
OLR Bill Analysis

sSB 351

AN ACT ESTABLISHING STANDARD OF REVIEW FOR TEACHER TERMINATION DECISIONS AND REQUIRING TERMINATION HEARINGS TO BE BEFORE A NEUTRAL ARBITRATOR.

SUMMARY

This bill makes changes to the process for terminating public school teachers. It sets a standard of review for when a nontenured or tenured public school teacher is terminated for the reasons allowed by existing law (inefficiency, incompetence, insubordination, moral misconduct, disability, elimination of a position to another teacher, or other due and sufficient reasons). Current law does not specify a standard of review for these terminations. The bill requires the standard of review to be the same standard applied in other disciplinary actions under the teacher's collective bargaining agreement. This permits the standard to be determined through the collective bargaining process.

The bill also changes who makes the final decision when a tenured teacher is under consideration for termination and requests a hearing. Current law generally allows such a teacher to request a hearing before either a board of education (BOE) subcommittee or an impartial hearing officer. The bill eliminates the option for the hearing before a BOE subcommittee. Under current law, the subcommittee or hearing officer must submit its findings and a recommendation to the BOE, which then makes a final decision on the termination. The bill instead requires the hearing officer to make the final disposition and makes it binding on the parties.

Existing law, unchanged by the bill, similarly allows a nontenured teacher whose contract is not being renewed to request a hearing before either a BOE subcommittee or an impartial hearing officer, which must then submit findings and recommendations to the BOE for final disposition. Current law only allows a BOE to rescind a nonrenewal

decision if it finds that it was arbitrary and capricious. The bill removes this limitation, giving the BOE greater discretion over when to rescind a nonrenewal decision.

Current law allows teachers aggrieved by a BOE's termination decision to appeal to the Superior Court, and it requires the court to review the proceedings under the Uniform Administrative Procedure Act's (UAPA) standards for reviewing appeals of agency decisions. The bill instead allows teachers or BOEs aggrieved by a hearing officer's decision to apply to the court to confirm, vacate, or modify the decision under the laws for court consideration of arbitration awards. It also makes various minor and conforming changes.

EFFECTIVE DATE: July 1, 2026

COURT REVIEW STANDARDS FOR APPEALS

Current law generally requires a court considering an appeal of a teacher's termination under UAPA standards to affirm the decision unless it finds that substantial rights of the teacher have been prejudiced because the findings, inferences, conclusions, or decisions (1) violate constitutional or statutory provisions; (2) exceed statutory authority; or (3) were (a) made using an unlawful procedure, (b) affected by other error of law, (c) clearly erroneous, or (d) arbitrary or capricious.

The bill instead requires a court to consider an appeal from either a teacher or the BOE under the law for appeals of arbitration awards. Under this law, a court must confirm an award unless it vacates or modifies it (CGS § 52-417). The court generally must vacate an award if (1) it was made through corruption, fraud, or undue means; (2) it was evident the arbitrator was partial or corrupt; (3) the arbitrator was guilty of misconduct by refusing to postpone the hearing or in refusing to hear pertinent and material evidence; or (4) the arbitrator exceeded his or her powers, or so imperfectly executed them, that a mutual, final, and definite award was not made (CGS § 52-418).

A court must modify an award if (1) there was an evident material miscalculation of figures or an evident material mistake in the

description of something referred to in the award; (2) the arbitrator awarded for a matter not submitted for arbitration, unless it does not affect the merits of the decision; or (3) the award is imperfect in matter of form not affecting the merits of the controversy (CGS § 52-419).

Current law prohibits a court from awarding costs to a teacher appealing his or her termination unless it finds that the BOE acted with gross negligence, in bad faith, or with malice in its original decision. The bill removes this limitation, and the arbitration standards used under the bill do not explicitly allow costs to be awarded to either party.

BACKGROUND

Related Bill

sHB 5003, § 9, reported favorably by the Labor and Public Employees Committee, is substantially similar to this bill.

COMMITTEE ACTION

Labor and Public Employees Committee

Joint Favorable Substitute

Yea 9 Nay 4 (03/17/2026)