

OFFICE OF LEGISLATIVE RESEARCH
PUBLIC ACT SUMMARY



PA 23-159—sHB 6880
Education Committee
Appropriations Committee

AN ACT CONCERNING TEACHERS AND PARAEDUCATORS

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§ 22 — TENURE AND ACCUMULATED SICK LEAVE

Maintains a teacher's tenure and accumulated sick leave if a new regional school district is formed

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Requires local and regional boards of education to adopt revised teacher evaluation programs and SBE to adopt revised program guidelines that use new (1) student indicators and assessment methods and (2) teacher feedback mechanisms; removes obsolete language

SUMMARY: This act makes various changes in the education statutes, described below in a section-by-section analysis.

EFFECTIVE DATE: Various, see below.

§ 1 — LIMITATIONS ON USE OF EDTPA

Limits the use of the teacher preservice performance assessment, edTPA, to only as an accountability measure for teacher preparation programs, retroactive to July 1, 2022, and after

In 2016, the State Board of Education (SBE) approved a resolution that required all teacher preparation programs in the state, whether at four-year institutions or alternate route to certification programs, to require satisfactory completion of a preservice performance assessment (edTPA, see *Background — edTPA*) by all teacher candidates in order to complete the program. Retroactively, starting July 1, 2022, the act appears to supersede this resolution by (1) limiting edTPA’s use to only as an accountability measure for teacher preparation programs offered at Connecticut higher education institutions or State Department of Education (SDE)-approved alternate route to certification programs and (2) barring SBE from using edTPA assessment results to deny an application for an initial educator certificate.

By law, unchanged by the act, SBE must grant an initial educator certificate to any applicant who (1) holds a bachelor’s degree or an advanced degree from an accredited higher education institution; (2) has completed (a) a teacher preparation program approved by SBE or the appropriate governing body in another state or (b) an alternate route to certification program approved by SBE or the appropriate body in another state, and satisfies the requirements for either a temporary 90-day certificate or a resident teacher certificate, both of which are short-term certificates; and (3) satisfies the special education coursework requirement (CGS § 10-145b).

EFFECTIVE DATE: Upon passage

Background — edTPA

The Stanford Center for Assessment, Learning, and Equity created edTPA, and Pearson Assessments, Inc., scores and administers it across the country.

§ 2 — CEASE-AND-DESIST ORDERS FOR PROHIBITED PRACTICES

Allows SBLR to issue a cease-and-desist order for certain violations of the teachers collective bargaining law

By law, boards of education (i.e., “school boards”) and employees’ representative organizations (i.e., “unions”) can file written complaints about

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prohibited practice violations of the teachers collective bargaining law (e.g., refusal to negotiate in good faith or retaliating against a complainant) with the State Board of Labor Relations (SBLR). Certified teachers and other certified employees may also file written complaints about a violation involving a breach of the duty of fair representation. Initially, SBLR must refer these complaints to an agent for an investigation. Afterwards, among other things, the agent may issue his or her own written complaint charging a violation to SBLR, which must then schedule a hearing on it. (Although, regardless of the agent's action, SBLR retains the option of holding a hearing.)

At this point in the process and when an alleged prohibited practice or breach of duty is ongoing, the act allows SBLR to order the party committing the alleged action to cease and desist from doing it until the board decides on the matter.

Under prior law, SBLR could only issue a cease-and-desist order after holding a hearing on the complaint and making a determination.

EFFECTIVE DATE: July 1, 2023

§ 3 — RAISING THE KINDERGARTEN STARTING AGE

Generally raises the age children can start public school kindergarten from age five by January of the school year to age five by September of the school year

Prior law generally required children to be at least age five by January of the school year in order to enroll in public school kindergarten. The act instead generally requires that the child turn age five by September of the school year in order to enroll in kindergarten.

Under existing law, unchanged by the act, school boards may, by vote at a duly called meeting, admit any child under age five. (However, PA 23-208, § 1, eliminates this exception and instead allows a child under age five as of September 1 of the school year to be admitted if the child's parent or guardian makes a written request to the school principal and the principal and an appropriate certified school staff member conduct an assessment that shows the child is developmentally ready.)

EFFECTIVE DATE: July 1, 2024

§§ 4 & 5 — PLAY-BASED LEARNING DURING PRESCHOOL, KINDERGARTEN, AND GRADES ONE TO FIVE

Requires play-based learning for preschool and kindergarten students; requires school boards to allow play-based learning for grades one to five; adds play-based learning to educator professional development

The act requires school boards to provide all students in their preschool and kindergarten programs with play-based learning during the "instructional time" of each regular school day (i.e., the time of actual school work during a regular school day). This learning must (1) be incorporated and integrated into daily practice; (2) allow for the students' needs to be met through free play, guided play, and games; and (3) not involve, predominantly, using mobile electronic devices.

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The act also requires each school board to allow teachers to use play-based learning during the instructional time of a regular school day for students in grades one to five. This learning may be incorporated and integrated into daily practice, and, as with preschool and kindergarten, must (1) allow for the students' needs to be met through free play, guided play, and games and (2) predominantly not involve using mobile electronic devices.

The act further requires that any play-based learning comply with a student's individualized education program (presumably under special education law) or an accommodation plan under Section 504 of the federal Rehabilitation Act of 1973. Additionally, a school employee may only prevent or otherwise restrict a student's participation in play-based learning if the employee follows the school board's policy on recess restrictions as a form of discipline.

The act makes related and other changes to the educator professional development program, which, by law, must annually be provided by school boards to certified employees and include a number of specific topics.

EFFECTIVE DATE: July 1, 2024, except the educator professional development program provision is effective July 1, 2023.

Professional Development

The act immediately requires, for principals and vice principals, that the professional development program's professional learning topics include training on the management of school personnel and methods for engaging them with the school's goals. Beginning July 1, 2024, it also requires, for teachers in preschool or grades kindergarten through five, that play-based learning be included in the program's topic on refining and improving various effective teaching methods that are shared between and among educators.

Definitions

Under the act, "play-based learning" is a teaching approach that emphasizes play in promoting learning and includes developmentally appropriate strategies that can be integrated with existing learning standards. It is not time spent in recess or as part of a physical education course or instruction. "Recess" is the time during the regular school day for each elementary school student that is devoted to at least 20 minutes of physical exercise as required by law.

"Free play" is unstructured, voluntary, child-initiated activities a child does for self-amusement and that have behavioral, social, and psychomotor rewards; however, it may be structured to promote activities that are child-directed, joyful, and spontaneous. "Guided play" is learning experiences that combine the child-directed nature of free play with a focus on learning outcomes and adult guidance. "Mobile electronic device" is any hand-held or other portable electronic equipment that provides data communication between two or more individuals, including a text messaging or paging device, a personal digital assistant, a laptop computer, equipment that can play a video game or a digital video disk, or equipment on which digital images are taken or transmitted.

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Background — Related Acts

PA 23-101, § 20, is identical to this act's provision on play-based learning.

PA 23-167, § 87, repeals the definition of "mobile electronic device" that this act incorporates, effective July 1, 2025.

§§ 6 & 7 — EXIT SURVEY FOR TEACHERS LEAVING THE PROFESSION AND TEACHER ATTRITION RATES

Requires school boards to (1) develop and conduct exit surveys of teachers voluntarily leaving employment with the board and (2) add teacher attrition rates to their strategic school profile reports

The act requires each school board, by January 1, 2024, to develop an exit survey to be completed by a teacher who is employed by the board and voluntarily ceases employment with that board. The survey must include questions addressing (1) why the teacher is ceasing employment, (2) whether the teacher is leaving the profession, (3) the teacher's demographics, and (4) the subject areas the teacher taught.

The act also requires school boards to add teacher attrition rates and the exit survey results to the existing strategic school profile report that they must submit to SDE each year. The profile already includes information on, among other things, student performance, student needs, school resources and resource usage, and student discipline. SDE publishes the reports on its website.

EFFECTIVE DATE: July 1, 2023

§ 8 — TEACHER PROFESSIONAL STANDARDS ADVISORY COUNCIL

Revises and expands the membership of the Teacher Professional Standards Advisory Council, including adding the Teacher of the Year and the previous year's Teacher of the Year

The act revises the membership of the Teacher Professional Standards Advisory Council, including (1) expanding the 17-member council to 19 members by adding the Teacher of the Year and the previous year's Teacher of the Year, (2) adjusting the number of appointments for some of the appointing authorities, and (3) changing the qualifications for several members.

By law, the council advises SBE, the Education Committee, and the governor on teacher preparation, recruitment, retention, certification, professional development, and assessment and evaluation. It must report to them by January 15 each year on its activities and recommendations, if any, about the teaching profession.

The membership changes are shown in the table below.

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Teacher Professional Standards Advisory Council Members

<i>Appointing Authority</i>	<i>Prior Law</i>	<i>Act</i>
	<i>Member Qualifications and Number of Appointments</i>	
Governor	Public member who represents business and industry	No change
SBE	One faculty member or administrator of a state-approved teacher preparation program One public member who represents business and industry	Two who are either faculty members or administrators of a state-approved teacher preparation program
House speaker	One parent of a public school elementary or secondary school student	One parent or guardian of a public school elementary or secondary school student
Senate president pro tempore	One member who represents business and industry	One administrator of a local or regional board of education
House majority leader	One school superintendent	No change
Senate majority leader	One member of a local or regional board of education	No change
House minority leader	One public member One public school administrator	One superintendent of a regional school district
Senate minority leader	One public member One parent of a public school elementary or secondary school student	One parent of a public school secondary school student
Connecticut Education Association	Four classroom teachers at the time of, and during, their appointment; two of whom are elementary school teachers	Four classroom teachers at the time of, and during, their appointment; two of whom are elementary school teachers, one secondary school teacher, and one special education teacher
American Federation of Teachers – Connecticut	Two classroom teachers at the time of, and during, their appointment; one of whom is an elementary school teacher	Four classroom teachers at the time of, and during, their appointment; one of whom is an elementary school teacher, two secondary school teachers, and one special education teacher

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Appointing Authority	Prior Law	Act
	Member Qualifications and Number of Appointments	
N/A	None	The Teacher of the Year and the previous year's Teacher of the Year

The act states that all appointments made on or after July 1, 2023, are for three-year terms. Regardless, by law, appointees' terms are three years.

The act also removes an obsolete provision.

EFFECTIVE DATE: July 1, 2023

§ 9 — TEACHERS' RETIREMENT SYSTEM TASK FORCE

Establishes a task force to analyze the per-pupil equity of TRS funding and requires the task force to submit its recommendations to the Appropriations and Education committees by January 1, 2025

The act establishes a 13-member task force to analyze the per-pupil equity of Teachers' Retirement System (TRS) funding. The task force must develop recommendations on the following:

1. the student equity implications of appropriating funds through the state TRS laws toward the normal cost of teacher pensions and the unfunded liability amortization payments necessary to fully fund the TRS;
2. whether and how much municipalities should contribute to the normal cost of teacher pensions and the unfunded liability amortization payments in order to make the General Assembly's allocations more equitable on a per-pupil basis;
3. whether certain municipalities should be exempted from assuming a percentage of the municipal contributions identified above due to the following factors: (a) economic distress, (b) inability to pay, or (c) low academic performance; and
4. whether and how the General Assembly should direct resources generated through municipal contributions toward (a) reducing educational inequities and (b) promoting TRS sustainability.

EFFECTIVE DATE: Upon passage

Members

The task force includes the following members, by virtue of their positions, or their designees: the governor; education commissioner; TRS executive director; and Commission on Women, Children, Seniors, Equity and Opportunity executive director. It also includes nine appointed members, as shown in the table below.

TRS Task Force Appointees

Appointing Authority (Number of Appointments)	Member Organization or Other Qualification
House speaker (one)	American Federation of Teachers-Connecticut representative
Senate president pro tempore (one)	Connecticut Education Association representative
House majority leader (one)	Representative of an advocacy organization focused on educational equity
Senate majority leader (one)	Representative of an organization with national expertise in both teacher pensions and school finance
House minority leader (two)	One Connecticut Association of School Business Officials representative One Connecticut Association of Public School Superintendents representative
Senate minority leader (two)	One Connecticut Conference of Municipalities representative One Connecticut Association of Boards of Education representative
Black and Puerto Rican Caucus chair (one)	(No specific organization or qualification)

Under the act, the appointing authorities must make their appointments within 30 days after the act’s passage (i.e., by July 27, 2023) and fill any vacancy. The appointments may be legislators.

The act requires the House speaker and the Senate president pro tempore to select the task force’s chairpersons from among its members. The chairpersons must schedule the first meeting of the task force, which must be held within 60 days after the act’s passage (i.e., by August 26, 2023).

The administrative staff of the Education Committee serves as the task force’s administrative staff.

By January 1, 2025, the task force must submit a report on its findings and recommendations to the Appropriations and Education committees. It terminates on the date the report is submitted or January 1, 2025, whichever is later.

§§ 10 & 11 — PARAEDUCATOR PROFESSIONAL DEVELOPMENT

Excludes certain mandated trainings from paraeducator professional development programs; requires annual updates to SDE’s guidance and best practices for programs of professional development

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By law, local and regional boards of education must make an annual, free professional development program of at least 18 hours available to any paraeducators they employ. Beginning in the 2023-24 school year, the act prohibits trainings that are otherwise mandated (e.g., training on blood-borne pathogens, sexual harassment, or the Department of Children and Families' policies and procedures) from being part of the 18 hours.

The act also requires SDE to annually collaborate with the School Paraeducator Advisory Council, beginning by January 1, 2025, to develop or update guidance and best practices for paraeducator professional development programs, which SDE must distribute to each board of education. By law, the School Paraeducator Advisory Council advises the education commissioner on professional development, staffing strategies, and other relevant issues for paraprofessionals (i.e., paraeducators) (CGS § 10-155k).

EFFECTIVE DATE: July 1, 2023

§ 11 — PARAEDUCATOR PDEC MEMBERSHIP

Adds a paraeducator to each school district's PDEC

By law, each local and regional board of education must form a professional development and evaluation committee (PDEC) to (1) participate in developing or adopting the district's teacher evaluation and support program and (2) develop, evaluate, and annually update the district's comprehensive local professional development plan for certified employees and paraeducators.

Existing law requires a PDEC's membership to consist of (1) at least one teacher and administrator chosen by the exclusive bargaining representative for certified employees and (2) other personnel the board finds appropriate. The act adds at least one paraeducator, chosen by any exclusive bargaining representative for paraeducators, to the required PDEC membership.

EFFECTIVE DATE: July 1, 2023

§ 12 — IEP REVIEW BY PARAPROFESSIONALS

Requires paraprofessionals to review a student's IEP with a supervisor as needed

By law, any paraprofessionals (i.e., paraeducators) assigned to a student or providing special education or related services to the student must be allowed to view a student's individualized education program (IEP) after a meeting has occurred to develop, review, or revise the document. The act adds the requirement that these paraprofessionals review the IEP with a supervisor, as needed.

EFFECTIVE DATE: July 1, 2023

§ 13 — CERTIFICATE ENDORSEMENTS FOR PRESCHOOL AND KINDERGARTEN TEACHING

Allows the education commissioner to allow a teacher with a (1) grade 1 through 6 endorsement to teach kindergarten for a second year without being enrolled in a kindergarten endorsement

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program or (2) grade 1 through 12 comprehensive special education endorsement to teach preschool

Elementary Endorsements

By law and unchanged by the act, if a person holds an elementary education endorsement to teach grades 1 through 6, and that endorsement was issued on or after July 1, 2017, then the education commissioner may allow that person to teach kindergarten for one school year. The superintendent for the employing school district must request this permission.

Prior law prohibited the commissioner from granting the endorsement holder a second year to teach kindergarten unless the person demonstrated enrollment in a program to meet the requirements for the appropriate kindergarten endorsement. The act instead allows the employing superintendent to request that the commissioner grant the endorsement holder a second year of kindergarten teaching and removes the requirement that the holder demonstrate kindergarten endorsement program enrollment.

Comprehensive Special Education Endorsements

Under prior law, anyone holding a teaching certificate with an endorsement to teach comprehensive special education in grades 1 through 12 could extend the endorsement to grades kindergarten through 12.

Under the act, anyone who holds this endorsement for grades 1 through 12 may extend it to grades prekindergarten through 12. As under prior law, anyone applying for this endorsement must have earned a satisfactory score on either the SBE-approved reading instruction exam or a comparable exam.

EFFECTIVE DATE: July 1, 2023

§ 14 — ARC PROGRAM EXPANSION

Requires OHE to expand its ARC program for minority teacher incentive program grant recipients and hire one full-time permanent employee to administer the expanded ARC program

For FY 23, the act requires the Office of Higher Education (OHE), within available appropriations, to (1) expand its alternate route to certification (ARC) program that minority teacher incentive program grant recipients attend and (2) hire one full-time permanent employee to administer the expanded program. ARC programs allow participants to attain teacher certification without completing a regular teacher preparation program.

By law, OHE's minority teacher incentive program provides, within available appropriations, up to \$5,000 in annual grants for up to two years to minority students taking certain steps toward teaching careers, including enrollment in the ARC program (CGS § 10a-168a).

EFFECTIVE DATE: Upon passage

§ 15 — ADJUNCT ARTS INSTRUCTOR PERMIT

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Allows SBE to issue adjunct instructor permits in the arts to applicants who hold a degree higher than a bachelor's and meet other requirements in existing law

By law, SBE may issue part-time adjunct instructor permits to applicants with specialized training, experience, or expertise in the arts if an employing board of education or regional educational service center requests it. The permit authorizes its holder to teach art, music, dance, theater, or any subject related to the holder's artistic specialty for up to 15 hours per week in certain magnet schools.

Prior law generally required applicants for this permit to hold a bachelor's degree from an institution that is regionally accredited or accredited by OHE or the Board of Regents for Higher Education. The act additionally allows applicants with an academic degree that is higher than a bachelor's from a similarly accredited institution to hold the permit. By law and unchanged by the act, applicants must also meet certain work experience requirements.

EFFECTIVE DATE: July 1, 2023

§ 16 — STUDENT TEACHING EXPERIENCE BY DISTRICT REFERENCE GROUP

Removes the requirement that (1) teacher preparation program participants complete their clinical, field, or student teaching experience in two different types of school districts according to DRG categorization and (2) teachers receive certain performance evaluation ratings to be eligible to participate in student teacher mentorship

By law, teacher preparation program participants must complete a clinical, field, or student teaching experience in a classroom during four semesters. The act removes the requirement that this experience occur in two school districts from certain categories of district reference groups (DRG).

SDE created DRGs to group districts with similar needs and socioeconomic characteristics, based on factors including family income, parental education and occupation, family structure, poverty, language spoken at home, and district enrollment. (SDE no longer uses this classification system.) DRGs were labeled "A" through "I," with "A" being the most affluent districts and "I" being the least. The act removes the requirement that program participants complete one student teaching experience in a school district from groups "A" through "E" and another in a district from groups "F" through "I."

The act also removes the requirement that any cooperating teacher who is part of the student teaching experience must have earned a performance evaluation designation of "exemplary" or "proficient" in the prior school year to serve as a mentor to student teachers (which conforms with § 23, see below).

EFFECTIVE DATE: July 1, 2023

§ 17 — INTEGRATED AND CROSS ENDORSEMENTS

Allows SDE, in cooperation with OHE, to authorize two new endorsements affecting early childhood education, special education, and grades kindergarten through three teaching positions

SDE issues endorsements to teachers who hold initial, provisional, or

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professional level teacher certification, which are added to the certificate to signify expertise in a subject area. SDE refers to additional endorsements received in other subject areas as “cross endorsements.”

Beginning on July 1, 2023, the act requires SDE, in cooperation with OHE and within available appropriations, to authorize the following new endorsements: (1) Integrated Early Childhood/Special Education Birth-Kindergarten and (2) Integrated Early Childhood/Elementary Education N-3 and Special Education N-K.

The act specifies that these new endorsements must be added as a cross endorsement instead of requiring full planned program and institutional recommendation.

EFFECTIVE DATE: July 1, 2023

§ 18 — SUBSTITUTE TEACHERS

Allows local or regional boards of education to employ a substitute teacher for up to 60 days in the same assignment without obtaining an SDE-issued substitute authorization

The act allows local or regional boards of education to employ a substitute teacher for up to 60 days without obtaining an SDE-issued substitute authorization, so long as the substitute teacher is in the same assignment for the entire period. By law and unchanged by the act, anyone employed as a substitute teacher must hold a bachelor’s degree (which the education commissioner may waive for good cause) and be on a list of substitute teachers maintained by the employing board.

EFFECTIVE DATE: July 1, 2023

§ 19 — PURCHASING TEACHER RETIREMENT CREDIT

Removes service at SERC from the 10-year aggregate limit on purchases of TRS retirement credit

The law allows TRS members to purchase retirement credit for certain service outside the system, such as public school teaching in another state or in a federal Defense Department school for military dependents. These purchases allow TRS members to build additional credit toward their retirement if the purchased service meets certain requirements. TRS members are generally all certified public school teachers and administrators in the state with some additional groups added by statute.

The law generally (1) limits these purchases to a total of 10 years but exempts service as a public school teacher in another state from this limit and (2) allows purchases of retirement credit for service at the State Education Resource Center (SERC) before July 1, 2007. The act (1) makes the SERC service and the out-of-state teaching service, combined, exempt from the 10-year limit and (2) deems SERC service to be Connecticut public school service. By law, credits must be paid for at the present value of the full actuarial cost.

EFFECTIVE DATE: July 1, 2023

§§ 20 & 21 — ADDITIONS TO THE TEACHERS’ RETIREMENT SYSTEM

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Expands the TRS to cover teachers employed by an interdistrict magnet school operated by (1) a private higher education institution's board of governors; (2) an SDE-approved, third-party nonprofit corporation; or (3) Goodwin University Magnet Schools, Inc. and Goodwin University Educational Services, Inc., specifically

By law, teachers employed at a “public school,” as defined in state law, may participate in the TRS. The act adds to the definition of “public school” any interdistrict magnet school that is operated by (1) an independent (i.e., private) higher education institution’s board of governors or an equivalent operating on behalf of a board or (2) an SDE-approved, third-party nonprofit corporation, so long as the magnet school is classified as a public school by the Teachers’ Retirement Board (TRB).

The act also requires the TRB to (1) classify as public schools all schools operated by Goodwin University Magnet Schools, Inc. and Goodwin University Educational Services, Inc. and (2) admit to the TRS each teacher employed by them.

EFFECTIVE DATE: July 1, 2023

§ 22 — TENURE AND ACCUMULATED SICK LEAVE

Maintains a teacher's tenure and accumulated sick leave if a new regional school district is formed

State law maintains a teacher’s tenure and accumulated sick leave when the school district the teacher works for joins a regional school district (essentially giving the teacher a new employer). The law requires that this change is not deemed an interruption of continuous employment, so tenure and accumulated sick leave is preserved.

The act extends this provision to also include when a teacher with these accumulated rights works for a school district or a regional school district and begins working for a new regional school district. As with existing law, the teacher must (1) work for a school district or regional school district during the school year immediately before, or within which, the new regional district is established and (2) continue as an employee of the new regional district.

EFFECTIVE DATE: July 1, 2023

§§ 23-27 — TEACHER PERFORMANCE EVALUATIONS

Requires local and regional boards of education to adopt revised teacher evaluation programs and SBE to adopt revised program guidelines that use new (1) student indicators and assessment methods and (2) teacher feedback mechanisms; removes obsolete language

By law, each public school district’s superintendent must annually evaluate each teacher or have each teacher be evaluated. This refers to each professional board of education employee, below the rank of superintendent, who holds an SBE-issued certificate or permit. The superintendent may conduct formative (i.e., continuous diagnostic) evaluations to be used to produce an annual summative (i.e., final) evaluation. Since the 2013-14 school year, state law has required boards of

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education to use a teacher evaluation program that follows the guidelines adopted by SBE.

The act makes various changes in the teacher evaluation laws, requiring local and regional boards of education to adopt revised teacher evaluation programs and SBE to adopt revised program guidelines that use new (1) student indicators and assessment methods and (2) teacher feedback mechanisms. The act maintains the option for boards of education to adopt SBE's model teacher evaluation and support program, but it requires SBE to ensure that its model program aligns with these revised guidelines.

The act also removes obsolete language, including references to a now obsolete teacher evaluation and support pilot program and a UConn study of the pilot program. It also makes technical and conforming changes.

EFFECTIVE DATE: July 1, 2023

Teacher Evaluation and Support Program (§ 23)

Similar to prior law, the act requires the new evaluation process to follow the teacher evaluation and support program adopted by the district's board of education and be aligned with SBE's guidelines for a model teacher evaluation program. In developing a program, the board of education must attempt to reach a mutual agreement with the district's PDEC. The act imposes new requirements on SBE's guidelines and model program, as well as local and regional boards of education, as described in the timeline below.

SBE Program. By July 1, 2024, the act requires SBE to adopt revised guidelines for a teacher evaluation and support program, in consultation with the Performance Evaluation Advisory Council (PEAC; see § 24 below). It also requires SBE to adopt a revised model teacher evaluation and support program that aligns with these guidelines. The act makes the following changes to revise the guidelines that prior law required SBE to adopt for its model program in 2012:

1. removes the requirement that the guidelines include (a) four performance evaluation designators for teachers (i.e., "exemplary," "proficient," "developing," and "below standard") and (b) references to teacher evaluation "scoring systems" to determine "ratings";
2. requires the guidelines to use student learning, growth, and achievement, rather than student academic growth and development, as indicators in teacher evaluations;
3. requires the guidelines to include methods for assessing student learning, growth, and achievement rather than student academic growth and development;
4. requires the guidelines to use an evaluator-provided annual summary of teacher growth, rather than a scoring system with performance evaluation designators, for the minimum requirements for teacher evaluation instruments and procedures;
5. requires the guidelines to address creating individual improvement and remediation plans for teachers who need additional support, rather than for teachers who have a rating of "developing" or "below standard";

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6. removes the requirement that these individual improvement and remediation plans include a summative rating of proficient or better as success indicators at the plan's conclusion; and
7. requires the guidelines to include a validation procedure for SDE or a third party to audit remediation plans, rather than audit evaluations with a rating of "exemplary" or "below standard" as prior law required.

District Program. The act requires each local and regional board of education, beginning with the 2024-25 school year, to adopt and implement a revised teacher evaluation and support program that follows SBE's revised guidelines.

Similar to prior law, the program must be developed through mutual agreement between the board of education and the school district's PDEC. If the board and PDEC cannot reach a mutual agreement, then both parties must consider SBE's model program and may adopt that if they mutually agree. If both parties still cannot reach an agreement, then the board must adopt and implement the program it has developed, so long as it is consistent with SBE guidelines. The act allows the education commissioner to waive the requirement that a board adopt a program consistent with SBE's revised guidelines for any board that has expressed an intent by July 1, 2024, to adopt a program that requires a waiver from these requirements.

Other Evaluation Process Changes (§§ 23 & 25)

The act also makes the following changes in the laws governing the state's teacher evaluation process:

1. requires teachers who do not receive a summative evaluation during the school year to be recorded as "not evaluated" rather than "not rated" as prior law required;
2. removes the requirement that superintendents report aggregate evaluation ratings to the education commissioner by September 15 each year; and
3. requires, beginning with the 2023-24 school year, that boards of education hold evaluation training programs and orientation for their teachers and evaluators at least annually, rather than biennially.

PEAC (§ 24)

Under existing law, PEAC is a council within SDE, led by the education commissioner with members from various education interest groups. The act maintains PEAC's responsibility for (1) assisting SBE with developing guidelines for a teacher evaluation and support program and developing a model program and (2) overseeing the data collection and evaluation support system. However, it removes the requirement that PEAC assist SBE with developing a teacher evaluation and support program implementation plan.