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Sec. 10-151. Employment of teachers. Definitions. Tenure. Notice and hearing on failure to renew or termination of contract. Appeal.

(a) For the purposes of this section:

(1) “Board of education” means a local or regional board of education, a cooperative arrangement committee established pursuant to section [10-158a](#), or the board of trustees of an incorporated or endowed high school or academy approved pursuant to section [10-34](#), which is located in this state;

(2) “Teacher” includes each certified professional employee below the rank of superintendent employed by a board of education for at least ninety calendar days in a position requiring a certificate issued by the State Board of Education;

(3) “Continuous employment” means that time during which the teacher is employed without any break in employment as a teacher for the same board of education;

(4) “Full-time employment” means a teacher's employment in a position at a salary rate of fifty per cent or more of the salary rate of such teacher in such position if such position were full-time;

(5) “Part-time employment” means a teacher's employment in a position at a salary rate of less than fifty per cent of the salary rate of such teacher in such position, if such position were full-time;

(6) “Tenure” means:

(A) The completion of forty school months of full-time continuous employment for the same board of education, provided the superintendent offers the teacher a contract to return for the following school year on the basis of effective practice as informed by performance evaluations conducted pursuant to section [10-151b](#). For purposes of calculating continuous employment towards tenure, the following shall apply:

(i) For a teacher who has not attained tenure, two school months of part-time continuous employment by such teacher shall equal one school month of full-time continuous employment except, for a teacher employed in a part-time position at a salary rate of less than twenty-five per cent of the salary rate of a teacher in such position, if such position were full-time, three school months of part-time continuous employment shall equal one school month of full-time continuous employment; (ii) a teacher who has not attained tenure shall not count layoff time towards tenure, except that if such teacher is reemployed by the same board of education within five calendar years of the layoff, such teacher may count the previous continuous employment immediately prior to the layoff towards tenure; (iii) a teacher who has not attained tenure shall not count authorized leave time towards tenure if such time exceeds ninety student school days in any one school year, provided only the student school days worked that year by such teacher shall count towards tenure and shall be computed on the basis of eighteen student school days or the greater fraction thereof equaling one school month; (iv) for a teacher who has not attained tenure and who is employed by a local or regional board of education that enters into a cooperative arrangement

pursuant to section [10-158a](#), such teacher may count the previous continuous employment with such board immediately prior to such cooperative arrangement towards tenure; and (v) for a teacher who has not attained tenure and who is employed by a local board of education or as part of a cooperative arrangement, pursuant to section [10-158a](#), and such board or cooperative arrangement joins a regional school district, such teacher may count the previous continuous employment with such local board or cooperative arrangement immediately prior to employment by the regional board of education towards tenure.

(B) For a teacher who has attained tenure prior to layoff, tenure shall resume if such teacher is reemployed by the same board of education within five calendar years of the layoff.

(C) Except as provided in subparagraphs (B) and (D) of this subdivision, any teacher who has attained tenure with any one board of education and whose employment with such board ends for any reason and who is reemployed by such board or is subsequently employed by any other board, shall attain tenure after completion of twenty school months of continuous employment, provided the superintendent offers the teacher a contract to return for the following school year on the basis of effective practice as informed by performance evaluations conducted pursuant to section [10-151b](#). The provisions of this subparagraph shall not apply if, (i) prior to completion of the twentieth school month following commencement of employment by such board such teacher has been notified in writing that his or her contract will not be renewed for the following school year, or (ii) for a period of five or more calendar years immediately prior to such subsequent employment, such teacher has not been employed by any board of education.

(D) For a teacher who has attained tenure and is employed by a local or regional board of education that enters into a cooperative arrangement pursuant to section [10-158a](#), such teacher shall not experience a break in continuous employment for purposes of tenure as a result of such cooperative arrangement.

(E) For a teacher who has attained tenure and is employed by a local board of education or as part of a cooperative arrangement, pursuant to section [10-158a](#), and such board or cooperative arrangement joins a regional school district, such teacher shall not experience a break in continuous employment for purposes of tenure as a result of joining such regional school district.

(7) "School month" means any calendar month other than July or August in which a teacher is employed as a teacher at least one-half of the student school days.

(b) Any board of education may authorize the superintendent to employ teachers. Any superintendent not authorized to employ teachers shall submit to the board of education nominations for teachers for each of the schools in the town or towns in such superintendent's jurisdiction and, from the persons so nominated, teachers may be employed. Such board shall accept or reject such nominations not later than thirty-five calendar days from their submission. Any such board of education may request the superintendent to submit multiple nominations of qualified candidates, if more than one candidate is available for nomination, for any supervisory or administrative position, in which case the superintendent shall submit such a list and may place the candidates on such list in the order in which such superintendent recommends such candidates. If such board rejects such nominations, the superintendent shall submit to such board other nominations and such board may employ teachers from the persons so

nominated and shall accept or reject such nominations not later than one month from their submission. Whenever a superintendent offers a teacher who has not attained tenure a contract to return for another year of employment, such offer shall be based on records of evaluations pursuant to subsection (a) of section 10-151b. The contract of employment of a teacher shall be in writing.

(c) The contract of employment of a teacher who has not attained tenure may be terminated at any time for any of the reasons enumerated in subdivisions (1) to (6), inclusive, of subsection (d) of this section; otherwise the contract of such teacher shall be continued into the next school year unless such teacher receives written notice by May first in one school year that such contract will not be renewed for the following year. Upon the teacher's written request, not later than three calendar days after such teacher receives such notice of nonrenewal or termination, a notice of nonrenewal or termination shall be supplemented not later than four calendar days after receipt of the request by a statement of the reason or reasons for such nonrenewal or termination. Such teacher, upon written request filed with the board of education not later than ten calendar days after the receipt of notice of termination, or nonrenewal shall be entitled to a hearing, except as provided in this subsection, (1) before the board, or (2) if indicated in such request and if designated by the board, before an impartial hearing officer chosen by the teacher and the superintendent in accordance with the provisions of subsection (d) of this section. Such hearing shall commence not later than fifteen calendar days after receipt of such request unless the parties mutually agree to an extension not to exceed fifteen calendar days. The impartial hearing officer or a subcommittee of the board of education, if the board of education designates a subcommittee of three or more board members to conduct hearings, shall submit written findings and recommendations to the board for final disposition. The teacher shall have the right to appear with counsel of the teacher's choice at the hearing. A teacher who has not attained tenure shall not be entitled to a hearing concerning nonrenewal if the reason for such nonrenewal is either elimination of position or loss of position to another teacher. The board of education shall rescind a nonrenewal decision only if the board finds such decision to be arbitrary and capricious. Any such teacher whose contract is terminated for the reasons enumerated in subdivisions (3) and (4) of subsection (d) of this section shall have the right to appeal in accordance with the provisions of subsection (e) of this section.

(d) The contract of employment of a teacher who has attained tenure shall be continued from school year to school year, except that it may be terminated at any time for one or more of the following reasons: (1) Inefficiency, incompetence or ineffectiveness, provided, if a teacher is notified on or after July 1, 2014, that termination is under consideration due to incompetence or ineffectiveness, the determination of incompetence or ineffectiveness is based on evaluation of the teacher using teacher evaluation guidelines established pursuant to section 10-151b; (2) insubordination against reasonable rules of the board of education; (3) moral misconduct; (4) disability, as shown by competent medical evidence; (5) elimination of the position to which the teacher was appointed or loss of a position to another teacher, if no other position exists to which such teacher may be appointed if qualified, provided such teacher, if qualified, shall be appointed to a position held by a teacher who has not attained tenure, and provided further that determination of the individual contract or contracts of employment to be terminated shall be made in accordance with either (A) a provision for a layoff procedure agreed upon by the board of education and the exclusive employees' representative organization, or (B) in the absence of such agreement, a written policy of the board of education; or (6) other due and sufficient cause. Nothing in this section or in any

other section of the general statutes or of any special act shall preclude a board of education from making an agreement with an exclusive bargaining representative which contains a recall provision. Prior to terminating a contract, the superintendent shall give the teacher concerned a written notice that termination of such teacher's contract is under consideration and give such teacher a statement of the reasons for such consideration of termination. Not later than ten calendar days after receipt of written notice by the superintendent that contract termination is under consideration, such teacher may file with the local or regional board of education a written request for a hearing. A board of education may designate a subcommittee of three or more board members to conduct hearings and submit written findings and recommendations to the board for final disposition in the case of teachers whose contracts are terminated. Such hearing shall commence not later than fifteen calendar days after receipt of such request, unless the parties mutually agree to an extension, not to exceed fifteen calendar days (A) before the board of education or a subcommittee of the board, or (B) if indicated in such request or if designated by the board before an impartial hearing officer chosen by the teacher and the superintendent. If the parties are unable to agree upon the choice of a hearing officer not later than five calendar days after the decision to use a hearing officer, the hearing officer shall be selected with the assistance of the American Arbitration Association using its expedited selection process and in accordance with its rules for selection of a neutral arbitrator in grievance arbitration. If the hearing officer is not selected with the assistance of such association after five days, the hearing shall be held before the board of education or a subcommittee of the board. When the reason for termination is incompetence or ineffectiveness, the hearing shall (i) address the question of whether the performance evaluation ratings of the teacher were determined in good faith in accordance with the program adopted by the local or regional board of education pursuant to section 10-151b and were reasonable in light of the evidence presented, and (ii) be limited to twelve total hours of evidence and testimony, with each side allowed not more than six hours to present evidence and testimony except the board, subcommittee of the board or impartial hearing officer may extend the time period for evidence and testimony at the hearing when good cause is shown. Not later than forty-five calendar days after receipt of the request for a hearing, the subcommittee of the board or hearing officer, unless the parties mutually agree to an extension not to exceed fifteen calendar days, shall submit written findings and a recommendation to the board of education as to the disposition of the charges against the teacher and shall send a copy of such findings and recommendation to the teacher. The board of education shall give the teacher concerned its written decision not later than fifteen calendar days after receipt of the written recommendation of the subcommittee or hearing officer. Each party shall share equally the fee of the hearing officer and all other costs incidental to the hearing. If the hearing is before the board of education, the board shall render its decision not later than fifteen calendar days after the close of such hearing and shall send a copy of its decision to the teacher. The hearing shall be public if the teacher so requests or the board, subcommittee or hearing officer so designates. The teacher concerned shall have the right to appear with counsel at the hearing, whether public or private. A copy of a transcript of the proceedings of the hearing shall be furnished by the board of education, upon written request by the teacher within fifteen days after the board's decision, provided the teacher shall assume the cost of any such copy. Nothing herein contained shall deprive a board of education or superintendent of the power to suspend a teacher from duty immediately when serious misconduct is charged without prejudice to the rights of the teacher as otherwise provided in this section.

(e) Any teacher aggrieved by the decision of a board of education after a hearing as provided in subsection (d) of this section may appeal therefrom, not later than thirty calendar days after such decision, to the Superior Court. Such appeal shall be made returnable to said court in the same manner as is prescribed for civil actions brought to said court. Any such appeal shall be a privileged case to be heard by the court as soon after the return day as is practicable. The board of education shall file with the court a copy of the complete transcript of the proceedings of the hearing and the minutes of board of education meetings relating to such termination, including the vote of the board on the termination, together with such other documents, or certified copies thereof, as shall constitute the record of the case. The court, upon such appeal, shall review the proceedings of such hearing. The court, upon such appeal and hearing thereon, may affirm or reverse the decision appealed from in accordance with subsection (j) of section [4-183](#). Costs shall not be allowed against the board of education unless it appears to the court that it acted with gross negligence or in bad faith or with malice in making the decision appealed from.

(1949 Rev., S. 1438; 1949, 1955, S. 938d; 1959, P.A. 625; 1961, P.A. 480; 556; February, 1965, P.A. 278; 1969, P.A. 532; 1971, P.A. 61; P.A. 73-456, S. 1, 2; P.A. 74-278, S. 3, 5; P.A. 75-435; 75-615; P.A. 76-436, S. 297, 681; P.A. 78-218, S. 99; 78-280, S. 1, 127; P.A. 79-90; 79-504, S. 1, 4; P.A. 80-354, S. 1-3; P.A. 81-216, S. 1, 2; P.A. 82-257; P.A. 83-398, S. 1, 2; P.A. 85-230; 85-343, S. 1, 2, 5; P.A. 86-22, S. 1, 2; P.A. 95-58, S. 2, 4; P.A. 97-247, S. 25, 27; P.A. 00-13, S. 1, 2; P.A. 01-173, S. 16, 67; P.A. 10-111, S. 9; P.A. 11-28, S. 8; 11-135, S. 10; 11-136, S. 14; P.A. 12-116, S. 57; P.A. 13-31, S. 12; 13-245, S. 4; P.A. 15-215, S. 21; P.A. 19-139, S. 2.)

History: 1959 act added Subsec. (e); 1961 acts amended Subsec. (a) by providing for the supplying of a statement of the reasons for failure to renew the contract upon request, amended Subsec. (b) to provide for giving copy of transcript to teacher and added first proviso to Subsec. (e); 1965 act added Subsec. (f) re appeals to court of common pleas; 1969 act included in Subsec. (a) provisions for filling supervisory or administrative positions; 1971 act amended Subsec. (a) to require that board accept or reject nominations within 35 days rather than within one month; P.A. 73-456 inserted new Subsec. (c) re teacher evaluations, relettering following subsections accordingly and deleted reference to supervising agents in Subsec. (d), formerly (c); P.A. 74-278 deleted Subsec. (c), relettering following subsections accordingly; P.A. 75-435 included in provisions of Subsec. (e) teachers who leave employment and are subsequently rehired in the same municipality or school district; P.A. 75-615 amended section to include provisions concerning hearings before impartial hearing panels; P.A. 76-436 amended Subsec. (f) to substitute superior court for court of common pleas, effective July 1, 1978; P.A. 78-218 made technical changes; P.A. 78-280 deleted reference to counties in Subsec. (f); P.A. 79-90 amended Subsec. (a) to delete provision which had forbidden court appeal from decisions of impartial panel and clarified circumstances in which teachers whose contracts have been terminated may appeal; P.A. 79-504 extended provisions of section to include certified professional employees of incorporated or endowed high schools; P.A. 80-354 clarified application of provisions to professional employees of incorporated or endowed high schools by requiring them to choose coverage in Subsec. (a) and amended Subsec. (b)(5) re loss of position to another teacher and clarified provisions concerning layoffs and added to Subsec. (b) general proviso re agreements with bargaining representatives; P.A. 81-216 amended Subsec. (c) to define "continuous employment" and "part-time employment" for purposes of clarifying the provisions of the teacher fair dismissal law; P.A. 82-257 amended Subsec. (c) to require that authorized leave time be treated in the same manner as layoff

time for purposes of computing continuous employment where previously authorized leave was entirely excluded in computations; P.A. 83-398 redesignated former Subsec. (c) containing definitions as Subsec. (a), adding definitions of "board of education", "full-time employment", "tenure" and "school month" and redefining "part-time employment", redesignated former Subsec. (a) as Subsec. (b) and limited provisions to employment of teachers, moved provision re termination of contract of employment previously contained in former Subsec. (a) to Subsec. (c) for teachers who have not attained tenure and Subsec. (d) for tenured teachers; and repealed former Subsec. (e) re employment and termination of contracts for tenured teachers, effective July 1, 1983, provided provisions of P.A. 83-398 shall not apply to layoff, nonrenewal or termination proceedings initiated prior to that date; P.A. 85-230 amended Subsec. (d) to provide for hearing before a single impartial hearing officer if both parties agree; P.A. 85-343 amended Subsecs. (c) and (d) to allow the board to designate a subcommittee to conduct hearings and submit written findings and recommendations to the board for final disposition in certain teacher termination cases and made technical changes; P.A. 86-22 required that findings be submitted within 90 days after receipt of the request for a hearing rather than within 15 days after the close of the hearing in Subsec. (d); P.A. 95-58 amended Subsec. (a)(2) to add employment "for at least ninety days", Subsec. (a)(6)(A) to apply the 30 school months to teachers hired prior to July 1, 1996, and to require teachers hired after said date to be employed for 40 school months provided the superintendent offers the teacher a contract to return for the following school year, Subsec. (a)(6)(C) to change 16 to 20 school months for the attainment of tenure by teachers who previously attained tenure with the same or a different board of education, Subsec. (b) to require the superintendent to base the offer of a contract to return on the records of evaluations, Subsec. (c) to allow a terminated teacher to request and receive a statement of the reason for such termination, to remove provision for hearings for nonrenewal, to add alternative for a hearing before an impartial hearing officer, to limit extensions for the commencement of hearings to 15 days, to require the submission of written findings and recommendations to the board of education in all cases not just in the case of teachers whose contracts are terminated for the reasons stated in Subsec. (d)(5), to remove the right to an appeal for teachers terminated for the reasons enumerated in Subsec. (d)(1) and (2), Subsec. (d) to replace board of education with superintendent re notice to teachers that termination is under consideration and provision of statements in writing of the reasons upon request, to allow boards of education to designate subcommittees to conduct hearings in all cases not just terminations for the reasons stated in Subdiv. (5), to limit extensions to 15 days, to substitute agreement by the teacher and superintendent for "both parties" re hearings before single impartial hearing officers, to substitute superintendent for board of education re appointment of panels, to add provision for appointment of third panel member with the assistance of the American Arbitration Association, to reduce the time for the submission of findings from 90 to 75 days, to specify that the Subsec. does not limit the right of a superintendent to suspend a teacher and to make technical changes, deleted former Subsec. (e) specifying that the provisions of a special act regarding the dismissal or employment of teachers prevail over the provisions of the section in the event of conflict and relettered Subsecs., and amended newly designated Subsec. (e), formerly Subsec. (f), to require submission of the minutes of board of education meetings relating to the termination, including the vote of the board on termination, removed language allowing parties to the appeal to introduce evidence and added requirement that the court affirm or reverse the decision appealed from in accordance with Sec. 4-183(j), effective July 1, 1995; P.A. 97-247 amended Subsec. (c) to provide for a hearing for nonrenewal unless the contract of a teacher who has not attained

tenure is not renewed due to elimination of the position or loss of position to another teacher and to provide that the board of education rescind a nonrenewal decision only if the board finds such decision to be arbitrary and capricious, effective July 1, 1997; P.A. 00-13 amended Subsec. (d) to add requirement for the determination of incompetence to be based on evaluations, effective July 1, 2000; P.A. 01-173 amended Subsec. (d) to make technical changes, effective July 1, 2001; (Revisor's note: In 2005 the Revisors changed the reference to "subsection (f)" in the phrase "shall have the right to appeal in accordance with the provisions of subsection (f) of this section", at the end of Subsec. (c), to "subsection (e)", to correctly reflect the relettering of the subsections by P.A. 95-58); P.A. 10-111 amended Subsec. (a)(6) by replacing "subparagraph (B)" with "subparagraphs (B) and (D)" in Subpara. (C) and adding Subpara. (D) re attainment of tenure for employment in a priority school district, effective July 1, 2010; P.A. 11-28 made technical changes in Subsec. (a), effective June 3, 2011; P.A. 11-135 amended Subsec. (a) by adding provision re cooperative arrangement committee in Subdiv. (1), adding Subdiv. (6)(A)(iv) re previous continuous employment immediately prior to cooperative arrangement for purposes of attaining tenure, adding Subdiv. (6)(E) re tenured teachers employed by board that enters into cooperative arrangements, and making technical changes, effective July 1, 2011; P.A. 11-136 amended Subsec. (c) by replacing "April" with "May" and making technical changes, effective July 1, 2011; P.A. 12-116 amended Subsec. (a)(6) to redefine "tenure" by replacing "thirty" with "forty" re school months of continuous employment and adding provision re contract based on effective practice as informed by performance evaluations in Subpara. (A) and by adding provision re contract to return offered by superintendent based on effective practice as informed by performance evaluations in Subpara. (C), amended Subsec. (c) by revising time periods re statement of reasons for nonrenewal or termination and re hearing request and deleting provisions re hearing panel, amended Subsec. (d) by adding "or ineffectiveness" and replacing "July 1, 2000" with "July 1, 2014" in Subdiv. (1), deleting provision re written request filed by teacher following notice that contract is under consideration for termination, requiring request for hearing to be filed not later than 10 calendar days after receipt of written notice, deleting provisions re hearing panel, adding provision re hearing process when reason for termination is incompetence or ineffectiveness, and requiring submission of written findings and recommendation not later than 45 calendar days after receipt of hearing request, and replaced "days" with "calendar days" and made technical and conforming changes throughout, effective July 1, 2014; P.A. 13-31 made technical changes in Subsecs. (d) and (e), effective July 1, 2014; P.A. 13-245 amended Subsec. (d) by replacing "developed" with "adopted" in clause (i), effective July 1, 2014; P.A. 15-215 amended Subsec. (a)(6) by adding clause (v) re joining a regional school district in Subpara. (A) and adding Subpara. (F) re joining a regional school district, effective June 30, 2015; P.A. 19-139 amended Subsec. (a)(6) by deleting former Subpara. (D) re teacher or administrator employed by priority school district may attain tenure after ten months if such teacher or administrator previously attained tenure with another school district, redesignating existing Subparas. (E) and (F) as Subparas. (D) and (E), and making a conforming change, effective July 1, 2019.

See Sec. 4d-85 re state-wide standard for teacher and administrator competency in use of technology for instructional purposes.

See Sec. 5-242 re appointment and tenure of teachers in state institution schools.

See Sec. 17a-101i re suspension when child abused by a certified public school employee in a position requiring a certificate.

Cited. 138 C. 280; 152 C. 148. Language of former Subsec. (b) clearly concerned with defining grounds for discharge of a teacher. Id., 150. Cited. Id., 568. Section says nothing about form of notice. 165 C. 671. Right of appeal provided by former Subsec. (f) applies only to tenured teachers. 166 C. 189. Hearing re termination of teacher's contract held a "contested case" in the meaning of Sec. 4-166(2). 167 C. 368. Right of appeal is granted by section only to tenured teachers; teacher employed who does not have appropriate state certificate is illegally employed and not entitled to benefits of section. Id., 444. Cited. 168 C. 435; 170 C. 36; Id., 43; 171 C. 691; 173 C. 462; 174 C. 366; Id., 414; Id., 522; 175 C. 445. Absence of prior board authorization for teacher tenure hearing and failure to advise of right to legal representation deemed not prejudicial given all the circumstances involved. 176 C. 466. Judicial review of decisions of boards of education can be had only as authorized by section. Id., 630. Violation of terms of a decision of board is not violation of "reasonable rules" under former Subsec. (b); insubordination in and of itself constitutes other due and sufficient cause for termination of contract and is valid statutory basis for dismissal, however dismissal under facts of case determined to be excessive punishment, an abuse of discretion. 177 C. 572. Where his position is eliminated, board not required to assign tenured teacher to comparable position held by nontenured teacher, only required to assign to a vacant position. 178 C. 618. Cited. 179 C. 428. Teacher Tenure Act (Sec. 10-151 et seq.) not applicable to reassignments of administrators. 180 C. 66. Cited. Id., 96. A teacher discharged for cause under statute is entitled, as a matter of constitutional law, to a written statement of decision reached, the reasons for the determination and a fair summary of evidence relied on. 181 C. 69. Cited. 182 C. 93; 187 C. 94. Board of education may not terminate a teacher's contract unless the board first notifies the teacher that such action is under consideration. 189 C. 585. Cited. 190 C. 748; 195 C. 174; 196 C. 647; 198 C. 229. Doctrine of exhaustion of administrative remedies discussed; judgment of Appellate Court in 2 CA 36 reversed in part and case remanded with direction that judgment of trial court be reinstated. 199 C. 70. Judgment of Appellate Court in 2 CA 551 reversed and case remanded with direction to reinstate the judgment of the trial court. Id., 231. Cited. 200 C. 21; Id., 376; 206 C. 113; 210 C. 286; 216 C. 541; 226 C. 475; Id., 704; 227 C. 333; 231 C. 308; 232 C. 198; 240 C. 119.

A board of education may not terminate a teacher's contract unless the teacher is first notified by the board that such action is "under consideration". 2 CA 36; judgment reversed in part, see 199 C. 70. Cited. 2 CA 551; judgment reversed, see 199 C. 231; 3 CA 630. Full trial-type evidentiary hearing held before impartial hearing panel pursuant to section fulfills the right to due process. 4 CA 1. An appeal may be taken only from a decision to terminate a contract of employment; there is no right to appeal from suspension of employment. Id., 87. Cited. Id., 464; 5 CA 253; 8 CA 508; 9 CA 260; 20 CA 231; 31 CA 690; 32 CA 6; Id., 395; 33 CA 78. Determination of voluntariness is prior to and thus outside the scope of a hearing pursuant to section. 36 CA 282. Cited. 42 CA 480; 44 CA 179; Id., 677. Plaintiff would need to follow provisions of section only after initial determination was made that her resignation was involuntary. 53 CA 252. Section mandates continued employment for tenured teacher unless statutory ground for termination has been found, but is silent re continuing pay during period of administrative leave. 90 CA 59. Plaintiff not permitted to file a direct action against board of education and town for terminating her employment contract because plaintiff lacked standing individually to enforce provisions

of the collective bargaining agreement as she failed to identify any provision in the agreement permitting her individually to enforce the agreement, plaintiff did not allege that union had breached its duty of fair representation, and plaintiff did not allege a violation of her constitutional right to due process. 158 CA 872.

Cited. 9 CS 442. Injunction does not lie to prevent impending breach of contract. 12 CS 174. Board of education has broad powers in superintendence of school affairs. 14 CS 280. To fulfill the intent and purpose of statute, a local board of education must exercise a sound and reasonable discretion in making decisions to renew or not renew the contracts of nontenured teachers. 26 CS 102. Cited. Id., 107. Plaintiff working under temporary emergency teaching certificate does not meet technical requirements of tenure defined by former Subsec. (b); tenure is statutory not contractual. 32 CS 264. Policy decision by board of education to eliminate a teaching position may not be challenged by teacher at hearing. 34 CS 115. Former Subsec. (b)(5) violated where school board terminated plaintiff tenured teacher's employment while nontenured teacher had the same position in school system; section encompasses entire school system and is not limited to school classifications created by school board; board's staff reduction policy prohibiting "bumping" between levels of organizational classifications absolutely at variance with statute. 35 CS 55. Sufficiency of board's termination hearing and its proposed findings and conclusion discussed; appeal dismissed. 45 CS 171.

Subsec. (a):

Assistant superintendent is "below the rank of superintendent" and thus a teacher as defined in Subsec. 261 C. 287.

Subsec. (d):

Purpose of Subsec. is reciprocal: To provide framework for termination of tenured teacher's contract while protecting teacher's right to due process of law; teacher not required to exhaust administrative remedies if such recourse is futile or inadequate. 246 C. 456; overruled in part re recognition of cause of action, see 319 C. 36.

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