



OLR RESEARCH REPORT

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2004 ACTS AFFECTING TEACHERS AND OTHER SCHOOL PERSONNEL

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You asked for brief summaries of 2004 acts affecting teachers and other school staff members.

INTRODUCTION

In the 2004 regular session, the General Assembly adopted 10 acts affecting teachers and other school personnel. The acts deal with such topics as teacher evaluation procedures, Connecticut certification for national-board-certified teachers from outside the state, teacher training in second language acquisition and literacy skills, and educational technology standards for teachers. Other acts that affect school personnel (1) require higher standards for school readiness program staff; (2) establish additional job protections for coaches; (3) close gaps in background check requirements; (4) make it a crime for adults over age 20 to have sexual relationships with children under age 18 over whom they have power, authority, or supervisory responsibility; and (5) allow all noncertified school employees, not just teachers, administrators, and paraprofessionals, to negotiate year-round wage payment schedules.

As of the date of this report, the governor could still veto some of the changes described below. Additional laws affecting teachers and other school personnel may also be enacted during a special legislative session scheduled for May 11, 2004.

TEACHERS

Teacher Evaluations

A new law allows a teacher or administrator to file a grievance claiming that the evaluation procedure a school district followed in a particular case differed from its established procedures. Such grievances may be filed only according to grievance procedures established in collective bargaining agreements negotiated after July 1, 2004. (**SB 533**, effective on passage)

National Board Certification

The General Assembly passed a new act requiring the State Board of Education (SBE) to issue a Connecticut provisional or professional certificate, with an appropriate endorsement, to any teacher from another state, U.S. possession or territory, the District of Columbia, or Puerto Rico who (1) applies; (2) holds a national board certification from an organization the education commissioner considers appropriate; and (3) has taught for at least three of the past 10 years in another state, U.S. possession or territory, the District of Columbia, or Puerto Rico. The teacher must receive a provisional educator certificate if he has not completed 30 credits of qualifying coursework beyond a bachelor's degree. If he has the 30 credits, SBE must give him a professional certificate.

Under the act, SBE can still deny a certificate to a nationally certified out-of-state teacher for the same reasons it can deny any other applicant, namely because (1) the teacher seeks the certificate through fraud or misrepresents a material fact; (2) the teacher has been convicted of a crime involving moral turpitude or some other crime that, in SBE's opinion, would impair the standing of the state's teaching certificates; or (3) it has other due cause. A teacher denied certification can ask SBE to review its decision. (**SB 536**, effective July 1, 2004)

Training On English Language Acquisition

New legislation requires local and regional school boards to include information on second language acquisition in their in-service training programs for certified teachers, administrators, and pupil personnel in districts required to provide bilingual education for English language learners. It also requires that, beginning July 1, 2006, any teacher preparation program leading to professional certification include, as part of the curriculum, instruction in the concepts of second language learning, acquisition, and processes that reflects current research and

best practices in these areas. The instruction must be incorporated in student major and concentration requirements. (**sHB 5438**, effective July 1, 2004)

Literacy Skills Training

A new act requires that, beginning July 1, 2006, the curriculum of any teacher preparation program leading to professional certification include instruction in literacy skills and processes that reflects current research and best practices in the field. The instruction must be incorporated into the requirements for a student major and concentration. (**PA 04-75**, effective July 1, 2004)

Education Technology Standards

The General Assembly shifted primary responsibility for the development of (1) a statewide teacher and administrator competency standard for the use of technology for teaching and (2) a statewide plan for the achievement of this standard from the Commission for Educational Technology to the State Department of Education. (**sSB 531**, effective July 1, 2004)

SCHOOL PERSONNEL

School Readiness Staff Qualifications

The General Assembly raised the bar for school readiness staff by (1) increasing, as of July 1, 2005, the minimum required number of early childhood education or child development credits from nine to 12 for school readiness staff holding credentials from a commissioner-approved organization and (2) adding a Connecticut teaching certificate with an early childhood or special education endorsement to the list of acceptable credentials for school readiness staff. The act also makes it acceptable for staff members to have associates' or four-year degrees in any field, as opposed to only a major in early childhood development or early childhood education, as long as the person has earned at least nine, and on or after July 1, 2005, 12 credits in either of those areas. (HB 5428, effective July 1, 2004)

Notification in Cases of Termination of Coaches

A new law provides some job protection for coaches by requiring a board of education that employs an athletic coach to have the coach's immediate supervisor evaluate the coach annually and provide him with a copy of the evaluation.

When a board, or its agent, terminates or declines to renew the contract of a coach who has held the same position for three or more consecutive school years, the act requires that the board: (1) inform the coach of the decision no later than 90 days after the end of the sport season covered by the contract and (2) allow the coach to appeal the decision to the board in a manner the board prescribes.

The act does not prohibit a board from terminating a coaching contract at any time for moral misconduct, insubordination, or violation of the rules of the board or because the sport is being discontinued by the board. (**sSB 535**, effective July 1, 2004)

Background Checks

A new law closes loopholes in laws requiring background checks for school personnel. It requires (1) nurses and nurse practitioners who provide health services to students in a public or private school to submit to criminal background checks even if they are not directly employed by the local school board or private school and (2) regional education service centers to arrange for the fingerprinting of school personnel of SBE-approved endowed or incorporated academies and special education facilities upon the request of those institutions. (**sHB 5429**, the criminal background check provisions are effective on passage)

Sexual Assault of Youths By Persons Standing in a Position of Trust, Authority or Supervision

A new act makes it second- or fourth-degree sexual assault for an adult to have sexual intercourse or sexual contact, respectively, with a person under age 18 who participates in a program or activity if the adult's professional, legal, occupational, or volunteer status gives him power, authority, or supervision over the minor. The act covers actors age 20 or older.

Second-degree sexual assault is a class C felony unless the victim is under age 16, in which case it is a class B felony. A class C felony is punishable by up to 10 years' imprisonment, up to a \$10,000 fine, or both. A class B felony is punishable by up to 20 years' imprisonment, up to a \$15,000 fine, or both. Nine months of the prison term cannot be reduced or suspended.

Fourth-degree sexual assault is a class A misdemeanor unless the victim is under age 16, in which case it is a class D felony. A class A misdemeanor is punishable by up to one year in prison, a \$2,000 fine, or both. A class D felony is punishable by up to five years' imprisonment, up to a \$5,000 fine, or both. (**PA 04-130**, effective October 1, 2004)

Payment Schedules for Noncertified Employees

Last year, the General Assembly exempted noncertified school district employees who work in instructional or administrative capacities from laws requiring that they receive all wages (1) weekly on a regular pay day and (2) no more than eight days after the end of the pay period the wages cover. A new act extends the exemption to all noncertified school employees regardless of their duties (for example, cafeteria or maintenance staff). It allows local and regional boards of education and unions representing their noncertified employees to establish different wage payment schedules in their collective bargaining agreements. The law already exempted certified school district staff (teachers and administrators). (**PA 04-13**, effective July 1, 2004)

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