

## Question

Recently, the Connecticut School Finance Project was asked for “information regarding legislation in [Connecticut] that impacts a school district's ability to pursue regionalization.” This policy brief seeks to provide this information by summarizing methods of regional cooperation impacting public school districts in Connecticut, and detailing recent proposals to increase or incentivize regional cooperation.

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## Introduction

Connecticut is unusual among states in that it does not have a form of regional government through which taxes are levied and services provided. All states, except for Connecticut and Rhode Island, have organized county or parish systems of government through which services such as public hospitals and health care, public schools, courts, public safety, administration, etc. are provided.<sup>1</sup> Additionally, states may utilize municipal governments, township governments, or special districts, including fiscally independent school districts, to provide specific services to residents.<sup>2</sup>

Connecticut currently operates 643 separate government entities.<sup>3</sup> Connecticut abolished its county system of government in 1960,<sup>4</sup> and currently each of its 169 municipalities retains control over the provision of public services, and has the authority to levy property taxes in order to support municipal expenses; including those incurred by local and regional boards of education.<sup>5</sup> Connecticut currently operates 447 special district governments<sup>A</sup> for the provision of services such as fire prevention, water pollution, sewer, waste removal, zoning, housing, and special forms of taxation.<sup>6</sup>

Fiscally independent school districts qualify as a form of special-purpose government as they have substantial autonomy to fix and collect charges and to issue debt for the provision of educational services.<sup>7</sup> Thirty states have entirely fiscally independent school districts, while 16 states have some fiscally dependent and some fiscally independent school districts, and eight states have state-dependent school districts.<sup>8</sup> The majority of school districts in Connecticut are fiscally dependent, which means local boards of education are not allowed to levy taxes or carry debt, and are, essentially, functions of their associated municipality. The exceptions to this rule are regional school districts and Regional Education Service Centers (RESCs), which are allowed to fix and collect charges for the services they provide as well as carry debt.<sup>9</sup>

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<sup>A</sup> Special district governments are defined by the U.S. Census Bureau as “independent, special purpose governmental units that exist as separate entities with substantial administrative and fiscal independence from general purpose local governments. . . the term ‘special district governments’ excludes school district governments, as they are defined as a separate governmental type.”

Source: U.S. Census Bureau (2013). *Individual State Descriptions: 2012*. 2012 Census of Governments. Retrieved from: <https://www2.census.gov/govs/cog/2012isd.pdf>

Regional school districts in Connecticut are considered fiscally independent. However, regional school districts cannot independently levy taxes on Connecticut residents to fund public education and are therefore still dependent on their member municipalities. Career and technical high schools and state charter schools are considered state-dependent entities and are not considered forms of government.<sup>10</sup> Because Connecticut's system of local government is complex and because there is no functioning county system for the provision of regional services, towns and school districts must independently seek regional cooperation when attempting to increase the efficiency of service provision or otherwise improve the provision of services. There are multiple vehicles by which government entities, including school districts, may engage in regional collaboration and cooperative purchasing. In some cases, school districts or municipalities may consider regional consolidation through the formation of regional school districts or through a consolidation of municipal governments. The procedures for forming a regional school district are discussed in detail later in this memorandum.

There are three primary types of regional cooperation in Connecticut that could impact school district operations: cooperation between municipalities, cooperation between school districts, and cooperation between a municipality and the school districts with which it is associated.

## Cooperation and Cooperative Purchasing Between Municipalities

There are multiple ways in which Connecticut towns may enter into interlocal cooperative agreements for the purchase or provision of services, or for any other municipal function.<sup>11</sup> Some common types of municipal cooperation include, but are not limited to:

- Interlocal agreements to provide public safety or dispatch services;<sup>12,13</sup>
- The creation of an authority, such as a housing authority, to provide regional services.<sup>14</sup> Authorities are considered a type of special district government, as they have significant autonomy and may issue bonds;<sup>15,16</sup>
- The formation of regional economic development commissions;<sup>17</sup>
- The formation of transit districts for the maintenance and improvement of transportation systems;<sup>18</sup>
- The formation of regional agricultural councils;<sup>19</sup>
- The cooperative purchasing of insurance, such as through the Connecticut Interlocal Risk Management Agency (CIRMA)<sup>20</sup> or CT Prime;<sup>21</sup> or
- Cooperative purchasing and bidding consortia, supported by organizations such as Regional Councils of Government (RCOGs) or the Connecticut Conference of Municipalities (CCM).<sup>22</sup>

Municipalities may also jointly issue bonds for any project or activity they have entered into jointly.<sup>23</sup>

## Cooperation and Cooperative Purchasing Between School Districts and Municipalities

School districts may cooperate with the towns with which they are associated for the provision of non-academic services. Many towns provide in-kind services for school districts, including waste removal, public safety, snow removal, and maintenance of buildings and grounds.<sup>24</sup> Other types of services that can be cooperatively purchased between towns and school districts include health insurance, workers' compensation insurance, and back office supports such as sharing human resources or finance departments and staffing, information technology systems, or other administrative functions.<sup>25</sup>

## Cooperation and Cooperative Purchasing Between School Districts

School districts in Connecticut are allowed to enter into regional cooperative arrangements for the provision of academic and student support services. In some cases, there are incentives provided by the State to encourage regional collaboration.

### ***Interdistrict Cooperative Arrangements***

Connecticut statute specifically provides that any two or more boards of education may agree to establish written cooperative arrangements to provide the following types of services:

- School accommodations
- Programs or activities
- Special education services
- Health care services
- Alternative education
- Student transportation
- School building projects

Cooperative arrangements may include the establishment of a committee by the boards of education to supervise the programs under the agreement. These committees are authorized to: apply for and expend funds, receive and disburse both public and private funds, hold title to real or personal property, employ personnel, enter into contracts, and otherwise provide the agreed upon programs and services on behalf of the participating school districts.<sup>26</sup> Any participating district may withdraw from the agreement with one year's written notice. If there are more than two districts in the cooperative arrangement, the remaining districts may continue their commitment to the agreement.<sup>27</sup>

### ***Regional Education Service Centers***

There are six RESCs in Connecticut, which were established in 1972 for the purpose of cooperative action to furnish programs and services to school districts.<sup>28</sup> RESCs may be formed by four or more school districts, with the approval of the State Board of Education (SBOE).<sup>29</sup> RESCs are overseen by members of the boards of education of the participating school districts.<sup>30</sup> RESCs are authorized to: carry debt; receive and disburse public and private funds; employ personnel; enter into contracts; receive, hold, and

convey real or personal property; and otherwise provide the services and activities agreed upon by the member boards of education.<sup>31</sup>

Not all RESCs provide the same services, but each RESC designs services based on the needs of its constituent districts.<sup>32</sup> All RESCs aim to support the instructional and operational components of school districts in Connecticut.<sup>33</sup> RESCs are authorized to provide professional development services for the Connecticut State Department of Education (CSDE) without a competitive bidding process.<sup>34</sup> Many districts utilize RESCs for assistance with the provision of special education services.<sup>35</sup> Some RESCs provide districts a means of purchasing group insurance,<sup>36</sup> and Capitol Region Education Council (CREC) has formed a captive insurance company for the provision of medical stop loss coverage for both towns and school districts.<sup>37</sup>

### **Regional Schools**

Connecticut allows a number of types of publicly funded regional schools. These schools can be operated by public or private entities. Regional schools accept students from multiple school districts, and some types of regional schools accept any Connecticut student. Regional schools in Connecticut include:

- Regional high schools, operated by regional boards of education;<sup>38</sup>
- Magnet schools, which may be operated by local boards of education or by RESCs;<sup>39</sup>
- Career and technical high schools, operated by the state government;<sup>40</sup>
- Vocational-agricultural schools, operated by local boards of education;<sup>41</sup>
- Charter schools, operated by private, nonprofit entities;<sup>42</sup>
- Private academies, operated by private, nonprofit entities.<sup>43</sup>

### **Designated High Schools**

Connecticut law allows for local boards of education to choose not to maintain a high school. If a town chooses this option, it may form a regional school district, or it may designate, through interlocal cooperative arrangements, one or more high schools maintained by other school districts as the public high school(s) of the town. Local boards of education that do not maintain a high school must pay the tuition of all resident students attending the designated high school.<sup>44</sup> For example, the City of Norwich does not maintain a high school but designates 10 high schools for resident students to attend. These schools include technical high schools, magnet schools, a charter school, and a free private academy.<sup>45</sup> Local boards of education that have accepted nonresident students may discontinue the arrangement with one year's notice, as long as it does not enter into another, similar arrangement with a different board of education for 10 years.<sup>46</sup>

## **Forming a Regional School District in Connecticut**

Under Connecticut state statutes, two or more towns may form a regional school district.<sup>47</sup> However, there are multiple required actions towns interested in establishing a regional school district must take before the regional district may be created.

## 1. **Formation of Joint Temporary Regional School Study Committees**

The first step in forming a regional school district is for the interested school districts to form a joint temporary regional school study committee (study committee). There are two ways study committees may be formed.

First, the legislative bodies of interested local or regional school districts may vote to establish a joint temporary regional school study committee, to study the advisability of establishing a regional school district, which then reports to the respective towns, as discussed in detail below.<sup>48</sup> The committee can exist for a term of up to two years, which can be extended by another vote.<sup>49</sup>

Alternatively, two or more boards of education may join to conduct a *preliminary* study of the advisability of establishing a regional school district and submit a written report to the chief executive officer of each town served by such boards.<sup>50</sup> If the finding is affirmative, the officer then calls a meeting of the legislative body of the town to vote on the question of establishing a regional school study committee.<sup>51</sup>

There are proscribed requirements for how study committee representatives may be selected. These requirements are listed below.<sup>52</sup>

- The legislative body of each town joining the committee must appoint five members, at least two of who are members of the local board of education.<sup>53</sup>
- The town clerk of each town must immediately give notice of the committee appointments to the commissioner of the CSDE.
- The commissioner must appoint a consultant to the committee within 30 days, and this consultant is responsible for calling the first committee meeting.<sup>54</sup>
- The committee must elect officers, including a bonded treasurer, who must receive and pay moneys on behalf of the committee and keep records and receipts.<sup>55</sup>

Upon dissolution of the committee, the treasurer must transfer the original, official records of the committee to the secretary of the regional board of education or, if the regional board does not form, the SBOE.<sup>56</sup> Study committees can employ consultants, architects, etc. Funds to cover expenses of the committee may be raised from private donations or through the prospective member towns, as long as expenses are split proportionally between towns, based on their school enrollment, and are capped at \$10 per pupil.<sup>57</sup> By voting to form the committee, the town becomes legally required to pay its share of the committee's costs.<sup>58</sup> Any moneys paid to an architect by the committee are applied to the total cost of the school building construction for the purposes of computing state reimbursement.<sup>59</sup>

## 2. Reports to Towns

Study committees must make semi-annual progress reports to participating towns and the SBOE.<sup>60</sup> Upon completion of the advisability study, the committee must submit a written report of its findings and recommendations to the SBOE and the town clerk of each participating town.<sup>61</sup> The report must contain the following information:

- Findings in regard to advisability of forming a regional school district;
- Which towns are included;
- The grade levels for which educational programs are to be provided;
- Detailed educational and budget plans for a 5-year period, including enrollment projections, staffing, and a description of all programs and supportive services;
- Recommended facilities;
- Cost estimates for land and facilities;
- Recommendation concerning the capital contribution for each participating town based on appraisals or negotiated valuation of existing land and facilities owned and used by each town for public schools that are recommended to be used by the regional district;
- Plan for the transfer of land and facilities to the proposed district;
- Recommendation concerning the size of the regional board of education to be formed in support of the new regional district;<sup>62</sup> and
- The capital contribution of each town must be proportionate to the total value of transferred property to the average daily membership of the town for the preceding school year.<sup>63</sup>

A written report must also be filed in the case that the committee finds the formation of a regional school district is inadvisable. There must also be a public notice of this report and a verbal presentation at a public meeting.<sup>64</sup> If the report finds that formation of a regional school district is advisable, the SBOE must determine if the report meets all of the statutory requirements, and has 30 days to accept or reject the findings.<sup>65</sup> If the SBOE rejects the recommendations, the Board must advise the committee, in writing, and explain the reasons for the rejection.<sup>66</sup> If the SBOE accepts the recommendations, it must certify to the town clerk in each participating town the approval, and send a copy of the certification to the committee.<sup>67</sup>

## 3. Public Notice & Public Meetings

The town clerks must then publish the certified report and publish notice of the certification and availability of copies in the local newspaper.<sup>68</sup> Within 30 days of public notice, the committee must hold a public meeting in each participating town to present the certified report.<sup>69</sup>

## 4. Referenda

The final step in the formation of a regional school district is for all towns to hold referenda. All participating towns must hold a referendum on the same day to determine whether a regional school district shall be established as

recommended (after the completion of the referenda, the committee is dissolved).<sup>70</sup> The simultaneous referenda must be held between 45 and 90 days from the date of the certified approval from the SBOE, except when the study committee has recommended the subtraction or addition of additional grade levels to an existing regional district. In this case the referenda shall be held between 45 and 90 days of the recommendation.<sup>71</sup> The warning of the referenda must be published, the vote taken, and the results canvassed and declared in the same manner as is provided for the election of town officers.<sup>72</sup> Each town clerk must then certify the results of the town referendum to the SBOE.<sup>73</sup> The vote on the question must be a "yes" or "no" vote to the question "Shall a regional school district be established in accordance with the plan approved by the State Board of Education on [date]?" and must be taken on the voting tabulator.<sup>74</sup>

If the majority of votes in each of the participating towns is affirmative, a regional school district is established and is numbered in accordance with the incorporation of the districts.<sup>75</sup> If the majority vote of one or more towns is negative, the committee or regional board of education (in the case of adding or subtracting grades) shall determine advisability of immediately submitting the question to referendum a second time.<sup>76</sup> If the committee recommends a second referendum, the legislative body of each town must meet within 30 days to accept or reject the recommendation for a second referendum. If each town accepts, a second referendum will be held simultaneously in each town.<sup>77</sup> If, in the second set of referenda, the majority of votes cast in each town is affirmative, the regional school district is established.<sup>78</sup>

Although the statutory language does not affirmatively state that if the results of the referendum of one or more town is negative, the regional district will not be formed and the entire process must begin again, the statutes specify that the regional school district can only be formed with a majority affirmative referendum result in each participating town.<sup>79</sup> The current statutes do not contemplate the potential for the remaining towns that voted affirmatively to move forward with the formation of the regional school district.

## Municipal Consolidation

In Connecticut, local governments are allowed to consolidate into one municipal entity. This may be done in two ways. The first is through majority vote of the entire membership of the legislative body of each local government included in the consolidation proposal.<sup>80</sup> Local government consolidations may also be initiated through a petition process.<sup>81</sup> Such a petition must be signed by at least 10 percent of voters in each town.<sup>82</sup> After a vote or petition, a consolidation commission is formed,<sup>83</sup> which prepares a consolidation ordinance,<sup>84</sup> which is then submitted to voters in each town through a referendum. A majority, and at least 15 percent of registered voters, must vote in the affirmative during the referendum in order for the consolidation ordinance to be approved.<sup>85</sup> Although school districts may also consolidate independently of municipalities, local governments are allowed to revise their charters

during a municipal consolidation in ways that may impact the school districts associated with each town.<sup>86</sup>

Alternately, the Connecticut General Assembly may enact special legislation relative to the powers, organization, and form of government of a municipality if a resolution requesting the General Assembly to enact this special legislation passes with a two-thirds vote of the municipal legislative body, or a majority vote of a representative town meeting. A request for the enactment of special legislation may also be initiated by a petition specifying the purpose of the requested legislation, signed by at least 10 percent of the electors of the municipality, certified by the town clerk, and filed by the clerk with the secretary of state, at least 10 days prior to the start of legislative session. The General Assembly is barred from taking this type of action without one of these types of requests from a municipality.<sup>87</sup>

## 2017 Statutory Changes Impacting Regional Collaboration

Conn. Acts 17-68 allows local boards of education to enter into written agreements with the boards of finance or selectmen in their associated municipality to allow the town to take responsibility for the provision of any noneducational service currently provided by the board of education.<sup>88</sup>

Conn. Acts 17-2 (June Special Session), the omnibus piece of legislation implementing the state biennial budget for fiscal years 2018 and 2019, contains a number of minor statutory changes that impact school districts' powers to regionally collaborate. These changes are listed below.<sup>89</sup>

- Section 153 allows the legislative body of a municipality, and its associated local board of education, to enter into a cooperative arrangement to provide administrative and central office duties.<sup>90</sup>
- Section 154 specifically allows two or more local or regional boards of education to enter into cooperative arrangements to provide administrative and central office duties.<sup>91</sup>
- Section 156 allows regional boards of education to establish a finance committee, seated with two members of each member towns' local board of education.<sup>92</sup>
- Section 160 requires local boards of education to consult with municipal legislative bodies about the joint purchasing of property, casualty, and workers' compensation insurance.<sup>93</sup>
- Section 161 requires local boards of education to consult with their municipal legislative body when they bid for a good or service. If the municipality can provide the good or service at a lower cost than the lowest bid, the section requires the board of education to enter into a cooperative arrangement with the town to receive that good or service.<sup>94</sup>
- Section 257 specifically allows local boards of education for districts of under 2,000 resident students to jointly employ a superintendent of schools, and allows boards of education that choose this option to hold regular, joint meetings for the purpose of reducing the expenses of the boards and aligning the boards' provision of education.<sup>95</sup>



## Recent Regionalization Proposals

There have been a number of proposals to incentivize or require the regionalization of municipal and school district services over the past three years. Some of these proposals are outlined below.

### ***Proposals from the Commission on Fiscal Stability and Economic Growth***

The Commission on Fiscal Stability and Economic Growth released its recommendations on March 1, 2018. Included in the Commission's list of recommendations were a number of proposals (listed below) regarding RCOGs.<sup>96</sup>

- Allow municipalities, separately or acting through RCOGs, to assess fees for the use of public rights of way, storm water, hotels, car rentals, restaurants, and other services. Also allow RCOGs and municipalities to assess service fees, in lieu of taxes, on tax-exempt property, nonprofit colleges, and hospitals.
- Allow municipalities, consortia of municipalities, or RCOGs to impose supplemental, time-limited sales or property taxes by special referenda to fund capital projects.
- Allow RCOGs to levy an additional sales tax of up to 0.5 percent to be used solely for regional economic development.
- Apply existing federal law to have RCOGs be designated by the federal government as counties, in order to qualify for increased federal funding.<sup>97</sup>

### ***Legislative Proposals from the MORE Commission***

Many proposals stemmed from the Municipal Opportunities and Regional Efficiencies (MORE) Commission, which met from 2010-2015.<sup>98</sup> The MORE Commission's recommendations resulted in legislation as well as a number of legislative proposals, which were introduced as bills but not signed into law. Proposals specific to school districts included:

- House Bill 7016 (2015) would have implemented the recommendations of the MORE Commission's Subcommittee on Special Education, including a requirement that RESCs develop regional models for the provision of special education services to all school districts served by each respective RESC, including a regional transportation plan, a regional educator training plan, and a regional plan for the provision of therapeutic services.<sup>99</sup>
- House Bill 6930 (2015) would have allowed for the establishment of interlocal advisory boards that would have the power to engage in collective bargaining and enter into contracts with interlocal employees. The bill would also have provided a modest financial incentive to interlocal advisory boards that engaged in regional collective bargaining.<sup>100</sup>

A number of MORE Commission proposals also passed into law from 2010-2014, including the implementation of a Uniform Chart of Accounts and a Uniform Regional Calendar for boards of education,<sup>101</sup> neither of which has been implemented to date.<sup>102,103</sup>

### **Other Legislative Proposals**

Below are a number of other legislative proposals, which have not been signed into law, from the past three years. These are examples of legislative proposals and do not represent a comprehensive list of all proposed legislation.

- House Bill 5554 (2016) would have allowed RESCs to contract with boards of education to provide administrative services, allowed municipalities to participate in programs and services provided by RESCs, and allowed boards of education to enter into lease agreements as cooperative arrangements, among other items.<sup>104</sup>
- House Bill 5602 (2016) would have exempted municipalities from the competitive bidding process if they were attempting to purchase services from vendors under contracts made with RESCs or RCOGs. Would also have allowed adjoining towns to enter into a cooperative arrangement for a single resident state trooper and allowed RESCs to apply for regional planning incentive grants.<sup>105</sup>
- House Bill 5604 (2016) would have established a process by which the MORE Commission would develop a tool to assess municipalities and boards of education on their progress toward establishing regional efficiencies and would have linked town and district regionalization success measures with the amount of state municipal and education aid payments to towns.<sup>106</sup>
- House Bill 6813 (2017) would have defined a “small school district” as a district with less than 1,000 students and would have reduced small school districts’ state education equalization aid payments by 25 percent a year over four years, until the districts received no state aid, unless the district consolidated. Would have required the CSDE to pay for the costs of small district consolidations.<sup>107</sup>

## Endnotes

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- <sup>4</sup> U.S. Census Bureau. (2013). *Individual State Descriptions: 2012, 2012 Census of Governments*. Retrieved from <https://www2.census.gov/govs/cog/2012isd.pdf>.
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- <sup>6</sup> Ibid.
- <sup>7</sup> U.S. Census Bureau. (n.d.). Lists & Structure of Governments, Population of Interest. Retrieved from [https://www.census.gov/govs/go/population\\_of\\_interest.html](https://www.census.gov/govs/go/population_of_interest.html).
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- <sup>11</sup> Conn. Gen. Statutes ch. 98, § 7-148cc.
- <sup>12</sup> Conn. Gen. Statutes ch. 98, § 7-148mm.
- <sup>13</sup> Conn. Gen. Statutes ch. 98, § 7-148nn.
- <sup>14</sup> Conn. Gen. Statutes ch. 98, § 7-130b.
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- <sup>16</sup> Conn. Gen. Statutes ch. 98, § 7-130g.
- <sup>17</sup> Conn. Gen. Statutes ch. 98, § 7-137.
- <sup>18</sup> Conn. Gen. Statutes ch. 103a, § 7-273b.
- <sup>19</sup> Conn. Gen. Statutes ch. 97, § 7-131v.
- <sup>20</sup> Connecticut Interlocal Risk Management Agency. (2017). *Annual Report: 2016-17*. New Haven, CT: Connecticut Conference of Municipalities. Retrieved from <http://cirma.ccm-ct.org/Resources.ashx?id=596deb98-3275-4ac2-af3f-438bc7e33d82>.
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- <sup>22</sup> Connecticut Association of School Business Officials. (2015). *Shared Service Whitepaper*. West Hartford, CT: Author. Retrieved from [http://c.ymcdn.com/sites/www.ct-asbo.org/resource/resmgr/CASBO\\_Shared\\_Services\\_Whitep.pdf](http://c.ymcdn.com/sites/www.ct-asbo.org/resource/resmgr/CASBO_Shared_Services_Whitep.pdf).
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- <sup>23</sup> Conn. Gen. Statutes ch. 97, § 7-136n.
- <sup>24</sup> Connecticut Association of School Business Officials. (2015). *Shared Service Whitepaper*. West Hartford, CT: Author. Retrieved from [http://c.ymcdn.com/sites/www.ct-asbo.org/resource/resmgr/CASBO\\_Shared\\_Services\\_Whitep.pdf](http://c.ymcdn.com/sites/www.ct-asbo.org/resource/resmgr/CASBO_Shared_Services_Whitep.pdf).
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- <sup>26</sup> Conn. Gen. Statutes ch. 166, § 10-158a.
- <sup>27</sup> Ibid.
- <sup>28</sup> Conn. Gen. Statutes ch. 164, § 10-66a.
- <sup>29</sup> Ibid.
- <sup>30</sup> Conn. Gen. Statutes ch. 164, § 10-66b.
- <sup>31</sup> Conn. Gen. Statutes ch. 164, § 10-66c.

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- <sup>42</sup> *Ibid.*
- <sup>43</sup> *Ibid.*
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- <sup>49</sup> *Ibid.*
- <sup>50</sup> Conn. Gen. Statutes ch. 164, § 10-39(c).
- <sup>51</sup> *Ibid.*
- <sup>52</sup> Conn. Gen. Statutes ch. 164, § 10-39(d).
- <sup>53</sup> Conn. Gen. Statutes ch. 164, § 10-40.
- <sup>54</sup> *Ibid.*
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- <sup>56</sup> Conn. Gen. Statutes ch. 164, § 10-44.
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