

Sample policy to consider.

Personnel - Certified

Non-renewal/Suspension

Non-Renewal

Prior to obtaining tenure, a certified employee's contract may be non-renewed provided that the employee is notified in writing prior to May 1st by the Superintendent. A teacher so notified may request not later than three calendar days after such teacher receives such notice of non-renewal, a written statement of the reasons for non-renewal of the contract, and the district will furnish such a statement not later than four (4) calendar days of the receipt of the request. The teacher may also file with the Board of Education not later than (10) calendar days of receipt of the notice of non-renewal for a hearing before the Board or, if indicated in such request designated by the Board, before a single impartial hearing officer chosen by the teacher and the Superintendent. The hearing shall commence not later than fifteen calendar days after receipt of such request unless an extension, not to exceed fifteen calendar days, is mutually agreed upon.

A teacher who has not attained tenure shall not be entitled to a hearing concerning non-renewal if the reason for such non-renewal is either elimination of position or loss of position to another teacher. The Board shall rescind a non-renewal decision only if the Board finds such decision to be arbitrary and capricious.

Suspension

A certified employee may be suspended by the Board of Education for an alleged or actual violation of any of the reasons for termination in C.G.S. 10-151(c) or 10-151(d) when insufficient cause for dismissal is considered to exist, or may be suspended pending Board or legal action for dismissal of the employee on charges of violation of one or more of said causes for termination. The Superintendent may suspend an employee pending Board action when, in the opinion of the Superintendent, continuation of the employee in the position presents a clear danger to the students, staff, property or reputation of the district, or to the employee.

Legal Reference:	<p>Connecticut General Statutes 10-151(b) Employment of teachers. Definitions. Tenure, etc. (as amended by P.A. 12-116, An Act Concerning Educational Reform) 10-151(c) Employment of teachers. (as amended by P.A. 11-136, An Act Concerning Minor Revisions to the Education Statutes.) Connecticut Guidelines for Educator Evaluation adopted by the State Board of Education, June 27, 2012. Connecticut's System for Educator Evaluation and Development (SEED) <i>Shanbrom v. Orange Board of Education</i>, 2 Conn. L. Rpts. 396, 398 (1990)</p>
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Policy adopted:

rev 5/12
rev 3/13

Another version to consider.

Personnel - Certified

Dismissal/Suspension

Suspension

The Board of Education may suspend a certified employee for an alleged or actual violation of any of the reasons for termination in Connecticut General Statute 10-151(b) when insufficient cause for dismissal is considered to exist, or may be suspended pending Board or legal action for dismissal of the employee on charges of violation of one or more of said causes for termination. The Superintendent may suspend an employee pending Board action when, in the opinion of the Superintendent continuation of the employee in the position presents a clear danger to the students, staff, property or reputation of the district or to the employee. The Board of Education may also suspend certified employees on the grounds of mental illness as determined by statutory requirements.

Dismissal/Termination

No certified employee shall be dismissed from the service of the schools without cause. The District will use the standards articulated by the State Department of Education for defining teacher effectiveness and ineffectiveness in the District's teacher evaluation plan. During the first four years of employment a certified employee may be dismissed provided that the employee is notified in writing prior to May 1st. A teacher so notified may request a written statement of the reasons for non-renewal of the contract, not later than three calendar days after such teacher receives the notice of non-renewal and the district will furnish such statement not later than five calendar days of the receipt of the request.

Procedures for a hearing on non-renewal of a contract shall be those given in C.G.S. 10-151(c) as amended. Beginning with and subsequent to the fifth year of continuous employment, no certified employee shall be terminated except for those reasons given in C.G.S. 10-151(b). If a tenured teacher is notified that termination is under consideration due to incompetence, the determination of incompetence or ineffectiveness will be based on evaluation of the teacher using teacher evaluation guidelines pursuant to section 10-151b, as amended. Procedures for termination shall be those itemized in C.G.S. 10-151(d), as amended.

Legal Reference: Connecticut General Statutes

- 10-151(b) Employment of teachers. Definitions. Tenure, etc.
(as amended by P.A. 12-116, An Act Concerning Educational Reform)
- 10-151(c) Employment of teachers. (as amended by P.A. 11-136, An Act Concerning Minor Revisions to the Education Statutes
Connecticut Guidelines for Educator Evaluation adopted by the State Board of Education, June 27, 2012.
- Connecticut's System for Educator Evaluation and Development (SEED)
Shanbrom v. Orange Board of Education, 2 Conn. L. Rpts. 396, 398 (1990)

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rev 5/12
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An expanded version of this policy.

Personnel - Certified

Administrative Leave/Suspension/Dismissal

Dismissal

1. Non-tenured Teachers

The contract for employment of a teacher who has not attained tenure may be terminated at any time for any of the reasons enumerated below:

- a. Inefficiency or incompetence, or ineffectiveness*

****Note: A teacher may be terminated, on or after July 1, 2014 on the grounds that he/she is “ineffective” provided that determination is based on evaluation of the teacher using teacher evaluation guidelines established pursuant to C.G.S. 10-151(b), as amended, by P.A. 12-116***

- b. Insubordination against reasonable rules of the Board of Education
- c. Moral misconduct
- d. Disability, as shown by competent medical evidence
- e. Elimination of the position to which the teacher was appointed or loss of a position to another teacher, in accordance with C.G.S 10-151(d)(5)
- f. Other due and sufficient cause

A novice teacher shall generally be deemed effective if said educator receives at least two sequential “proficient” ratings, one of which must be earned in the fourth year of the novice teacher’s career. A “below standard” rating shall only be permitted in the first year of a novice teacher’s career, assuming a pattern of growth of “developing” in year two and two sequential “proficient” ratings in years three and four. The Superintendent shall offer a contract to any educator he/she is deeming effective at the end of year four.

Otherwise, the contract of such teacher shall be continued into the next school year unless such teacher receives a written notice by May 1st in one school year that such contract will not be renewed for the following year. A teacher may request not later than three (3) calendar days after the teacher receives such notice of non-renewal or termination, statement of reason(s) therefore and the district will furnish such a statement not later than four (4) calendar days of the receipt of the request. The teacher is entitled to a hearing upon written request filed with the Board not later than ten (10) calendar days after receipt of notice. The hearing shall be conducted before the Board, a subcommittee of the Board, or if indicated in such request and if designated by the Board, before a single impartial hearing officer chosen by the teacher and the Superintendent in accordance with law. The hearing shall commence not later than fifteen (15) calendar days of such request unless the parties mutually agree to an extension not to exceed fifteen calendar days.

Personnel - Certified

Administrative Leave/Suspension/Dismissal

Dismissal (continued)

The impartial hearing officer or a subcommittee of the Board of Education of three or more Board members, if the Board designates a subcommittee to conduct hearings, shall submit written findings and recommendation to the Board for final disposition.

A teacher who has not attained tenure and whose contract is terminated for any of the reasons under 1(a-d), above, shall have the right to appeal in accordance with the provisions of subsection (e) of C.G.S. 10-151. No right of appeal shall exist if the reason for such non-renewal is either elimination of position or loss of position to another teacher. A non-tenured teacher is not entitled to a hearing concerning non-renewal if the reason for such non-renewal is either elimination of position or loss of position to another teacher.

2. Tenured Teachers

The contract for 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:

- a. Inefficiency, incompetence, or ineffectiveness

**Note: A teacher may be terminated, on or after July 1, 2014 on the grounds that he/she is “ineffective” provided that determination is based on evaluation of the teacher using teacher evaluation guidelines established pursuant to C.G.S. 10-151(b), as amended, by P.A. 12-116*

- b. Insubordination against reasonable rules of the Board of Education
- c. Moral misconduct
- d. Disability, as shown by competent medical evidence
- e. Elimination of the position to which the teacher was appointed or loss of a position to another teacher, in accordance with C.G.S 10-151(d)(5)
- f. Other due and sufficient cause

A tenured teacher shall generally be deemed ineffective if said teacher receives at least two sequential “developing” ratings or one “below standard” rating at any time.

Personnel - Certified

Administrative Leave/Suspension/Dismissal

2. Tenured Teachers (continued)

Prior to terminating a contract the Board of Education shall vote to give the teacher concerned a written notice including the reason for such consideration of termination, that termination of such teacher is under consideration not later than ten calendar days after receipt of written notice that contract termination is under consideration, such teacher may file with such Board a written request for a hearing. 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, before the Board of Education or a subcommittee of the Board or, if indicated in such request or if designated by the Board before a single 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 (5) calendar days after the decision to use a hearing officer, the officer shall be selected with the assistance of the American Arbitration Association. If the hearing officer is not selected with the assistance of such Association after five days, the hearing shall be held before the Board or a Board subcommittee.

When the reason for termination is incompetence or ineffectiveness, the hearing shall (a) address the question of whether the performance evaluation ratings of the teacher were determined in good faith according to the required evaluation procedures, (C.G.S. 10-15b as amended) and (b) were reasonable in light of the evidence presented. The hearing on incompetence and ineffectiveness is limited to twelve total hours of evidence and testimony, with each side allowed not more than six hours to present evidence and testimony. The Board, Board subcommittee or impartial hearing officer may extend the time period for evidence and testimony at the hearing when good cause is shown.

Within forty-five (45) calendar days after receipt of the request for a hearing, the hearing officer or Board subcommittee, unless the parties mutually agree to an extension, not to exceed fifteen (15) calendar days shall submit findings and 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 (15) calendar days of receipt of the written recommendation. If the hearing is before the Board of Education, the Board shall render its decision not later than fifteen (15) calendar days after the close of such hearing, and shall send a copy of its decision to the teacher.

Any teacher aggrieved by the decision may appeal within thirty (30) calendar days of such decision to the Superior Court.

Personnel - Certified

Administrative Leave/Suspension/Dismissal

Suspension

The Superintendent may place an employee on Administrative Leave with pay or suspend an employee without pay in accordance with Policy 4117. The Superintendent may further bring a recommendation to the Board for action when, in the opinion of the Superintendent, continuation of the employee in the position presents a clear danger to the students, staff, or property of the school system.

(cf. 4115 – Evaluation and Support Program)

(cf. 4117 – Administrative Leave and Disciplinary Action/Suspension/Dismissal)

Legal Reference: Connecticut General Statutes

10-151(b) Employment of teachers. Definitions. Tenure, etc.
(as amended by P.A. 12-116, An Act Concerning Educational Reform)

10-151(c) Employment of teachers. (as amended by PA 11-136)

P.A. 95-58 An Act Concerning Teacher Evaluations, Tenure and Dismissal.

P.A. 97-247 An Act Concerning Revisions to the Education Statutes.

Connecticut Guidelines for Educator Evaluation adopted by the State Board of Education, June 27, 2012.

Connecticut's System for Educator Evaluation and Development (SEED)

Shanbrom v. Orange Board of Education, 2 Conn. L. Rpts. 396, 398 (1990)

Americans with Disabilities Act

Policy adopted:

cps 5/04

rev 7/11

rev 5/12

rev 3/13

A sample regulation.

Personnel - Certified

Non-Renewal Termination

I. Procedure for Recommendation of Non-Renewal or Termination

A. Non-Renewal of Probationary Contracts (non-tenure)

1. Recommendation to the Board and action by the Board to not renew the contract.

In the case of non-renewal of a non-tenure teacher's contract, the Superintendent of Schools shall, prior to May 1, present to the Board of Education a list of the names of those teachers, if any, whose contracts he/she recommends not be renewed by the Board of Education. Upon receipt of the Superintendent's recommendation, the Board of Education shall consider such recommendation in executive session and shall, vote on the question of individual contract renewal. The Board of Education may vote to not renew the teaching of any non-tenure, probationary teacher by a motion in the following form: "Be it resolved, that the contract of employment of _____ not be renewed upon its expiration on June 30, 20____, and that the Superintendent is authorized to give written notice to _____ of this action."

2. Notice to the Employee.

Such notice as above authorized must be given to the teacher, in writing, no later than May 1. Notice will be served by first class registered mail, and may also be hand-delivered with delivery acknowledged by the teacher's signature on a copy of said notice.

B. Termination of Contracts (tenure or non-tenure)

1. The recommendation of termination to the Board and action by the Board.

The Board of Education may consider at any time during the school year the termination of any contract of employment of a certificated employee of the Board of Education upon recommendation of the Superintendent. Upon the recommendation that the teaching contract of any certified employee of the Board of Education be terminated, the Board of Education may vote to authorize the Superintendent to notify the employee concerned that termination of his or her employment contract is under consideration, by a motion in the following form: "Be it resolved, that the Superintendent notify in writing, _____, that termination of his (or her) contract of employment is under consideration."

Personnel - Certified

Non-Renewal Termination

B. Termination of Contracts (tenure or non-tenure) (continued)

2. Notice to the employee.

Such notice as above authorized will be in the following form: "This is to notify you that termination of your contract of employment is under consideration."

Notice will be served by first class registered mail.

II. Statement of Reasons

A. Non-Renewal or Termination of Probationary Teaching Contracts (Non-Tenured Personnel)

Upon receipt of notification of non-renewal, the employee concerned not later than three calendar days after receipt of such non-renewal notice request in writing, a statement of reasons. The District shall furnish such statement of reason(s) not later than four calendar days of the receipt of the written request.

B. Proposed Contract Termination (tenure)

The written notification of termination shall contain a statement of the reasons for such consideration of termination. The statement of reasons shall recite one or more of the six statutory reasons, with sufficient specificity to enable the teacher to understand the charges against him or her.

C. Determination of Effectiveness and Ineffectiveness

The District shall use the guidance provided by the State Department of Education in its Connecticut Guidelines for Educator and Leader Evaluation and Support (2023).

III. Request for Hearing

A. Non-Renewal of Contract (non-tenure)

Upon receipt of notice of non-renewal the teacher may, upon written request filed not later than ten (10) calendar days after the receipt of said notice of termination or non-renewal, be entitled to a hearing before the Board of Education or, if indicated in such request and if designated by the Board, before an impartial hearing officer, chosen by the teacher and the Superintendent to be held within fifteen (15) calendar days of such request in accordance with the procedure outlined in Section IV for the conduct of such a hearing.

A teacher who has been non-renewed due to the elimination of his/her position or the loss of his/her position to another teacher shall not be entitled to a hearing.

Personnel - Certified

Non-Renewal Termination

III. Request for Hearing (continued)

B. Termination of Contract (tenure or non-tenure)

Not later than ten (10) calendar days of receipt of notice that contract termination is under consideration, the teacher concerned may request in writing, filed with the Board of Education, a hearing which will be held not later than fifteen (15) calendar days after receipt of such request by the Board of Education unless the parties mutually agree to an extension, not to exceed fifteen (15) calendar days. In lieu of such a hearing the teacher concerned may request, or the Board of Education may designate, that a hearing be held before a single impartial hearing officer if the parties mutually agree, established and conducted in accordance with the provisions of Section 10-151 of the Connecticut General Statutes, as amended. Either hearing shall be public if the teacher so requests or the Board of Education so designates.

Termination hearings for incompetence and ineffectiveness shall be limited to a total of twelve (12) hours of evidence and testimony, six for each side. The Board, Board sub-committee or hearing officer may extend the time for good cause shown. Hearings on termination for incompetence or ineffectiveness must address whether the teacher's performance ratings were (a) determined in good faith according to the required evaluation procedures and (b) reasonable in light of the evidence presented.

IV. Decision of the Board of Education

If a teacher dismissal hearing is held before the Board of Education, the Board shall render its decision not later than fifteen (15) calendar days of such hearing, and shall send a copy of its decision to the teacher concerned. A copy of a transcript of the proceedings of any termination hearing shall be furnished by the Board of Education, upon written request by the teacher, within fifteen (15) days of the Board's decision, provided the teacher shall assume the cost of any such copy.

If a termination hearing is held before a subcommittee of the Board or hearing officer, such bodies, within forty-five calendar days after receipt of the request for a hearing, unless the parties mutually agree to an extension not to exceed fifteen (15) calendar days, shall submit written findings and a recommendation to the Board of Education as to the disposition of the charges against the teacher. The teacher shall be given the decision of the Board of Education not later than fifteen (15) calendar days of receipt of the written recommendation of the impartial hearing panel, subcommittee or hearing officer.

Personnel - Certified

Non-Renewal Termination

Legal Reference: Connecticut General Statutes

10-151 Employment of Teachers Definitions (as amended by P.A. 11-136 and P.A. 12-116, An Act Concerning Educational Reform) Notice and hearing on failure to renew or termination of contract. Appeal

Connecticut Guidelines for Educator Evaluation adopted by the State Board of Education, June 27, 2012.

Connecticut's System for Educator Evaluation and Development (SEED)

Connecticut Guidelines for Educator and Leader Evaluation and Support, 2023

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