-220a to require that training on school violence prevention, conflict resolution, and prevention and response to youth suicide and bullying must be in a manner prescribed in a school security and safety plan that is developed in accordance with the Department of Emergency Services and Public Protection’s school security and safety plan standards. The new law also requires that the in-service training provide information about emergency response to students experiencing seizures, specifically including: recognition of the signs and symptoms of seizures, appropriate steps for seizure first aid, information about seizure action plans for students, and, for those authorized to administer medication in schools, the administration of seizure rescue medication or prescribed electrical stimulation using a Vagus Nerve Stimulator magnet.

Previously, boards of education could allow non-certified employees and paraeducators to attend the in-service training program. Under the new law, boards must allow paraeducators and other non-certified employees to voluntarily participate in the in-service training program.

[Title IX Compliance Toolkit for School Districts](#)

[Public Act 23-66](#) requires the Commission on Women, Children, Seniors, Equity and Opportunity to convene and lead a working group to identify or develop a Title IX compliance toolkit for boards of education, students, and parents and guardians. The toolkit must include numerous components, including training for school personnel, students, and parents and guardians regarding sexual misconduct and a model antidiscrimination and abuse prevention policy. The CSDE must distribute the toolkit to boards of education by October 1, 2024. Beginning in the 2025-2026 school year, and each school year thereafter, boards of education must implement this toolkit to prevent, identify, and respond to reports of child sexual abuse, harassment, and discrimination.

Beginning in the 2026-2027 school year, and each school year thereafter, boards of education must submit a Title IX compliance report to the CSDE. The compliance report must include: (1) the name and contact information of the Title IX coordinator for the school district; (2) the Title IX training offered by the board to school personnel and the frequency of such training; (3) the district's Title IX policy and supplemental misconduct policies, if any; and (4) guidelines or resources, if any, the board provided students, parents, or guardians making Title IX complaints.

[Expanding Opioid Antagonist Access](#)

Last year, the General Assembly revised state law regarding the administration of medication in schools to allow specified school personnel to maintain and administer opioid antagonists to students in emergency circumstances, provided certain requirements are met. Among other things, boards of education were authorized to enter into agreements with prescribing practitioners and pharmacists ("prescribers") related to the distribution and administration of opioid antagonists (e.g., Narcan) for the reversal of an opioid overdose. Section 12 of [Public Act 23-52](#) specifies that this agreement may apply to any intranasally (administered through the nose) or orally administered opioid antagonists.

The new law also answers a frequently raised question about how to store opioid antagonists in a way that they can be accessed, in accordance with board policy, outside of school hours. Pursuant to the Act, agreements between prescribers and boards of education, which were already required to address storage of the medication, can now permit boards to install a secure box containing intranasally or orally administered opioid antagonists on their premises. The secure box shall not contain the opioid antagonist in an amount greater than the amount necessary to serve the community in which it is installed.

A secure box is a container that: (1) is securely affixed in a public location and tamper-resistant; (2) can be accessed by individuals for public use; (3) is temperature controlled or stored in an environment with temperature controls; and (4) is equipped with an alarm capable of detecting and transmitting a signal when accessed and alerting first responders when accessed, unless it is commercially impracticable. The Act specifies that nothing in the law prohibits placement of an opioid antagonist in a container that also includes an automatic external defibrillator or other products used to treat a medical emergency.

The agreement between the board of education and the prescriber must: (1) address the environmental controls necessary to store opioid antagonists; (2) set procedures for replenishing opioid antagonists, monitoring their expiration dates, and disposing of them when expired; and (3) require signage that discloses the presence and usage directions of such opioid antagonists in the language(s) spoken in the local community. If the board of education is unable to stock and maintain the secure box, it must remove such box and related signage as soon as practicable and within five days of discovering that the board is unable to maintain the box or its supplies.

Under the new law, boards of education and prescribers may also enter into an agreement allowing the board to operate a vending machine distributing intranasally administered opioid antagonists. The vending machine must be maintained at a temperature that is consistent with the manufacturer's instructions or able to maintain an otherwise appropriate environment. The vending machine must clearly and conspicuously display on its outside, in an area adjacent to it, or upon its distribution of an opioid antagonist, the following information: (1) signs and symptoms of an overdose; (2) how to use the opioid antagonist; (3) information on services to treat opioid use disorder; and (4) a website or quick response (QR) code directing individuals to online information about overdose signs and symptoms, overdose response, and how to use opioid antagonists.

[Opioid Antagonist Bulk Purchase Fund](#)

Section 5 of [Public Act 23-97](#) creates an Opioid Antagonist Bulk Purchase Fund and requires the Department of Mental Health and Addiction Services, not later than January 1, 2024, to use the fund to provide opioid antagonists to eligible entities, including boards of education.

[Free Menstrual Products in School Restrooms](#)

Last year, the General Assembly required boards of education to provide free menstrual products in women's restrooms, all-gender restrooms, and at least one men's restroom, which restrooms are accessible to students in grades three through twelve, in each school under the jurisdiction of the board. Section 10 of [Public Act 23-160](#) delays the deadline boards must begin providing these products by one year, from September 1, 2023 to September 1, 2024.

[Local Food for Schools Incentive Program](#)

Section 26 of [Public Act 23-167](#) directs the Department of Agriculture ("DOA"), in consultation with the CSDE, to administer the local food for schools incentive program. Under the program, eligible boards of education (defined as those participating in the National School Lunch Program) are reimbursed for (1) one-half of the board's costs for locally sourced food, and (2) one-third of the board's costs for regionally sourced food that may be used as part of an eligible meal program. Eligible meal programs include the National School Lunch Program, School Breakfast Program, Seamless Summer Option, After School Snack Program, Summer Food Service Program, and the At Risk Afterschool Meals component of the Child and Adult Care Food Program. The Act explains the requirements for the application process and the reimbursement criteria.

In addition, the DOA is tasked with developing guidelines to establish a maximum reimbursement amount based on total student enrollment for each eligible school board; help eligible boards of education participate in the program; promote geographic, social, economic, and racial equity; and develop a survey to assist in implementing and improving the program. The Act also authorizes the DOA to provide supplemental grants to eligible boards of education to buy kitchen equipment; engage with school nutrition or farm-to-school consultants; or provide training relating to the processing, preparation, and serving of locally and regionally sourced food.

[Publishing School District Receipts, Expenditures and Statistics](#)

Connecticut General Statutes § 10-227 requires superintendents to submit school district receipts, expenditures, and statistics to the Commissioner of Education no later than September 1 of each year and allows for revisions up until December 31. Section 1 of [Public Act 23-167](#) now requires the CSDE to publish the data in the reports and returns on its website no later than February 15, 2024 and annually thereafter. Beginning February 15, 2025, and annually thereafter, the CSDE must also develop and publish the data in a format that allows financial comparisons between school districts and schools, including student enrollment and demographic statistics, as of October 1 of each year.

[April Enrollment Report](#)

Section 37 of [Public Act 23-167](#) requires each board of education to submit to the CSDE, no later than May 20 of each year, an annual report of the number of students enrolled in its schools as of April 1. Boards of education that (1) are sending or receiving districts under the statewide interdistrict public school attendance program or (2) operate an

interdistrict magnet school or agricultural science and technology educator center must submit the number of students participating in the applicable program by April 1. Such data must be reported separately for in-district and out-of-district students.

STATUTORY CHANGES AFFECTING STUDENTS

Raising the Kindergarten Starting Age

Current law requires children to be at least five years old on or before January 1 of the school year in order to enroll in kindergarten in the public schools. Beginning July 1, 2024, Section 3 of [Public Act 23-159](#), as amended by Section 1 of [Public Act 23-208](#), amends Connecticut General Statutes § 10-15c to require that children turn five years old on or before September 1 of the school year in order to enroll in kindergarten.

The new law also revises the process by which a child who does not meet the law's age requirements can be admitted to kindergarten. Under current law, boards of education may, by vote at a duly called meeting, admit children under five years of age. Effective July 1, 2024, a child who is not five years old on or before September 1 of the school year may be admitted (1) upon written request by the child's parent or guardian to the school principal and (2) after the principal and an appropriate certified staff member conduct an assessment of the child to ensure that admitting the child to kindergarten is developmentally appropriate.

Bullying and School Climate

Since 2002, boards of education have been required to adopt plans to address bullying in accordance with Connecticut General Statutes § 10-222d and related statutes. Sections 47 through 55, 70-71, and 86-87 of [Public Act 23-167](#) make significant changes to the statutory provisions related to bullying. Notably, the new law (1) requires school districts to implement a new Connecticut school climate policy and bullying complaint form; (2) redefines previous terms and includes new terms associated with the school climate policy; (3) updates the roles of school climate personnel; and (4) establishes a new annual training requirement.

School Climate Policy, Standards, and Bullying Complaint Form

The new law requires the Connecticut Association of Boards of Education ("CABE") to develop, update and approve a "school climate policy," which in turn must be adopted by the Social and Emotional Learning and School Climate Advisory Collaborative (the "Collaborative"). While boards of education must adopt and implement this new policy by the 2025-2026 school year, they may choose to adopt and implement the policy earlier – in either the 2023-2024 or 2024-2025 school year – after the new school climate policy has been developed and approved.

The new law further requires the Collaborative to convene a subcommittee to (1) develop Connecticut school climate standards based on nationally recognized school climate research and best practices by February 1, 2024; (2) create a uniform bullying complaint form to include in student handbooks and to post on the websites of the CSDE and boards of education; and (3) provide guidance on the implementation of the school climate policy adopted by the Collaborative.

New Definitions Related to Bullying

In addition, the new law makes several changes to terms related to bullying and school climate. Importantly, the new law redefines "bullying" as "unwanted and aggressive behavior among children in grades kindergarten to

twelve, inclusive, that involves a real or perceived power imbalance.” The new law also establishes a new and related term, “challenging behavior,” defined as “behavior that negatively impacts school climate or interferes, or is at risk of interfering, with the learning or safety of a student or the safety of a school employee.”

Redefined School Climate Roles and School Climate Improvement Plan

The new law further renames and redefines various school climate personnel. Previously referred to as the “safe school climate coordinator,” “safe school climate specialist,” and the “safe school climate committee,” at the start of the 2025-2026 school year, these roles will be referred to as the school climate coordinator, school climate specialist, and school climate committee, respectively.

Under the new law, the school climate coordinator must be the superintendent of schools or an administrator appointed by the superintendent. The school climate coordinator’s duties include developing strategies to prevent, identify, and respond to “challenging behavior,” communicating such strategies to the school community, and collecting and maintaining data about school climate improvement.

The Act also modifies who can serve as the school climate specialist, requiring that either the principal or a professional certified school employee trained in school climate improvement or restorative practices who is designated by the principal serve in this capacity. Additionally, the school climate specialist will no longer be responsible for “investigating” bullying allegations. Instead, the specialist will be responsible for (1) leading in the prevention, identification and response to challenging behavior, including reports of alleged bullying and harassment; (2) implementing evidence and research-based interventions, including restorative practices; (3) scheduling meetings for and leading the school climate committee; and (4) leading implementation of the school climate improvement plan.

The new law further revises the makeup and role of the school climate committee. Under the new law, such committee must be comprised of members who are racially, culturally, and linguistically diverse and representative of various roles in the school community, as detailed more specifically in Section 54 of the Act. Members of the school climate committee must be appointed by the school climate specialist. Among other things, the school climate committee must assist in the development, scheduling, and administration of the school climate survey to students, school employees, and students’ families, starting with the 2025-2026 school year and every two years thereafter. Parents or guardians must be provided advance written notice that the survey will be administered, advised of its content, and given a reasonable opportunity to opt students out of receiving and participating in the survey.

Beginning with the 2025-2026 school year and each school year thereafter, Section 54 and Section 71 of the Act require that each school climate specialist, in collaboration with the district’s school climate coordinator, develop and update as necessary, a school climate improvement plan based on the results of their school’s climate survey. The Act sets out the specific information that must be included in the plan. Such plan must be submitted to the school climate coordinator for approval by December 31 each year and take into consideration the results of an administered school climate survey, recommendations from the school climate committee, and any other data deemed relevant by the climate specialist and climate coordinator. Once approved, a written or electronic copy of the plan must be made available to the school community.

New Annual Training Requirement

Starting with the 2024-2025 school year and for each school year thereafter, Section 55 of the Act requires that

boards of education provide resources and training on social-emotional learning, school climate and culture, and evidence and research-based interventions, including but not limited to restorative practices. Any school employee may participate in this training. The school climate coordinator is tasked with selecting and approving the individual or entity responsible for providing such training.

Restorative Practices Response Policy

For the school year commencing July 1, 2025, and each school year thereafter, Section 74 of [Public Act 23-167](#) requires each board of education to adopt a restorative practices response policy to be implemented by school employees for incidents of challenging behavior or student conflict that is nonviolent and does not constitute a crime. Such policy shall not include the involvement of a school resource office or other law enforcement official, unless the behavior or conflict becomes violent or criminal.

Addressing Suicide Risks

Connecticut General Statutes § 10-221 requires boards of education to adopt a written policy and procedures for dealing with youth suicide prevention and attempts. Under current law, boards of education may establish a student assistance program to identify risk factors for youth suicide, intervention procedures, referral services, and training for teachers, school professionals and students who help with the program. Sections 79 through 80 of [Public Act 23-167](#) now provide that the risk factors for youth suicide be based on the state-wide strategic suicide prevention plan developed by the Connecticut Suicide Advisory Board, and include, at a minimum, youth who are (1) bereaved by suicide; (2) disabled or have chronic health conditions, such as mental health or substance use disorders; (3) involved in the juvenile justice system; (4) experiencing homelessness or placed in an out-of-home setting, such as foster care; or (5) lesbian, gay, bisexual, transgender, or questioning.

In addition, the new law provides that boards of education may use an assessment, from a list of assessments to be recommended by the CSDE by January 1, 2024, for determining suicide risk. Such assessment shall be used to determine the suicide risk of students who (1) exhibit mental health distress, (2) have been identified as at risk of suicide, or (3) are considered to be at an increased risk of suicide based on the risk factors identified above. Students who are assessed based on such risk factors shall receive heightened consideration during the assessment.

Access to Adult Education

Previously, a public school student who was “under seventeen years of age and a mother” could request permission from the board of education to attend adult education classes. Section 4 of [Public Act 23-160](#) replaces the term “mother” with “parent,” thereby extending eligibility to request such permission to any parent under age seventeen.

Multilingual Learners’ Bill of Rights

Sections 17 and 18 of [Public Act 23-150](#) change the term for a student whose primary language is not English from “English learner” to “multilingual learner” and require the State Board of Education (“SBE”) to draft a written bill of rights for parents or guardians of multilingual learners. The bill of rights must guarantee the safeguarding of fifteen rights in the provision of bilingual education, most of which are already required by law. The bill of rights must include, among of things, a declaration of the right to attend public school regardless of the immigration status of the student or the student’s parent or guardian; to have translation services provided by an interpreter (in person or on the phone) or a website approved by the SBE during critical interactions with teachers and administrators, including conferences

and board of education meetings, in accordance with statutory provisions; and to participate in a bilingual education program offered by the board of education when there are twenty or more eligible students classified as dominant in a language, other than English, in accordance with state law. Beginning with the 2024-2025 school year, the Act requires boards of education that provide bilingual education or English as a new language to give parents and guardians of multilingual learners a copy of the bill of rights in their primary language and to make the bill of rights available on the board of education's website.

Disseminating Information on School Options

Under current law, boards of education must require their school counselors to provide information to middle and high school students and their parents regarding the availability of: (1) vocational, technical, technological, and postsecondary education and training at technical education and career schools; and (2) agricultural science and technology education at regional agricultural science and technology education centers, and to publish such information on the board's website. Section 30 of [Public Act 23-167](#) now requires that such information be distributed to middle school students annually.

Expansion of Dual Credit and Dual Enrollment Programs

Section 32 of [Public Act 23-167](#) directs the CSDE, in partnership with boards of education and institutions of higher education and by January 1, 2024, to expand opportunities for dual credit and dual enrollment for students in grades nine to twelve in a variety of subject areas, including courses required to pursue health care occupations. Such expansion must include (1) the creation of resources, such as an online inventory of programs and model agreements to promote information sharing between boards of education and institutions of higher education; (2) support for curriculum development and professional development for teachers and faculty to create new career pathways for in-demand industries, such as health care; and (3) tuition assistance for students who enroll in dual credit and dual enrollment programs.

Promotion of Health Care Careers in High Schools

In 2022, [Special Act 22-9](#) directed the Chief Workforce Officer to develop a plan to work with high schools in the state to encourage students to pursue careers as nurses, medical assistants, emergency department technicians, surgical assistants, behavioral and mental health care workers, and other high demand careers in health care. Section 7 of [Public Act 23-97](#) directs the Commissioner of Education, in collaboration with the Chief Workforce Officer, to utilize the plan in (1) the promotion of the health care professions as career options to students in middle and high school, including, but not limited to, through career day presentations, the development of partnerships with health care career education programs, and the creation of counseling programs directed to high school students to inform them about, and recruit them to, the health care professions; and (2) job shadowing and internship experiences in health care fields for high school students. Not later than September 1, 2023, the Commissioner of Education must provide boards of education with the plan and support implementation of the plan.

Model Paraeducator Training Program for High School Students

Section 29 of [Public Act 23-167](#) requires the Commissioner of Education, in consultation with the School Paraeducator Advisory Council and by January 1, 2024, to develop a model paraeducator training program for students in grades nine through twelve, inclusive, and distribute the model program to all boards of education. Boards that choose to

adopt the model program are required to submit a report, no later than one year after the adoption of such program and annually thereafter, to the Education Committee. This report must include the number of students who (1) participated and completed such program by grade and (2) found employment as a paraeducator after high school graduation.

School Discipline Collaborative

Section 75 of [Public Act 23-167](#) directs the Commissioner of Education to establish a working group under the Connecticut School Discipline Collaborative (“Discipline Collaborative”) to study current school discipline practices, including those practices that lead to students becoming “justice-involved.” Under the Act, “justice-involved” is defined as “being involved with the juvenile justice system as a result of being accused of a delinquent or criminal act.” Members of the working group must be appointed by the Commissioner and represent the interests of students, educators, community members, child welfare and development experts, mental health care providers and restorative practice experts.

Pursuant to Section 82 of [Public Act 23-167](#), the Discipline Collaborative shall advise the Commissioner of Education and the SBE on strategies to reduce the overall and disproportionate use of out-of-school suspension and expulsion. On or after October 1, 2023, the Discipline Collaborative’s duties will expand and include the following duties as related to preschool through grade two: (1) developing guidance to reduce out-of-school suspension and expulsions for students in these grades, (2) providing evidence-based and developmentally appropriate definitions and examples of violent conduct or conduct of a sexual nature that may result in an out-of-school suspension, and (3) recommending developmentally appropriate interventions as alternatives for out-of-school suspension for this population of students.

Suspension and Expulsion Response and Improvement Plans

Connecticut General Statutes § 10-233n requires school districts to report, as part of their strategic school profiles, data to the CSDE regarding in- and out-of-school suspensions, expulsions, and school arrests. In turn, the CSDE is required to report the school districts’ data – disaggregated by school, demographic information, and type of offense – to the SBE and post such report on the CSDE’s website. Pursuant to Sections 76 through 78 of [Public Act 23-167](#), beginning July 1, 2024, and each school year thereafter, school districts considered by the Commissioner of Education to have high or disproportionate rates of in- and out-of-school suspensions and expulsions must develop strategies to reduce such disciplinary consequences and submit such strategies to the CSDE. Pursuant to the new law, the CSDE is now required to post, in addition to its examination and disaggregation of disciplinary data, any strategies developed to combat suspensions and expulsions in identified school districts, and the results of such strategies. Beginning July 1, 2024, and each school year thereafter, the CSDE must also provide support, on-site monitoring, and oversight to school districts implementing strategies to combat high or disproportionate rates of suspension and expulsions, subject to available appropriations.

Aspiring Educator’s Diversity Scholarship Program

Last year, the General Assembly established a minority teacher candidate scholarship program to be administered by the CSDE to provide annual scholarships to minority students who graduate from a public high school in a priority school district and are enrolled in a teacher preparation program at a four-year institution of higher education. Section 11 of [Public Act 23-167](#) renames the scholarship program as the “aspiring educators diversity scholarship program” and replaces the term “minority” with “diverse.” The definition carries over from the former law as “individuals

whose race is defined as other than white, or whose ethnicity is defined as Hispanic or Latino by the federal Office of Management and Budget for use by the [federal census bureau].”

Among other changes, the new law reduces the maximum grant amount from \$20,000 per year to \$10,000 per year. It also requires applicants to be in good standing at a teacher preparation program but allows applicants to apply prior to high school graduation, if they will be enrolled in a qualifying teacher preparation program in the upcoming fall semester.

STATUTORY CHANGES AFFECTING SPECIAL EDUCATION

Age for Special Education Eligibility

Last year, to conform state law to a recent court decision, the General Assembly required boards of education to provide special education services to qualifying students until they reached the age of twenty-two, rather than twenty-one. This year, the legislature made another significant change. Sections 32 through 37 of [Public Act 23-137](#) now require boards of education to provide special education until an eligible student graduates high school or until the end of the school year when the student reaches age twenty-two, whichever occurs first.

Transition Services

[Public Act 23-137](#) makes numerous changes to the laws surrounding transition services and transition programs for students receiving special education services.

Statewide Transition Services Coordinator and District Transition Coordinator

Section 26 of the Act requires the CSDE to employ a Statewide Transition Services Coordinator (“Statewide Coordinator”) and Assistant Transition Services Coordinator within the Bureau of Special Education (“BSE”). Among other duties, the Statewide Coordinator will be responsible for (1) coordinating the provision of transition resources, transition services, and public transition programs throughout the state in collaboration with other state agencies; (2) establishing minimum standards for and performing unannounced site visits of public transition programs; (3) performing unannounced site visits of public transition programs to determine the effectiveness of and suggest improvements to such programs; (4) developing a course for educators and school staff who do not provide transition services to inform them about transition services and programs; and (5) establishing minimum standards for training of district transition coordinators. The Act defines “transition resources” as sources of information, counseling, or training about transition services or programs and defines “transition service” as a service for students who require special education that facilitates their transition from school to postsecondary activities, such as education and training, employment, or independent living. “Public transition program” is defined as a program operated by a board of education or a RESC to provide transition services as recommended by the Planning and Placement Team (“PPT”) for a student who requires special education and is eighteen to twenty-two years of age based on the goals set forth in the student’s Individualized Education Program (“IEP”). The Act defines “transition coordinator” as a director of pupil personnel or other person employed by a board of education who assists parents and students navigate the transition resources, transition services, and public transition programs available for such students.

Section 31 of the Act requires boards of education, by January 1, 2024, to designate a transition coordinator who may be the director of pupil personnel or another employee. Each transition coordinator shall (1) complete the

training program described in Section 30 of the Act (discussed below) within three years of when the training program commences or within one year of being appointed as a transition coordinator, if appointed after the training program commences; and (2) ensure that parents of students requiring special education receive information concerning transition resources, transition services, or public transition programs (which information is to be developed by the Statewide Coordinator pursuant to Section 29 of the Act, discussed below) and are aware of the eligibility requirements and application details of such resources, services, and programs that specifically apply to the student.

Training Programs and Resources

Section 27 of the Act requires the BSE to develop, by July 1, 2024, and annually update a training program concerning the legal requirements and best practice recommendations for special education and transition services. This training is to be delivered via on-demand, online courses and may be delivered in person.

Section 29 of the Act requires the Statewide Coordinator, beginning in the 2024-2025 school year, to post a link to an online listing of transition resources, transition services, and public transition programs, and to distribute a notice concerning the online listing to boards of education. Boards of education must then distribute this notice to parents of students requiring special education in grades six to twelve at a PPT meeting.

Sections 30 and 31 of the Act require the CSDE, by July 1, 2024, to develop a training program for transition coordinators, educators, and school paraprofessionals. Each RESC shall provide the training program at no cost to boards of education. Educators and school paraprofessionals who provide special education for students fourteen years of age or older must complete the training within five years of the training commencing, if they are hired prior to its inception, and within one year of hire, if hired after the training commences.

Information on Transition Services at PPT Meetings

Section 40 of the Act amends Connecticut General Statutes § 10-76d and requires that, at the first PPT meeting after a student turns fourteen and has a statement of transition service needs included in such student's IEP, the PPT must do the following for each public transition program and each program for adults for which the student may be eligible after graduation: (1) upon approval of the parent or guardian, notify the state agency that provides such program about the potential eligibility of the student; and (2) provide the parent or guardian a listing of the programs that includes but is not limited to a plain language description of the program, eligibility requirements for the program, and deadlines and instructions for applications for the programs.

Section 40 of the Act also requires that the PPT do the following by the PPT meeting that occurs approximately two years prior to the child's anticipated graduation from high school or the end of the school year in which a child will reach age twenty-two, whichever is expected to occur first: (1) upon approval of the parent or guardian, notify any state agency that provides a program for adults for which such child may be eligible about the potential eligibility of such child, invite a representative from each such agency to attend the PPT meeting, and permit and facilitate contact and coordination between each such agency and the parent or guardian for the purpose of easing the process for the transfer of services; (2) provide the parent or guardian with a listing of each program for adults for which such child may be eligible that includes, but is not limited to, a plain language description of such program, eligibility requirements for such program, and deadlines and instructions for applications to such programs; and (3) assist the parent or guardian in completing an application to any such program.

Transition Program Review

Section 38 of the Act requires the State Education Resource Center ("SERC") to review each public transition

program and examine all aspects of the program, including the types of transition services, the number and qualification of staff, the location of the program relative to the residence of the student or the student's family, and metrics for measuring the performance of the program.

Transitional Life Skills College

Section 1 of the Act requires the Commissioner of Developmental Services, by January 1, 2025, to produce a plan to establish a Transitional Life Skills College program to provide transitional tools and life skills development for persons with intellectual or developmental disabilities, who are at least twenty-two years of age and transitioning from the kindergarten through grade twelve education system.

Interpreters at PPT Meetings

Federal special education regulations require boards of education to ensure that the parent understands the proceedings at a PPT meeting. Section 39 of [Public Act 23-137](#) implements this requirement by requiring boards of education to provide interpreters and translated documents for students and parents or guardians when there is an apparent need or upon request. The interpreter may be present in person or available by telephone or through an online technology platform, Internet website, or other electronic application approved by the SBE. Each board of education must provide translated copies of a child's IEP and any related documents, if there is an apparent need or upon request of the parent or guardian or student.

Online Resources for Adult Students

Section 41 of [Public Act 23-137](#) requires the CSDE, by July 1, 2024, to develop a plain language online resource for parents and guardians with a child aged fourteen or older who requires special education. This resource must contain information and training resources about decision-making options once the student reaches age eighteen. The CSDE must post these resources on its website and, pursuant to Section 39 of the Act (discussed below), provide this information to boards of education, which in turn must distribute the information to parents and guardians at a PPT meeting.

State Agency Transition Services

Sections 43 and 44 of [Public Act 23-137](#) require the Department of Developmental Services and the Department of Aging and Disability Services to employ, within available appropriations, a sufficient number of transition advisors and vocational rehabilitation staff, respectively, to provide transition services to students requiring special education who are eligible for services from those agencies as determined through a PPT meeting. It is currently unclear how these arrangements would work as a practical matter, but special education and pupil services administrators may wish to monitor the implementation of these new statutory provisions with these partner agencies.

Mediation

Section 45 of [Public Act 23-137](#) requires the Commissioner of Education to employ a Mediation Service Coordinator within the BSE. The Coordinator's duties will include, among other things, facilitating the expansion of mediation services offered by the CSDE in lieu of proceeding directly to a due process hearing; overseeing and coordinating such mediation services for each school district; establishing a plain language resource explaining the mediation process and how to request and prepare for a mediation; and, pursuant to Section 39 of the Act (discussed below),

creating a notice of the availability of mediation services to be distributed and read aloud at a PPT meeting. The Coordinator must also maintain a list of special education mediators that meet minimum training requirements as described in the Act.

Section 46 of the Act provides that a parent or guardian or the board of education may request mediation through the Mediation Services Coordinator at any time for any matter related to the provision of special education for a child, including, but not limited to, the identification, evaluation, educational placement or implementation of an IEP. Upon receipt of a request for a mediation, the Mediation Services Coordinator shall provide notification to the parties and invite the parties to participate in voluntary mediation.

The Act also revises the procedures regarding requests for mediation in lieu of a due process hearing to clarify that one party may request mediation and to delete an existing statutory requirement that such request be in writing and signed. The Act requires the Mediation Services Coordinator, if all parties agree to mediate, to appoint a mediator and invite all parties to a mediation with a person selected from the list of special education mediators established by the Coordinator. Finally, the Act requires the CSDE to provide on its website translations into the most commonly spoken languages in the state of the plain language resources explaining the CSDE's process for resolving special education complaints and the hearing process, including appeals and mediation. Pursuant to Section 52 of the Act (discussed below), information on these plain language resources must be provided to parents or guardians immediately upon the identification of any child and at each PPT meeting, and the district must provide information regarding free and low-cost legal assistance.

Due Process Hearings

By SBE regulation, boards of education have had the burden of persuasion (*i.e.*, the ultimate burden of proof) to prove the appropriateness of the student's program and placement in a special education due process hearing (except a parent has the burden of proving the appropriateness of a unilateral placement) for quite some time. See Conn. Agencies Regs. § 10-76h-14. As is customary in litigation, that regulation also specified that the party who filed for a due process hearing had the responsibility to present evidence first. However, Section 47 of the [Public Act 23-137](#) revises the procedures for special education due process hearings to require the board of education to offer testimony first in any dispute concerning the provision of a free appropriate public education, even if the parent or other party requested the hearing. This new provision is a significant change in hearing procedures, and we expect more guidance from the CSDE and hearing officers about how it will be implemented.

Publication of State Complaint Summaries

Section 15 of [Public Act 23-150](#) requires the CSDE to publish on its website summaries of state special education complaints and corrective actions required by the CSDE of boards of education and other entities regarding the provision of special education and related services. The CSDE must redact personally identifiable student information from these summaries.

Information Provided to Parents Regarding Special Education

Connecticut General Statutes § 10-76d(a)(10)(D) lists the various information that must be provided to parents and guardians upon the formal identification of any child and at each PPT meeting. Section 52 of [Public Act 23-137](#) expands the requirements to include: (1) the plain language resources developed by the CSDE, pursuant to Section 47 of the Act (discussed above), regarding the hearing and appeals process; (2) information regarding free and low-

cost legal assistance; and (3) the Parent's Guide to Special Education in Connecticut developed by the CSDE. Further, Section 39 of the Act provides that, at the first PPT meeting after a child who requires special education reaches the age of fourteen, and annually thereafter, each board of education must provide information to the child and the parent or guardian about the full range of decision-making supports, including alternatives to guardianship and conservatorship, and the plain language online resources developed by the CSDE pursuant to Section 41 of the Act (discussed above). The responsible board of education must continue to provide such information at least annually thereafter.

Each board of education must also provide the notice created by the Statewide Mediation Services Coordinator pursuant to Section 45 of the Act (discussed above) to each parent or guardian of any child who requires special education by (i) distributing such notice to such parents or guardians at the beginning of each school year, and (ii) reading such notice out loud at the conclusion of the first PPT meeting at the beginning of each school year.

[Information Provided to Students Regarding Special Education and Section 504 of the Rehabilitation Act](#)

Sections 51 and 52 of [Public Act 23-137](#) require the CSDE to develop an informational handout for students explaining what it means for a student to have an IEP or plan pursuant to Section 504 of the Rehabilitation Act ("Section 504") and associated student rights in the classroom. This handout must be age appropriate, and the CSDE must develop three different versions for various grade levels, each translated into specified languages. The CSDE must develop the handouts by January 1, 2024 and make them available to boards of education and on the CSDE's website. Further, pursuant to Section 52 of the Act, boards of education must provide this handout to each child with an IEP or Section 504 plan at the beginning of each school year. Boards of education must also annually provide at the beginning of the school year the Parent's Guide to Special Education in Connecticut developed by the CSDE and the rights and resources available to children in the provision of special education.

[In-Service Training on Special Education](#)

Connecticut General Statutes § 10-220a already requires boards of education to provide an in-service training program for its teachers and administrators. Section 49 of [Public Act 23-137](#) expands the in-service training requirements to include (1) training on the laws governing the implementation of PPT meetings and concerning Section 504 plans, and (2) an annual update of new state and federal policies concerning special education, recommendations, and best practices.

[Special Education Program Audits](#)

Section 48 of [Public Act 23-137](#) requires the CSDE to conduct audits of special education programs in randomly selected school districts each year. Such audits must include (1) interviewing teachers, staff, and parents of children requiring special education; (2) conducting unannounced on-site visits to observe classroom practice to ensure compliance with IEPs and all state and federal law and guidance; and (3) reviewing IEPs.

[IEP Review by Paraprofessionals](#)

Existing law requires boards of education to notify parents of the right to have the paraprofessional assigned to their child attend a PPT meeting and for the paraprofessional to attend and participate in all portions of the PPT at which

an educational program for the child is developed, reviewed, or revised. If the parent, guardian, pupil, or surrogate parent has requested that the school paraprofessional assigned to the student attend the PPT meeting, then the responsible board of education shall provide (1) adequate notice of the PPT meeting to the paraprofessional so that the paraprofessional may adequately prepare for the meeting; and (2) training, upon request of the paraprofessional, on the role of the paraprofessional at the meeting. Following the PPT meeting, the paraprofessional, or any other paraprofessional who is providing special education or related services to the student, shall be permitted to view the child's educational program in order to be able to provide services to the student in accordance with the educational program. Section 12 of [Public Act 23-159](#) now requires that any paraprofessional providing special education or related services to a student review the IEP with a supervisor, as needed.

Distribution of Special Education Excess Cost Grant

Pursuant to current law, boards of education may apply for state special education excess cost grants. Such grants reimburse boards for the cost of special education services that exceeds four-and-one-half times the average cost of educating a student in their district, based on the prior fiscal year. Beginning with the fiscal year ending June 30, 2023, the percentage reimbursement boards receive depends on the tier in which their town is located. Towns are grouped into three tiers, ranked from one to 169 in descending order, depending on their respective adjusted equalized net grant list per capita. Under Sections 8 through 10 of [Public Act 23-1](#), the reimbursement percentage for each of the three tiers has increased to ninety-one percent, eighty-eight percent and eighty-five percent from lowest to highest ranked towns, bringing each board's excess cost grant amount closer to the amounts expended. As established under the current law, if the appropriation for grants is not enough to meet the amount payable to boards by law, then grant amounts are reduced proportionately. Under the new law, where the fiscal year appropriation exceeds the total grant amount payable under the three-tiered system, a four-step formula now determines how the remaining state-appropriated funds will be distributed to boards. The new law also expands the three-tiered method to apply to two additional grants: (1) special education costs for state agency-placed students under a temporary custody order and (2) excess regular education costs for state-placed children educated at private residential facilities.

STATUTORY CHANGES AFFECTING TEACHING AND CURRICULUM

Access to Curriculum

Current law requires each board of education to establish a school district curriculum committee that recommends, develops, reviews, and approves all curriculum for the district. Section 3 of [Public Act 23-160](#) requires each board of education to make available all curriculum approved by the committee and all associated curriculum materials in accordance with the requirements of the federal Protection of Pupil Rights Amendment ("PPRA"). The PPRA gives parents and guardians the right to inspect all instructional materials (excluding tests or assessments) used by the school district.

Implementation of Reading Models or Programs

In 2021, the General Assembly authorized the CSDE to oversee reading programs in the public schools, mandating that boards of education implement one of five recommended reading curriculum models or programs for pre-kindergarten to third grade. Sections 20 through 23 of [Public Act 23-167](#) amend Connecticut General Statutes § 10-14hh to require that the CSDE approve, not just recommend, such models or programs for kindergarten (rather than pre-kindergarten) through third grade.

Under the new law, boards of education that have not received a waiver to implement an alternative reading curriculum model or program must partially implement an approved model or program during the 2023-2024 and 2024-2025 school years and must fully implement an approved model or program beginning July 1, 2025 and each school year thereafter. Beginning July 1, 2024, boards of education that have been granted such a waiver must begin implementing the alternative reading curriculum model or program in accordance with the provisions of the waiver.

Each board of education now has until July 1, 2025 to inform the CSDE's Center for Literacy Research and Reading Success ("Literacy Center") of the model or program it is implementing, which notification will then be required every two years. In turn, the deadline for the Literacy Center to report publicly on the models and programs being implemented has been extended to September 1, 2025.

[Review of Issues Related to Implementing the Reading Model or Program](#)

Section 24 of [Public Act 23-167](#) directs the CSDE's Literacy Center, in consultation with the Reading Leadership Implementation Council, to review issues related to the implementation of a comprehensive reading curriculum model or program. The review must include (1) technical assistance for boards of education denied a waiver from the approved reading curriculum model or program; (2) an examination of the impact of the CSDE's science of reading masterclass (a statewide professional learning system to develop local capacity for literacy instruction in grades kindergarten through three); and (3) a determination of how to scale the CSDE's independent impact evaluation, after such evaluation is completed, to develop educators able to support individual student learning and the science of reading.

[Play-Based Learning During Preschool, Kindergarten, and Grades One to Five](#)

Effective July 1, 2024, Section 4 of [Public Act 23-159](#) and Section 20 of [Public Act 23-101](#) require boards of education to provide play-based learning during the instructional time of each regular school day for students attending kindergarten and any preschool program offered by the board. Such play-based learning must (1) be incorporated and integrated into daily practice; (2) allow for the students' needs to be met through free play, guided play, and games; and (3) be predominantly free from the use of mobile electronic devices.

Under the new law, boards of education must also allow a teacher to use play-based learning during the instructional time of a regular school day for students in grades one to five. The play-based learning may be incorporated and integrated into daily practice, and, as with kindergarten and preschool, must (1) allow for the students' needs to be met through free play, guided play, and games; and (2) be predominantly free from using mobile electronic devices. The new law defines "play-based learning" as a "pedagogical approach that emphasizes play in promoting learning and includes developmentally appropriate strategies that can be integrated with existing learning standards." The term does not mean time spent in recess or as part of a physical education course or instruction.

The new law specifies that any play-based learning must comply with a student's IEP or Section 504 plan. A school employee may only prevent or otherwise restrict a student's participation in play-based learning in accordance with the board of education's policy addressing withholding of undirected play periods as a form of discipline.

Section 5 of [Public Act 23-159](#) amends Connecticut General Statutes § 10-148a by adding play-based learning to the professional development requirements for teachers in a preschool program or grades kindergarten through five. This new requirement, which is part of the existing requirement that educator professional development focus on refining and improving effective teaching methods, begins July 1, 2024.

Required Program of Instruction

Connecticut General Statutes § 10-16b outlines the required courses of study that public schools must offer. The law requires instruction in language arts, including reading. Sections 18 and 19 of [Public Act 23-160](#) now define “reading” as evidenced-based instruction that focuses on competency in oral language, phonemic awareness, phonics, fluency, vocabulary, rapid automatic name or letter name fluency, and reading comprehension.

Beginning in the 2025-2026 school year, Section 7 of [Public Act 23-150](#) adds civics and media literacy to the required social studies program of instruction. Section 6 of the Act defines “civics” as “the study of the rights and obligations of citizens” and “media literacy” as the “ability to access, analyze, evaluate, create and participate with media in all forms by understanding the role of media in society, and building skills of inquiry and self-expression essential to participation and collaboration in a democratic society.”

New and Revised Graduation Requirements

Mastery-Based Diploma Assessment

Connecticut General Statutes § 10-221a outlines the high school graduation requirements in Connecticut. Section 1 of [Public Act 23-21](#), as amended by Section 319 of [Public Act 23-204](#), revises the requirements for classes graduating in 2024 and beyond to allow boards of education to require a student to complete a one credit mastery-based diploma assessment in order to graduate from high school. Previously, boards of education did not have this discretion and such assessment was required for all students who would have graduated in 2024 and beyond.

Completion of the FAFSA

Sections 319 and 320 of [Public Act 23-204](#) mandate, beginning with classes graduating in 2025, that boards of education require graduating students to have (1) completed a Free Application for Federal Student Aid (“FAFSA”); (2) completed and submitted to a public institution of higher education an application for institutional financial aid for students without legal immigration status; or (3) completed a waiver, on a form prescribed by the Commissioner of Education, signed by the student’s parent or guardian or signed by the student if the student is eighteen or older. The waiver must require the parent, legal guardian, or student to affirm that they understand the FAFSA; it cannot require a statement of reasons for choosing not to complete the FAFSA or the application for institutional financial aid for students without legal immigration status. On and after March 15 of each school year, a principal, school counselor, teacher, or other certified educator may complete the waiver on behalf of any student who has not satisfied the above requirements if such certified professional affirms that they have made a good faith effort to contact the parent, legal guardian, or student about completion of such applications.

Personal Financial Management and Financial Literacy

As noted above, Connecticut General Statutes § 10-221a outlines the high school graduation requirements in Connecticut. Section 1 of [Public Act 23-21](#), as amended by Section 319 of [Public Act 23-204](#), revises the statute to require, beginning with classes graduating in 2027, that students complete one-half credit in personal financial management and financial literacy, which may also count towards the nine credits required in the humanities or as an elective credit. All other graduation requirements remain the same, except as discussed above. Sections 2 and 3 of [Public Act 23-21](#) also amends Connecticut General Statutes § 10-16b regarding prescribed courses of study to add personal financial management and financial literacy to the list.

High School Graduation Credit for Recovery Programs

Connecticut General Statutes § 10-221a(g) sets forth various ways, other than through courses taken in grades nine through twelve that meet statewide subject matter content standards, in which a board of education may grant a student credit toward graduation. Section 17 of [Public Act 23-167](#) amends the statute to allow boards of education to award high school graduation credit for the successful completion of a credit recovery program approved by the Commissioner of Education.

Inclusion of Cursive Writing and World Languages in Model Curriculum

Connecticut General Statutes § 10-25b requires that the CSDE, in collaboration with SERC and by January 1, 2024, develop a model curriculum for kindergarten to grade eight, inclusive. Section 16 of [Public Act 23-167](#) adds to the content of the model curriculum: (1) cursive writing and (2) world languages beginning in kindergarten. The Act also specifies that boards of education may, but are not required to, use the CSDE and SERC's model curriculum in whole or in part.

Remote Learning and Dual Instruction

Last year, the General Assembly passed legislation that required school districts to prohibit dual instruction as part of any remote learning model. Section 12 of [Public Act 23-150](#) clarifies that dual instruction may be provided: (1) when it is required in, or necessary to implement, a student's IEP or Section 504 plan, or (2) when it is part of an intradistrict or interdistrict cooperative learning program that provides remote learning opportunities to students present in the classroom on school grounds during a regular school day and in which a certified educator is present in both classrooms. Further, the cooperative learning program must be implemented in accordance with an agreement between the board of education and the applicable bargaining unit.

CSDE Curriculum Coordinator

Connecticut General Statutes § 10-16b(d) requires the SBE to make available curriculum materials to assist boards of education in developing instructional programs related to certain identified topics including the Holocaust, African-American and Black studies, Puerto Rican and Latino studies, Native American history, and personal financial management. Section 45 of [Public Act 23-160](#) directs the Commissioner of Education to employ at least one curriculum coordinator to provide assistance and curriculum materials to boards of education for the implementation of courses of study related to these topics.

STATUTORY CHANGES AFFECTING EMPLOYMENT

CSDE Review of School Boards' Increasing Educator Diversity Plans

Under current law, each board of education must develop a written plan for "minority educator recruitment" to reduce racial, ethnic and economic isolation and provide students with opportunities to interact with teachers from other racial, ethnic, and economic backgrounds. Section 9 of [Public Act 23-167](#) changes the plan's name to the "increasing educator diversity" plan. Section 10 of the Act requires that boards of education submit their "increasing educator diversity" plans to the Commissioner of Education by March 15, 2024 for review and approval. The Commissioner must review each plan and may approve or return the plan with instructions for revision. Boards of education that

submit plans requiring revision must submit their revised plans to the Commissioner no later than May 15, 2024. Starting with the 2024-2025 school year, and each school year thereafter, boards of education must implement their approved plans and post them to their websites.

[Educator Diversity Policy Oversight Council](#)

Under current law, the Minority Teacher Recruitment Policy Oversight Council, a multi-member body housed in the CSDE, is charged with advising the Commissioner of Education on ways to encourage minority students and professionals in other fields to pursue teaching careers. Sections 12 and 14 of [Public Act 23-167](#) rename the council as the “Increasing Educator Diversity Policy Oversight Council” and change references from “minority” to “diverse” without redefining its underlying meaning. The new law also replaces the term “teachers” with “educators.”

[Professional Development for Principals and Vice Principals](#)

Section 5 of [Public Act 23-159](#) amends Connecticut General Statutes § 10-148a by expanding professional development and learning requirements for principals and vice principals to include training on the management of school personnel and methods for engaging personnel with school goals.

[Exit Survey for Teachers Leaving the Profession and Teacher Attrition Rates](#)

Section 6 of [Public Act 23-159](#) requires each board of education, by January 1, 2024, to develop an exit survey to be completed by a teacher who is employed by the board and voluntarily ceases employment. The survey must include questions addressing (1) why the teacher is ceasing employment, (2) whether the teacher is leaving the profession, (3) the teacher’s demographics, and (4) the subject areas the teacher taught.

Section 7 of [Public Act 23-159](#) requires boards of education to add teacher attrition rates and exit survey results to strategic school profile reports, which are already required to address issues such as student needs, school resources, student and school performance, and student discipline. Under current law, and unchanged by the Act, these reports must be submitted to the CSDE and presented at a public meeting each year.

[Substitute Teachers](#)

By law, anyone employed as a substitute teacher must (1) hold a bachelor’s degree, unless this requirement is waived by the Education Commissioner for good cause and upon a superintendent’s request; and (2) be on a list of substitute teachers maintained by the employing board pursuant to Connecticut General Statutes § 10-222c(f). Section 18 of [Public Act 23-159](#) now authorizes a board of education to employ a substitute teacher in the same assignment for up to sixty days without obtaining an CSDE-issued substitute authorization.

[Certificate Endorsements for Kindergarten and Preschool Teaching](#)

By law, if a person holds an elementary education endorsement to teach grades one through six, and that endorsement was issued on or after July 1, 2017, the Commissioner of Education may allow, upon request of the superintendent, that person to teach kindergarten for one school year. Current law prohibits the Commissioner of Education from extending such permission to teach kindergarten for a second year unless the individual demonstrates enrollment in a program to meet the requirements for the appropriate kindergarten endorsement. Section 13 of

[Public Act 23-159](#) revises Connecticut General Statutes § 10-145d(f) to allow the Commissioner of Education to permit, upon request of the superintendent, the endorsement holder to teach a second year of kindergarten without having to demonstrate enrollment in a kindergarten endorsement program.

Under current law, anyone who holds a teaching certificate with an endorsement to teach comprehensive special education in grades one through twelve may extend the endorsement to grades kindergarten through twelve if the applicant has earned a satisfactory score on either the SBE-approved reading instruction exam or a comparable reading instruction exam. The new law extends a comprehensive special education endorsement for grades one through twelve to grades prekindergarten through twelve. Individuals applying for such an endorsement must meet the above reading instruction exam score requirements.

[Teacher Performance Evaluations](#)

By law, superintendents must annually evaluate each teacher or have each teacher be evaluated. Such an evaluation must include, at a minimum: strengths, areas needing improvement, strategies for improvement, and multiple indicators of student academic growth.

Sections 24 through 27 of [Public Act 23-159](#) make various changes to teacher evaluation and support programs (“Evaluation Programs”). The Act requires the SBE, in consultation with the Performance Evaluation Advisory Council, to adopt revised program guidelines (“Evaluation Guidelines”) on or before July 1, 2024. The Act makes significant changes to the Evaluation Guidelines to be developed by the SBE, including removing the requirement that they include four performance evaluation designators for teachers (*i.e.*, exemplary, proficient, developing, and below standard) and removing references to teacher evaluation “scoring systems” to determine “ratings.”

Under the new law, the Evaluation Guidelines must include the following (*significant changes are italicized*):

- (i) the use of multiple indicators of student learning, growth and achievement (*rather than student academic growth and development*) in teacher evaluations;
- (ii) methods for assessing student learning, growth and achievement (*rather than student academic growth and development*);
- (iii) a consideration of control factors tracked by the statewide public school information system that may influence teacher performance, including, but not limited to, student characteristics, student attendance and student mobility;
- (iv) minimum requirements for teacher evaluation instruments and procedures, including an annual summary of teacher growth provided by the evaluator (*rather than a scoring system with performance evaluation designators*);
- (v) the development and implementation of periodic training programs regarding the teacher evaluation and support program to be offered by the board of education or RESC for the school district to teachers whose performance is being evaluated and administrators who are conducting the performance evaluations;
- (vi) the provision of professional development services based on the individual or group of individuals’ needs that are identified through the evaluation process;
- (vii) the creation of individual teacher improvement and remediation plans for teachers who require additional support (*rather than for teachers who have a rating of “developing” or “below standard”*) that are designed in consultation with such teacher and the union representative and that (a) identify resources, support and other strategies to address documented deficiencies, (b) indicate a timeline for implementing such resources, support, and other strategies, in the course of the same school year as the plan is issued, and (c) include indicators of success immediately at the conclusion of the improvement and remediation plan (*while removing*

the requirement that they include a summative rating of proficient or better as success indicators at the plan's conclusion);

(viii) opportunities for career development and professional growth; and

(ix) a validation procedure for the CSDE or a third party approved by the CSDE to audit remediation plans (*rather than audit evaluations with a rating of "exemplary" or "below standard"*).

The Act also directs the SBE to adopt a model teacher evaluation and support program that may be used by boards of education and is consistent with the Evaluation Guidelines described above.

Beginning in the 2024-2025 school year, and each school year thereafter, each board of education must adopt and implement an Evaluation Program that is consistent with the Evaluation Guidelines adopted by the SBE. As under current law, the Act requires that the program be developed through mutual agreement between the board of education and the school district's PDEC. If a board is unable to reach a mutual agreement with the PDEC, both parties must consider SBE's model program, which they may adopt upon mutual agreement. If both parties cannot reach an agreement, the board must adopt and implement the Evaluation Program it has developed, so long as it is consistent with SBE guidelines.

Boards of education may seek a waiver from the requirement that they adopt a program consistent with SBE's Evaluation Guidelines by filing a waiver request with the Commissioner of Education no later than July 1, 2024.

By law, boards of education must provide training and orientation programs for evaluators and teachers on their local evaluation and support programs. Section 25 of [Public Act 23-159](#) requires, beginning with the 2023-2024 school year, that the training programs and orientation be held at least annually, rather than biennially.

The Act also makes the following changes regarding the teacher evaluation process. In the event that a teacher does not receive a summative evaluation during the school year, Section 23 of [Public Act 23-159](#) now requires that the teacher be recorded as "not evaluated" rather than "not rated," which was the designation under previous law. The Act also removes the requirement that the superintendents report aggregate evaluation ratings to the Commissioner of Education each year, although other reporting requirements (e.g., the status of teacher evaluations and the status of the implementation of the teacher evaluation and support program, including the frequency of evaluations and number of teachers who have not been evaluated) remain the same.

[Revisions to the State's Antidiscrimination Statutes](#)

Connecticut General Statutes § 46a-58 prohibits deprivation of civil rights on the basis of certain protected classes. Section 1 of [Public Act 23-145](#) adds "age" to the list of protected classes. Section 2 of [Public Act 23-145](#) adds a new definition of "sexual orientation" in the state's antidiscrimination statutes to mean "a person's identity in relation to the gender or genders to which they are romantically, emotionally or sexually attracted, inclusive of any identity that a person (A) may have previously expressed, or (B) is perceived by another person to hold."

[Educator Apprenticeship Program](#)

Section 8 of [Public Act 23-167](#) requires the CSDE to develop, for the fiscal year ending June 30, 2024 and each year thereafter, an educator apprenticeship initiative that enables students enrolled in educator preparation, residency, or Alternate Route to Certificate ("ARC") programs to gain classroom teaching experience while working toward

becoming full-time, certified teachers. The Act requires that the CSDE develop participation guidelines, administrative regulations outlining implementation, and compensation levels for students in all three programs.

Under current law, participants in apprenticeships and teacher residency programs receive compensation; the new law now addresses compensation for educator preparation and ARC program participants. In addition, upon request of a superintendent, the Commissioner of Education may allow an individual assigned to a residency program in the superintendent's school district to participate in the educator apprenticeship initiative; upon successful completion and with the superintendent's recommendation, the SBE shall issue an initial educator certificate to such individual, and that person will not be required to complete the assessments required for certification under Connecticut General Statutes § 10-145f.

Student Teaching Experience and Mentor Requirements

By law, teacher preparation programs must require participants to complete a clinical, field, or student teaching experience in a classroom during four semesters of such program. Section 16 of [Public Act 23-159](#) removes the law's previous requirement that this experience occur in school districts from different categories of District Reference Groups ("DRGs") with at least one experience in DRGs "A" through "E" and another in a district from groups "F" through "I." The new law also removes the requirement that any cooperating teacher serving as a mentor to student teachers must have earned a performance evaluation designation of exemplary or proficient in the prior school year.

Changes to Paid Sick Leave for Service Workers

Connecticut law contains specific protections for "service workers," defined as including, but not limited to, food service managers, social workers, registered nurses, crossing guards, janitors, and secretaries and administrative assistants. Sections 7 and 8 of [Public Act 23-101](#) require that employers permit service workers to use accrued paid sick leave for a "mental health wellness day" to attend to their emotional and psychological well-being in lieu of attending a regularly scheduled shift. Section 8 of the Act also requires that employers permit service workers to use accrued paid sick leave if the service worker is the parent of a child who is a victim of family violence or sexual assault, provided that the service worker is not the perpetrator or alleged perpetrator of the violence or assault.

School Nurses and Nurse Practitioners – Appointment Qualifications and Professional Development

By law, school nurses and nurse practitioners appointed by boards of education must meet qualifications established in relevant state regulations. Section 34 of [Public Act 23-167](#) creates an exception from the regulations' work experience requirement and exempts such nurses and nurse practitioners from having at least one year of full-time working experience as a registered nurse during the five years before appointment or employment with the board.

Beginning July 1, 2024, Sections 34 and 35 of the Act require each school nurse or nurse practitioner appointed by or under contract with a board of education to complete at least fifteen hours of professional development biennially. The board must annually approve and provide such professional development programs and activities, which must include training and instruction in implementing IEPs and Section 504 plans. In addition, beginning in the 2024-2025 school year, the board must provide such programs or training for new school nurses or nurse practitioners within thirty days after being appointed or entering into a contract with the board.

Expanding Workers' Compensation Coverage for Post-Traumatic Stress Injuries

Under current law, eligibility for workers' compensation benefits for Post-Traumatic Stress Injuries ("PTSI") is limited to certain first responders. Effective January 1, 2024, [Public Act 23-35](#) expands these benefits to all employees covered by the Workers' Compensation Act, provided such PTSI is a direct result of a qualifying event, as defined in the Act, that occurred in the course of their employment.

Section 504 Plans and School Employees

Connecticut General Statutes § 10-76d prohibits board of education from disciplining members of a PPT who discuss or make recommendations concerning services at a PPT meeting. Section 16 of [Public Act 23-150](#) extends this prohibition to school employees who discuss or make recommendations concerning services or accommodations for a student's Section 504 plan at a meeting held to discuss such plan.

Tenure and Accumulated Sick Leave

State law provides that, for purposes of determining a teacher's rights to tenure and accumulated sick leave, the establishment of a regional school district shall not interrupt the continuous employment of a teacher who was employed by a local board of education for any of the towns comprising such district during the school year immediately prior to or within which the regional district is established, provided that teacher continues as an employee of the regional board of education. Section 22 of [Public Act 23-159](#) clarifies that these protections apply when a new regional school district is established, and a teacher employed by a local or regional board of education for any town comprising the new regional school district continues as an employee of the new regional board of education. As with existing law, the teacher must work for the school district or regional school district during the school year immediately before, or within which, the new regional district is established. The requirement that these protections are subject to the provisions of Connecticut General Statutes § 10-151 remains unchanged.

Adjunct Professor Permit

Section 15 of [Public Act 23-167](#) allows the SBE to issue adjunct professor permits to part-time, non-tenured instructors employed by a public or private institution of higher education in Connecticut. The permit will allow such individuals to teach grades nine through twelve in a public school, up to twenty-five classroom instructional hours per week, as part of college and career readiness programming offered by the board of education. The permit holder must work under the supervision of the superintendent, principal, or a supervisory administrator designated by the superintendent, and the employing board must provide an assistance program that includes academic and classroom support services. The Act provides that such instructors will be part of the bargaining unit for certified teachers and subject to the same contract, unless otherwise agreed by the board and the union. Permit holders cannot fill a position that will displace a certified teacher already employed at the school. Holding such a permit does not make an individual eligible for the teacher retirement system.

Cease-and-Desist Orders for Prohibited Practices

Pursuant to Connecticut General Statutes § 10-153e, boards of education and employee unions can file complaints about prohibited practice violations with the State Board of Labor Relations ("SBLR"). Under existing law, the SBLR may only issue a cease-and-desist order after holding a hearing and making a determination regarding the complaint. Section 2 of [Public Act 23-159](#) now allows the SBLR to issue a cease-and desist order for certain violations of the

Teacher Negotiation Act (e.g., refusing to negotiate in good faith or retaliating against a complainant) when an alleged prohibited practice or breach of duty is ongoing and until the board makes a determination on the matter.

Agreements Between Municipalities and Public School Operators for Health Insurance

Previously, a board of education could join by agreement with municipalities or other boards of education as a single entity for the purpose of providing employee health insurance. Section 42 of [Public Act 23-160](#) continues to allow these agreements but expands the entities that can participate by changing “boards of education” to “public school operators.” A “public school operator” is defined as a board of education, a regional educational service center, the governing council of a state or local charter school, or an operator of an interdistrict magnet school program.

Health Insurance for Paraeducators

Sections 203 through 206 of [Public Act 23-204](#) establish new subsidy programs for paraeducators’ health insurance costs and make other changes to health insurance for paraeducators. Section 203 of the Act directs the Comptroller to establish a program to provide a subsidy to each paraeducator who is employed by a board of education and opens a health savings account, provided the paraeducator applies for the subsidy in the form and matter prescribed by the Comptroller. Section 204 of the Act directs the Comptroller to establish a program, for the fiscal year ending June 30, 2025 and beyond, to provide a stipend to an eligible paraeducator, as defined in the Act, to purchase a qualified health plan through the Connecticut Health Insurance Exchange that meets certain criteria. The stipend is only available to a paraeducator who is employed by a board of education that only provides coverage under a health benefit plan with an actuarial value of less than 60% and in an amount not to exceed the cost of the qualified health plan the eligible paraeducator purchases through the exchange. Section 205 of the Act expands the responsibilities of the Office of Health Strategy to include assisting boards of education in enrolling paraeducators for coverage under (A) the qualified health plans for which such paraeducator may be eligible under Section 204 of the Act, (B) the Covered Connecticut program, or (C) Medicaid. Section 206 of the Act establishes a paraeducator health care working group to study health care access, equity and affordability for paraeducators employed by boards of education.

MISCELLANEOUS STATUTORY CHANGES AFFECTING SCHOOLS

Lowering Eligibility Age for School Readiness Programs

The Office of Early Childhood (“OEC”) administers state-funded school readiness programs that (1) meet state standards, (2) provide at least 450 hours and 180 days of developmentally appropriate instruction per year, and (3) are open to age-eligible children. Sections 35 and 37 of [Public Act 23-160](#) lower the eligible age of children for such programs to birth, rather than age three.

GPS Use on School Buses

Current law provides that a school bus operator carrying passengers may not use a handheld mobile telephone, including those with hands-free accessories, except in very limited circumstances. Section 37 of [Public Act 23-40](#) expands the exceptions to allow a school bus operator to use a mobile electronic device with a video display, provided such device: (i) is used as a global positioning system or to provide navigation, (ii) is securely attached inside the school bus near such person, and (iii) has been approved for such use by the Department of Motor Vehicles.

[Recycling of Organic Material](#)

Section 5 of [Public Act 23-170](#) requires, beginning January 1, 2025, any public educational facility that generates an average projected volume of twenty-six tons or more per year of source-separated organic materials to (i) separate such source-separated organic materials from other solid waste; and (ii) ensure that such source-separated organic materials are recycled at any authorized source-separated organic material composting facility. Further, the Act requires that on or before March 1, 2025 and annually thereafter, each public educational facility that is subject to the Act submit a report to the Department of Energy and Environmental Protection that summarizes the amount of edible food donated, the amount of food scraps recycled, and the organics recycler or recyclers and associated collectors used.

[Vision Zero Program Distinction for School Programs](#)

Section 3 of [Public Act 23-116](#) requires the Department of Transportation (“DOT”) to award an exemplary “Vision Zero” program distinction to boards of education that offer a program that provides students in grades six to twelve with opportunities to learn about the mission of the Vision Zero Council and the importance of practicing safe driving habits and learning pedestrian safety skills. Such opportunities may include classes, extracurricular activities, presentations, symposia, peer-to-peer education, parent involvement and parenting education and outreach. A board of education may submit a request for such distinction by providing details about the board’s program to the DOT.

[Statewide Mastery Test Audit](#)

Section 25 of [Public Act Public Act 23-167](#) and Section 5 of [Public Act 23-150](#) direct the Commissioner of Education to conduct an audit of state and local testing requirements and administration. The audit must focus on (1) the statewide mastery examination and local standardized assessments used to monitor student and district academic progress and achievement; and (2) the amount of time devoted to student preparation or educator instruction for the statewide mastery examination and local standardized assessments, including the time such preparation and instruction takes away from regular instruction. Additionally, the audit must include recommendations about any limitations on the amount of time that may be devoted to administering these exams and assessments.

[Intellectual and Developmental Disabilities Awareness and Advocacy Day](#)

Section 17 of [Public Act 23-137](#) orders the Governor to proclaim May 23 of each year to be Intellectual and Developmental Disabilities Awareness and Advocacy Day to promote awareness of and advocacy for persons with an intellectual disability or other developmental disabilities. Suitable exercises shall be held in the State Capitol and in public schools on the day so designated or, if that day is not a school day, on the school day preceding, or on any such other day as the board of education prescribes.

[Employment of Certain Minors as Youth Camp Staff Members and Lifeguards](#)

Under current law, minors who are at least fourteen years old can work as caddies or in pro shops at golf courses and those who are at least fifteen years old can work as baggers, cashiers, or stock clerks in retail establishments. Current law also requires employers of fourteen and fifteen-year-old individuals in these positions, as well as others, to abide by certain work restrictions and procure minors’ working papers, or certificates documenting their age. Sections 1 through 3 of [Public Act 23-183](#) now allow fifteen-year-old individuals to work as youth camp staff members

or lifeguards, provided certain conditions are met and they obtain appropriate working papers (if not working for a municipality). As under the current law, public school superintendents or their designees are required to furnish eligible minors' working papers upon application and pursuant to proper procedures established by the SBE.

[Ban on Magnet School Tuition Reinstated](#)

From July 1, 2009 to July 1, 2018, any board of education operating an interdistrict magnet school pursuant to the Connecticut Supreme Court's decision in *Sheff v. O'Neill* was prohibited from charging tuition. Section 31 of [Public Act 23-160](#) reinstates this ban for the 2023-2024 school year.

[Charter Schools and the Educational Interests of the State](#)

By law, charter schools are subject to all federal and state laws governing public schools. Connecticut General Statutes § 10-4a outlines the educational interests of the state, and Connecticut General Statutes § 10-4b allows complaints to be brought to the SBE in situations where a resident or a parent or guardian alleges a district's failure or inability to implement the educational interests of the state. Sections 43 and 44 of [Public Act 23-160](#) explicitly include Connecticut General Statutes §§ 10-4a and 10-4b as state laws governing charter schools.

[Charter School Enrollment Criteria](#)

Section 14 of [Public Act 23-150](#) amends the enrollment lottery statute for charter schools. Pursuant to the Act, beginning July 1, 2023, no application for enrollment in a charter school can inquire or request information about an applicant student's need for or receipt of special education and related services, and the criteria for administering an enrollment lottery shall not include consideration of a student's need for or status as requiring special education and related services.

[Wholesome School Meals Pilot Program](#)

For the 2023-2024, 2024-2025 and 2025-2026 fiscal years, Section 6 of [Public Act 23-167](#) directs the CSDE to administer a wholesome school meals pilot program that awards grants of \$150,000 to five alliance districts in each year of the pilot program. Such grants must be used to provide a professional chef to assist school meal programs to build food service staff capacity, improve school meal quality, increase diner satisfaction, streamline operations, and establish a financially viable school meal program. Alliance districts may apply for this grant by October 1, 2023.

[Report from Alliance Districts on Implementing a Family Resource Center Program](#)

Section 4 of [Public Act 23-208](#) requires the board of education for each town designated as an alliance district, not later than February 1, 2024, to submit a report to the CSDE on the costs associated with implementing a family resource center program, in accordance with the provisions of Connecticut General Statutes § 10-4o, at each elementary school under the jurisdiction of the board.

[Medicaid Reimbursement for School-Based Mental Health Assessments](#)

Section 9 of [Public Act 23-101](#) requires the Department of Social Services ("DSS") Commissioner to provide Medicaid reimbursement for suicide risk assessments and other mental health evaluations and services provided at school-



based health centers or public schools, to the extent permitted by law. The DSS Commissioner is also directed to set the reimbursement at a level that ensures an adequate pool of providers to perform such assessments, evaluations, and services.

Aerospace and Aviation Training

Section 28 of **Public Act 23-167** allows boards of education to partner with local employers in the aviation or aerospace industry to develop and offer an apprenticeship training program for students within the district. The program must, at minimum, provide students with (1) onsite training where they learn immediate job skills and earn course credits, (2) information about programs of study at the Connecticut Aero Tech School for Aviation Maintenance Technicians, and (3) assistance applying for admission to the school. In addition, within sixty days of the first cohort’s completion of the program, the board of education must release a report of the number of students who participated in and completed the program, and who thereafter enrolled in the aviation tech school.

High School Preapprenticeship Grant Program

Section 31 of **Public Act 23-167** directs the CSDE to establish a preapprenticeship grant program to award grants to boards of education that incorporate a preapprenticeship program into their curriculum for grades nine through twelve, provided that such program is registered with the Department of Labor and meets the criteria set out by the CSDE. Grants shall be awarded in an amount of at least \$1,000 for each student that completes the preapprenticeship program.

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