

## **LEGISLATIVE COMMITTEE MEETING NOTES**

**SEPTEMBER 24, 2015**

**PRESENT:** Chairperson, Paul Freeman – Guilford, Neil Sullivan – Simsbury, Scott Nicol – Ellington, Bridget Carnemolla – Watertown, Tom Moore – West Hartford, David Petrone – Coventry, Steve Cullinan – Pomfret, Matt Conway – Derby, Kristin Heckt – Bolton, Joe Reardon – Union, Bob Angeli – Lebanon, Joe Wood – retired, Jan Perruccio – Old Saybrook, James Longo – Ashford, Randy Collins – CAPSS, Joe Cirsuolo – CAPSS.

Paul Freeman called the meeting to order at 9:11 AM.

After a thoughtful, detailed and thorough discussion, the Committee decided to recommend the following 2016 Public Policy Agenda to the CAPSS Board of Directors.

### **LEGISLATIVE COMMITTEE RECOMMENDATION FOR THE 2016 CAPSS PUBLIC POLICY AGENDA**

The following is the Legislative Committee's recommendation as to what should be the CAPSS 2016 Public Policy Agenda. The recommendation is divided into two sections. The first lists the items that the Committee is recommending should be given high priority in 2016 by virtue of efforts made to initiate action on these items. The second lists other items that the Committee is recommending should be pursued by CAPSS in 2016 but not necessarily initiated.

### **PRIORITY RECOMMENDATIONS**

The following are the items that the Legislative Committee is recommending should be given high priority in 2016. If the Board of Directors accepts this recommendation, CAPSS will initiate efforts to address these items.

The items are not listed in any rank of priority. The Committee is recommending that equal attention be given to each item.

### **Mandate Relief**

Over many years, the state government has imposed on local school districts many mandates. Some of those mandates are directly related to the mission of public education and many of them are not. All of those that are not directly related to the mission of the public schools have constituted a considerable mission creep that has diverted staff time and financial resources from efforts to accomplish the basic mission of the public schools. Some of those that are directly related to the schools' mission have been so crafted as to cause the allocation of more staff time and financial resources than are necessary to meet the basic mission of the schools.

In addition to all of this, the mandates in many cases are integrated with other mandates so that there now exists a complex structure of mandates. This makes consideration of relief from just one mandate almost impossible to be done without considering the impact of that relief upon the implementation of other mandates. In other words, mandates have been imposed for the most part without the benefit of analysis of the systemic impact of each mandate individually and of the entire mandate structure as a whole.

Finally, in no instances has the state government allocated sufficient state funds to cover the entire cost of any state imposed mandate. Accordingly, at least partially unfunded mandates have become the norm.

All of this now constitutes a major impediment for local school districts as they strive to transform themselves to become what they need to be in order to meet the expectation that every child will leave public education prepared to continue learning what they need to know and be able to do to lead decent and productive lives and to be effective citizens in a democracy.

**CAPSS, therefore, supports all efforts by any of the branches of state government to undertake a comprehensive study of the mandate structure that has been imposed on local school districts with a view towards identifying and eliminating any mandates that are significant hindrances to the efforts of local districts to improve and transform themselves.**

**CAPSS also strongly urges the state government to refrain from imposing any additional mandates upon local school districts until the present mandate structure has been studied and reformed.**

### **The 45% Rule**

The Teacher Retirement Bureau (TRB), acting in response to a ruling by the State Attorney General (AG) has ruled that a retired educator who is re-employed by a CT public school district cannot earn more

than 45% of the 100% salary assigned to the position for which the retired educator is employed and that the retired educator may receive no fringe benefits whatsoever.

This ruling is highly problematic because there are presently retired teachers, building administrators, central office administrators and superintendents of schools who are still working for CT school districts. These individuals are receiving the entire pensions which they have earned and while their salaries are no greater than allowable under the 45% rule as specified above, are receiving fringe benefits. In almost all of these cases, the entire cost of the salaries and fringe benefits for these educators is less than it would be if the district had to employ a non-retired educator for the position.

Since the present ruling regarding the 45% arrangement will be a reason for retired educators both those presently re-employed and those contemplating re-employment arrangements to terminate their arrangements if they are re-employed and not consider re-employment if they are not, school districts will have to hire less experienced educators at a higher cost. This is a lose/lose situation for the children served by the districts.

**CAPSS, therefore, recommends:**

- **That employment arrangements established for re-employed educators prior to 7/1/15 be exempted from the present TRB ruling.**
- **That educators be allowed to unretire.**
- **That superintendencies being filled by interim or acting superintendents be counted as vacancies for purposes of determining whether the superintendency is a shortage area.**
- **That retired teachers who are re-employed be allowed to earn up to 45% of the relevant 100% salary and be granted the fringe benefits package contained in the collective bargaining contract for teachers in the district.**
- **That retired administrators who are re-employed in districts where the administrators have a collective bargaining contract be allowed to earn up to 45% of the relevant 100% salary and be granted the fringe benefits package contained in that collective bargaining contract.**
- **That retired administrators including superintendents of schools who are re-employed in positions that are not addressed by collective bargaining contracts be allowed to earn up to 45% of the relevant salary and be granted the fringe benefits package that was granted to their immediate predecessor even if they themselves are the immediate predecessor.**

### **Personalized Learning**

CAPSS, by virtue of the Board of Directors approval of the recommendations contained in the CAPSS Educational Transformation Report, is committed to working towards the adoption of a personalized learning system in the state. This work has been done in many ways, some of which have implications for a legislative agenda.

In addition, CAPSS, CABE and CAS published in 1/15 a White Paper on Personalized Learning which contains a number of public policy recommendations.

On 9/15/15, the CAPSS Education Transformation Project Advisory Committee met to suggest which of these recommendations should be a priority for 2016. Later that day, representatives of CAPSS, CABE and CAS reviewed these suggestions and arrived at recommendations that all three organizations will make a priority in 2016.

These recommendations are:

- **Revise state statutes to allow students to progress based on demonstration of competencies as opposed to attending school for six hours a day, 180 days a year for thirteen years.**
- **Advocate for state statutes that promote multiple pathways for learning such as workplace internships, independent study, early college enrollment and/or project based experiences outside of school and that ensure equal opportunity for students to access such paths.**
- **Advocate for state statutes that would establish a schedule of state tests whereby the tests would be offered four times each school year so that students could access the tests at the one time during the school year when their teachers decide they are ready to take the tests.**
- **Strengthen state statutes that allow school district to grant high school diplomas based on student demonstrations of competencies instead of seat time by authorizing multiple assessment pathways that can be accessed by students when teachers deem them ready instead of only once each school year.**
- **Revise state statutes to reflect a three to six year high graduation time frame for calculating graduation rates and to include as graduates students who successfully complete their high school education in adult education programs and students who receive a passing grade on the GED exam.**

### **2.5% CAP on Municipal Budgets**

In 7/15, the Legislature included in the annual Implementer Bill a provision that if it remains in statute would put in FY 2017 a cap on increases of municipal budgets including the allocation to the school system that serves the municipality of 2.5%. This provision was passed without even discussion on the floor of the Legislature much less any public hearing. The Gov. signed the Implementer Bill.

Any cap on municipal expenditures is problematic for the following reasons.

- The needs of a community and of a school system vary from year to year. To meet those needs, therefore, communities and school systems need to have the flexibility to propose appropriate budgets and not be prevented from implementing those budgets by artificial and arbitrary percentage caps.
- Because the cap is a fixed percentage that applies to all municipalities, it will increase the financial inequity between relatively affluent municipalities and those that are relatively less affluent. The same percentage applied to a larger base as opposed to a smaller base increases the larger base at a larger dollar amount than the increase in the smaller base.

**CAPSS, therefore, proposes that the spending cap be repealed.**

### **Special Education**

Children with special educational needs need to have those needs accommodated in an effective manner in public schools. School districts across CT make a major effort in this regard all the time. Those efforts, however, are hindered by two factors, one financial and the other regulatory.

The financial factor is inadequate financial support for special education programs from both the federal and state levels. The federal government which mandates provision of effective programs for children with special needs has never met its own goal to cover 40% of the cost of meeting this mandate country wide. The state government eliminated a number of years ago a general special education grant to local districts and underfunds the only remaining special education grant which is designed to provide financial relief to districts that incur excessively expensive program placements for some children with special needs.

The regulatory factor is the automatic placement on local school districts of the burden of proof in all cases in which parents and district staff do not agree on an appropriate program for a child and that, therefore, are submitted to due process. This occurs regardless of which party brings the matter to due process. As a result, whenever a parent brings a case to due process, a district has to predict its chances of prevailing in the case when despite the fact that it is the defendant, the district has been assigned the burden of proof. When a district judges that it might not be able to meet this legal burden, it most often agrees to a program that is more programmatically than the one to which the child is entitled and that is more expensive as well. Accordingly, funds are spent needlessly on children with special needs and this compromises the ability of districts to provide adequate educational programs to children without special needs.

It should be noted that the United States Supreme Court has ruled that the burden of proof in special education due process can be assigned to the party that brings the matter to due process and that CT is one of a small minority of states in the country that does not assign the burden to that party.

**CAPSS, therefore, proposes:**

- **That the funding cap on the Special Education Excess Cost Grant be removed and that the State redefine excess cost to be three times a district's per pupil expenditure.**
- **That the burden of proof in special education due process be assigned to the party that brings the matter to due process.**

#### **Lower Priority Recommendations**

These items as well are not listed in any ranking of priority.

#### **Minimum Budget Requirement**

Presently a municipality may reduce its Minimum Budget Requirement (MBR) by one half a school district's per student expenditure for every student drop in enrollment. This is much more than what a district saves for each individual student drop in enrollment.

**CAPSS, therefore, proposes the following**

- **That the amount by which a municipality may reduce its MBR per student drop in enrollment be the amount that a district actually saves per student drop in enrollment.**

### **State Budget**

Despite the fact that just about every municipality in CT has received for three years in a row at least a slight increase in its Education Cost Sharing (ECS) Grant and despite that fact that thirty school districts have received over the past two years via the Alliance District program substantial conditional grants targeted on improving student achievement, CT's school districts have not regained the purchasing power that they lost due to five consecutive years of no increases in state funding for education, years during which those districts incurred cost increases of approximately 3%. The result of this has been a gradual decrease in the scope of the educational programs offered to CT's children and in some cases, there has been a decrease in quality as well. This situation must be addressed by an increase in the ECS Program in the next two years which increase will begin to regain for districts the purchasing power that they had seven years ago.

**It is the CAPSS position, therefore, that:**

- **The ECS Program be increased by 4% in 2016-17.**
- **The Alliance District Program continue to be fully funded in 2016-17**

### **Alliance District Funds**

To varying extents, Alliance Districts face the challenge presented when the local municipality does not provide sufficient funds for the basic operation of the school system at the same time that the districts have to use the Alliance District Grant to implement strategies aimed at increasing student achievement. When there aren't sufficient funds to maintain basic school system operations such as maintaining class size, student achievement is impacted negatively and that impact operates against any positive impact that might accrue from the use of Alliance District funds.

This situation is a symptom of the fact that the CT system for funding public education is in need of systemic reform.

**CAPSS, therefore, proposes:**

- **That the State Government initiate an effort to develop and implement an education funding system that is based on the funds required to provide for every child in the state the educational program that each child needs.**
- **That while this new system is being developed:**

- **Municipalities whose school systems receive an increase in Alliance District Funds be required to match in the local appropriation for the school system the Alliance District Fund dollar increase.**
- **Municipalities that receive Alliance District Funds be prohibited from assigning to school system budgets functions that have been included in the local municipality's budget prior to the inception of the Alliance District Program.**
- **Municipalities be prohibited from using Alliance District funds to supplant locally provided financial support for public schools.**

### **Stability of School System Leadership**

The people of CT expect their public education system to address the achievement gap between the state's children who live in poverty and those who do not and the achievement gap between the state's highest performing students and their counterparts internationally. For these problems to be addressed successfully, a transformation of the public education system to a personalized learning structure has to be initiated and completed. For such a transformation to take place at the local district level, there has to be stability of leadership at that level.

It is difficult to maintain stability of leadership when a local board of education is prohibited by law from contracting with a superintendent of schools for more than three years. All the research on institutional change indicates that it takes at least five years to bring about sustainable systemic change. When there is no guarantee that the person who is responsible for leading the change will be there for more than three years, the change process is compromised.

It is also difficult to maintain stability of leadership when local boards of education can terminate the existing contracts of superintendents by using a procedure that embodies *due process* in name only. That procedure is one in which a board votes to consider the termination of a superintendent's contract, holds a hearing on whether to terminate the contract and then, has the right to terminate the contract. In this procedure, the board is at one and the same time, the grand jury that indicts the superintendents and the jury that decides whether the superintendent is guilty.

**CAPSS, therefore, proposes:**

- **That the statutory limit on superintendents' contracts be eliminated and length of contract be a matter on which a local board and a local superintendent come to agreement.**
- **That there be a statutory process for terminating a superintendent's contract and that the process be the following.**
  - **The board votes to consider terminating the superintendent's contract.**
  - **There is a hearing before an impartial arbitrator on whether there are sufficient grounds to terminate the contract.**
  - **The arbitrator issues a finding of fact as to whether there are sufficient grounds for terminating the contract.**
  - **Both the board and the superintendent have to abide with the finding of arbitrator.**

## **District Capacity for Personalized Learning**

The CT Association of Boards of Education (CABE) and the CT Association of Public School Superintendents (CAPSS) believe that local school districts need to be organized around a structure that makes the needs of students the central focal point. CABE and CAPSS further believe that the needs of all students will be met when every child receives a high quality PK – 12 public school education and that, as a result, every child graduates from high school prepared for gainful employment, military service, postsecondary education or advanced training and also graduates prepared for responsible citizenship and full participation in national, state and local democratic institutions.

The two organizations have concluded that if the needs of students are to be the central focal point in an educational system, that system must be personalized. A personalized learning system transforms schooling by providing student voice and choice on what, where, and how students learn in relation to standards-based, world-class knowledge and skills. In this personalized learning system:

- ***Every student*** works closely with teachers to establish goals and the pace for learning, pursues investigations or projects to demonstrate goals, regularly evaluates progress in relation to those goals, and communicates results as an indication of mastery.
- ***Every teacher*** builds professional relationships with every learner to provide expertise, guidance and support in learning content, developing skills, and thinking strategically.
- ***Every learning community*** both within and outside of school offers students opportunity to learn from experience through application in authentic situations.

Acting on these beliefs, CABE and CAPSS have adopted the position that local school districts must be able to achieve economies of scale in order to have the capacity and resources to meet the needs of all the students whom they serve. For this reason, CABE and CAPSS view efforts to personalize learning in CT's public schools as effective strategies for increasing student achievement.

**So that all districts have the capacity to meet the needs of every child whom they serve, CABE and CAPSS, make the following recommendations.**

- **A three year state grant be established whereby school districts and Regional Education Service Centers (RESCS) receive the funds that they need to establish a sufficient number of staff positions and other needed support to implement a personalized learning system. The**



**definition of sufficiency in this regard would be developed by a task force for this purpose and state funds would be provided on a scale whereby 100% of the cost would be granted in the first year of the grant, 67% in the second year and 33% in the third.**

- **The following three year plan be implemented.**

**YEAR ONE – Establish a program which provides financial incentives over five years for districts that choose to do so to establish common functions, including but not limited to common calendars, transportation contracts, health insurance, food service, building and grounds, professional development activities and common curriculum development projects and to regionalize functions including but not limited to human resources, business management, special education management and provision and adoption of common curricula. Realized savings would be reinvested in personnel and resources that support effective instruction.**

**YEAR TWO - Provide incentives to RESCs to identify and/or create programs and student driven activities and services that may be made available to any student in a defined regional area not limited to municipal entities. Provide state funds to cover related costs that are thus incurred.**

**YEAR THREE – Transfer to RESCS with the approval of the local school districts involved responsibilities along with appropriate state funding to serve their catchment areas with multiple programming choices for all children regardless of residence within those areas. This will be done without an undue financial burden placed on local districts or RESCs**

### **Early Childhood Education**

CAPSS, by virtue of the Board of Directors approval of the recommendations contained in the CAPSS Educational Transformation Project Report, has endorsed the proposition that formal schooling for all children should begin when they are three years old. For this reason, CAPSS has supported for the past two years proposals to expand the number of children in CT who are enrolled in pre-school programs. In addition, CAPSS supported the establishment of a Department of Early Childhood at the state level.

Based on this history, CAPSS takes the following positions.

- **The number of children enrolled in pre-school programs in CT should increase every year until every child in the state who is either three or four years of age is enrolled in a high quality educational program.**

## **Use of State Test Results in the Evaluation of Principals and Teachers**

CT's public school systems are implementing a principal and teacher support and evaluation system which specifies growth in student achievement multiply assessed as the most significant factor in the process of rating the performance of principals and teachers. The system further specifies that in the case of all principals and of teachers who teach subjects that are assessed by the state's student testing system, 22.5% of a principal's or teacher's evaluation must be based on the results of state tests.

In school year 2014-15, all CT public school students in grades three through eight and in grade eleven were administered as the state test the assessment system that was developed by the Smarter Balance Assessment Consortium (SBAC). The results of this process were not delivered to school districts until August of 2015, a time when using the results for the evaluation of teachers and principals is difficult to defend.

During school year, 2014-15, a decision was made by the state government to replace SBAC in grade eleven in 2015-16 with another nationally recognized college preparatory assessment. So, SBAC results cannot be used in the evaluation of high school educators in 2015-16.

In addition to all of this, the State Board of Education has charged the Performance Evaluation Advisory Council (PEAC) with the challenge of reviewing the use of all test data, state provided and otherwise, in the teacher and principal evaluation process. That review will take much if not all of school year 2015-16 to be accomplished.

For all of these reasons, it is difficult to support mandating the use of state tests in the evaluation of teachers and administrators for two years beyond 2015-16

**CAPSS, therefore, proposes that school districts be given in school year 2016-17 and 2017-18 the option of not using state test results for evaluation purposes.**

The meeting was adjourned at 11:00 AM.

