



# House of Representatives

General Assembly

**File No. 269**

*January Session, 2003*

Substitute House Bill No. 5186

*House of Representatives, April 9, 2003*

The Committee on Education reported through REP. GIANNAROS of the 21st Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

## ***AN ACT CONCERNING TEACHERS AND COLLECTIVE BARGAINING.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 10-151b of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective July 1, 2003*):

3 (a) The superintendent of each local or regional board of education  
4 shall, in accordance with guidelines established by the State Board of  
5 Education for the development of evaluation programs and such other  
6 guidelines as may be established by mutual agreement between the  
7 local or regional board of education and the teachers' representative  
8 chosen pursuant to section 10-153b, continuously evaluate or cause to  
9 be evaluated each teacher. An evaluation pursuant to this subsection  
10 shall include, but need not be limited to, strengths, areas needing  
11 improvement and strategies for improvement. Claims of material  
12 failure to follow the procedures established in said evaluation  
13 programs shall be subject to the grievance procedure in collective  
14 bargaining agreements negotiated subsequent to July 1, 2003. The

15 superintendent shall report the status of teacher evaluations to the  
16 local or regional board of education on or before June first of each year.  
17 For purposes of this section, the term "teacher" shall include each  
18 professional employee of a board of education, below the rank of  
19 superintendent, who holds a certificate or permit issued by the State  
20 Board of Education.

21 (b) Each local and regional board of education shall develop and  
22 implement teacher evaluation programs consistent with guidelines  
23 established by the State Board of Education and consistent with the  
24 plan developed in accordance with the provisions of subsection (b) of  
25 section 10-220a.

26 Sec. 2. Subsection (d) of section 10-220a of the general statutes is  
27 repealed and the following is substituted in lieu thereof (*Effective July*  
28 *1, 2003*):

29 (d) The state Department of Education may fund, within available  
30 appropriations, in cooperation with one or more regional educational  
31 service centers: (1) A cooperating teacher program to train Connecticut  
32 public school teachers and certified teachers at private special  
33 education facilities approved by the Commissioner of Education and at  
34 other facilities designated by the commissioner, who participate in the  
35 supervision, training and evaluation of student teachers; (2) institutes  
36 to provide continuing education for Connecticut public school  
37 educators, assessors and cooperating teachers and teacher mentors,  
38 including institutes to provide continuing education for Connecticut  
39 public school educators offered in cooperation with the Connecticut  
40 Humanities Council; and (3) a beginning teacher support and  
41 assessment program to train Connecticut public school teachers and  
42 other qualified persons approved by the Commissioner of Education  
43 and certified teachers at such private special education and other  
44 designated facilities who serve as mentors or assessors for beginning  
45 teachers and who supervise, train and assist or assess beginning  
46 teachers in their initial years in teaching and to pay stipends to  
47 assessors. Funds available under this subsection shall be paid directly

48 to school districts for the provision of substitute teachers when  
49 cooperating teachers, teacher mentors, beginning teachers and  
50 assessors are released from regular classroom responsibilities and for  
51 the provision of professional development activities for cooperating  
52 and student teachers, teacher mentors, assessors and beginning  
53 teachers. The cooperating teacher and beginning teacher support and  
54 assessment programs shall operate in accordance with regulations  
55 which shall be adopted by the State Board of Education pursuant to  
56 chapter 54. Student teachers shall be placed with trained cooperating  
57 teachers. Beginning teachers shall participate in a beginning teacher  
58 support and assessment program as made available by the board.  
59 School districts shall be responsible for providing support to beginning  
60 teachers which shall include, but not be limited to, the placement of  
61 beginning teachers with trained teacher mentors who may be full or  
62 part-time teachers in the same or a different building than the  
63 beginning teacher and provision of trained assessors to conduct  
64 assessments of beginning teachers. Cooperating teachers, teacher  
65 mentors and assessors may serve concurrently in more than one  
66 capacity and may be assigned more than one student teacher or  
67 beginning teacher in each such capacity. The assessment of each  
68 beginning teacher shall be based upon, but not limited to, data  
69 obtained from observations conducted by assessors using an  
70 assessment instrument. Notwithstanding any regulation to the  
71 contrary, the State Board of Education may require less than six  
72 observations as part of such assessment for the fiscal year ending June  
73 30, 1992, and may establish different assessment standards for use  
74 during such fiscal year. Notwithstanding any regulation to the  
75 contrary, a beginning teacher need not be assessed by a certified  
76 teacher who holds a certification endorsement in the same general  
77 subject area as such beginning teacher. Cooperating teachers and  
78 teacher mentors who are Connecticut public school teachers and  
79 assessors who are employed by school districts shall be selected by  
80 local and regional boards of education. Cooperating teachers and  
81 teacher mentors and assessors at such private special education and  
82 other designated facilities shall be selected by the authority responsible

83 for the operation of such facilities. If a board of education is unable to  
84 identify a sufficient number of individuals to serve in such positions,  
85 the commissioner may select qualified persons who are not employed  
86 by the board of education to serve in such positions. Such regulations  
87 shall require primary consideration of teachers' classroom experience  
88 and recognized success as educators. The provisions of sections 10-  
89 153a to 10-153n, inclusive, as amended by this act, shall not be  
90 applicable to the selection [,] and placement [and compensation] of  
91 persons participating in the cooperating teacher and beginning teacher  
92 support and assessment programs pursuant to the provisions of this  
93 section, but the provisions of said sections 10-153a to 10-153n,  
94 inclusive, shall be applicable to the compensation and to the hours and  
95 duties of such persons. The State Board of Education shall protect and  
96 save harmless, in accordance with the provisions of section 10-235, any  
97 cooperating teacher, teacher mentor or assessor while serving in such  
98 capacity.

99 Sec. 3. Subsection (b) of section 10-153d of the general statutes is  
100 repealed and the following is substituted in lieu thereof (*Effective July*  
101 *1, 2003*):

102 (b) The local or regional board of education and the organization  
103 designated or elected as the exclusive representative for the  
104 appropriate unit, through designated officials or their representatives,  
105 shall have the duty to negotiate with respect to salaries, hours and  
106 other conditions of employment about which either party wishes to  
107 negotiate, including, but not limited to, for negotiations subsequent to  
108 July 1, 2003, compensation of mentor teachers participating in the  
109 cooperating teacher and beginning teacher support and assessment  
110 programs pursuant to the provisions of section 10-220a, as amended by  
111 this act, and to the hours and duties of such persons. For purposes of  
112 this subsection and sections 10-153a, 10-153b, as amended by this act,  
113 and 10-153e to 10-153g, inclusive, (1) "hours" shall not include the  
114 length of the student school year, the scheduling of the student school  
115 year, the length of the student school day, the length and number of  
116 parent-teacher conferences and the scheduling of the student school

117 day, except for the length and the scheduling of teacher lunch periods  
118 and teacher preparation periods, and (2) "other conditions of  
119 employment" shall not include the establishment or provisions of any  
120 retirement incentive plan authorized by section 10-183jj. Such  
121 negotiations shall commence not less than two hundred ten days prior  
122 to the budget submission date. Any local board of education shall file  
123 forthwith a signed copy of any contract with the town clerk and with  
124 the Commissioner of Education. Any regional board of education shall  
125 file forthwith a signed copy of any such contract with the town clerk in  
126 each member town and with the Commissioner of Education. Upon  
127 receipt of a signed copy of such contract the clerk of such town shall  
128 give public notice of such filing. The terms of such contract shall be  
129 binding on the legislative body of the local or regional school district,  
130 unless such body rejects such contract at a regular or special meeting  
131 called and convened for such purpose within thirty days of the filing  
132 of the contract. If a vote on such contract is petitioned for in accordance  
133 with the provisions of section 7-7, in order to reject such contract, a  
134 minimum number of those persons eligible to vote equal to fifteen per  
135 cent of the electors of such local or regional school district shall be  
136 required to participate in the voting and a majority of those voting  
137 shall be required to reject. Any regional board of education shall call a  
138 district meeting to consider such contract within such thirty-day  
139 period if the chief executive officer of any member town so requests in  
140 writing within fifteen days of the receipt of the signed copy of the  
141 contract by the town clerk in such town. The body charged with  
142 making annual appropriations in any school district shall appropriate  
143 to the board of education whatever funds are required to implement  
144 the terms of any contract not rejected pursuant to this section. All  
145 organizations seeking to represent members of the teaching profession  
146 shall be accorded equal treatment with respect to access to teachers,  
147 principals, members of the board of education, records, mail boxes and  
148 school facilities and, in the absence of any recognition or certification  
149 as the exclusive representative as provided by section 10-153b, as  
150 amended by this act, participation in discussions with respect to  
151 salaries, hours and other conditions of employment.

152 Sec. 4. Subsection (a) of section 10-153b of the general statutes is  
153 repealed and the following is substituted in lieu thereof (*Effective July*  
154 *1, 2003*):

155 (a) Whenever used in this section or in sections 10-153c to 10-153n,  
156 inclusive, as amended by this act: (1) The "administrators' unit" means  
157 the certified professional employee or employees in a school district  
158 not excluded from the purview of sections 10-153a to 10-153n,  
159 inclusive, as amended by this act, employed in positions requiring an  
160 intermediate administrator or supervisor certificate, or the equivalent  
161 thereof, and whose administrative or supervisory duties, for purposes  
162 of determining membership in the administrators' unit, shall equal at  
163 least fifty per cent of the assigned time of such employee. Certified  
164 professional employees covered by the terms and conditions of a  
165 contract in effect prior to October 1, 1983, shall continue to be covered  
166 by such contract or any successor contract until such time as the  
167 employee is covered by the terms and conditions of a contract  
168 negotiated by the exclusive bargaining unit of which the employee is a  
169 member for purposes of collective bargaining pursuant to the  
170 provisions of this section. (2) The "teachers' unit" means the group of  
171 [certified] professional employees who hold a certificate or durational  
172 shortage area permit issued by the State Board of Education under the  
173 provisions of sections 10-144o to 10-149, inclusive, and are employed  
174 by a local or regional board of education in positions requiring such a  
175 [teaching or other] certificate or durational shortage area permit and  
176 are not included in the administrators' unit or excluded from the  
177 purview of sections 10-153a to 10-153n, inclusive, as amended by this  
178 act. (3) "Commissioner" means the Commissioner of Education. (4) "To  
179 post a notice" means to post a copy of the indicated material on each  
180 bulletin board for teachers in every school in the school district or, if  
181 there are no such bulletin boards, to give a copy of such information to  
182 each employee in the unit affected by such notice. (5) "Budget  
183 submission date" means the date on which a school district is to submit  
184 its itemized estimate of the cost of maintenance of public schools for  
185 the next following year to the board of finance in each town having a  
186 board of finance, to the board of selectmen in each town having no

187 board of finance and, in any city having a board of finance, to said  
 188 board, and otherwise to the authority making appropriations therein.  
 189 (6) "Days" means calendar days.

190 Sec. 5. Subdivision (2) of subsection (a) of section 10-151 of the  
 191 general statutes is repealed and the following is substituted in lieu  
 192 thereof (*Effective July 1, 2003*):

193 (2) The term "teacher" shall include each [certified] professional  
 194 employee holding a certificate or durational shortage area permit  
 195 issued by the State Board of Education under the provisions of sections  
 196 10-144o to 10-149, inclusive, below the rank of superintendent  
 197 employed by a board of education for at least ninety days in a position  
 198 requiring a certificate or durational shortage area permit issued by the  
 199 State Board of Education.

This act shall take effect as follows:	
Section 1	<i>July 1, 2003</i>
Sec. 2	<i>July 1, 2003</i>
Sec. 3	<i>July 1, 2003</i>
Sec. 4	<i>July 1, 2003</i>
Sec. 5	<i>July 1, 2003</i>

**ED**            *Joint Favorable Subst.*

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

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**OFA Fiscal Note**

**State Impact:** None

**Municipal Impact:**

<b>Municipalities</b>	<b>Effect</b>	<b>FY 04 \$</b>	<b>FY 05 \$</b>
All Municipalities	Cost - STATE MANDATE	Indeterminate	Indeterminate

**Explanation**

This bill results in an indeterminate cost to local and regional school districts due to various new requirements concerning teachers and collective bargaining.

Requiring school boards and unions to bargain over the compensation, hours and duties of mentor and assessor teachers will result in an increased cost to many local and regional school districts. Currently 21 school districts already collectively bargain over these issues. Stipends for these settlements range from \$125 to \$2,200 per school year. Other school districts pay stipends outside the bargaining process. Collectively bargaining over the hours and other items will likely result in districts currently not offering compensation to eventually provide for stipends and may also result in increased costs in those districts where stipends are provided on a non-collectively bargained basis. Currently there are an estimated 3,600 teachers requiring a mentor and/or an assessor each year. Since the results of any collectively bargained agreement cannot be precisely estimated the exact cost of this provision cannot be determined.

The bill also results in increased costs to local and regional school districts by adding items to those which a teacher or administrator could file a grievance. Grievance procedures result in increased costs

due to administrative and legal staff time and potentially due to the resultant actions of the grievance. Since the number of potential grievances is unknown the exact cost of this provision cannot be determined.

Finally the bill grants tenure rights to durational shortage area permit (DSAP) holders which may result in increased costs to school districts. The granting of tenure to DSAP holders will give the holders rights regarding dismissal and other items that could require school districts to hold hearings that they would not currently be required to do. These hearings would result in increased costs due to administrative and legal staff time. Such costs are dependent on the number of such hearings which would occur which is unknown, thus an exact cost cannot be determined.

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**OLR Bill Analysis**

sHB 5186

**AN ACT CONCERNING TEACHERS AND COLLECTIVE BARGAINING****SUMMARY:**

This bill extends the same tenure, employment, and dismissal requirements that apply to certified teachers to professionals employed for at least 90 days in positions requiring a permit from the State Board of Education (SBE) to fill teaching positions in subjects for which no certified teachers are available (“durational shortage area permit”).

The statutes do not currently provide these protections for durational shortage area permit (DSAP) holders.

The bill also expands the scope of collective bargaining for teachers. It:

1. includes DSAP holders in teachers’ bargaining units, thus subjecting their wages, hours, and working conditions to mandatory collective bargaining;
2. allows teachers and school administrators to file grievances if a district materially fails to follow the procedures specified in its evaluation program; and
3. requires school boards and unions to bargain over the compensation, hours, and duties of teachers who train and evaluate student teachers or serve as mentors and assessors of beginning teachers under the Beginning Educator Support and Training (BEST) Program.

EFFECTIVE DATE: July 1, 2003

**CONDITIONS OF EMPLOYMENT FOR DSAP HOLDERS*****Tenure***

The bill extends the same tenure provisions that already apply to certified teachers to DSAP holders. A DSAP is a one-year permit

(renewable twice) issued to an uncertified person at the request of a local board of education for a subject area for which no certified teacher is available. As is the case for certified teachers, to be covered by the tenure law, a DSAP holder must be employed by a board of education for at least 90 days in a position that requires a DSAP.

By law, covered teachers first hired after July 1, 1996 attain tenure after 40 continuous school months of employment for the same school board, if their contracts are renewed for the following school year. Teachers who attain tenure with one board of education and who are reemployed by the same or another board after a break in service attain tenure after 20 school months of continuous employment, if their contracts are renewed for the following school year. The bill extends these service requirements to DSAP holders as well.

Because a person can teach only for a maximum of three years with a DSAP, holders of such credentials could not attain tenure immediately upon the bill's passage. But holders who are later certified could become tenured sooner because, under the bill, employment under a DSAP would count towards the service required for tenure.

By law, tenured teachers (1) have their contracts automatically renewed from year-to-year; (2) can be dismissed only for six statutorily specified reasons; and (3) have the right to (a) bump untenured teachers in positions for which they are qualified if their positions are eliminated, (b) written notice of the reasons for termination, (c) a hearing before the board of education or an impartial hearing panel, and (d) appeal the results of the hearing to Superior Court.

### ***Employment and Dismissal Rights***

The bill also extends untenured teacher employment and dismissal rights to DSAP holders. By law, untenured teachers must be (1) employed under a written contract; (2) notified by April 1 if their contracts are not being renewed for the following year; (3) given written reasons for termination or nonrenewal on request; (4) allowed a hearing before the board of education or an impartial hearing panel on the termination; and (5) if the termination is for moral misconduct or disability, granted the right to appeal to Superior Court.

## **COLLECTIVE BARGAINING**

### ***DSAP Holders***

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The bill expands each school district's teacher collective bargaining unit to include any professional who holds a DSAP who is not eligible for membership in the administrators' unit. The bill thus requires school districts and unions to bargain over the wages, hours, and working conditions of DSAP holders.

### ***Evaluation Grievances***

By law, local school boards must establish and implement teacher evaluation programs that meet both SBE guidelines for such programs and any other guidelines the local boards and the unions representing their teachers and administrators mutually agree on. The evaluation programs apply to all teachers and administrators below the rank of superintendent who hold SBE-issued certificates or permits.

Under both current law and the bill, evaluation programs are not subject to collective bargaining. But the bill allows a teacher or administrator to file a grievance claiming that the evaluation procedure a school district followed in a particular case differed materially from the evaluation procedures set out in its evaluation program. Such grievances may be filed only according to grievance procedures in collective bargaining agreements negotiated after July 1, 2003.

### ***Cooperating Teachers, Mentors, and Assessors***

Under current law, school districts do not have to bargain over the selection, placement, compensation, hours, and duties of (1) those who participate in the supervision, training, and evaluation of student teachers as part of the cooperating teacher program or (2) those who participate as mentors and assessors of new teachers under the BEST Program. This bill makes the compensation, hours, and duties, but not selection and placement, of cooperating teachers and BEST mentors and assessors a mandatory subject of collective bargaining.

## **BACKGROUND**

### ***Statutory Dismissal Criteria for Tenured Teachers***

By law, local boards of education may dismiss tenured teachers for (1) inefficiency or incompetence, (2) insubordination, (3) moral misconduct, (4) a medically evident disability, (5) position elimination,

or (6) other due and sufficient cause. They may also let an untenured teacher go by notifying him by April 1 that his contract will not be renewed for the next year.

If a board eliminates a tenured teacher's position, it may dismiss the teacher only if (1) there is no other position the teacher is qualified for being held by an untenured teacher and (2) it follows applicable collective bargaining contract procedures.

***BEST Program***

The BEST program is a two- or three-year comprehensive induction program of support and assessment for beginning teachers. It is required for beginning classroom teachers employed in public schools and approved private special education facilities.

**COMMITTEE ACTION**

Education Committee

Joint Favorable Substitute

Yea 18      Nay 8