



General Assembly

Amendment

February Session, 2024

LCO No. 4629



Offered by:

REP. JOHNSON, 143rd Dist.

REP. COOK, 65th Dist.

REP. COMEY, 102nd Dist.

To: House Bill No. 5181

File No. 54

Cal. No. 66

"AN ACT CONCERNING PUBLIC EDUCATION IN THE STATE."

1 Strike everything after the enacting clause and substitute the
2 following in lieu thereof:

3 "Section 1. Subsection (d) of section 10-151 of the general statutes is
4 repealed and the following is substituted in lieu thereof (*Effective July 1,*
5 *2024*):

6 (d) The contract of employment of a teacher who has attained tenure
7 shall be continued from school year to school year, except that it may be
8 terminated, in accordance with just cause, at any time for one or more
9 of the following reasons: (1) Inefficiency, incompetence or
10 ineffectiveness, provided, if a teacher is notified on or after July 1, 2014,
11 that termination is under consideration due to incompetence or
12 ineffectiveness, the determination of incompetence or ineffectiveness is
13 based on evaluation of the teacher using teacher evaluation guidelines

14 established pursuant to section 10-151b; (2) insubordination against
15 reasonable rules of the board of education; (3) moral misconduct; (4)
16 disability, as shown by competent medical evidence; (5) elimination of
17 the position to which the teacher was appointed or loss of a position to
18 another teacher, if no other position exists to which such teacher may be
19 appointed if qualified, provided such teacher, if qualified, shall be
20 appointed to a position held by a teacher who has not attained tenure,
21 and provided further that determination of the individual contract or
22 contracts of employment to be terminated shall be made in accordance
23 with either (A) a provision for a layoff procedure agreed upon by the
24 board of education and the exclusive employees' representative
25 organization, or (B) in the absence of such agreement, a written policy
26 of the board of education; or (6) other due and sufficient cause. Nothing
27 in this section or in any other section of the general statutes or of any
28 special act shall preclude a board of education from making an
29 agreement with an exclusive bargaining representative which contains
30 a recall provision. Prior to terminating a contract, the superintendent
31 shall give the teacher concerned a written notice that termination of such
32 teacher's contract is under consideration and give such teacher a
33 statement of the reasons for such consideration of termination. Not later
34 than ten calendar days after receipt of written notice by the
35 superintendent that contract termination is under consideration, such
36 teacher may file with the local or regional board of education a written
37 request for a hearing. A board of education may designate a
38 subcommittee of three or more board members to conduct hearings and
39 submit written findings and recommendations to the board for final
40 disposition in the case of teachers whose contracts are terminated. Such
41 hearing shall commence not later than fifteen calendar days after receipt
42 of such request, unless the parties mutually agree to an extension, not to
43 exceed fifteen calendar days (A) before the board of education or a
44 subcommittee of the board, or (B) if indicated in such request or if
45 designated by the board before an impartial hearing officer chosen by
46 the teacher and the superintendent. If the parties are unable to agree
47 upon the choice of a hearing officer not later than five calendar days
48 after the decision to use a hearing officer, the hearing officer shall be

49 selected with the assistance of the American Arbitration Association
50 using its expedited selection process and in accordance with its rules for
51 selection of a neutral arbitrator in grievance arbitration. If the hearing
52 officer is not selected with the assistance of such association after five
53 days, the hearing shall be held before the board of education or a
54 subcommittee of the board. When the reason for termination is
55 incompetence or ineffectiveness, the hearing shall (i) address the
56 question of whether the performance evaluation ratings of the teacher
57 were determined in good faith in accordance with the program adopted
58 by the local or regional board of education pursuant to section 10-151b
59 and were reasonable in light of the evidence presented, and (ii) be
60 limited to twelve total hours of evidence and testimony, with each side
61 allowed not more than six hours to present evidence and testimony
62 except the board, subcommittee of the board or impartial hearing officer
63 may extend the time period for evidence and testimony at the hearing
64 when good cause is shown. Not later than forty-five calendar days after
65 receipt of the request for a hearing, the subcommittee of the board or
66 hearing officer, unless the parties mutually agree to an extension not to
67 exceed fifteen calendar days, shall submit written findings and a
68 recommendation to the board of education as to the disposition of the
69 charges against the teacher and shall send a copy of such findings and
70 recommendation to the teacher. The board of education shall give the
71 teacher concerned its written decision not later than fifteen calendar
72 days after receipt of the written recommendation of the subcommittee
73 or hearing officer. Each party shall share equally the fee of the hearing
74 officer and all other costs incidental to the hearing. If the hearing is
75 before the board of education, the board shall render its decision not
76 later than fifteen calendar days after the close of such hearing and shall
77 send a copy of its decision to the teacher. The hearing shall be public if
78 the teacher so requests or the board, subcommittee or hearing officer so
79 designates. The teacher concerned shall have the right to appear with
80 counsel at the hearing, whether public or private. A copy of a transcript
81 of the proceedings of the hearing shall be furnished by the board of
82 education, upon written request by the teacher within fifteen days after
83 the board's decision, provided the teacher shall assume the cost of any

84 such copy. Nothing herein contained shall deprive a board of education
85 or superintendent of the power to suspend a teacher from duty
86 immediately when serious misconduct is charged without prejudice to
87 the rights of the teacher as otherwise provided in this section."

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

Section 1	<i>July 1, 2024</i>	10-151(d)
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