



General Assembly

January Session, 2011

Raised Bill No. 6324

LCO No. 2930

02930_____ED_

Referred to Committee on Education

Introduced by:

(ED)

AN ACT CONCERNING TEACHER EMPLOYMENT CRITERIA.

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

1 Section 1. (NEW) (*Effective July 1, 2011*) In the absence of a provision
2 for a layoff procedure agreed upon by a local or regional board of
3 education and the exclusive employees' representative organization,
4 each local and regional board of education shall develop a written
5 policy regarding the layoff procedure of teachers employed by the
6 board of education. Such layoff procedure policy shall include the
7 factors to be considered in determining the teachers to be laid off and
8 the weight given to each factor, provided years of service as a certified
9 teacher in the school district shall not be the primary factor for why a
10 teacher's employment is terminated.

11 Sec. 2. Subsection (d) of section 10-151 of the general statutes is
12 repealed the following is substituted on lieu thereof (*Effective July 1,*
13 *2011*):

14 (d) The contract of employment of a teacher who has attained tenure
15 shall be continued from school year to school year, except that it may
16 be terminated at any time for one or more of the following reasons: (1)

17 Inefficiency or incompetence, provided, if a teacher is notified on or
18 after July 1, 2000, that termination is under consideration due to
19 incompetence, the determination of incompetence is based on
20 evaluation of the teacher using teacher evaluation guidelines
21 established pursuant to section 10-151b; (2) insubordination against
22 reasonable rules of the board of education; (3) moral misconduct; (4)
23 disability, as shown by competent medical evidence; (5) elimination of
24 the position to which the teacher was appointed or loss of a position to
25 another teacher, if no other position exists to which such teacher may
26 be appointed if qualified, provided such teacher, if qualified, shall be
27 appointed to a position held by a teacher who has not attained tenure,
28 and provided further that determination of the individual contract or
29 contracts of employment to be terminated shall be made in accordance
30 with either (A) a provision for a layoff procedure agreed upon by the
31 board of education and the exclusive employees' representative
32 organization, or (B) in the absence of such agreement, a written policy
33 of the board of education developed in accordance with the provisions
34 of section 1 of this act; or (6) other due and sufficient cause. Nothing in
35 this section or in any other section of the general statutes or of any
36 special act shall preclude a board of education from making an
37 agreement with an exclusive bargaining representative which contains
38 a recall provision. Prior to terminating a contract, the superintendent
39 shall give the teacher concerned a written notice that termination of
40 such teacher's contract is under consideration and, upon written
41 request filed by such teacher with the superintendent, within seven
42 days after receipt of such notice, shall within the next succeeding seven
43 days give such teacher a statement in writing of the reasons therefor.
44 Within twenty days after receipt of written notice by the
45 superintendent that contract termination is under consideration, such
46 teacher may file with the local or regional board of education a written
47 request for a hearing. A board of education may designate a
48 subcommittee of three or more board members to conduct hearings
49 and submit written findings and recommendations to the board for
50 final disposition in the case of teachers whose contracts are terminated.

51 Such hearing shall commence within fifteen days after receipt of such
52 request, unless the parties mutually agree to an extension, not to
53 exceed fifteen days (A) before the board of education or a
54 subcommittee of the board, (B) if indicated in such request or if
55 designated by the board before an impartial hearing panel, or (C) if the
56 parties mutually agree, before a single impartial hearing officer chosen
57 by the teacher and the superintendent. If the parties are unable to
58 agree upon the choice of a hearing officer within five days after their
59 decision to use a hearing officer, the hearing shall be held before the
60 board or panel, as the case may be. The impartial hearing panel shall
61 consist of three members appointed as follows: The superintendent
62 shall appoint one panel member, the teacher shall appoint one panel
63 member, and those two panel members shall choose a third, who shall
64 serve as chairperson. If the two panel members are unable to agree
65 upon the choice of a third panel member within five days after the
66 decision to use a hearing panel, the third panel member shall be
67 selected with the assistance of the American Arbitration Association
68 using its expedited selection process and in accordance with its rules
69 for selection of a neutral arbitrator in grievance arbitration. If the third
70 panel member is not selected with the assistance of such association
71 within five days, the hearing shall be held before the board of
72 education or a subcommittee of the board. Within seventy-five days
73 after receipt of the request for a hearing, the impartial hearing panel,
74 subcommittee of the board or hearing officer, unless the parties
75 mutually agree to an extension not to exceed fifteen days, shall submit
76 written findings and a recommendation to the board of education as to
77 the disposition of the charges against the teacher and shall send a copy
78 of such findings and recommendation to the teacher. The board of
79 education shall give the teacher concerned its written decision within
80 fifteen days of receipt of the written recommendation of the impartial
81 hearing panel, subcommittee or hearing officer. Each party shall pay
82 the fee of the panel member selected by it and shall share equally the
83 fee of the third panel member or hearing officer and all other costs
84 incidental to the hearing. If the hearing is before the board of

85 education, the board shall render its decision within fifteen days after
86 the close of such hearing and shall send a copy of its decision to the
87 teacher. The hearing shall be public if the teacher so requests or the
88 board, subcommittee, hearing officer or panel so designates. The
89 teacher concerned shall have the right to appear with counsel at the
90 hearing, whether public or private. A copy of a transcript of the
91 proceedings of the hearing shall be furnished by the board of
92 education, upon written request by the teacher within fifteen days
93 after the board's decision, provided the teacher shall assume the cost of
94 any such copy. Nothing herein contained shall deprive a board of
95 education or superintendent of the power to suspend a teacher from
96 duty immediately when serious misconduct is charged without
97 prejudice to the rights of the teacher as otherwise provided in this
98 section.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2011</i>	New section
Sec. 2	<i>July 1, 2011</i>	10-151(d)

Statement of Purpose:

To require local and regional boards of education to develop, in the absence of a provision in a collective bargaining agreement, a layoff procedure policy for the termination of employment of teachers, provided such policy prohibits the termination of teachers based solely on seniority.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]