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Testimony of

Ed Thibodeau
Connecticut Education Association

Before the
Labor and Public Employees Committee

Re:

SB 1371 AA ESTABLISHING A JUST CAUSE STANDARD FOR TEACHER CONTRACT TERMINATIONS AND MAKING THE DECISION OF A NEUTRAL HEARING OFFICER IN TEACHER CONTRACT TERMINATION HEARINGS BINDING ON THE PARTIES.

February 27, 2025

Good afternoon, Senator Kushner, Representative Sanchez, Senator Sampson, Representative Weir, and distinguished members of the Labor and Public Employees Committee.

My name is Ed Thibodeau, and I am a UniServ Representative at the Connecticut Education Association (CEA). In that role, I represent teachers in matters relating to contract negotiations, working conditions, and other issues relating to human resources in their local district.

CEA is grateful for the introduction of Senate Bill 1371 and strongly supports the effort to amend Section 10-151 of the Connecticut General Statutes to provide teachers facing a termination the same rights that other unionized employees of Connecticut's boards of education have enjoyed for 50 years. These rights include requiring the employer to prove just cause for termination and ensure a hearing is held before a neutral arbitrator, whose decision is final and binding.

I've represented certified teachers with the CEA for nearly a decade. For 10 years prior to that, I worked for AFSCME Council 4 representing non-certified employees in Connecticut's school districts, including custodians, secretaries, school nurses, and others. When I began working at CEA, I was shocked to learn that, in termination cases, certified teachers have

almost none of the due process rights that are found in the collective bargaining agreements of other board of education bargaining units.

One of the two most important safeguards missing from Section 10-151 is a requirement that the employer prove that they had just cause for terminating a teacher's employment. The seven tests of just cause are well known and universally accepted in the world of labor. (A copy of the tests is included in my written testimony.) The tests were developed to ensure that employers follow an open-minded and deliberate process before arriving at a decision to terminate, conducting a thorough investigation and giving the accused employee a fair chance to present their side of the story.

The second safeguard is the right to have a hearing in front of a neutral arbitrator, whose decision is final and binding. Section 10-151 does not allow for this, instead requiring the use of a "fact finder" who will conduct a hearing and then issue a report of their "findings" along with their recommendation for the disposition of the case. The fatal flaw in this process is that the board of education is not bound by the fact finder's recommendation and may choose to reject it outright. This means that a teacher could win every battle but still lose the war. Most teachers threatened with termination simply resign instead because the process is not fair. The lack of both a just cause standard and a neutral arbitrator stacks the deck so severely against the teacher that it's much riskier to challenge a termination than to resign and find a new job. Districts know this and frequently pressure teachers to resign as soon as an allegation is made against them. This is especially true in cases where public opinion, exacerbated by social media, becomes a factor. Good teachers leave without any real chance to defend themselves.

In my 10 years of experience with teacher matters I've seen almost no teachers suspended without pay but have seen many teachers forced to resign. This is because the just cause standard and neutral arbitrator apply to all lower levels of discipline but not terminations, which are governed by 10-151d. It literally is easier to fire a teacher than to suspend one. This creates a perverse situation in which a teacher is fired for the same infraction that might result in a short suspension for a secretary or paraprofessional.

In a review of the four districts I work with, the collective bargaining agreements with every other bargaining unit includes a standard of just cause for terminations. This is true of most board of education bargaining units throughout the state. I have attached a table listing the bargaining units to my written testimony as well.

Finally, we request that the language in SB 1371 be amended to ensure that the just cause standard applies to all reasons for termination covered by 10-151, not just reason #6. It's very important that one standard be consistently used throughout the statute, and that all teachers have the same right to a fair and impartial hearing, regardless of the stated reason for the termination.

The changes we suggest for SB 1371 would confer basic rights to teachers that they have lacked for far too long. It will reduce employee turnover and promote an educational system that better serves the public's interest. Thank you for your time and consideration.

