
OLR Bill Analysis

sSB 1097 (File 544, as amended by Senate "B")*

AN ACT CONCERNING REVISIONS TO THE EDUCATION REFORM ACT OF 2012.

SUMMARY:

This bill makes a number of substantive and procedural changes to teacher evaluation provisions of the 2012 Education Reform Act (PA 12-116). Among other things, it:

1. requires the new teacher evaluation program for each school district to be adopted through mutual agreement between the local board of education and the local professional development and evaluation committee;
2. specifies the steps for adopting a program if the parties cannot reach agreement on one;
3. specifies the dates for completing evaluation training before teachers are evaluated under the new program;
4. specifies that UConn's Neag School of Education's report on the teacher evaluation pilot program include any recommendations for revisions to the evaluation program guidelines or model program; and
5. deletes a requirement that the State Board of Education (SBE) validate the evaluation guidelines after it receives the Neag report on the pilot and instead requires SBE to review and revise, if necessary, the guidelines and the model teacher evaluation program.

It makes other changes, including:

1. extending deadlines for new reading assessments, the intensive reading instruction program, the intensive reading strategy, and

selection of low-performing elementary schools to participate in the intensive reading program;

2. requiring all K-3 reading teachers to take a survey, rather than a test, on reading instruction and for district to use the survey results to provide professional development for individual teachers; and
3. modifying what schools get preference for selection in the education commissioner's network of schools, which is aimed at improving student achievement in low performing schools.

The bill also makes technical and conforming changes.

*Senate Amendment "B":

1. requires SBE to review and revise, if necessary, the guidelines for the new teacher evaluation program;
2. changes who can approve a waiver of the new teacher evaluation requirements and when the waiver can be granted;
3. modifies the process for local adoption of a new teacher evaluation program;
4. modifies the deadline and related elements for teacher evaluator training;
5. specifies the Neag study on the teacher evaluation pilot program can include recommendations to revise the evaluation program;
6. eliminates a provision modifying payment dates for state grants to charter schools;
7. makes changes to the reading instruction survey for elementary school teachers;
8. modifies language regarding special education and remedial reading endorsements;

9. explicitly excludes the adoption of a teacher evaluation program from teacher collective bargaining; and
10. makes other changes.

EFFECTIVE DATE: various, see each section.

§ 1 — STATE BOARD OF EDUCATION APPROVAL OF NEW TEACHER EVALUATION PROGRAM

By law, the SBE, in consultation with the Performance Evaluation Advisory Council (PEAC), had to adopt guidelines for a model teacher evaluation and support program by July 1, 2012. The guidelines must provide for teacher ratings in four groups (exemplary, proficient, developing, and below standard); a scoring system to determine the ratings; and periodic evaluation training for teachers and administrators, among many other items. Teacher evaluation programs used by local school districts must be consistent with the state's model.

The bill eliminates a requirement that the SBE validate the guidelines after (1) the completion of the teacher evaluation pilot program for the current school year and (2) receipt of a study by UConn's Neag School of Education of that pilot required by law (see § 7 for more on the Neag study). Instead, it requires the SBE to review and revise, if necessary, the guidelines and the model teacher evaluation program after the pilot and study are complete.

Implementation Plan & Evaluation Program Waivers

By law, school districts must generally implement the new evaluation program by September 1, 2013. The bill permits school districts to phase in full implementation of new teacher evaluation and support programs during the 2013-14 and 2014-15 school years in accordance with the teacher evaluation implementation plan adopted by SBE in consultation with PEAC by July 1, 2013. (SBE adopted such a plan in February.)

The bill also allows the education commissioner to waive (1) the requirement to implement the new evaluation by September 1, 2013,

and (2) the implementation phase-in for any school district that requests a waiver not later than July 1, 2013. Under current law, the SBE can grant a waiver to districts with evaluation programs already in place that the SBE deems to substantially comply with the new teacher evaluation program required under law.

§ 1 — LOCAL APPROVAL OF NEW EVALUATION PROGRAM

The bill modifies the steps that a school district superintendent and local and regional school board must take to adopt and implement the new teacher evaluation program at the school district level.

Under current law, a board must develop the new evaluation program by September 1, 2013 and it must be consistent with (1) the SBE adopted guidelines for the evaluation and support program and (2) the professional development plan developed by the district professional development committee. The bill requires boards to adopt rather than develop the plan. It drops the requirement that the plan be consistent with the district professional development plan, and instead requires that the program be developed through mutual agreement with the district professional development committee by September 1, 2013 (see below for steps to be taken when there is no mutual agreement). The bill changes the committee's name to the professional development and evaluation committee.

By law, superintendents of each local or regional board of education must annually evaluate each teacher. Under current law, the evaluation must be consistent with the SBE-adopted evaluation guidelines and other guidelines as may be established by mutual agreement between the board and the teachers union. The bill deletes the provision about other guidelines and replaces it with the same criteria that exist for the boards regarding the new evaluation. The bill requires these evaluations to begin with the 2013-14 school year and each following year.

EFFECTIVE DATE: Upon passage

§§ 1 & 2 — DISTRICT PROFESSIONAL DEVELOPMENT COMMITTEES

The bill provides a multi-step process for situations when a board of education and the professional development and evaluation committee cannot agree on the new teacher evaluation program, with the final authority resting with the board. By law, the district professional development committee is charged with developing, evaluating, and annually updating the professional development plan for teachers and other certified staff in a school district.

The bill changes this committee's name to include teacher evaluation and requires the committee to participate in the development of the teacher evaluation and support program for the district. By law the committee includes certified employees (teachers and other professionals), other district employees, and representatives of the teachers' union. The bill specifies that the union representatives are chosen by the union.

The bill requires the following steps if the board and committee cannot agree on the new evaluation program:

1. The parties must consider adopting by mutual agreement the SBE adopted model teacher evaluation and support program without any modifications.
2. If the two parties fail to agree on the SBE model, the board has the authority to adopt and implement a teacher evaluation program that it chooses as long as it is consistent with the evaluation guidelines SBE adopts under the bill.

EFFECTIVE DATE: Upon passage

§ 3 — PEAC

Under current law, PEAC is responsible for helping the SBE develop and implement teacher evaluation guidelines. The bill instead requires PEAC to help SBE develop guidelines for a model evaluation and support program. It adds the requirement that PEAC helps SBE develop evaluation and support program implementation standards, as required under the bill.

EFFECTIVE DATE: Upon passage

§§ 4-6 & 9 — CONFORMING CHANGES

These sections make conforming and technical changes.

EFFECTIVE DATE: July 1, 2014 and upon passage.

§ 7 — NEAG STUDY OF PILOT PROGRAM

By law, the UConn's Neag School of Education is required to study the implementation of the teacher evaluation pilot program now underway in selected school districts. The study must, among other things, analyze and evaluate the pilot program's implementation for each participating district and compare each district's evaluation program to the SBE guidelines. The study must be submitted to the SBE and the Education Committee by January 1, 2014.

The bill specifies that the study can include recommendations for revisions to the guidelines and model program rather than recommendations concerning the validation of the program guidelines that SBE must adopt.

EFFECTIVE DATE: Upon passage

§ 8 — EVALUATOR TRAINING BEFORE IMPLEMENTING EVALUATION

Under current law, school boards have to provide training for all evaluators and orientation to all of their teachers on the evaluation program before implementing it, but no later than July 1, 2014. The bill changes this deadline for the training and orientation to upon implementation of the new teacher evaluation program. It also requires that for each school year beginning with the 2014-15 year, each local and regional board must (1) conduct the evaluator training and teacher evaluation orientation as described in law at least biennially, (2) conduct this training for all new evaluators before they conduct any evaluations, and (3) provide evaluation orientation to all new teachers before they are evaluated.

EFFECTIVE DATE: Upon passage

§ 10 — STATE DEPARTMENT OF EDUCATION (SDE) STUDY ON THE TEACHER TRAINING AND MISIDENTIFICATION OF STUDENTS FOR SPECIAL EDUCATION

By law, SDE must study the plans and strategies used by school districts to reduce their disproportionately and inappropriately identifying minority students as requiring special education due to reading deficiencies. The law also requires SDE to examine the correlation between improvements in teacher training in the science of reading and the reduction in misidentification of students requiring special education services. The bill requires SDE to examine the “association” rather than the “correlation” between teacher training improvements and reduced misidentification.

EFFECTIVE DATE: July 1, 2013

§§ 11 & 12 — DATE CHANGES FOR READING INITIATIVES

The bill extends several deadlines regarding new reading assessments, intensive reading instruction program, intensive reading strategy, and selection of low-performing elementary schools to participate in the intensive reading program. Table 1 below presents the date changes.

Table 1: Date Changes for Reading Program Deadlines

Bill Section	Requirement	Current Law	Bill
11	SDE must develop or approve new reading assessments for local school boards to identify K-3 students who are below proficiency in reading	2013-14 school year	2014-15 school year
12	Education commissioner must create an intensive reading instruction program for K-3 students	2012-13 school year	2014-15 school year
12	Commissioner must select five low-performing elementary schools to participate in the intensive reading instruction program	2012-13 school year	2014-15 school year
12	Commissioner must select five additional low-performing elementary schools to participate in the intensive reading instruction program	2013-14 school year, and each following year	2015-16 school year, and each following year

12	SDE must develop an intensive reading instruction strategy for use by the low-performing schools the commissioner selects	By July 1, 2012	By July 1, 2014
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The bill also makes a conforming change that low-performing schools selected to be part of the intensive reading instruction program have to provide supplemental reading instruction to K-3 students reading below proficiency. Under the bill, the supplemental instruction must be provided starting with the 2014-15 school year, rather than the 2012-13 school year.

Similarly, it extends the deadline by which SDE must report on the intensive reading instruction program from October 1, 2013 to October 1, 2015.

EFFECTIVE DATE: July 1, 2013

§ 13 & 501 — READING INSTRUCTION SURVEY FOR ELEMENTARY TEACHERS

Current law requires, beginning July 1, 2014, and each following school year, all local and regional boards of education to require their K-3 teachers to take a practice version of the reading instruction examination approved by SBE on April 1, 2009. The bill instead requires these employees biennially to take a survey on reading instruction based on that exam or an equivalent exam. SDE must design the survey to identify strengths and weaknesses of the teachers' reading instruction practice and knowledge on an individual, school, and district level. The survey will be done at no cost to the teacher.

The bill specifies that the survey results cannot be included in a summative performance evaluation rating under the new teacher evaluation program. Also, the results are not subject to disclosure under the Freedom of Information Act, but they will be used in developing the professional development plans for the individual teacher. The professional development includes improving reading instruction by developing student learning objectives and teacher practice goals.

EFFECTIVE DATE: July 1, 2013

§ 14 — STATEWIDE READING POLICY

The bill delays, from July 1, 2013 to January 1, 2014, the deadline for SDE to develop a coordinated statewide reading plan for K-3 students that includes strategies that are research driven to produce effective instruction and improvement in student reading performance.

By law this plan must contain a number of items, including (1) the alignment of reading standards, instruction, and assessments for K-3 students and (2) an intervention for each student not making adequate progress in reading to help the student read at the appropriate grade level. The bill adds to the requirement that literacy training for early childhood care and education providers and instructors working with children age birth to five years must include transition plans relating to oral language and preliteracy proficiency for children between prekindergarten and kindergarten.

EFFECTIVE DATE: July 1, 2013

§§ 15 & 16 — SPECIAL EDUCATION AND REMEDIAL READING ENDORSEMENTS

Under current law, starting July 1, 2013, certified teachers with comprehensive special education, remedial reading, or remedial language arts endorsements must pass the reading instruction test approved by SBE on April 1, 2009 or an equivalent exam. The bill limits this provision to applicants who are either (1) certified but do not hold the endorsement or (2) are applying for initial, provisional, or professional educator certificates, and changes the date it takes effect to September 1, 2013. This means certified teachers who hold these endorsements before the new date do not have to take and pass the exam. The bill also extends the requirement to cover applicants for reading consultant endorsements.

EFFECTIVE DATE: Upon passage

§ 17 — COMMISSIONER'S NETWORK SCHOOLS

PA 12-116 created the commissioner's network of schools as a

means for the state to intervene in low-performing schools to attempt to raise their student achievement through school turnaround plans and greater state assistance. The law set the parameters for the program and how the commissioner would select schools to participate. It required the commissioner to give preference to schools that volunteered to participate or that had union contracts that were to expire before the turnaround plan would be implemented. The bill adds to the preference list any school that is located in a district with experience in school turnaround reform or previously received a federal school improvement grant (which were only given to schools that agreed to implement a turnaround plan).

EFFECTIVE DATE: Upon passage

§ 18 — ALLIANCE DISTRICT AND READING INSTRUCTION

PA 12-116 created the category of Alliance Districts, which are the state's 30 lowest performing school districts based on a performance index. The districts had to apply for additional funding and state approval for the funds was based on the district's application.

By law the applications must address a number of objectives. The bill specifies the objective to strengthen reading must be accomplished through the intensive reading instruction program created under PA 12-116 and modified in the bill. (It is not clear how applications can address using the reading instruction program that is yet to be created and the bill extends the deadline for the program's completion by a year (see § 13)).

EFFECTIVE DATE: July 1, 2013

§ 502—TEACHER EVALUATION EXCLUDED FROM COLLECTIVE BARGAINING

The bill explicitly states that for purposes of the Teacher Negotiation Act development or adoption of teacher evaluation and support programs are not part of "other conditions of employment." This means that adoption of a teacher evaluation program is not a required matter for collective bargaining. Current case law interprets the statutes to exclude the adoption of a teacher evaluation program from

collective bargaining (see BACKGROUND).

EFFECTIVE DATE: Upon passage

BACKGROUND

Case Law on Teacher Evaluation and Collective Bargaining

In *Wethersfield Board of Education v. State Board of Labor Relations*, 201 Conn. 685 (1986), the State Supreme Court ruled that a local board of education's adoption of a teacher evaluation plan is not the subject of mandatory collective bargaining. It held the teacher evaluation is a permissive subject of collective bargaining.

COMMITTEE ACTION

Education Committee

Joint Favorable Substitute

Yea 26 Nay 2 (03/28/2013)