



LEADERSHIP FOR THE FUTURE OF LEARNING

# Public Policy Agenda

2018





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## Public Policy Agenda | 2018

*The Connecticut Association of Public School Superintendents (CAPSS) advances its 2018 Public Policy Agenda for purposes of fostering equity, excellence and innovation in Connecticut's public schools in alignment with a vision that articulates an education that is personalized so that all children learn what they need to know and be able to do to be successful in post high school endeavors.*





LEADERSHIP FOR THE FUTURE OF LEARNING

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# State Budget

## PRIORITY RECOMMENDATION

### SUPPORT

Connecticut's school districts have not regained the resources for students they lost due to many years of inadequate state funding for education, years during which those districts incurred cost increases of approximately 3%. This is true despite the fact that prior to school year 2016-17 nearly every municipality in Connecticut received a slight increase in its Education Cost Sharing (ECS) Grant for three continuous years. This is also true even though 30 school districts received two years of substantial conditional grants under the Alliance District program to improve student achievement.

The reduction of resources for students has persisted because most school districts experienced a reduction in state funding in 2016-17 while Alliance Districts were, at best, flat funded. The result has been a gradual decrease in the scope of educational programs offered to Connecticut's children and, in some cases, a decrease in the quality of these programs.

Connecticut needs a new K-12 funding formula now because:

- There is no unified and consistent funding system that provides resources for every child enrolled in a Connecticut public school. Connecticut currently uses more than 10 different funding formulas to fund public schools.
- Currently, funding for districts and schools is not allocated according to student needs.
- The foundation for school funding is not grounded in the actual cost of educating a child, as proposed by CAPSS, and thus is subject to expedient changes to district allocations by the General Assembly.

The state has reduced municipal and education funds and grants and is seeking to shift the burden of education funding to local districts and municipalities. This is particularly disruptive when these cuts are made after the start of the school year and then result in greater cumulative impact on districts requiring larger cuts than would have been necessary. For example: Budget reductions made after the start of the school year require many districts to laying off staff and incur the expense of unemployment benefits. This expense would be eliminated when sufficient budget planning time would allow districts to keep vacancies or redeploy existing staff.

Districts plan appropriately by not filling vacant positions as opposed to filling positions and then laying off staff with unemployment benefits.

## RECOMMENDATIONS

Establish a new school funding formula that reflects the core values of: Equity, Innovation, Coherence, Transparency, Fairness and Accountability as proposed by CAPSS and that funding plans be research based that have been, or can be, vetted or verified.

Sustain and grow forthcoming Alliance funding in relation to the above formula.

Discontinue the trend of reducing municipal and education funds and grants, particularly after the start of the school year, and require ECS funding to be established no later than the end of the legislative session.

Provide districts, through statutory authority, with the necessary flexibility to adjust their obligations and associated costs to function within the parameters of given budgets. For example: Give districts the ability to reduce the 180 day school year requirement.





### **OPEN CHOICE**

For many years the state has incentivized boards of education in the Hartford area to accept students from Hartford via the Open Choice Program in accordance with the Sheff vs. O'Neill settlement. The state has also provided funding for the boards in these communities via the Open Choice Academic Support Grant.

This grant was severely reduced in the 2016-17 school year, thus placing a significant financial burden on receiving school districts. Many Hartford area communities, as well as communities throughout the state, may consider increasing their participation in Open Choice if more funding were available on a per pupil basis.

### **RECOMMENDATION**

The Open Choice Academic Support Grant will be fully funded in 2018-19.



# Unfunded Mandates

## PRIORITY RECOMMENDATION

Over several years the state government has imposed many mandates on school districts. Some of those mandates are directly related to the mission of public education and many of them are not. All mandates not directly related to the mission of the public schools have constituted a considerable mission creep that has diverted staff time, attention and financial resources and hampered district efforts to accomplish their basic mission. For example, public schools are required to provide transportation services for students in nonpublic schools to the same level of service they provide for in-district public schools.

The state government:

- estimates the cost of mandates and almost always either grossly underestimates the local cost or does not consider the local cost at. For example, the requirement to include an administrator at each PPT meeting, the Medicaid mandate that actually increases overall costs to some districts, and additional professional development time for certified and non-certified staff.
- sets unrealistic deadlines for districts to meet mandates.
- integrates mandates in such a complex manner that it is nearly impossible to consider relief from a single mandate without impacting the entire structure of mandates. For the most part, mandates have been imposed without benefit of an analysis of the individual mandate nor the systemic impact of that mandate on the whole structure.
- creates mandates that have, in no instance, been allocated sufficient state funds to cover the entire cost. Partially unfunded mandates have now become the norm.

Unfunded mandates, such as the lack of funding for the TEAM mentoring program for new teachers, now constitute a major impediment for school districts as they strive to transform themselves to meet the expectation that all children will leave public education prepared to continue learning what they need to know and be able to do to live productive lives and be effective citizens in our democracy.

## RECOMMENDATIONS

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

CAPSS also strongly urges the state government to refrain from imposing any additional mandates upon local school

districts until the present mandate structure has been studied and reformed.

CAPSS supports the Medicaid mandate only if profitable to a district. For cost savings and efficiency, allow districts to combine efforts and use a third party for billing.

CAPSS also requests that state government establish a process for considering new mandates that includes representation by CAPSS in exploration committees, sunseting mandates when funding is eliminated, and conducting a cost analysis to determine fiscal impact on local districts.





# Personalized & Mastery Based Learning

## PRIORITY RECOMMENDATION

CAPSS is committed to working towards the adoption of a personalized and mastery based learning system as reflected in the CAPSS Educational Transformation Report (2016). The Connecticut State Board of Education's Five Year Comprehensive Plan (2016-21) also supports strengthening and expanding supports and resources for districts as they design and implement this system. Local boards of education determine whether to grant academic credit for demonstration of mastery using statewide subject matter standards, and students may fulfill high school graduation requirements through these successful demonstrations.

## RECOMMENDATIONS

### STATE STATUTES TO INCLUDE

- requirements that the State Board of Education support districts to create a model of the graduate that is college and career ready and prepared for citizen engagement.
- formation of a working committee comprised of districts to create a strategic plan for personalized and mastery based learning with long-term goals, objectives, and roles of stakeholders.
- a three- to six-year high school graduation time frame for calculating graduation rates that include successful completion of adult education classes and passing grades on the GED exam.
- revisions to allow students to progress based on demonstration of mastery consistent with state standards, and authorization of multiple assessment pathways while removing requirements for seat time and attendance at school for six hours a day, 180 days a year.
- state support for district efforts to establish an innovation network committed to testing and sharing strategies, policies and instructional practices.
- establishment of a flexible schedule of state tests offered four times each school year so that students can access tests when their teachers deem them ready.



## Special Education

Children with special educational needs should have those needs effectively accommodated in public schools. School districts across Connecticut routinely make every effort to accommodate these needs but are hindered by four factors: financial, regulatory, statutory, and interagency responsibility.

### FINANCIAL

1. Inadequate financial support. There is inadequate financial support at both the federal and state levels. The federal government has failed to meet its goal to fund 40% of the cost, and the state government has eliminated a general special education grant for local districts while underfunding the only remaining grant designed to provide districts financial relief.
2. Budgetary Planning. Every child with special needs has a legal right to have those needs met. Many times, costs associated with these needs are unpredictable and unanticipated and emerge after the approval of budgets. Given the number of children in any one district and the costs of meeting their needs, current financial structures constrain the ability of local districts to estimate special education costs in their annual budget cycles.

### REGULATORY

**Burden of Proof.** Current regulations require the automatic placement of burden of proof on local school districts when parents and districts disagree on the appropriate program for a child regardless of who brings the matter to due process. This places an undue burden on districts. The United States Supreme Court has ruled that the burden of proof in special education due process cases can be assigned to the party that brings the case forward.

### STATUTORY

Current state legislation allows parents to unilaterally arrange for an evaluation of their children at district expense.

### INTERAGENCY RESPONSIBILITY

Efforts are being made by the Department of Children and Families (DCF) to require districts to pay for residential costs, as well as educational costs, associated with placements of children for whom DCF has responsibility. Currently, DCF pays for these residential costs, most recently determined to be approximately \$6.5 million annually.

### RECOMMENDATIONS

Remove the funding cap on the Special Education Excess Cost Grant, and redefine excess cost to be three times a district's per pupil expenditure.

Assign the burden of proof in special education due process cases to the party that brings the matter to due process, as is law in more than 90% of the other states.

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Developers of viable and research based projects be encouraged to continue developing their proposals to make annual special education costs predictable, and to include CAPSS in the conversations related to the development of these proposals.

That state statute be revised to require parents to obtain authorization from school districts for the evaluation of their children if they expect districts to pay for the evaluations. CAPSS support the CSDE guidelines that promote parents and districts efforts to work together.

That DCF fulfill its responsibility to pay for residential costs associated with children in its care.

Require an independent audit of Special Education Costs for Magnet Schools and Charter Schools, with local district input on specific cases to review.



## Acceptance of All Students

Citizens of Connecticut expect equitable access to educational opportunities. The majority of public schools provide this access; however, there are exceptions. For example, The Connecticut Technology High School System accepts applications from any student who lives in the state. But students are then assigned points based on their previous grades and scaled scores on the Smarter Balanced assessment as well as their responses on an interest form. Students are then ranked, and those who meet the admission criteria receive a letter indicating what they then need to do for enrollment. If students do not meet the initial admission criteria, they are placed on a wait list.

### RECOMMENDATION

CAPSS urges the state government to require all public schools to accept all students, and when there are more students than available seats, a blind lottery be conducted for admission.



## Alliance District Funds

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To varying extents, Alliance Districts face the challenge of local municipalities not providing sufficient funds for the basic operations of their school systems while having to use the Alliance District Grant to implement strategies aimed at increasing student achievement. Underfunded basic operations reduce or eliminate positive impacts that would be realized from the use of Alliance District Grant funds. For example, when districts are insufficiently funded, basic operations such as class size are adjusted upwards and student achievement is negatively impacted.

This situation is a symptom of the fact that the Connecticut system for funding public education needs systemic reform.

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### RECOMMENDATIONS

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The Alliance District Program should continue to be fully funded in 2018-19.

Sustain Alliance funding in relation to proposed new school funding formulas.

That while this new system is being developed:

Municipalities receiving Alliance District Funds be prohibited from charging districts for town services that had previously been provided at no cost.

Alliance Funds be sent directly to school districts rather than the general fund and that Alliance funds be prohibited from supplanting operating funds.





## Virtual Net Metering

Connecticut adopted a limited Virtual Net Metering (VNM) program allowing State, Municipal and Agricultural customers to aggregate savings from the installation of Class I (such as solar or wind) and Class III (co-generation) distributed generation. VNM allows customers who operate behind-the-meter generation (called the Customer Host) to assign surplus production from their generator to other metered building accounts (Beneficial Accounts) that are not physically connected to the Customer Host's generator.

With respect to municipalities, this allows the town and school district to reduce their carbon footprint while at the same time creating long-term budget savings by offsetting electricity costs. It also allows for investment in larger clean energy projects by facilitating, for instance, the construction of a ground solar array rather than simply being limited to rooftop arrays (which could reduce the potential amount of electricity able to be generated and also impede future roof replacement projects).

The VNM program is subject to a cap, and there is a current backlog of unmet demand for VNM credits among municipalities that would like to participate in the program. Recognizing the benefit of the program and the great interest among municipalities in participating, the General Assembly extended the program cap in 2016, but VNM credits in the Agriculture and Municipal programs have been filled once more. Without the VNM component available to them, the potential impact of municipal renewable energy projects is greatly diminished, and some projects may not be developed at all.

### RECOMMENDATION

That the current cap on Municipal Credits for the Virtual Net Metering program be lifted, and that the program can be opened to all municipalities that are willing to make the investment in clean, renewable energy in order to better manage their annual energy costs.



## Student Data Privacy Act

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The Student Data Privacy Act that was enacted by the state government in 2016 seeks to protect confidential information regarding students; however, whose costs are unfeasible for individual school systems.

While CAPSS is supportive of student data privacy, the Student Data Privacy Act places an undue burden on each school district. Districts must then reallocate scarce resources away from vital areas, including student learning, to the implementation of the Student Data Privacy Act.

### RECOMMENDATIONS

CAPSS recommends a revision of the Student Data Privacy Act to require the maintenance of a single warehouse with an approved vendors /products list vetted by the CSDE. This warehouse should be accessible to every educator statewide and would eliminate duplication of effort and expended resources while helping to ensure adherence to student data privacy.

Ensure the Connecticut Student Data Privacy Act conforms to federal standards while removing onerous provisions of the Act that are unfeasible for districts to implement.





## Disclosure of Personnel Records

An Act Concerning the Disclosure of Certain Education Personnel Records, Criminal Penalties for Threatening in Educational Settings and the Exclusion of a Minor's Name from Summary Process Complaints.

This Public Act requires extensive background checks before a school district hires anyone and involves getting references from all employers for whom a prospective employee worked where they had direct contact with children. This law has already impacted school systems. Some have had to hire additional staff in human resources, while others have had to reassign staff from other important and necessary functions to manage the massive amount of paperwork involved. Some systems are having difficulty upholding these provisions in a timely manner.

### RECOMMENDATIONS

Require school districts to share problematic behavior information of employees with each other regardless of separation agreements to the contrary.

Remove the necessity for school districts to re-examine the background of a prospective employee when a district for which the individual has previously worked has already examined that background.

Conduct other statute revisions that would ensure the safety of children while not requiring school districts to initiate actions that ensure that safety beyond a more than marginal way.

Establish either a statewide or regional data system that districts could access to do the appropriate background checks.

CAPSS, therefore, proposes that the Education Committee of the legislature form a group comprised of relevant stakeholders, including superintendents of schools, and that the group be charged with:

- recommending revisions of the statute so that there are reasonable protections for school systems against the hiring of personnel whose prior behavior make them unsuitable for working in institutions that serve children and

- removing from statute unnecessarily required actions by districts.



## Statutory Time Requirements Regarding the Programs Provided for Students Who are Expelled

A statute enacted in the 2016 session of the legislature prescribes that any student who is expelled from a Connecticut school district be given an educational program that aligns with the provisions of an Alternative Education Program as defined by section 10-74j. This prescribes 900 hours of instruction on an annual basis or in accordance with the standards adopted by the State Board of Education, which have not been written as of December 2017. Even without transportation and special education costs, a conservative estimate requires additional funds of \$100 million statewide to implement.

This costly statutory requirement is unnecessary because:

The districts already have programs that work and have demonstrated successful outcomes for students. For example, in Meriden in 2010 – 2011, there were 230 expulsions and by 2016-2017, that number had decreased to 6.

Programs provided for expelled students are, for the most part, structured with a very low teacher to student ratio, in many cases 1-3/1-5 ratio so that what might need 900 hours to accomplish in a classroom setting is not needed in a tutorial setting.

The provision continues the policy of equating quality of program with how long a program is offered without sufficient attention paid to what students actually learn.

### RECOMMENDATIONS

That a cost analysis be conducted prior to any standard being mandated.

That state statute 10-74j be revised to remove the 900-hour requirement of programs provided for students who are expelled.





## School District Leadership

Superintendents fulfill key leadership responsibilities that have positive impacts on student outcomes. Superintendents have a broad set of responsibilities, including developing and implementing transformational educational programs, developing and administering budgets, managing business matters such as contract negotiations, overseeing facilities and transportation and ensuring safety and security. Superintendents work to close achievement gaps at the district, state, national and international levels, and their efforts are impacted by the stability of their leadership as demonstrated by the length of their tenure. For transformation to occur, stability of leadership is essential.

Stability is not enhanced by present statutes that:

Make the superintendent's performance evaluation document a public record. Frequently any recommendations made by boards of education are viewed as a board's displeasure with the superintendent's performance. Because of this, a number of boards do not provide written performance evaluations, which results in the absence of any performance record.

Prohibit a local board of education from contracting with a superintendent of schools for more than three years when all research indicates sustainable, systemic change takes a minimum of five years. When there is no guarantee that the person who is responsible for leading the change will be there for more than three years, the change process is compromised.

It is also difficult to maintain stability of leadership when local boards of education can terminate the existing contracts of superintendents by using a procedure that embodies a superficial application of due process procedures. These procedures allow a board to vote to consider the termination of a superintendent's contract, hold a hearing on whether to terminate the contract and then, terminate the contract. The board is both the grand jury that indicts the superintendent and the jury that decides whether the superintendent is guilty.

### RECOMMENDATIONS

While flexible arrangements are acceptable, every district needs to be led by a certified superintendent.

That written evaluations of the performance of a superintendent of schools be removed from the status of a public record.

That the statutory limit on superintendents' contracts be eliminated and length of contract be a negotiated matter between a local board and a local superintendent.

That there be a statutory process for terminating a superintendent's contract as follows:

The board votes to consider terminating the superintendent's contract.

There is a hearing before an impartial arbitrator on whether there are sufficient grounds to terminate the contract.

The arbitrator issues a finding of fact as to whether there are sufficient grounds for terminating the contract.

The finding of the arbitrator is binding.



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