
OLR Bill Analysis

sSB 24

AN ACT CONCERNING EDUCATIONAL COMPETITIVENESS.

SUMMARY:

This bill, among other things, (1) increases state education funding for towns, school districts, and charter and certain interdistrict magnet schools; (2) changes how the state identifies and intervenes to improve student achievement in low-performing school districts and schools; and (3) revamps required evaluation, termination processes, certification, and professional development for teachers and school administrators.

The bill's major funding provisions:

1. increase Education Cost Sharing (ECS) grants and establish new minimum budget requirements (MBRs) for most towns for FY 13 (§§ 1 & 2);
2. increase state funding for state and local charter schools, as well as for interdistrict magnet schools located outside the Hartford region (§§ 5-7 & 11); and
3. establish new state grants and programs to, among other things, support school district improvement (§ 4), help students apply to college (§ 26); fund innovation schools to help meet desegregation goals (§ 27), help school districts achieve efficiencies to save money (§ 28), and create a School Leadership Academy program to train school administrators (§ 30).

With respect to schools and school districts with low student achievement, the bill's major provisions:

1. require (a) the education commissioner to identify, and withhold ECS grant increases from, up to 30 of the lowest

performing school districts and (b) those districts to submit improvement plans and meet other conditions to have the funds released (§ 3);

2. (a) require the State Board of Education (SBE), in approving new charter schools, to focus on schools that plan to serve educationally needy populations or turn around existing schools with persistent low academic performance and (b) expand enrollment lotteries to give more students the chance to enroll in new charter schools (§ 8);
3. revamp the education accountability law regarding schools in need of improvement and create new school categories based on student academic performance (§ 16);
4. designate category four and five schools as low-achieving schools subject to intensified SBE intervention and expand the range of options the SBE must take regarding low-achieving schools and districts (§ 16);
5. establish a commissioner's network for 10 of the state's lowest performing schools and require the commissioner to develop and implement a plan to improve student achievement in each of them (§ 17);
6. require the state to establish up to 20 family resource centers or school-based health centers in category four and five schools (§ 18); and
7. require the state to provide funding for 1,000 new spaces in school readiness programs, with 600 spaces allocated to the 10 lowest-performing school districts (§ 33).

The bill's major provisions concerning teachers and school administrators:

1. expand the grounds and shorten the process for teacher termination (§ 56);

2. expand requirements for the state's model teacher evaluation guidelines to be issued by July 1, 2012 and requires the education commissioner to develop a plan for linking evaluations and teacher tenure (§§ 57 & 58);
3. revamp the state's teacher certification system to, among other things, (a) eliminate the middle-level provisional certificate, (b) require a relevant master's degree to obtain a professional certificate, and (c) revise teacher professional development requirements to emphasize improved practice and individual and small-group coaching sessions (§§ 60-62 & 65-77); and
4. establish a state distinguished educator designation for teachers with advanced degrees and training who meet performance standards established by the State Department of Education (SDE) (§ 63).

Finally, the bill establishes a separate board to oversee the vocational-technical school system (§§ 36-54).

A section-by-section analysis appears below.

EFFECTIVE DATE: July 1, 2012, unless otherwise noted.

§ 1—EDUCATION COST SHARING (ECS) GRANT INCREASES FOR FY 13

The bill increases FY 13 ECS grants to 136 towns by various amounts listed in the bill. Under current law, each town's ECS grant for FY 13 is the same as its FY 12 ECS grant. The grant increases for FY 13 total \$50 million in the aggregate. The bill makes no changes in the ECS formula, although it imposes conditions for some districts to receive their grant increases (see § 3).

§ 2—MINIMUM BUDGET REQUIREMENT FOR FY 13

By law, as a condition of receiving ECS grants, towns must budget minimum annual amounts for education. This requirement is known as the minimum budget requirement (MBR).

This bill:

1. adds any ECS grant increase a town receives in FY 13 under the bill to its base MBR for FY 13;
2. limits allowable MBR reductions to no more than 0.5% of each town's FY 13, rather than its FY 12, education budget;
3. allows a town to reduce its FY 13 MBR within certain limits to reflect savings from regional collaboration or increased efficiencies in its school district; and
4. establishes a separate MBR for the "alliance districts" it creates (see next section).

Base MBR for FY 13

The bill increases town MBRs for FY 13 to require them to budget at least (1) the amount they budgeted for education in FY 12 plus (2) any ECS grant increase they receive for FY 13. It requires any allowable MBR reductions to be subtracted from this higher MBR base.

MBR Reduction Limits

Current law allows a qualifying town to reduce its MBR for FY 13 if (1) its school district enrollment fell in 2012 compared to 2011, by up to \$3,000 times the drop in enrollment or (2) it has no high school and is paying tuition for fewer students to attend high school in another district in 2012 than in 2011, by the per-student tuition rate times the drop in enrollment.

Under current law, in FY 13, these reductions are limited to no more than 0.5% of the town's FY 12 budgeted appropriation for education. The bill instead limits them to that percentage of its FY 13 budgeted appropriation for education.

Savings from Efficiencies or Interdistrict Collaboration

In addition to the MBR reductions already allowed, the bill allows a town to reduce its MBR for FY 13 to reflect half of any new savings from (1) a regional collaboration or cooperative arrangement with one or more other districts or (2) increased efficiencies within its school district, as long as the savings can be documented. The education

commissioner must approve the intradistrict efficiencies. The overall reduction is limited to 0.5% of the district's FY 13 budgeted appropriation for education.

§ 3—ALLIANCE DISTRICTS

The bill requires the education commissioner to hold back ECS grant increases for towns with the lowest-performing school districts and establishes conditions for releasing the funds. The school districts subject to the conditional funding are called "alliance districts."

Designating the Districts

An alliance district is a town whose district is among those with the lowest academic performance as measured by a district performance index (DPI) the bill establishes. (The bill does not specify who designates the initial alliance districts or exactly how many such districts may be designated.) For FY 13, the bill limits the number of alliance districts to 30. Districts keep the designation for five years but the bill allows the education commissioner to remove a district's alliance designation after determining it has violated its approved improvement plan (see below).

The commissioner must determine, by June 30, 2016, whether to designate additional alliance districts.

The bill also establishes a category called "educational reform districts," which are the 10 districts with the lowest DPIs. This group appears to be a subset of the alliance districts. Although a separate category, the conditional funding requirements apply to these districts in the same way as to the do to the other 20. Section 33 of the bill directs the education commissioner to provide funding for 600 new spaces in school readiness programs located in these districts.

District Performance Index

A town's DPI is its students' weighted performance on the statewide mastery tests in reading, writing, and mathematics given in grades three through eight and 10, and science in grades five, eight, and 10. The index is calculated by:

1. weighting student scores in each of these subjects as follows: zero for below basic (the lowest score), 25% for basic, 50% for proficient, 75% for goal, and 100% for advanced;
2. adding up the weighted student scores for each subject;
3. multiplying the aggregate student results in each subject by 30% for math, reading, and writing and 10% for science; and
4. adding up the weighted subject scores.

The weightings produce the lowest indexes for districts with the lowest test scores.

Under the bill, the test score data used for the index is either (1) the data of record on the December 31st following the tests, or (2) that data as adjusted by SDE according to a board of education's request for an adjustment filed by the November 30th following the test.

Conditional Funding

The bill requires the state comptroller to hold back any ECS grant increase over the prior year's grant that is payable to an alliance district town in FY 13 or any subsequent fiscal year. The comptroller must transfer the money to the education commissioner. An alliance district may apply to receive its ECS grant increase when and how the education commissioner prescribes. The bill allows the commissioner to pay the funds to the district on condition that they are spent according to its approved district improvement plan (see below) and guidelines the bill allows SBE to adopt.

The bill requires any balance of the conditional ECS funds allocated to each alliance district that remains unspent at the end of any fiscal year to be carried over and remain available to the district for the following fiscal year. (Presumably, any unallocated funds must lapse.)

District Improvement Plan

Alliance districts must use their conditional ECS funding to improve local achievement and offset other local education costs the

commissioner approves. To be eligible to receive the funds, a district must submit an application to the commissioner. The application must contain objectives and performance targets as well as an improvement plan that may include:

1. a tiered intervention system for the district's schools based on their needs;
2. ways to strengthen reading programs to ensure reading mastery in grades K-3 and that focus on (a) standards and instruction, (b) proper data use, (c) intervention strategies, (d) current information for teachers, (e) parental engagement, and (f) teacher professional development;
3. additional learning time, including extended school day or year programs run by school personnel or external partners;
4. a talent strategy that includes teacher and school leader recruitment and assignment, career ladder policies that (a) draw on SBE-adopted model evaluation guidelines and evaluation programs adopted by school districts and (b) may include provisions demonstrating increased ability to attract, retain, promote, and bolster staff performance according to performance evaluation findings and, for new personnel, other indicators of effectiveness;
5. training for school leaders and other staff on new teacher evaluation models;
6. provisions for cooperating and coordinating with early childhood education providers to ensure alignment between those programs and district expectations for students entering kindergarten;
7. provisions for cooperating and coordinating with other government and community programs to ensure students receive adequate support and "wraparound services," including community school models (schools that provide social services

for eligible families in addition to regular instruction for students); and

8. any additional categories or goals the commissioner determines.

The plan must also demonstrate collaboration with “key stakeholders” the commissioner identifies to achieve efficiencies and align the intent and practice of current programs with those of the conditional programs identified in the bill.

Minimum Local Funding Requirements for Alliance Districts

The bill requires alliance districts to maintain a minimum level of annual local funding for education and establishes a separate MBR for such districts for FY 13. Under the bill, each alliance district’s budgeted appropriation for education for FY 13 must at least (1) equal its budgeted appropriation for education for FY 12 and (2) meet the bill’s required minimum local education funding percentage for the year. Under the bill, the minimum local funding percentages are 20% for FY 13, 22.5% for FY 14, 25% for FY 15, and 30% for FY 16 and subsequent fiscal years.

The education commissioner can allow an alliance district town to reduce its FY 13 appropriation for education if it can demonstrate that its local contribution for education for FY 13 has increased compared to the local contribution used to determine its local funding percentage under the bill.

Under the bill, the local funding percentage is determined by dividing, for the fiscal year two years prior to the ECS grant year, the district’s:

1. total current education spending excluding (a) capital construction and debt service, private school health services, and adult education, (b) other state education grants, federal grants other than those for adult education and impact aid, and income from school meals and student activities, (c) income from private and other sources, and (d) tuition,

2. by its total current education spending excluding only capital construction and debt service, private school health services, and adult education.

State Oversight

Although an alliance district designation lasts five years, the bill allows the education commissioner to remove the designation before the following July 1 if a district fails to comply with its approved plan. (However, it appears that, under the bill, if the commissioner removes the alliance district designation, he can no longer hold back the town's ECS grant increase.)

The bill also allows the commissioner to (1) withhold conditional funding if an alliance district fails to comply with the bill's requirements and (2) renew the funding if a district's school board provides evidence that the district is meeting the objectives and performance targets of its plan.

Districts receiving conditional funding must submit annual expenditure reports in a form and manner the commissioner prescribes. The commissioner must determine whether to (1) require a district to repay amounts not spent in accordance with its approved application or (2) reduce the district's grant by that amount in a subsequent year.

§ 4—COMPETITIVE GRANTS FOR IMPROVING STUDENT PERFORMANCE

The bill establishes annual competitive grants, within available appropriations, for school districts seeking to improve student performance using a system of tiered interventions for its schools based on their needs. Grants must range from \$50,000 to \$750,000. Districts may also accept matching funds from nonprofit, tax-exempt organizations for grant-funded programs as long as the matching funds do not limit their scope. Districts must spend the grants for educational purposes and cannot use grant funds to supplant local education funding.

The competitive grant program is open to all districts. The

education commissioner must prescribe the time and manner of the grant applications, but the bill allows an alliance district to submit its conditional funding plan instead of a separate application.

The bill allows SDE to develop necessary guidelines and grant criteria to administer the program. As with conditional grants, districts receiving competitive grants must submit an expenditure report to SDE in a form and manner the department prescribes. SDE must determine whether a district must (1) refund unspent money when the program for which it was awarded ends or (2) repay any amounts not spent in accordance with its application.

§§ 5-7—STATE AND LOCAL CHARTER SCHOOL FUNDING

State Charter Schools

State Per-Student Grant. Starting in FY 13, the bill increases the state's annual grant to state charter schools from \$9,400 to \$10,500 per student.

District Payment for Use of Charter School Data. Starting with FY 12, the bill allows a school district where a state charter school is located to ask SDE to authorize it to use student performance data from the state charter school exclusively to determine the district's performance under the state's performance management and support plan for districts in need of improvement.

Under the bill, a district may use the data only if it agrees to pay the charter school \$1,000 annually for each of its resident students who attends the school. If the district fails to pay the agreed-upon amount, the bill allows the education commissioner to withhold it from the town's ECS grant and pay it to the charter school's fiscal agent as a supplemental grant.

The bill requires SDE to prescribe how districts must submit requests to use charter school performance data. Any district that uses such data must do so for a two-year period and give SDE at least six months' prior notice of its intention to renew or end that use. SBE must issue guidelines concerning the elements required for such a request

and the standards for reviewing it.

State charter schools currently report student performance data and it is not generally incorporated into district data. But, a six-year pilot program scheduled to run through FY 13 allows Bridgeport, Hartford, and New Haven to combine student achievement data from their regular schools with data from charter schools located in those cities for accountability purposes. Under the pilot, the board of education and a charter school mutually agree to combine the data and the education commissioner must approve the agreement.

Local Charter Schools

State Grants. Starting in FY 13, the bill allows SBE, within available appropriations, to approve (1) operating grants of up to \$3,000 per student and (2) grants of up to \$500,000 for startup costs for local charter schools to be established on or after July 1, 2012.

To be eligible for an operating or startup grant, SBE must determine that the applicant has:

1. high-quality, feasible strategies for, or a record of success in, serving educationally needy students, i.e., those who (a) have a history of low academic performance or behavioral or social difficulties, (b) receive free or reduced-price school lunches, (c) are eligible for special education, or (d) are English language learners; or
2. a high-quality, feasible plan for, or a record of success in, turning around existing schools with consistently substandard student performance.

The eligible charter school must (1) apply to SBE for the grant as the board prescribes and (2) if it receives a grant, file reports and financial statements the education commissioner requires. SDE may (1) redistribute unspent funds appropriated for startup grants for the same purposes in the next fiscal year and (2) develop needed criteria and guidelines to administer the grants.

As with operating grants for state charter schools, SBE must determine the number of students enrolled in the local charter school and make operating grant payments of 25% of the grant amount by July 15th and September 15th based on estimated student enrollment on May 1st. It must pay an additional 25% by January 15th and the remainder by April 15th based on the school's actual enrollment as of October 1st.

District Contribution. Under current law, the school board of a local charter school student's home district must pay the school's fiscal authority the per-student amount specified in the school's charter. The payment must include reasonable special education costs for a student requiring special education. The bill additionally requires the board's support to at least equal its per-pupil cost for the prior fiscal year, minus any per-pupil special education costs paid by a student's home district, multiplied by the number of students attending the school in the current fiscal year.

The bill defines the district's per-pupil cost as its net current expenditures for education divided by the number of public school students enrolled at the board's expense as of October 1st or the immediately preceding full school day, plus the number of students who attended full-time summer school sessions at district expense in the preceding summer.

The district's "net current expenditures" are its total education spending excluding (1) student transportation, (2) capital costs supported by school construction grants and debt service, (3) adult education, (4) health services for private school students, (5) tuition, (6) income from federal- and state-aided school meal programs, and (7) fees for student activities.

Charter School Grants and ECS

The bill specifies that state grants to state and local charter schools are considered to be ECS grants (see COMMENT).

§ 8—APPROVAL OF NEW CHARTER SCHOOLS

The bill changes the approval process for state and local charter schools, including by limiting the approval of new schools only to those located in low-achieving districts or districts with schools that are part of the commissioner's network.

It also establishes additional preferences for granting charters, adds new grounds for SBE to consider regarding charter renewals, imposes a new lottery process for charter school admissions, and grants waivers from the required lottery process for certain types of charter schools. It ties all these changes to whether a charter is specifically designed to enroll, retain, and serve students with one or more characteristics that identify them as educationally needy.

Application Process

By law, SBE must review and approve all applications for local and state charter schools. The local school district where the school will be located must also approve the charter for a local charter school.

Starting July 1, 2012, the bill allows SBE to grant new state and local charters only to schools located in towns (1) with at least one school in the commissioner's network of schools (see § 17) or (2) whose school district is designated as low-achieving. Current law does not limit charter school locations.

The bill adds to the types of schools to which SBE must give preference when reviewing charter school applications. The law already requires the board to give a preference to charter applications containing certain elements, such as schools located in priority districts or in districts where student populations are at least 75% minority. The bill requires SBE to also give preference to applications whose primary purpose is to:

1. serve students (a) with a history of low academic performance or behavioral and social difficulties, (b) receiving free or reduced priced lunches, (c) requiring special education, (d) who are English language learners, or (e) who are of a single gender; or
2. improve the academic performance of an existing school that has

consistently demonstrated substandard academic performance, as determined by the education commissioner.

In addition to providing the preference for serving one or more of the educationally needy populations mentioned above, SBE must give preference to applications that demonstrate highly credible and specific strategies to attract, enroll, and retain such students. Charter applications must include student recruitment and retention plans that clearly describe the school's capacity to recruit and retain such students and how they plan to do it.

Charter Renewals

In addition to the existing reasons for which SBE may deny a charter renewal application, the bill allows the board to deny a charter renewal to a school that made insufficient efforts to effectively attract, enroll, and retain all of the previously mentioned educationally needy students, except students of a single gender.

Enrollment Lottery and Waiver

The bill requires student enrollment lotteries for state or local charter schools to include (1) all students who live in the district where the school is located and are enrolled in any grade the school serves, unless a student chooses not to participate and (2) any student from outside the district who applies to enroll in the school. Under current law, charter schools must hold lotteries when more students seek to enroll in a school than there are available spots. The bill requires the local board of education or charter school's governing body to notify students of their eligibility for the lottery at least 45 days before it is held. These lottery provisions apply to new charter school applications submitted on or after July 1, 2012 and not to existing schools.

The bill also allows the education commissioner to waive the lottery requirement for schools with a specialized focus he approves, or whose primary purpose is serving at least one of the following:

1. students with a history of low academic performance;

2. free or reduced priced lunch recipients, pursuant to federal law and regulations;
3. students with a history of behavioral and social difficulties;
4. special education students;
5. English language learners; or
6. students of a single gender.

The bill bars enrollment lotteries for any existing low-achieving school that is converted to a charter school.

§ 9—UNIFORM SYSTEM OF ACCOUNTING AND CHART OF ACCOUNTS

The bill requires SDE to develop and implement a uniform system of accounting for school expenditures that includes a chart of accounts for use at the school and school district level. It also requires SDE to impose “select measures,” which the bill allows SDE to define, on individual schools.

Starting with FY 14, the bill requires each board of education, regional education service center (RESC), and state charter school to implement the system by filing a chart of accounts that meets the requirements of an existing statute requiring boards of education to (1) annually submit receipts, expenditures, and statistics to the education commissioner and (2) have the information certified by an independent public accountant selected to audit municipal accounts. The existing law imposes penalties of between \$1,000 and \$10,000 for failing to submit the information on time (CGS § 10-227).

The bill permits the Office of Policy and Management (OPM) to annually audit the chart of accounts for any board of education, RESC, or state charter school.

It is not clear how this section will work with an existing statute that requires the education commissioner to develop a financial information system for boards of education to provide the state with

budget and year-end expenditure data (CGS § 10-222(b)). This existing statute, like the bill's provision above, requires the information to be submitted in conformance with CGS § 10-227.

EFFECTIVE DATE: Upon passage

§ 10—STUDY OF SMALL DISTRICT ISSUES

The bill requires SDE to study issues related to districts with fewer than 1,000 students ("small districts"). The department must consider:

1. financial disincentives, such as a small district reduction percentage (see below), for small districts whose per-pupil costs exceed the state average for the prior year;
2. financial incentives for such districts to consolidate;
3. the \$100-per-student ECS grant regional bonus as well as the effect of other state reimbursement bonuses for regional districts and cooperative arrangements; and
4. the ECS minimum budget requirement.

The bill defines per-student cost as a district's net current expenditures divided by its average student membership (student count) as of October 1. Likewise, the state per-student average cost is the sum of the net current expenditures of all local and regional school districts divided by the sum of their average student memberships as of October 1.

It defines a "small district reduction percentage" as a reduction in state education funding starting at 10% for the first year a district is 10% or more above the state per-student average cost. This reduction increases by an additional 10 percentage points each year for up to a total of five years for a maximum reduction of 50% if the district continues to spend at least 10% more than the state per-pupil average cost.

SDE must report the findings and recommendations of its study to the Education Committee by January 1, 2013.

EFFECTIVE DATE: Upon passage

§ 11—GRANT INCREASES FOR NON-SHEFF MAGNET SCHOOLS

Starting in FY 13, the bill increases annual state per-pupil operating grants for non-*Sheff* interdistrict magnet schools as shown in Table 1. Non-*Sheff* magnets are schools that do not explicitly help the state meet the goals of the 2008 settlement in the *Sheff v. O’Neill* school desegregation case relating to Hartford and its surrounding towns.

Table 1: Increases for Non-*Sheff* Magnet Grants

Type of Interdistrict Magnet School	Per-Student Grant	
	Current Law	Bill
Operated by local school district (“host magnet”)	\$6,730	\$7,440
Operated by RESC (“RESC magnet”) with less than 55% of its students from a single town	\$7,620	\$8,180
RESC magnet with 55% or more of its students from a single town (“dominant town”) – with one exception (see below)	For each student from outside the dominant town: \$6,730 For each student from the dominant town: \$3,000	For each student from outside the dominant town: \$7,440 For each student from the dominant town: \$3,000
RESC magnet with between 55% and 80% of students from a dominant town	For each student from outside the dominant town: \$6,730 For each student from the dominant town: \$3,833	For each student regardless of originating town: \$8,180

The bill also eliminates obsolete language.

§ 12—NONSUPPLANT REQUIREMENT FOR STATE VO-AG FUNDING INCREASES

The bill prohibits local and regional boards of education that operate regional agricultural science and technology (“vo-ag”) centers from using any increase in annual state funding for such centers to supplant local education funding for FY 13 or any subsequent fiscal year.

§ 13—COMPETITIVE GRANTS TO INCREASE VO-AG CENTER ENROLLMENT

The bill requires SDE, within available appropriations, to provide competitive grants to vo-ag centers for developing plans to increase both their overall enrollment and enrollment by priority school district students.

§ 14—SPECIAL EDUCATION PAYMENTS FOR CHILDREN IN DMHAS FACILITIES

By law, the Department of Mental Health and Addiction Services (DMHAS) must provide regular and special education services to eligible residents in its facilities. The bill transfers the responsibility for paying for these costs from SBE to DMHAS. It also makes a conforming change to eliminate a requirement that SBE pay for the costs in two installments.

§ 15—TEACHER SCHOLARSHIP PROGRAM

The bill establishes a “Connecticut Attract the Best Teacher Scholarship Program” administered by the Office of Financial and Academic Affairs for Higher Education (FAAHE), in consultation with SDE. Eligible students who are hired by priority school districts or schools in the commissioner’s network (see below) may receive a combination of grants and loan reimbursements of up to \$15,000.

Grants

The program, within available appropriations, must provide grants of up to \$5,000 per student. To be eligible, a student must demonstrate exemplary academic achievement which may be measured by (1) grade point average; (2) scores on state-required reading, writing, and mathematics competency examinations (Praxis exams); and (3) an employment commitment from a priority school district or a school in the commissioner’s network.

A student eligible for a grant under the program must be enrolled in:

1. a teacher education program during his or her senior year at a four-year public or private college or university and complete

the requirements of the program as a graduate student for one year or

2. an alternate route to certification program administered through FAAHE.

No student may receive more than one grant under the program.

Loan Reimbursement

Under the bill, a student who is awarded a grant and is hired by a priority school district or commissioner's network school is eligible for a federal or state education loan reimbursement of up to \$2,500 a year for up to four years, as long as the student remains employed at the district or school.

Program Administration

The bill permits FAAHE to use up to 2% of the funds appropriated for the program for administrative costs.

§ 16—SCHOOL PERFORMANCE INDICES, ACTIONS REGARDING LOW-ACHIEVING SCHOOLS, AND RECONSTITUTION OF LOCAL BOARDS OF EDUCATION

The bill (1) revamps the education accountability law regarding identifying school districts in need of improvement and (2) creates new categories of schools based on student performance on statewide mastery tests in order to take action to improve academic achievement. In order to separate the schools into five categories, the bill creates a school performance index (SPI) ranking system.

The bill also modifies the law regarding reconstitution of boards of education in low-performing school districts, including establishing a method of notifying local officials of the start and conclusion of reconstitutions.

School Districts in Need of Improvement, Low-Performing Schools, and Focus Schools

Under the current education accountability law, the education commissioner identifies school districts and individual schools "in

need of improvement” in the statewide education accountability plan. The designation “in need of improvement” is based on federal No Child Left Behind (NCLB) Act provisions that require school districts and schools to make adequate yearly progress toward proficient student performance on required tests.

Under the bill, the accountability plan is instead called the performance management and support plan, which must be consistent with federal law and regulation. As part of the plan, the bill requires SDE to:

1. continue to identify districts in need of improvement;
2. classify schools in five performance categories with category one representing the highest and category five the lowest based on SPI; and
3. designate as focus schools those with identifiable low-performing student subgroups using measures of student academic achievement and growth for subgroups in the aggregate or over time, but not after June 30, 2014. (Subgroups are defined in NCLB as groups who have historically underperformed academically when compared to all students. They may include racial groups, English language learners, those eligible for free or reduced lunch, or students with disabilities.)

School Performance Index

The bill creates a measurement called a school performance index (SPI) to gauge how schools perform on statewide mastery tests in math, reading, writing, and science. It prescribes (1) how SPIs are calculated for each school and (2) subject-specific SPIs.

The school SPI is used to place each school in one of five categories. The bill applies different state responses and interventions to schools depending upon their category.

Calculating the SPI. A school’s SPI is its students’ weighted

performance on the statewide mastery tests in reading, writing, and mathematics given in grades three through eight and 10, and science in grades five, eight, and 10. By law, public school students are required to take the tests in these grades.

The index is calculated by:

1. weighting student scores in each subject as follows: zero for below basic (the lowest score), 25% for basic, 50% for proficient, 75% for goal, and 100% for advanced;
2. adding up the weighted student scores for each subject;
3. multiplying the student results in each subject by 30% for math, reading, and writing and 10% for science; and
4. adding up the weighted subject scores.

The result is an index score ranging from zero to 100%, where a zero indicates that all students scored at or below basic level and 100% indicates that all students scored at the advanced level.

Under the bill, the test score data used for the index is either (1) the data of record on the December 31st following the tests or (2) that data as adjusted by the SDE according to a board of education's request for an adjustment filed with SDE by the November 30th following the tests.

Categories One Through Five. Once schools have SPI scores, they are divided into categories, with one being the highest performers and five the lowest, as shown in the table below.

Table 2: School Performance Categories

Category	School Description (when schools ranked highest SPI to lowest)
1	Percentage score equal to or greater than 80%
2	Percentage score equal to or greater than 60% but less than 80%
3	Percentage score equal to or greater than 40% but less than 60%

4	Percentage score equal to or greater than 20% but less than 40%
5	Percentage score less than 20%

Category Three Schools. The bill allows SDE to impose certain requirements on category three schools. The department may (1) require the schools to develop and implement plans consistent with the bill and federal law to elevate them from a low-achieving status and (2) impose on them any of the actions contained in the statewide performance management and support plan.

SDE may also require the local or regional board of education for a category three school to collaborate with the appropriate RESC to develop plans to ensure the school provides:

1. early education opportunities;
2. summer school;
3. extended school day or year programming;
4. weekend classes;
5. tutors; or
6. professional development to its administrators, principals, teachers, and paraprofessional aides.

The commissioner can limit such programs to (1) the student subgroup that has failed to reach performance benchmarks or (2) those in transitional or milestone grades or those who are otherwise at substantial risk of educational failure.

Transition to New Plan

The bill creates a transition period for the SBE to switch the identified schools and districts from the accountability plan under current law, which the bill would continue until June 30, 2012, and the new statewide management and support plan prepared under the bill.

The schools and districts currently identified as in need of improvement under the accountability plan:

1. continue under that plan through June 30, 2012;
2. are monitored by SDE, beginning in July 2012, to determine if student achievement for the schools and districts is at an acceptable level, as defined in the bill's new statewide performance management and support plan;
3. are evaluated by the local or regional board of education by July 1, 2012 to determine whether they are making adequate yearly progress;
4. are subject to the state-wide performance management and support plan if they fail to make adequate yearly progress;
5. are subject to rewards and consequences as defined in the management and support plan; and
6. continue to be eligible for available federal or state aid.

Low-Achieving Schools and Districts

By law, districts in need of improvement are one group and low-achieving school districts are a subset of that group. By law and unchanged by the bill, a school or district in need of improvement that requires corrective action under the federal NCLB law is designated a low-achieving school or district that is subject to intensified SBE supervision and direction.

The bill also designates category four and five schools and focus schools as low-achieving schools and requires the SBE to intensively supervise and direct them. Consequently, it extends an existing statutory list of required SBE actions for low-achieving schools or districts to category four and five schools and focus schools. By law, for low-achieving schools and districts, and under the bill for category four and five schools and focus schools, the SBE must take any of the actions from the list to improve student performance of a school or

district or of a student subgroup to remove the school or district from the low-achieving list.

SBE may:

1. require operational and instructional audits;
2. direct the district to implement an achievement plan that addresses the deficits found in the instructional audit;
3. require the local board to use state and federal funds for critical needs as directed by SBE;
4. provide incentives to attract high quality teachers and principals;
5. direct the transfer and assignment of teachers and principals;
6. require the local board to implement a model curriculum;
7. identify schools to be reconstituted as charter or, innovation schools, or other models for school improvement;
8. establish learning academies within the schools that require continuous monitoring of student achievement, and crafting of achievement plans; and
9. provide funding for students in the low-achieving district to attend school in a neighboring district with higher achievement levels.

By law many of the possible SBE actions (including numbers 2, 4, 5, 7 and 8 from the list above) must be carried out according to the Teacher Negotiation Act (CGS §§ 10-153a to 153n).

The bill gives SBE the additional options to:

1. require the appointment of a superintendent, approved by the education commissioner or
2. require the appointment of a special master, selected by the

commissioner, with the same authority as the Windham special master (PA 11-61, § 138) and whose term must be for one fiscal year, unless SBE extends it.

The authority under the Windham special master law includes:

1. a requirement that SBE require the school board to ask the union representing a school district bargaining unit to reopen an existing contract for the sole purpose of revising employment conditions to implement the district's improvement plan and
2. an expedited arbitration process if the parties fail to agree to one or more issues related to implementing the improvement plan.

Comptroller's Authority to Withhold ECS Grant Funds Repealed

The bill eliminates a requirement that the comptroller withhold ECS grant money from a town that otherwise is required to appropriate the funds to its board of education because of the school district's low academic achievement. Instead, the comptroller must transfer the money to the education commissioner to be expended by SDE on behalf of the school district to implement any of the actions listed above for low-achieving schools and districts. (Section 3 of the bill gives the comptroller similar authority for withholding funds from towns that are designated alliance districts under the bill.)

School Governance Councils

The bill removes the law regarding school governance councils from CGS § 10-223e and moves it, with some changes, to a new section of the bill (see § 20).

Reconstituted School Boards

The bill makes several changes to the law regarding reconstituting local boards of education for low-achieving school districts. The changes involve notice to local officials regarding the electoral process when a reconstitution starts and when it concludes.

By law, SBE may authorize the commissioner to reconstitute a local board of education in a low-achieving district. The bill requires the

electoral process regarding the board to be suspended for the period of reconstitution (by law, an initial three years with the option to extend for an additional two). The bill defines the electoral process to include (1) candidate nominations by political parties, (2) nominating petitions, (3) write-in candidacies, and (4) filling board vacancies.

Upon terminating a local or regional board under the existing law, the bill requires the commissioner to notify the:

1. town clerk in the school district, or clerk of each member town in the case of a regional board of education; and
2. secretary of the state (SOTS).

The termination notice must include the termination date and the positions terminated.

The bill requires the commissioner to decide whether he will extend the life of a reconstituted board by two years at least 180 days before the three-year terms ends. As under current law, he can do this only if the district fails to show adequate improvement, as determined by SBE.

When a reconstituted board is reaching its conclusion, the bill requires the commissioner to notify the town clerk or clerks, as appropriate, and the SOTS at least 175 days before the reconstituted board's term ends. When the SOTS receives the notice, the electoral process begins according to municipal election law. If the notice is delivered before the time specified in law for party nominations for municipal offices, the office can be placed, with the approval of the local legislative body, on the ballot of a regular fall election.

§ 17—COMMISSIONER'S NETWORK PLAN

The bill requires the education commissioner to establish a commissioner's network for 10 low-performing schools to improve student academic achievement. The schools must be chosen from among the schools ranked in the bottom 5% when all schools are ranked highest SPI to lowest (see § 16), except that no more than two

schools can be in one district.

The bill requires the commissioner to develop a plan that includes:

1. an operations and instructional audit, as described in the school accountability law, for each school selected;
2. an outline of the commissioner's authority to operate the financial and academic administration of the schools;
3. the turnaround model selected for each school, including CommPACT schools as described in law; and
4. provisions requiring any matters in a turnaround plan for a school that conflicts with an existing teacher or administrator union contract be negotiated under the expedited collective bargaining process established as part of the Windham special master law.

The network plan must be implemented for the school year commencing July 1, 2012. The commissioner must submit the plan to the Education Committee by August 1, 2012.

§ 18—FAMILY RESOURCE CENTERS AND SCHOOL-BASED HEALTH CLINICS

Starting with the 2012-13 school year, the commissioner must annually establish a family resource center, according to state law, or a school-based health clinic in category four or five schools located in an alliance district. No more than 20 family resource centers and school-based health clinics may be established this way.

By law, family resource centers are located in elementary schools and provide services including: (1) child care and school readiness for children age three and older who are not otherwise enrolled in school and (2) various services to parents of newborns, including parenting skills and educational services to parents who are interested in obtaining a high school diploma or general education diploma (GED).

§ 19—PLAN TO ENCOURAGE EXEMPLARY TEACHERS AND ADMINISTRATORS

The bill requires SDE to develop a comprehensive plan to encourage exemplary teachers and administrators, as identified by the bill's performance evaluations and other measures, to work in the state's lowest-performing schools and school districts and enhance the education profession's career ladder in these schools. The SBE must (1) approve the plan; (2) provide funding to develop and implement it; and (3) adopt regulations or issue orders, as appropriate, to ensure that it is implemented.

The plan must:

1. encourage individuals to pursue and maintain careers in education in low-performing schools and school districts;
2. identify professional and financial incentives, including salary increases, signing bonuses, stipends, housing subsidies, and housing opportunities that will encourage exemplary teachers and administrators to work and remain in these schools and school districts; and
3. expand the capacity of the state's nonprofit and private organizations to stimulate teacher and administrator leadership and career advancement opportunities in low-performing schools and school districts, and enable other organizations to do the same.

§ 20—SCHOOL GOVERNANCE COUNCILS

The bill makes changes to the law regarding school governance councils.

The law (1) requires boards of education that have jurisdiction over schools designated as low-achieving to establish a school governance council for each such school and (2) allows boards with schools designated as "in need of improvement" to create them. The law also makes exceptions to the requirement for schools with only one grade and for governance councils already in place when the governance

council law was enacted that involve teachers, parents, and others.

After July 1, 2012, the bill requires all school boards that have category four and five schools to establish councils for each of those schools.

By law, the councils must consist of seven parents or guardians of students, two community leaders within the school district, five teachers who teach in the school, and one nonvoting member who is the principal or his or her designee. Councils for high schools must also have two nonvoting student members.

The councils have a number of responsibilities named in statute including analyzing school achievement data, participating in hiring the principal and other administrators, and developing and approving a written parent involvement policy. A council may also recommend that a school be reconstituted and this recommendation sets off a series of statutorily required steps.

The bill makes numerous conforming and technical changes.

§§ 21-25—ACCOUNTABILITY LAW, SCHOOL GOVERNANCE COUNCILS

These sections make conforming and technical changes.

§ 26—COLLEGE APPLICATION ASSISTANCE GRANTS

The bill requires the education commissioner to establish a competitive grant for FY 13, within available appropriations, to share the cost of providing training and help to encourage students to apply for, enroll in, and graduate from college. Local and regional boards of education, municipalities, and nonprofit organizations may apply for the grants.

Grant-funded programs must (1) provide students with (a) training and assistance in the college application process, (b) the federal student aid application, and (c) college and university applications, and (2) cover the cost of college application fees. No more than 25% of the total grant may be used for application fees.

Grant recipients must provide matching funds equal to the state grant. The matching funds may come from public or private sources. Municipalities may use money from ECS grants to contribute matching funds to their local or regional boards of education or nonprofit organizations in the municipality.

Grant applicants must apply by June 1 of the fiscal year before the grant is to be paid on a form approved by the education commissioner (see COMMENT).

§ 27—INNOVATION SCHOOL GRANTS AND CRITERIA

The bill requires SDE to establish a pilot grant program for the 2012-13 school year, within available appropriations, for a local or regional board of education operating an innovation school the education commissioner determines will help the state meet the desegregation goals of the 2008 *Sheff v. O'Neill* stipulation and court order. It establishes an application process and criteria for awarding the grants.

By law, a board of education for a priority school district can convert an existing school to, or establish a new school as, an “innovation school” through agreements with the teacher and administrator unions for the purpose of improving school performance and student achievement. Such schools must have innovation plans that detail areas of autonomy and flexibility in curriculum, budget, school schedule and calendar, school district policies, professional development, and staffing policies.

Applications

The bill authorizes the education commissioner to establish the time and manner for submitting innovation school grant applications. (The bill specifies that the applications are filed annually although it establishes the grant program only for the 2012-13 school year.) He must consider the following when deciding whether to approve an application and award a grant:

1. whether the school’s program provides a reduced racial isolation educational program;

2. whether it is likely to increase student achievement;
3. whether the program is unique and will not adversely affect enrollment in an existing interdistrict magnet school, regional vocational-technical school, or regional vo-ag education center program in the region;
4. the school's proposed operating budget and funding sources; and
5. any other factors he considers appropriate.

State Per-Pupil and Operating Grants

The bill requires the state provide a grant of \$4,000 for:

1. each Hartford student attending an innovation school outside of Hartford that enrolls at least 25% of its students from Hartford and
2. each student from outside of Hartford attending a Hartford innovation school that enrolls at least 25% nonminority students.

In addition, the commissioner may, within available appropriations, provide operating grants of up to \$250,000 in a fiscal year to enhance educational programs at innovation schools.

Construction Grants

A board of education operating an innovation school that helps the state meet *Sheff* goals can also qualify for bonus school construction reimbursement rates if the school is either outside Hartford and enrolls at least 25% of its students from Hartford or within Hartford and enrolls at least 25% nonminority students.

The bonus reimbursement rate is the district's regular reimbursement percentage plus 20 percentage points, up to a maximum reimbursement of 80%. Regular state reimbursements for school construction run from 10% to 80% of eligible costs, depending on the type of project and town wealth. Wealthier towns receive lower reimbursements.

The bonus rate applies to the reasonable costs of any capital expenditure for renovating, altering, or expanding the school's facilities for programmatic purposes, including purchasing equipment. The project must meet the regular statutory requirements for a school building project.

Special Education Costs

For an out-of-district student who requires special education and related services, the bill requires the sending district to pay the district operating the innovation school the difference between the reasonable cost of providing special education services to the student and the amount the host district receives from the innovation grant. The sending district is eligible for a state reimbursement grant for any such costs exceeding 4.5 times its average per-pupil expenditure for the previous year.

Permitting Out-of-District Students to Continue in the Host District

The bill requires a board of education operating an innovation school to allow out-of-district students enrolled in the school to continue to attend school in a host district until they graduate from high school, regardless of the grades offered at the innovation school.

§ 28—SCHOOL DISTRICT COST-SAVING GRANTS

The bill allows the education commissioner, within available appropriations, to provide grants to support school districts in developing plans to implement significant cost savings while maintaining or improving educational quality. The grants must be for technical assistance and regional cooperation.

§ 29—OPEN CHOICE PROGRAM INCENTIVE FOR LARGER DISTRICTS

The bill provides an additional incentive for larger school districts to increase their enrollment of out-of-district students under the Open Choice interdistrict public school attendance program. It does so by giving districts with more than 4,000 students the highest state Open Choice grant (\$6,000 for each out-of-district student) if the education

commissioner determines they have increased their Open Choice enrollment by at least 50% on October 1, 2012. Under current law, receiving districts qualify for the \$6,000-per-student grant only if the number of out-of-district students they enroll equals or exceeds 3% of their total enrollment.

§ 30—CONNECTICUT SCHOOL LEADERSHIP ACADEMY

The bill requires SDE to create a Connecticut School Leadership Academy program to provide educational management and professional development programs to teachers or school administrators who are either already certified or enrolled in an alternate route to certification (ARC) program. SDE must provide grants to the academy, within available appropriations. The bill also authorizes the academy to charge tuition to boards of education or participants.

Eligible teachers and administrators must apply to participate in the academy program. The SDE must prescribe the form and manner of the applications.

§ 31—REWARDS FOR EXEMPLARY SCHOOLS

The bill allows SDE to reward exemplary schools. The rewards may include, at the education commissioner's discretion, (1) public recognition, (2) financial awards, or (3) operational flexibility. SDE may also accept private donations for these rewards.

§ 32—EARLY CHILDHOOD QUALITY RATING AND IMPROVEMENT SYSTEM

By law, the state is planning to create a coordinated system of early care and education and child development by July 1, 2013. PA 11-181 required several steps to take place toward creating this system under a planning director in OPM appointed by the governor. The bill makes SDE, rather than the early childhood system, responsible for developing a quality rating and improvement system for home-, center-, and school-based early child care and learning. It requires the early childhood system to incorporate SDE's rating system.

§ 33—NEW SCHOOL READINESS SLOTS

For FY 13, the bill requires the education commissioner to provide funds to appropriate school districts to create:

1. 600 new slots in school readiness programs located in the 10 districts with the lowest district performance indices (“educational reform districts” – see § 3 above) and
2. 400 new slots in competitive school districts.

A “competitive school district” is a district with more than 9,000 students that (1) has a priority school or former priority school (i.e., a school where at least 40% of the school lunches served are free or reduced-price) or (2) is not a priority school district but whose town is one of the 50 poorest in the state when considering adjusted equalized grand net list, student population, and population (CGS § 10-16aa).

EFFECTIVE DATE: Upon passage

§ 34—BLOOMFIELD MAGNET SCHOOL EXEMPTION

The bill extends for an additional year, through FY 12, an exemption for the Big Picture Magnet School, an approved interdistrict magnet school operated by Bloomfield, from statutory student diversity requirements for interdistrict magnet schools. These requirements (1) limit the number of students from any of the school’s participating towns to 75% of its total enrollment and (2) specify that students of racial minorities must comprise at least 25% but no more than 75% of a school’s student body.

The bill’s exemption allows the school to continue receiving a state magnet school operating grant in FY 12. Starting July 1, 2012, the school must reopen as The Global Experience Magnet School under an operation plan approved by the education commissioner. For purposes of meeting diversity requirements for interdistrict magnet schools, the bill specifies that the school is considered to have begun operating as of that date, thus, by law, giving it until its second year of operation to meet the desegregation requirements of the *Sheff v. O’Neill* settlement. The education commissioner can grant an extension for one additional

year.

EFFECTIVE DATE: Upon passage

§ 35—DISSEMINATING INFORMATION ON SCHOOL OPTIONS

Under current law, each local or regional board of education must provide its students full access to technical high schools, regional vo-ag centers, interdistrict magnet schools, charter schools, and interdistrict student programs for recruitment purposes (other than recruiting for interscholastic athletic competition). The bill also requires each board of education to post information about these school options on its website and makes technical changes.

§§ 36-54—TECHNICAL HIGH SCHOOL SYSTEM

New Governing Board

The bill changes the name of the regional vocational-technical (V-T) schools to the technical high school system (CTHSS) and creates a new 11-member board of education to govern it. Under current law, the V-T schools are under the authority of the SBE and its technical high school subcommittee.

The new board consists of the following:

1. four executives of Connecticut-based employers appointed by the governor from nominees submitted by the statewide industry advisory committees for career clusters offered by the CTHSS and the community-technical colleges,
2. five members appointed by SBE, and
3. the economic and community development and labor commissioners.

The governor must appoint the chairperson, who serves as a nonvoting ex-officio member of the SBE. It adds the CTHSS chairperson to the SBE; thus increasing the membership from 13 to 14.

CTHSS Superintendent

The bill requires the CTHSS board to recommend a candidate for superintendent of the system to the SBE to appoint. It makes the superintendent responsible for the system's operation and administration.

Budget Process

The bill requires each technical high school to prepare a proposed operating budget for the next school year, and submit it to the system superintendent. The superintendent must collect, review, and use each school's proposed operating budget to prepare a proposed operating budget for the CTHSS system.

The bill requires the superintendent to submit a proposed operating budget for the system to the CTHSS board. If the board disapproves it, it must adopt an interim budget, which takes effect at the start of the fiscal year and remains in effect until the superintendent submits and the board approves a modified operating budget. The superintendent must submit a copy of the approved operating budget to OPM.

By law, the superintendent must, twice a year, submit the operating budget for each technical high school to OPM, the Office of Fiscal Analysis, and the Education Committee.

Conforming Changes

The bill makes numerous technical and conforming changes to reflect the name change and the responsibilities of the new board and its chairperson. Under existing law, the superintendent is required to (1) meet with specified legislative committees by November 30 annually about the system and (2) consult with the labor commissioner on the creation of an integrated system of statewide advisory committees for career clusters offered by the CTHSS. The bill requires the superintendent to perform these tasks with the board chairperson.

§ 55—SCHOOL SUPERINTENDENT CERTIFICATION WAIVERS

The bill gives local and regional boards of education additional flexibility to appoint, with the education commissioner's approval, school superintendents who are not state-certified.

Appointment as Acting Superintendent

The law requires a person serving as a school superintendent to have a Connecticut superintendent certificate. But the law also allows a board of education, with the education commissioner's approval, to appoint as acting school superintendent someone who does not have a Connecticut certificate.

The bill extends the maximum duration of an acting superintendent's appointment from a specified period of up to 90 days, with commissioner-approved good cause extensions, to up to one school year. It also:

1. makes the acting superintendent's term a probationary period;
2. requires the acting superintendent, during the probationary period, to successfully complete the Connecticut School Leadership Academy program the bill establishes (see § 30 above); and
3. eliminates any option to extend an acting superintendent's employment beyond the probationary period.

Instead, the bill allows an employing school board, at the end of a probationary period, to ask the commissioner to waive certification, thus allowing the board to appoint the acting superintendent as the district's permanent superintendent.

Superintendent Certification Waiver

By law, the education commissioner may waive certification for a school superintendent who (1) has at least three years of successful experience in the past 10 in another state as a certified administrator in a public school with a superintendent certificate issued by another state or (2) the commissioner considers to be exceptionally qualified.

In the latter case, in addition to being exceptionally qualified, the bill also requires the waiver candidate to have successfully completed the probationary period as acting superintendent. Current law only requires the person to be an acting superintendent. The bill eliminates

requirements that, to be exceptionally qualified, the person also (1) have worked as a school superintendent in another state for at least 15 years and (2) be or have been certified as a superintendent by the other state.

§ 56—TEACHER TERMINATION

The bill gives local and regional boards of education additional grounds to terminate a teacher for cause. It streamlines and shortens teacher termination notice and hearing requirements and specifies that most deadlines in the process must be counted in calendar days. It specifies that the following periods are to be counted in calendar days as well: (1) the minimum 90-day period of required work for a board of education before a teacher is covered by the law's tenure and for-cause termination provisions and (2) the maximum 35-day period within which a school board must accept or reject a school superintendent's candidates for teaching positions in schools under the board jurisdiction. The latter period applies in cases where a school board has not delegated final hiring authority to the school superintendent.

Under both current law and the bill, the tenure and termination provisions apply to all certified professional school board employees below the rank of school superintendent who are defined collectively as "teachers."

Grounds for Teacher Termination

By law, a teacher may be dismissed only for specified reasons. The bill explicitly allows districts to terminate a teacher on the grounds of ineffectiveness as well as for inefficiency or incompetence. As under current law, the determination that a teacher is incompetent or ineffective must be based on evaluations that comply with SBE guidelines for evaluating teachers.

The bill does not change the other permissible grounds for teacher termination, namely:

1. insubordination against reasonable board of education rules;
2. moral misconduct;

3. disability proven by medical evidence;
4. elimination of the position to which the teacher was appointed or loss of a position to another teacher, as long as there is no other position for which the teacher is qualified and subject to the applicable provisions of a collective bargaining agreement or school board policy; or
5. other due and sufficient cause.

In addition, by law, a board of education may notify nontenured teachers, in writing, by May 1st of any school year that their contracts will not be renewed for the following year. The school board does not have to specify any reason for nonrenewal unless the teacher files a written request for the reason.

Termination Hearing Requirements and Procedures

By law, tenured and nontenured teachers are entitled to a hearing before being terminated for cause. Nontenured teachers are also entitled to a hearing when their contracts are not renewed for any reason other than elimination of the teacher's position or loss of the position to another teacher ("bumping").

The bill makes several changes to streamline the process for these hearings. It:

1. eliminates the maximum 14 days currently allowed for a tenured teacher who receives a termination notice to file a written request for the reasons and the board to provide written reasons and instead requires the board to state the reasons in the written termination notice;
2. for a nontenured teacher, establishes a three-day deadline after receiving notice of termination or nonrenewal to request the reasons and reduces the deadline for the board of education to supply written reasons from seven to four days after receiving the teacher's request;

3. shortens the deadline for a teacher to request a hearing from 20 to 10 days after he or she receives a termination or nonrenewal notice;
4. eliminates the teacher’s or board’s option to choose a hearing before a three-member impartial hearing panel while maintaining existing options for a hearing before (a) an impartial hearing officer chosen by the teacher and the school superintendent, or (b) the full board of education or a three-member subcommittee; and
5. requires a board subcommittee or hearing officer to submit findings and recommendations on the case to the board of education within 45, rather than 75, days after the hearing request, unless the parties mutually agree to a maximum 15-day extension.

Table 3 compares the current and proposed teacher termination processes. The bill specifies that all the days in the process are calendar days.

Table 3: Teacher Termination Process

<i>Action</i>	<i>Deadlines Under Current Law</i>	<i>Deadline Changes Under the Bill</i>
School board notifies teacher in writing that it is considering termination or a nontenured teacher that his or her contract will not be renewed	<ul style="list-style-type: none"> • Termination notice: Anytime • Nonrenewal notice: By May 1 annually 	No change
Teacher files written request asking the board to state its reasons for the action	Tenured teacher: 7 days after receiving notice Nontenured teacher: No time limit	<ul style="list-style-type: none"> • Termination: Not applicable (bill requires termination notice to state reasons) • Nonrenewal: Within three days after receiving the notice
Board notifies teacher in writing of reasons.	7 days after board receives request.	<ul style="list-style-type: none"> • Termination: Not applicable • Nonrenewal: Within four days after the board receives the request
Teacher files written request for a hearing	Within 20 days after teacher receives termination or nonrenewal	Within 10 days after the teacher receives the

Action	Deadlines Under Current Law	Deadline Changes Under the Bill
	notice.	notice
Hearings begin (Hearings may be public at the teacher's request or if designated by the board or hearing officer. The teacher may appear and be represented by counsel.)	Within 15 days after the board receives the hearing request; parties may mutually agree to extend this deadline for a maximum of 15 days	Specifies calendar days
Board subcommittee or hearing officer submits written findings and recommendations to the full board concerning the case and sends a copy to the teacher	Within 75 days after the hearing request unless the parties agree to extend for a maximum of 15 days	Within 45 calendar days after the hearing request unless the parties agree to extend for a maximum of 15 calendar days
Board gives teacher its written decision	Within 15 days of receiving the recommendations or, if the hearing takes place before the full board, within 15 days after the close of the hearing.	Specifies calendar days.
Board furnishes a copy of the hearing transcript if the teacher requests one in writing and pays the cost.	Within 15 days of the decision	No change
Teacher may appeal board's decision to Superior Court.	Within 30 days after the decision (Nontenured teachers may appeal to court only if termination is for moral misconduct or disability)	Specifies calendar days
Maximum Time From Notice to Board Decision	155 Days	115 Days

§ 57—PLAN FOR LINKING EVALUATIONS AND TENURE

The bill requires the education commissioner to consult with the Performance Evaluation Advisory Council (PEAC) and develop a plan for linking teacher and administrator evaluation and support programs with the attainment and maintenance of tenure (see BACKGROUND). The plan must:

1. describe how performance evaluation ratings relate to determinations of whether a teacher or administrator is effective or ineffective for purposes of attaining tenure;
2. develop a process for validating evaluations used for (a) attaining and losing tenure and (b) obtaining a distinguished educator designation under the bill (see § 63); and
3. address issues arising when teachers or administrators are identified as ineffective by two or more boards of education.

The commissioner must submit the plan to the Education Committee by January 1, 2013.

EFFECTIVE DATE: Upon passage

§ 58—TEACHER EVALUATION PROGRAMS

The bill expands the required components of (1) local school districts' teacher and school administrator evaluation programs and (2) state guidelines for a model teacher evaluation program. By law, SBE, in consultation with the PEAC, must adopt guidelines for the model program by July 1, 2012. Teacher evaluation programs used by local school districts must be consistent with the state's model.

School District Teacher Evaluation Programs

By law, a school superintendent must continuously evaluate his or her school district's teachers or cause them to be evaluated. ("Teachers" include all certified professional employees below the rank of superintendent.) School boards must develop the evaluation programs with the advice and assistance of the teachers' and school administrators' collective bargaining representatives. They must be consistent with SBE guidelines and with any other guidelines established by mutual agreement between the board and the unions. Evaluations must address, at least, a teacher's strengths, areas needing improvement, improvement strategies, and multiple indicators of student academic growth.

The bill (1) requires district evaluations to be annual rather than continuous; (2) reiterates that districts must evaluate administrators as well as teachers; and (3) requires the programs to include support, not only evaluation. It allows district programs to include periodic ("formative") evaluations during the year leading up to the final, overall ("summative") annual evaluation. Under the bill, any teacher or administrator who does not receive a summative evaluation during the school year must be rated "proficient" for that year.

Current law requires each superintendent to report to his or her board of education by June 1 annually on the status of the evaluations.

The bill also requires superintendents to report annually to the education commissioner on the implementation of evaluations, including their frequency, aggregate evaluation ratings, the numbers of teacher and administrators not evaluated, and other requirements as determined by SDE. The bill does not specify a due date for these reports.

State Model Teacher Evaluation Program

Current law requires SBE to adopt guidelines for a state model evaluation program for teachers by July 1, 2012. The bill explicitly requires the guidelines to apply to administrators as well as teachers.

Current law requires the model to provide guidance on using multiple indicators of student academic growth in evaluations and to include:

1. ways to measure student academic growth;
2. consideration of “control” factors tracked by the expanded public school data system that could influence teacher performance, such as student characteristics, attendance, and mobility; and
3. minimum requirements for evaluation instruments and procedures.

The bill also requires the guidelines to provide for:

1. using four ratings to evaluate teacher performance: (a) exemplary, (b) proficient, (c) developing, and (d) below standard;
2. scoring systems to determine the ratings;
3. periodic training on the evaluation program both for teachers and administrators being evaluated and for administrators performing evaluations, offered by the school district or its RESC;

4. professional development based on individual or group needs identified through evaluations;
5. opportunities for career development and professional growth; and
6. a validation procedure for SDE or an SDE-approved third party entity to audit ratings of below standard or exemplary for any teacher or administrator.

For teachers and administrators whose performance is rated below standard or developing, the bill requires the guidelines to call for improvement and remediation plans that:

1. are developed in consultation with the affected employee and his or her union representative;
2. identify resources, support, and other methods to address documented deficiencies;
3. show a timeline for implementing such measures in the same school year as the plan is issued; and
4. provide success indicators that include a minimum overall rating of proficient at the end of the improvement and remediation plan.

EFFECTIVE DATE: Upon passage

§ 59—TEACHER EVALUATION IMPLEMENTATION STUDY

The bill requires UConn's Neag School of Education to study the implementation of teacher and administrator evaluation and support programs adopted by local and regional boards of education. Neag must (1) compare the programs adopted in 10 districts selected by the education commissioner to SBE's guidelines, (2) analyze their administration and results, and (3) submit the study to the Education Committee by October 1, 2013.

EFFECTIVE DATE: Upon passage

§§ 60-62 & 65-77—TEACHER AND SCHOOL ADMINISTRATOR CERTIFICATION

The bill revamps Connecticut’s teacher and school administrator certification system by (1) eliminating the provisional certificate from the state’s three-level certification structure, reducing it to two levels; (2) requiring an applicant for a professional certificate (except one from out-of-state) to have a relevant master’s degree rather than merely 30 credits beyond a bachelor’s degree; and (3) revising professional development to emphasize improved practice and individual and small-group coaching as part of the teacher’s job instead of requiring 90 hours of professional development, known as “continuing education units” (CEUs), every five years.

The bill also creates a state-issued “distinguished educator designation” for highly qualified and experienced teachers (see § 63).

The bill applies to certificates issued on or after July 1, 2014 (see COMMENT). It also makes technical and conforming changes and repeals obsolete provisions (§§ 65-77).

Initial Educator Certificates

The bill extends the duration of an initial certificate from three to eight years and allows the SBE to approve up to two one-year extensions. Current law allows the education commissioner to approve a single one-year extension for good cause. It eliminates the requirement that the superintendent of the holder’s employing district or the assessment team reviewing the holder’s performance request the extension.

The bill requires SBE to renew an initial certificate if the holder is not serving in either a public school or private special education facility during the eight-year certificate term plus the two-year extension, if any. Thus, time not working as a teacher in a public school or private special education facility does not count against the certificate term. It also allows graduates of master’s, as well as baccalaureate, teacher preparation, or equivalent programs to qualify for initial certificates, if the programs are SBE-approved or taken at an

accredited college or university.

The bill is ambiguous about whether private school teachers can hold initial certificates. For example, its provisions relating to initial certificates refer only to teaching in a public school or private special education facility. But it also maintains existing provisions allowing private school teaching under an initial certificate to count as required experience for a professional certificate.

Provisional Educator Certificates

As of July 1, 2014, the bill eliminates the provisional certificate, which currently serves as a transition between the initial and professional certificates. Under current law, SBE must issue a provisional certificate to a teacher who:

1. successfully completes Connecticut's beginning teacher education and mentoring (TEAM) program and at least one year of successful teaching in a public school or
2. has taught successfully for at least three years in the last 10 in a public or private school approved by SBE or the appropriate governing body in another state.

A provisional certificate is good for up to eight years. A holder may appeal to the education commissioner for an extension if he or she is unable to complete the professional educator requirements within that required time. In such cases, the commissioner can grant up to one extension of up to 24 months on the basis of the applicant's personal hardship or because of an emergency shortage of certified teachers in the applicant's employing school district. The bill restricts these extensions to provisional certificate holders whose certificates are issued before July 1, 2014 (§ 60).

Professional Educator Certificates

The bill raises the qualifications for a professional certificate by requiring an applicant to hold a master's degree rather than, as current law requires, merely to successfully complete (1) before July 1, 2016, 30 hours of graduate or undergraduate credit beyond a bachelor's degree

or (2) on or after July 1, 2016, 30 hours of graduate credit. The bill also requires the master's degree to be (1) in an area that relates directly to the teacher's ability to improve teaching and learning and (2) from an accredited college or university or an SBE-approved program. It eliminates the requirement that the applicant provide evidence that he or she completed the required coursework.

The bill also requires an applicant to (1) successfully complete at least three years of effective, rather than satisfactory, teaching in a public or nonpublic school or under an initial, rather than a provisional, certificate and (2) have a record of effectiveness, rather than competence, while holding the initial certificate.

Under the bill, neither the master's degree nor the experience requirement applies to a teacher who is certified in another state and seeking a Connecticut certificate (see below).

The bill does not define "effectiveness" for purposes of qualifying for a professional certificate. But, it states that a signed recommendation from the applicant's school superintendent or private special education facility supervisory agent is evidence of effectiveness. The bill specifies that the required three years of effective teaching under an initial certificate can be in an SBE-approved private special education facility as well as a public or other nonpublic school.

With two exceptions, the bill requires a professional certificate candidate to have successfully completed the TEAM program if there is one for his or her endorsement area. (This qualification currently applies to candidates for provisional certificates.) As under current law, the TEAM program exceptions apply to:

1. out-of-state teachers who have taught under an appropriate certificate for at least three years and
2. Connecticut teachers who have taught for at least three years in the last 10.

Certification for Out-Of-State Teachers

The bill makes it easier for certified teachers who taught in other states, U.S. possessions or territories, the District of Columbia, or Puerto Rico to obtain Connecticut teaching certificates. It requires SBE to issue:

1. an initial certificate to an out-of-state teacher if he or she has taught under an appropriate certificate in the other jurisdiction for at least one year in the past five instead of three years in the past 10 and
2. a professional certificate to an out-of-state teacher with that experience and, before July 1, 2016, 30 credit hours of graduate or undergraduate coursework beyond a bachelor's degree and on or after that date, 30 hours of graduate coursework.

The bill's professional certificate requirements for teachers from out-of-state are lower than those that apply to Connecticut applicants who, under the bill, must have a minimum of three years of effective teaching experience and a master's degree in a relevant area.

The bill also changes the one-year nonrenewable temporary certificate for an out-of-state teacher to a one-year nonrenewable initial certificate. This certificate allows a teacher who lived or was trained out-of-state and who meets all other Connecticut certification requirements to defer Connecticut's required teacher competency testing for one year (CGS § 10-145f (c)).

Current law, unchanged by the bill, allows a person who holds a valid teaching certificate in another state to be awarded a Connecticut certificate without completing Connecticut's teacher testing requirements if he or she meets certain standards and teaches successfully in Connecticut for one year. The person must have either (1) three years of experience in the last 10 teaching the subject for which he or she is seeking Connecticut certification in a public school or state-approved private school in the other state or (2) at least a master's degree in that subject (CGS § 10-145f (f)).

Finally, the bill maintains the current requirement that SBE issue an

appropriate Connecticut certificate to any out-of-state teacher who holds a national board certification from an organization the education commissioner considers appropriate. But, it eliminates the current requirement that such a teacher also have at least three years of teaching experience in the past 10 in the other jurisdiction.

Temporary 90-Day Certificates

The bill eliminates a temporary 90-day certificate issued at the request of a local or regional board of education for graduates of alternative route to certification (ARC) programs. It also eliminates a requirement that an employing board of education request the SBE to issue the certificate and attest to a special plan for supervising the certificate holder.

Instead, it requires SBE to issue an initial certificate to ARC program graduates who qualify.

Professional Development Requirements

By law, unchanged by the bill, professional certificates are renewable every five years. The bill eliminates the requirement that professional certificate holders successfully complete 90 CEUs every five years as a condition of certificate renewal. Instead, it requires all certified employees, including initial certificate holders, to “participate” in professional development programs. Under current law, initial and provisional certificate holders do not need CEUs.

Program Design. Current law requires school districts to make available for continuing education credit at least 18 hours of professional development for certified employees at no cost. The bill requires that a preponderance of the 18 hours be in a small-group or individual instructional setting. It does not define a “small group instructional setting.” It is also unclear how the 18-hour requirement will be measured for professional development delivered on an individual or small-group basis.

The bill requires the education commissioner, rather than the SBE, to approve continuing education providers that are not either boards

of education or RESCs.

It also requires district professional development programs to:

1. whenever possible and appropriate, include opportunities for integrating (a) reading instruction, (b) literacy and numeracy enhancement, (c) cultural awareness, and (d) strategies to improve English language learner instruction into teacher practice;
2. be used to improve teacher practice based on general results and findings from teacher evaluations reported by the school superintendent or designee;
3. be comprehensive, sustained, and intensive enough to improve teacher and administrator effectiveness in raising student achievement;
4. foster collective responsibility for improving student performance;
5. be (a) aligned with state standards, (b) conducted among educators at the school, and (c) facilitated by principals, coaches, mentors, and master or lead teachers; and
6. occur frequently for teachers individually or in groups, within their jobs, and as part of a continuous improvement process.

Program Content. The bill maintains a requirement that school superintendents and other administrators complete at least 15 hours of professional development every five years in teacher evaluation and support. It eliminates the following professional development requirements:

1. for those with childhood nursery through grade three endorsements, at least 15 hours of training in teaching reading, reading readiness, and reading assessment;
2. for those with elementary, middle, or secondary academic

endorsements, at least 15 hours in how to use computers in the classroom unless they can demonstrate competency; and

3. for those with bilingual endorsements, training in language arts, reading, or math for elementary school teachers and in the subject they teach, for secondary school teachers.

It also eliminates (1) professional development completion deadline extensions for certificate holders who were unemployed or members of the General Assembly during the five-year period, (2) a requirement that professional certificate holders attest that they have successfully completed the 90 CEUs at the end of each five-year period, and (3) a requirement that the state and local school districts share the cost of required professional development activities.

SDE Audits and Penalties. By law, SDE must notify a school board of its failure to meet the professional development requirements. The bill also requires SDE to audit district professional development programs and allows SBE to assess financial penalties against districts it finds out of compliance based on such an audit.

Under the bill, SBE can require a school board to forfeit an SBE-determined amount from its state grants, to be assessed in the fiscal year after the determination of noncompliance. SBE can waive the penalty if it determines the noncompliance was due to circumstances beyond the school board's control.

School Social Workers. School social workers who hold both a state social work license and a professional educator certificate are currently allowed to meet the 15-hour-per-year professional development requirement for maintaining a social worker license by successfully completing the CEUs required for renewal of a professional educator certificate. The bill allows them instead to maintain their social work licenses through the new professional development requirements for professional educators. It eliminates a requirement that the educator professional development completed at least equal the 15-hour-per-year social work license continuing education requirement.

Teacher Preparation - Computer Training Course

The bill requires students in teacher preparation programs to be encouraged, rather than required, to complete training in computer and other information technology as applied to student learning and classroom instruction, communications, and data management.

Teacher Certification Fees

The bill reduces the fee for a professional certificate from \$375 to \$200. The fee for an initial certificate is unchanged at \$200. The bill also allows the education commissioner to waive any certification fee if he determines that an applicant cannot pay because of extenuating circumstances. By law, an applicant pays the fee when seeking initial issuance of an educator certificate. There are no renewal fees.

EFFECTIVE DATE: July 1, 2014

§ 63—DISTINGUISHED EDUCATOR DESIGNATION

The bill establishes a new distinguished educator designation for a person who:

1. holds a professional certificate,
2. has taught successfully for at least five years in a public school or SBE-approved private special education facility,
3. has advanced education in addition to a master's degree from a degree or non-degree-granting institution that can include training in mentorship or coaching teachers, and
4. meets performance standards established by SDE.

The bill does not require the institutions providing the additional advanced training to be either accredited or otherwise approved by the SBE or other accrediting body.

The SDE's performance standards must consider demonstrated distinguished practice as validated by SDE or its approved validator. The SBE must renew the designation every five years if the person continues to meet the validated performance standards.

The bill allows those with distinguished educator designations, as well as professional educator certificates, to serve as mentors in the TEAM program. It eliminates provisional certificate holders from such mentorships (§ 69).

The bill establishes a fee of \$200 for a distinguished educator designation and \$50 for a duplicate copy of the designation. The education commissioner can waive any certification fee if he determines that an applicant cannot pay because of extenuating circumstances.

EFFECTIVE DATE: July 1, 2014

§ 64—COLLECTIVE BARGAINING REGARDING TEACHING CERTIFICATES AND DISTINGUISHED EDUCATOR DESIGNATION

The bill authorizes local and regional boards of education to negotiate:

1. new salary schedules that align compensation for teachers holding initial or professional teaching certificates as well as other factors and
2. additional compensation for teachers holding the distinguished educator designation who are performing additional responsibilities associated with the designation.

These negotiations apply for collective bargaining agreements effective on and after July 1, 2014, and may be conducted under the standard bargaining conditions or the statutory provision regarding voluntary contract reopening.

BACKGROUND

Charter Schools

Connecticut law defines a charter school as a nonsectarian public school organized as a nonprofit corporation and operated independently of a local or regional board of education. The SBE grants and renews the charters, usually for five years, and, as part of the charter, may waive certain statutory requirements applicable to

other public schools. In addition to SBE approval, a local charter school seeking to operate in only one school district must be approved by the local or regional board of education for that district.

A charter school may enroll students in pre-kindergarten through grade 12 in accordance with its charter. Charter schools are open to all students, including special education students, though they may limit the geographic areas from which students may attend. If a school has more applicants than spaces, it must admit students through a lottery.

Performance Evaluation Advisory Council

The Performance Evaluation Advisory Council (PEAC) was established in 2010 to help the SBE develop and implement model teacher evaluation program guidelines and a supporting data system. Its members are:

1. the education and higher education commissioners, or their designees;
2. representative of boards of education, school superintendents, other school administrators, and teachers; 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.

Teacher Tenure

Teacher and school administrators below the rank of school superintendent (“teachers”) attain tenure after 40 school months (four years) of continuous, full-time employment with the same board of education, 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, if their contracts are renewed for the following school year. Tenured teachers who transfer to a priority school district may attain tenure after working 10 months in that district.

Tenured teachers (1) have their contracts automatically renewed from year-to-year; (2) can be dismissed only for statutorily specified reasons; and (3) have the right to bump nontenured teachers from positions for which the tenured teachers are qualified, if the tenured teachers' positions are eliminated.

Related Bill

sHB 5014, favorably reported by the Appropriations Committee, requires (1) the state to add required grants for each charter school to the ECS grants for towns where the charter schools are located and (2) those towns to pay the amounts designated by the education commissioner from those grants to the charter schools' fiscal authorities. But sHB 5014 does not change the town-by-town ECS grants specified in this bill.

COMMENT

Charter School Funding Considered as ECS Grants (§§ 5 & 7)

The legal effect of the bill's provisions requiring state charter school grants to be considered ECS grants is unclear. By law, which the bill does not change, ECS grants go to towns. The bill does not incorporate charter schools or their students into the ECS grant formula. It leaves unchanged the current requirement that students enrolled in state charter schools are not counted by their home districts as resident students for ECS grant purposes, while students attending a local charter school are.

Conflicting Application Deadline and Effective Date for College Application Assistance Grants (§ 26)

The bill establishes the grant program for FY 13 and requires applicants to apply for the grants by June 1 of the fiscal year before the year the grant is to be paid, which is June 1, 2012. But the section establishing the program does not take effect until July 1, 2012, one month after the application deadline.

No Provisions Addressing Transition to New Certification and Professional Development Systems (§§ 60-63 & 65-77)

The bill's changes in teacher and administrator certification take

effect July 1, 2014. But the bill is silent on how the transition from the current certification system must be implemented. It leaves many questions unaddressed, including the treatment of (1) existing initial and professional certificate holders who do not meet the new requirements for those certificates, (2) teachers holding unexpired provisional certificates as of July 1, 2014, and (3) CEUs accumulated before July 1, 2014 toward professional certificate renewals after that date.

COMMITTEE ACTION

Education Committee

Joint Favorable Substitute

Yea 28 Nay 5 (03/26/2012)