



General Assembly

**Proposed Substitute
Bill No. 1160**

January Session, 2011

LCO No. 5064

**AN ACT CONCERNING THE DEVELOPMENT OF A MODEL TEACHER
PERFORMANCE EVALUATION SYSTEM, AND TEACHER TENURE
LAWS AND COOPERATIVE ARRANGEMENTS.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective July 1, 2011*) On or before July 1, 2012, the
2 Performance Evaluation Advisory Council, established pursuant to
3 section 10-151d of the general statutes, as amended by this act, shall
4 develop a model teacher performance evaluation system for use by
5 local and regional boards of education and regional educational
6 service centers. Such model teacher performance evaluation system
7 shall include: (1) A training program offered by the local or regional
8 board of education or regional educational service center for the school
9 district to teachers who are employed by such school district and
10 whose performance is being evaluated and administrators who are
11 employed by such school district and who are conducting the
12 performance evaluations. Such training program shall be offered prior
13 to the implementation of any teacher performance evaluation system

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14 adopted by the school district and shall include information relating to
15 the standards, measures and protocols that will be used to evaluate
16 teacher performance in the school district; (2) guidelines for the
17 creation of individual teacher improvement and remediation plans for
18 teachers whose performance is found to be deficient. Such teacher
19 improvement and remediation plans shall be developed by the
20 evaluating administrator, the teacher whose performance is found to
21 be deficient and other persons deemed appropriate through a mutual
22 agreement by a local or regional board of education or regional
23 educational service center and the exclusive bargaining representative
24 for certified employees chosen pursuant to subsection (b) of section 10-
25 153 of the general statutes. Such teacher improvement and remediation
26 plans shall include, but not be limited to, a description of the reasons
27 that a teacher's performance has been found to be deficient, a plan on
28 how to improve such teacher's deficient performance, an articulation
29 of measures of success, timelines and support for such teacher,
30 periodic reviews of such teachers, an adequate time period not to
31 exceed one school year for such teacher to improve his or her
32 performance before the initiation of dismissal proceedings, and the
33 provision of resources and support to such teacher during the
34 improvement and remediation period by the local or regional board of
35 education or regional educational service center and such exclusive
36 bargaining representative for certified employees; (3) summative
37 assessments at the end of the improvement and remediation period of
38 teachers whose performance is found to be deficient. Such summative
39 assessments shall include recommendations by the evaluating
40 administrator on whether such teacher successfully achieved the
41 standards and goals set forth the improvement and remediation plan,
42 or whether a dismissal proceeding should be initiated. Such
43 summative assessments may include recommendations from other
44 persons deemed appropriate through a mutual agreement by a local or
45 regional board of education or regional educational service center and
46 the exclusive bargaining representative for certified employees chosen
47 pursuant to subsection (b) of section 10-153 of the general statutes; and
48 (4) a dismissal proceeding process for teachers whose performance is

49 found to be deficient and who have not successfully achieved the
50 standards and goals set forth in the improvement and remediation
51 plan. Such dismissal proceeding shall be in accordance with the
52 provisions of section 10-151 of the general statutes, as amended by this
53 act. Such dismissal proceeding shall not exceed one hundred calendar
54 days from the date the evaluating administrator submits the
55 summative assessment recommending the dismissal of such teacher to
56 the superintendent of schools for the school district employing such
57 teacher. If such dismissal proceedings exceed one hundred calendar
58 days, the hearing panel for such dismissal proceedings shall assess
59 monetary penalties to the party responsible for the delay in such
60 dismissal proceeding. The mutual agreements described in
61 subdivisions (2) and (3) of this section shall not be subject to the
62 provisions of section 10-153f of the general statutes.

63 Sec. 2. Section 10-151d of the general statutes is repealed and the
64 following is substituted in lieu thereof (*Effective July 1, 2011*):

65 (a) There is established a Performance Evaluation Advisory Council
66 within the Department of Education. Membership of the council shall
67 consist of: (1) The Commissioners of Education and Higher Education,
68 or their designees, (2) one representative from each of the following
69 associations, designated by the association, the Connecticut
70 Association of Boards of Education, the Connecticut Association of
71 Public School Superintendents, Connecticut Federation of School
72 Administrators, the Connecticut Education Association and the
73 American Federation of Teachers-Connecticut, and (3) persons selected
74 by the Commissioner of Education who shall include, but not be
75 limited to, teachers, persons with expertise in performance evaluation
76 processes and systems, and any other person the commissioner deems
77 appropriate.

78 (b) The council shall be responsible for (1) assisting the State Board
79 of Education in the development and implementation of the teacher
80 evaluation guidelines, pursuant to subsection (c) of section 10-151b, as
81 amended by this act, [and] (2) the data collection and evaluation

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82 support system, pursuant to subsection (c) of section 10-10a, and (3)
83 developing a model teacher performance evaluation system in
84 accordance with the provisions of section 2 of this act. The council shall
85 meet at least quarterly. |

Comment [CC1]: 10--00--0151--dK;;;;;

86 Sec. 3. Subsection (d) of section 10-151 of the general statutes is
87 repealed and the following is substituted in lieu thereof (*Effective July*
88 *1, 2011*):

89 (d) The contract of employment of a teacher who has attained tenure
90 shall be continued from school year to school year, except that it may
91 be terminated at any time for one or more of the following reasons: (1)
92 Inefficiency or incompetence, provided, if a teacher is notified on or
93 after July 1, 2000, that termination is under consideration due to
94 incompetence, the determination of incompetence is based on
95 evaluation of the teacher using teacher evaluation guidelines
96 established pursuant to section 10-151b, as amended by this act; (2)
97 insubordination against reasonable rules of the board of education; (3)
98 moral misconduct; (4) disability, as shown by competent medical
99 evidence; (5) elimination of the position to which the teacher was
100 appointed or loss of a position to another teacher, if no other position
101 exists to which such teacher may be appointed if qualified, provided
102 such teacher, if qualified, shall be appointed to a position held by a
103 teacher who has not attained tenure, and provided further that
104 determination of the individual contract or contracts of employment to
105 be terminated shall be made in accordance with either (A) a provision
106 for a layoff procedure agreed upon by the board of education and the
107 exclusive employees' representative organization, or (B) in the absence
108 of such agreement, a written policy of the board of education; [or] (6)
109 failure to successfully complete an improvement and remediation plan
110 following a finding that the teacher's performance was deficient under
111 the teacher performance evaluation system adopted by a local or
112 regional board of education or regional educational service center; or
113 (7) other due and sufficient cause. Nothing in this section or in any
114 other section of the general statutes or of any special act shall preclude
115 a board of education from making an agreement with an exclusive

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116 bargaining representative which contains a recall provision. [Prior]
117 Except as provided in the teacher performance evaluation system
118 adopted by a local or regional board of education or regional
119 educational service center, prior to terminating a contract, the
120 superintendent shall give the teacher concerned a written notice that
121 termination of such teacher's contract is under consideration and, upon
122 written request filed by such teacher with the superintendent, within
123 seven days after receipt of such notice, shall within the next succeeding
124 seven days give such teacher a statement in writing of the reasons
125 therefor. Within twenty days after receipt of written notice by the
126 superintendent that contract termination is under consideration, such
127 teacher may file with the local or regional board of education a written
128 request for a hearing. A board of education may designate a
129 subcommittee of three or more board members to conduct hearings
130 and submit written findings and recommendations to the board for
131 final disposition in the case of teachers whose contracts are terminated.
132 Such hearing shall commence within fifteen days after receipt of such
133 request, unless the parties mutually agree to an extension, not to
134 exceed fifteen days (A) before the board of education or a
135 subcommittee of the board, (B) if indicated in such request or if
136 designated by the board before an impartial hearing panel, or (C) if the
137 parties mutually agree, before a single impartial hearing officer chosen
138 by the teacher and the superintendent. If the parties are unable to
139 agree upon the choice of a hearing officer within five days after their
140 decision to use a hearing officer, the hearing shall be held before the
141 board or panel, as the case may be. The impartial hearing panel shall
142 consist of three members appointed as follows: The superintendent
143 shall appoint one panel member, the teacher shall appoint one panel
144 member, and those two panel members shall choose a third, who shall
145 serve as chairperson. If the two panel members are unable to agree
146 upon the choice of a third panel member within five days after the
147 decision to use a hearing panel, the third panel member shall be
148 selected with the assistance of the American Arbitration Association
149 using its expedited selection process and in accordance with its rules
150 for selection of a neutral arbitrator in grievance arbitration. If the third

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151 panel member is not selected with the assistance of such association
152 within five days, the hearing shall be held before the board of
153 education or a subcommittee of the board. Within seventy-five days
154 after receipt of the request for a hearing, the impartial hearing panel,
155 subcommittee of the board or hearing officer, unless the parties
156 mutually agree to an extension not to exceed fifteen days, shall submit
157 written findings and a recommendation to the board of education as to
158 the disposition of the charges against the teacher and shall send a copy
159 of such findings and recommendation to the teacher. The board of
160 education shall give the teacher concerned its written decision within
161 fifteen days of receipt of the written recommendation of the impartial
162 hearing panel, subcommittee or hearing officer. Each party shall pay
163 the fee of the panel member selected by it and shall share equally the
164 fee of the third panel member or hearing officer and all other costs
165 incidental to the hearing. If the hearing is before the board of
166 education, the board shall render its decision within fifteen days after
167 the close of such hearing and shall send a copy of its decision to the
168 teacher. The hearing shall be public if the teacher so requests or the
169 board, subcommittee, hearing officer or panel so designates. The
170 teacher concerned shall have the right to appear with counsel at the
171 hearing, whether public or private. A copy of a transcript of the
172 proceedings of the hearing shall be furnished by the board of
173 education, upon written request by the teacher within fifteen days
174 after the board's decision, provided the teacher shall assume the cost of
175 any such copy. Nothing herein contained shall deprive a board of
176 education or superintendent of the power to suspend a teacher from
177 duty immediately when serious misconduct is charged without
178 prejudice to the rights of the teacher as otherwise provided in this
179 section.

Comment [CC2]: 10--00--0151---K;(d);(d);;;

180 Sec. 4. Section 10-151b of the general statutes is repealed and the
181 following is substituted in lieu thereof (*Effective July 1, 2011*):

182 (a) The superintendent of each local or regional board of education
183 shall continuously evaluate or cause to be evaluated each teacher, in
184 accordance with guidelines established by the State Board of

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185 Education, pursuant to subsection (c) of this section, [for the
186 development of evaluation programs] and such other guidelines as
187 may be established by mutual agreement between the local or regional
188 board of education and the teachers' representative chosen pursuant to
189 section 10-153b. [, continuously evaluate or cause to be evaluated each
190 teacher.] An evaluation pursuant to this subsection shall include, but
191 need not be limited to, strengths, areas needing improvement,
192 strategies for improvement and multiple indicators of student
193 academic growth. Claims of failure to follow the established
194 procedures of such evaluation programs shall be subject to the
195 grievance procedure in collective bargaining agreements negotiated
196 subsequent to July 1, 2004. The superintendent shall report the status
197 of teacher evaluations to the local or regional board of education on or
198 before June first of each year. For purposes of this section, the term
199 "teacher" shall include each professional employee of a board of
200 education, below the rank of superintendent, who holds a certificate or
201 permit issued by the State Board of Education.

202 (b) Each local and regional board of education shall develop and
203 implement teacher evaluation programs consistent with guidelines
204 established by the State Board of Education, pursuant to subsection (c)
205 of this section, and consistent with the plan developed in accordance
206 with the provisions of subsection (b) of section 10-220a.

207 (c) On or before July 1, [2013] 2012, the State Board of Education
208 shall adopt, in consultation with the Performance Evaluation Advisory
209 Council established pursuant to section 10-151d, guidelines for a
210 model teacher evaluation program. Such guidelines shall provide
211 guidance on the use of multiple indicators of student academic growth
212 in teacher evaluations. Such guidelines shall include, but not be limited
213 to: (1) Methods for assessing student academic growth; (2) a
214 consideration of control factors tracked by the state-wide public school
215 information system, pursuant to subsection (c) of section 10-10a, that
216 may influence teacher performance ratings, including, but not limited
217 to, student characteristics, student attendance and student mobility;
218 and (3) minimum requirements for teacher evaluation instruments and

219 procedures.

Comment [CC3]: 10-00-0151-bK;;;;;

220 Sec. 5. Subsection (a) of section 10-151 of the general statutes is
221 repealed and the following is substituted in lieu thereof (*Effective July*
222 *1, 2011*):

223 (a) For the purposes of this section:

224 (1) [The term "board] "Board of education" [shall mean] means a
225 local or regional board of education, a cooperative arrangement
226 committee established pursuant to section 10-158a, or the board of
227 trustees of an incorporated or endowed high school or academy
228 approved pursuant to section 10-34, which is located in this state;

229 (2) [The term "teacher" shall include] "Teacher" includes each
230 certified professional employee below the rank of superintendent
231 employed by a board of education for at least ninety days in a position
232 requiring a certificate issued by the State Board of Education;

233 (3) [The term "continuous] "Continuous employment" means that
234 time during which the teacher is employed without any break in
235 employment as a teacher for the same board of education;

236 (4) [The term "full-time] "Full-time employment" means a teacher's
237 employment in a position at a salary rate of fifty per cent or more of
238 the salary rate of such teacher in such position if such position were
239 full-time;

240 (5) [The term "part-time] "Part-time employment" means a teacher's
241 employment in a position at a salary rate of less than fifty per cent of
242 the salary rate of such teacher in such position, if such position were
243 full-time;

244 (6) [The term "tenure"] "Tenure" means:

245 (A) The completion of thirty school months of full-time continuous
246 employment for the same board of education for teachers initially
247 hired prior to July 1, 1996; and forty such school months for teachers

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248 initially hired on or after said date provided the superintendent offers
249 the teacher a contract to return for the following school year. For
250 purposes of calculating continuous employment towards tenure, the
251 following shall apply: (i) For a teacher who has not attained tenure,
252 two school months of part-time continuous employment by such
253 teacher shall equal one school month of full-time continuous
254 employment except, for a teacher employed in a part-time position at a
255 salary rate of less than twenty-five per cent of the salary rate of a
256 teacher in such position, if such position were full-time, three school
257 months of part-time continuous employment shall equal one school
258 month of full-time continuous employment; (ii) a teacher who has not
259 attained tenure shall not count layoff time towards tenure, except that
260 if such teacher is reemployed by the same board of education within
261 five calendar years of the layoff, such teacher may count the previous
262 continuous employment immediately prior to the layoff towards
263 tenure; [and] (iii) a teacher who has not attained tenure shall not count
264 authorized leave time towards tenure if such time exceeds ninety
265 student school days in any one school year, provided only the student
266 school days worked that year by such teacher shall count towards
267 tenure and shall be computed on the basis of eighteen student school
268 days or the greater fraction thereof equaling one school month; and
269 (iv) for a teacher who has not attained tenure and who is employed by
270 a local or regional board of education that enters into a cooperative
271 arrangement pursuant to section 10-158a, such teacher may count the
272 previous continuous employment with such board immediately prior
273 to such cooperative arrangement towards tenure.

274 (B) For a teacher who has attained tenure prior to layoff, tenure shall
275 resume if such teacher is reemployed by the same board of education
276 within five calendar years of the layoff.

277 (C) Except as provided in subparagraphs (B), [and] (D) and (E) of
278 this subdivision, any teacher who has attained tenure with any one
279 board of education and whose employment with such board ends for
280 any reason and who is reemployed by such board or is subsequently
281 employed by any other board, shall attain tenure after completion of

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282 twenty school months of continuous employment. The provisions of
283 this subparagraph shall not apply if, (i) prior to completion of the
284 twentieth school month following commencement of employment by
285 such board, such teacher has been notified in writing that his or her
286 contract will not be renewed for the following school year, or (ii) for a
287 period of five or more calendar years immediately prior to such
288 subsequent employment, such teacher has not been employed by any
289 board of education.

290 (D) Any certified teacher or administrator employed by a local or
291 regional board of education for a school district identified as a priority
292 school district pursuant to section 10-266p may attain tenure after ten
293 months of employment in such priority school district, if such certified
294 teacher or administrator previously attained tenure with another local
295 or regional board of education in this state or another state.

296 (E) For a teacher who has attained tenure and is employed by a local
297 or regional board of education that enters into a cooperative
298 arrangement pursuant to section 10-158a, such teacher shall not
299 experience a break in continuous employment for purposes of tenure
300 as a result of such cooperative arrangement.

301 (7) [The term "school] "School month" means any calendar month
302 other than July or August in which a teacher is employed as a teacher
303 at least one-half of the student school days.

Comment [CC4]: 10--00--0151---K;(a);(a);;;

This act shall take effect as follows and shall amend the following sections:

Section 1	<i>July 1, 2011</i>	New section
Sec. 2	<i>July 1, 2011</i>	10-151d
Sec. 3	<i>July 1, 2011</i>	10-151(d)
Sec. 4	<i>July 1, 2011</i>	10-151b
Sec. 5	<i>July 1, 2011</i>	10-151(a)