

Labor and Public Employees Committee

JOINT FAVORABLE REPORT

Bill No.: SB-1371

AN ACT ESTABLISHING A JUST CAUSE STANDARD FOR TEACHER CONTRACT TERMINATIONS AND MAKING THE DECISION OF A NEUTRAL HEARING OFFICER IN TEACHER CONTRACT TERMINATION HEARINGS

Title: BINDING ON THE PARTIES.

Vote Date: 3/13/2025

Vote Action: Joint Favorable Substitute

PH Date: 2/27/2025

File No.:

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SPONSORS OF BILL:

Labor & Public Employees Committee

REASONS FOR BILL:

The reason for this bill is to require that teacher terminations follow the "just cause" standard, which is a higher standard than the "due and sufficient cause" currently required and would require that the process go through neutral arbitration. At present, Boards of Education can terminate a teacher for "due and sufficient cause" for any number of reasons, including inefficiency, incompetence, insubordination, moral misconduct, disability, elimination of a position to another teacher, or other due and sufficient reasons.

The substitute language: applies the just cause standard to all of the reasons a teacher may be terminated, rather than only applying it to the "other due and sufficient reason", and removes the option for tenured teachers to have a hearing before a BOE subcommittee, requiring that the process utilize neutral arbitration. The language also makes conforming changes.

RESPONSE FROM ADMINISTRATION/AGENCY:

Charlene M. Russel-Tucker, Commissioner of Education: Opposes the bill. States that the Department does not see a substantive change with adding the "Just Cause" standard. States that the Department cannot support the change of making the decision of a neutral hearing officer in teacher contract termination hearings binding on the parties. Stating that currently the arbitrator makes factual finds that are binding, but only recommends discipline which a BOE can accept or reject. Stating this change would remove power from local boards

to determine the qualifications of individuals who teach in their schools. Stating Section 10-241 empowers districts to employ teachers, implicit in this is the right to determine who to not employ, changing Section 10-151d would invest that power in a single arbitrator, depriving local BOEs of their right to determine conduct of individuals who teach in their systems.

NATURE AND SOURCES OF SUPPORT:

Kate Diaz, President CEA: Supports the bill. States that unlike other BOE employees, the termination process for certified educators is governed by “due and sufficient cause”, while any BOE employee that is not a teacher, discipline is according to the legal standard of “Just Cause.” meaning the disciplinary process for non-certified board of education employees provides justice. Adding decisions by a BOE to terminate a certified educator can be appealed to an arbitrator but the arbitrator’s determination is not binding, meaning the BOE, which is a political body, serves as judge, jury, and executioner. Adding that this has meant that teachers have been terminated for causing a “distraction” or for exercising their free speech online, causing them to leave the profession. Stating that if teachers must face discipline, it should be under the “Just Cause” standard and any resulting appeal should be done by a neutral arbitrator with binding decisions, just like with other public employees. Also provides case law and legal opinions on the following subjects: the 6 enumerated reasons in statute a teacher may be terminated, that other public sector jobs terminations are governed by collective bargaining and have a “true” neutral party that is binding, and that teachers have the longest probationary period and least amount of due process of public sector jobs in the state.

Carrie Cassady, Teacher Stonington: Supports the bill. States support for bill because it makes sure decisions on terminations from neutral arbitrators are final and binding for school boards adding this proposal creates a system that removes bias and subjectivity. States the importance of adding the “Just Cause” standard for teacher discipline to education. Adding that it will ensure teachers are only punished or let go for valid reasons creating a more just and balanced process. When teachers feel safe and secure in their jobs, they’re more likely to stay and keep teaching, and stand up for what’s right without worrying about losing their job.

Michael Casey, Connecticut Education Association Uniserv Representative: Supports the bill, stated working with union employees for nearly 30 years, and questions why the state does not grant teachers the same rights and protections as police officers fire fighters, and other highly valued members. He states that school districts already have the statutory authority to non-renew or essentially terminate a teacher during their first four years of employment simply because an administrator concludes that a teacher is “not a good fit” for their position and argues that is one of the reasons why there is a shortage of teachers in the state. Mentions to get rid of the “just cause” standard, since it has been around since 1964 and has been applied in almost every line of work imaginable and the seven factors. He argues that the needs to be amended so that “just cause” applies to all six (6) of the reasons for termination enumerated in 10-151(d). he also amends determination of whether “just cause” exists appropriately in the hands of a neutral third-party arbitrator, and it makes that arbitrator’s decision binding on the parties and argues that employer gets to do whatever they want. Lastly states this is why teachers rather choose to resign then go through the process. Urges to pass the bill.

Brett Pickerign, Connecticut Education Association Uniserv Representative: Supports the bill, states the turnover rate on teachers. He states that there should be simple corrections for teachers getting the same protections as other public employees. Seen firsthand teachers resign with a separation agreement and had strong arguments against termination but did not go through because the system was unfair. He also states that teachers were getting fired for political reasons, and hearing concerns about teachers regarding the difficulties of teaching controversial subjects. He urges that teachers in Connecticut have the same level of protection so they can focus on teaching and doing what is best for their students.

Ed Thibodeau, UniServ Representative CEA: Supports the bill. Stating the two important safeguards it will add that the employer prove that they had "just cause" for terminating a teacher's employment, which is a well-known and universally accepted in the world of labor. Adding the second safeguard is the right to have a hearing in front of a neutral arbitrator, whose decision is final and binding stating Section 10-151 does not allow for this and a BOE is not bound by the fact finder's recommendation and may choose to reject it outright. Adding most teachers threatened with termination simply resign instead because the process is not fair, and districts know this and frequently pressure teachers to resign as soon as an allegation is made against them. Adding the "just cause" standard and neutral arbitrator apply to all lower levels of discipline but not terminations meaning it is easier to fire a teacher than to suspend one. Adding they request that the language in the bill be amended to ensure that the "just cause" standard applies to all reasons for termination covered by 10-151, not just reason #6. Stating the need for consistency used throughout the statute, and that all teachers have the same right to a fair and impartial hearing, regardless of the stated reason for the termination. Also included were tables showing the seven tests of just cause, and a comparison of employee rights in termination cases.

Teachers from various school districts: Support the bill. States the bill will take important steps toward addressing the educator shortage in Connecticut. Stating that amending the Teacher Tenure act adding making decisions of neutral arbitrators binding in disciplinary proceedings binding on the BOE and implementing the "Just Cause," standard, would give teachers the same rights and protections as noncertified staff and other employees. Some added personal stories on why the "Just Cause" standard and binding neutral arbiters' decisions are necessary for their profession.

1. **Jeff Helming,**
2. **Tracy Dorau,**
3. **Margaret Clifton**
4. **Sarah Esposito**
5. **Emily Lata**
6. **Matthew Macaluso**
7. **Jason Wnek**
8. **Julie Chiffer**
9. **Kara Hoque Dwyer**
10. **Kimberly Gombotz**
11. **Nicholas Kokus**
12. **Mallory Legman**
13. **Elinore Mulligan**

Dr. Jason Scavotto, Manchester Educator: Supports the bill. States a personal history of working in a school district where a direct superior asked for help in creation of a program and then personal retaliation from the Superintendent. States that if they had tried to fight the decision the person making the final decision would have been the BOE attorney who had been involved in the contentious contract negotiation and was not neutral. Adding they decided to leave the district instead of going through the process, they left the district and were lucky to find a new district that appreciates their work. Adding that this bill would have changed things for better.

James Demetriades, Ferguson, Doyle & Chester, P.C., Representing AFT CT: Supports the bill. Teachers may only be terminated for enumerated reasons, inefficiency, insubordination, moral misconduct, disability, elimination of a position, or other due and sufficient cause which is an amorphous and vague catch all often used when a district cannot point to a specific incident. Adding other due and sufficient cause is equivalent to good cause not just cause, the standard used for nearly every municipal and public collective bargaining agreement. Adding teachers also have a 4-year probationary period, the longest any of public employee type and teachers that are non-tenured can be terminated for almost any reason if it is not arbitrary and capricious, and that a tenured teacher should be entitled to Just Cause protections and states the 7 elements of "just cause", adding that without it teachers are at a significant disadvantage in termination proceedings, and that every staff member in a school has a higher standard than teachers. States that arbitration is expensive and questions what the point of expending the time and resources on the process if a BOE can circumvent the ruling, adding there is strong case law precedent that it should be binding, and that as a matter of fairness arbitration rulings should be binding. Also submitted testimony of summarized case law history and proposed language to establish a just cause standard.

NATURE AND SOURCES OF OPPOSITION:

Patrice McCarthy, Executive Director, Connecticut Association of Boards of Education and Fran Rabinowitz, Executive Director, Connecticut Association of Public-School Superintendents: Opposes the law. States the current law has an impartial hearing officer that makes binding findings of fact and a disciplinary recommendation to the BOE, and this change would mean that a single officer would hear the case and make a final decision, depriving BOEs of the ability to establish standards for teachers. Moreover, while a teacher would retain the right to appeal a bad decision, boards of education could not do so forcing a community to keep a teacher they deem unfit. Adding the bill does not address any known problem, and under current law, BOEs usually accept the recommendation of the hearing officer in termination cases. Testimony also cites relevant case law on the subject.

Reported by: Ian Graves

Date: 3/28/2025