



# OLR RESEARCH REPORT

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## **TEACHER LAYOFF AND TEACHER EVALUATION REQUIREMENTS**

By: Judith Lohman, Assistant Director

You asked for a summary of the statutory requirements governing teacher layoffs and teacher evaluations.

### **SUMMARY**

State law imposes certain requirements for school districts to implement teacher terminations, including layoffs, and teacher evaluations. Both laws cover all certified professional employees below the rank of superintendent who are employed by a board of education for at least 90 days in a position that requires certification.

The teacher termination law allows districts to lay off both tenured and nontenured teachers. But it gives tenured teachers (those with longer service in the school district) whose jobs are eliminated the right to bump nontenured teachers from jobs for which the tenured teachers are qualified. The law also requires that teacher layoffs follow a process required by either the applicable collective bargaining agreement or, if there is none, the board of education's written policy.

State law also sets out requirements for teacher evaluations and makes school superintendents responsible for implementing required evaluations. Teacher evaluations must follow (1) State Board of Education (SBE) guidelines, (2) district guidelines mutually agreed between boards of education and teacher unions, and (3) district professional development plans developed by committees made up of each board's certified and other appropriate school employees.

Evaluations must cover each teacher's strengths, areas to be improved, improvement strategies, and student performance. A 2010 law requires the SBE (with assistance from the Performance Evaluation Advisory Council) and school districts to revamp teacher evaluation guidelines by July 1, 2013 based on enhanced data and additional measures of teacher performance.

## **TEACHER LAYOFF REQUIREMENTS**

The teacher tenure law sets out strict termination and due process requirements for teachers, whether or not they have tenure. Teachers attain tenure after working for 40 school months (four years), if their contracts are renewed for the following school year. Teachers who attain tenure with one board of education and who are reemployed by the same or another board after a break in service attain tenure after 20 school months (two years) of continuous employment (10 months in a priority school district), if their contracts are renewed for the following school year.

State law allows a school district to dismiss tenured and nontenured teachers for any of six specified reasons, including the district's elimination of the teacher's position. If the teacher to be laid off is tenured, he or she can bump a nontenured teacher from any position for which the tenured teacher is qualified. Determinations of which teachers are laid off are subject to the layoff procedures of any applicable collective bargaining agreement or, if there is none, to the board of education's written policy.

A nontenured teacher can also be dismissed if his or her employing school district notifies the teacher, in writing, by April 1 that his or her contract will not be renewed for the coming year. The board does not have to specify any reason for nonrenewal unless the teacher files a written request for the reason. If the teacher makes such a request, the board must supply the reason within seven days ([CGS § 10-151](#)).

## **TEACHER EVALUATION REQUIREMENTS**

### ***Evaluation Programs***

State law requires school districts to continuously evaluate their teachers and makes a district's school superintendent responsible for implementing the requirement. Evaluations must address strengths, areas needing improvement, indicators of improvement strategies, and

multiple measures of the academic growth of the teacher's students. Superintendents must report to their local or regional boards of education by June 1st annually on the status of teacher evaluations in their school districts ([CGS § 10-151b](#)).

School district evaluation programs must be consistent with SBE guidelines (see below) and with any other guidelines established by mutual agreement between the board of education and the appropriate teachers' union. Evaluations must also be consistent with each board's comprehensive professional development plan ([CGS § 10-151b \(b\)](#)).

To create its professional development plan, each school board must establish a committee composed of those certified employees and other school employees it considers appropriate, including teacher and school administrator collective bargaining representatives. Among other things, a district's professional development plan must provide for (1) ongoing and systematic assessment and improvement of the district's teacher evaluation and professional development programs and (2) personnel management and evaluation training or experience for the district's administrators ([CGS § 10-220a \(b\)](#)).

### ***State Model Teacher Evaluation Program Guidelines***

By July 1, 2013 and in consultation with the Performance Evaluation Advisory Council (see below), SBE must develop new model teacher evaluation program guidelines for using multiple indicators of student academic growth in evaluations. The guidelines must include:

1. ways to measure student academic growth;
2. consideration of "control" factors that could influence teacher performance, such as student characteristics, attendance, and mobility; and
3. minimum requirements for district evaluation instruments and procedures ([CGS § 10-151b \(c\)](#)).

### ***Evaluation Data***

Also by July 1, 2013, the State Department of Education (SDE) must expand the state's public school information system to collect additional data on students and teachers. Local districts must use the data to evaluate students' and teachers' educational performance growth.

In addition to mastery test performance, student data must include (1) primary home language, (2) transcripts, and (3) attendance and mobility. If the student is enrolling in kindergarten, the data must also include reliable, valid assessments of his or her readiness for kindergarten. Teacher data must include:

1. credentials, such as master's degrees, completed teacher preparation programs, and certification levels and endorsements;
2. assessments, such as whether a teacher is considered highly qualified under the federal No Child Left Behind Act, or meets any other designations established by federal law or regulations to measure the equitable distribution of instructional staff;
3. the presence of substitute teachers and teachers' aides;
4. the absenteeism rate in the teacher's classroom; and
5. class size.

SDE must assign each teacher a unique identifier before collecting the data ([CGS § 10-10a \(c\)](#)).

### ***Performance Evaluation Advisory Council***

The Performance Evaluation Advisory Council within SDE must help develop and implement the model teacher evaluation program and the supporting data system. Its 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, who must include teachers and experts in performance evaluation processes and procedures.

### ***Other Evaluation Provisions***

Teachers who claim that a school district failed to follow its established evaluation procedures may file a grievance according to procedures established in collective bargaining agreements negotiated after July 1, 2004.

School districts must keep records on teacher performance and evaluation confidential. Such records are exempt from the state Freedom of Information Act, but records of a teacher's personal misconduct are public and can be disclosed without the teacher's consent ([CGS § 10-151b](#)).

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