WRITTEN TESTIMONY OF

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**&**

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**CONNECTICUT EDUCATION ASSOCIATION**

BEFORE THE

**EDUCATION COMMITTEE**

RE:

**SB 381 *AN ACT CONCERNING THE TEACHING PROFESSION AND REVISIONS TO THE MANDATED REPORTER REQUIREMENTS***

Representatives Currey and McCarty, Senators McCrory and Berthel, and members of this esteemed committee, our names are Adrienne R. DeLucca, Melanie I. Kolek, and Rebecca Mitchell. We serve as attorneys for the Connecticut Education Association (CEA), proudly representing public school teachers across our state.

We are submitting testimony on SB 381 in support of improvements to laws affecting mandated reporters in Sections 10-19 and the arbitration of disciplinary matters in Section 7.

Regarding **Section 7**, unlike all other bargaining units, teachers in Connecticut are terminated pursuant to statute as opposed to a contractual agreement contained in their collective bargaining agreements. Within that statutory theme are six so-called “reasons” for which a teacher may be terminated. This bill seeks to amend this statute in two ways. The first concerns the above-cited reasons, specifically the last one, by changing the vague and overbroad “other due and sufficient cause” to “other just cause,” a mainstay term widely adopted by all public sector, private sector, and unionized employers.

While “other due and sufficient cause” is neither rooted in nor maintains any significance in labor or employment law, “just cause” illustrates an established objective legal standard of proof required by an employer to discipline an employee. Moreover, this is not a new concept for employing school districts in Connecticut, because that standard for discipline is contained in most teacher collective bargaining agreements but only up to suspension, as terminations are statutory. Typically, municipal employee and board bargaining agreements, such as for paraeducators, custodians, secretaries, etc., contain just cause for all levels of discipline, including terminations. We are simply asking for due process parity with all other unionized workforces in our state.

The second way this bill seeks to amend Conn. Gen. Stat. §10-151(d) is to change the process for teacher terminations. Currently, teachers may request a hearing before a subcommittee of a board of education or an impartial hearing officer, where each party can submit evidence and testimony. The overwhelming majority of teachers choose to have their case heard by an impartial hearing officer. The subcommittee or hearing officer submits written findings of fact and a recommendation of discipline back to the board of education. While the board of education must adopt the hearing officer’s written findings of fact, the board does not have to adopt their recommendations and can fashion whatever remedy it chooses. This process is unique to teachers only and severely dilutes their right to due process.

The change proposed by this bill allows the impartial hearing officer’s decision to be final and binding on the parties, just as in all other unionized settings. The change allows the impartial hearing officer to have actual authority, as they are in the best position to decide whether termination is appropriate, having formally conducted the hearing and having heard, considered, and weighed the evidence and credibility of the witnesses from both parties. The current practice lacks the very essence of due process, which is afforded to all other unionized employees in every sector of employment. We simply ask for parity.

Regarding **Sections 10-19,** we agree and support the changes to these various statutes affecting mandated reporters and teachers as the subject of an investigation by the Connecticut Department of Children and Families (DCF). With respect to insertion of the words “or does not make in good faith” at line 707, we propose adding this language back into the statute to address the sheer volume of overreporting to DCF. That language had been in the statute since 1997 but was removed in 2018. In addition, failure to report became a felony in 2015.

Our research shows that over the course of five years, 96% of DCF-related cases that came through our office were unsubstantiated, from which one can reasonably infer that mandated reporters were reporting primarily out of fear; in other words, even if they had a good faith basis to not make a report, the consequences of not reporting carried too dire and disproportionate a risk. This additional language is necessary as we attempt to recalibrate what are the most important, merit-based reports requiring the attention of DCF.

As to language at lines 917, 922, and 929 that “unless such substantiation has been reversed pursuant to an appeal conducted in accordance with Section 17a-101k,” we agreed with our board of education partners that we should add the following language after each of the following on those lines: *“****and such reversal is reported to the employer by the Connecticut Department of Children and Families.”*** Asking DCF to report to the employer is consistent with similar reporting the department already carries out and would go a long way toward ensuring that former employers do not misrepresent the present status of such weighty accusations.

Thank you for your consideration.