

# 2022 EDUCATION LEGISLATION SUMMARY

*A Shipman & Goodwin LLP™ Legislation Summary*



*In its 2022 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. Links to the new legislation are provided in the electronic version of this publication.*

## STATUTORY CHANGES RELATED TO MENTAL AND PHYSICAL HEALTH SERVICES IN SCHOOLS

### [Peer-to-Peer Mental Health Support Program](#)

Sections 34 through 36 of [Public Act 22-47](#) require the Department of Children and Families (“DCF”), in collaboration with the Connecticut State Department of Education (“CSDE”), to develop, by January 1, 2023, a peer-to-peer mental health support program and make such program available to, among others, boards of education. The peer-to-peer mental health support program must provide services to assist students in grades six through twelve with problem solving, decision-making, conflict resolution, and stress management. Beginning January 1, 2023, DCF, in collaboration with the CSDE, is required to provide training to designated staff members concerning the program’s implementation and student instruction, guidance, and supervision. Beginning with the 2023-2024 school year, boards of education may begin administering the program to participating students in grades six through twelve. The superintendent for each district administering the program must select at least one “designated staff member” (defined as a teacher, school administrator, guidance or school counselor, psychologist, social worker, nurse, physician, or school paraeducator employed by a board of education or working in a public middle or high school) to complete the DCF/CSDE training.

### [Regional Student Trauma Coordinators and Trauma-Informed Care Training Program](#)

Sections 17 and 18 of [Public Act 22-47](#) direct each Regional Educational Service Center (“RESC”), for the fiscal years ending June 30, 2023 and June 30, 2024, to hire an individual to serve as the regional trauma coordinator for the RESC (“Coordinator” or “Coordinators”). The Coordinators for each RESC are required to jointly develop and implement a trauma-informed care training program (“Training Program”). The Coordinators must attempt to design such Training Program in a manner such that it can be included as part of a board of education’s in-service training program. A board of education may enter into an agreement with the Coordinator to provide the Training Program as part of the in-service training program for the school district. In addition, the Coordinator will be responsible for: providing technical assistance to boards of education that are members of the RESC in implementing the Training Program; training school mental

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health specialists to be the trainers under the Training Program; and ensuring that such trainers are properly training teachers, administrators, school staff, and coaches under the Training Program. Further, the Coordinator must offer the Training Program at no cost to school mental health specialists employed by the RESC member boards of education.

## [Mental Health Plan for Student Athletes](#)

Sections 3 and 4 of [Public Act 22-81](#) require the CSDE to establish, by July 1, 2023 and in collaboration with the authorities governing intramural and interscholastic athletics, a mental health plan for student athletes to raise awareness about available mental health resources. The plan must cover: (1) access to the school district's mental health services team; (2) screening and recognizing appropriate referrals for student athletes; (3) communication among mental health services team members; (4) management of the administration of medication for student athletes; (5) crisis intervention services; (6) mitigation of risk to student athletes; and (7) transition care for student athletes leaving athletics due to graduation, dismissal, or suspension. The Act requires the CSDE to post the plan on its website and provide technical assistance to boards of education implementing the plan, which implementation must begin in the 2023-2024 school year.

## [Family Care Coordinators](#)

Beginning in the 2022-2023 school year, Section 8 of [Public Act 22-81](#) requires each board of education to hire or designate an existing employee to serve as the school district's family care coordinator. Under the Act, the family care coordinator must work with school social workers, school psychologists, and school counselors in the district and serve as the school district's liaison with mental health service providers to provide "students with access to mental health resources in the community bringing mental health services to students inside of the school."

## [Children's Mental Health Day](#)

Sections 10 and 11 of [Public Act 22-81](#) require the Governor to proclaim May 26 of each year to be "Get Outside and Play for Children's Mental Health Day" to raise awareness about children's mental health and the positive effect that being outdoors has on children's mental health and wellness. The Act requires that suitable exercises be held in the State Capitol and in the public schools on that day or, if that day is not a school day, on the prior school day, or on any day the board of education prescribes. The Act also requires the CSDE, starting with the 2022-2023 school year, to provide annual notice to boards of education about the designated day, including any suggestions or materials for suitable exercises that may be held to observe Get Outside and Play for Children's Mental Health Day.

## [Student Identification Cards](#)

Section 28 of [Public Act 22-47](#) requires each board of education, beginning in the 2023-2024 school year, to include the 9-8-8 National Suicide Prevention Lifeline number on the student identification card distributed to students in grades six through twelve. If the 9-8-8 number has not been operational for more than one year before the 2023-2024 school year begins, then the Act postpones the requirement that the number be included on student identification cards until a future school year immediately after the number has been operational for 366 days.

## [Opioid Antagonists in Schools](#)

Connecticut General Statutes § 10-212a addresses the administration of medication in schools and generally requires a written order of a qualified medical professional and the written authorization of a parent or guardian before medication can be administered to a student. Sections 7 through 9 of [Public Act 22-80](#) make a number of changes to this law, and allow school nurses or, in their absence, qualified school employees, to maintain and administer opioid antagonists, on an emergency basis and without prior written authorization, to students experiencing opioid-related drug overdoses, provided certain requirements are met. By law, an “opioid antagonist” means naloxone hydrochloride (e.g., Narcan) or any other similarly acting and equally safe drug that the Food and Drug Administration has approved for the treatment of drug overdose.

Under the Act, a school nurse or principal must select qualified school employees to administer an opioid antagonist and at least one of them must be on school grounds during regular school hours when the school nurse is not on school grounds. A “qualified school employee” is a principal, teacher, licensed athletic trainer, coach, school paraprofessional, or licensed physical or occupational therapist employed by a board of education. Such qualified school employee may administer an opioid antagonist when the school nurse is absent or unavailable.

A school nurse or qualified school employee administering an opioid antagonist must do so in accordance with the board of education’s policies and procedures regarding the administration of medication, which boards are required to adopt and should update, in accordance with the Act.

The new provisions permit a school nurse or qualified school employee to distribute and/or administer an opioid antagonist only after completing a training in its distribution and administration (1) offered by the CSDE, Department of Consumer Protection (“DCP”), and Department of Public Health (“DPH”), or (2) under an agreement with a prescribing practitioner or pharmacist. The Act requires any agreement with a prescribing practitioner or pharmacist to address the board of education’s opioid antagonist storage, handling, labeling, recalls, and record keeping. In addition, the prescribing practitioner or pharmacist must train the individuals who will distribute or administer opioid antagonists under the agreement. The Act’s provisions allowing boards of education to enter into local agreements with prescribing practitioners or pharmacists become effective on July 1, 2022.

Similar to the provisions of Connecticut law regarding the emergency administration of epinephrine, the Act prohibits schools from administering opioid antagonists to a student if the student’s parent or guardian has submitted a request in writing that an opioid antagonist shall not be administered to such student. Such request may be submitted to the school nurse or school medical advisor, if any.

In addition, the Act requires the DCP, in collaboration with the CSDE and for the 2022-2023 school year, to provide information to boards of education regarding where boards can acquire opioid antagonists. The information must include the name and contact information of any opioid antagonist manufacturers that provide the medication at no cost to school districts. The Act further requires the CSDE, in consultation with the DCP and DPH and by October 1, 2022, to develop guidelines for boards of education regarding storing and administering opioid antagonists in schools.

## [Survey Concerning School Social Workers, Psychologists, Counselors, Nurses and Licensed Marriage and Family Therapists](#)

Section 3 of [Public Act 22-80](#), as revised by Section 6 of [Public Act 22-116](#), requires the CSDE to develop and distribute, by July 1, 2023, a survey that boards of education must complete annually regarding the number of

school social workers, school psychologists, school counselors, school nurses, and licensed marriage and family therapists that they employ. The survey must also include information concerning (1) the number of each of these types of professionals assigned to each school (or, in the case of licensed marriage and family therapists, the number employed by the board); (2) whether they are assigned solely to one school or multiple schools; (3) if any of these professionals provide services to more than one board of education, the geographic area such professionals cover; and (4) an estimate of the number of students receiving direct services from each of the five types of professionals during the five-year period before the survey is completed. Beginning with the 2023-2024 school year, and for each year thereafter, each board of education must complete the survey and submit it to the Commissioner of Education.

The Act also requires the Commissioner of Education to calculate, for each school district and each school, the student-to-professional ratio for each of these five categories of professionals. Beginning January 1, 2024, and annually thereafter, the Commissioner must report the survey results and ratios to the Children and Education Committees of the Connecticut General Assembly.

### [Survey Concerning School Mental Health Specialists](#)

Section 12 of [Public Act 22-47](#) requires the Commissioner of Education, not later than July 1, 2023 and annually thereafter, to develop and distribute a survey to boards of education concerning the employment of school mental health specialists by the board of education. The term “school mental health specialist” is defined in the Act as any person employed by a board of education to provide mental health services to students and includes, but is not limited to, a (1) school social worker, (2) school psychologist, (3) trauma specialist, (4) behavior technician, (5) board certified behavior analyst, (6) school counselor, (7) licensed professional counselor, and (8) licensed marriage and family therapist employed by the board. The survey is required to include, among other things, questions regarding the total number of school mental health specialists in the school district; the total number of school mental health specialists assigned to each school; and an estimate of the annual number of students who have received direct services from each individual school mental health specialist during the five-year period preceding completion of the survey. Boards of education are required to complete the survey beginning in the 2023-2024 school year and annually thereafter.

### [Connecticut School Health Survey](#)

Sections 1 through 3 of [Public Act 22-87](#) require the DPH, beginning in the 2022-2023 school year and biennially thereafter, to administer the Connecticut School Health Survey to students in grades nine through twelve, provided DPH receives funding for such survey from the Centers for Disease Control and Prevention (“CDC”). The DPH will provide guidelines to boards of education regarding the administration of the survey to high schools randomly selected by the CDC, and boards of education must then administer the survey in accordance with the provided guidelines. The Act further requires the CSDE, by January 1, 2023 and in consultation with DPH, to develop a uniform parental notification policy and form for boards of education to use in administering the survey. The Act further specifies, among other things, that parents must have the opportunity to exclude their children from participating in the survey and that the survey must be anonymous.

### [New Grant Program for Hiring School Social Workers, Psychologists, Counselors, Nurses and Licensed Marriage and Family Therapists](#)

Sections 4 and 5 of [Public Act 22-80](#), as revised by Sections 7 and 8 of [Public Act 22-116](#), require the CSDE to administer a program, for the fiscal years ending June 30, 2023 through June 30, 2025, to provide grants for boards

of education to hire and retain school social workers, school psychologists, school counselors, school nurses, and licensed marriage and family therapists. Applications must be filed in a manner determined by the Commissioner of Education and must include a copy of the completed survey described in Section 3 of Public Act 22-80 and a plan for the expenditure of grant funds. At a minimum, such plan must include: (1) the number of additional school social workers, school psychologists, school counselors, school nurses or licensed marriage and family therapists to be hired; (2) the number of each of the five types of professionals being retained who were previously hired with the assistance of these grant funds; (3) whether each of the five types of professionals will conduct student assessments or provide services to students based on assessment results; and (4) the type of the services to be provided.

In awarding grants, the Commissioner must give priority to school districts (1) with large student-to-professional ratios for any of the five types of professionals identified by the grant or (2) that have a high volume of student utilization of mental health services. For the fiscal year ending June 30, 2023, the Commissioner may award a grant to an applicant and shall determine the amount of the grant award based on the plan submitted by such applicant. For the fiscal year ending June 30, 2024, the amount of the grant shall be the same amount as the grant awarded for the prior fiscal year, and for the fiscal year ending June 30, 2025, the amount of the grant shall be seventy percent of the amount awarded for the prior fiscal year. Grant recipients must file annual expenditure reports with the CSDE and refund any amounts of the grant not expended at the close of the fiscal year in which the grant was awarded and/or not expended as required under the grant application plan.

### [New Grant Program for Hiring Student Mental Health Specialists](#)

Section 13 of [Public Act 22-47](#), as amended by section 10 of [Public Act 22-116](#), requires the CSDE to administer a program to provide grants in the fiscal years ending June 30, 2023 through June 30, 2025 to boards of education for hiring school mental health specialists, as defined in Public Act 22-47. The Act allows the CSDE to accept private source or state agency funds and gifts, grants, and donations, including in-kind donations, to support this grant program. Boards of education may file grant applications with the CSDE beginning on January 1, 2023. The Act details the specific requirements for the application process and fund distribution, which are similar if not identical to the requirements for the grant funding identified previously for the hiring of school social workers, psychologists, counselors, nurses and licensed marriage and family therapists. If a board of education receives a grant for the hiring of a school counselor, such school counselor is required to provide one-on-one consultations with each student in grades eleven and twelve on the completion of the Free Application for Federal Student Aid (“FAFSA”). If the board can provide evidence to the Commissioner of Education that the student completion rate of the FAFSA for the school district has increased by at least five percent, then the board shall receive an additional grant in the amount of ten percent of the grant received for the fiscal year in which the board provided such evidence.

### [New Grant Program for Delivery of Student Mental Health Services](#)

Section 14 of [Public Act 22-47](#) requires the CSDE to administer a program to provide grants in the fiscal years ending June 30, 2023 through June 30, 2025 to boards of education, youth camps, and other summer program operators for delivery of student mental health services. It allows the CSDE to accept funding sources to support the program’s administration including private source or state agency funds and gifts, grants, and donations, including in-kind donations. Boards of education may file grant applications with the CSDE beginning on January 1, 2023. The Act explains the specific requirements for the application process and fund distribution, which are similar if not identical to the grant programs for school mental health specialists.

## [School-Based Health Center Expansion Grant Program](#)

A school-based health center (“SBHC”) is a comprehensive primary care facility located in or on the grounds of a school or school district, and is organized through school, community and health provider relationships. Section 12 of [Public Act 22-80](#) directs DPH to administer a SBHC expansion grant program for the fiscal year ending June 30, 2023 to provide grants to certain operators of SBHCs to expand the centers and the services they provide. Under the Act, applicants are eligible for a program grant if they operate a SBHC for any of the (1) thirty-six sites recommended for expanded mental health services in the School-Based Health Center Expansion Working Group’s final report or (2) one hundred twenty-four schools recommended for expanded SBHC medical and mental health services in the final report. The Act directs DPH to prioritize awarding grants to operators that provide services after regular school hours. To apply, eligible operators must submit, in collaboration with the board of education for the district in which the SBHC is located, an application in a manner prescribed by DPH.

## [Human Services Permit Study](#)

Section 6 of [Public Act 22-80](#) requires the CSDE to study the feasibility of creating a temporary human services permit to allow individuals who have specialized training, experience or expertise in social work, human services, psychology or sociology, but do not meet certification requirements under the general statutes, to work in a public school in order to respond to a school district’s emergency need. The Act outlines the components of the study, directs the CSDE to consult with various stakeholders, and requires the CSDE to submit a report with recommendations to the Education Committee by January 1, 2024.

## [Student Trauma Assessment Added to the Strategic School Profile](#)

Existing law requires boards of education to annually submit to the CSDE a strategic school profile that, among other things, provides information on measures of student needs. Section 20 of [Public Act 22-47](#) requires boards of education to include, as part of this category, a needs assessment that identifies resources necessary to address student trauma impacting students and staff in each school and adequately respond to students with mental, emotional, or behavioral health needs.

## [Telehealth](#)

Last year, the General Assembly passed legislation temporarily allowing certain out-of-state authorized telehealth providers to practice telehealth in Connecticut under certain conditions until June 30, 2023. Sections 30, 32, and 33 of [Public Act 22-81](#) extend this date until June 30, 2024. Providers addressed by this Act include, among others: art therapists, athletic trainers, audiologists, behavior analysts, clinical and master social workers, marital and family therapists, music therapists, occupational or physical therapists, professional counselors, psychologists, registered nurses, and speech and language pathologists. The Act also extends the responsibility of Connecticut entities contracting with out-of-state telehealth providers to verify the providers’ credentials and confirm they have professional liability insurance or other indemnity against professional malpractice in an amount at least equal to that required for Connecticut health providers.

Beginning July 1, 2024, the Act permanently authorizes certain out-of-state mental and behavioral health service providers to practice telehealth in Connecticut under certain conditions. Among other things, the providers must be appropriately licensed, certified or registered in another U.S. jurisdiction; practice within their professional scope of

practice and standards of care; and maintain professional liability insurance or other indemnity against professional malpractice in an amount at least equal to that required for Connecticut health providers. Providers covered by this Act include, but are not limited to: registered nurses, psychologists, marital and family therapists, clinical or master social workers, professional counselors, behavior analysts, and music or art therapists.

Sections 32, 34 and 38 of [Public Act 22-81](#) further address the temporary expansion of telehealth service delivery requirements. Boards of education seeking to contract with providers for telehealth services are advised to familiarize themselves with the statutory requirements before engaging such providers.

Section 42 of [Public Act 22-81](#) enters Connecticut into the Psychology Interjurisdictional Compact, which provides a process authorizing psychologists to practice by (1) telehealth (for an unlimited number of days) and (2) temporary in-person, face-to-face services (for up to 30 days per calendar year) across state boundaries, without requiring psychologist licensure in each state. A psychologist can apply for authorization for either or both types of interjurisdictional practice under the compact.

This summary represents a brief overview of changes to Connecticut's telehealth laws this year. A comprehensive analysis of all revisions to the telehealth laws in Connecticut is beyond the scope of this 2022 Education Legislation Summary; however, please contact any attorney in our practice if you require additional information.

## STATUTORY CHANGES AFFECTING STUDENTS

### [Student Truancy and Behavioral Health Interventions](#)

Boards of education are already required to adopt policies and procedures containing specific requirements concerning truant students. Section 16 of [Public Act 22-47](#) further requires that boards of education include the following additional requirements in their policies and procedures concerning truant students: (1) on or before September 1, 2023, a truancy intervention model developed by the CSDE that accounts for mental and behavioral health, or a similar truancy intervention plan that meets the requirements of Conn. Gen. Stat. § 10-198e, as amended by [Public Act 22-47](#); (2) provision of notice to the parent or guardian of a child who is truant of the information concerning the existence and availability of the 2-1-1 Infoline program, and other pediatric mental and behavioral health screening services and tools described in Conn. Gen. Stat. § 17a-22r<sup>1</sup>; and (3) on and after July 1, 2023, a requirement that an appropriate school mental health specialist, as defined in Section 12 of the Act, conduct an evaluation of each child who is a truant to determine if additional behavioral health interventions are necessary for the well-being of the child. Section 21 of [Public Act 22-47](#) requires the CSDE, not later than September 1, 2023, to develop the truancy intervention model that accounts for mental and behavioral health discussed above and, in collaboration with DCF, to issue guidance to boards of education on best practices relating to intervention in certain behavioral health situations and when it is appropriate to contact the 2-1-1 Infoline program or use alternative interventions.

### [Special Education Disability Terminology](#)

Section 67 of [Public Act 22-47](#) requires the CSDE and boards of education to use the term “emotional disability” instead of “emotional disturbance” when administering and providing special education. The term “emotional disability” shall have the same meaning as “emotional disturbance” in the Individuals with Disabilities Education Act (“IDEA”).

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<sup>1</sup> The Public Act identifies this statute as Conn. Gen. Stat. § 17a-22r; however, the correct reference is to 17a-22r.

## [Raising the Special Education Age Limit](#)

Section 31 of [Public Act 22-80](#) revises Conn. Gen. Stat. § 10-76a to define “child” as a person under 22 years of age and, in effect, requires boards of education to provide special education services to qualifying students until they reach the age of 22, rather than 21.

## [Access to Student Class Rank](#)

Current law allows any minor student’s parent or legal guardian to request access to educational, medical, or similar records maintained in the student’s record, so long as the information is not privileged under state law. Section 2 of [Public Act 22-116](#) adds access to the student’s class rank.

## [Withholding Time Devoted to Physical Exercise as a Form of Student Discipline](#)

Connecticut General Statutes § 10-221o requires each board of education to include at least twenty minutes for physical exercise in each regular school day for students enrolled in elementary school, except as determined by a Planning and Placement Team (“PPT”) in accordance with the IDEA. Current law also allows boards of education to include an additional amount of time, beyond the twenty minutes required for physical exercise, devoted to undirected play during the regular school day for elementary school students.

For the school year beginning July 1, 2022, and for each school year thereafter, Section 9 of [Public Act 22-81](#) revises Conn. Gen. Stat. § 10-221o’s requirement for board policies concerning employees involved in preventing a student from participating in the entire time devoted to physical exercise or undirected play as a form of discipline. The Act requires each board of education to adopt a policy regarding when, as a form of discipline, a school employee may prevent or otherwise restrict a student from participating in the entire time devoted to physical exercise in the regular school day. Such policy must allow school employees to prevent or restrict such time when (1) a student poses a danger to the health or safety of other students or school personnel, or (2) it is limited to the shorter period if there are two or more periods devoted to physical exercise, so long as the student is allowed to participate in at least twenty minutes of physical activity during the school day. The policy may only permit such prevention or restriction once during a school week, unless the student is a danger to the health or safety of other students or school personnel. Additionally, the policy must not (1) include provisions that are unreasonably restrictive or punitive, or (2) allow prevention or restriction of time devoted to physical exercise if a student does not complete their work on time or as a result of the student’s academic performance. The policy must also distinguish between discipline that (1) is imposed before the time devoted to physical activity begins and discipline imposed during such period and (2) (a) prevents or otherwise restricts a student from participating in the physical activity period prior to when such time begins and (b) uses methods to redirect a student’s behavior during the time devoted to physical exercise.

## [Menstrual Products Available in Student Bathrooms](#)

Section 84 of [Public Act 22-118](#) requires boards of education, beginning September 1, 2023, to provide free menstrual products in women’s restrooms, all-gender restrooms, and at least one men’s restroom. Such restrooms must be accessible to students in grades three through twelve, in each school under the jurisdiction of the board. The provision of such products must be done in a manner that does not stigmatize any student seeking menstrual products, pursuant to guidelines that are to be established by the Commissioner of Public Health and posted on the DPH’s website. Boards of education may accept donations of menstrual products and grants from any source for the purpose of purchasing such products, and may partner with a nonprofit or community-based organization.

## [Model Student Work Release Policy](#)

The Office of Workforce Strategy (“OWS”) is a division of the Department of Economic and Community Development and serves as the administrative staff to the Governor’s Workforce Council. Section 160 of [Public Act 22-118](#) requires the OWS’ Chief Workforce Officer, in consultation with the Commissioner of Education, the executive director of the Technical Education and Career System and the Labor Commissioner, to develop, by July 1, 2023, a model student work release policy. Beginning with the 2024-2025 school year and each school year thereafter, boards of education must adopt this model work release policy.

## STATUTORY CHANGES AFFECTING SCHOOL DISTRICT OPERATION

### [Paraeducator Professional Development](#)

Section 257 of [Public Act 22-118](#) requires, beginning with the 2022-2023 school year, and each school year thereafter, each paraeducator employed by the board of education to participate in a program of professional development. This annual program of professional development must be made available by the board of education at no cost to the paraeducator. The program must be at least eighteen hours in length, with a preponderance of time spent in a small group or individual instructional setting. The professional development program must (1) be a comprehensive, sustained and intensive approach to improving paraeducator effectiveness in increasing student knowledge achievement; (2) focus on refining and improving various effective instruction methods that are shared between and among paraeducators; (3) foster collective responsibility for improved student performance; and (4) include training in culturally responsive pedagogy and practice. The program must also be comprised of professional learning that (1) is aligned with rigorous state student academic achievement standards; (2) is conducted among paraeducators at the school and facilitated by principals, coaches, mentors, distinguished educators, or other appropriate teachers; (3) occurs frequently on an individual basis or among groups of paraeducators in a job-embedded process of continuous improvement; and (4) includes a repository of best practices for instruction methods developed by paraeducators within each school that is continuously available to such paraeducators for comment and updating. The principles and practices of social-emotional learning and restorative practices must be integrated throughout the components of the program.

Boards of education must also offer professional development activities to paraeducators as part of a paraeducator’s professional development plan. These professional development activities may be made available directly by a board of education, through a RESC or cooperative arrangement with another board, or through arrangements with any CSDE-approved professional development provider. The activities must be consistent with any goals the paraeducators and boards of education identified.

Further, under Conn. Gen. Stat. § 10-220a(b), boards of education are required to establish a professional development and evaluation committee. Section 258 of [Public Act 22-118](#) requires, beginning in the 2022-2023 school year, the professional development and evaluation committee to develop, evaluate, and annually update a comprehensive local professional development plan for paraeducators of the school district.

### [Remote Learning](#)

Last year, the General Assembly passed legislation allowing boards of education to authorize remote learning, for the school year beginning July 1, 2022, for students in grades nine through twelve, if school districts (1) provide instruction

in compliance with the CSDE's standards for remote learning, and (2) adopt a policy regarding the requirements for student attendance during remote learning. The legislation further required such attendance policy to comply with the CSDE attendance guidance and count as "in attendance" any student who spends at least one-half of the school day during such instruction engaged in virtual classes, virtual meetings, activities on time-logged electronic systems, and completing and submitting assignments.

This year, pursuant to Section 25 of [Public Act 22-80](#), the General Assembly expanded the authority of boards of education to permit remote learning for students in grades kindergarten through twelve, beginning with the 2024-2025 school year. School districts that choose to provide remote learning must: (1) instruct in compliance with the CSDE's standards for remote learning, and (2) adopt a policy on student attendance requirements during remote learning, which must comply with the Commissioner's guidance and the attendance requirements described above.

The definition of remote learning, "instruction by means of one or more Internet-based software platforms as part of a remote learning model," remains unchanged. However, effective July 1, 2022, the Act now requires districts to prohibit dual instruction, defined as "the simultaneous instruction by a teacher to students in-person in the classroom and students engaged in remote learning," as part of a remote learning model. Boards of education should be mindful that remote instruction may be required by other laws (e.g., the IDEA and Section 504 of the Rehabilitation Act of 1973) under certain circumstances.

## [Model Curriculum](#)

Last year, the General Assembly passed legislation directing the CSDE, in collaboration with State Education Resource Center ("SERC"), to develop a model curriculum by January 1, 2023 that boards of education may use for grades kindergarten through eight. Among other requirements, the model curriculum must include and integrate at least the following: (1) Native American studies; (2) Asian American and Pacific Islander studies; (3) LGBTQ and other sexual orientations and gender identities studies; (4) climate change; (5) personal financial management and financial literacy; (6) the military service and experience of American veterans; (7) civics and citizenship; (8) the principles of social-emotional learning; and (9) racism. Sections 4 and 5 of [Public Act 22-38](#) delay by one year, from 2023 to 2024, the deadlines for the CSDE and SERC to (1) develop such model curriculum (now due January 1, 2024), and (2) submit to the Education Committee a description and report regarding the same (now due January 15, 2024).

## [Asian American and Pacific Islander Studies](#)

Connecticut General Statutes § 10-16b outlines the program of instruction that must be offered by public schools in the state. Beginning with the 2025-2026 school year, Sections 32 and 33 of [Public Act 22-80](#) require boards of education to include Asian American and Pacific Islander ("AAPI") studies in their social studies curriculum. The Act requires such AAPI studies to include a focus on the history of Asian American and Pacific Islanders in the state, the region and the United States, and their contributions (1) towards advancing civil rights from the nineteenth century to the present day; (2) as individuals, in government, the arts, humanities and sciences; and (3) as communities, to the economic, cultural, social and political development of the United States. In developing and implementing such curriculum, the Act authorizes boards of education to utilize the materials made available by the State Board of Education ("SBE") or other existing and appropriate public or private materials, personnel and resources. The Act also authorizes boards of education to accept gifts, grants and donations designated for the development and implementation of the AAPI studies.

## [Climate Change Curriculum Required](#)

Beginning July 1, 2023, Section 263 of [Public Act 22-118](#) requires, rather than allows, climate change to be taught as part of the science requirement in a public school's program of instruction. Pursuant to Conn. Gen. Stat. § 10-16b(d), the SBE must make available curriculum materials that include climate change consistent with the Next Generation Science Standards.

## [Remote Meetings](#)

Under the Connecticut Freedom of Information Act, public agencies, including boards of education, must make their meetings, other than executive sessions, open to the public. Last year, the Connecticut legislature passed a law allowing public agencies, until April 30, 2022, to hold public meetings that are accessible to the public through electronic equipment, or through electronic equipment in conjunction with an in-person meeting ("hybrid" meetings). [Public Act 22-3](#) removes the April 30, 2022 sunset date and allows public agencies to continue to hold remote and hybrid meetings, as long as they comply with requirements under existing law. The Act also explicitly provides that, effective October 1, 2022, regional school districts may hold remote or hybrid public meetings to present a proposed budget in the same way as other public agencies.

## [State-Wide Sexual Abuse and Assault Awareness and Prevention Program](#)

By law, DCF must identify or develop a statewide sexual abuse and assault awareness and prevention program for use by boards of education. Previously, only teachers were required to participate in the program. Section 6 of [Public Act 22-87](#) requires that no later than July 1, 2023, DCF revise this program to include a bystander training program and appropriate interaction with children training program. Further, the Act requires that the newly developed program be for all school employees, as defined in Conn. Gen. Stat. § 53a-65, not only for teachers.

## [Policies and Training on Reporting Child Abuse and Neglect](#)

Boards of education are already required to adopt a written policy for the mandatory reporting by school employees of suspected child abuse or neglect. Under existing law, the policy must be distributed annually to all school employees. Section 5 of [Public Act 22-87](#) requires that this annual distribution be done electronically. The section further requires that, starting with the 2022-2023 school year, boards of education distribute electronically a copy of the guidelines on identifying and reporting child sex abuse developed by the Governor's task force on justice for abused children to all school employees, board of education members, and the parents and guardians of enrolled students. Starting with the 2023-2024 school year, boards of education must distribute electronically information on DCF's sexual abuse and assault awareness prevention program to all school employees, board members, and the parents and guardians of enrolled students.

Further, on and after July 1, 2023, each school employee, as defined in Conn. Gen. Stat. § 53a-56, shall complete training provided by DCF regarding the prevention and identification of, and response to, child sexual abuse and assault; a bystander training program; and an appropriate interaction with children training program. All employees must repeat this training once every three years.

## [Behavior Intervention Meetings](#)

Beginning in the 2022-2023 school year, Section 19 of [Public Act 22-47](#) allows any teacher of record in a classroom to request a behavior intervention meeting with the school's crisis intervention team, as defined in the laws concerning

physical restraint and seclusion of students, for any student whose behavior has caused (1) a serious disruption to other students' instruction or (2) self-harm or physical harm to the teacher, another student, or staff in the teacher's classroom. The crisis intervention team must hold the meeting, and its participants must identify resources and supports to address the social, emotional, and instructional needs of the student of concern.

## [Paraprofessionals to Attend PPT Meetings](#)

Current 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. Section 9 of [Public Act 22-116](#) requires that, prior to a PPT meeting in which an educational program for a child or pupil 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.

## [Pipeline for Connecticut's Future Program \(Pathways Program\)](#)

Previously, Conn. Gen. Stat. § 10-21k allowed boards of education to set up a "Pipeline for Connecticut's Future" program (i.e., pathways program) with local businesses to create onsite student training opportunities for course credit. Section 5 of [Public Act 22-81](#) now requires the CSDE, in collaboration with the Department of Labor ("DOL"), to administer this program.

Under the Act, the CSDE must assist boards of education in enhancing existing partnerships or establishing new partnerships with child care providers, early childhood education programs or mental health services, as well as additional fields such as manufacturing, computer programming, or culinary arts, and one or more local businesses to offer a pathways program. This program (1) must help students obtain occupational licenses, participate in apprenticeship opportunities, and gain immediate job skills; (2) must provide industry-specific class time and cooperative work placements, onsite apprenticeship training, and course credit and occupational licenses to students upon completion; and (3) may, upon graduation, lead to a diploma, credential, certificate or license in the applicable field. Additionally, the CSDE must provide incentives to boards of education for establishing these partnerships.

In addition, Section 1 of [Public Act 22-125](#) requires the CSDE, by July 1, 2023, to develop best practices that boards of education may use when setting up a pathways program. In doing so, the CSDE must collaborate with stakeholders and boards of education that have successfully implemented a pathways program. Additionally, the CSDE must make these best practices available to boards of education upon request.

Section 2 of [Public Act 22-125](#) requires the Commissioner of Education to review existing state laws and regulations related to boards of education setting up pathways programs and identify any obstacles or prohibitions that may limit a board's ability to build partnerships with local businesses towards creating a successful program. Such review may include laws governing attendance, course credit for schoolwork performed outside the classroom or in an apprenticeship setting, and educator certification. The Act requires the Commissioner to submit recommendations for legislation to the joint standing committee of the General Assembly by January 1, 2023.

## STATUTORY CHANGES AFFECTING EMPLOYMENT

### [Employee Freedom of Speech](#)

Effective July 1, 2022, [Public Act 22-24](#) amends Conn. Gen. Stat. § 31-51q to prohibit employers from disciplining or discharging an employee or threatening to do so because the employee refuses to attend employer-sponsored meetings, listen to speech, or view communications primarily intended to convey the employer's opinion about religious or political matters. The Act defines "political matters" as "matters relating to elections for political office, political parties, proposals to change legislation, proposals to change regulation and the decision to join or support any political party or political, civic, community, fraternal or labor organization," and "religious matters" as "matters relating to religious affiliation and practice and the decision to join or support any religious organization or association." The Act clarifies that employers are not prohibited from, among other things, providing employees with communications that are required by law.

### [Minimum Duty-Free Lunch Periods for Teachers](#)

Connecticut General Statutes § 10-156a provides that all professional certified employees of a school district who work directly with children must have a guaranteed, duty-free period for lunch. Effective July 1, 2022, Section 14 of [Public Act 22-80](#) requires that this period be uninterrupted and that the length of the period be the greater of thirty minutes or the amount of time prescribed in the applicable collective bargaining agreement. Thus, the Act guarantees certified employees at least thirty minutes of an uninterrupted duty-free period for lunch, but if the relevant collective bargaining agreement provides for a longer period, they are entitled to the longer amount of time.

### [Professional Educator Certification](#)

Connecticut General Statutes § 10-145b addresses teacher certification requirements. Sections 1 through 3 of [Public Act 22-38](#) amend the law regarding each of the three levels of public school teaching certification (i.e., initial, provisional and professional certification).

Under current law, an initial educator certificate is valid for three years, with some exceptions allowing for extensions. The Act adds a new exception by allowing the Commissioner of Education, upon application, to reissue an initial certificate to anyone who holds the certificate, but has not taught under it, if the certificate holder demonstrates satisfaction of the eligibility requirements that were in place when it was originally issued.

Provisional educator certificates are valid for eight years and previously carried no renewal option. The Act allows the Commissioner of Education, upon application, to reissue a provisional certificate if the holder can show that the holder meets the preparation and eligibility requirements that were in place when it was originally issued.

Finally, under prior law, a professional educator certificate was valid for five years and renewable for five-year periods after that. The Act extends the professional certificate's initial validity and renewability periods to ten years.

### [Early Childhood Teacher Credentials](#)

By law, the Office of Early Childhood may issue an early childhood teaching credential to individuals who hold either an associate degree or a bachelor's degree with a concentration in early childhood education. Under the prior law,

an early childhood teaching credential awarded to an individual with an associate degree was valid only until June 30, 2021. Section 3 of [Public Act 22-100](#) removes the credential's termination date, making it valid indefinitely.

## [Career and Technical Pathways Instructor Permit](#)

Section 24 of [Public Act 22-80](#) authorizes the SBE, for the school years beginning July 1, 2022 and July 1, 2023, to issue career and technical pathways instructor permits if requested by a board of education or RESC. Such permits allow individuals who meet specified criteria to teach part time, up to twenty classroom hours per week, in the following specialized fields: manufacturing, allied health, computer technology, engineering, or the construction trades. To qualify for a permit, an individual must meet certain requirements, including but not limited to having (1) an associate or bachelor's degree or a qualifying credential, as defined by the law, in the specialized field and (2) at least two years' experience in such field.

The Act requires an employing board of education or RESC to provide a program, developed in consultation with the CSDE, to assist permitted instructors with academic and classroom supports. In addition, the superintendent, or a principal, administrator or supervisor designated by the superintendent, must regularly observe, guide, and evaluate the permitted instructor's performance of assigned duties. The Act also prohibits boards of education from displacing certified teachers who are already employed at a school with a permitted instructor and provides that permitted instructors are not eligible for membership in the teacher's retirement system solely by reason of such permit.

## [Domestic Violence Victims as a Protected Class Under Anti-Discrimination Laws](#)

Existing human rights and opportunities laws prohibit various forms of discrimination in many areas, including but not limited to employment. Sections 7 and 10 through 21 of [Public Act 22-82](#) extend such prohibition to discrimination based on an individual's status as a domestic violence victim. Individuals aggrieved by an alleged discriminatory practice based on an individual's status as a domestic violence victim can file a complaint with the Commission on Human Rights and Opportunities ("CHRO").

Under existing law, it is a discriminatory practice to deprive someone of any rights, privileges, or immunities secured or protected by Connecticut or federal laws or constitutions, or cause such a deprivation, because of religion, national origin, alienage, color, race, sex, gender identity or expression, sexual orientation, blindness, mental or physical disability, or status as a veteran. The Act amends Conn. Gen. Stat. § 46a-58 to add status as a domestic violence victim to this list. Similarly, the Act amends Conn. Gen. Stat. § 46a-64, which prohibits discrimination in public accommodations, to include discrimination on the basis of status as a domestic violence victim.

Regarding employment, Conn. Gen. Stat. § 46a-60 currently prohibits an employer or employer's agent, unless there is a bona fide occupational qualification or need, from (1) refusing to hire or employ someone; (2) barring or discharging someone from employment; or (3) discriminating against someone in pay or in employment terms, conditions, or privileges because of an individual's race, color, religious creed, age, sex, gender identity or expression, marital status, national origin, ancestry, present or past history of mental disability, intellectual disability, learning disability, physical disability, including, but not limited to, blindness, or status as a veteran. The Act adds status as a domestic violence victim to the list of protected classes. This prohibition applies to all employers, public or private, and all employees except those employed by their parents, spouse, or children. Effective October 1, 2022, the Act also amends the definition of employee under Conn. Gen. Stat. § 46a-51 to include "any elected or appointed official of a municipality, board, commission, counsel or other governmental body."

Under the Act, effective October 1, 2022, it is a discriminatory practice for an employer to deny an employee a reasonable leave of absence for the employee to do the following: (1) seek attention for injuries caused by domestic violence, including for a child who is a domestic violence victim, so long as the employee is not the perpetrator against the child; (2) obtain services, including safety planning, from a domestic violence agency or rape crisis center; (3) obtain psychological counseling, including for a child, so long as the employee is not the perpetrator against the child; (4) take other actions to increase safety from future incidents, including temporary or permanent relocation; or (5) obtain legal services, assist in the offense's prosecution, or otherwise participate in related legal proceedings. An employee who is absent from work under these circumstances must provide to the employer a certification that meets statutory requirements, upon request, within a reasonable time after the absence.

If an employee has a physical or mental disability resulting from a domestic violence incident, such employee must be treated the same as employees with other disabilities. The Act also requires employers, to the extent allowed by law, to maintain the confidentiality of any information about an employee's status as a domestic violence victim.

Section 8 of [Public Act 22-82](#) authorizes the CHRO to require employers with three or more employees to post, in a prominent and accessible location, information on domestic violence and the resources available to such victims in Connecticut.

## MISCELLANEOUS STATUTORY CHANGES AFFECTING SCHOOLS

### [Juneteenth](#)

Connecticut General Statutes § 1-4 lists the days designated as legal holidays in the State of Connecticut. [Public Act 22-128](#) amends the list of state holidays to include the nineteenth day of June ("Juneteenth Independence Day"). In amending the statute, the General Assembly left intact the provision that school may be held on state holidays, except for those in December and January, provided that, if school is held, school officials "hold a suitable nonsectarian educational program in observance of such holiday." Thus, while Connecticut law does not require school to be closed on Juneteenth Independence Day, if school is open on that day, programming must be held in observance of the holiday.

### [Information Regarding Technical Education and Career Schools and Agricultural Science and Technology Education Centers](#)

Under prior law, boards of education were required to inform middle and high school students and their parents about 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. Section 3 of [Public Act 22-125](#) amends Conn. Gen. Stat. § 10-220d to now require that school counselors provide this information to such students and parents. It also requires boards of education to publish this information on their websites.

### [State Education Resource Center](#)

Pursuant to state law, the purpose of the SERC is to assist the SBE in providing programs and activities that promote educational equity and excellence. Section 26 of [Public Act 22-80](#) expands the list of SERC's required programs and activities to include supporting local education agencies serving the needs of families, communities, and service

providers. The Act also requires, rather than allows, SERC to support programs and activities concerning early childhood education, improving academic performance, and closing opportunity gaps.

## [Learner Engagement and Attendance Program](#)

During the COVID-19 pandemic, Connecticut launched the Learner Engagement and Attendance Program (“LEAP”) to support kindergarten through grade twelve students struggling with absenteeism and disengagement. The program targets fifteen school districts across Connecticut, offering support personnel to connect directly with families and students to establish trusting relationships, help return them to a more regular form of school attendance, and assist with placement in summer, after school, and learning programs. Section 13 of [Public Act 22-80](#) requires the CSDE to provide, within available appropriations and for the fiscal year ending June 30, 2023, assistance and support to districts participating in LEAP.

## [Year-Round Program Definition for Child Care Programs](#)

Section 4 of [Public Act 22-100](#) lowers, from fifty to forty-eight, the number of weeks per year that a child care program must generally operate to be considered a “year-round program.” This new definition of “year-round program” broadens the potential number of school readiness programs that must use the excess portion of their per-pupil school readiness grant for salary staff increases, pursuant to Conn. Gen. Stat. § 10-16p.

## [Feeding Programs](#)

Connecticut General Statutes § 10-266w addresses Connecticut’s school breakfast grant program for boards of education that have at least one school building designated as a severe need school, if the board of education also participates in the federal school breakfast program on behalf of all severe need schools in the district (grades eight or under) in which at least eighty percent of the lunches are served to students who are eligible for free or reduced price lunches.

Section 6 of [Public Act 22-38](#) allows the Commissioner of Education to temporarily waive or modify any requirements in state law relating to eligibility for the grant program, in response to any changes in federal law or U.S. Department of Agriculture-issued waivers, to ensure that boards of education participating in such programs can continue to receive the grants.

Connecticut General Statutes § 10-215b addresses the payment of state matching grants and authorizes the SBE to pay boards of education and operators of public choice schools, within available appropriations, (1) a matching state grant under federal law requirements governing school feeding programs (i.e., breakfast and lunch programs) and (2) ten cents per lunch served in the prior school year. State law allows the SBE to direct how boards and operators must apply for these grants, determine applicants’ eligibility, adopt implementing regulations, and set a procedure for monitoring grant recipients’ expenditures. Section 7 of [Public Act 22-38](#) allows the Commissioner of Education to temporarily waive or modify the above provisions, along with other specified, related state laws, in response to (1) any changes in federal law or (2) waivers issued by the U.S. Department of Agriculture in order to ensure that boards of education may continue to receive matching and per-lunch state funds.

## [Minority Teacher Candidate Scholarship Program](#)

Section 15 of [Public Act 22-80](#) requires the CSDE to administer a new minority teacher candidate scholarship program. The Act defines “minority” as any individual 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 Census Bureau. Under the Act, the program must provide an annual scholarship to minority students who (1) graduated from a public high school in a priority school district and (2) are enrolled in a teacher preparation program at any four-year higher education institution. Maximum grants cannot exceed \$20,000 per year. The Act also requires the CSDE, in consultation with the Chairs of the Education Committee, to develop a policy for administering the scholarships, which policy must address (1) any additional eligibility criteria, (2) scholarship payment and distribution, and (3) notification to high school students in priority schools districts of the scholarship program. Scholarships shall be awarded beginning in the fiscal year that ends June 30, 2024 and each fiscal year thereafter.

## [Teacher Certification Law Review](#)

Section 23 of [Public Act 22-80](#) requires the CSDE to review the state’s teacher certification statutes and regulations. Such review must (1) identify obsolete provisions; (2) evaluate the effectiveness of existing requirements; and (3) analyze whether any of the laws create a barrier to entry or undue hardship for (a) teacher candidate recruitment or retention, including state reciprocity (including Puerto Rico) or (b) addressing student academic needs. The CSDE must submit a report on its findings and recommendations to the Education Committee by January 1, 2023.

## [Teacher Shortage and Retention Task Force](#)

Section 29 of [Public Act 22-80](#) establishes a Teacher Shortage and Retention Task Force to examine (1) teacher retention and attrition, (2) teacher shortages across subject matter disciplines, (3) the impact of retention and shortages in financially distressed school districts, and (4) streamlining teacher certification without diminishing standards or the professional value of a teaching certificate. The task force must submit a report of its findings and recommendations to the Children and Education Committees by January 1, 2024.

## [Minority Teacher Recruitment Task Force](#)

Under prior law, the Minority Teacher Recruitment Task Force was required to study and develop strategies to increase and improve the recruitment, preparation, and retention of minority teachers in Connecticut public schools. Sections 16 through 22 of [Public Act 22-80](#) rename the Minority Teacher Recruitment Task Force as the “Task Force to Diversify the Educator Workforce” and require, among other things, that it conduct a study of existing recruitment and retention programs and efforts at state and local levels. The task force must submit a report on its findings and recommendations for legislation to the Education Committee by January 1, 2023.

## [Task Force to Combat Ableism](#)

Section 10 of [Public Act 22-80](#) establishes a task force to combat ableism, which is defined by law to mean “the bias, prejudice or discrimination, intentional or unintentional, against people with physical, psychiatric or intellectual disabilities.” The Act directs such task force to identify (1) current efforts to educate all students on disability and combat ableism in the public school curriculum and classrooms, and (2) opportunities to expand such efforts and integrate them into social-emotional learning. It further requires the task force to submit, no later than January 1, 2023, a report on its findings and recommendations to the Children and Education Committees.

## [CIAC Task Force](#)

The Connecticut Interscholastic Athletic Council (“CIAC”) governs interscholastic athletic programs for secondary schools throughout the state. Section 11 of [Public Act 22-80](#) establishes a task force to study the governance structure and internal procedures of the CIAC. Among other things, the task force must examine the CIAC’s leadership structure and how the conference receives and resolves complaints. The Act requires the task force to submit its findings and recommendations to the Education Committee by January 1, 2023.

## [Special Education Taskforce Date Pushed Back](#)

Last year, the legislature established a fifteen-member task force to study the provision of special education services and special education funding during the 2016-2017 through 2019-2020 school years and required that the task force complete a report by January 1, 2022. Section 3 of [Public Act 22-116](#) extends the deadline for the completion of the report to January 1, 2024.

## [Professional Development Working Group](#)

Section 4 of [Public Act 22-116](#) requests the Executive Director of the Connecticut Association of Boards of Education (“CABE”), or the Executive Director’s designee, to convene a working group to examine and make recommendations concerning the consolidation or elimination of unnecessary, obsolete, or redundant professional development requirements and in-service training requirements. The working group shall consist of: (1) the Commissioner of Education, or the Commissioner’s designee, and (2) one representative from each of the following associations, designated by the association: the Connecticut Association of Boards of Education, the Connecticut Association of Public School Superintendents, the Connecticut Federation of School Administrators, the Connecticut Education Association, the American Federation of Teachers-Connecticut, the Connecticut Association of School Administrators, the Connecticut Association of Schools, and the Special Education Equity for Kids of Connecticut. Not later than January 1, 2024, the CABE Executive Director shall submit a report on the working group’s findings, including specific recommendations for changes to the professional development and in-service training statutes, to the General Assembly.

## [New Grant Program for Heating, Ventilation, and Air Conditioning Systems in Schools](#)

Section 367 of [Public Act 22-118](#) requires the Department of Administrative Services to administer a heating, ventilation, and air conditioning system grant program for the fiscal year ending June 30, 2023, and each fiscal year thereafter, to reimburse boards of education for costs associated with projects for the installation, replacement or upgrading of heating, ventilation, and air conditioning systems or other improvements to indoor air quality of school buildings. Boards of education may submit applications for any projects commenced on or after March 1, 2020 and completed before July 1, 2022, or commenced on or after July 1, 2022. The Act explains the specific requirements for the application process and selection criteria.

## [Ventilation Inspection and Report](#)

Section 369 of [Public Act 22-118](#) requires boards of education, prior to January 1, 2024 and every five years thereafter, to provide for a uniform inspection and evaluation of the heating, ventilation and air conditioning systems within each school building under its jurisdiction. The Act includes specific requirements for such inspection. The inspection report must then be made available for public inspection and evaluation at a regularly scheduled board meeting and on the Internet website of the board and the Internet website, if any, of each individual school.

## [Student Transportation Contracts](#)

Under current law, boards of education may enter into contracts for student transportation for a maximum of five years. Section 12 of [Public Act 22-25](#) allows boards of education, beginning October 1, 2022, to enter into transportation contracts for up to ten years if the contract includes transportation provided by at least one zero-emission school bus, as defined in the law.

## [Zero-Emission School Buses Required](#)

Section 13 of [Public Act 22-25](#) requires a transition to zero-emission school buses. School buses in school districts that are entirely within, or that contain, an “environmental justice community” as defined in the law as of July 1, 2022, must be 100% zero-emission by January 1, 2030. School buses in all other school districts must be 100% zero-emission or alternative fuel buses by January 1, 2035, and must be 100% zero-emission by January 1, 2040. “Alternative fuel school bus” means a school bus that reduces emissions and is operated entirely or in part using liquefied natural gas, compressed natural gas, hydrogen, propane or biofuels.

The Act further requires the Commissioner of Energy and Environmental Protection to establish and administer a grant program for the purpose of providing matching funds necessary for municipalities, school districts and school bus operators to submit federal grant applications in order to maximize federal funding for the purchase or lease of zero-emission school buses and electric vehicle charging or fueling infrastructure. The Commissioner must give preference to applications concerning the purchase or lease of a zero-emission school bus that will be operated primarily in an environmental justice community. The Commissioner must also, within available funds and appropriations, provide administrative and technical assistance to municipalities, school districts and school bus operators that are transitioning to the use of zero-emission school buses, applying for federal grants for such buses and installing electric vehicle charging and fueling infrastructure.

## [Changes to the Teachers’ Retirement System](#)

Sections 172 through 183 of [Public Act 22-118](#) make revisions to the Teachers’ Retirement System (“TRS”). Among other changes, Section 172 narrows the definition of “teacher” to exclude those who hold a school business administration endorsement. Section 182 increases, from \$220 to \$440 per person, the monthly health insurance subsidy under the TRS for certain retired teachers, and their spouses or surviving spouses or disabled dependents, who receive health insurance coverage from the retiree’s last employing board of education. The TRS pays the subsidy on behalf of the covered individual to the board of education. The section further creates a new quarterly reporting requirement related to the health insurance subsidy program and requires boards of education to submit to the TRS board any information the TRS board determines necessary.

This summary represents a brief overview of changes to the TRS. A comprehensive analysis of all revisions to the TRS is beyond the scope of this 2022 Education Legislation Summary; however, please contact any attorney in our practice if you require additional information.

## [Special Education Expenditure Study](#)

Section 264 of [Public Act 22-118](#) requires the CSDE to compile and analyze information from boards of education concerning the costs of special education. The CSDE must identify boards of education having expenditures on

special education that are (1) two and one-half times the district's net current expenditures for education, (2) three times such expenditures, (3) three and one-half times such expenditures, and (4) four and one-half times such expenditures. The CSDE must report, by July 1, 2023, to the General Assembly the results of the analysis, including, but not limited to, the cost to reimburse local and regional boards of education for their costs at each level of expenditures.

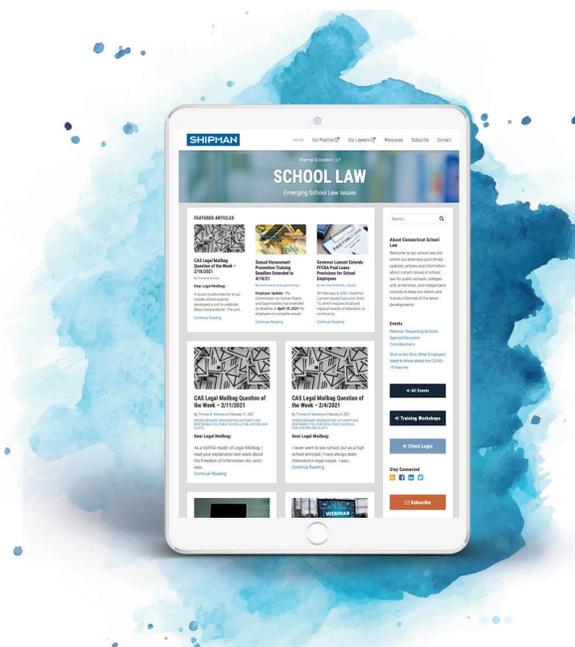
## [Special Education Excess Cost Grant When Not Fully Funded](#)

Under current law, the SBE reimburses boards of education for special education costs that are more than four and one-half times the board of education's net current expenditures per student (referred to as the "excess cost grant"). Section 265 of [Public Act 22-118](#) modifies the reimbursement method, beginning with the fiscal year ending June 30, 2023, when the annual appropriation is not sufficient to fully fund the excess cost grant. In the event of insufficient funds, towns will be ranked in descending order based on each town's adjusted equalized net grand list per capita. Towns ranked 115 to 169 will receive 76.25% of the town's eligible excess costs; towns ranked 59 to 114 will receive 73% of the town's eligible excess costs; and towns ranked 1 to 58 will receive 70% of the town's eligible excess costs. The ranking of a regional board of education will be determined by a specific formula, as identified in the Act.

## [Alliance District Program Renewal](#)

Section 266 of [Public Act 22-118](#) renews the alliance district program for five years. The Act also requires that the Commissioner of Education designate thirty-six school districts, rather than thirty-three school districts, as alliance districts.

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