

APPENDIX B

CONNECTICUT STATUTES AFFECTING ARTS EDUCATION

The following are excerpts from the Connecticut General Statutes relevant to arts education. Specific references to the arts are in *bold, italicized* type to make them easier to find. These excerpts were current at the time this guide was published, but are always subject to revision by the state legislature. Those seeking the latest version of statutory language should call the legislature or consult its website at <http://www.cslnet.ctstateu.edu/statutes>

The State Department of Education also develops regulations to implement statutes, such as regulations concerning teacher and administrator certification. Connecticut's certification regulations, which are revised regularly and therefore tend to change more often than statutes, contain a number of references to arts education. For example, there are specific regulations for the certification of art and music teachers. At the time of this writing teacher certification did not exist for dance and theatre. In addition, certification regulations prohibit an elementary classroom teacher from being the "sole provider" of instruction in art or music, thereby requiring that expert, certified teachers be involved in the delivery of arts instruction at all grade levels.

The latest version of Connecticut's certification regulations is available from the State Department of Education by calling (860) 713-6969 or on the department's website at <http://www.state.ct.us/sde>

SUBJECTS THAT MUST BE TAUGHT

Section 10-16b

(a) In the public schools the program of instruction offered shall include at least the following subject matter, as taught by legally qualified teachers, *the arts*; career education; consumer education; health and safety, including, but not limited to, human growth and development, nutrition, first aid, disease prevention, community and consumer health, physical, mental and emotional health, including youth suicide prevention, substance abuse prevention, safety, which may include the dangers of gang membership, and accident prevention; language arts, including reading, writing, grammar, speaking and spelling; mathematics; physical education; science; social studies, including, but not limited to, citizenship, economics, geography, government and history; and in addition, on at least the secondary level, one or more foreign languages and vocational education. ...

(c) Each local and regional board of education shall on September 1, 1982, and annually thereafter at such time and in such manner as the Commissioner of Education shall request, attest to the State Board of Education that such local or regional board of education offers at least the program of instruction required pursuant to this section, and that such program of instruction is planned, ongoing and systematic.

(d) The State Board of Education shall make available curriculum materials and such other materials as may assist local and regional boards of education in developing instructional programs pursuant to this section. ...

FILING COMPLAINTS OVER FAILURE TO MEET STATE EDUCATION REQUIREMENTS

Sec. 10-4b. Complaint alleging failure or inability of board of education to implement educational interests of state. Investigation; inquiry; hearing. Remedial process. Regulations.

(a) Any resident of a local or regional school district, or parent or guardian of a student enrolled in the public schools of such school district who has been unable to resolve a complaint with the board of education of such local or regional school district may file with the State Board of Education a complaint in writing, or the state board may initiate a complaint, alleging the failure or inability of the board of education of such local or regional school district to implement the educational interests of the state in accordance with section 10-4a. If the state board, or its designee, finds such complaint to be substantial, it shall notify the local or regional board of such complaint and shall designate an agent who shall conduct a prompt investigation in accordance with procedures established by said state board and report the results of such investigation to the state board. The agent of the State Board of Education, in conducting an investigation, may summon by subpoena any records or documents related to the investigation. If the findings indicate that there is reasonable cause to believe that a local or regional board of education has failed or is unable to make reasonable provision to imple-

ment the educational interests of the state as defined in section 10-4a or that a local governmental body or its agent is responsible for such failure or inability, said state board shall conduct an inquiry. The State Board of Education shall give the board of education or a local governmental body or its agent involved the opportunity to be heard in accordance with the provisions of sections 4-176e to 4-184. Said state board may summon by subpoena any person whose testimony may be pertinent to the inquiry and any records or documents related to the provision of public education in the school district.

(b) If, after conducting an inquiry in accordance with subsection (a) of this section, the state board finds that a local or regional board of education has failed or is unable to provide educational opportunities to meet the requirements of this section, sections 10-4a, 10-14q, 10-15c, 10-16, 10-16b and 10-42, subsection (a) of section 10-43, sections 10-47b, 10-53, 10-54, 10-66i, 10-71 and 10-76d, subsection (h) of section 10-76f and sections 10-76g, 10-76m, 10-76o, 10-97, 10-203, 10-220, 10-227, 10-261, 10-262j, 10-263, 10-266j, 10-266m, 10-273a, 10-277 and 10-280a, the state board shall (1) require the local or regional board of education to engage in a remedial process whereby such local or regional board of education shall develop and implement a plan of action through which compliance may be attained, or (2) order the local or regional board of education to take reasonable steps where such local or regional board has failed to comply with subdivision (3) of section 10-4a. Where a local or regional board of education is required to implement a remedial process pursuant to subdivision (1) of this subsection, upon request of such local or regional board, the state board shall make available to such local or regional board materials and advice to assist in such remedial process. If the state board finds that a local governmental body or its agent is responsible for such failure or inability, the state board may order such governmental body or agent to take reasonable steps to comply with the requirements of section 10-4a. The state board may not order an increase in the regular program expenditures, as defined in section 10-262f, of such local or regional board of education if such expenditures are in an amount at least equal to the minimum expenditure requirement in accordance with section 10-262j, provided that an increase in expenditures may be ordered in accordance with section 10-76d. If the state board finds that the state is responsible for such fail-

ure, the state board shall so notify the Governor and the General Assembly.

(c) Upon the failure of a local or regional board of education to implement a remedial process, or upon the failure of a local or regional board of education or local governmental body or its agent to comply with an order of the state board in accordance with subsection (b) of this section, said state board may seek an order from the Superior Court to compel such board of education to implement a remedial process or to compel a local or regional board of education or local governmental body or its agent to carry out the order of the State Board of Education.

(d) The state board shall pursuant to the provisions of chapter 54 adopt regulations concerning procedures for purposes of this section.

DISTRICTS MUST PROVIDE ADEQUATE RESOURCES FOR A GOOD SCHOOL

Sec. 10-220 (a)

(a) Each local or regional board of education shall maintain good public elementary and secondary schools, implement the educational interests of the state as defined in section 10-4a, and provide such other educational activities as in its judgment will best serve the interests of the school district; provided any board of education may secure such opportunities in another school district in accordance with provisions of the general statutes and shall give all the children of the school district as nearly equal advantages as may be practicable; shall provide an appropriate learning environment for its students which includes (1) adequate instructional books, supplies, materials, equipment, staffing, facilities and technology, (2) equitable allocation of resources among its schools, and (3) a safe school setting

...

DISTRICTS MUST IDENTIFY ARTISTICALLY TALENTED STUDENTS

Sec. 10-76a. Definitions.

Whenever used in sections 10-76a to 10-76i, inclusive: (1) "Commissioner" means the Commissioner of Education. (2) "Child" means any person under twenty-one years of age. (3) An "exceptional child" means a child who deviates ei-

ther intellectually, physically or emotionally so markedly from normally expected growth and development patterns that he or she is or will be unable to progress effectively in a regular school program and needs a special class, special instruction or special services. (4) "Special education" means specially designed instruction developed in accordance with the regulations of the commissioner, subject to approval by the State Board of Education offered at no cost to parents or guardians, to meet the unique needs of a child with a disability, including instruction conducted in the classroom, in the home, in hospitals and institutions, and in other settings and instruction in physical education and special classes, programs or services, including related services, designed to meet the educational needs of exceptional children. (5) "Children requiring special education" includes any exceptional child who (A) has mental retardation, a physical handicap or neurological impairment or who is autistic, traumatically brain injured, seriously emotionally disturbed or suffering an identifiable learning disability which impedes such child's rate of development, which disability is amenable to correction or which rate of development may be improved by special education, (B) *has extraordinary learning ability or outstanding talent in the creative arts, the development of which requires programs or services beyond the level of those ordinarily provided in regular school programs but which may be provided through special education as part of the public school program.* ... (9) "Related services" means related services, as defined in the Individuals With Disabilities Education Act, 20 USC 1400 et seq., as amended from time to time. ... (13) "Extraordinary learning ability" and "*outstanding creative talent*" shall be defined by regulation by the commissioner, subject to the approval of the State Board of Education, after consideration by said commissioner of the opinions of appropriate specialists and of the normal range of ability and rate of progress of children in the Connecticut public schools. ...

Sec. 10-76d. Duties and powers of boards of education to provide special education programs and services. Determination of eligibility for Medicaid. State agency placements; apportionment of costs. Relationship of insurance to special education costs.

(a)(1) In accordance with the regulations and procedures established by the commissioner and

approved by the State Board of Education, *each local or regional board of education shall provide the professional services requisite to identification of school-age children requiring special education, identify each such child within its jurisdiction, determine the eligibility of such children for special education pursuant to sections 10-76a to 10-76h, inclusive, prescribe suitable educational programs for eligible children, maintain a record thereof and make such reports as the commissioner may require.* ...

MINIMUM REQUIREMENTS FOR HIGH SCHOOL GRADUATION

[Note: the majority of Connecticut school districts have established local requirements for high school graduation which exceed these state-mandated minimums.]

Sec. 10-221a. High school graduation requirements. Diplomas for veterans of World War II.

For classes graduating from 1988 to 2003, inclusive, no local or regional board of education shall permit any student to graduate from high school or grant a diploma to any student who has not satisfactorily completed a minimum of twenty credits, not fewer than four of which shall be in English, not fewer than three in mathematics, not fewer than three in social studies, not fewer than two in science, *not fewer than one in the arts or vocational education* and not fewer than one in physical education. Commencing with classes graduating in 2004, and for each graduating class thereafter, no local or regional board of education shall permit any student to graduate from high school or grant a diploma to any student who has not satisfactorily completed a minimum of twenty credits, not fewer than four of which shall be in English, not fewer than three in mathematics, not fewer than three in social studies, including at least one half-credit course on civics and American government, not fewer than two in science, *not fewer than one in the arts or vocational education* and not fewer than one in physical education. Any student who presents a certificate from a physician stating that, in the opinion of the physician, participation in physical education is medically contraindicated because of the physical condition of such student, shall be excused from the physical education requirement, provided the credit for physical education may be fulfilled by an elective. Determini-

nation of eligible credits shall be at the discretion of the local or regional board of education, provided the primary focus of the curriculum of eligible credits corresponds directly to the subject matter of the specified course requirements. The local or regional board of education may permit a student to graduate during a period of expulsion pursuant to section 10-233d, if the board determines the student has satisfactorily completed the necessary credits pursuant to this section. The requirements of this section shall apply to any student requiring special education pursuant to section 10-76a, except when the planning and placement team for such student determines the requirement not to be appropriate. For purposes of this section, a credit shall consist of not less than the equivalent of a forty-minute class period for each school day of a school year except for a credit or part of a credit toward high school graduation earned at an institution accredited by the Department of Higher Education or regionally accredited. Only courses taken in grades nine through twelve, inclusive, shall satisfy this graduation requirement, except that a local or regional board of education may grant a student credit (1) toward meeting a specified course requirement upon the successful completion in grade seven or eight of any course, the primary focus of which corresponds directly to the subject matter of a specified course require-

ment in grades nine to twelve, inclusive; or (2) toward meeting the high school graduation requirement upon the successful completion of coursework at an institution accredited by the Department of Higher Education or regionally accredited. One three-credit semester course, or its equivalent, at such an institution shall equal one-half credit for purposes of this section. A local or regional board of education may offer one-half credit in community service which, if satisfactorily completed, shall qualify for high school graduation credit pursuant to this section, provided such community service is supervised by a certified school administrator or teacher and consists of not less than fifty hours of actual service that may be performed at times when school is not regularly in session and not less than ten hours of related classroom instruction. For purposes of this section, community service does not include partisan political activities. The State Board of Education shall assist local and regional boards of education in meeting the requirements of this section. A local or regional board of education may award a diploma to a veteran of World War II, pursuant to Sec. 27-103, who left high school prior to graduation in order to serve in the armed forces of the United States and did not receive a diploma as a consequence of such service.