



General Assembly

January Session, 2011

**Raised Bill No. 1160**

LCO No. 4356

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Referred to Committee on Education

Introduced by:

(ED)

**AN ACT CONCERNING SCHOOL TRANSPORTATION, THE DEVELOPMENT OF A MODEL TEACHER PERFORMANCE EVALUATION SYSTEM, AND TEACHER TENURE LAWS AND COOPERATIVE ARRANGEMENTS.**

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

1 Section 1. (*Effective July 1, 2011*) The Department of Education shall  
2 study issues involving school transportation. Not later than January 1,  
3 2012, the Commissioner of Education shall report on such study to the  
4 joint standing committee of the General Assembly having cognizance  
5 of matters relating to education, in accordance with the provisions of  
6 section 11-4a of the general statutes.

7 Sec. 2. (NEW) (*Effective July 1, 2011*) On or before July 1, 2012, the  
8 Performance Evaluation Advisory Council, established pursuant to  
9 section 10-151d of the general statutes, as amended by this act, shall  
10 develop a model teacher performance evaluation system for use by  
11 local and regional boards of education and regional educational  
12 service centers. Such model teacher performance evaluation system  
13 shall include: (1) A training program offered by the local or regional  
14 board of education or regional educational service center for the school

15 district to teachers who are employed by such school district and  
16 whose performance is being evaluated and administrators who are  
17 employed by such school district and who are conducting the  
18 performance evaluations. Such training program shall be offered prior  
19 to the implementation of any teacher performance evaluation system  
20 adopted by the school district and shall include information relating to  
21 the standards, measures and protocols that will be used to evaluate  
22 teacher performance in the school district; (2) guidelines for the  
23 creation of individual teacher improvement and remediation plans for  
24 teachers whose performance is found to be deficient. Such teacher  
25 improvement and remediation plans shall be developed by the  
26 evaluating administrator, the teacher whose performance is found to  
27 be deficient and other persons deemed appropriate through an  
28 agreement by a local or regional board of education or regional  
29 educational service center and the exclusive bargaining representative  
30 for certified employees chosen pursuant to subsection (b) of section 10-  
31 153 of the general statutes. Such teacher improvement and remediation  
32 plans shall include, but not be limited to, a description of the reasons  
33 that a teacher's performance has been found to be deficient, a plan on  
34 how to improve such teacher's deficient performance, an articulation  
35 of measures of success, timelines and support for such teacher,  
36 periodic reviews of such teachers, an adequate time period not to  
37 exceed one school year for such teacher to improve his or her  
38 performance before the initiation of dismissal proceedings, and the  
39 provision of resources and support to such teacher during the  
40 improvement and remediation period by the local or regional board of  
41 education or regional educational service center and such exclusive  
42 bargaining representative for certified employees; (3) summative  
43 assessments at the end of the improvement and remediation period of  
44 teachers whose performance is found to be deficient. Such summative  
45 assessments shall include recommendations by the evaluating  
46 administrator on whether such teacher successfully achieved the  
47 standards and goals set forth the improvement and remediation plan,  
48 or whether a dismissal proceeding should be initiated. Such

49 summative assessments may include recommendations from other  
50 persons deemed appropriate through an agreement by a local or  
51 regional board of education or regional educational service center and  
52 the exclusive bargaining representative for certified employees chosen  
53 pursuant to subsection (b) of section 10-153 of the general statutes; and  
54 (4) a dismissal proceeding process for teachers whose performance is  
55 found to be deficient and who have not successfully achieved the  
56 standards and goals set forth in the improvement and remediation  
57 plan. Such dismissal proceeding shall be in accordance with the  
58 provisions of section 10-151 of the general statutes, as amended by this  
59 act. Such dismissal proceeding shall not exceed one hundred calendar  
60 days from the date the evaluating administrator submits the  
61 summative assessment recommending the dismissal of such teacher to  
62 the superintendent of schools for the school district employing such  
63 teacher. If such dismissal proceedings exceed one hundred calendar  
64 days, the hearing panel for such dismissal proceedings shall assess  
65 monetary penalties to the party responsible for the delay in such  
66 dismissal proceeding.

67 Sec. 3. Section 10-151d of the general statutes is repealed and the  
68 following is substituted in lieu thereof (*Effective July 1, 2011*):

69 (a) There is established a Performance Evaluation Advisory Council  
70 within the Department of Education. Membership of the council shall  
71 consist of: (1) The Commissioners of Education and Higher Education,  
72 or their designees, (2) one representative from each of the following  
73 associations, designated by the association, the Connecticut  
74 Association of Boards of Education, the Connecticut Association of  
75 Public School Superintendents, Connecticut Federation of School  
76 Administrators, the Connecticut Education Association and the  
77 American Federation of Teachers-Connecticut, and (3) persons selected  
78 by the Commissioner of Education who shall include, but not be  
79 limited to, teachers, persons with expertise in performance evaluation  
80 processes and systems, and any other person the commissioner deems  
81 appropriate.

82 (b) The council shall be responsible for (1) assisting the State Board  
83 of Education in the development and implementation of the teacher  
84 evaluation guidelines, pursuant to subsection (c) of section 10-151b,  
85 [and] (2) the data collection and evaluation support system, pursuant  
86 to subsection (c) of section 10-10a. The council shall meet at least  
87 quarterly, and (3) developing a model teacher performance evaluation  
88 system in accordance with the provisions of section 2 of this act.

89 Sec. 4. Subsection (d) of section 10-151 of the general statutes is  
90 repealed and the following is substituted in lieu thereof (*Effective July*  
91 *1, 2011*):

92 (d) The contract of employment of a teacher who has attained tenure  
93 shall be continued from school year to school year, except that it may  
94 be terminated at any time for one or more of the following reasons: (1)  
95 Inefficiency or incompetence, provided, if a teacher is notified on or  
96 after July 1, 2000, that termination is under consideration due to  
97 incompetence, the determination of incompetence is based on  
98 evaluation of the teacher using teacher evaluation guidelines  
99 established pursuant to section 10-151b; (2) insubordination against  
100 reasonable rules of the board of education; (3) moral misconduct; (4)  
101 disability, as shown by competent medical evidence; (5) elimination of  
102 the position to which the teacher was appointed or loss of a position to  
103 another teacher, if no other position exists to which such teacher may  
104 be appointed if qualified, provided such teacher, if qualified, shall be  
105 appointed to a position held by a teacher who has not attained tenure,  
106 and provided further that determination of the individual contract or  
107 contracts of employment to be terminated shall be made in accordance  
108 with either (A) a provision for a layoff procedure agreed upon by the  
109 board of education and the exclusive employees' representative  
110 organization, or (B) in the absence of such agreement, a written policy  
111 of the board of education; [or] (6) other due and sufficient cause.  
112 Nothing in this section or in any other section of the general statutes or  
113 of any special act shall preclude a board of education from making an  
114 agreement with an exclusive bargaining representative which contains

115 a recall provision; [. Prior] or (7) failure to successfully complete an  
116 improvement and remediation plan following a finding that the  
117 teacher's performance was deficient under the teacher performance  
118 evaluation system adopted by a local or regional board of education or  
119 regional educational service center. Except as provided in the teacher  
120 performance evaluation system adopted by a local or regional board of  
121 education or regional educational service center, prior to terminating a  
122 contract, the superintendent shall give the teacher concerned a written  
123 notice that termination of such teacher's contract is under  
124 consideration and, upon written request filed by such teacher with the  
125 superintendent, within seven days after receipt of such notice, shall  
126 within the next succeeding seven days give such teacher a statement in  
127 writing of the reasons therefor. Within twenty days after receipt of  
128 written notice by the superintendent that contract termination is under  
129 consideration, such teacher may file with the local or regional board of  
130 education a written request for a hearing. A board of education may  
131 designate a subcommittee of three or more board members to conduct  
132 hearings and submit written findings and recommendations to the  
133 board for final disposition in the case of teachers whose contracts are  
134 terminated. Such hearing shall commence within fifteen days after  
135 receipt of such request, unless the parties mutually agree to an  
136 extension, not to exceed fifteen days (A) before the board of education  
137 or a subcommittee of the board, (B) if indicated in such request or if  
138 designated by the board before an impartial hearing panel, or (C) if the  
139 parties mutually agree, before a single impartial hearing officer chosen  
140 by the teacher and the superintendent. If the parties are unable to  
141 agree upon the choice of a hearing officer within five days after their  
142 decision to use a hearing officer, the hearing shall be held before the  
143 board or panel, as the case may be. The impartial hearing panel shall  
144 consist of three members appointed as follows: The superintendent  
145 shall appoint one panel member, the teacher shall appoint one panel  
146 member, and those two panel members shall choose a third, who shall  
147 serve as chairperson. If the two panel members are unable to agree  
148 upon the choice of a third panel member within five days after the

149 decision to use a hearing panel, the third panel member shall be  
150 selected with the assistance of the American Arbitration Association  
151 using its expedited selection process and in accordance with its rules  
152 for selection of a neutral arbitrator in grievance arbitration. If the third  
153 panel member is not selected with the assistance of such association  
154 within five days, the hearing shall be held before the board of  
155 education or a subcommittee of the board. Within seventy-five days  
156 after receipt of the request for a hearing, the impartial hearing panel,  
157 subcommittee of the board or hearing officer, unless the parties  
158 mutually agree to an extension not to exceed fifteen days, shall submit  
159 written findings and a recommendation to the board of education as to  
160 the disposition of the charges against the teacher and shall send a copy  
161 of such findings and recommendation to the teacher. The board of  
162 education shall give the teacher concerned its written decision within  
163 fifteen days of receipt of the written recommendation of the impartial  
164 hearing panel, subcommittee or hearing officer. Each party shall pay  
165 the fee of the panel member selected by it and shall share equally the  
166 fee of the third panel member or hearing officer and all other costs  
167 incidental to the hearing. If the hearing is before the board of  
168 education, the board shall render its decision within fifteen days after  
169 the close of such hearing and shall send a copy of its decision to the  
170 teacher. The hearing shall be public if the teacher so requests or the  
171 board, subcommittee, hearing officer or panel so designates. The  
172 teacher concerned shall have the right to appear with counsel at the  
173 hearing, whether public or private. A copy of a transcript of the  
174 proceedings of the hearing shall be furnished by the board of  
175 education, upon written request by the teacher within fifteen days  
176 after the board's decision, provided the teacher shall assume the cost of  
177 any such copy. Nothing herein contained shall deprive a board of  
178 education or superintendent of the power to suspend a teacher from  
179 duty immediately when serious misconduct is charged without  
180 prejudice to the rights of the teacher as otherwise provided in this  
181 section.

182 Sec. 5. Subsection (a) of section 10-151 of the general statutes is

183 repealed and the following is substituted in lieu thereof (*Effective July*  
184 *1, 2011*):

185 (a) For the purposes of this section:

186 (1) [The term "board] "Board of education" [shall mean] means a  
187 local or regional board of education, a cooperative arrangement  
188 committee established pursuant to section 10-158a, or the board of  
189 trustees of an incorporated or endowed high school or academy  
190 approved pursuant to section 10-34, which is located in this state;

191 (2) [The term "teacher" shall include] "Teacher" includes each  
192 certified professional employee below the rank of superintendent  
193 employed by a board of education for at least ninety days in a position  
194 requiring a certificate issued by the State Board of Education;

195 (3) [The term "continuous] "Continuous employment" means that  
196 time during which the teacher is employed without any break in  
197 employment as a teacher for the same board of education;

198 (4) [The term "full-time] "Full-time employment" means a teacher's  
199 employment in a position at a salary rate of fifty per cent or more of  
200 the salary rate of such teacher in such position if such position were  
201 full-time;

202 (5) [The term "part-time] "Part-time employment" means a teacher's  
203 employment in a position at a salary rate of less than fifty per cent of  
204 the salary rate of such teacher in such position, if such position were  
205 full-time;

206 (6) [The term "tenure"] "Tenure" means:

207 (A) The completion of thirty school months of full-time continuous  
208 employment for the same board of education for teachers initially  
209 hired prior to July 1, 1996; and forty such school months for teachers  
210 initially hired on or after said date provided the superintendent offers  
211 the teacher a contract to return for the following school year. For

212 purposes of calculating continuous employment towards tenure, the  
213 following shall apply: (i) For a teacher who has not attained tenure,  
214 two school months of part-time continuous employment by such  
215 teacher shall equal one school month of full-time continuous  
216 employment except, for a teacher employed in a part-time position at a  
217 salary rate of less than twenty-five per cent of the salary rate of a  
218 teacher in such position, if such position were full-time, three school  
219 months of part-time continuous employment shall equal one school  
220 month of full-time continuous employment; (ii) a teacher who has not  
221 attained tenure shall not count layoff time towards tenure, except that  
222 if such teacher is reemployed by the same board of education within  
223 five calendar years of the layoff, such teacher may count the previous  
224 continuous employment immediately prior to the layoff towards  
225 tenure; [and] (iii) a teacher who has not attained tenure shall not count  
226 authorized leave time towards tenure if such time exceeds ninety  
227 student school days in any one school year, provided only the student  
228 school days worked that year by such teacher shall count towards  
229 tenure and shall be computed on the basis of eighteen student school  
230 days or the greater fraction thereof equaling one school month; and  
231 (iv) for a teacher who has not attained tenure and who is employed by  
232 a local or regional board of education that enters into a cooperative  
233 arrangement pursuant to section 10-158a, such teacher may count the  
234 previous continuous employment with such board immediately prior  
235 to such cooperative arrangement towards tenure.

236 (B) For a teacher who has attained tenure prior to layoff, tenure shall  
237 resume if such teacher is reemployed by the same board of education  
238 within five calendar years of the layoff.

239 (C) Except as provided in subparagraphs (B), [and] (D) and (E) of  
240 this subdivision, any teacher who has attained tenure with any one  
241 board of education and whose employment with such board ends for  
242 any reason and who is reemployed by such board or is subsequently  
243 employed by any other board, shall attain tenure after completion of  
244 twenty school months of continuous employment. The provisions of



245 this subparagraph shall not apply if, (i) prior to completion of the  
 246 twentieth school month following commencement of employment by  
 247 such board, such teacher has been notified in writing that his or her  
 248 contract will not be renewed for the following school year or (ii) for a  
 249 period of five or more calendar years immediately prior to such  
 250 subsequent employment, such teacher has not been employed by any  
 251 board of education.

252 (D) Any certified teacher or administrator employed by a local or  
 253 regional board of education for a school district identified as a priority  
 254 school district pursuant to section 10-266p may attain tenure after ten  
 255 months of employment in such priority school district, if such certified  
 256 teacher or administrator previously attained tenure with another local  
 257 or regional board of education in this state or another state.

258 (E) For a teacher who has attained tenure and is employed by a local  
 259 or regional board of education that enters into a cooperative  
 260 arrangement pursuant to section 10-158a, such teacher shall not  
 261 experience a break in continuous employment for purposes of tenure  
 262 as a result of such cooperative arrangement.

263 (7) [The term "school] "School month" means any calendar month  
 264 other than July or August in which a teacher is employed as a teacher  
 265 at least one-half of the student school days.

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>	New section
Sec. 3	<i>July 1, 2011</i>	10-151d
Sec. 4	<i>July 1, 2011</i>	10-151(d)
Sec. 5	<i>July 1, 2011</i>	10-151(a)

**Statement of Purpose:**

To study issues relating to school transportation; to require the Performance Evaluation Advisory Council to develop a model teacher performance evaluation system for use by local and regional boards of

education and regional educational service centers; and to include employment in a cooperative arrangement as part of the definition of tenure for purposes of teacher tenure laws.

*[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.]*