

SB 438 - Race to the Top & Achievement Gap - Bill Summary

SB 438 combined two historic education policy proposals: a set of initiatives intended to improve Connecticut's Round 2 application for the Race to the Top grant; and legislation, formerly known as the "parent trigger," designed to help close Connecticut's Achievement Gap.

RACE TO THE TOP PROVISIONS:

- Secondary School Reform
- Data Expansion
- Teacher Evaluation Linked to Students' Academic Growth
- Employment of Retired Teachers
- Expanded Tenure in Priority School Districts
- Expanded Professional Development Providers
- Charter School Reforms
- Innovation Schools
- School and School Board Reconstitution Authority
- In-School Suspension Clarifications
- Alternative Routes for Administrators

SECONDARY SCHOOL REFORM

The bill increases high school graduation requirements beginning with the class of 2018. It raises, from 20 to 25, the number of credits needed to graduate, changes the types of compulsory courses and requires students to pass five end-of-year examinations (algebra, geometry, biology, American history, 10th grade English) in order to graduate.

It requires school districts to provide students who are unable to satisfactorily complete the new requirements with support and remedial services and states that SDE will provide grants to school districts for this purpose.

The bill authorizes SDE to create a board examination series pilot program to allow students in grades 9 through 12 to graduate from high school by passing a series of exams instead of meeting the regular high school graduation requirements.

The bill also permits school boards to award credit toward graduation requirements for the successful completion of on-line coursework if the board has adopted an online course policy that meets standards the bill sets.

Current Minimum Graduation Requirements

<i>Subject Area</i>	<i>Required Credits</i>
English	4
Mathematics	3
Social Studies	3 (including a half credit in civics and American Government)
Science	2
Arts or Vocational Education	1
Physical Education	1

Proposed Minimum Graduation Requirements – Starting with Class of 2018

Subject Area	Required Credits
Humanities – 9 credits	
English	4, including composition
Social Studies	3, including 1 credit in American history and a half credit in civics and American Government
Fine Arts	1
Humanities Elective	1
Science, Technology, Engineering, and Mathematics – 8 credits	
Mathematics	4, including algebra I, geometry, and either algebra II or probability and statistics
Science	3, including 1 in life science, 1 in physical science, and 1 in a science, technology, engineering, and math elective
Career and Life Skills – 3.5 credits	
Physical Education	1
Comprehensive health education	0.5
Career and life skills electives, such as career and technical education, English as a second language, community service, personal finance, public speaking, and nutrition and physical activity	2
Other – 3 credits	
World Languages (see below)	2
Senior demonstration project	1

EXPANDED PUBLIC SCHOOL INFORMATION SYSTEM

By law, the SDE must develop and implement a public school information system that allows for tracking individual student performance on statewide mastery tests. This bill expands this effort.

Student, Teacher, School, and District Data - The bill requires information in the system to be collected or calculated from information received from board of education and other relevant sources and requires school districts to report the information.

Student Data - In addition to mastery test performance, the data relating to students must include at least the:

- student's parents' educational level;
- primary language spoken in the student's home;
- student transcripts;
- student attendance and mobility; and
- for students enrolling in public school at the kindergarten level, reliable, valid assessments of his or her readiness for kindergarten.

Teacher Data - A confidential, unique identifier must be assigned to each teacher before collecting the data, which must include:

- teacher credentials, teacher preparation programs completed, certification level and endorsements;
- teacher assessments, such as whether a teacher is considered highly qualified under the federal No Child Left Behind Act;
- the presence of substitute teachers in the teacher's classroom;
- class size;
- the teacher's absenteeism rate; and
- whether a teacher's aide is present.

School and School District Data - The school and district data must include:

- school population;
- annual graduation rates;
- annual teacher retention rates;
- school disciplinary records, such as data on suspensions, expulsions, and other disciplinary actions;
- the percentage of students whose primary language is not English;
- the number and professional credentials of support personnel; and
- information on instructional technology, such as computer access.

TEACHER EVALUATIONS

Current law requires evaluations to at least address a teacher's strengths, areas needing improvement, and improvement strategies. The bill adds a requirement that evaluations also address the academic growth of the teacher's students.

SBE Model Evaluation Program Guidelines - The bill requires the SBE, and in consultation with the Performance Evaluation Advisory Council (see below), to develop model teacher evaluation program guidelines that give guidance on using multiple indicators of student academic growth in evaluations. The guidelines must, at a minimum, include:

- ways to measure student academic growth;
- consideration of "control" factors tracked by the expanded public school data system that could influence teacher performance, such as student characteristics, attendance, and mobility; and
- minimum requirements for evaluation instruments and procedures.

PERFORMANCE EVALUATION ADVISORY COUNCIL

The bill creates a Performance Evaluation Advisory Council within the SDE. The council members are:

- the education and higher education commissioners or their designees;
- one representative each from the following organizations and chosen by the organization: (a) the Connecticut Association of Boards of Education, (b) the Connecticut Association of Public School Superintendents, and (c) the Connecticut Federation of School Administrators, the Connecticut Education Association, and the American Federation Teachers-Connecticut; and
- an unspecified number of people selected by the education commissioner, who must include teachers, experts in performance evaluation processes and procedures, and any others the commissioner thinks appropriate.

TENURE IN PRIORITY SCHOOL DISTRICTS

The bill allows any certified teacher or administrator employed by a local or regional board of education at a priority school district and who previously had tenure with another board of education in this state or another state to attain tenure after 10 months of employment in the priority school district rather than the currently required 20 months.

PROVIDERS OF TEACHER PROFESSIONAL DEVELOPMENT, TECHNICAL ASSISTANCE, AND EVALUATION

The bill expands the entities eligible for state funding to provide professional development services, technical assistance, and evaluation activities to local and regional boards of education, state charter schools, vocational-technical schools, school readiness providers, and other educational entities, as the education commissioner determines.

EMPLOYMENT OF RETIRED TEACHERS

The bill expands opportunities for a school district to reemploy retired teachers who are collecting pensions from the Teachers' Retirement System (TRS).

Under current law, a retired teacher may return to work for a school district without any reduction in his or her TRS pension benefits if he or she (1) receives a salary of no more than 45% of the maximum for the assigned position and (2) works for less than a school year. This bill eliminates the second of these conditions, allowing a retired teacher to work for any amount of time at 45% of the maximum pay for the assigned position. It requires the school district to notify TRB when the person is hired and, as under current law, at the end of each assignment.

Under current law, if a retired teacher teaches in a subject shortage area, he or she may be reemployed by a school district or a higher education constituent unit at full salary and with no reduction in TRS benefits for up to one full school year with a possible extension to a second year. The bill extends this full-salary option to retired teachers who are reemployed (1) to teach any subject in a priority school district and (2) by the SBE in a subject shortage area.

CHARTER SCHOOLS

State Board Of Education Authority to Issue Charters - By law, the SBE must review and approve applications for state and local charter schools. The bill SBE to approve and issue charters to applicants that meet the statutory requirements without taking the state appropriation for operating charter schools into consideration. The bill does not change the charter school funding mechanisms or the state per-student grant.

Charter School Enrollment Limits - The bill eliminates the 85-student-per-grade limit entirely and requires the SBE to waive the overall enrollment limits for high-achieving charter schools that apply for such waivers.

Charter School Facility Grants - The bill makes the charter school facility grant program permanent but, grants remain subject to available bond authorizations. The facility grants help charter schools renovate, build, buy, extend, replace, or carry out major alterations in their facilities and help repay debt incurred for school building projects.

Participation in the Teachers' Retirement System - The bill requires otherwise qualified charter school professionals first employed by any charter school on or after July 1, 2010 to participate in the TRS. Current law makes such participation voluntary.

Charter Management Organization - The bill requires the SBE to regulate "charter management organizations" (CMOs), which the bill defines as any entity with which a charter school contracts for (1) educational design; (2) implementation; or (3) financial, business, operational, and administrative functions. The regulations must:

- prohibit a charter school and a CMO operating it from sharing board members with other charter schools and CMOs,
- require any sharing of management personnel to be disclosed,
- prohibit unsecured, noninterest bearing transfers of state and federal funds between charter schools or CMOs,
- define allowable direct and indirect costs and the method CMOs must to calculate per-pupil service fees, and

- permit CMOs to collect private donations to distribute to charter schools.

ALTERNATE ROUTE TO CERTIFICATION (ARC) FOR ADMINISTRATORS

Requires the SDE to review and approve proposals for school administrator ARC. To be eligible, applicants must have at least:

- A bachelor's degree;
- 40 months of teaching experience in Connecticut or another state, at least 10 of which must be in a public school position requiring certification
- The recommendation of their immediate supervisor or district administrator, based on performance.

A participant must complete a one-year residency either in (1) a position requiring an intermediate administrator or supervisor endorsement or (2) a full-time, 10-month, local or regional school board position under the supervision of a certified administrator and a supervisor from an institution or organization offering the ARC program.

Initial Administrator Certificate - The bill requires SBE to issue an initial certificate with an administration and supervision endorsement to anyone who (1) successfully completes the administrators' ARC program and (2) (a) passes, or meets the requirements for an out-of-state administrator exemption from, Connecticut's reading, writing, and math competency exam and (b) passes the required subject matter exam.

Master's Degree Requirement - Anyone who receives an initial administrator certificate after completing an administrator ARC program must obtain a master's degree within five years of receiving the initial certificate.

WAIVER OF SUPERINTENDENT CERTIFICATION

The bill gives the education commissioner authority to waive the requirement that a school superintendent hold a superintendent certificate issued by the SBE, if a waiver is requested by the superintendent's employing board of education. The bill also allows the commissioner to waive certification if the person has at least three years of successful experience in a public school in another state in the 10 years prior to the waiver application date. The experience must be as a certified administrator with a superintendent certificate issued by another state.

INNOVATION SCHOOLS

The bill permits a board of a priority school district to convert an existing school or establish a new school as an "innovation school" through agreements with the teacher and administrator unions for the purpose of improving school performance and student achievement.

Innovation Plans - An "innovation school" operates under an innovation plan which articulates areas of autonomy and flexibility in curriculum, budget, school schedule and calendar, school district policies and procedures, professional development, and staffing policies and procedures including waivers from or modifications to union contracts. Changes to union contracts must be approved by a two-thirds vote of the bargaining unit's members, employed or to be employed at the school. The innovation plan must include measurable goals regarding school performance and student success.

External Partners Defined -An external partner may be (1) a public or private college or university, (2) a nonprofit charter school operator, (3) an educational collaborative, or (4) a consortia authorized by the education commissioner that can include public or private colleges or universities, parents, teachers or administrator unions, or superintendents organizations.

Plan Committee - The innovation plan committee must include at least nine and no more than 11 members. Membership of a committee under either the faculty and district leadership option or the external partner option must include the following members, selected by the local or regional board of education:

- the district superintendent, or his or her designee;

- a member of the local or regional board of education, or his or her designee;
- two parents who have one or more children enrolled in the school, or in the case of a new school, from the district; and
- the principal of the school, or in the case of a new school and when the principal has not yet been hired, a principal from the school district where the new school is located.

The committee must also include two certified teachers of the school appointed by the teachers' union, or in the case of a new school when no teachers have yet been hired, two teachers appointed by the teachers' union of that district .

In the case of a plan being developed by the faculty and district leadership, the committee may not have more than four additional members who the board deems appropriate. In the case of a plan being developed by an external partner, the committee must have two representatives of the external partner, selected by the board of education, and not more than two additional members who the board of education deems appropriate. A majority vote of the committee is required to approve the innovation plan.

Plan Elements - The innovation plan must include:

- a curriculum plan including a detailed description of the curriculum and related programs and how the curriculum is expected to improve school performance and student achievement;
- a budget plan including a detailed description of how funds will be used differently than other district public schools to support school performance and student achievement;
- a school schedule plan including a detailed description of the ways, if any, the program or calendar of the proposed school will be enhanced or expanded;
- a staffing plan that includes any proposed waivers or modifications of union agreements, subject to existing collective bargaining law and the bill's provision requiring a two-third affirmative vote to modify agreements;
- a policy and procedures plan including a detailed description of the unique operational policies and procedures to be used and how the procedures will support school performance and student achievement; and
- a professional development plan including a detailed description of how the school may provide professional development to its administrators, teachers, and other staff.

In order to assess the innovation school across multiple measures of school performance and student success, the plan must include measurable annual goals related to:

- student attendance;
- student safety and discipline;
- student promotion and graduation and dropout rates;
- student performance on the statewide mastery examination;
- progress in academic underperformance areas;
- progress among student subgroups, including low-income, limited English-proficient, and special education students; and
- progress in reducing achievement gaps among different groups of students.

Union and Employee Agreement - Union agreements are considered in operation at an innovation school unless provisions are waived or modified in the innovation plan and agreed to by a two-thirds vote of the members of the bargaining unit employed or to be employed at the school.

School Evaluation and Superintendent Intervention - The superintendent must annually evaluate innovation schools in his or her district and submit the evaluation to the board of education and the education commissioner. The evaluation determines whether the school has met the annual goals outlined in the innovation plan and assesses the plan's implementation. The superintendent can amend or suspend one or more components of the plan after one year, if he or she determines that changes in the school district, after the plan was established, need to be addressed by changing one or more components. If the superintendent determines that the school has substantially failed to meet the goals, he or she may:

- amend or suspend one or more components of the plan or
- terminate the school's authorization.

The bill prohibits the commissioner from amending or suspending one or more component before the second full year of the school's operation is finished and prohibits plan termination before the completion of the third full year of the operation.

Students at Converted Innovation Schools - The bill requires boards of education to allow a student who is enrolled in a school when it is established as an innovation school to remain at the school if the student and his or her parents so choose.

State Reconstitution of Local or Regional Board of Education - The bill enhances the SBE's authority to replace the board of education for a local or regional school district that, after being designated as a low-achieving district, fails for two consecutive years to make adequate progress toward meeting the requirements of the state and federal law.

The SBE may implement the reconstituted board for no more than five years. Once the SBE gives the commissioner the authority, the commissioner must terminate the district's existing board and appoint new members for three-year terms. The newly appointed board may include members of the terminated board. The bill requires the SDE to offer training to the new board's members.

The new board must report to the commissioner annually on the district's progress in meeting the SBE's benchmarks for progress and the adequate yearly progress requirements. If, after three years, the district does not show adequate improvement, the bill authorizes the commissioner to reappoint the board members or appoint new members for two-year terms.

IN-SCHOOL SUSPENSIONS

The bill gives school authorities express authority to use a student's past disciplinary problems that have lead to the student being suspended or expelled as a criterion for determining whether an out-of-school suspension is warranted in a particular case. Under current law, starting July 1, 2010, student suspensions must be in-school suspensions unless the school administration, at the required hearing on any suspension, determines that a student poses enough of danger to school property or is such a disruption to the educational process that he or she must be excluded from school during the suspension.

ACHIEVEMENT GAP PROVISIONS:

- School Governance Councils
- Monitoring of Reconstituted Schools
- Parent-Teacher Conferences
- Achievement Gap Task Force
- AP Courses
- Online Credit Recovery

SCHOOL GOVERNANCE COUNCILS

This bill removes the "parent trigger" and requires, on and after July 1, 2010, any board of education that has a low-achieving school as defined in state law due to the school not making adequate yearly progress in mathematics and reading at the whole school level to establish a school governance council for the school. If the failure to make adequate yearly progress in mathematics and reading at the whole school level was before July 1, 2010 and the school is among the lowest 5% of Connecticut schools based on achievement, the council must be

established by January 15, 2011. If the school is not among the lowest 5% of Connecticut schools based on achievement, the council must be established by November 1, 2011.

The school governance councils consist of 14 voting members plus nonvoting members.

Member	Number	Selection/Election Process
Parents or guardians of students at the school	7	elected by the parents or guardians of students attending the school, each household with a student attending the school will have one vote
Community leaders within the school district	2	elected by the parent or guardian members and teacher members of the governance council
Teachers at the school	5	elected by the teachers of the school
School principal or designee (non voting)	1	principal may name a designee
Student members, high school councils only (non-voting)	2	elected by the school's student body

Voting members have two-year terms, and no member can serve more than two terms on a council. The nonvoting student members serve a one-year term, and no student member can serve more than two terms.

Council Responsibilities - School governance councils are responsible for:

- analyzing school achievement data and school needs as they relate to the school's improvement plan prepared according to the bill;
- reviewing the fiscal objectives of the school's draft budget and advising the principal before the budget is submitted to the superintendent;
- participating in the hiring process of the school principal or other administrators by conducting candidate interviews and reporting on them to the superintendent and the local and regional board of education;
- assisting the principal in making programmatic and operational changes to improve the school's achievement, including program changes, adjusting school hours and days of operation, and enrollment goals;
- working with school administrators in developing and approving a school compact for parents, legal guardians, and students that outlines the criteria and responsibilities for enrollment and school membership consistent with the school's goals and academic focus and the ways that parents and school personnel can build a partnership to improve student learning;
- developing and approving a written school parent involvement policy that outlines the role of parents and guardians;
- using records relating to information about parents and guardians maintained by the local or regional board of education for the sole purpose of council election; and
- determining whether to reorganize the school in accordance with the bill.

School governance councils may also:

- in those schools that require an improvement plan, review the annual draft report detailing the goals in the state accountability plan prepared under existing law for low-achieving schools and advise the principal before the report is submitted to the superintendent of schools;
- in those schools where an improvement plan becomes required under state accountability law for low-achieving schools, assist the principal in developing the plan before it is submitted to the superintendent of schools;
- work with the principal to develop, conduct, and report the results of an annual survey of parents, guardians, and teachers on issues related to the school climate and conditions; and
- provide advice to the principal on any other major policy matters affecting the school, except on matters relating to collective bargaining agreements between the teachers and the board of education.

Boards of education must provide appropriate training and instruction to members of governance council to aid them in executing their duties.

Reconstituting Schools - A governance council can vote to recommend reconstitution a school to the board of education during the third year after the council was established. A council may not vote to reconstitute if (1) the school was already reconstituted as a result of receiving federal school innovation grants or (2) a reconstitution was initiated by another source.

A vote to reconstitute must recommend one of the following models for reconstitution:

- turnaround;
- restart;
- transformation;
- CommPACT school
- an innovation school
- any other model developed later under NCLB.

No later than 10 days after the council tells the local or regional board of education about its vote to reorganize the board must hold a public hearing to discuss the vote. At the board's next regularly scheduled meeting or 10 days after the public hearing, whichever is later, it must vote on whether to (1) accept the model recommended by the council, (2) select an alternative model described in the bill or (3) maintain the current school status. If the board selects an alternative model, it must meet with the governance council within 10 days of its vote to discuss which alternative to adopt.

If the board and council cannot agree, the education commissioner must decide, no later than 45 days after the last meeting between the board and the council, which of the alternatives to implement.

If the board votes to maintain the current school status, no later than 45 days after the vote, the commissioner must decide whether to implement the council's recommended model or to maintain the current school status.

If the final decision is adoption of a model, the board must implement the model during the following subsequent school year in conformance with state and federal law.

The SBE cannot allow more than 25 schools per school year to be reconstituted under the bill's provisions and must notify school districts and governance councils when this limit is reached.

Evaluating School Governance Councils - The education commissioner must evaluate the councils established on or before January 15, 2011 and by October 1, 2014, must report to the Education Committee on the evaluation. The report must include recommendations whether to continue to allow school governance councils to recommend reconstitution.

NUMBER OF SCHOOL GOVERNANCE COUNCILS AND COMPARISON OF RECONSTITUTION DECISIONS

By July 1, 2011 and every two years thereafter, the bill requires the SDE, within available appropriations, to report to the Education Committee (1) the number of school governance councils started under the bill, (2) a comparison of the councils that have initiated reconstitutions with those that have not, and (3) whether there is increased parental involvement at schools with governance councils. The department must report annually, starting by July 1, 2011, to the committee on these school governance council evaluations.

MONITORING OF RECONSTITUTED SCHOOLS

The bill requires SDE, within available appropriations, to monitor schools for two years after reconstitution for progress based on the following indicators:

- the reconstitution model adopted;
- length of school day and year;

- number and type of disciplinary incidents;
- student attendance and dropout rates and the number of truants;
- average state mastery test scale scores;
- for high schools, the number and percentage of students completing advance placement courses;
- teacher attendance rate; and
- the existence and size of the parent-teacher organizations.

By January 1, 2012, the department must report to the Education Committee on the number of school governance councils established under the bill, the number of schools that have been reconstituted, and the reconstitution models adopted. By January 1, 2013, the department must report to the committee on (1) the results of the school monitoring, (2) recommended changes in the reconstitution models available, (3) whether school governance councils should continue to recommend reconstitution, (4) a comparison of the models adopted, and (5) the progress of the schools adopting each model based on the bill's indicators.

PARENT-TEACHER CONFERENCES

Starting with the 2010-11 school year, school districts must hold two flexible parent-teacher conferences per year. Flexible parent-teacher conferences may, for middle and secondary schools, include back to school nights or similar parent-teacher events.

ACHIEVEMENT GAP TASK FORCE

The bill establishes a nine-member task force to study, monitor, and consider effective ways to close the achievement gap between racial and socioeconomic groups in Connecticut. The task force must consider at least: (1) systematic education planning, (2) best practices in public education, (3) teacher professional development, and (4) parental involvement in public education. It must report its findings and recommendations to the Education Committee by January 1, 2011.

ADVANCED PLACEMENT COURSES

Starting July 1, 2011, the bill requires local and regional boards of education to provide high school level courses for which an advanced placement (AP) examination is available through the College Board. It also requires SBE to develop guidelines to help school districts to train teachers to teach AP courses to a diverse student body.

ON-LINE CREDIT RECOVERY

The bill requires a board of education for a school district with a dropout rate of 8% or greater in the previous school year, to establish an on-line credit recovery program for students who are identified as being in danger of failing to graduate. These students, once identified by certified personnel, must be allowed to complete on-line district-approved coursework toward meeting high school graduation requirements. Each school in the school district must designate, from among existing staff, an online learning coordinator to administer and coordinate the online credit recovery program.

EFFECTIVE DATE: July 1, 2010, except for the teachers' retirement and charter school construction grant provisions, which are effective upon passage.