



General Assembly

**Amendment**

January Session, 2011

LCO No. 7164

**\*SB0110407164SD0\***

Offered by:

SEN. STILLMAN, 20<sup>th</sup> Dist.  
REP. FLEISCHMANN, 18<sup>th</sup> Dist.  
SEN. BOUCHER, 26<sup>th</sup> Dist.  
REP. GIULIANO, 23<sup>rd</sup> Dist.

To: Subst. Senate Bill No. 1104

File No. 508

Cal. No. 294

**"AN ACT CONCERNING CHARTER SCHOOLS."**

1 Strike everything after the enacting clause and substitute the  
2 following in lieu thereof:

3 "Section 1. Section 10-66dd of the general statutes is repealed and  
4 the following is substituted in lieu thereof (*Effective July 1, 2011*):

5 (a) For purposes of this section, "school professional" means any  
6 school teacher, administrator or other personnel certified by the State  
7 Board of Education pursuant to section 10-145b.

8 (b) (1) Subject to the provisions of this subsection and except as may  
9 be waived pursuant to subsection (d) of section 10-66bb, charter  
10 schools shall be subject to all federal and state laws governing public  
11 schools.

12 (2) [At] Subject to the provisions of subdivision (5) of this  
13 subsection, at least one-half of the persons providing instruction or

14 pupil services in a charter school shall possess the proper certificate  
15 other than (A) a certificate issued pursuant to subdivision (1) of  
16 subsection (c) of section 10-145b, or (B) a temporary certificate issued  
17 pursuant to subsection (c) of section 10-145f on the day the school  
18 begins operation and the remaining persons shall possess a certificate  
19 issued pursuant to said subdivision (1) or such temporary certificate  
20 on such day.

21 (3) The commissioner may not waive the provisions of chapters 163c  
22 and 169 and sections 10-15c, 10-153a to 10-153g, inclusive, 10-153i, 10-  
23 153j, 10-153m and 10-292.

24 (4) The state charter school governing council shall act as a board of  
25 education for purposes of collective bargaining. The school  
26 professionals and persons holding a charter school educator permit,  
27 issued by the State Board of Education pursuant to section 2 of this act,  
28 employed by a local charter school shall be members of the  
29 appropriate bargaining unit for the local or regional school district in  
30 which the local charter school is located and shall be subject to the  
31 same collective bargaining agreement as the school professionals  
32 employed by said district. A majority of those employed or to be  
33 employed in the local charter school and a majority of the members of  
34 the governing council of the local charter school may modify, in  
35 writing, such collective bargaining agreement, consistent with the  
36 terms and conditions of the approved charter, for purposes of  
37 employment in the charter school.

38 (5) For the school year commencing July 1, 2011, and each school  
39 year thereafter, the Commissioner of Education may waive the  
40 requirements of subdivision (2) of this subsection for any  
41 administrator or person providing instruction or pupil services  
42 employed by a charter school who holds a charter school educator  
43 permit, issued pursuant to section 2 of this act, provided not more than  
44 thirty per cent of the total number of administrators and persons  
45 providing instruction or pupil services employed by a charter school  
46 hold the charter school educator permit for the school year.

47 (c) School professionals employed by a local or regional board of  
48 education shall be entitled to a two-year leave of absence, without  
49 compensation, in order to be employed in a charter school provided  
50 such leave shall be extended upon request for an additional two years.  
51 At any time during or upon the completion of such a leave of absence,  
52 a school professional may return to work in the school district in the  
53 position in which he was previously employed or a comparable  
54 position. Such leave of absence shall not be deemed to be an  
55 interruption of service for purposes of seniority and teachers'  
56 retirement, except that time may not be accrued for purposes of  
57 attaining tenure. A school professional who is not on such a leave of  
58 absence and is employed for forty school months of full-time  
59 continuous employment by the charter school and is subsequently  
60 employed by a local or regional board of education shall attain tenure  
61 after the completion of twenty school months of full-time continuous  
62 employment by such board of education in accordance with section 10-  
63 151.

64 (d) (1) An otherwise qualified school professional hired by a charter  
65 school prior to July 1, 2010, and employed in a charter school may  
66 participate in the state teacher retirement system under chapter 167a  
67 on the same basis as if such professional were employed by a local or  
68 regional board of education. The governing council of a charter school  
69 shall make the contributions, as defined in subdivision (7) of section  
70 10-183b for such professional.

71 (2) An otherwise qualified school professional hired by a charter  
72 school on or after July 1, 2010, and who has not previously been  
73 employed by a charter school in this state prior to July 1, 2010, shall  
74 participate in the state teacher retirement system under chapter 167a  
75 on the same basis as if such professional were employed by a local or  
76 regional board of education. The governing council of a charter school  
77 shall make the contributions, as defined in subdivision (7) of section  
78 10-183b for such professional.

79 (3) Any administrator or person providing instruction or pupil

80 services in a charter school who holds a charter school educator permit  
81 issued by the State Board of Education pursuant to section 2 of this act  
82 shall participate in the state teacher retirement system under chapter  
83 167a pursuant to subdivision (2) of this section when such  
84 administrator or person providing instruction or pupil services obtains  
85 professional certification pursuant to section 10-145b.

86 Sec. 2. (NEW) (*Effective July 1, 2011*) (a) Subject to the provisions  
87 subdivision (5) of subsection (b) of section 10-66dd of the general  
88 statutes, as amended by this act, the State Board of Education, upon  
89 the request of the state charter school governing council, may issue a  
90 charter school educator permit to a person who is employed by a  
91 charter school as a teacher or administrator and does not hold the  
92 initial educator, provisional educator or professional educator  
93 certificate if such person (1) achieves satisfactory scores on the state  
94 reading, writing and mathematics competency examination prescribed  
95 by and administered under the direction of the State Board of  
96 Education, or qualifies for a waiver of such test based on criteria  
97 approved by the State Board of Education, (2) achieves a satisfactory  
98 evaluation on the appropriate State Board of Education approved  
99 subject area assessment, and (3) demonstrates evidence of  
100 effectiveness. Such permit shall authorize a person to serve as an  
101 administrator or teacher in the charter school employing such person.  
102 Each such charter school educator permit may be renewed by the  
103 Commissioner of Education for good cause upon the request of the  
104 state charter school governing council employing such person at the  
105 time the charter for the school is renewed.

106 Sec. 3. Subsection (a) of section 10-153b of the general statutes is  
107 repealed and the following is substituted in lieu thereof (*Effective*  
108 *July 1, 2011*):

109 (a) Whenever used in this section or in sections 10-153c to 10-153n,  
110 inclusive: (1) The "administrators' unit" means the certified  
111 professional employee or employees in a school district not excluded  
112 from the purview of sections 10-153a to 10-153n, inclusive, employed

113 in positions requiring an intermediate administrator or supervisor  
114 certificate, or the equivalent thereof, or charter school educator permit  
115 and whose administrative or supervisory duties, for purposes of  
116 determining membership in the administrators' unit, shall equal at  
117 least fifty per cent of the assigned time of such employee. Certified  
118 professional employees covered by the terms and conditions of a  
119 contract in effect prior to October 1, 1983, shall continue to be covered  
120 by such contract or any successor contract until such time as the  
121 employee is covered by the terms and conditions of a contract  
122 negotiated by the exclusive bargaining unit of which the employee is a  
123 member for purposes of collective bargaining pursuant to the  
124 provisions of this section. (2) The "teachers' unit" means the group of  
125 professional employees who hold a certificate, [or] durational shortage  
126 area permit or charter school educator permit issued by the State  
127 Board of Education under the provisions of sections 10-144o to 10-149,  
128 inclusive, and section 2 of this act, and are employed by a local or  
129 regional board of education in positions requiring such a certificate,  
130 [or] durational shortage area permit or charter school educator permit  
131 and are not included in the administrators' unit or excluded from the  
132 purview of sections 10-153a to 10-153n, inclusive. (3) "Commissioner"  
133 means the Commissioner of Education. (4) "To post a notice" means to  
134 post a copy of the indicated material on each bulletin board for  
135 teachers in every school in the school district or, if there are no such  
136 bulletin boards, to give a copy of such information to each employee in  
137 the unit affected by such notice. (5) "Budget submission date" means  
138 the date on which a school district is to submit its itemized estimate of  
139 the cost of maintenance of public schools for the next following year to  
140 the board of finance in each town having a board of finance, to the  
141 board of selectmen in each town having no board of finance and, in  
142 any city having a board of finance, to said board, and otherwise to the  
143 authority making appropriations therein. (6) "Days" means calendar  
144 days."

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

Section 1	<i>July 1, 2011</i>	10-66dd
Sec. 2	<i>July 1, 2011</i>	New section
Sec. 3	<i>July 1, 2011</i>	10-153b(a)