



SHIPMAN

2023 Education Legislation Update

Provided by Andy Bellach

New Fairfield Board of Education
October 11, 2023

Agenda

Topics to be discussed



- Statutory Changes Affecting School District Operation
- Statutory Changes Affecting Students
- Statutory Changes Affecting Special Education
- Statutory Changes Affecting Teaching and Curriculum
- Statutory Changes Affecting Employment
- Miscellaneous Statutory Changes Affecting Schools

SHIPMAN

Statutory Changes Affecting School District Operation

New Board Member Required Training

Public Act No. 23-167, Sections 2 and 3

- Requires CSDE to offer annual training to newly elected members of boards of education.
- At a minimum the training program must include:
 - ☒ the role and responsibilities of a board member;
 - ☒ the duties and obligations of a board of education; and
 - ☒ school district budgeting and education finance.
- First-time elected board members must complete the training at a time and manner determined by CSDE, but no later than one year after assuming office.

Board Meeting Agenda and Document Posting

Public Act No. 23-160, Section 6



Requires boards of education to post on their websites and make available for public inspection:

1. meeting agenda for any regular or special board meeting; and
2. any associated documents the board may review at the meeting.

This requirement is in addition to posting requirements under the Freedom of Information Act.

School Indoor Air Quality and HVAC Inspections

Public Act No. 23-167, Sections 43 and 44

Indoor Air Quality



- Connecticut law previously required boards of education to conduct indoor air quality (IAQ) inspections every three years for any school building *constructed, extended, renovated or replaced* on or after January 1, 2003.
- Beginning **January 1, 2024**, the new law requires **uniform** IAQ inspections and evaluations that are conducted:
 1. **annually**
 2. within **each** school building, and
 3. using the EPA's IAQ Tools for Schools Program.

School Indoor Air Quality and HVAC Inspections

Public Act No. 23-167, Sections 43 and 44

HVAC Inspections and Evaluations



- Current law requires that, by January 1, 2024, boards of education conduct HVAC inspections and evaluations:
 1. within each of their school buildings,
 2. every five years, and
 3. in accordance with statutory standards.
- The new law extends the deadline to complete these inspections and evaluations to **January 1, 2025**.

School Indoor Air Quality and HVAC Inspections

Public Act No. 23-167, Sections 43 and 44

HVAC Inspections and Evaluations



- The new law also provides a waiver process if the Department of Administrative Services (DAS) finds that:
 1. there is an insufficient number of certified individuals or engineers to perform the inspection and evaluation, or
 2. the board has scheduled the inspection and evaluation for a date after January 1, 2025.
- Waivers are valid for **one year**.

School Indoor Air Quality and HVAC Inspections

Public Act No. 23-167, Sections 43 and 44

DAS Directive



- The new law also directs DAS to develop a **standard school building**
 1. IAQ reporting form, and
 2. HVAC reporting formfor boards to use when completing the uniform inspections and evaluations.
- Boards will be required to submit completed forms to the DAS.

Optimal Temperature Comfort Range Guidelines

Public Act No. 23-167, Sections 45



- Requires DPH to develop guidelines by **July 1, 2024** on the optimal temperature comfort range of **65 to 80 degrees Fahrenheit** for school buildings and facilities.
- The new law permits a larger comfort range for gymnasiums and natatoriums.

SRO Memorandum of Understanding

Public Act No. 23-167, Sections 72 and 73, as amended by Public Act 23-208, Sections 9 and 10



Conn. Gen. Stat. § 10-16b requires each board of education assigning an SRO to its schools to have a MOU with the SRO's local law enforcement agency outlining the SRO's role and responsibility in the school.

Under the new law, 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.

SRO Memorandum of Understanding

Public Act No. 23-167, Sections 72 and 73, as amended by Public Act 23-208, Sections 9 and 10

The new law requires that SRO 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.

SRO Memorandum of Understanding

Public Act No. 23-167, Sections 72 and 73, as amended by Public Act 23-208, Sections 9 and 10

The new law also requires SROs to 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** they conduct,
- no later than **five school days** after conducting such investigation or behavioral intervention.

SRO Memorandum of Understanding

Public Act No. 23-167, Sections 72 and 73, as amended by Public Act 23-208, Sections 9 and 10

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:
 - ✓ searched,
 - ✓ informed of their constitutional rights,
 - ✓ issued a citation or a summons,
 - ✓ arrested, or
 - ✓ detained and the length of the detainment.

“Investigation or Behavioral Intervention”

“...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.”

Title IX Compliance Toolkit for School Districts

Public Act No. 23-66



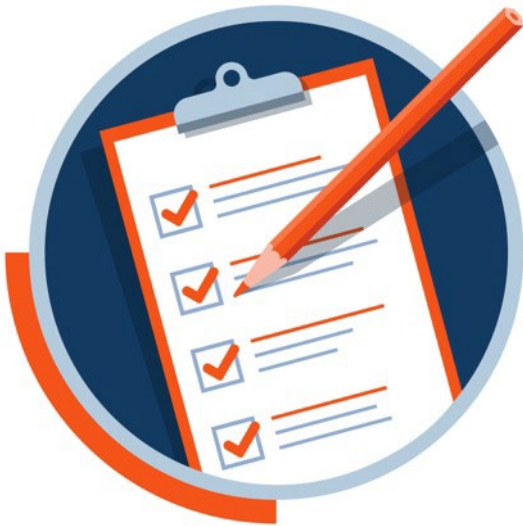
- Requires the *Commission on Women, Children, Seniors, Equity and Opportunity* to convene and lead a working group to identify or develop a Title IX compliance toolkit for boards of education, students, and parents and guardians.
- The toolkit must include:
 - training for school personnel, students, and parents and guardians regarding sexual misconduct and
 - a model antidiscrimination and abuse prevention policy.

CSDE must distribute the toolkit to boards by October 1, 2024.

Title IX Compliance Toolkit for School Districts

Public Act No. 23-66

- Beginning in the **2025-2026 school year**, boards must implement the toolkit.
- Beginning in the **2026-2027 school year**, boards must *annually* submit a Title IX compliance report to CSDE.
- The compliance report must include:
 1. the name and contact information of the district's Title IX coordinator,
 2. the Title IX training offered by the board to school personnel and the frequency of the training,
 3. the district's Title IX policy and any supplemental misconduct policies, and
 4. guidelines or resources, if any, the board provided students, parents, or guardians making Title IX complaints.



Expanding Opioid Antagonist Access

Public Act No. 23-52, Section 12



- Last year, the General Assembly revised state law to allow specified school personnel to maintain and administer opioid antagonists (*e.g.*, Narcan) in an emergency, pursuant to an agreement with a prescriber.
- Under the new law, this agreement may apply to opioid antagonists administered
 - **intranasally** (through the nose) or
 - **orally**.
- The new law also permits boards to install a **secure box** containing opioid antagonists on their premises, pursuant to an agreement with a prescriber.

“Secure Box”

“

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.

”

Boards that install secure boxes must ensure they meet a variety of statutory requirements, including those related to environmental controls, monitoring and disposing of medication, and signage.

Expanding Opioid Antagonist Access

Public Act No. 23-52, Section 12

- Under the new law, boards 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.

SHIPMAN

Statutory Changes Affecting Students

Raising the Kindergarten Starting Age

Public Act No. 23-159, Section 3 as amended by Public Act 23-208, Section 1



- **Beginning July 1, 2024**, in order to enroll in kindergarten, children must turn five years old on or before September 1 of the school year.
- **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.

Currently, the 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.

Bullying and School Climate

Public Act No. 23-167, Sections 47-55, 70-71 and 86-87



Makes significant changes to the statutory provisions related to bullying, including:

1. requiring school districts to implement a new school climate policy and bullying complaint form;
2. redefining previous terms and including new terms associated with the school climate policy;
3. updating the roles of school climate personnel; and
4. establishing a new annual training requirement.

Bullying and School Climate

Public Act No. 23-167, Sections 47-55, 70-71 and 86-87



- Requires CAGE to develop, update and approve a **school climate policy**, which must be adopted by the Social and Emotional Learning and School Climate Advisory Collaborative.

Boards of education

- **must** adopt and implement this new policy by the 2025-2026 school year and
- **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.

Bullying and School Climate

Public Act No. 23-167, Sections 47-55, 70-71 and 86-87



The new law also 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.

“Bullying”

“

Unwanted and aggressive behavior among children in grades kindergarten to twelve, inclusive, that involves a real or perceived power imbalance.

”

“Challenging Behavior”

“

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.

”

New Annual Training Requirements

Public Act No. 23-159, Sections 47-55, 70-71 and 86-87



- Beginning in the 2024-2025 school year, boards must 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

Public Act No. 23-167, Section 74



For the school year commencing July 1, 2025, each board of education must 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 SROs or other law enforcement officials, unless the behavior or conflict becomes violent or criminal.

SHIPMAN

Statutory Changes Affecting Special Education

Age for Special Education Eligibility






Public Act No. 23-137, Sections 32-37



- Last year, the General Assembly required boards of education to provide special education to qualifying students until they reached the age of 22, rather than 21.
- Now, boards of education must provide special education **until an eligible student graduates high school or until the end of the school year in which the student reaches age 22, whichever occurs first.**

Statewide Transition Services Coordinator

Public Act No. 23-137, Section 26

- Requires CSDE to employ a Statewide Transition Services Coordinator and Assistant Transition Services Coordinator within the Bureau of Special Education.
- Among other duties, the Statewide Transition Services Coordinator will be responsible for:
 -  Coordinating the provision of transition resources, transition services, and public transition programs throughout the state in collaboration with other state agencies,
 -  Establishing minimum standards for and performing unannounced site visits of public transition programs,
 -  Performing unannounced site visits of public transition programs to determine the effectiveness of and suggest improvements to such programs,
 -  Developing a course for educators and staff who do not provide transition services about transition services and programs, and
 -  Establishing minimum standards for training of district transition coordinators.

“Transition Coordinator”

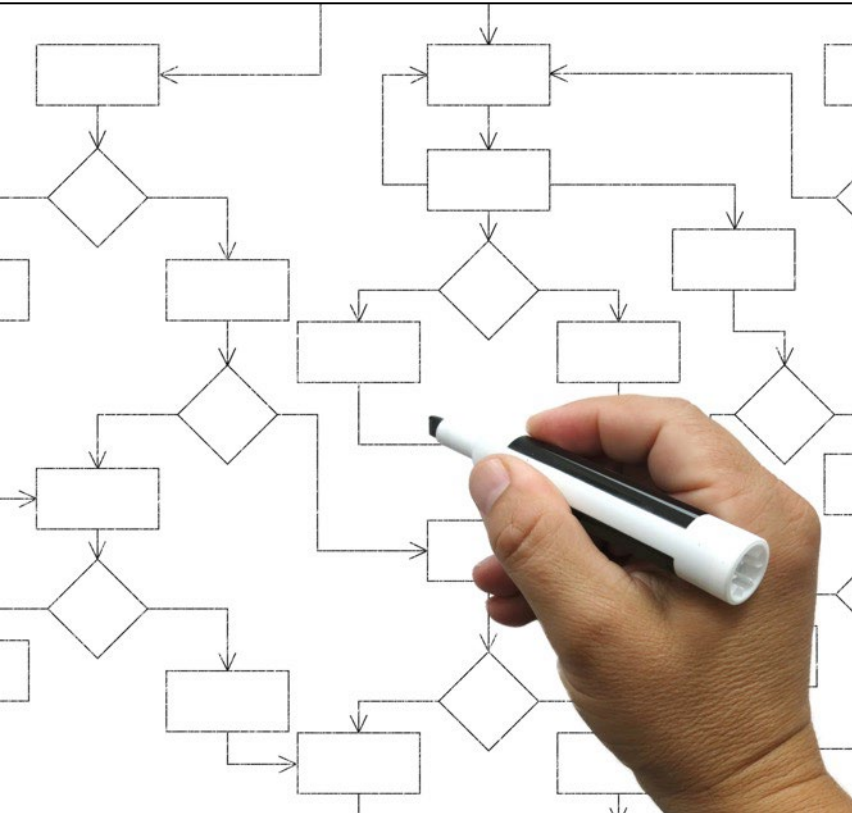
“

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.

”

District Transition Coordinator

Public Act No. 23-137, Section 31



By January 1, 2024, boards of education must designate a **transition coordinator**, who must:

- Complete a prescribed training program within 3 years of when the training program commences, or within 1 year of being appointed transition coordinator, if appointed after the training program commences; and
- Ensure parents receive information about transition resources, transition services, or public transition programs and are aware of the eligibility requirements and application details.

The transition coordinator may be the director of pupil personnel or another employee.

Information Provided to Parents Regarding Special Education

Public Act No. 23-137, Sections 47 and 52

A Parent's Guide to Special Education in Connecticut



Expands the information that must be provided to parents upon the formal identification of any child and at each PPT meeting to include:

- Plain-language resources developed by CSDE regarding the hearing and appeals process,
- Information regarding free and low-cost legal assistance, and
- The Parent's Guide to Special Education in Connecticut developed by CSDE.

Information Provided to Parents Regarding Special Education

Public Act No. 23-137, Section 39



Requires the district, at the first PPT meeting after a special education student reaches age 14, to provide information to the child and parent

- about the full range of decision-making supports, including alternatives to guardianship and conservatorship; and
- the plain-language online resources developed by CSDE regarding decision-making options once the student is 18.

The responsible board of education must continue to provide such information **annually** thereafter.

Information Provided to Students Regarding Special Education and Section 504

Public Act No. 23-137, Sections 51 and 52



Requires CSDE to develop, by January 1, 2024, an informational handout for students explaining what it means to have an IEP or Section 504 plan and associated student rights in the classroom.

- Boards must provide this handout to a child with an IEP or Section 504 plan at the beginning of each school year.
- Boards must also annually provide at the beginning of the school year the Parent's Guide to Special Education and rights and resources available to children in the provision of special education.

The informational handout must be **age appropriate**, and CSDE must develop **three different versions** for various grade levels, each translated into specified languages.

In-Service Training on Special Education

Public Act No. 23-137, Section 29



Expands current in-service training requirements for teachers and administrators to include:

- Training on laws governing implementation of PPT meetings and concerning Section 504 plans, and
- An annual update of new state and federal policies concerning special education, recommendations, and best practices.

Special Education Program Audits

Public Act No. 23-137, Section 48



Requires CSDE to **conduct audits** of special education programs in randomly selected school districts each year.

- The audit must include:
 - Interviewing teachers, staff and parents of children requiring special education;
 - Conducting unannounced on-site visits to observe classroom practices; and
 - Reviewing IEPs.

SHIPMAN

Statutory Changes Affecting Teaching and Curriculum

Implementation of Reading Models or Programs



Public Act No. 23-167, Sections 20-23



- In 2021, the General Assembly authorized CSDE to **oversee reading programs** in public schools, mandating that boards of education implement one of five recommended reading curriculum models or programs for pre-kindergarten to third grade.
- The new law requires that CSDE **approve, not just recommend**, such models or programs for kindergarten (rather than pre-kindergarten) through third grade.

Implementation of Reading Models or Programs

Public Act No. 23-167, Sections 20-23

- Under the new law, *boards 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 school year, and
 -  **Fully implement** an approved model or program beginning July 1, 2025 and each school year thereafter.
- Beginning July 1, 2024, *boards that have been granted a waiver* must begin implementing the alternative model or program in accordance with the waiver provisions.
- Boards now have until July 1, 2024 to inform CSDE of the model or program they are implementing.
 - They are then required to notify CSDE every two years.

Play-Based Learning During Preschool, Kindergarten, and Grades One to Five

Public Act No. 23-159, Section 4 & Public Act No. 23-101, Section 20



- Requires boards of education, beginning July 1, 2024, 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.

Play-based learning for kindergarten and preschool students *must*

- (1) be incorporated and integrated into daily practice;
- (2) allow for students' needs to be met through free play, guided play, and games; and
- (3) be predominantly free from the use of mobile electronic devices.

Play-Based Learning During Preschool, Kindergarten, and Grades One to Five

Public Act No. 23-159, Section 4 & Public Act No. 23-101, Section 20



- 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.
- Play-based learning for students in grades one to five
 - *may* be incorporated and integrated into daily practice and
 - *must* (1) allow for students' needs to be met through free play, guided play, and games, and (2) be predominantly free from using mobile electronic devices.

Beginning July 1, 2024, the new law adds play-based learning to the professional development requirements for teachers of preschool, kindergarten, and grades one through five.

“Play-Based Learning”

“

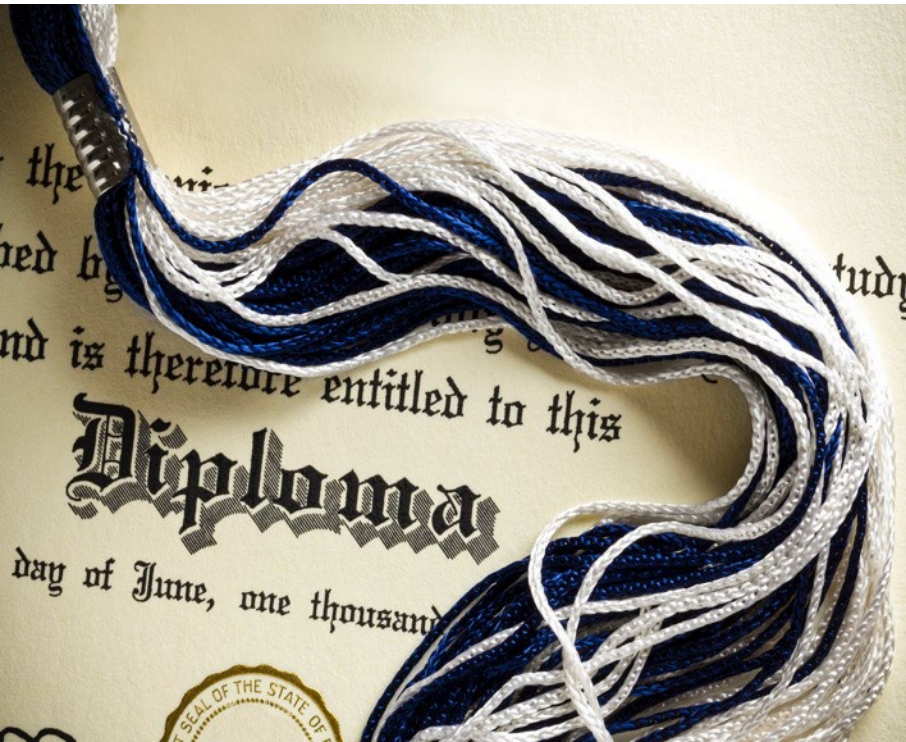
A pedagogical approach that emphasizes play in promoting learning and includes developmentally appropriate strategies that can be integrated with existing learning standards.

”

The term does not mean time spent in *recess* or as part of a *physical education* course or instruction.

Mastery-Based Diploma Assessment

Public Act No. 23-21, Section 1, as amended by Public Act No. 23-204, Section 319



- Amends the requirements for classes graduating in 2024 and beyond to **allow** boards of education to require a student to complete **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.

SHIPMAN

Miscellaneous Statutory Changes Affecting Schools

Recycling of Organic Material

Public Act No. 23-170, Section 5



Beginning January 1, 2025, requires any public educational facility that generates an average projected volume of 26 tons or more per year of source-separated organic materials to:

- separate such source-separated organic materials from other solid waste; and
- ensure that such source-separated organic materials are recycled at any authorized source-separated organic material composting facility.

Recycling of Organic Material

Public Act No. 23-170, Section 5



On or before March 1, 2025 and annually thereafter, each public educational facility that is subject to the new law must 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.

Intellectual and Developmental Disabilities Awareness and Advocacy Day

Public Act No. 23-137, Section 17



- 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 must be held in the State Capitol and in public schools on May 23 or, if that day is not a school day, on the school day preceding, or on any other day the board of education prescribes.

Medicaid Reimbursement for School-Based Mental Health Assessments

Public Act No. 23-101, Section 9



- Requires DSS to provide Medicaid reimbursement for suicide risk assessments and other mental health evaluations and services provided at school-based health centers or public schools.

Connect With Us:



Andy Bellach

Shipman & Goodwin LLP

203-324-8100

Abellach@goodwin.com



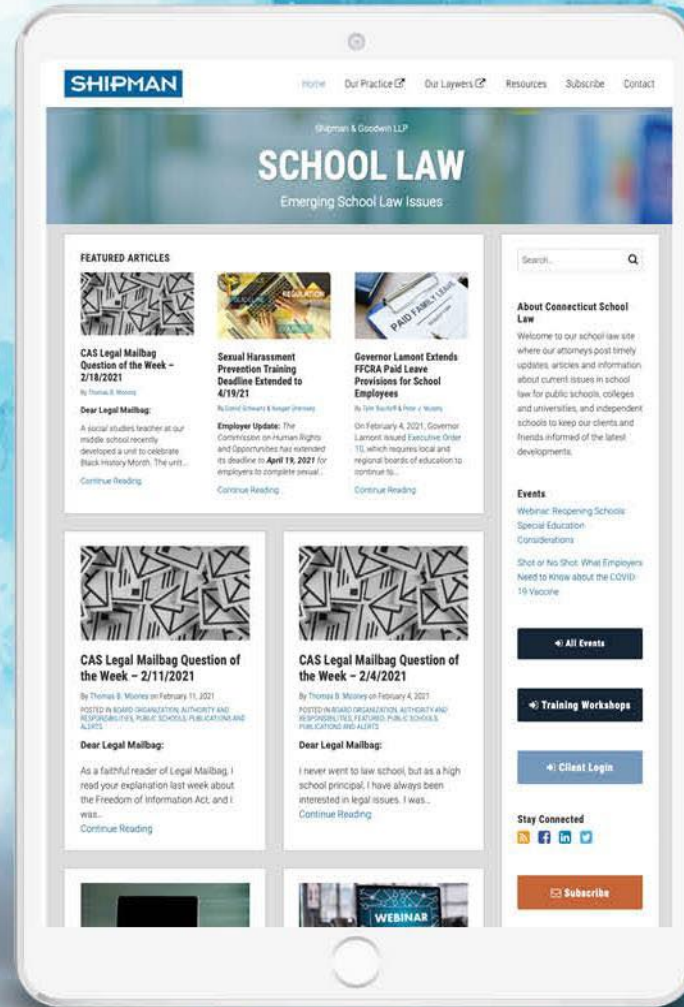
@ShipmanGoodwin



shipmangoodwin



shipman-&-goodwin-llp



ctschoollaw.com

Our site dedicated to emerging school issues

Subscribe

to receive updates
ctschoollaw.com/subscribe

Questions?



Thank you for joining us!

These materials have been prepared by Shipman & Goodwin LLP for informational purposes only. They are not intended as advertising and should not be considered legal advice. This information is not intended to create, and receipt of it does not create, a lawyer-client relationship. Viewers should not act upon this information without seeking professional counsel.

© Shipman & Goodwin LLP 2023. All rights reserved.

SHIPMAN