
OLR Bill Analysis

sSB 1160

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

SUMMARY:

This bill requires the Performance Evaluation Advisory Council (PEAC) to develop a model teacher evaluation program for use by school boards and regional education service centers (RESCs). The evaluation model must include:

1. school district training for teachers and administrators, before the evaluation program is implemented;
2. guidelines to create teacher improvement plans for teachers who are found to be deficient; and
3. a dismissal proceeding for a teacher who is found to not have achieved the standards and goals set in the improvement plan. The proceeding can lead to the teacher's dismissal.

The bill adds failure to successfully complete an improvement plan after being found deficient to the existing statutory grounds for termination of tenured teachers.

The bill and the model it mandates also set procedures and deadlines for conducting a teacher dismissal proceeding.

It moves up the deadline for the State Board of Education (SBE), in consultation with PEAC, to adopt guidelines for teacher evaluations to July 1, 2012 from July 1, 2013.

It also requires teachers whose employing boards enter cooperative arrangements to provide educational services to retain their credited

service with those boards if their employment is transferred to a committee administering the cooperative arrangement.

Finally the bill makes technical and conforming changes.

EFFECTIVE DATE: July 1, 2011

§§ 1&2 — PERFORMANCE EVALUATION ADVISORY COUNCIL

PA 10-111 created PEAC within the State Department of Education (SDE) to help SBE develop and implement model teacher evaluation program guidelines and the supporting data system (see BACKGROUND). The model evaluation guidelines must include multiple indicators of student academic growth in teacher evaluations.

Teacher Performance Evaluation Model

The bill requires PEAC to include the following provisions in the teacher performance evaluation model:

1. school district training, before the evaluation program starts, for teachers and for administrators who will be conducting the evaluations that includes information on standards, measures, and protocols to be used in the district's teacher performance evaluations;
2. guidelines to create teacher improvement and remediation plans for teachers whose performance is deficient that must include: (a) the reasons a teacher's performance is deficient, (b) a plan on how to improve the teacher's performance, (c) specified measures of success, timelines for the teacher, and periodic reviews of the teacher, (d) an adequate time period, not to exceed one school year, for the teacher to improve his or her performance before dismissal proceedings are initiated, and (e) resources and support for the teacher during the improvement and remediation period provided by school district (or RESC) and the union;
3. a summative assessment at the end of the improvement and remediation period, which must include the evaluating

administrator's recommendation on whether the teacher successfully meets the improvement plan standards or whether dismissal proceedings should be started; and

4. a dismissal proceeding process for teachers who have not successfully achieved the standards and goals of the improvement and remediation plan.

Parties Crafting the Teacher Improvement and Remediation Plan

The evaluating administrator, the teacher whose performance is deficient, and other people deemed appropriate to participate under a mutual agreement between the union and the school district (or RESC) must develop the individual teacher improvement and remediation plan the teacher must attempt to satisfy. The bill does not specify the qualifications or other characteristics of the other people deemed appropriate to participate in crafting the improvement plan.

Under the bill, the mutual agreement to select the other person to participate in crafting the plan is not subject to mediation or arbitration requirements of the Teacher Negotiation Act.

Parties with Input in End of Improvement and Remediation Period Assessments

The bill permits the evaluating administrator's summative assessment to include recommendations from other people deemed appropriate to participate under a mutual agreement between the union and the school district (or RESC). This agreement is also excluded from mediation or arbitration requirements of the Teacher Negotiation Act.

§ 1 — DISMISSAL PROCEEDING

The dismissal proceeding established in the bill applies to teachers whose performance is deficient and who failed to successfully meet the standards and goals set in his or her improvement and remediation plan. The proceeding must be in accordance with existing law regarding tenured teacher dismissal and the bill's requirements.

The bill requires the proceeding not last longer than 100 calendar

days from the date the evaluating administrator submits the assessment recommending dismissal to the superintendent of schools. If the proceeding exceeds 100 calendar days, the impartial hearing panel required by law must assess monetary penalties on the party responsible for the delay (the bill does not state the limit or range of penalties).

Tenured Teacher Termination

Under current law, it can take more than 100 days to terminate a tenured teacher after a superintendent gives a teacher a written notice that termination is under consideration (see BACKGROUND). The bill creates an exception for terminating a tenured teacher's contract under a dismissal proceeding that takes place under its provisions (i.e., the teacher fails to satisfy his or her improvement and remediation plan). It limits the duration of the dismissal proceeding to 100 days from the date the evaluating administrator recommends dismissal.

By law and unchanged by the bill, a tenured teacher can be terminated for the following reasons:

1. inefficiency or incompetence, the finding of incompetence must be based on teacher evaluation guidelines;
2. insubordination against board of education rules;
3. moral misconduct;
4. disability, as shown by competent medical evidence;
5. elimination of the teacher's position or loss the position, or
6. other due and sufficient cause.

§5 — TENURE AND TEACHERS UNDER COOPERATIVE ARRANGEMENTS

The bill recognizes teachers working under cooperative arrangements for the purpose of earning and maintaining tenure. It provides that teachers working under cooperative arrangements recognized in statute can retain their credited service toward tenure

with a board of education if their service is transferred to a committee administering a cooperative arrangement and the district is part of the committee. It also allows to a teacher with tenure at a district to be considered as having continuous employment for tenure purposes if the teacher becomes employed under a cooperative agreement in which the district participates.

The cooperative arrangement statute allows two or more boards of education to agree, in writing, to establish contracts to cooperatively provide school accommodation services, programs or activities, special education services, or health care services to carry out the duties required by law. This authority includes the ability to employ teachers and other staff to carry out the programs and services (CGS § 10-158a).

BACKGROUND

Performance Evaluation Advisory Council

PA 10-111 created the PEAC to meet at least quarterly and help SBE develop and implement the model teacher evaluation program.

The council members are:

1. the education and higher education commissioners, or their designees;
2. one representative each from the following organizations chosen by the organization: (a) the Connecticut Association of Boards of Education, (b) the Connecticut Association of Public School Superintendents, (c) the Connecticut Federation of School Administrators, (d) the Connecticut Education Association, and (e) the American Federation of Teachers-Connecticut; and
3. an unspecified number of appropriate people selected by the education commissioner, including teachers and experts in performance evaluation processes and procedures.

Teacher Termination Process Deadlines

Table 1 displays the actions and related timeframe for parties to

respond under the tenured teacher termination process. Depending upon whether the parties to the proceedings, the teacher and the school district, agree to certain deadline extensions available in law, the entire process can take up to 160 days (some timeframes overlap) (CGS § 10-151 (d)).

Table 1: Teacher Termination Process Deadlines

Action	Number of Days
Teacher formally requests a hearing	Up to 20 days after receiving written notice from superintendent that termination process is beginning
Termination hearing must begin	Within 15 days after receiving the request for the hearing (parties can agree to up to 15 days extension)
Third member of hearing panel (when a panel is chosen rather than a single hearing officer) must be chosen	Up to five days by the two other members (those appointed by the teacher and the superintendent); if no agreement, the third member is chosen under American Arbitration Association selection process.
Hearing panel or officer must submit recommendations and findings to board of education (BOE)	Within 75 days after receipt of request for hearing (parties can agree to up to 15 days extension)
BOE decision on termination	Within 15 days of receiving the recommendation of the panel or officer.
Teacher requests transcript of hearing	Within 15 days after the board's decision.

A teacher terminated at the end of this process has 30 days to file an appeal in Superior Court (CGS § 10-151(e)). The court must affirm the decision of the school board unless it finds the substantial rights of the teacher were prejudiced due to: (1) a violation of constitutional or statutory provisions, (2) the board acting in excess of its authority, (3) an error of law, (4) an unlawful procedure, or (5) other errors or abuse of authority.

COMMITTEE ACTION

Education Committee

Joint Favorable Substitute

Yea 30 Nay 2 (03/25/2011)