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:

Section 1. (NEW) (Effective July 1, 2011) On or before July 1, 2012, the Performance Evaluation Advisory Council, established pursuant to section 10-151d of the general statutes, as amended by this act, shall develop a model teacher performance evaluation system for use by local and regional boards of education and regional educational service centers. Such model teacher performance evaluation system shall include: (1) A training program offered by the local or regional board of education or regional educational service center for the school district to teachers who are employed by such school district and whose performance is being evaluated and to administrators who are employed by such school district and who are conducting the performance evaluations. Such training program shall be offered prior to the implementation of any teacher performance evaluation system adopted by the school district and shall include information relating to the standards, measures and protocols that will be used to evaluate teacher performance in the school district; (2) guidelines for the creation of individual teacher improvement and remediation plans for teachers whose performance is found to be deficient. Such teacher improvement and remediation plans shall be developed by the
evaluating administrator, the teacher whose performance is found to be deficient and other persons deemed appropriate through a mutual agreement by a local or regional board of education or regional educational service center and the exclusive bargaining representative for certified employees chosen pursuant to section 10-153b of the general statutes. Such teacher improvement and remediation plans shall include, but not be limited to, a description of the reasons that a teacher's performance has been found to be deficient, a plan on how to improve such teacher's deficient performance, an articulation of measures of success, timelines and support for such teacher, periodic reviews of such teachers, an adequate time period, not to exceed one school year, for such teacher to improve his or her performance before the initiation of dismissal proceedings, and the provision of resources and support to such teacher during the improvement and remediation period by the local or regional board of education or regional educational service center and such exclusive bargaining representative for certified employees; (3) summative assessments at the end of the improvement and remediation period of each teacher whose performance is found to be deficient. Such summative assessments shall include recommendations by the evaluating administrator on whether such teacher successfully achieved the standards and goals set forth in the improvement and remediation plan, or whether a dismissal proceeding should be initiated. Such summative assessments may include recommendations from other persons deemed appropriate through a mutual agreement by a local or regional board of education or regional educational service center and the exclusive bargaining representative for certified employees chosen pursuant to section 10-153b of the general statutes; and (4) a dismissal proceeding process for teachers whose performance is found to be deficient and who have not successfully achieved the standards and goals set forth in the improvement and remediation plan. Such dismissal proceeding shall be in accordance with the provisions of section 10-151 of the general statutes, as amended by this act. Any such dismissal proceeding shall be concluded not later than one hundred calendar days from the date the evaluating administrator submits the
summative assessment recommending the dismissal of such teacher to the superintendent of schools for the school district employing such teacher. If such dismissal proceedings exceed one hundred calendar days, the hearing panel for such dismissal proceedings shall assess monetary penalties to the party responsible for the delay in such dismissal proceeding. The mutual agreements described in subdivisions (2) and (3) of this section shall not be subject to the provisions of section 10-153f of the general statutes.

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

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

(b) The council shall be responsible for (1) assisting the State Board of Education in the development and implementation of the teacher evaluation guidelines, pursuant to subsection (c) of section 10-151b, as amended by this act, [and] which guidelines shall include student academic growth and development as a factor in the rating of teacher performance, (2) the data collection and evaluation support system, pursuant to subsection (c) of section 10-10a, and (3) developing a model teacher performance evaluation system in accordance with the provisions of section 1 of this act. The council shall meet at least quarterly.
Sec. 3. Subsection (d) of section 10-151 of the general statutes is repealed and the following is substituted in lieu thereof (Effective July 1, 2011):

(d) The contract of employment of a teacher who has attained tenure shall be continued from school year to school year, except that it may be terminated at any time for one or more of the following reasons: (1) Inefficiency or incompetence, provided, if a teacher is notified on or after July 1, 2000, that termination is under consideration due to incompetence, the determination of incompetence is based on evaluation of the teacher using teacher evaluation guidelines established pursuant to section 10-151b, as amended by this act; (2) insubordination against reasonable rules of the board of education; (3) moral misconduct; (4) disability, as shown by competent medical evidence; (5) elimination of the position to which the teacher was appointed or loss of a position to another teacher, if no other position exists to which such teacher may be appointed if qualified, provided such teacher, if qualified, shall be appointed to a position held by a teacher who has not attained tenure, and provided further that determination of the individual contract or contracts of employment to be terminated shall be made in accordance with either (A) a provision for a layoff procedure agreed upon by the board of education and the exclusive employees' representative organization, or (B) in the absence of such agreement, a written policy of the board of education; [or] (6) failure to successfully complete an improvement and remediation plan following a finding that the teacher's performance was deficient under the teacher performance evaluation system adopted by a local or regional board of education or regional educational service center; or (7) other due and sufficient cause. Nothing in this section or in any other section of the general statutes or of any special act shall preclude a board of education from making an agreement with an exclusive bargaining representative which contains a recall provision. [Prior] Except as provided in the teacher performance evaluation system adopted by a local or regional board of education or regional educational service center, prior to terminating a contract, the
superintendent shall give the teacher concerned a written notice that termination of such teacher’s contract is under consideration and, upon written request filed by such teacher with the superintendent, within seven days after receipt of such notice, shall within the next succeeding seven days give such teacher a statement in writing of the reasons therefor. Within twenty days after receipt of written notice by the superintendent that contract termination is under consideration, such teacher may file with the local or regional board of education a written request for a hearing. A board of education may designate a subcommittee of three or more board members to conduct hearings and submit written findings and recommendations to the board for final disposition in the case of teachers whose contracts are terminated. Such hearing shall commence within fifteen days after receipt of such request, unless the parties mutually agree to an extension, not to exceed fifteen days (A) before the board of education or a subcommittee of the board, (B) if indicated in such request or if designated by the board before an impartial hearing panel, or (C) if the parties mutually agree, before a single impartial hearing officer chosen by the teacher and the superintendent. If the parties are unable to agree upon the choice of a hearing officer within five days after their decision to use a hearing officer, the hearing shall be held before the board or panel, as the case may be. The impartial hearing panel shall consist of three members appointed as follows: The superintendent shall appoint one panel member, the teacher shall appoint one panel member, and those two panel members shall choose a third, who shall serve as chairperson. If the two panel members are unable to agree upon the choice of a third panel member within five days after the decision to use a hearing panel, the third panel member shall be selected with the assistance of the American Arbitration Association using its expedited selection process and in accordance with its rules for selection of a neutral arbitrator in grievance arbitration. If the third panel member is not selected with the assistance of such association within five days, the hearing shall be held before the board of education or a subcommittee of the board. Within seventy-five days after receipt of the request for a hearing, the impartial hearing panel,
subcommittee of the board or hearing officer, unless the parties mutually agree to an extension not to exceed fifteen days, shall submit written findings and a recommendation to the board of education as to the disposition of the charges against the teacher and shall send a copy of such findings and recommendation to the teacher. The board of education shall give the teacher concerned its written decision within fifteen days of receipt of the written recommendation of the impartial hearing panel, subcommittee or hearing officer. Each party shall pay the fee of the panel member selected by it and shall share equally the fee of the third panel member or hearing officer and all other costs incidental to the hearing. If the hearing is before the board of education, the board shall render its decision within fifteen days after the close of such hearing and shall send a copy of its decision to the teacher. The hearing shall be public if the teacher so requests or the board, subcommittee, hearing officer or panel so designates. The teacher concerned shall have the right to appear with counsel at the hearing, whether public or private. A copy of a transcript of the proceedings of the hearing shall be furnished by the board of education, upon written request by the teacher within fifteen days after the board's decision, provided the teacher shall assume the cost of any such copy. Nothing herein contained shall deprive a board of education or superintendent of the power to suspend a teacher from duty immediately when serious misconduct is charged without prejudice to the rights of the teacher as otherwise provided in this section.

Sec. 4. Section 10-151b of the general statutes is repealed and the following is substituted in lieu thereof (Effective July 1, 2011):

(a) The superintendent of each local or regional board of education shall continuously evaluate or cause to be evaluated each teacher, in accordance with guidelines established by the State Board of Education, pursuant to subsection (c) of this section, [for the development of evaluation programs] and such other guidelines as may be established by mutual agreement between the local or regional board of education and the teachers' representative chosen pursuant to
section 10-153b. [, continuously evaluate or cause to be evaluated each teacher.] An evaluation pursuant to this subsection shall include, but need not be limited to, strengths, areas needing improvement, strategies for improvement and multiple indicators of student academic growth. Claims of failure to follow the established procedures of such evaluation programs shall be subject to the grievance procedure in collective bargaining agreements negotiated subsequent to July 1, 2004. The superintendent shall report the status of teacher evaluations to the local or regional board of education on or before June first of each year. For purposes of this section, the term "teacher" shall include each professional employee of a board of education, below the rank of superintendent, who holds a certificate or permit issued by the State Board of Education.

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

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

Sec. 5. Subsection (a) of section 10-151 of the general statutes is repealed and the following is substituted in lieu thereof (Effective July
(a) For the purposes of this section:

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

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

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

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

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

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

(A) The completion of thirty school months of full-time continuous employment for the same board of education for teachers initially hired prior to July 1, 1996; and forty such school months for teachers initially hired on or after said date provided the superintendent offers the teacher a contract to return for the following school year. For purposes of calculating continuous employment towards tenure, the following shall apply: (i) For a teacher who has not attained tenure,
two school months of part-time continuous employment by such
teacher shall equal one school month of full-time continuous
employment except, for a teacher employed in a part-time position at a
salary rate of less than twenty-five per cent of the salary rate of a
teacher in such position, if such position were full-time, three school
months of part-time continuous employment shall equal one school
month of full-time continuous employment; (ii) a teacher who has not
attained tenure shall not count layoff time towards tenure, except that
if such teacher is reemployed by the same board of education within
five calendar years of the layoff, such teacher may count the previous
continuous employment immediately prior to the layoff towards
tenure; [and] (iii) a teacher who has not attained tenure shall not count
authorized leave time towards tenure if such time exceeds ninety
student school days in any one school year, provided only the student
school days worked that year by such teacher shall count towards
tenure and shall be computed on the basis of eighteen student school
days or the greater fraction thereof equaling one school month; and
(iv) for a teacher who has not attained tenure and who is employed by
a local or regional board of education that enters into a cooperative
arrangement pursuant to section 10-158a, such teacher may count the
previous continuous employment with such board immediately prior
to such cooperative arrangement towards tenure.

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

(C) Except as provided in subparagraphs (B), [and] (D) and (E) of
this subdivision, any teacher who has attained tenure with any one
board of education and whose employment with such board ends for
any reason and who is reemployed by such board or is subsequently
employed by any other board, shall attain tenure after completion of
twenty school months of continuous employment. The provisions of
this subparagraph shall not apply if, (i) prior to completion of the
twentieth school month following commencement of employment by
such board, such teacher has been notified in writing that his or her
contract will not be renewed for the following school year, or (ii) for a period of five or more calendar years immediately prior to such subsequent employment, such teacher has not been employed by any board of education.

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

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

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

This act shall take effect as follows and shall amend the following sections:

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**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.