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Testimony of

Adrienne R. DeLucca

Before the Education Committee

HB 6884 An Act Concerning the Recruitment, Retention and Enhancement of the Teaching Profession

March 15, 2023

Representatives Currey and McCarty, Senators McCrory and Berthel, and members of this esteemed committee, my name is Adrienne R. DeLucca. I am General Counsel for the Connecticut Education Association, proudly representing public school teachers across our state.

I am submitting this testimony in support of Sec. 7 and Sec. 9 of this raised bill which seek to amend Conn. Gen. Stat. §10-151(d) & Conn. Gen. Stat. § 10-153a, et seq. governing tenured teacher terminations and the statutory authority for collective bargaining for public school teachers in our state.

Unlike all other bargaining units, teachers in Connecticut are terminated pursuant to statute as opposed to a contractual agreement contained in their collective bargaining agreements. Within that statutory theme are six so-called "reasons" by which a teacher may be terminated. This bill seeks to amend this statute in two ways. The first concerns the above-cited reasons, specifically the last one, by changing the vague and overbroad "other due and sufficient cause" to "other just cause,"; a mainstay term widely adopted by all public sector, private sector, and all unionized employers alike. While "other due and sufficient cause" is neither rooted in nor maintains any significance in labor or employment law, "just cause" illustrates an established objective legal standard of proof required by an employer to discipline an employee.

Moreover, this is not a new concept for employing school districts in Connecticut because that standard is contained in most teacher collective bargaining agreements for discipline but only up to suspension, as terminations are statutory. Typically, municipal employee and board bargaining agreements such as for paraeducators, custodians, secretaries, etc., contain just cause for all levels of discipline, including terminations. We are simply asking for due process parity with all other unionized workforces in our state.

The second way this bill seeks to amend Conn. Gen. Stat. §10-151(d) is by changing the process for teacher terminations. Currently, teachers may request a hearing before either a sub-committee of a board of education or an impartial hearing officer wherein each party is allowed to submit evidence and testimony. The overwhelming majority of teachers choose to have their cases heard

by an impartial hearing officer. The sub-committee or hearing officer submits written findings of fact and a recommendation of discipline back to the board of education. While the board of education must adopt the hearing officer's written findings of fact, the board does not have to adopt the hearing officer's recommendations and can fashion whatever remedy it chooses. This process is unique to teachers and severely dilutes their right to due process.

The change proposed by this bill allows the impartial hearing officer's decision to be final and binding on the parties, just as in all other unionized settings. In addition, the change allows the impartial hearing officer to have actual authority, as they are in the best position to decide whether termination is appropriate, having formally conducted the hearing, heard, considered, and weighed the evidence and credibility of the witnesses from both parties. The current practice lacks the very essence of due process, which is afforded to all other unionized employees in every sector of employment.

Furthermore, the Teachers' Negotiation Act ("TNA"), codified at Conn. Gen. Stat. §10-153a, et seq. is the statutory authority for collective bargaining for public school teachers in our state. Adding the proposed amendment to the TNA outlined in Section 9 of this bill would give the State Board of Labor Relations the authority to issue a cease-and-desist order to a party alleged to have committed an ongoing prohibited practice until the Labor Board hears and decides the case on the merits. This would maintain the status quo for the parties while the complaint is pending. This language currently exists in the Municipal Employee Relations Act, the statutory authority for collective bargaining between municipal employers and employee organizations representing municipal employees. It is specifically codified at Conn. Gen. Stat. §7-471(5) Powers of State Board of Labor Relations. However, the Labor Board's authority applies only to municipal employees and does not extend to teachers.

Absent this language, the only vehicle for a cease-and-desist is injunctive relief through the courts. That requires the moving party to prove irreparable harm, an almost impossible standard to meet.

With the extension of this power to teachers, we are merely seeking to put our members on an equal footing with municipal employees.