

OFFICE OF LEGISLATIVE RESEARCH
PUBLIC ACT SUMMARY



PA 13-245—sSB 1097

Education Committee

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

SUMMARY: This act 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. modifies the dates for completing evaluation training before teachers are evaluated under the new program; and
4. 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 kindergarten through third grade (K-3) reading teachers to take a survey, rather than a test, on reading instruction and for districts to use the survey results to provide professional development for individual teachers; and
3. modifying which 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 act also makes technical and conforming changes.

EFFECTIVE DATE: Various, see below.

**§§ 1 & 7 — 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 law requires the guidelines to provide (1) teacher ratings in four categories (exemplary, proficient, developing, and below

OLR PUBLIC ACT SUMMARY

standard); (2) a scoring system to determine the ratings; and (3) 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 act eliminates a requirement that the SBE validate the guidelines after (1) the completion of the teacher evaluation pilot program and (2) receipt of a study, required by law, of the pilot by UConn's Neag School of Education. 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. The act makes conforming changes to the Neag study.

Implementation Plan & Evaluation Program Waivers

By law, school districts must generally implement the new evaluation program by September 1, 2013. The act 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 2013.)

The act also allows the education commissioner to waive, for districts that request a waiver no later than July 1, 2013:

1. the requirement to implement the new evaluation by September 1, 2013 and develop the program through mutual agreement with the professional development and evaluation committee (see below) and
2. the implementation phase-in.

Under prior law, the SBE could grant a waiver to districts with evaluation programs already in place that the SBE deemed to substantially comply with the new teacher evaluation program required under law.

EFFECTIVE DATE: Upon passage

§ 1 — LOCAL APPROVAL OF NEW EVALUATION PROGRAM

The act 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.

Prior law required a board to develop the new evaluation program by September 1, 2013 that was consistent with (1) the SBE guidelines for the evaluation and support program and (2) the professional development plan developed by the district professional development committee. The act 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 act 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 prior law, the evaluation had to be

OLR PUBLIC ACT SUMMARY

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 act instead requires the evaluations to be consistent with the plan the board must adopt, as specified above. The act requires these evaluations to begin with the 2013-14 school year and take place each following year.

EFFECTIVE DATE: Upon passage

§§ 1 & 2 — DISTRICT PROFESSIONAL DEVELOPMENT COMMITTEES

The act provides a multi-step process for situations where a board of education and the professional development and evaluation committee cannot agree on the new teacher evaluation program, with 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 act 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 act specifies that the union representatives are chosen by the union.

The act 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 act.

EFFECTIVE DATE: Upon passage

§ 3 — PEAC

Under prior law, PEAC was responsible for helping the SBE develop and implement teacher evaluation guidelines. The act instead requires PEAC to help SBE develop guidelines for a model evaluation and support program. It adds the requirement that PEAC help SBE develop evaluation and support program implementation standards, as required by the act.

EFFECTIVE DATE: Upon passage

§§ 4-6 & 9 — CONFORMING CHANGES

These sections make conforming and technical changes.

EFFECTIVE DATE: July 1, 2014 for conforming changes affecting teacher tenure and upon passage for the other changes.

§ 8 — EVALUATOR TRAINING BEFORE IMPLEMENTING EVALUATION

OLR PUBLIC ACT SUMMARY

Under prior law, school boards had 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 act 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 2014-15, 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 TEACHER TRAINING AND MISIDENTIFICATION OF STUDENTS FOR SPECIAL EDUCATION

By law, SDE must study the plans and strategies used by school districts to reduce disproportionately and inappropriately identifying minority students as requiring special education due to reading deficiencies. Prior law also required SDE to examine the correlation between improvements in teacher training in the science of reading and reducing misidentification of students requiring special education services. The act 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 act extends several deadlines regarding new reading assessments, the 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

<i>Act Section</i>	<i>Requirement</i>	<i>Prior Law</i>	<i>Act</i>
11	SDE must develop or approve new reading assessments for 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	2012-13	2014-15

OLR PUBLIC ACT SUMMARY

	select five low-performing elementary schools to participate in the intensive reading instruction program	school year	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

The act also makes a conforming change to the requirement that low-performing schools selected to be part of the intensive program provide supplemental reading instruction to K-3 students reading below proficiency. Under the act, 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 & 19 — READING INSTRUCTION SURVEY FOR ELEMENTARY SCHOOL TEACHERS

Prior law required, beginning with the 2014-15 school year, 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 act instead requires these employees to take a biennial 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 act 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 must be used in developing the professional development plans for the individual teacher. The professional development plan includes improving reading instruction by developing student learning objectives and teacher practice goals.

EFFECTIVE DATE: July 1, 2013

OLR PUBLIC ACT SUMMARY

§ 14 — STATEWIDE READING POLICY

The act 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 act specifies that the literacy training requirement for early childhood care and education providers and instructors working with children up to age five 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 prior law, starting July 1, 2013, certified teachers with comprehensive special education, remedial reading, or remedial language arts endorsements had to pass the reading instruction test approved by SBE. The act 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 act also (1) extends the requirement to cover applicants for reading consultant endorsements and (2) specifies that the exam can be an equivalent one to that which SBE approves.

EFFECTIVE DATE: Upon passage

§ 17 — COMMISSIONER'S NETWORK SCHOOLS

PA 12-116 created the commissioner's network of schools to allow 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 the process by which 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 act 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

OLR PUBLIC ACT SUMMARY

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 act specifies that strengthening reading must be accomplished through the intensive reading instruction program created under PA 12-116 and modified in the act. (Another provision of this act extends the deadline for completion of the reading instruction program (see § 12)).

EFFECTIVE DATE: July 1, 2013

§ 20—TEACHER EVALUATION EXCLUDED FROM COLLECTIVE BARGAINING

The act 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. Prior case law interpreted 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 a permissive subject of collective bargaining and not the subject of mandatory collective bargaining.

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