



## POSITION ON UNFUNDED STATE MANDATES ON LOCAL SCHOOL DISTRICTS

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Over many years, the state government has imposed on local and regional school districts over 380 mandates. Some of those mandates are directly related to the mission of public education and many of them are not.

All of those that are not directly related to the mission of the public schools have constituted a considerable mission creep that has diverted staff time and financial resources from efforts to accomplish the basic mission of the public schools.

Some of those that are directly related to the schools' mission have been so crafted as to cause the allocation of more staff time and financial resources than are necessary to meet the basic mission of the schools. Among those that CAPSS is most concerned about this session are:

### **Burden of Proof in Special Education Due Process Hearings**

- The United States Supreme Court has ruled that the burden of proof in special education due process can be assigned to the party that brings the matter to due process and that CT is one of a small minority of states in the country that does not assign the burden to that party.
- In CT the burden of proof in a special education hearing is always on the school district. This results in increased and unnecessary costs as students are placed in private programs at greater cost to school districts with no benefit to the student.
- Because school systems in CT have the burden of proof always assigned to them, **they settle in many cases for programs that are more expensive than ones that would meet the needs of the children involved every bit as well as the more expensive programs.** This results in an inefficient allocation of resources and crowds out spending on other important educational programs for students in the district.
- **RECOMMENDATION – Place the burden of proof on the party bringing the matter to the hearing.**

## Student Data Privacy Act

- Public Act 16-189 requires schools to engage in costly and burdensome negotiations with respect to the software and “apps” used by schools and in the classroom.
- As a result of both the administrative burden of complying with these individual contracting requirements and the fact that some larger service providers refuse to enter into the mandated contracts, educational apps and other learning platforms are being removed from classroom use -to the detriment of student learning.
- **RECOMMENDATION – Postpone implementation until 1/1/19 and in the meantime, activate the task force specified in PA 16-189 and charge it with bringing recommended revisions to the statute to the Legislature in 2018.**

## Statutory Seat Time Requirements for Expelled Students

- Conn. Gen. Stat. section 10-233d (d) prescribes that any student who is expelled from a CT school district be given an educational program that aligns with the provision of 900 hours of instruction on an annual basis. This costly statutory requirement is unnecessary because: Programs provided for expelled students are for the most part tutorial in nature so that what might need 900 hours to accomplish in a classroom setting is not needed in a tutorial setting. **The current standard is 10 hours per week.**
- 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.

**RECOMMENDATION – Remove the time requirement for these programs and require them to enable students to be promoted and to graduate in a timely fashion.**

## Background Checks for Personnel Applications

- Legislation passed last session requires school administrators to contact **all former employers** of a job applicant **without limitation**.
- This requirement is already having an impact on school systems. Some have had to hire additional staff in human resources to manage the load, some have had to reassign staff from other important and necessary functions to deal with the massive amount of paper work involved and some systems are having difficulty keeping up.
- **RECOMMENDATION – Limit the time span for background checks to twenty years.**

Connecticut Association of Public School Superintendents

### **Include an administrator in each PPT meeting**

- Many experienced staff with expertise in special education attend these meetings so requiring an administrator to attend each meeting is clearly legislative overreach. Administrators are already overburdened with many responsibilities and we believe this is one where their presence is not always needed and that the district would be better served if the administrator spent time on other district priorities.
- **RECOMMENDATION - Eliminate mandate**

### **Each certified staff must participate in professional development (PD) of at least 18 hours at no cost to employee.**

- A task force established by the Legislature has reviewed PD requirements
- **RECOMMENDATION - Enact task force recommendations.**

### **Conduct an instructional time and usage study to maximize student learning and community use of facilities**

- This mandate is not needed since most schools already perform such tasks as part of their facility scheduling. In addition, many schools have specific policies for facility use and make use of software to schedule space needs and outside requests.
- **Recommendation: Eliminate mandate**