



General Assembly

Amendment

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LCO No. 8519

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Offered by:

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To: Subst. Senate Bill No. 1160

File No. 510

Cal. No. 296

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

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

3 "Section 1. Section 10-151b of the general statutes is repealed and the
4 following is substituted in lieu thereof (*Effective July 1, 2012*):

5 (a) The superintendent of each local or regional board of education
6 shall [continuously] annually evaluate or cause to be evaluated each
7 teacher who has not attained tenure and continually evaluate or cause
8 to be evaluated each teacher who has attained tenure, in accordance
9 with [guidelines established by the State Board of Education,] the local
10 teacher performance evaluation plan, developed pursuant to
11 subsection [(c)] (b) of this section, [for the development of evaluation
12 programs] and such other guidelines as may be established by mutual

13 agreement between the local or regional board of education and the
14 teachers' representative chosen pursuant to section 10-153b. [,
15 continuously evaluate or cause to be evaluated each teacher. An
16 evaluation pursuant to this subsection shall include, but need not be
17 limited to, strengths, areas needing improvement, strategies for
18 improvement and multiple indicators of student academic growth.]
19 Claims of failure to follow the established procedures of such local
20 teacher performance evaluation [programs] plan shall be reported to
21 the Commissioner of Education and subject to the grievance procedure
22 in collective bargaining agreements. [negotiated subsequent to July 1,
23 2004.] The superintendent shall report the status of teacher
24 evaluations, including the frequency of evaluations and the number of
25 teachers who have not been evaluated under the plan, to the
26 Commissioner of Education and the local or regional board of
27 education on or before June first of each year. For purposes of this
28 section, the term "teacher" shall include each professional employee of
29 a board of education, below the rank of superintendent, who holds a
30 certificate or permit issued by the State Board of Education.

31 (b) [Each] (1) On or before July 1, 2012, each local and regional
32 board of education and regional educational service center shall
33 [develop and implement] adopt a local teacher performance evaluation
34 [programs] plan developed by the committee described in subdivision
35 (2) of this subsection and consistent with guidelines established by the
36 State Board of Education, pursuant to [subsection (c) of this] section 2
37 of this act, and consistent with the local professional development plan
38 developed in accordance with the provisions of subsection (b) of
39 section 10-220a.

40 (2) Each local teacher performance evaluation plan shall be
41 developed by a committee composed of an equal number of members
42 representing the local or regional board of education or regional
43 educational service center and certified teachers employed by the
44 board of education or regional educational service center selected by
45 the exclusive bargaining representative for certified employees chosen
46 pursuant to section 10-153b. Such committee shall be composed of no

47 fewer than four total members, but not more than twelve total
48 members.

49 (3) Prior to the implementation of the local teacher performance
50 evaluation plan, each local and regional board of education and
51 regional educational service center shall conduct training programs for
52 all teachers and administrators employed by the board of education or
53 regional educational service center relating to the provisions of the
54 local teacher performance evaluation plan adopted by the board or
55 regional educational service center. Such training shall be completed
56 by each teacher and administrator prior to an evaluation of a teacher or
57 administrator under the local teacher performance evaluation plan.

58 (4) For the school year commencing July 1, 2012, and each school
59 year thereafter, each local and regional board of education shall
60 implement such local teacher performance evaluation plan.

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

74 Sec. 2. (NEW) (*Effective July 1, 2011*) (a) On or before January 1, 2012,
75 the State Board of Education shall adopt, in consultation with the
76 Performance Evaluation Advisory Council established pursuant to
77 section 10-151d of the general statutes, guidelines for use by local and
78 regional boards of education and regional educational service centers

79 for the development of local teacher performance evaluation plans.
80 Such guidelines shall provide guidance on the use of multiple
81 indicators of student academic growth and development in teacher
82 performance evaluations.

83 (b) The guidelines for local teacher performance evaluation plans
84 shall include, but not be limited to: (1) Methods for assessing student
85 academic growth and development; (2) methods for evaluating teacher
86 performance that are based on educator knowledge and skill; (3) a
87 consideration of control factors tracked by the state-wide public school
88 information system, pursuant to subsection (c) of section 10-10a of the
89 general statutes, that may influence teacher performance ratings,
90 including, but not limited to, local conditions, student characteristics,
91 student attendance and student mobility; (4) minimum requirements
92 for teacher performance evaluation instruments and procedures; (5)
93 provisions for the development and implementation of an ongoing
94 training program to be offered by the local or regional board of
95 education or regional educational service center for the school district
96 to teachers who are employed by such school district and whose
97 performance is being evaluated and to administrators who are
98 employed by such school district and who are conducting the
99 performance evaluations; (6) the provision of professional
100 development for teachers and administrators based on individual or
101 group needs that are identified through the performance evaluation
102 process; (7) provisions for the creation of individual teacher
103 improvement and remediation plans for teachers whose performance
104 is found to be deficient. Such teacher improvement and remediation
105 plans shall (A) identify resources, support and other strategies to
106 address documented deficiencies for teachers whose performance is
107 determined to be deficient, (B) be developed by the evaluating
108 administrator, the teacher whose performance is found to be deficient
109 and other persons deemed appropriate through a mutual agreement
110 by a local or regional board of education or regional educational
111 service center and the exclusive bargaining representative for certified
112 employees chosen pursuant to section 10-153b of the general statutes,

113 and in the context of the most recent performance evaluation for the
114 teacher whose performance is determined to be deficient, (C) include,
115 but not be limited to, (i) a description of the reasons that a teacher's
116 performance has been found to be deficient, (ii) a plan on how to
117 improve such teacher's deficient performance, (iii) an articulation of
118 measures and indicators of success, timelines and support for such
119 teacher and periodic reviews of such teachers, (iv) an adequate time
120 period, not to exceed the equivalent of one school year from the date a
121 determination of deficiency has been made for a teacher, to improve
122 and remediate such teacher's performance, and (v) the provision of
123 resources and support by the local or regional board of education or
124 regional educational service center to such teacher during the
125 improvement and remediation period; (8) summative assessments to
126 be conducted at the end of the improvement and remediation period of
127 each teacher whose performance is found to be deficient. (A) Such
128 summative assessments shall include determinations by the evaluating
129 administrator on whether the teacher whose performance has been
130 found to be deficient has made progress towards achieving the
131 standards and goals set forth in such teacher's improvement and
132 remediation plan. (B) Such summative assessments may include
133 observations from other persons deemed appropriate through an
134 agreement by a local or regional board of education or regional
135 educational service center and the exclusive bargaining representative
136 for certified employees chosen pursuant to section 10-153b of the
137 general statutes; and (9) a procedure for notifying any teacher whose
138 performance has been found to be deficient and who fails to
139 successfully complete an improvement and remediation plan that such
140 teacher shall be subject to a termination proceeding in accordance with
141 the provisions of section 10-151 of the general statutes, as amended by
142 this act.

143 Sec. 3. (NEW) (*Effective July 1, 2011*) On or before January 1, 2012,
144 the State Board of Education shall develop, in consultation with the
145 Performance Evaluation Advisory Council established pursuant to
146 section 10-151d of the general statutes, an evaluator assessment to be

147 used in determining an administrator's competency in conducting
148 teacher performance evaluations under the local teacher performance
149 evaluation plan conducted pursuant to section 10-151b of the general
150 statutes, as amended by this act. Such evaluator assessment shall
151 include a determination from an independent observer of whether an
152 evaluator's performance ratings properly align with the guidelines
153 adopted by the State Board of Education pursuant to this section.

154 Sec. 4. Section 10-145b of the general statutes is amended by adding
155 subsection (n) as follows (*Effective July 1, 2011*):

156 (NEW) (n) On and after January 1, 2013, the State Board of
157 Education shall not issue or renew an administrator certificate to any
158 applicant who does not satisfactorily complete the evaluator
159 assessment described in section 3 of this act.

160 Sec. 5. Subsection (d) of section 10-151 of the general statutes is
161 repealed and the following is substituted in lieu thereof (*Effective July*
162 *1, 2012*):

163 (d) The contract of employment of a teacher who has attained tenure
164 shall be continued from school year to school year, except that it may
165 be terminated at any time for one or more of the following reasons: (1)
166 Inefficiency or incompetence, provided, if a teacher is notified on or
167 after July 1, 2000, that termination is under consideration due to
168 incompetence, the determination of incompetence is based on
169 evaluation of the teacher using teacher evaluation guidelines
170 established pursuant to section 10-151b, as amended by this act; (2)
171 insubordination against reasonable rules of the board of education; (3)
172 moral misconduct; (4) disability, as shown by competent medical
173 evidence; (5) elimination of the position to which the teacher was
174 appointed or loss of a position to another teacher, if no other position
175 exists to which such teacher may be appointed if qualified, provided
176 such teacher, if qualified, shall be appointed to a position held by a
177 teacher who has not attained tenure, and provided further that
178 determination of the individual contract or contracts of employment to

179 be terminated shall be made in accordance with either (A) a provision
180 for a layoff procedure agreed upon by the board of education and the
181 exclusive employees' representative organization, or (B) in the absence
182 of such agreement, a written policy of the board of education; [or] (6)
183 failure to successfully complete an improvement and remediation plan
184 following a finding that the teacher's performance was deficient under
185 the teacher performance evaluation plan adopted by the local or
186 regional board of education or regional educational service center; or
187 (Z) other due and sufficient cause. Nothing in this section or in any
188 other section of the general statutes or of any special act shall preclude
189 a board of education from making an agreement with an exclusive
190 bargaining representative which contains a recall provision. Prior to
191 terminating a contract, the superintendent shall give the teacher
192 concerned a written notice that termination of such teacher's contract is
193 under consideration and, upon written request filed by such teacher
194 with the superintendent, within seven days after receipt of such notice,
195 shall within the next succeeding seven days give such teacher a
196 statement in writing of the reasons therefor. Within twenty days after
197 receipt of written notice by the superintendent that contract
198 termination is under consideration, such teacher may file with the local
199 or regional board of education a written request for a hearing. A board
200 of education may designate a subcommittee of three or more board
201 members to conduct hearings and submit written findings and
202 recommendations to the board for final disposition in the case of
203 teachers whose contracts are terminated. Such hearing shall commence
204 within fifteen days after receipt of such request, unless the parties
205 mutually agree to an extension, not to exceed fifteen days (A) before
206 the board of education or a subcommittee of the board, (B) if indicated
207 in such request or if designated by the board before an impartial
208 hearing panel, or (C) if the parties mutually agree, before a single
209 impartial hearing officer chosen by the teacher and the superintendent.
210 If the parties are unable to agree upon the choice of a hearing officer
211 within five days after their decision to use a hearing officer, the
212 hearing shall be held before the board or panel, as the case may be. The
213 impartial hearing panel shall consist of three members appointed as

214 follows: The superintendent shall appoint one panel member, the
215 teacher shall appoint one panel member, and those two panel
216 members shall choose a third, who shall serve as chairperson. If the
217 two panel members are unable to agree upon the choice of a third
218 panel member within five days after the decision to use a hearing
219 panel, the third panel member shall be selected with the assistance of
220 the American Arbitration Association using its expedited selection
221 process and in accordance with its rules for selection of a neutral
222 arbitrator in grievance arbitration. If the third panel member is not
223 selected with the assistance of such association within five days, the
224 hearing shall be held before the board of education or a subcommittee
225 of the board. Within seventy-five days after receipt of the request for a
226 hearing, the impartial hearing panel, subcommittee of the board or
227 hearing officer, unless the parties mutually agree to an extension not to
228 exceed fifteen days, shall submit written findings and a
229 recommendation to the board of education as to the disposition of the
230 charges against the teacher and shall send a copy of such findings and
231 recommendation to the teacher. The board of education shall give the
232 teacher concerned its written decision within fifteen days of receipt of
233 the written recommendation of the impartial hearing panel,
234 subcommittee or hearing officer. Each party shall pay the fee of the
235 panel member selected by it and shall share equally the fee of the third
236 panel member or hearing officer and all other costs incidental to the
237 hearing. If the hearing is before the board of education, the board shall
238 render its decision within fifteen days after the close of such hearing
239 and shall send a copy of its decision to the teacher. The hearing shall
240 be public if the teacher so requests or the board, subcommittee, hearing
241 officer or panel so designates. The teacher concerned shall have the
242 right to appear with counsel at the hearing, whether public or private.
243 A copy of a transcript of the proceedings of the hearing shall be
244 furnished by the board of education, upon written request by the
245 teacher within fifteen days after the board's decision, provided the
246 teacher shall assume the cost of any such copy. Nothing herein
247 contained shall deprive a board of education or superintendent of the
248 power to suspend a teacher from duty immediately when serious

249 misconduct is charged without prejudice to the rights of the teacher as
250 otherwise provided in this section."

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2012</i>	10-151b
Sec. 2	<i>July 1, 2011</i>	New section
Sec. 3	<i>July 1, 2011</i>	New section
Sec. 4	<i>July 1, 2011</i>	10-145b
Sec. 5	<i>July 1, 2012</i>	10-151(d)