



House of Representatives

General Assembly

File No. 588

February Session, 2010

Substitute House Bill No. 5491

House of Representatives, April 19, 2010

The Committee on Appropriations reported through REP. GERAGOSIAN of the 25th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT CONCERNING CERTAIN SCHOOL DISTRICT REFORMS TO REDUCE THE ACHIEVEMENT GAP IN CONNECTICUT.

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

1 Section 1. Section 10-223e of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective July 1, 2010*):

3 (a) In conformance with the No Child Left Behind Act, P.L. 107-110,
4 the Commissioner of Education shall prepare a state-wide education
5 accountability plan, consistent with federal law and regulation. Such
6 plan shall identify the schools and districts in need of improvement,
7 require the development and implementation of improvement plans
8 and utilize rewards and consequences.

9 (b) Public schools identified by the State Board of Education
10 pursuant to section 10-223b of the general statutes, revision of 1958,
11 revised to January 1, 2001, as schools in need of improvement shall: (1)
12 Continue to be identified as schools in need of improvement, and

13 continue to operate under school improvement plans developed
14 pursuant to said section 10-223b through June 30, 2004; (2) on or before
15 February 1, 2003, be evaluated by the local board of education and
16 determined to be making sufficient or insufficient progress; (3) if found
17 to be making insufficient progress by a local board of education, be
18 subject to a new remediation and organization plan developed by the
19 local board of education; (4) continue to be eligible for available federal
20 or state aid; (5) beginning in February, 2003, be monitored by the
21 Department of Education for adequate yearly progress, as defined in
22 the state accountability plan prepared in accordance with subsection
23 (a) of this section; and (6) be subject to rewards and consequences as
24 defined in said plan.

25 (c) (1) Any school or school district identified as in need of
26 improvement pursuant to subsection (a) of this section and requiring
27 corrective action pursuant to the requirements of the No Child Left
28 Behind Act, P.L. 107-110, shall be designated and listed as a low
29 achieving school or school district and shall be subject to intensified
30 supervision and direction by the State Board of Education.

31 (2) Notwithstanding any provision of this title or any regulation
32 adopted pursuant to said statutes, except as provided in subdivision
33 (3) of this subsection, in carrying out the provisions of subdivision (1)
34 of this subsection, the State Board of Education shall take any of the
35 following actions to improve student performance and remove the
36 school or district from the list of schools or districts designated and
37 listed as a low achieving school or district pursuant to said subdivision
38 (1), and to address other needs of the school or district: (A) Require an
39 operations audit to identify possible programmatic savings and an
40 instructional audit to identify any deficits in curriculum and
41 instruction or in the learning environment of the school or district; (B)
42 require the local or regional board of education for such school or
43 district to use state and federal funds for critical needs, as directed by
44 the State Board of Education; (C) provide incentives to attract highly
45 qualified teachers and principals; (D) direct the transfer and
46 assignment of teachers and principals; (E) require additional training

47 and technical assistance for parents and guardians of children
48 attending the school or a school in the district and for teachers,
49 principals, and central office staff members hired by the district; (F)
50 require the local or regional board of education for the school or
51 district to implement model curriculum, including, but not limited to,
52 recommended textbooks, materials and supplies approved by the
53 Department of Education; (G) identify schools for reconstitution, as
54 may be phased in by the commissioner, as state or local charter
55 schools, schools established pursuant to section 10-74g, or schools
56 based on other models for school improvement, or for management by
57 an entity other than the local or regional board of education for the
58 district in which the school is located; (H) direct the local or regional
59 board of education for the school or district to develop and implement
60 a plan addressing deficits in achievement and in the learning
61 environment as recommended in the instructional audit; (I) assign a
62 technical assistance team to the school or district to guide school or
63 district initiatives and report progress to the Commissioner of
64 Education; (J) establish instructional and learning environment
65 benchmarks for the school or district to meet as it progresses toward
66 removal from the list of low achieving schools or districts; (K) provide
67 funding to any proximate district to a district designated as a low
68 achieving school district so that students in a low achieving district
69 may attend public school in a neighboring district; (L) direct the
70 establishment of learning academies within schools that require
71 continuous monitoring of student performance by teacher groups; (M)
72 require local and regional boards of education to (i) undergo training
73 to improve their operational efficiency and effectiveness as leaders of
74 their districts' improvement plans, and (ii) submit an annual action
75 plan to the Commissioner of Education outlining how, when and in
76 what manner their effectiveness shall be monitored; or (N) any
77 combination of the actions described in this subdivision or similar,
78 closely related actions.

79 (3) If a directive of the State Board of Education pursuant to
80 subparagraph (C), (D), (E) or (L) of subdivision (2) of this subsection or
81 a directive to implement a plan pursuant to subparagraph (H) of said

82 subdivision (2) affects working conditions, such directive shall be
83 carried out in accordance with the provisions of sections 10-153a to 10-
84 153n, inclusive.

85 (4) The Comptroller shall, pursuant to the provisions of section 10-
86 262i, withhold any grant funds that a town is otherwise required to
87 appropriate to a local or regional board of education due to low
88 academic achievement in the school district pursuant to section 10-
89 262h. Said funds shall be transferred to the Department of Education
90 and shall be expended by the department on behalf of the identified
91 school district. Said funds shall be used to implement the provisions of
92 subdivision (2) of this subsection and to offset such other local
93 education costs that the Commissioner of Education deems
94 appropriate to achieve school improvements. These funds shall be
95 awarded by the commissioner to the local or regional board of
96 education for such identified school district upon condition that said
97 funds shall be spent in accordance with the directives of the
98 commissioner.

99 (d) The State Board of Education shall monitor the progress of each
100 school or district designated as a low achieving school or district
101 pursuant to subdivision (1) of subsection (c) of this section and provide
102 notice to the local or regional board of education for each such school
103 or district of the school or district's progress toward meeting the
104 benchmarks established by the State Board of Education pursuant to
105 subsection (c) of this section. If a district fails to make acceptable
106 progress toward meeting such benchmarks established by the State
107 Board of Education and fails to make adequate yearly progress
108 pursuant to the requirements of the No Child Left Behind Act, P.L.
109 107-110, for two consecutive years while designated as a low achieving
110 school district, the State Board of Education, after consultation with the
111 Governor and chief elected official or officials of the district, may
112 request that the General Assembly enact legislation authorizing that
113 control of the district be reassigned to the State Board of Education or
114 other authorized entity.

115 (e) Any school district or elementary school after two successive
116 years of failing to make adequate yearly progress shall be designated
117 as a low achieving school district or school and shall be evaluated by
118 the Commissioner of Education. After such evaluation, the
119 commissioner may require that such school district or school provide
120 full-day kindergarten classes, summer school, extended school day,
121 weekend classes, tutorial assistance to its students or professional
122 development to its administrators, principals, teachers and
123 paraprofessional teacher aides if (1) on any subpart of the third grade
124 state-wide mastery examination, thirty per cent or more of the students
125 in any subgroup, as defined by the No Child Left Behind Act, P.L. 107-
126 110, do not achieve the level of proficiency or higher, or (2) the
127 commissioner determines that it would be in the best educational
128 interests of the school or the school district to have any of these
129 programs. In ordering any educational program authorized by this
130 subsection, the commissioner may limit the offering of the program to
131 the subgroup of students that have failed to achieve proficiency as
132 determined by this subsection, those in particular grades or those who
133 are otherwise at substantial risk of educational failure. The costs of
134 instituting the ordered educational programs shall be borne by the
135 identified low achieving school district or the school district in which
136 an identified low achieving school is located. The commissioner shall
137 not order an educational program that costs more to implement than
138 the total increase in the amount of the grant that a town receives
139 pursuant to section 10-262i in any fiscal year above the prior fiscal
140 year.

141 (f) The Commissioner of Education shall conduct a study, within the
142 limits of the capacity of the Department of Education to perform such
143 study, of academic achievement of individual students over time as
144 measured by performance on the state-wide mastery examination in
145 grades three to eight, inclusive. If this study evidences a pattern of
146 continuous and substantial growth in educational performance on said
147 examinations for individual students, then the commissioner may
148 determine that the school district or elementary school shall not be
149 subject to the requirements of subsection (e) of this section, but shall

150 still comply with the requirements of the No Child Left Behind Act,
151 P.L. 107-110, if applicable.

152 (g) (1) On and after July 1, 2010, the local or regional board of
153 education for a school that has been designated as a low achieving
154 school pursuant to subdivision (1) of subsection (c) of this section, shall
155 establish a school governance council for each school so designated.
156 (A) The school governance council for high schools shall consist of
157 nine voting members who shall be parents or guardians of students
158 attending the school and one nonvoting student member. Such parent
159 or guardian members shall be elected by the parents or guardians of
160 students attending the school, provided for purposes of the election
161 each household with a student attending the school shall have one
162 vote, and the nonvoting student member shall be elected by the
163 student body of such school. The council may consist of up to four
164 additional members who are teachers or other certified personnel of
165 the school or community leaders within the school district. Such
166 additional members shall be voting members, except for purposes of
167 subparagraph (K) of subdivision (2) of this subsection. (B) The school
168 governance council for elementary and middle schools shall consist of
169 nine voting members who shall be parents or guardians of students
170 attending the school. Such parent or guardian members shall be
171 elected by the parents or guardians of students attending the school,
172 provided, for purposes of the election, each household with a student
173 attending the school shall have one vote. The council may consist of up
174 to four additional members who are teachers or other certified
175 personnel of the school or community leaders within the school
176 district. Such additional members shall be voting members, except for
177 purposes of subparagraph (K) of subdivision (2) of this subsection.
178 Terms of voting members elected pursuant to this subsection shall be
179 for two years, and no members shall serve more than two terms on the
180 council. The nonvoting student member shall serve one year, and no
181 student member shall serve more than two terms on the council. Those
182 schools that have been designated as a low achieving school pursuant
183 to subdivision (1) of subsection (c) of this section prior to July 1, 2010,
184 shall conduct such election not later than November 1, 2010.

185 (2) The school governance council shall be responsible for: (A)
186 Analyzing school achievement data and school needs relative to the
187 state accountability plan for the school prepared in accordance with
188 subsection (a) of this section; (B) developing and approving an annual
189 resource allocation plan for the school, except that the school
190 governance council shall not oversee any funds that have been
191 provided directly to the school by private sources; (C) if a vacancy
192 exists in the position of school principal, recommending to the
193 superintendent of schools for the school district a person to fill such
194 vacancy from the list of names provided by the school district to the
195 council for such position; (D) advising and assisting the principal of
196 the school in making programmatic and operational changes for
197 improving the school's achievement, including program changes,
198 adjusting school hours and days of operation and enrollment goals for
199 the school; (E) promoting the school as a parental choice relative to its
200 enrollment goals; (F) developing and approving a school compact for
201 parents, legal guardians and students that includes an outline of the
202 criteria and responsibilities for enrollment and school membership
203 consistent with the school's goals and academic focus and the ways
204 that parents and school personnel can build a partnership to improve
205 student learning; (G) developing and approving a written parent
206 involvement policy that outlines the role of parents and legal
207 guardians in the school; (H) advising and assisting the principal of the
208 school on matters of importance to parents and legal guardians, as
209 determined by an annual survey of parent and legal guardian
210 satisfaction regarding school quality and student achievement, and
211 annual forums conducted by the principal and representatives of
212 parents and legal guardians; (I) reporting annually to the board of
213 education for the school district on achieving the goals set forth in the
214 state accountability plan prepared in accordance with subsection (a) of
215 this section; (J) maintaining and annually updating a registry of
216 parents and legal guardians of students enrolled at the school for
217 purposes of the petitioning process described in subsection (h) or this
218 section; and (K) determining whether to reorganize the school in
219 accordance with the provisions of subdivision (3) of this subsection.

220 (3) The school governance council may, by an affirmative vote of the
221 council, reorganize the school into one of the following models: (A)
222 The turnaround model, as described in the Federal Register of
223 December 10, 2009; (B) the restart model, as described in the Federal
224 Register of December 10, 2009; (C) the transformation model, as
225 described in the Federal Register of December 10, 2009; (D) a
226 CommPACT school, pursuant to section 10-74g; (E) an innovation
227 school, pursuant to section 2 of this act, or (F) any other model that
228 may be developed pursuant to the No Child Left Behind Act, P.L. 107-
229 110. Not later than ten days after the vote of the school governance
230 council, the local or regional board of education for the school shall
231 hold a public hearing to discuss such vote of the school governance
232 council and shall, immediately after such public hearing, hold a public
233 meeting at which the board shall conduct a vote to accept the model
234 adopted by the school governance council or select an alternative
235 model described in this subsection. If the board selects an alternative
236 model, not later than thirty days after such selection, the
237 Commissioner of Education shall decide which of the two models to
238 implement. The local or regional board of education shall implement
239 the model adopted in the subsequent school year in conformance with
240 the general statutes and applicable regulations, and the provisions
241 specified in federal regulations and guidelines for schools subject to
242 restructuring pursuant to Section 1116(b)(8) of the No Child Left
243 Behind Act, P.L. 107-110.

244 (h) (1) On and after July 1, 2010, subject to the provisions of
245 subdivision (4) of this subsection, the local or regional board of
246 education for a school that has been designated as a low achieving
247 school pursuant to subdivision (1) of subsection (c) of this section for
248 two years or more, shall accept, subject to the provisions of
249 subdivisions (2) and (4) of this subsection, a petition recommending
250 that the board of education implement one or more of the models
251 described in this subdivision that is signed by at least fifty-one per cent
252 of the households that serve as the primary residence for students
253 attending the school or prospective students who will be enrolled in
254 such school for the next school year. The models that may be

255 recommended are: (A) The turnaround model, as described in the
256 Federal Register of December 10, 2009; (B) the restart model, as
257 described in the Federal Register of December 10, 2009; (C) the
258 transformation model, as described in the Federal Register of
259 December 10, 2009; (D) a CommPACT school, pursuant to section 10-
260 74g; (E) an innovation school, pursuant to section 2 of this act; or (F)
261 any other model that may be developed pursuant to the No Child Left
262 Behind Act, P.L. 107-110. The local or regional board of education shall
263 hold a public hearing to discuss such petition and shall, immediately
264 after such public hearing, hold a public meeting at which the board
265 shall conduct a vote to announce its decision regarding which model
266 will be implemented. If the board selects an alternative model not
267 included in the petition, not later than thirty days after such selection,
268 the Commissioner of Education shall decide which model to
269 implement. The local or regional board of education shall implement
270 the model adopted in the subsequent school year in conformance with
271 the general statutes and applicable regulations, and the provisions
272 specified in federal regulations and guidelines for schools subject to
273 restructuring pursuant to Section 1116(b)(8) of the No Child Left
274 Behind Act, P.L. 107-110. Any challenges to the validity of such
275 petition shall be decided by the Commissioner of Education. Not later
276 than five days after such public hearing and public meeting, the board
277 shall make available, in writing, to parents and guardians its decision
278 and shall include an explanation of any recommendation that the
279 board has decided not to implement.

280 (2) A local or regional board of education shall accept only one
281 petition for any school in a school year, and shall not accept a petition
282 for the same school for more than two consecutive years.

283 (3) The local or regional board of education shall notify the State
284 Board of Education of receipt of the petition described in subdivision
285 (1) of this subsection and the action taken by the board based on such
286 petition.

287 (4) The State Board of Education shall allow not more than twenty-

288 five schools per school year to be subject to the petitioning process
289 described in this subsection. The State Board of Education shall notify
290 school districts when this limit has been reached. For purposes of this
291 subdivision, a petition shall be counted toward this limit upon the
292 receipt by the State Board of Education of the petition and final
293 decision of the local or regional board of education, pursuant to
294 subdivision (2) of this subsection.

295 Sec. 2. (NEW) (*Effective July 1, 2010*) (a) The local or regional board
296 of education for a school that has been designated as a low achieving
297 school pursuant to subdivision (1) of subsection (c) of this section, may
298 convert an existing public school into an innovation school or establish
299 a new school as an innovation school, in accordance with the
300 provisions of this section, for purposes of improving school
301 performance and student achievement. For purposes of this section, an
302 innovation school is a school in which: (1) Faculty and district
303 leadership are primarily responsible for developing an innovation
304 plan, as described in subsection (b) of this section, under which the
305 school operates and the administrators of the school are responsible for
306 meeting the terms of the innovation plan; or (2) an external partner is
307 primarily responsible for developing the innovation plan, as described
308 in subsection (b) of this section, under which the school operates and
309 the external partner is responsible for meeting the terms of the
310 innovation plan. For purposes of this section, an external partner may
311 include a public or private institution of higher education, nonprofit
312 community-based organization, nonprofit business or corporate
313 entities, nonprofit charter school operators, nonprofit education
314 management organizations, educational collaboratives, consortia of
315 those groups described in this subsection and nonprofit entities
316 authorized by the Commissioner of Education.

317 (b) (1) An innovation school established under this section shall
318 operate according to an innovation plan. Such plan shall articulate the
319 areas of autonomy and flexibility in curriculum, budget, school
320 schedule and calendar, school district policies and procedures,
321 professional development, and staffing policies and procedures,

322 including waivers from or modifications to contracts or collective
323 bargaining agreements. Such innovation plan shall be developed by an
324 innovation plan committee. Such committee shall include, at a
325 minimum, (A) the superintendent of schools for the school district, or
326 his or her designee; (B) a member of the local or regional board of
327 education, or his or her designee; (C) a parent who has one or more
328 children enrolled in the school, or in the case of a new school, from the
329 district; (D) the principal of the school; and (E) two certified employees
330 of the school. A majority vote of the innovation plan committee shall
331 be required for approval of the innovation plan.

332 (2) The innovation plan shall include, but not be limited to: (A) A
333 curriculum plan that includes a detailed description of the curriculum
334 and related programs for the proposed school and how the curriculum
335 is expected to improve school performance and student achievement;
336 (B) a budget plan, that includes a detailed description of how funds
337 shall be used differently in the proposed school to support school
338 performance and student achievement; (C) a school schedule plan that
339 includes a detailed description of the ways, if any, the program or
340 calendar of the proposed school will be enhanced or expanded; (D) a
341 staffing plan, that includes a detailed description of how the school
342 principal, administrators, faculty and staff will be recruited, employed,
343 evaluated and compensated in the proposed school and any proposed
344 waivers or modifications of collective bargaining agreements; (E) a
345 policy and procedures plan that includes a detailed description of the
346 unique operational policies and procedures to be used by the proposed
347 school and how the procedures will support school performance and
348 student achievement; and (F) a professional development plan that
349 includes a detailed description of how the school may provide
350 professional development to its administrators, teachers and other
351 staff.

352 (3) In order to assess the proposed school across multiple measures
353 of school performance and student success, the innovation plan shall
354 include measurable annual goals including, but not limited to, goals
355 relating to the following: (A) Student attendance; (B) student safety

356 and discipline; (C) student promotion and graduation and dropout
357 rates; (D) student performance on the state-wide mastery examination,
358 pursuant to section 10-14n of the general statutes; (E) progress in areas
359 of academic underperformance; (F) progress among subgroups of
360 students, including low-income students, limited English-proficient
361 students and students receiving special education; and (G) reduction
362 of achievement gaps among different groups of students.

363 (c) Nothing in this section shall alter the collective bargaining
364 agreements applicable to the administrators, teachers and staff in the
365 school and such collective bargaining agreements shall be considered
366 to be in operation at an innovation school, except to the extent the
367 provisions are waived or modified in the innovation plan and agreed
368 to by a majority of those employed or to be employed in the
369 innovation school.

370 (d) Innovation schools authorized under this section shall be
371 evaluated annually by the superintendent of schools for the school
372 district. The superintendent shall submit the evaluation to the local or
373 regional board of education and the Commissioner of Education. The
374 evaluation shall determine whether the school has met the annual
375 goals outlined in the innovation plan for the school and assess the
376 implementation of the innovation plan at the school. If the
377 superintendent determines that the school has substantially failed to
378 meet the goals outlined in the innovation plan, the superintendent
379 may: (A) Amend one or more components of the innovation plan; (B)
380 suspend one or more components of the innovation plan; or (C)
381 terminate the authorization of the school, provided the amending or
382 suspension shall not take place before the completion of the second full
383 year of the operation of the school and the termination shall not take
384 place before the completion of the third full year of the operation of the
385 school.

386 Sec. 3. Section 10-151b of the general statutes is repealed and the
387 following is substituted in lieu thereof (*Effective July 1, 2010*):

388 (a) The superintendent of each local or regional board of education

389 shall continuously evaluate or cause to be evaluated each teacher, in
390 accordance with (1) a program developed pursuant to subsection (c) of
391 this section, or (2) guidelines established by the State Board of
392 Education for the development of evaluation programs, pursuant to
393 subsection (d) of this section, and such other guidelines as may be
394 established by mutual agreement between the local or regional board
395 of education and the teachers' representative chosen pursuant to
396 section 10-153b. [, continuously evaluate or cause to be evaluated each
397 teacher.] An evaluation pursuant to this [subsection] section shall
398 include, but need not be limited to, strengths, and the academic
399 growth of such teacher's students, areas needing improvement and
400 strategies for improvement. Claims of failure to follow the established
401 procedures of such evaluation programs shall be subject to the
402 grievance procedure in collective bargaining agreements negotiated
403 subsequent to July 1, 2004. The superintendent shall report the status
404 of teacher evaluations to the local or regional board of education on or
405 before June first of each year. For purposes of this section, the term
406 "teacher" shall include each professional employee of a board of
407 education, below the rank of superintendent, who holds a certificate or
408 permit issued by the State Board of Education.

409 (b) Each local and regional board of education shall develop and
410 implement (1) teacher evaluation programs, pursuant to subsection (c)
411 of this section, or (2) teacher evaluation programs consistent with
412 guidelines established by the State Board of Education, pursuant to
413 subsection (d) of this section, and consistent with the plan developed
414 in accordance with the provisions of subsection (b) of section 10-220a.

415 (c) On and after July 1, 2011, each local and regional board of
416 education shall incorporate into the teacher evaluation program for the
417 school district the use of data and indicators on student academic
418 growth as a significant factor in evaluating teacher performance. Each
419 local and regional board of education shall develop a teacher
420 evaluation program in accordance with the provisions of this
421 subsection, or adopt the model teacher evaluation program developed
422 by the State Board of Education pursuant to subsection (d) of this

423 section. The teacher evaluation program developed by a local or
424 regional board of education shall include, but not be limited to: (1) The
425 student academic growth data and indicators that will be used in the
426 evaluation process; (2) an explanation of how such student academic
427 growth data and indicators will be used in the evaluation process; (3)
428 the criteria for assessments and other indicators of student
429 performance that will be used in measuring student academic growth;
430 (4) an explanation of the weight that each indicator will have in the
431 measurement of student academic growth; (5) the methodology that
432 will be used to analyze the data on student academic growth; and (6)
433 any other criteria, other than student academic growth, and the weight
434 of such criteria that will be used for the evaluation of teachers.

435 (d) The State Board of Education shall develop, in consultation with
436 the Performance Evaluation Advisory Council, established pursuant to
437 section 4 of this act, model teacher evaluation program guidelines that
438 may be incorporated in the teacher evaluation programs developed by
439 local and regional boards of education. Such model teacher evaluation
440 program guidelines shall incorporate the use of data and indicators on
441 student academic growth as a significant factor in rating teacher
442 performance, and comprise at least fifty per cent of a teacher's
443 performance rating. Such model teacher evaluation program
444 guidelines shall include, but not be limited to: (1) Methods for
445 measuring student academic growth, including, but not limited to,
446 time limitations on data relevancy, the types and amount of data
447 needed to reliably and validly measure student academic growth for
448 purposes of teacher evaluations, and criteria for the use of state-wide
449 mastery examinations, pursuant to section 10-14n; (2) a definition of
450 significant factor for purposes of the evaluating teacher performance
451 with student academic growth; (3) a consideration of control factors
452 that may influence teacher performance ratings, including, but not
453 limited to, student characteristics, student attendance and student
454 mobility; and (4) minimum requirements for teacher evaluation
455 instruments and procedures.

456 (e) (1) On or before July 1, 2011, subject to the provisions of this

457 subdivision, the Department of Education, in consultation with the
458 Performance Advisory Council, established pursuant to section 4 of
459 this act, shall develop or contract for the development of a data
460 collection and evaluation support system. If the Department of
461 Education is unable to secure federal funding in accordance with the
462 provisions of subdivision (2) of this section, on or before October 1,
463 2012, within available appropriations, the Department of Education, in
464 consultation with said Performance Advisory Council, shall develop or
465 contract for the development of a data collection and evaluation
466 support system. Such data collection and evaluation support system
467 shall:

468 (A) Annually collect and publish data on teacher performance
469 evaluation outcomes for each school district and individual school
470 within such school district. Such system shall ensure that no teacher
471 can be personally identified by the publicly reported data;

472 (B) Contain one or more teacher evaluation program templates.
473 Such templates shall include all relevant information required
474 pursuant to this section. Local and regional boards of education may
475 customize such templates, provided the templates contain all such
476 relevant information;

477 (C) Include a superintendent training program that is based on the
478 teacher evaluation templates described in subparagraph (B) of this
479 subdivision;

480 (D) Include means to provide feedback to teachers about the
481 instructional environment within the school;

482 (E) Include a system developed by the Department of Education or
483 another technical assistance system, approved by the department, that
484 supports local and regional boards of education with the development
485 and implementation of their district's teacher evaluation programs;

486 (F) Include web-based systems and tools for supporting
487 implementation of the model templates and superintendent training

488 program; and

489 (G) Include a process for measuring and reporting correlations
490 between teacher evaluations and (i) student academic growth, and (ii)
491 retention rates of teachers for each school and the district.

492 (2) Not later than October 1, 2010, the Department of Education
493 shall apply for federal economic stimulus funds available pursuant to
494 the American Recovery and Reinvestment Act of 2009, P.L. 111-5, or
495 any other federal grant program, in an amount, as determined by the
496 Commissioner of Education, that is at least sufficient to implement the
497 provisions of this subsection.

498 (f) Local and regional boards of education shall submit data and
499 information relating to teacher evaluations and teacher evaluation
500 programs to the Department of Education. Such data and information
501 shall include, but not be limited to, data on the performance ratings for
502 all teachers who have attained tenure, as defined in section 10-151, and
503 data on recommendations whether to renew or not renew teachers
504 who have not attained tenure.

505 Sec. 4. (NEW) (*Effective July 1, 2010*) There is established a
506 Performance Evaluation Advisory Council within the Department of
507 Education. Membership of the council shall be selected by the
508 Commissioner of Education, and shall include, but shall not be limited
509 to, teachers, representatives of the exclusive bargaining unit for
510 teachers pursuant to section 10-153b of the general statutes, persons
511 with expertise in performance evaluation processes and systems, and
512 any other person the commissioner deems appropriate. The council
513 shall be responsible for assisting in the State Board of Education in the
514 development and implementation of the model teacher evaluation
515 programs guidelines, pursuant to subsection (d) of section 10-151b of
516 the general statutes, as amended by this act, and the data collection
517 and evaluation support system, pursuant to subsection (g) of section
518 10-151b of the general statutes, as amended by this act. The council
519 shall meet at least quarterly.

520 Sec. 5. Section 10-221a of the general statutes is repealed and the
521 following is substituted in lieu thereof (*Effective July 1, 2010*):

522 (a) For classes graduating from 1988 to 2003, inclusive, no local or
523 regional board of education shall permit any student to graduate from
524 high school or grant a diploma to any student who has not
525 satisfactorily completed a minimum of twenty credits, not fewer than
526 four of which shall be in English, not fewer than three in mathematics,
527 not fewer than three in social studies, not fewer than two in science,
528 not fewer than one in the arts or vocational education and not fewer
529 than one in physical education.

530 (b) Commencing with classes graduating in 2004, and for each
531 graduating class thereafter, no local or regional board of education
532 shall permit any student to graduate from high school or grant a
533 diploma to any student who has not satisfactorily completed a
534 minimum of twenty credits, not fewer than four of which shall be in
535 English, not fewer than three in mathematics, not fewer than three in
536 social studies, including at least a one-half credit course on civics and
537 American government, not fewer than two in science, not fewer than
538 one in the arts or vocational education and not fewer than one in
539 physical education.

540 (c) Any student who presents a certificate from a physician stating
541 that, in the opinion of the physician, participation in physical
542 education is medically contraindicated because of the physical
543 condition of such student, shall be excused from the physical
544 education requirement, provided the credit for physical education may
545 be fulfilled by an elective.

546 (d) Determination of eligible credits shall be at the discretion of the
547 local or regional board of education, provided the primary focus of the
548 curriculum of eligible credits corresponds directly to the subject matter
549 of the specified course requirements. The local or regional board of
550 education may permit a student to graduate during a period of
551 expulsion pursuant to section 10-233d, if the board determines the
552 student has satisfactorily completed the necessary credits pursuant to

553 this section. The requirements of this section shall apply to any student
554 requiring special education pursuant to section 10-76a, except when
555 the planning and placement team for such student determines the
556 requirement not to be appropriate. For purposes of this section, a
557 credit shall consist of not less than the equivalent of a forty-minute
558 class period for each school day of a school year except for a credit or
559 part of a credit toward high school graduation earned at (1) an
560 institution accredited by the Department of Higher Education or
561 regionally accredited, or (2) through on-line coursework that is in
562 accordance with a policy adopted pursuant to subsection (e) of this
563 section.

564 (e) Only courses taken in grades nine through twelve, inclusive,
565 shall satisfy this graduation requirement, except that a local or regional
566 board of education may grant a student credit (1) toward meeting a
567 specified course requirement upon the successful completion in grade
568 seven or eight of any course, the primary focus of which corresponds
569 directly to the subject matter of a specified course requirement in
570 grades nine to twelve, inclusive; (2) toward meeting the high school
571 graduation requirement upon completion of a world language course
572 offered privately through a nonprofit provider, provided such student
573 achieves a passing grade on an examination prescribed, within
574 available appropriations, by the Commissioner of Education and such
575 credits do not exceed four; (3) toward meeting the high school
576 graduation requirement upon achievement of a passing grade on a
577 subject area proficiency examination identified and approved, within
578 available appropriations, by the Commissioner of Education,
579 regardless of the number of hours the student spent in a public school
580 classroom learning such subject matter; [or] (4) toward meeting the
581 high school graduation requirement upon the successful completion of
582 coursework at an institution accredited by the Department of Higher
583 Education or regionally accredited. One three-credit semester course,
584 or its equivalent, at such an institution shall equal one-half credit for
585 purposes of this section; or (5) toward meeting the high school
586 graduation requirement upon the successful completion of on-line
587 coursework, provided the local or regional board of education has

588 adopted a policy in accordance with this subdivision for the granting
589 of credit for on-line coursework. Such policy shall ensure, at a
590 minimum, that (A) the workload required by the on-line course is
591 equivalent to that of a similar course taught in a traditional classroom
592 setting; (B) the content is rigorous and aligned with curriculum
593 guidelines approved by the State Board of Education, where
594 appropriate; (C) the course engages students and has interactive
595 components, which may include, but are not limited to, required
596 interactions between students and their teachers, participation in on-
597 line demonstrations, discussion boards or virtual labs; and (D) the
598 courses are (i) taught by teachers who are certified in this state or
599 another state and have received training on teaching in an on-line
600 environment, or (ii) offered by institutions of higher education that are
601 accredited by the Department of Higher Education or regionally
602 accredited.

603 (f) A local or regional board of education may offer one-half credit
604 in community service which, if satisfactorily completed, shall qualify
605 for high school graduation credit pursuant to this section, provided
606 such community service is supervised by a certified school
607 administrator or teacher and consists of not less than fifty hours of
608 actual service that may be performed at times when school is not
609 regularly in session and not less than ten hours of related classroom
610 instruction. For purposes of this section, community service does not
611 include partisan political activities. The State Board of Education shall
612 assist local and regional boards of education in meeting the
613 requirements of this section.

614 (g) A local or regional board of education may award a diploma to a
615 veteran of World War II, pursuant to section 27-103, who left high
616 school prior to graduation in order to serve in the armed forces of the
617 United States and did not receive a diploma as a consequence of such
618 service.

619 Sec. 6. (NEW) (*Effective July 1, 2010*) A local or regional board of
620 education for a school district with a dropout rate of eight per cent or

621 greater in the previous school year, shall establish an online credit
622 recovery program. Such program shall allow those students who are
623 identified by certified personnel as in danger of failing to graduate to
624 complete on-line coursework approved by the local or regional board
625 of education for credit toward meeting the high school graduation
626 requirement pursuant to section 10-221a of the general statutes, as
627 amended by this act. Each school in the school district shall designate,
628 from among existing staff, an online learning coordinator who shall
629 administer and coordinate the online credit recovery program
630 pursuant to this section.

631 Sec. 7. Subsection (f) of section 10-221 of the general statutes is
632 repealed and the following is substituted in lieu thereof (*Effective July*
633 *1, 2010*):

634 (f) Not later than September 1, 1998, each local and regional board of
635 education shall develop, adopt and implement written policies and
636 procedures to encourage parent-teacher communication. These policies
637 and procedures may include monthly newsletters, required regular
638 contact with all parents, flexible parent-teacher conferences, drop-in
639 hours for parents, home visits and the use of technology such as
640 homework hot lines to allow parents to check on their children's
641 assignments and students to get assistance if needed. For the school
642 year commencing July 1, 2010, and each school year thereafter, such
643 policies and procedures shall require the district to conduct two
644 parent-teacher conferences for each school year.

645 Sec. 8. (*Effective July 1, 2010*) (a) There is established a task force to
646 study and monitor the academic achievement gap between racial and
647 socioeconomic groups in Connecticut by considering effective
648 approaches to closing the achievement gap in elementary, middle and
649 high schools. The task force shall consider, but not be limited to, the
650 following: (1) Systematic education planning; (2) best practices in
651 public education; (3) professional development for teachers; and (4)
652 parental involvement in public education.

653 (b) The task force shall consist of the following members:

- 654 (1) Two appointed by the speaker of the House of Representatives;
- 655 (2) Two appointed by the president pro tempore of the Senate;
- 656 (3) One appointed by the majority leader of the House of
657 Representatives;
- 658 (4) One appointed by the majority leader of the Senate;
- 659 (5) One appointed by the minority leader of the House of
660 Representatives;
- 661 (6) One appointed by the minority leader of the Senate; and
- 662 (7) The Commissioner of Education, or the commissioner's designee.
- 663 (c) Any member of the task force appointed under subdivision (1),
664 (2), (3), (4), (5) or (6) of subsection (b) of this section may be a member
665 of the General Assembly.
- 666 (d) All appointments to the task force shall be made no later than
667 August 1, 2010, and shall reflect the geographic and cultural diversity
668 of the state and shall have experience in business, education and
669 philanthropic organizations. Any vacancy shall be filled by the
670 appointing authority.
- 671 (e) The speaker of the House of Representatives and the president
672 pro tempore of the Senate shall select the chairpersons of the task
673 force, from among the members of the task force. Such chairpersons
674 shall schedule the first meeting of the task force, which shall be held no
675 later than September 1, 2010.
- 676 (f) The administrative staff of the joint standing committee of the
677 General Assembly having cognizance of matters relating to education
678 shall serve as administrative staff of the task force.
- 679 (g) Not later than January 1, 2011, the task force shall submit a
680 report on its findings and recommendations to the joint standing
681 committee of the General Assembly having cognizance of matters

682 relating to education, in accordance with the provisions of section 11-
683 4a of the general statutes. The task force shall terminate on the date
684 that it submits such report or January 1, 2011, whichever is later.

685 Sec. 9. Subdivision (22) of section 10-262f of the 2010 supplement to
686 the general statutes is repealed and the following is substituted in lieu
687 thereof (*Effective July 1, 2010*):

688 (22) "Resident students" means the number of pupils of the town
689 enrolled in public schools at the expense of the town on [October first]
690 January fifteenth or the full school day immediately preceding such
691 date, provided the number shall be decreased by the Department of
692 Education for failure to comply with the provisions of section 10-16
693 and shall be increased by one one-hundred-eightieth for each full-time
694 equivalent school day in the school year immediately preceding such
695 date of at least five hours of actual school work in excess of one
696 hundred eighty days and nine hundred hours of actual school work
697 and be increased by the full-time equivalent number of such pupils
698 attending the summer sessions immediately preceding such date at the
699 expense of the town; "enrolled" shall include pupils who are scheduled
700 for vacation on the above date and who are expected to return to
701 school as scheduled. Pupils participating in the program established
702 pursuant to section 10-266aa shall be counted in accordance with the
703 provisions of subsection (h) of section 10-266aa.

704 Sec. 10. (NEW) (*Effective July 1, 2010*) (a) For the school year
705 commencing July 1, 2011, and each school year thereafter, each local
706 and regional board of education shall provide an advanced placement
707 course program. For purposes of this section, "advanced placement
708 course program" means a program that provides courses at the high
709 school level for which an advanced placement examination is available
710 through the College Board.

711 (b) On or before October fifteenth of each year, the local or regional
712 board of education shall submit a report to the State Board of
713 Education regarding its school district's advanced placement course
714 program. Such report shall include, but not be limited to, the number

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact: See Below

Municipal Impact: See Below

Explanation

Section 1 requires low achieving schools to establish a school governance council. Councils will have nine voting parent members and one nonvoting student member. Parent members are elected by the parents of students enrolled in the school. Up to four additional members may be appointed who may be teachers, other certified staff, or school or community leaders. The governance councils may vote to reorganize a school based on the federally-established models, the local or regional board of education must hold a public hearing, immediately followed by a public meeting, to vote on the selected model.

There are currently 39 districts with schools in corrective action and 192 schools in corrective action. It is anticipated that creating governance councils, through elections, will cost less than \$5,000 per each election cycle and at least, an additional \$5,000 in stipend payments, per year.

Section 2 allows a low achieving school to convert into an innovation school, or establish a new innovation school, for the purposes of improving student achievement. Any newly established innovation school must have an innovation plan. The fiscal impact would be dependent on the scope and the content of the plan.

Section 3 requires local and regional boards of education to develop a teacher evaluation program, and requires the State Board of

Education to develop model teacher evaluation program guidelines. It is estimated that the number of individuals who would have to be trained under the new evaluation program is approximately 7,000. It is anticipated that training costs for all 7,000 individuals would be approximately \$7.0 million or \$1,000 per person, including professional development, training to use the new evaluation system, and developing reliable student achievement measures. It is anticipated that the majority of the costs would be one-time in nature, and only minimal resources would be required annually, once all individuals have been properly trained.

Additionally, the State Department of Education (SDE) must develop a data collection system to annually collect and monitor data on teacher performance evaluation outcomes. The development of a teacher evaluation program and a data collection system will result in a one-time cost of under \$500,000 for SDE. SDE must try to secure federal funds to cover the costs of the data collection system, and if they are unable to do so, SDE must do so within available appropriations. Implementing these provisions within available appropriations will result in one of four outcomes: (1) the agency will proceed with the required duties, and may require a deficiency appropriation; (2) the agency will delay the implementation of the bill pending the approval of additional appropriations to meet these requirements; (3) the agency will shift staff resources from other agency priorities, thereby impacting existing agency responsibilities and duties; or (4) the agency will not be able to implement the provision.

Section 4 establishes a Performance Evaluation Advisory Council within the SDE, which is not anticipated to result in a fiscal impact.

Section 5 allows online coursework to count toward the high school graduation requirements, and is not anticipated to result in a fiscal impact.

Section 6 creates an online credit recovery program, for schools with a drop out rate of 8% or greater. This program could result in a

potential cost to local and regional boards of education if, (1) the school currently does not offer or have access to any on line courses or (2) if the school does not have the capacity to designate an existing staff member as the on line learning coordinator. There are currently 19 school districts with drop out rates greater than 8%.

Section 7 requires local and regional boards of education to conduct two parent conferences per year, and is not anticipated to result in a fiscal impact.

Section 8 creates a task force to study issues related to the achievement gap. The Office of Legislative Management would incur minimal costs associated with mileage reimbursement of 50 cents per mile for legislators participating on the task force. The taskforce will terminate in FY 12, so there will be no additional costs beyond that date.

Section 9 changes the date from October 15 to January 15, of when resident student data is collected, and is not anticipated to result in a fiscal impact.

Section 10 requires local and regional boards of education to offer an advanced placement (AP) course program, and for SDE to develop guidelines for training teachers for teaching AP courses. Developing an advance placement course program could result in cost to various local and regional boards of education that do not currently have similar programs in place, and must offer new programs, or hire additional teachers to teach the new classes. Teachers teaching an AP course for the first time are encouraged by the College Board to participate in a five day training, which costs approximately \$800. Additionally, there will be an increased cost to SDE associated with developing a training program for teachers teaching AP classes. It is anticipated that the increased costs for SDE would be under \$75,000, and would be one-time in nature. Lastly, SDE is responsible for paying for students taking the AP exam. It is anticipated that SDE would require an additional \$50,000-\$150,000, annually, to cover the costs of the exams.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to inflation, except for the costs that have been identified as one-time in nature.

OLR Bill Analysis**sHB 5491*****AN ACT CONCERNING CERTAIN SCHOOL DISTRICT REFORMS TO REDUCE THE ACHIEVEMENT GAP IN CONNECTICUT.*****SUMMARY:**

This bill creates two ways for parents of children at a low-achieving school to initiate the school's reorganization:

1. by a petition signed by at least 51% of the households that serve as the primary residence of students or prospective students who will be enrolled there in the next year or
2. by a vote of the parent-controlled school governance council.

Under each method, the parents must indicate which reorganization model they prefer from a list of three choices in the federal No Child Left Behind (NCLB) law, two choices in state law, and any other choice to be developed later under NCLB. The bill provides a process for the choice to be considered at a hearing at which it is either accepted or an alternative is selected by the local board of education. When the parents and the local board make different choices, the education commissioner must pick one to implement.

The bill requires school districts to evaluate teachers based in part on their students' academic growth. It requires local and regional boards of education to either (1) develop their own programs that use student academic growth as a significant factor in teacher evaluation or (2) adopt a model program the State Board of Education (SBE) must develop that requires student academic growth to make up at least 50% of a teacher's performance rating. It also creates a Performance Evaluation Advisory Council, within the State Department of Education (SDE), that must help SBE develop and implement the

model teacher evaluation program.

It also contains provisions:

1. establishing the innovation school model as one option for reorganizing a low-achieving schools;
2. permitting boards of education to grant students high school credit for on-line courses;
3. requiring on-line credit recovery courses at districts with a dropout rate of 8% or higher;
4. requiring two, rather than one, parent-teacher conferences a year;
5. establishing an achievement gap task force;
6. changing the date of the annual resident student count; and
7. requiring high schools to offer two courses for which an advanced placement exam is available.

EFFECTIVE DATE: July 1, 2010

§ 1 (H) — PARENT PETITION AND REORGANIZATION PROCESS

The bill requires the local or regional boards of education with schools that have been designated as low-achieving for at least two years to accept a petition, signed by parents and guardians of students at the school or students expected to attend the school in the next year, recommending that the board implement one or more reorganization models from a list included in the bill (see BACKGROUND). The bill allows more than one model to be recommended, but it does not indicate if they should be ranked or otherwise ordered. The board must accept the petition if it is signed by 51% of the households that serve as the primary residence for students at the school or students who will be enrolled there in the next year. It is unclear what it means for a household to sign a petition. The education commissioner must

decide on any challenges to a petition's validity.

The reorganization models are:

1. turnaround;
2. restart;
3. transformation;
4. CommPACT school, pursuant to Connecticut statute (see BACKGROUND for details of models 1-4);
5. an innovation school, defined in the bill; and
6. any other model developed later under NCLB.

Hearing and Decision on Model

After receiving the petition, the board of education must hold a public hearing to discuss it and, immediately after the hearing, hold a public meeting to vote on its decision regarding which reorganization model it will implement. If the board selects an alternative model not included in the petition, the education commissioner will have 30 days to choose a model to implement.

No later than five days after the public hearing and meeting, the board must provide parents and guardians with its decision in writing and include an explanation of any petition recommendation it decided not to implement.

The local or regional board must notify the SBE when it receives the parent petition and when it takes action based on it.

A local board can accept only one petition for a school in a school year, and cannot accept a petition for the same school for more than two consecutive years.

Reorganization Implementation

The board must implement the selected model in the subsequent

school year in conformity with state law and regulations and the federal regulations and guidelines for restructuring schools under NCLB. It is not clear if a petition presented and acted on in May or June would give a school district enough time to reorganize a school by September.

Annual Statewide Limits on Petitions

The SBE cannot allow more than 25 schools per school year to be subject to the petitioning process. The SBE must notify school districts when this limit is reached. A petition counts toward this limit when the SBE receives notice of its receipt by the school board and the board's final decision on it.

§ 1(G) — SCHOOL GOVERNANCE COUNCILS

The bill requires school boards with low-achieving schools to create school governance councils, made up mostly of students' parents or guardians. The councils are empowered, among other things, to develop and approve school resource plans, recommend candidates to fill principal vacancies, and vote to reorganize schools using the models included in the bill.

Membership, Voting Rights, and Terms

The school governance councils consist of nine voting members who are parents or guardians of students in the school. These members will be elected by the parents or guardians of students in the school. The bill specifies that each household with a student attending the school has one vote. The council may include up to four additional members who are (1) teachers or other certified personnel at the school or (2) community leaders in the school district. It is not clear who decides whether there are any and how many of these additional members will be added or how they are selected. The additional members have voting rights for all issues except whether to reorganize the school. Governance councils at a high school will also have a nonvoting student member elected by the student body.

Elected voting members have two-year terms, and no member can

serve more than two terms on a council. The nonvoting student member serves a one-year term, and no student member can serve more than two terms. Schools designated as low-achieving schools before July 1, 2010 (the bill's effective date), must conduct the election by November 1, 2010.

Council Responsibilities

School governance councils are responsible for:

1. analyzing school achievement data and school needs as they relate to the school's improvement plan prepared under the state accountability law;
2. developing and approving an annual school resource allocation plan, but not for overseeing funds provided directly to the school by private sources;
3. recommending to the district superintendent a person to fill a school principal vacancy from the list of names the school district provides to the council;
4. advising and assisting the principal in making programmatic and operational changes to improve the school's achievement, including program changes, adjusting school hours and days of operation, and enrollment goals;
5. promoting the school as a parental choice relative to its enrollment goals;
6. developing and approving a school compact for parents, legal guardians, and students that outlines the criteria and responsibilities for enrollment and school membership consistent with the school's goals and academic focus and the ways that parents and school personnel can build a partnership to improve student learning;
7. developing and approving a written school parent involvement policy that outlines the role of parents and guardians;

8. advising and assisting the principal on matters of importance to parents and legal guardians, as determined by (a) an annual survey of parent and guardian satisfaction regarding school quality and student achievement and (b) annual forums conducted by the principal and representatives of parents and guardians;
9. reporting annually to the board of education on achieving the goals set in the state accountability plan;
10. maintaining and annually updating a registry of parents and guardians of students enrolled at the school for purposes of the bill's parent petitioning process; and
11. determining whether to reorganize the school in accordance with the bill.

Reorganizing Schools

Governance councils can vote to reorganize the school using the same options of models that parent petitions can use. These are (1) turnaround, (2) restart, (3) transformation, (4) CommPACT school, (5) innovation school, and (6) any other model that may be developed later under NCLB.

No later than 10 days after the council's vote to reorganize, the local or regional board of education must hold a public hearing to discuss the vote and must, immediately after the hearing, hold a public meeting to vote to accept the council's reorganization model or select one of the bill's alternative models. If the board selects an alternative model, the education commissioner must decide, within 30 days, which of the two models to implement.

The board must implement the selected model in the subsequent school year in conformity with state law and regulations and the federal regulations and guidelines for restructuring schools under NCLB. It is not clear if a petition presented and acted on in May or June would give a school district enough time to reorganize a school

by September.

§ 2 — INNOVATION SCHOOLS

The bill defines “innovation school” and permits them to be created through three different methods at low-achieving schools for purposes of improving school performance and student achievement. The three methods are (1) the parent petition process, (2) by a vote of a governance council, or (3) by the board of education converting an existing school or establishing a new school as an innovation school.

Innovation Plans

An innovation school operates under an innovation plan which articulates areas of autonomy and flexibility in curriculum, budget, school schedule and calendar, school district policies and procedures, professional development, and staffing policies and procedures, including waivers from or modifications to union contracts. Changes to union contracts must be approved by a majority of the school’s employees. The innovation plan must include measurable goals on school performance and student success.

The bill requires innovation schools to operate under an innovation plan, but it contains a conflict regarding responsibility for developing the plan (see COMMENT).

Under the bill, when faculty and district leadership are responsible for developing the innovation plan, school administrators are responsible for meeting the terms of the plan. Likewise, when an external partner, such as a public or private college or university, is responsible for developing the plan, the external partner is responsible for meeting its terms. The bill does not define the ongoing involvement of the external partner.

External Partners Defined

An external partner may be a public or private college or university; a nonprofit community-based organization, a business or corporate entity, a charter school operator, or an education management organization; an educational collaborative; or a consortia of these

groups and other nonprofit entities authorized by the education commissioner.

Plan Committee

The innovation plan committee must develop a plan that includes, at least:

1. the district superintendent or his or her designee;
2. a member of the local or regional board of education or his or her designee;
3. a parent who has one or more children enrolled in the school or, in the case of a new school, from the district;
4. the principal of the school; and
5. two certified employees of the school.

The bill does not say who will be members of the committee when a new school is formed and does not yet have a principal or employees. A majority vote of the committee is required to approve the innovation plan. Since the bill does not limit membership to the six mentioned, districts can add an odd number of additional members to the committee to avoid a tie vote.

Plan Elements

The innovation plan must include, at the minimum:

1. a curriculum plan, including a detailed description of the curriculum and related programs for the school and how the curriculum is expected to improve school performance and student achievement;
2. a budget plan, including a detailed description of how funds will be used differently to support school performance and student achievement;
3. a school schedule plan, including a detailed description of the

ways, if any, the program or calendar of the proposed school will be enhanced or expanded;

4. a staffing plan, including a detailed description of how the school principal, administrators, faculty and staff will be recruited, employed, evaluated, and compensated and any proposed waivers or modifications of union agreements;
5. a policy and procedures plan, including a detailed description of the unique operational policies and procedures to be used and how the procedures will support school performance and student achievement; and
6. a professional development plan, including a detailed description of how the school may provide professional development to its administrators, teachers, and other staff.

In order to assess the innovation school across multiple measures of school performance and student success, the plan must specify measurable annual goals related to at least the following:

1. student attendance;
2. student safety and discipline;
3. student promotion and graduation and dropout rates;
4. student performance on the statewide mastery examination;
5. progress in academic underperformance areas;
6. progress among subgroups, including low-income, limited English-proficient, and special education students; and
7. progress in reducing achievement gaps among different groups of students.

Union and Employee Agreement

The bill provides that it does not alter union agreements with

administrators, teachers, and staff. Union agreements are considered in operation at an innovation school, unless provisions are waived or modified in the innovation plan and agreed to by a majority of those employed or to be employed in the innovation school.

School Evaluation and Superintendent Intervention

The district superintendent must annually evaluate innovation schools in his or her district and submit the evaluation to the board of education and the education commissioner. The evaluation determines whether the school has met the annual goals outlined in the innovation plan and assesses the implementation of the plan. If the superintendent determines that the school has substantially failed to meet the goals, he or she may:

1. amend or suspend one or more components of the plan, or
2. terminate the school's authorization.

The bill states that amending or suspending one or more components cannot take place before the second full year of the school's operation is finished and the termination will not take place before the completion of the third full year of operation.

§ 3 — TEACHER EVALUATIONS

The bill requires school districts to evaluate teachers based in part on their students' academic growth. It requires local and regional boards of education to either develop their own programs that use student academic growth as a significant factor in teacher evaluation or adopt a model program SBE must develop that requires student academic growth to make up at least 50% of a teacher's performance rating. It also requires SDE, within available appropriations, to develop a system to collect data and provide support for the new teacher evaluation system. The bill establishes a Performance Advisory Council to help SBE and SDE develop the model teacher program evaluation guidelines and the data collection and support system.

Teacher Evaluation Requirements

By law, a school superintendent must continuously evaluate his or her school district's professional employees below the rank of superintendent or cause them to be evaluated. Evaluations must at least address a teacher's strengths, areas needing improvement, and improvement strategies. The bill adds a requirement that evaluations also address the academic growth of the teacher's students.

Evaluation Programs Developed by Local and Regional School Boards

Under current law, boards must implement evaluation programs consistent with SBE guidelines and with any other guidelines established by mutual agreement between a local or regional board of education and the appropriate teachers union. Boards must develop the evaluation programs with the advice and assistance of collective bargaining representatives of the teachers and school administrators.

On and after July 1, 2011, the bill requires the evaluations to be carried out according to either a program developed by each local or regional board of education or a model developed by the SBE and adopted by a local board. It requires an evaluation program developed by a local or regional board to include:

1. the data and indicators of student academic growth that the evaluations use and an explanation of how it uses them,
2. criteria for assessments (tests) and other indicators of student performance used to measure student growth and the weight each indicator has in the measurement,
3. the method of analyzing student academic growth data, and
4. any criteria other than student academic growth used to evaluate teachers and the weight those criteria have.

SBE Model Evaluation Program Guidelines

The bill requires the SBE, in consultation with the Performance Evaluation Advisory Council (see below), to develop model teacher evaluation program guidelines that local and regional school boards

may incorporate into existing teacher evaluation programs. The model guidelines must include use of student academic growth data and indicators as a significant factor in the evaluation. Student academic growth must also make up at least 50% of a teacher's performance rating.

The SBE's guidelines must include:

1. ways to measure student academic growth, including time limits for data relevance;
2. the types and amounts of data needed to provide reliable and valid measures of student academic growth for teacher evaluation purposes;
3. criteria for using statewide mastery exams;
4. what it means for student growth to be a "significant factor" in teacher evaluations (the bill requires that it comprise at least 50% of the teacher's performance rating);
5. consideration of "control" factors influencing teacher performance ratings, such as student characteristics, attendance, and mobility; and
6. minimum requirements for evaluation instruments and procedures.

The law, unchanged by the bill, subjects claims of failure to follow established evaluation procedures to the grievance procedures in collective bargaining contracts negotiated after July 1, 2004.

Data Collection and Evaluation Support System

The bill requires SDE to, in consultation with the Performance Advisory Council, develop, or hire a contractor to develop, a data system to support the new teacher evaluations. It requires the department to apply, by October 1, 2010, for sufficient federal funding, available under the 2009 federal stimulus act or otherwise, to

implement the system. If the SDE secures federal funding, it must develop or contract for the system by July 1, 2011. If SDE does not secure federal funding, it must do so by October 1, 2012, within available appropriations.

The system must:

1. annually collect and publish data on the teacher evaluation outcomes, by school and district, while ensuring that no teacher is personally identifiable from the published data;
2. contain one or more evaluation templates that include all relevant data, which school districts may customize;
3. include a training program for superintendents based on the templates;
4. include ways to provide feedback to teachers about a school's instructional environment;
5. include an SDE-developed or -approved technical assistance system to support school boards in developing and implementing teacher evaluation programs;
6. include web-based support for implementing model templates and superintendent training; and
7. include a process for measuring and correlating teacher evaluations and student academic growth and teacher retention rates for each school and school district.

School District Reporting

The bill requires school districts to submit teacher evaluation data to SDE, including (1) performance ratings for tenured teachers and (2) recommendations whether to renew or not renew nontenured teachers (presumably this refers to decisions regarding annual contract renewals for nontenured teachers.) The bill is silent on when and how often boards must submit the information.

§ 4 — PERFORMANCE EVALUATION ADVISORY COUNCIL

The bill creates a Performance Evaluation Advisory Council within the SDE. The education commissioner appoints an unspecified number of council members, who must include teachers, teachers union representatives, experts in performance evaluation processes and procedures, and any others the commissioner thinks appropriate. The council must meet at least quarterly to help the SBE to develop and implement the model teacher evaluation program and its supporting data system.

§ 5 — ON-LINE COURSEWORK FOR GRADUATION CREDIT

The bill permits local or regional boards of education to grant students credit toward meeting high school graduation requirements for successfully completing on-line coursework provided the board has adopted an on-line course policy under the bill. The policy must, at least, ensure that:

1. the workload required by the on-line course is equivalent to that of a similar course taught in a traditional classroom setting;
2. the content is rigorous and aligned with SBE-approved curriculum guidelines where appropriate;
3. the course engages students and has interactive components, such as required interactions between students and teachers, participation in online demonstrations, discussion boards, or virtual labs; and
4. the courses are (a) taught by certified (by any state) teachers who have received training on teaching in an online environment or (b) offered by higher education institutions that are regionally or Department of Higher Education accredited.

§ 6 — ON-LINE CREDIT RECOVERY PROGRAM

The bill requires a board of education for a school district with a dropout rate of 8% or greater in the previous school year, to establish an on-line credit recovery program for students who are identified as

being in danger of failing to graduate. These students, once identified by certified personnel, must be allowed to complete on-line district-approved coursework toward meeting high school graduation requirements. Each school in the school district must designate, from among existing staff, an online learning coordinator to administer and coordinate the online credit recovery program.

§ 7 — PARENT-TEACHER CONFERENCES

By law, each local and regional board of education must have written policies to encourage parent-teacher communication. Starting with the 2010-11 school year, the policies must require school districts to hold two parent-teacher conferences per year.

§ 8 — ACHIEVEMENT GAP TASK FORCE

The bill establishes a nine-member task force to study, monitor, and consider effective ways to close the achievement gap between racial and socioeconomic groups in Connecticut. The task force must consider at least: (1) systematic education planning, (2) best practices in public education, (3) teacher professional development, and (4) parental involvement in public education. It must report its findings and recommendations to the Education Committee by January 1, 2011.

The task force consists of the education commissioner or the commissioner's designee and eight members appointed by legislative leaders as follows: two each by the House speaker and Senate president pro tempore and one each by the House and Senate majority and minority leaders. Appointments must be made by August 1, 2010. Appointees must reflect the geographical and cultural diversity of the state and have experience in business, education, and philanthropic organizations. Legislative leaders' appointees may be legislators.

The House speaker and Senate president pro tempore select the task force chairpersons, who must schedule the first meeting by September 1, 2010. The Education Committee's administrative staff serves as the task force's administrative staff. The task force terminates when it submits its report or on January 1, 2011, whichever is later.

§ 9 — RESIDENT STUDENT COUNT DATE

The bill changes, from October 1 to January 15, the date of the count of resident students enrolled in public schools at the expense of a town. As under current law, if the date falls on a non-school day, the town must use the immediately preceding full school day. The resident student number is used in several statutory calculations for state education grants to towns.

§ 10 — ADVANCED PLACEMENT COURSES

Starting July 1, 2011, the bill requires local and regional boards of education to provide high school level courses for which an advanced placement (AP) examination is available through the College Board.

The bill requires each school board to report to the SBE every year by October 15 on its AP course program, including (1) the number of students enrolled in AP courses for the current year, (2) a list of AP courses offered in the current year, and (3) an analysis of AP exam results for students who took the exams after completing AP courses in the previous year.

The bill also requires SBE to develop guidelines to help school districts to train teachers to teach AP courses to a diverse student body.

BACKGROUND***Low-Achieving Schools/Districts***

Under the state accountability law (CGS § 10-223e) and the federal NCLB (P.L. 107-110), the state must identify all schools and districts in need of improvement. If these schools also require corrective action under NCLB, they are designated as low-achieving and are subject to intensified SBE supervision.

School Reorganization Models

The turnaround, restart, and transformation models are all detailed in the NCLB law. They are each intended to restructure low-achieving schools.

The turnaround model includes, among other actions, replacing the principal and at least 50% of the school's staff, adopting a new governance structure, and implementing a new or revised instructional program with increased learning time. It includes continuous use of data to inform and differentiate instruction.

In the restart model, a school district converts a school or closes a school and reopens it under the management of a charter school operator, a charter management organization (CMO), or an educational management organization (EMO) that has been selected through a rigorous review process. This model is anticipated to mean that much of the school staff will not return under the new management, although that is not stated explicitly.

The transformation model includes, among other things, replacing the principal, implementing a new evaluation system that uses student growth as a significant factor, and identifying and rewarding staff who are increasing student outcomes and supporting and then removing staff who are not. It includes continuous use of data to inform and differentiate instruction.

Education Grants Using Resident Students

The formulas for education cost sharing (ECS) (CGS § 10-262h), priority school district summer school grants (CGS § 10-265m), and priority school district grants (CGS § 10-265p) each use "resident students" as part of the calculation to determine the grant amount. For the current biennial budget (FYs 10 and 11) the ECS grant amounts for each town and school district are set in statute, so the formula is not currently in use but remains in law.

COMMENT

Conflicting Provisions—Innovation Plan Development

In one place, the bill states the faculty and district leadership or an external partner, such as a college or university, are primarily responsible for developing an innovation plan. In another place, the innovation plan committee made up of school administrators, teachers,

and board members must develop the innovation plan. It appears that if an external partner is chosen to develop the plan, it would conflict with the plan being developed by the committee.

COMMITTEE ACTION

Education Committee

Joint Favorable Substitute Change of Reference
Yea 19 Nay 11 (03/24/2010)

Appropriations Committee

Joint Favorable
Yea 46 Nay 9 (04/01/2010)