Legislative History for Connecticut Act

HB 5779 PA 276 1984

House - 436, 2544-2551, 2924-2948 (34)

Senate - 407, 2523-2526, 2621 (6)

Education - 354, 381, 384-385, 386-388, 390-393, 399, 427-429, 451-454, 457 (20)

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CONNECTICUT
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HOUSE

PROCEEDINGS
1984

VOL. 27
PART 2
412-773

committee recommends a change of reference to the Committee on Government Administration and Elections.

Substitute for House Bill No. 5756, AN ACT PROVIDING FOR THE CERTIFICATION OF OPERATORS USING IONIZING RADIATION FOR MEDICAL DIAGNOSTIC AND THERAPEUTIC PURPOSES. The committee recommends a change of reference to the Committee on Government Administration and Elections.

Substitute for House Bill No. 5779, AN ACT CONCERNING PERFORMANCE AND EVALUATION RECORDS OF BOARD OF EDUCATION EMPLOYEES. The committee recommends a change of reference to the Committee on Government Administration and Elections.

Substitute for House Bill No. 5120, AN ACT ESTABLISHING A STATE BOXING COMMISSION. The committee recommends a change of reference to the Committee on Government Administration and Elections.

House Bill No. 5634, AN ACT CONCERNING JEWELERS', WATCHMAKERS', SILVERSMITHS', AND TELEVISION AND RADIO SERVICE DEALERS' LIENS. The committee recommends a change of reference to the Committee on Judiciary.

Substitute for House Bill No. 5636, AN ACT CONCERNING NEW MOTOR VEHICLE WARRANTIES AND DISPUTE RESOLUTION PROCEDURES FOR DEFECTIVE VEHICLES. The committee recommends a change of reference to the Committee on Judiciary.

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Will the Clerk please announce the tally.

CLERK:

House Bill 5208, as amended by House Amendment Schedules "A" and "B".

Total number voting	143
Necessary for passage	72
Those voting yea	122
Those voting nay	21
Those absent and not voting	8

SPEAKER STOLBERG:

The bill is passed.

CLERK:

Calendar 396, Substitute for House Bill 5779, AN ACT CONCERNING PERFORMANCE AND EVALUATION RECORDS OF BOARDS OF EDUCATION EMPLOYEES. Favorable Report of the Committee on Government Administration and Elections.

REP. LYONS: (146th)

Mr. Speaker.

SPEAKER STOLBERG:

Rep. Moira Lyons.

REP. LYONS: (146th)

Thank you, Mr. Speaker. Mr. Speaker, I move for acceptance of the Joint Committee's Favorable Report and passage of the bill.

SPEAKER STOLBERG:

Will you remark? Just a minute, Rep. Lyons. Will members, staff please come to order. Please continue.

REP. LYONS: (146th)

Thank you, Mr. Speaker. Mr. Speaker, this bill is a result of an FIO ruling to open to public classroom teacher evaluations. Chapter 10 of the Connecticut Statutes mandates self improvement evaluations for teachers once a year. The evaluations allow for a large degree of detail and room for subjective analysis.

If we make this information public, it would in essence negate the intent of the statute, which is improvement of teacher skills.

Since evaluations would probably at that point, become meaningless, and that really is the main concern of this bill. Performance evaluations serve two purposes. Number one, they are a summation of what and how an individual is doing his job. Number two, and most importantly they are a formative instrument, a tool for the purpose of improving pupil learning by enhancing teacher skills.

Public disclosure would probably result in evaluations saying nothing of significance. The public has a right to know whether its schools are effective, whether its administrators are working to improve performance and that

teachers are causing the children to learn.

The public elects a board of education to do just that, and they are held to account if they fail in this task. I feel that it is very important to the education of our children that the evaluations remain as detailed and as honest as possible, and to this intent, I urge passage of this bill.

SPEAKER STOLBERG:

Will you remark further on the bill? Will you remark further? Rep. Schmidle.

REP. SCHMIDLE: (106th)

Mr. Speaker, we had a great deal of debate on this in GAE, and there are a lot of extenuating circumstances attached to all of this. Number one, you are taking a special and specific class of public employees and saying that their evaluation of their public performance done at the expense of public money cannot be opened to the public, but you are also taking other classes of public employees and saying, yes, their public performance evaluations are open to the public, and I think that, you know, you have a real conflict there when you're dealing with the Freedom of Information Act, and I really think that this is something that has to be looked at hard and long.

Professionals from higher education have also come

to us and said, you know, we're not sure that this is totally fair, that you're just dealing with K-8, and not necessarily dealing with people in higher education, and I really think that this is a subject that requires a great deal more study and a great deal more knowledge, and we're making an arbitrary judgment on a special class, and a special group of people. Thank you.

SPEAKER STOLBERG:

Will you remark further on the bill? Rep. Michael Helfgott.

REP. HELFGOTT: (53rd)

Thank you, Mr. Speaker. Mr. Speaker, I rise to support the bill, and I'd like to make a few comments. Apparently some of you have been told to support the Helfgott amendments. I do have two amendments prepared and I will not offer them today and I'd like to explain why. In my opinion, frankly, we shouldn't even have to have this bill before us.

In my opinion, the FOI commission exceeded its authority in rendering the decision that it recently rendered saying that the public has access to teacher evaluation files. You may want to know that the two amendments that I have prepared, on the one hand, the first deals with the form of the bill that came out of the

Education Committee which would protect the evaluation folders of all school employees, and the second amendment would say evaluation folders of all public sector employees are protected.

In my opinion, and I respectfully disagree with Rep. Schmidle, both before the decision and even since the decision, it's my understanding that all evaluations are private documents, they're privileged, and that in fact the public should not have access to that.

I would say again, that in my opinion, the FOI exceeded its authority. I think Rep. Schmidle is correct that perhaps this area does need some attention, and I think that speaks specifically to why we have this bill before us. At best, maybe it's a stopgap. The point is we do have a case that has gone before the FOI Commission. The commission in its wisdom has ruled that the public should have access to teacher evaluation files and my feeling is this bill simply does not break new ground, but merely keeps us on the ground in which we always were.

Let me add that I've listened to a tape of the FOI Commissions' deliberations, and this gets off of the principles a little bit, but talks about the substance and the issue of a teacher evaluation, I think the commission or at least one of the commission members displayed a

lack of understanding in terms of how valuable a tool the evaluation process is.

You ought to understand that the person who brought this matter before the FOI Commission, perhaps rightly, has some concerns about our evaulation and/or tenure process. I don't agree with all of his contentions, but I think some of them have merit.

I would say, however, that to anybody who is concerned about any problems that we may have with our evaluation process and with teacher tenure, I would say to you this is not the way to go about resolving that. If you think management in public education does not have enough leverage, I submit to you that this is one of the tools of leverage that management does have.

The evaluation process is intended to improve public education in the State of Connecticut. But, for those teachers who over a period of time, do not show progress that has been agreed to, this allows management to take steps to first, help those teachers improve, and then perhaps dismiss those teachers.

By saying that the public has access to these evaluation files, what we are saying is that one of the most, if not the most effective management tool that our local boards and our local administrators have, will be

emasculated, because frankly, and I know this has been traded back and forth, and some may disagree, I feel and this has been expressed by both boards and administrators and teachers, that you would not get honest evaluations.

And let me say to you one remark that was made during the FOI Commissions' deliberations. One of the commissioners said, what's the problem. All you have to do is have oral evaluations.

Now I say to you that while the commission may or may not have exceeded their authority, that does show a lack of understanding of what the evaluation process is about. If you orally tell the teacher, if you orally set a goal, to be accomplished or met by that teacher a year down the line, there is no way for you to determine one year later, whether or not that teacher has attained that goal, because it then becomes one person's word against the other. The only way you can have proper goal setting, proper direction setting for teachers, is to have an honest exchange of ideas, establish the goals in the evaluation, and keep that folder out of the sight of anybody except for the person doing the evaluation and the person being evaluated. That is a great and significant management tool that our public schools have now, and if this bill does pass, I believe the tool will be taken

from them.

SPEAKER STOLBERG:

Rep. Helfgott, would you yield to the Majority Leader, please.

REP. HELFGOTT: (53rd)

Yes.

SPEAKER STOLBERG:

Rep. Groppo.

REP. GROPPO: (63rd)

Do I have a choice, Mr. Speaker. After that great speech, I'm a little reluctant to do this, but may this item be passed, retaining its place on the Calendar.

SPEAKER STOLBERG:

The motion is to pass, retain. I understand Rep. Helfgott, it's to accommodate a request to prepare an amendment on the other side of the aisle, and in our efforts to cooperate we'd be glad to do that. Is there objection to pass, retain? Is there objection? Seeing no objection, it's so ordered.

CLERK:

Calendar No. 398, File No. 492, Substitute for House Bill No. 5659, AN ACT PERMITTING MOTOR CROSS RACING FOR CHILDREN AGE TEN OR OLDER. Favorable Report of the Committee on Transportation.

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very proud. (Applause)

DEPUTY SPEAKER FRANKEL:

Are there further announcements or points of personal privilege? If not, would the Clerk please return to the Call of the Calendar.

CLERK:

Calendar Page 10, Calendar No. 396, Calendar No. 494, Substitute for House Bill No. 5779, AN ACT CONCERNING PERFORMANCY AND EVALUATION RECORDS OF BOARD OF EDUCATION EMPLOYEES. Favorable Report of the Committee on Government Administration and Elections.

REP. HELFGOTT: (53rd)

Mr. Speaker.

DEPUTY SPEAKER FRANKEL:

Rep. Michael Helfgott.

REP. HELFGOTT: (53rd)

Thank you, Mr. Speaker. When last we met, we were talking about this and I realize that we had to PR. I'd like to move acceptance of the Joint Committee's Favorable Report and passage of the bill.

DEPUTY SPEAKER FRANKEL:

The question is on acceptance and passage of the bill. Will you remark, sir?

REP. HELFGOTT: (53rd)

Mr. Speaker, this bill, I think has been very thoroughly discussed. I know there are a couple of amendments that may be offered. Let me just quickly review some points I tried to make in the last discussion.

The teacher evaluation is one of the few management tools our school districts do have and while it may have problems, I suggest to you that to not approve the bill, and the bill would exempt evaluation folders from public scrutiny, that to not approve the bill, would take this valuable management tool away from our school districts.

Additionally, I think you ought to know, especially those of you who have always been very supportive of FOI, that this is not your typical, possibly annual attempt to chip away at FOI. Unlike perhaps any other bill before us that, essentially is asked to seek cover or protection from our statutes, this bill has, in fact, the support of many members of the media. It has been endorsed by many people who have always safeguarded the FOI system, but they have understood that this is very atypical case.

I encourage you to support the bill, with one amendment that I believe Rep. Lyons will be offering.

Let me again state for the record, that, at least, it's my intent not to offer amendments that would broaden

this coverage, because in my opinion, and for the record, such amendments are not needed. It seems that perhaps the reason teacher evaluations have been singled out is because of the nature of the special statute that talks about teacher evaluation.

Therefore, it's my opinion and the opinion of others that we do not need other amendments to cover other types of personnel, because in fact they are covered by the present statute.

I urge your support of this bill.

DEPUTY SPEAKER FRANKEL:

Will you remark further on this bill?

REP. LYONS: (146th)

Mr. Speaker.

DEPUTY SPEAKER FRANKEL:

Rep. Moira Lyons.

REP. LYONS: (146th)

Mr. Speaker, the Clerk has an amendment, LCO 3821. Would the Clerk please call and read. The Clerk has LCO 3821 designated House "A". Will the Clerk please call and read the amendment.

CLERK:

LCO 3821 designated House Amendment Schedule "A" offered by Rep. Lyons of the 146th District.

In line 9, after the period, insert the following: "Such consent shall be required for each request for a release of such records."

DEPUTY SPEAKER FRANKEL:

The amendment is in your possession. What is your pleasure, Madam?

REP. LYONS: (146th)

Thank you, Mr. Speaker. I would move acceptance of this amendment.

DEPUTY SPEAKER FRANKEL:

The question is on adoption of House "A". Will you remark on its adoption?

REP. LYONS: (146th)

Yes, thank you, Mr. Speaker. The amendment simply clarifies a gray area in the bill. The LCO analysis had stated that it was unclear in the bill. It's consent was needed for each access, or whether if one's given, the consent was continuing.

This amendment would make it clear that you indeed had to give a consent for each time you wanted the records opened. Thank you.

DEPUTY SPEAKER FRANKEL:

Will you remark further on House "A".

REP. SCHMIDLE: (106th)

Mr. Speaker.

DEPUTY SPEAKER FRANKEL:

Rep. Schmidle.

REP. SCHMIDLE: (106th)

Through you, a question to the maker of the amendment, please.

DEPUTY SPEAKER FRANKEL:

Please frame your question, Madam.

REP. SCHMIDLE: (106th)

Through you, sir, included in this in line 9, in addition to the teachers, are also the limited public administrators that are also covered under the bill, are they included in this consent?

DEPUTY SPEAKER FRANKEL:

Rep. Lyons, will you respond?

REP. LYONS: (146th)

Through you, Mr. Speaker, yes they are.

REP. SCHMIDLE: (106th)

Thank you.

DEPUTY SPEAKER FRANKEL:

Will you remark further on the adoption of House "A"? If not, all those in favor please signify by saying aye.

REPRESENTATIVES:

Aye.

DEPUTY SPEAKER FRANKEL:

Those opposed nay.

REPRESENTATIVES:

No.

DEPUTY SPEAKER FRANKEL:

The ayes have it. House "A" is adopted and it is ruled technical. Will you remark further on this bill as amended by House "A"?

REP. SCHMIDLE: (146th)

Mr. Speaker.

DEPUTY SPEAKER FRANKEL:

Rep. Mae Schmidle.

REP. SCHMIDLE: (146th)

The Clerk has LCO 3283, would the Clerk please call and I be allowed to read and explain.

DEPUTY SPEAKER FRANKEL:

The Clerk has LCO 3283 which will be designated House "B". Will the Clerk please call the amendment only.

CLERK:

LCO 3283, designated House "B" offered by Rep. Schmidle.

DEPUTY SPEAKER FRANKEL:

Is there objection to summarization? Seeing none, you may proceed, Rep. Schmidle.

REP. SCHMIDLE: (106th)

Thank you, Mr. Speaker. After line 14, insert the following, and thus inserted after line 14 is the ability of a parent to be able to find out something about his or her child's teacher as a result of a request to a superintendent of schools, and if there's notwithstanding the positions of subsection a to this, the superintendent of schools may permit an individual who is the parent of a child in his school system, and who requests access to such records for a reason satisfactory to such superintendent to inspect the records of a particular teacher.

I move this amendment, sir, and ask for a roll call vote.

DEPUTY SPEAKER FRANKEL:

The question is on adoption of House Amendment Schedule "B". The representatives has requested a roll call vote on its adoption. All those in favor of a roll call vote indicate by,signify by saying aye.

REPRESENTATIVES:

Aye.

DEPUTY SPEAKER FRANKEL:

An insufficient number to require a roll call vote voice vote, will be taken at the appropriate time.

Will you remark on House Amendment Schedule "B".

REP. SCHMIDLE: (106th)

Yes, Mr. Speaker. You know, one of the problems about this whole area, as we discussed the other day when the bill came up is that the parents are like totally cut off from this whole system and from everything that is going on in the schools.

Parents are working very hard over the years as is the federal government, to make sure that the parents are involved in the school system and care what goes on in the school system and find out as much as they can about their children's education, and work to improve their education.

I know for many reasons, people have to vote to support this kind of exclusionary thing and again, a chipping away of the FOI. But this amendment simply restores the right of a parent. If a parent has a problem, a specific problem with a specific child, that parent can go to the Superintendent of Schools and ask to see that evaluation and discuss his problem with that superintendent.

I think this is a very reasonable point. I think it will go a long way in making parents feel better about

the school system.

DEPUTY SPEAKER FRANKEL:

Will you remark further on the adoption of House Amendment Schedule "B".

REP. LYONS: (146th)

Mr. Speaker.

DEPUTY SPEAKER FRANKEL:

Rep. Moira Lyons.

REP. LYONS: (146th)

Thank you, Mr. Speaker. Mr. Speaker, I would rise in opposition to this particular amendment. What we are doing is allowing the superintendents to determine, if indeed, records, value records , should be open to the public.

I'm a parent also, so I can empathize with what you're saying, but I do believe that there are other avenues open to correct a problem, indeed going to the principal, or indeed, going to the board of education, which I sometimes have done, or other individuals.

If you allow the superintendent, it becomes rather subjective an analysis of a situation, superintendents often have close relationships with various teachers, may indeed favor one or not favor one.

It is also giving him the right to determine what should be allowed to be open to the public and what should not be allowed to be open to the public. When FOI makes a ruling, it does it on a very objective basis, being very careful of that which it does allow to open to the public.

I feel that this is not the correct avenue. As I pointed out, it is extremely subjective, and I do believe other avenues are open which can address problems for a parent. Thank you.

DEPUTY SPEAKER FRANKEL:

Will you remark further on the adoption of House "B"?

REP. OSLER: (150th)

Mr. Speaker.

DEPUTY SPEAKER FRANKEL:

Rep. Osler.

REP. OSLER: (150th)

I believe I would oppose this amendment also. I think a superintendent would have a perfect right to tell a parent some of the things that might be in a teacher evaluation report without reviewing the entire report and to say something like, we know the teacher is having a little problem at this point, and we're trying to take steps to correct it and this is the area, something like that, but I really would hesitate to open up the entire

report for, take many years record, for a single parent. It's awfully easy for that parent to tell all their friends about it, and pretty soon, it's state public knowledge.

DEPUTY SPEAKER FRANKEL:

Will you remark further on the adoption of House "B"? Will you remark further on its adoption?

REP. SCHMIDLE: (106th)

Mr. Speaker.

DEPUTY SPEAKER FRANKEL:

Rep. Schmidle for the second time.

REP. SCHMIDLE: (106th)

Through you, sir, a question to Rep. Lyons.

DEPUTY SPEAKER FRANKEL:

Please frame your question, Madam.

REP. SCHMIDLE: (106th)

Through you, sir. Rep. Lyons, you stated that parents have other avenues to resolve their problems with the school system and other ways of getting the information, they're either going to have a problem or a conflict. Would you please tell us what those other ways are?

DEPUTY SPEAKER FRANKEL:

Rep. Lyons, will you respond?

REP. LYONS: (146th)

Yes, thank you, Mr. Speaker. I have (inaudible) in which those to discuss with parents, and to my own situation, if indeed a child is having a problem, I would certainly hope the first dealing you would have have would first of all be with the teacher. If indeed you did not receive any satisfaction, then I assume you would then go to the principal addressing the problem, if indeed it is a problem with the teacher or with the child, or if the child does need to be moved to another classroom which has happened.

If you get no satisfaction at that level, you may also go to either your board of education, or to your superintendent to once again ask for assistance with your particular problem.

REP. SCHMIDLE: (106th)

Mr. Speaker.

DEPUTY SPEAKER FRANKEL:

Rep. Schmidle.

REP. SCHMIDLE: (106th)

Through you, to Rep. Lyons again. None of these problems that you cite really address anything to have to do with this amendment, or this particular bill. This particular bill speaks only about evaluation. We are sort

of generalizing on other things. Is there any other way when they have a problem, well, (inaudible) if they're not talking about the evaluations.

DEPUTY SPEAKER FRANKEL:

Rep. Lyons.

REP. LYONS: (146th)

Through you, Mr. Speaker. (Inaudible) address evaluations. I'm assuming that is what we were discussion. I'm assuming that if the parent is concerned, he is concerned because there is a problem with his child, not because he arbitrarily wants some information about a teacher which doesn't even address the situation which he is presently involved, which would be with his child, I believe the (inaudible) I have given you do address the situation which would come up.

Mr. Speaker, thank you. I'm not sure that we're right. We're talking about apples and bananas in this whole situation.

Speaking for the second time, I just want to reiterate the right of parents to be involved and to know about the evaluations if they think that they have a serious problem. And I don't think any parent is going to run in there 42 times to check on the evaluation of a teacher.

This is (inaudible) carte blanche, a (inaudible) for any newspaper or anyone else, (inaudible) to simply say (inaudible) parents who support this school, (inaudible) have a right to know what (inaudible) It simply affirms their right to this on a very selective basis.

REP. ATKIN: (140th)

Mr. Speaker.

DEPUTY SPEAKER FRANKEL:

Rep. John Atkin.

REP. ATKIN: (140th)

Mr. Speaker, a question through you to Rep. Schmidle.

DEPUTY SPEAKER FRANKEL:

Please frame your question.

REP. ATKIN: (140th)

Through you, Mr. Speaker I'd like to ask a question of Rep. Schmidle.

DEPUTY SPEAKER FRANKEL:

Please frame your question.

REP. ATKIN: (140th)

Rep. Schmidle, if this amendment were to pass, (inaudible) to determine which parent should or should not get this information, is there anything in the amendment to prevent the particular parent from not going to the press and in effect (inaudible) the original intent of

the (inaudible)

DEPUTY SPEAKER FRANKEL:

Rep. Schmidle.

REP. SCHMIDLE: (106th)

Well, I understand the (inaudible) and this is perhaps (inaudible) in which you can allow a parent to find out anything. We run into the rights of people (inaudible) anything related to FOI (inaudible) as to how long that they can (inaudible)

This is simply (inaudible) that would help parents with their own personal problems and I am relatively (inaudible) how parents are going to treat it. (inaudible) in the interest of having the superintendent, (inaudible) that again is (inaudible)

REP. ATKIN: (140th)

Mr. Speaker.

DEPUTY SPEAKER FRANKEL:

Rep. Atkin.

REP. ATKIN: (140th)

Thank you, Mr. Speaker, I take it that was (inaudible)

DEPUTY SPEAKER FRANKEL:

Will you remark further on the adoption of House "B"?

REP. SARASIN: (105th)

Mr. Speaker.

DEPUTY SPEAKER FRANKEL:

Rep. Warren Sarasin.

REP. SARASIN: (105th)

Thank you, Mr. Speaker. I rise in opposition to the amendment. The whole purpose (inaudible) and this process was developed through a mutual effort (inaudible) unfortunately with an amendment like this (inaudible) The worst thing that could happen (inaudible) at that point (inaudible) we would end up with a piece of trivia that no one would really pay any attention to. It would not be a good working document (inaudible)

DEPUTY SPEAKER FRANKEL:

Will you remark further on House "B"? Rep. Peter Fusscas.

REP. FUSSCAS: (55th)

Thank you. A question through to you to Rep. Sarasin.

DEPUTY SPEAKER FRANKEL:

Please frame your question, sir.

REP. FUSSCAS: (55th)

Rep. Sarasin, when you say that (inaudible) is meaningless, why is that?

DEPUTY SPEAKER FRANKEL:

Will you respond?

REP. SARASIN: (105th)

Through you, Mr. Speaker, the idea behind (inaudible) and hopefully (inaudible) teacher evaluations. If they were not (inaudible) especially in the case of (inaudible) that teacher may not be recommended for (inaudible) and (inaudible) that teacher from the system. (inaudible) afraid of what would come out (inaudible)

DEPUTY SPEAKER FRANKEL:

Rep. Fusscas, you have the floor.

REP. FUSSCAS: (55th)

(inaudible)

She wants to improve her abilities. And she's perfectly open to it, and her feeling is, and I concur with, is that anyone that is afraid to display their professional abilities, may in fact, be hiding something. And I'm totally for this amendment because it's going to make a bad bill better and I'm opposed to the bill.

REP. GOODWIN: (54th)

Mr. Speaker.

DEPUTY SPEAKER FRANKEL:

Rep. Dorothy Goodwin.

REP. GOODWIN: (54th)

Thank you, Mr. Speaker. Somehow, I think in this discussion, Rep. Sarasin has touched on some of the points

I want to make, but I think we are losing sight of the nature of the evaluation process, itself.

We are talking about evaluating, really, the personal interaction of a teacher and a student. And this is as much a personality question on the part of both the teacher and the student as it is a question of competence in the technique of teaching.

Success in teaching is often a matter of personality which is something very hard to judge objectively. We have a number of evidences that we really do not know how to judge good teaching. And I have said that to a psychologist, to a member of the psychology department at UConn. I said, we don't know what good teaching is, because we don't know what teaching is, and we don't know what teaching is, because we don't know what learning is and he nodded affirmatively as I said it.

Now of course, that's an overstatement. We know something about it, but we do not know all about it. In any event, and at its very best, the teacher evaluation process has large elements of subjectivity in it, and I talk to people who engage in teacher evaluation and I have before me an article from a little magazine called Basic Education which discusses the question of teacher evaluation and there are efforts to objectify the process and let me read one

paragraph.

The assessors evaluate each of the candidates on twelve skilled dimensions, problem analysis, judgment, organizational ability, decisiveness, leadership, sensitivity, stress tolerance, oral communication, written communication, range of interest, personal motivation, and educational values.

I'm sure that they give, quantified numerical points to those ratings just as we give quantified numerical points to the rating of school construction projects as we prioritize them for approval of bonding for them.

But that includes a lot of subjective judgments, too, but this is very subjective and inevitably so. It's purpose is to improve teaching. That is its only purpose. We have for better for worse, and I might go ahead and quote, for richer or poorer, in sickness and in health, until death do us part, wedded to the institution of tenure, and if you have a teacher on tenure, you better seek ways to improve him, not ways to destroy him.

And I can tell you that many people who face this process of evaluation, feel very threatened by it. I did when I taught, and I don't know that I was a hell of a good teacher as a matter of fact, but I know that it's a very threatening situation and I have seen people destroyed by this process.

There's nothing in it for us in the destruction of people that you can't get rid of, and it is almost impossible to get rid of a tenure teacher. So you better work on how to improve him.

I could tell you a story out of my own experience. In India during the way we had a bearer whose name was Mufti-Tollah and I suppose that Tollah is the same Tollah as the Ayatollah, but I don't know for sure. When we parted company after I forget how many months, and because a bearer who served Europeans, and we were classified as Europeans could not get a job with another European unless he could cover all periods of possible employment with letters of recommendation. And so I wrote him a letter of recommendation, and I said in it, Mufti-Tollah has been our bearer for x months. He is clean and honest.

I did not say that he was lazy and contentious. And that's the kind of evaluation, she is clean and honest, while the class from equivalent thereof, that you will get if these evaluations are made public.

We are interested in improving teaching. We are not interested in the gossipy concern of newspaper reporters who sometimes seek to do a lot of destructive things in the kinds of reporting they engage is. This is a personnel record. It should be protected on the same basis as any

personnel record. It should be confidential between the teacher and the teacher's supervisor and it should be an instrument of diagnosis and professional development, and there is no room for publicity in that.

SPEAKER STOLBERG:

Will you remark further on House Amendment Schedule "B"?

REP. SCHMIDLE: (106th)

Mr. Speaker.

SPEAKER STOLBERG:

Rep. Schmidle, do you request the floor for the third time, ma'am?

REP. SCHMIDLE: (106th)

Yes, I do, sir. Very briefly.

SPEAKER STOLBERG:

Is there objection? Seeing none, please proceed.

REP. SCHMIDLE: (106th)

I feel kind of strange sitting in this seat and I don't mean to carry on the debate, the wonderful debate that we occasionally used to have with Rep. Yorke, but I think none of us should misunderstand what this bill is going to do.

Essentially, the main purpose of this bill is another gutting of the Freedom of Information Act. Many

of us in this House as far as Freedom of Information, we agree that the public has a right to know. We agree that the Constitution says that the political power in this state is vested in the people and in the chief, I mean, in the people, sir, and we agree, and so we have a Freedom of Information Act, and we love it and we say it's wonderful until, until it comes back and hits our particular area, our particular field, or our bailiwick. Then suddenly there must be exceptions to this.

We urge you to vote for this amendment on the basis that an individual parent when they have a serious problem has the right to know. Thank you.

SPEAKER STOLBERG:

Thank you very much, Madam.

Will you remark further on House "B"?

REP. COHEN: (15th)

Mr. Speaker.

SPEAKER STOLBERG:

Rep. Naomi Cohen.

REP. COHEN: (15th)

Mr. Speaker, two very brief comments. I am not going to support this amendment. I would point out to Rep. Schmidle that I don't believe this at all violates Freedom of Information. You may recall that Freedom of Information does

permit school boards to hold executive sessions on an individual performance, or evaluation.

And the other thing I would like to say is in response to the comments about what parents need to know. From my perspective of having sat on a school board, for eight years, the kinds of things that parents complain to school boards and superintendents about, at least in my district for those years, in terms of problems with teachers are classroom management, my kid is not challenged, I don't like the way the teacher grades, I don't like the books they're using, how come they're not doing what's done in the classroom next door and any of those kinds of problems, and we heard our share over that eight year period, can be handled certainly and are kinds of other ways besides reading an evaluation.

I think it's an awful amendment, and I hope it will be rejected. Thank you.

SPEAKER STOLBERG:

Will you have to remark further on House "B"? If not, all those in favor of the amendment, please indicate by saying aye.

REPRESENTATIVES:

Aye.

SPEAKER STOLBERG:

All those to the contrary, nay.

REPRESENTATIVS:

No.

SPEAKER STOLBERG:

The nays clearly have it. The amendment is defeated. Will you remark further on the bill? If not, will members please be seated. Will staff and guests come to the well of the House. The machine will be opened.

CLERK:

The House of Representatives is now voting by roll call. Members please return to the Chamber immediately. The House of Representatives is voting by roll. Members please return to the Chamber immediately.

SPEAKER STOLBERG:

Have all the members voted and is your vote properly recorded? If all the members have voted, the machine will be locked. The machine is still open in deference to Reps. Luppi and Abercrombie. If all the members have now voted, the machine will be locked and the Clerk will take a tally.

Will the Clerk please announce the tally.

CLERK:

House Bill 5779 as amended by House "A".

Total number voting	148
Necessary for passage	75
Those voting yea	145
Those voting nay	3
Absent and not voting	3

SPEAKER STOLBERG:

Have all the members voted and is your vote properly recorded. The machine is now locked. Will the Clerk please announce the tally. The Clerk has announced the tally, and the bill is passed.

Are there announcements or points of personal privilege at this time.

REP. SMOKO: (91st)

Mr. Speaker.

SPEAKER STOLBERG:

Rep. Ronald Smoko.

REP. SMOKO: (91st)

Mr. Speaker, for purposes of an introduction, sir.

SPEAKER STOLBERG:

Please proceed, sir.

REP. SMOKO: (91st)

Thank you very much Mr. Speaker. Seated in the

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Public Health, Substitute House Bill 5756, AN ACT PROVIDING FOR THE CERTIFICATION OF OPERATORS USING IONIZING RADIATION FOR MEDICAL DIAGNOSTIC AND THERAPEUTIC PURPOSES. Refer to Government Administration and Elections.

Education, Substitute House Bill 5779, AN ACT CONCERNING PERFORMANCE AND EVALUATION RECORDS OF BOARD OF EDUCATION EMPLOYEES, Refer to Government Administration and Elections.

General Law, Substitute House Bill 5636, AN ACT CONCERNING NEW MOTOR VEHICLE WARRANTIES AND DISPUTE RESOLUTION PROCEDURES FOR DEFECTIVE VEHICLES. Refer to Judiciary.

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Education, Substitute House Bill 5731, AN ACT ESTABLISHING THE GOVERNOR'S COMMISSION ON EMPLOYMENT OF HANDICAPPED ADULTS, Refer to Appropriations.

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requirement for locally adopted and administered annual achievement testing in elementary grades with a program of annual statewide mastery tests provided and administered by the State Board of Education.

Under the Bill, mastery testing to assess essential grade level skills in reading, mathematics, language arts would begin in the 1985-86 school year in 4th grades and the following year in 6th and 8th grades.

If there are no objections Mr. President, I ask that it be placed on the Consent Calendar.

THE CHAIR:

Hearing no objection, so ordered.

THE CLERK:

Calendar 629, File 494, Substitute for House Bill 5779, AN ACT CONCERNING PERFORMANCE AND EVALUATION RECORDS OF BOARDS OF EDUCATION EMPLOYEES, as amended by House Amendment, Schedule A, Favorable Report of the Committee on Government Administration and Elections.

THE CHAIR:

Senator Daniels.

SENATOR DANIELS:

Mr. President, I move for adoption of the Committee's Favorable Report and passage of the Bill and I move

adoption of House Amendment A.

THE CHAIR:

Will you remark on House A?

SENATOR DANIELS:

On House A Mr. President, it just simply requires that everytime that there is a request that this request--that consent shall be made everytime that there is a request to release the records of a teacher. And I move for for its adoption.

THE CHAIR:

All those in favor of the Amendment, signify by saying aye. Those opposed, nay. The ayes have it. The Amendment is adopted. Senator Daniels.

SENATOR DANIELS:

Mr. President, the Bill as amended, this Bill would exclude teachers performance and evaluation records kept by school boards for public inspection under the Freedom of INformation Laws unless the teacher expressly permits the board to release the records and if there is no objection I move that this be placed on the Consent Calendar.

THE CHAIR:

Hearing no objection, so ordered. Excuse me, Senator Larson. Okay, Senator Larson has a question before it's

put on Consent. Senator Larson.

SENATOR LARSON:

Thank you Mr. President. I think perhaps that would be more germane to the Chairman of the Committee, Senator Daniels, but if he would like, I would direct it at you. Just a clarification that with respect to a teacher's evaluation under the Freedom of Information, unless the teacher gives their consent, that the evaluations will not be made open to the public.

SENATOR DANIELS:

That's correct.

SENATOR LARSON:

Is that in conformance with the state policy as it exists right now? And that's perhaps a question for Senator Casey. I don't know if you took that up in your Committee.

THE CHAIR:

Senator Daniels.

SENATOR DANIELS:

You're asking whether or not it's state policy for teachers to give consent before anyone goes into their files?

SENATOR LARSON:

Right. And is it concurrent with Freedom of--the

right of Freedom of Information to seek those records?

THE CHAIR:

Senator Daniels.

SENATOR DANIELS:

This Bill--thank you Mr. President--this Bill is in concurrence with the Freedom of Information and this Bill does comply with the regular policies of the state as they exist right now. The answer to your question is yes.

SENATOR LARSON:

Thank you. Mr. President, I understand the administrative complications that would result if this kind of information was not--if it was made public under the Freedom of Information. I understand the administrative nightmare that that could create for education. But I hope, and after conversations with Senator Casey and members of the Education Department, that the matter is pursued further through study so that those--that kind of information and evaluations in general, can become more of a meaningful activity that is open to the public and the public has an opportunity to review.

THE CHAIR:

Thank you. If there is no objection, the item is placed on the Consent Calendar.

Mr. Clerk.

THE CLERK:

On page 10, Calendar 605, 606, 607 and 608. On page 11, Calendar 611, 612, 613. On page 12, Calendar 614, 616, 617, on page 13, Calendar 620, 622, 623. On page 14, Calendar 625, 626, 627, 628, 629. On page 15, Calendar 630, 631, 633, 634. On page 16, Calendar 635, 637, and 639. On page 17, Calendar 641, 643, 644. On page 18, Calendar 645, 647, 648, 649. On page 19, Calendar 650, 651, 652, 653, 654. On page 27, Calendar 115 and on page 28, Calendar 209, 230, 252, 285. On page 29, Calendar 329, 337, 343. On page--I believe that--excuse me, on page 29, Mr. President, Calendar 362. One moment Mr. President. That completes the items on the Consent Calendar.

HB5069-HB5224
HB5876-HB5057
HB5476-HB5807
HB5424-HB5949
HB5942-HB5886
HB5344-HB5836
HB5246-HB5373
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HB5592-HB5751
HB5111-HB5154
HB5250-HB5505
HB5188-HB5216
HB5229-HB5164
HB5180-HB5782
HB5255-HB5501
HB5548-HB5554
HB5899-HB5715
SB402-HB5410
SB283-SB561
SB127-HB5204
SB576-SB427
SB577-

THE CHAIR:

Senator Zinsser.

SENATOR ZINSSER:

Thank you Mr. PResident. I would like to, Mr. President, remove from the Consent Calendar, on page 17, Calendar 644, House Bill 5268, File 707.

THE CHAIR:

Calendar 644 will be removed and we'll vote on it right after. Senator Matthews.

SENATOR JOHN MATTHEWS:

Thank you Mr. President. Page 10, Calendar 607, Bill

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MS. RANKIN: (continued)
exclude that student from inclusion in the calculation of the grant and from access to the available remedial services.

Section 4 of the bill requires the annual rather than the biannual evaluation by the State Board of Education of mandated bilingual education programs. Section 10 of the bill allows the states to reimburse directly the regional school districts for the cost of providing help and welfare services to nonpublic school students. Since these services are provided in towns which participate in regional school districts by the regional school district itself, these districts, meaning the regional school districts, should be entitled to direct reimbursement by the State rather than its going to the individual districts and then to the regional district after that.

Other technical changes that have been proposed by the State Board include the repeal of obsolete statutory sections and references. I would like to speak to one other bill on your agenda today, House Bill No. 5779, An Act Concerning Teacher Performance And Evaluation. The State Board of Education is concerned about the preliminary ruling of one member of the Freedom of Information Commission which makes teacher performance and evaluation records public documents. The State Board of Education is requesting that the Attorney General intervene on behalf of the State Board of Education as a party to or for the purpose of filing animicus curriae brief in the matter of complaints by Chris Powell, The Journal Inquirer, against the Superintendent and Board of Education of Somers.

The State Board is concerned that if school employees evaluations are deemed to be public information, there could be serious erosion in the evaluation system which is critical to the quality of public education. Thank you.

REP. GOODWIN: Thank you very much, Julia. Any questions? The next speaker is Lorraine Aronson.

DEPUTY COMMISSIONER LORRAINE ARONSON: Good afternoon. I'm Deputy Commissioner Lorraine Aronson from the State Department of Education. I'm going to speak to four bills

MR. JOHN PELCHAT: My name is John Pelchat. I'm a teacher in the Torrington Public Schools, and I'm also chairperson of the Connecticut Education Association's Commission on Instruction and Professional Development. I'm here today to speak in favor of House Bill 5779. Since the inception of the teacher evaluation law in Connecticut, I have worked diligently in my local school district to make sure that the major goal of the law is kept intact.

That point being the major goal of teacher evaluation is that it is cooperatively developed, and that the primary purpose be the improvement of instruction. Teacher performance is the responsibility of the teacher, the building principal, the superintendent, and ultimately the local board of education. As a local taxpayer and a voter, I make sure that I vote for board members who I feel will do the kind of job that will enhance the overall effectiveness of our schools. I don't feel that the evaluation of a teacher is open for public scrutiny since it will probably destroy the relationships between the evaluator and the teacher.

This bill is extremely important to all public employees, and I wholeheartedly support your efforts. I would never worry about my evaluations going public; however, I don't feel it will serve any worthwhile purpose. Thank you.

REP. GOODWIN: Thank you very much. Joan M. Quilter? OK, Susan Romano.

MS. SUSAN ROMANO: Good afternoon. My name is Susan Romano. Dr. Quilter, who is Director of Special Services in Region 15 asked me to convey her strong support for the HB5733 primary mental health project. She sees it as a positive preventitive program that addresses the needs of the average mainstream child whose needs are so often not addressed. This is a program that has been in operation for 27 years with well-documented success. Dr. Roger Weisberg will later give an overview of primary mental health projects, long history and current adoption in Connecticut.

I am an elementary guidance counselor in Region 15, serving Middlebury and Southbury. My role in primary mental health has shifted me from direct service to children to one of

MR. MC NEILL: (continued)
Mental Health facility. Our tutors are given keys to enter locked wards to provide services in whatever quiet corner they can find.

I understand the Department of Children and Youth Services, the Department of Mental Retardation, the Department of Corrections, and the Department of Mental Health all have certain clientele eligible for free educational services. And of all these agencies, except the Department of Mental Health, those educational services must be provided within the State facilities and are provided by the State. Please help the residents of these facilities and help us by taking steps to initiate a unified school district in the Department of Mental Health. Thank you.

REP. GOODWIN: Thank you very much. Nino Canzonetti.

MR. NINO CANZONETTI: Sen. Casey, Rep. Goodwin, members of the Education Committee, I'm Nino Canzonetti, and I'm President of the Connecticut Association of Boards of Education. I'm here today to speak in support of a few of the bills before you today. And several of the more technical bills will be spoken to by our staff. First, I want to communicate CABE's strong support for HB 5779, An Act Concerning Teacher Performance And Evaluation Records, which would exempt teacher evaluation documents from public disclosure. But I would add that the bill would be even stronger if amended to protect all school district employees evaluation files.

As you know, the Freedom of Information Commission in preliminary finding holds that the Somers Board of Education must release to the public the evaluations of all its employees even though the FOI law currently provides that personnel files are exempt from public disclosure when disclosure would invade personal privacy. This preliminary finding rests on the premise that there is only one important policy issue to be considered here, and that is the public's right to know. We at CABE feel that there are three equally important public policy issues to be weighed in this matter.

First, of course, the public interest and the public's right to know, second, the public interest in protecting

MR. CANZONETTI: (continued)
the individual's fundamental right to privacy, and third, the public interest in improved public education, which we believe is largely possible through meaningful teacher evaluation and improvement programs.

Evaluation documents reside in individual personnel files. We hold that no employee should be subjected to arbitrary fishing expeditions into his or her personnel file. It should be noted here that under the FOI preliminary finding, anyone could for any purpose see all documents relating to evaluation of school system employees. In addition, Connecticut's unique teacher evaluation law and guidelines which provide for locally developed evaluation programs to strengthen teacher performance will be rendered impotent by evaluation disclosure, because they will end honest self-provided evaluation and honest supervisor-provided evalution.

What teacher is going to honestly note in writing his or her own weaknesses and what supervisor is going to put into writing honest statements about weaknesses of a good or potentially good teacher when those weaknesses may become the subject of comment in the local press or in public places and public meetings? CABE believes strongly in the public's right to know in those matters clearly related to a legitimate public objective, and we just as strongly believe in protecting the statutory exemptions in order to safeguard other equally compelling public policy issues involving the management rights of our school boards and the privacy rights of their employees.

If I may digress from the written testimony, I would point out that the logical followup to that decision, if it were allowed to stand would be that all records of every public employee in the State of Connecticut would be open to the public, and I think that would have a tremendous effect on the public employees in the State of Connecticut in a wide region. How many public employees are there? Well, not only State but all public. Of course, our main concern is with teachers. Second, CABE supports HB 5729, An Act Concerning Recall Of Board Of Education Members, which would provide public school board members not subject to recall on their local charter recall provisions when such

MR. CANZONETTI: (continued)
members are acting to implement the educational interests of the State.

The Attorney General chose to ignore in his recent opinion that in court case after court case in Connecticut, it has been held that local boards of education are not departments, boards for agencies of town government and that a board of education is an agency of the State and beyond control by town or any of its officers "in the exercise of the powers granted it by the legislature."

If school board members face the threat of recall each time they take an action that must be taken in order to fulfill their statutory duties, either the legitimate business of local school districts is going to come to a screeching halt or no sensible person will wish to be a local school board member. Finally, Rep. Cohen has submitted a bill for which many local boards of education have considerable sympathy. That bill is House Bill 5838, which would provide for the proceeds from the sale of surplus school equipment for revenues received from charges for loss or damaged school materials to be appropriated to the board of education in addition to its regular fiscal year appropriation.

Particularly in reference to lost or damaged school materials replacement purchases by the district are absolutely essential and could often be more easily accomplished given the political climate in some towns through making it possible for the school board to somehow be credited for the payments they have received for those items. Thank you very much.

REP. GOODWIN: Thank you. The next speaker is Alyce Hild.

MS. ALYCE HILD: Good afternoon, Sen. Casey, Rep. Goodwin, members of the Education Committee. I am Alyce Hild. I am testifying for the West Hartford Board of Education on House Bill 5779, concerning teacher evaluation records. On behalf of my board and my school system which has a strong effective teacher evaluation system, I urge you to support maintaining the confidentiality of teacher evaluation documents. The FOI commission preliminary findings that would require the release to the public

MS. HILD: (continued)
of all evaluation documents would destroy our evaluation program which has served through mutual trust of evaluators and evaluatees to produce a strong teaching force.

This evaluation tool enables us to grow stronger daily. No one quarrels with a motive of FOI. I think we are essentially weighing one good against another. No one objects to the right of the public to know. However, there is another good to be preserved. We must ask what do we lose if we open the records against whatever we gain. In 1973 the State rightly said there shall be evaluations. Evaluation systems do and must have an element of judgment in them and employees are willing to be subjected to that judgment currently because there is a climate of trust. And the primary goal of the system is growth and improvement so that better education can be delivered to the students.

We must respect how personal and devastating a written evaluation can be. Knowing those records are open to the public would obliterate that process. We would have an elaborate cover up on an evaluation system. We must recognize that personal and private relationship between teacher, principal, and superintendent that must exist to effectively improve teaching skills. To open records would destroy the effectiveness of that evaluation process. To know that a third party can be knowledgeable and take damaging action places an evaluator in the position of not stating what he might want to say. The Connecticut evaluation law, teacher evaluation law and guidelines provided the goal of instructional improvement.

The West Hartford Public Schools have implemented a local program that works. However, the FOI preliminary decision would cripple our currently productive program and would in our opinion seriously damage the quality of our instructional program. Yes, the public has a right to know those things in which the public's interest is of overriding importance. However, we must not forget that the public also has a right to high quality public education which in this instance is seriously threatened in the West Hartford Board of Ed's opinion by inspection by anyone for any purpose of teacher evaluation documents.

MS. HILD: (continued)
Also I'd like to add that we feel that all of our employees, not just our teachers, deserve to have their privacy rights protected, and this bill should be amended to protect the evaluation files of all school district employees. Thank you very much for your attention.

REP. GOODWIN: Thank you. Patricia Frost. I was wondering if some of this testimony can't be summarized a little bit if it concerns the same bill and the same arguments on the bill.

MS. PATRICIA FROST: I have a new one. Good afternoon. I am Patricia Frost representing the Regional 4 Board of Education, from Chester, Deep River, and Essex. There are two bills that I would like to comment on for my board today. First, Senate Bill 552, which would allow regional boards of education to put money aside for future capital projects, rather than creating additional expense through bonding or borrowing. Large expenses, such as capital equipment purchases and major plant repair, and maintenance projects can usually be predicted well in advance. The creation of a reserve fund would allow regional boards to put money aside in a fund for a specific purpose.

The yearly appropriation for such fund would be included in each member town's annual share of the regional district's net expenses. Currently, a municipality can create a reserve fund for capital or nonrecurring expenses, including the local school district's capital
ass. 3 and unrecurring expenses. However, because regional districts involve multiple towns through shares of the regional district, expenses vary. The municipal reserve fund provisions are not practical or workable for regional school district participation.

We're asking for the legislature to make it possible for us to use a good Connecticut Yankee tradition of paying cash on the barrelhead so that we can save money. The other bill I'd like to comment on very briefly is HB 5729 that would clearly exempt local and regional school board members from recall provisions in local charters. Because boards of education tend to be far more accessible to the people than other units of government and because

REP. HELFGOTT: I believe that's correct, but I'm not an attorney.

MS. FROST: Well, then, I think that I'd have to say that if they're an agent of the State, they should be covered the way all agents of the State are, and yet I have to also say that I think that sometimes there should be a way to recall certain agents of the State if they are terribly --. Does that help at all?

REP. GOODWIN: Thank you. The next speaker is Dr. Henry Ashmore.

DR. HENRY ASHMORE: I am Henry Ashmore, Superintendent of Schools in Somers, Connecticut. I'm here to speak in support of House Bill 5779, and rather than taking a lot of time to reiterate some of the things that have already been said, I did provide my comments to you in writing. I would defer to the next speaker, who is my high school principal, and if he could use some of my time and some of his own to make his presentation.

REP. GOODWIN: Thank you very much. Jerome Auclair.

MR. JEROME AUCLAIR: I would not defer my testimony because my boss just told me that I should testify, and for fear of getting a bad evaluation, I'd like to make it. Members of the Education Committee, my name is Jerome Auclair. I have been the principal of Somers High School since 1976, and I'm currently the treasurer of the Connecticut Association of Secondary Schools. In that capacity I am representing the viewpoint of the secondary school principals of Connecticut and asking you to pass legislation to exempt the freedom of information law from the information of law evaluations and supervisory materials pertaining to certified educators in Connecticut.

Last summer I testified at hearings before the Freedom of Information Commission regarding this issue. The decision which the commission was asked to make centered around the right of the public to know about the performance of its employees as opposed to the rights of teachers to privacy under the present statutes. It is my opinion, in my opinion, it is fortunate indeed that

MR. AUCLAIR: (continued)
you can address this issue on the basis of what will be best for the educational process in our schools and what will ultimately be in the best interest of our young people. On this basis, I feel that exempting teachers evaluations from the freedom of information law clearly benefits students.

Several years ago, the Connecticut General Assembly passed legislation mandating evaluation of certified educational employees. Included in the guidelines to implement this program was a provision that teachers have input into the evaluation process. In most communities this resulted in a system whereby competent professionals and their evaluators mutually agree upon objectives for improvement of performance. In my experience, where mutual respect exists between teacher and evaluator, this process has worked well to create positive attempts at improvement. To expose the process to the public would destroy its integrity.

Teachers would be reluctant to admit areas of weakness or to develop challenging objectives. For example, a teacher would not likely agree to an objective to improve class atmosphere by motivating disinterested students because it would imply a deficiency. Or an objective to have new bulletin boards each month would be far more easily attainable than one that would require a teacher to develop challenging activities for gifted students. One way to improve education in Connecticut would be to increase the level of trust between professional employees and their supervisors and to strengthen the authority of the evaluators. To make the process of evaluation public would only increase conflicts between teachers and administrators.

The number of grievances that would be filed over the wording on evaluation forms would be staggering if that verbiage could appear in the local newspaper. Who should determine whether a lesson was adequately or well prepared? Should an arbitrator decide whether students in the classroom appear bored or tired? These decisions can best be made by trained, certified administrators. Public disclosure of such documents would tie school systems up in an unmanageable tangle of litigation. It would also destroy the professional trust

MR. AUCLAIR: (continued)
which exists between teachers and administrators in most of our fine school systems. An argument for disclosure of these records, which has considerable merit is that parents have the right to know about the performance of their children's teachers.

It is my contention that in Somers, as in most other districts, parents can already exercise this right by dealing directly with the teacher's evaluator. I have often had discussions with a parent about those aspects of a teacher's performance which affect their child's learning. However, there are many aspects of a teacher's performance which do not relate to that particular student. If a teacher has poor relationships with a department chairman, does the parent need to know about this? If a personal problem, such as alcoholism, is affecting performance, does this need to be publicized? Who should have the authority to make these decisions? Trained administrators or newspaper editors? I do not believe that presently parents are denied their rights to discuss a teacher's performance in many, if any school systems in Connecticut.

If teacher evaluations were made public, the inevitable parental comparisons of teacher performance would cause great problems for administrators. Suppose the school has three 9th grade English teachers who are rated as exceptional, above average, and acceptable? How many parents would demand that their children be in the classroom of the exceptional teacher or agree to placement in the classroom of the acceptable one? As an administrator, the only solution I see to this problem would be to homogenize all evaluations. All teachers would either be good or incompetent.

The evaluation process would again lose integrity. Another argument in favor of public evaluations is that it would expose poor teachers and administrators. I would concede that this would be likely. However, because of existing statutes, exposure would not make it any easier for school systems to remove these employees. In fact, it would make it more difficult. Incompetent professionals can be and are removed from school systems in Connecticut. The process is lengthy and normally

MR. AUCLAIR: (continued)
accomplished without the chaotic effect that would occur if it were happening in the public light.

Once a teacher was determined to have a problem, it would be very difficult to attempt to remediate it if parents and students were given the impression that the teacher was less than effective. In my opinion, the vast majority of professionals in Connecticut are highly competent. There are some poor teachers in our schools whose situations could be best addressed by the legislature in ways other than the disruption to the entire educational system that public disclosure of professional evaluations would cause. One area to explore might be a better definition of the terminology in the fair dismissal act. The word "ineffective" is somewhat vague, and is generally considered to mean incompetent. Perhaps a carefully considered redefinition which could be interpreted as poor would help to correct this situation.

From an administrator's viewpoint, it seems clear to me that failure to exempt teacher evaluations from the freedom of information law will cause a negative effect on the operation of schools without providing any benefits. Such disclosure might do much to help sell newspapers and the inevitable increase in litigation would greatly benefit the legal profession, but it would not help to improve education in any way. Thank you.

I would also like to just briefly address House Bill 5371, regarding release of directory information to recruiters. I have been told by recruiters that some branches of the service have policies whereby if the recruiter gets his hand on a list of students, a directory list of seniors, he is obliged to contact each student on that list a minimum of 5 times within the senior year. Whether the student has an interest at all in the military or whether the student has no interest at all. That seems to me excessive. It has not been my practice at Somers High School to release directory information to recruiters for that reason.

I know there are recruiters who will be testifying. They may be able to correct that if I have misinterpreted their

MR. D'AGOSTINO: (continued)
in the testimony, but I thought I'd say it. CASA supports H.B. 5779. I thought Jerry Auclair said it as good as anybody possibly could.

I would, however, urge that this bill concerning teacher performance and evaluation be redrafted to include all public school personnel. As a matter of fact, all public employees. And I'm not going to give you the the testimony. You've heard enough. H.B. 5781, CASA opposes this bill in principle. There is some understanding of its pertinence to gymnastics and possibly swimming, but the blanket interpretation for hockey, basketball, and all the other sports that are included in the total Olympic process could be chaotic and could create hazards to the mental and physical health of student athletes who could easily be pulled in so many directions.

Finally, CASA strongly supports H.B. 5838, which insures that funds derived from sales of surplus equipment and school material revenue payments are used immediately for replacement purposes. If they go into the General Fund they're never seen again. Then you have to put them into a meager budget next year and my experience with that in towns where very little goes into library equipment, materials, and supplies. What happens is you have just a dwindling and lesser amount of the materials you really need for students. I thank you.

REP. GOODWIN: Next is John Daley.

MR. JOHN DALEY: Rep. Goodwin, Sen. Casey, and Education Committee members, I'm John Daley, representing the Connecticut Association of Secondary Schools and the Connecticut Interscholastic Athletic Conference. I felt this matter was so important today I'm up off my virtual deathbed to make it up here. I didn't realize the hearing was going to be today. The earlier speakers made allusion to a letter that I hope all of you received on the committee that starts "To the members of the Joint Education Committee of the State Legislature." It's regarding regulations prohibiting non-school competition for high school athletes. HB 5781

I don't propose to read the entire document again. I hope you've looked through it. There are some key

MR. PODOLSKY: (continued)

Oh, I'm sorry, the line would be line 217. You might want to consider changing the word "shall" in that line to may.

SEN. CASEY: I don't know if you were here when the Commissioner spoke to us --

MR. PODOLSKY: I wasn't, I'm sorry.

SEN. CASEY: She recommended the deletion completely of that section.

MR. PODOLSKY: Well, I guess I don't have strong feelings. I think it's a good idea for somebody to be staying on top of that. The second thing though is I would add something to that section, and that is if you're looking at default ration, I would take a look, not only at the lenders, but at the schools from -- to which the students go. And, that is testified to you on a different bill.

We know that we've had some problems with some schools, particularly vocational ones, not providing the service and the federal evidence suggests that those schools tend to have higher default rates. And, again, I would not be just mandatory termination of the school from the program, but if you were going to set up a system where you're going to look at default rates, I think it would be wise to look at the default rates of the schools as well as the default rates of the lenders. Those are my only comments. Thank you very much.

REP. GOODWIN: Thank you very much. George Springer.

MR. GEORGE SPRINGER: Senator Casey, Representative Goodwin, members of the Education Committee, my name is George Springer and I'm President of the Connecticut State Federation of Teachers. I'm here today to testify in behalf of my union in support of raised committee bill 5779.

This bill would provide that teacher performance and evaluation records are not subject to disclosure unless the teacher consents to the release of such records.

SEN. CASEY: George, just for the record, that's 5779

MR. SPRINGER: 5779, I'm sorry. This legislation would ensure that the evaluation law would be implemented as it was intended. We're deeply troubled by a recommendation made in January by a hearing officer with the Freedom of Information Commission in response to a complaint filed by a newspaper reporter who was denied information relating to the evaluation of school system employees by the Somers Board of Education. Should the hearing officer's recommendation be adopted by the entire commission, it would have a chilling affect on evaluation and seriously undermind the public's ability to get reliable information on the performance of public employees.

Today, when the public is expressing a great need for assurance of competence and excellence in teaching. It is very important that we take steps that make possible the evaluation -- the preservation of the evaluation process, or the pursuit of evaluation process in a manner that provides for improvement of teaching or learning.

The achievement of these objections are furthered by a process which promotes honest exchange, straight forward communication and clear documentation of assessment and recommendations. It seems to us that we're more likely to have such honesty where there is assurance of confidentiality. We want public employees to know how their performance can be improved. We want programs for professional development to be based on observed and documented need. We want the evaluation process to encourage improvement of teaching and not to create reasons for undue fear on either the part of the evaluator, or evaluatee.

Knowledge of what is said or recorded during the evaluation process could become information available to the general public, would limit the of the parties the information that they consider publishable. We believe the information received through the evaluation process should be available only to those persons involved in improving the performance of an individual, or groups of individuals.

We like the information yielded by the evaluation pro-

MR. SPRINGER: (continued)
cess to that contained in personnel files. And, therefore, strongly urge you to support bill 57 79 Let me reiterate, you know. I've come before this committee before this year and talked about things like certification and recertification and I believe that central -- what the public wants assurance of is that the teacher in the classroom is performing up to snuff. And, this can be best guaranteed by an evaluation process, that is in fact a good sound one. And, I believe this cloud that has come over the evaluation process, by this particular ruling, underminds that monitoring and I think that -- sound evaluation has a better chance of assuring the public of good teaching and learning than any recertification or any such strategy. Thank you very much.

REP. GOODWIN: Thank you George. Frank Resnick.

MR. FRANK RESNICK: Thank you. This has been an enjoyable first experience and I came especially at 1:00 to hear earlier testimony and I didn't get a chance to, but in any case I am Frank Resnick, Director of Financial Aid at Central Connecticut State University and President of the Connecticut Association of Professional Financial Aid Administrators. I thank the committee for the opportunity to testify in favor of House Bill 57 37, An Act Re-establishing the Connecticut Student Loan Foundation.

In speaking for the association, I represent a membership organization of over 70 institutions of higher education in Connecticut, including all of the state's private independent and publicly supported colleges and universities and many of the state's proprietary schools. And, I bring to the committee their unanimous support of the bill.

The Connecticut Student Loan Foundation has played a most important role in the financing of higher education. As a state guarantee agency, which administers the federal guaranteed student loan and the plus auxiliary loan programs, they have effectively served the citizens of the state of Connecticut. Through the administration of these programs, the Connecticut Student Loan Foundation has provided both access and choice to students interested in seeking a post secondary education.

MR. POWELL: (continued)
Journal Inquirer in Manchester. I want to talk to you about 57 79, which is the bill to exempt from the freedom of information act the chief's evaluations. I don't know if any of you have been watching t.v. the last few days, but something that was very interesting to me was the story from Dallas about the fire department dispatcher who was given a hard time -- people would call in for an ambulance. And, the t.v. station in Dallas, I guess it was KDFW, got a copy of this tape and played it on the air and it went off out over national television.

It was a true horror story. Somebody may have died because a public employee was really not doing her job right. And, I've sat here most of the afternoon and I've heard people from CABE and CEA and The Federation of Teachers telling this committee that how a public employee performs his public job is a matter of personal privacy. I just wondered, where'd this silly idea come from? Where did we begin to think that how a public employee performs his public job is a matter of personally privacy and that knowledge of that should be an invasion of personal privacy?

I know that this whole argument is kind of futile. I don't think anybody really believes in freedom of information anymore, despite what all the people here said today, I think we all know that freedom of information is for the other guy. Freedom of information that I think is kind of like what Chesterton said about christianity. Chesterton said that christianity was not tried and found wanting. He said it was found difficult and left untried and that's the same thing with freedom of information. Freedom of information is for the other guy. Everybody believes in it until it comes home. The CABE is for freedom of information as long as it doesn't involve anything in education. The same thing with the teachers.

The law in Connecticut requires teacher evaluations. And, I would ask the committee in evaluating this whole matter, how is the public ever going to find out whether the evaluation process is being fulfilled if these documents are going to be secret? I would be the first to admit that disclosure of anything in government makes

MR. POWELL: (continued)
administration more difficult. Of course it does. The freedom of information act, which I would like to leave in tact, was not enacted to make the trains run on time and I don't believe that this committee has any assurance that if exempting teacher evaluations from the freedom of information act is going to make the trains run on time any better than they are now. I don't think you've been given any assurance that it's going to make the schools any better.

Secrecy invites abuse in anything in government. That's no different with teach evaluations. You know I could tell you horror story after horror story of public employees who were allowed to continue long after they should have been and who wouldn't have been allowed to continue if there'd been some kind of publicity about their performance. If you have any interest look into the case of Joseph Frusick over in Windsor Locks where there were four years of more than 100 complaints from parents before the school board finally chose to do anything about it. If teacher evaluation files were open I would submit to you that something like that wouldn't last six months, but it went on for four years because somebody perhaps thought that the performance of a public employee and his public job was a matter of personal privacy.

We're told here today that the horror of horrors, parents are going to -- if parents find out about evaluations to teachers, they're going to want their children to be in the classrooms of the best teachers. I would ask you, what's so wrong with that? Why can't our schools take a little of that kind of pressure for excellence? Wouldn't that put on a little pressure to have good teachers in the schools?

We've been told today that if evaluations are public, well we're just going to get evaluations that are full of lies. I mean people are -- nobody's ever going to tell the truth. Well that it is a very mean thing to say about public employees that I have never said. I have never submitted that public employees are going to lie before they're made to do their jobs in public. We've been told that, you know, this is going to be the end of school administration. It's going to be the end of due

MR. POWELL: (continued)
process for teachers. Well we don't have lynch law in this state. We still have police. There's not going to be any mobs coursing through the schools. The tenure law is in place. That's the funny thing about it, because if evaluations were ever made public, the first thing that Connecticut would find out is that you can't do anything about a bad evaluation. You can't get rid of anybody. It takes, you know, four or five years and $50,000 in legal fees before you do anything about it. That's really the first thing we'd find about it.

Just consider what you were being asked to tell the state of Connecticut, with this bill 5779. Amid the national cry that we've got to do something about public education. You or me urged to answer let's make it impossible for the public to find out which teachers are incompetent. You're being asked to tell parents and tax payers of this state, give us a lot more money and a law against asking questions. You're being urged to tell parents, as Mr. O'Clair who testified here today, testified under oath to the freedom of information commission that parents have no right in this state under the law to know if their children's teachers are any good. I wouldn't want to tell that to a parent. I wouldn't want to tell it to a tax payer.

You're being asked to accept the proposition that schools can't work if the public has any idea about what's going on. Well, I don't think we're that bad off yet. I just had a few more things I wanted to add.

You're asked, by me anyway, to leave the law as it is, or better still, if you want to go that far, to enact a law specifically requiring disclosure of evaluations. Yes accountability in government makes government harder. That is true, only because accountability in government publicity induces people to be better and being better is always harder. I've been up here before. I helped Bob Hulier, tried to get Bob Hulier to do something about the scandal, or what I thought was a scandal, a liquor reform or a liquor regulation in this state, and I saw very clearly then I think almost ten years ago that certain interest groups have virtual veto powers over legislation. It was impossible to get price supports for liquor repeal because every legislator had a dozen or so

MR. POWELL: (continued)
liquor retailers back in it's district and I know just what I'm asking of you because I saw what was impossible with a dozen members of the special interest back in the district and I know that every legislator has got to have several hundred teachers back in the district and I would imagine by any usual political standard, that's the ballgame. But, I just want to point out to you that the schools need a lot more attention. I don't see how secrecy is going to make them any better, anybody who watches any school system for a long time, or any number of school systems for a long time, as I have, finds very quickly as the gentlemen from Wallingford pointed out that educators are not the most accountable people in the world. I doubt that that whole horable thing down in Wallingford would have happened if the school board had been willing to answer some questions at the right time.

But, educators, they want a lot more money and a law against asking questions and I just urge you not to give it to them. Thanks a lot.

REP. GOODWIN: Thank you. The next speaker listed is Bill Wholean, from the Connecticut Catholic Conference and I have a memo from him in which he asks to be recorded for the record as in support of House Bill 5600, An Act Concerning the Data Used to Calculate the Compensatory Education Grant. I won't read all of the letter, but we'll put it over there to go into the record.

MR. WILLIAM J. WHOLEAN: Honorable members of the Education Committee, I am William J. Wholean, Executive Director of the Connecticut Catholic Conference which speaks for the four Roman Catholic Dioceses in the state of Connecticut.

With reservation, we do support House Bill 5600, An Act Concerning the Data Used to Calculate the Compensatory Education Grant, as being the best possible answer, at this time, to a difficult question. We are in the seventh month of a ten-month school year; EERA funding for nonpublic school students for this school year is still waiting to be distributed.

Our major reservation relates to the necessity for young-

MR. GRUBE: (continued)
thank you for the privilege of appearing here.

REP. GOODWIN: Thank you very much.

REP. DYSON: There's one question I'd like to ask. It has nothing to do with your testimony. You've been mistaken for another person, Burl Ives.

MR. GRUBE: Oh, I can sing too.

REP. GOODWIN: Thank you very, very much. I don't see Ann Steele, so I think we can move on to what I think is Michael Ferrarri. He left? David Moholand left. Dana Kemp? Vivian Lewis? John Malsbenden. We have about two.

MR. JOHN MALSBENDEN: I will be very short. Members of the committee, Representative Goodwin, I'd like to speak about raised bill 57 79, An Act Concerning Teacher Performance and Evaluation. I'm not going to read all of my testimony, a good deal of it was spoken by people like Judge Spinger earlier in the afternoon.

I can't help but make a couple of observations, however on the testimony of the reporter from the Manchester newspaper. First of all it takes four years four years for a system to get rid of a teacher who is not performing well, that isn't because the evaluation system isn't working. The sister has nothing to do with the system, it haves to do with the people administering the system.

Secondly, I think it would be snide of me to say, but I'm going to say it anyway, that reporters are the first people to deny anyone the access to their notes when they go to write stories. They're the first ones to cry freedom of the press and all of that. However, he asked what right are the evaluations being made for. The evaluations are being made under statutes and the statute is very clear that the purpose of evaluation is the improvement in structure. That's clearly in state statutes right now. I believe that evaluators who've been less than candid about what would improve instruction if their notes are going all over the town on the basis of somebody just asking for the. I would suggest, however, that two changes be made in the bill and I've spoken to Nick