



General Assembly

Substitute Bill No. 1160

January Session, 2011

* _____SB01160ED_____032811_____*

AN ACT CONCERNING 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. (NEW) (*Effective July 1, 2011*) On or before July 1, 2012, the
2 Performance Evaluation Advisory Council, established pursuant to
3 section 10-151d of the general statutes, as amended by this act, shall
4 develop a model teacher performance evaluation system for use by
5 local and regional boards of education and regional educational
6 service centers. Such model teacher performance evaluation system
7 shall include: (1) A training program offered by the local or regional
8 board of education or regional educational service center for the school
9 district to teachers who are employed by such school district and
10 whose performance is being evaluated and to administrators who are
11 employed by such school district and who are conducting the
12 performance evaluations. Such training program shall be offered prior
13 to the implementation of any teacher performance evaluation system
14 adopted by the school district and shall include information relating to
15 the standards, measures and protocols that will be used to evaluate
16 teacher performance in the school district; (2) guidelines for the
17 creation of individual teacher improvement and remediation plans for
18 teachers whose performance is found to be deficient. Such teacher
19 improvement and remediation plans shall be developed by the

20 evaluating administrator, the teacher whose performance is found to
21 be deficient and other persons deemed appropriate through a mutual
22 agreement by a local or regional board of education or regional
23 educational service center and the exclusive bargaining representative
24 for certified employees chosen pursuant to section 10-153b of the
25 general statutes. Such teacher improvement and remediation plans
26 shall include, but not be limited to, a description of the reasons that a
27 teacher's performance has been found to be deficient, a plan on how to
28 improve such teacher's deficient performance, an articulation of
29 measures of success, timelines and support for such teacher, periodic
30 reviews of such teachers, an adequate time period, not to exceed one
31 school year, for such teacher to improve his or her performance before
32 the initiation of dismissal proceedings, and the provision of resources
33 and support to such teacher during the improvement and remediation
34 period by the local or regional board of education or regional
35 educational service center and such exclusive bargaining
36 representative for certified employees; (3) summative assessments at
37 the end of the improvement and remediation period of each teacher
38 whose performance is found to be deficient. Such summative
39 assessments shall include recommendations by the evaluating
40 administrator on whether such teacher successfully achieved the
41 standards and goals set forth in the improvement and remediation
42 plan, or whether a dismissal proceeding should be initiated. Such
43 summative assessments may include recommendations from other
44 persons deemed appropriate through a mutual agreement by a local or
45 regional board of education or regional educational service center and
46 the exclusive bargaining representative for certified employees chosen
47 pursuant to section 10-153b of the general statutes; and (4) a dismissal
48 proceeding process for teachers whose performance is found to be
49 deficient and who have not successfully achieved the standards and
50 goals set forth in the improvement and remediation plan. Such
51 dismissal proceeding shall be in accordance with the provisions of
52 section 10-151 of the general statutes, as amended by this act. Any such
53 dismissal proceeding shall be concluded not later than one hundred
54 calendar days from the date the evaluating administrator submits the

55 summative assessment recommending the dismissal of such teacher to
56 the superintendent of schools for the school district employing such
57 teacher. If such dismissal proceedings exceed one hundred calendar
58 days, the hearing panel for such dismissal proceedings shall assess
59 monetary penalties to the party responsible for the delay in such
60 dismissal proceeding. The mutual agreements described in
61 subdivisions (2) and (3) of this section shall not be subject to the
62 provisions of section 10-153f of the general statutes.

63 Sec. 2. Section 10-151d of the general statutes is repealed and the
64 following is substituted in lieu thereof (*Effective July 1, 2011*):

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

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

88 Sec. 3. Subsection (d) of section 10-151 of the general statutes is
89 repealed and the following is substituted in lieu thereof (*Effective July*
90 *1, 2011*):

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

122 superintendent shall give the teacher concerned a written notice that
123 termination of such teacher's contract is under consideration and, upon
124 written request filed by such teacher with the superintendent, within
125 seven days after receipt of such notice, shall within the next succeeding
126 seven days give such teacher a statement in writing of the reasons
127 therefor. Within twenty days after receipt of written notice by the
128 superintendent that contract termination is under consideration, such
129 teacher may file with the local or regional board of education a written
130 request for a hearing. A board of education may designate a
131 subcommittee of three or more board members to conduct hearings
132 and submit written findings and recommendations to the board for
133 final disposition in the case of teachers whose contracts are terminated.
134 Such hearing shall commence within fifteen days after receipt of such
135 request, unless the parties mutually agree to an extension, not to
136 exceed fifteen days (A) before the board of education or a
137 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. 4. Section 10-151b of the general statutes is repealed and the
183 following is substituted in lieu thereof (*Effective July 1, 2011*):

184 (a) The superintendent of each local or regional board of education
185 shall continuously evaluate or cause to be evaluated each teacher, in
186 accordance with guidelines established by the State Board of
187 Education, pursuant to subsection (c) of this section, [for the
188 development of evaluation programs] and such other guidelines as
189 may be established by mutual agreement between the local or regional
190 board of education and the teachers' representative chosen pursuant to

191 section 10-153b. [, continuously evaluate or cause to be evaluated each
192 teacher.] An evaluation pursuant to this subsection shall include, but
193 need not be limited to, strengths, areas needing improvement,
194 strategies for improvement and multiple indicators of student
195 academic growth. Claims of failure to follow the established
196 procedures of such evaluation programs shall be subject to the
197 grievance procedure in collective bargaining agreements negotiated
198 subsequent to July 1, 2004. The superintendent shall report the status
199 of teacher evaluations to the local or regional board of education on or
200 before June first of each year. For purposes of this section, the term
201 "teacher" shall include each professional employee of a board of
202 education, below the rank of superintendent, who holds a certificate or
203 permit issued by the State Board of Education.

204 (b) Each local and regional board of education shall develop and
205 implement teacher evaluation programs consistent with guidelines
206 established by the State Board of Education, pursuant to subsection (c)
207 of this section, and consistent with the plan developed in accordance
208 with the provisions of subsection (b) of section 10-220a.

209 (c) On or before July 1, [2013] 2012, the State Board of Education
210 shall adopt, in consultation with the Performance Evaluation Advisory
211 Council established pursuant to section 10-151d, guidelines for a
212 model teacher evaluation program. Such guidelines shall provide
213 guidance on the use of multiple indicators of student academic growth
214 in teacher evaluations. Such guidelines shall include, but not be limited
215 to: (1) Methods for assessing student academic growth; (2) a
216 consideration of control factors tracked by the state-wide public school
217 information system, pursuant to subsection (c) of section 10-10a, that
218 may influence teacher performance ratings, including, but not limited
219 to, student characteristics, student attendance and student mobility;
220 and (3) minimum requirements for teacher evaluation instruments and
221 procedures.

222 Sec. 5. Subsection (a) of section 10-151 of the general statutes is
223 repealed and the following is substituted in lieu thereof (*Effective July*

224 1, 2011):

225 (a) For the purposes of this section:

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

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

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

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

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

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

247 (A) The completion of thirty school months of full-time continuous
248 employment for the same board of education for teachers initially
249 hired prior to July 1, 1996; and forty such school months for teachers
250 initially hired on or after said date provided the superintendent offers
251 the teacher a contract to return for the following school year. For
252 purposes of calculating continuous employment towards tenure, the
253 following shall apply: (i) For a teacher who has not attained tenure,

254 two school months of part-time continuous employment by such
255 teacher shall equal one school month of full-time continuous
256 employment except, for a teacher employed in a part-time position at a
257 salary rate of less than twenty-five per cent of the salary rate of a
258 teacher in such position, if such position were full-time, three school
259 months of part-time continuous employment shall equal one school
260 month of full-time continuous employment; (ii) a teacher who has not
261 attained tenure shall not count layoff time towards tenure, except that
262 if such teacher is reemployed by the same board of education within
263 five calendar years of the layoff, such teacher may count the previous
264 continuous employment immediately prior to the layoff towards
265 tenure; [and] (iii) a teacher who has not attained tenure shall not count
266 authorized leave time towards tenure if such time exceeds ninety
267 student school days in any one school year, provided only the student
268 school days worked that year by such teacher shall count towards
269 tenure and shall be computed on the basis of eighteen student school
270 days or the greater fraction thereof equaling one school month; and
271 (iv) for a teacher who has not attained tenure and who is employed by
272 a local or regional board of education that enters into a cooperative
273 arrangement pursuant to section 10-158a, such teacher may count the
274 previous continuous employment with such board immediately prior
275 to such cooperative arrangement towards tenure.

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

279 (C) Except as provided in subparagraphs (B), [and] (D) and (E) of
280 this subdivision, any teacher who has attained tenure with any one
281 board of education and whose employment with such board ends for
282 any reason and who is reemployed by such board or is subsequently
283 employed by any other board, shall attain tenure after completion of
284 twenty school months of continuous employment. The provisions of
285 this subparagraph shall not apply if, (i) prior to completion of the
286 twentieth school month following commencement of employment by
287 such board, such teacher has been notified in writing that his or her

288 contract will not be renewed for the following school year, or (ii) for a
 289 period of five or more calendar years immediately prior to such
 290 subsequent employment, such teacher has not been employed by any
 291 board of education.

292 (D) Any certified teacher or administrator employed by a local or
 293 regional board of education for a school district identified as a priority
 294 school district pursuant to section 10-266p may attain tenure after ten
 295 months of employment in such priority school district, if such certified
 296 teacher or administrator previously attained tenure with another local
 297 or regional board of education in this state or another state.

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

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

This act shall take effect as follows and shall amend the following sections:		
Section 1	July 1, 2011	New section
Sec. 2	July 1, 2011	10-151d
Sec. 3	July 1, 2011	10-151(d)
Sec. 4	July 1, 2011	10-151b
Sec. 5	July 1, 2011	10-151(a)

Statement of Legislative Commissioners:

Clarified language in section 1(4) and section 2(b)(1). Made grammatical changes in sections 1 and 2. Replaced "subsection (b) of section 10-153" with "section 10-153b" in section 1 for accuracy.

ED Joint Favorable Subst.