



PERSONNEL COMMITTEE MEETING

Thursday, March 16, 2023 8:00 AM

COMMITTEE MEETING ONLINE-ZOOM Please use the link below to join the webinar:

<https://us02web.zoom.us/j/89611568616?pwd=MUdxeWlOdy8rbENKaHpkT0g0cnZPUT09> Passcode: 383124 Or Telephone: US: +1 301 715 8592 or +1 312 626 6799 or +1 929 205 6099 or +1 253 215 8782 or +1 346 248 7799 or +1 669 900 6833 Webinar ID: 896 1156 8616 International numbers available:

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1. Teacher Evaluation

Sec. 10-151b. Teacher evaluations. Teacher evaluation and support program; development; adoption; implementation; guidelines. (a) The superintendent of each local or regional board of education shall annually evaluate or cause to be evaluated each teacher, and for the school year commencing July 1, 2013, and each school year thereafter, such annual evaluations shall be the teacher evaluation and support program adopted pursuant to subsection (b) of this section. The superintendent may conduct additional formative evaluations toward producing an annual summative evaluation. An evaluation pursuant to this subsection shall include, but need not be limited to, strengths, areas needing improvement, strategies for improvement and multiple indicators of student academic growth. Claims of failure to follow the established procedures of such teacher evaluation and support program shall be subject to the grievance procedure in collective bargaining agreements negotiated subsequent to July 1, 2004. In the event that a teacher does not receive a summative evaluation during the school year, such teacher shall receive a “not rated” designation for such school year. The superintendent shall report (1) the status of teacher evaluations to the local or regional board of education on or before June first of each year, and (2) the status of the implementation of the teacher evaluation and support program, including the frequency of evaluations, aggregate evaluation ratings, the number of teachers who have not been evaluated and other requirements as determined by the Department of Education, to the Commissioner of Education on or before September fifteenth of each year. For purposes of this section, the term “teacher” shall include each professional employee of a board of education, below the rank of superintendent, who holds a certificate or permit issued by the State Board of Education.

(b) Except as provided in subsection (d) of this section, not later than September 1, 2013, each local and regional board of education shall adopt and implement a teacher evaluation and support program that is consistent with the guidelines for a model teacher evaluation and support program adopted by the State Board of Education, pursuant to subsection (c) of this section. Such teacher evaluation and support program shall be developed through mutual agreement between the local or regional board of education and the professional development and evaluation committee for the school district, established pursuant to subsection (b) of section 10-220a. If a local or regional board of education is unable to develop a teacher evaluation and support program through mutual agreement with such professional development and evaluation committee, then such board of education and such professional development and evaluation committee shall consider the model teacher evaluation and support program adopted by the State Board of Education, pursuant to subsection (c) of this section, and such board of education may adopt, through mutual agreement with such professional development and evaluation committee, such model teacher evaluation and support program. If a local or regional board of education and the professional development and evaluation committee are unable to mutually agree on the adoption of such model

teacher evaluation and support program, then such board of education shall adopt and implement a teacher evaluation and support program developed by such board of education, provided such teacher evaluation and support program is consistent with the guidelines adopted by the State Board of Education, pursuant to subsection (c) of this section. Each local and regional board of education may commence implementation of the teacher evaluation and support program adopted pursuant to this subsection in accordance with a teacher evaluation and support program implementation plan adopted pursuant to subsection (d) of this section.

(c) (1) On or before July 1, 2012, the State Board of Education shall adopt, in consultation with the Performance Evaluation Advisory Council established pursuant to section 10-151d, guidelines for a model teacher evaluation and support program. Such guidelines shall include, but not be limited to, (A) the use of four performance evaluations designators: Exemplary, proficient, developing and below standard; (B) the use of multiple indicators of student academic growth and development in teacher evaluations; (C) methods for assessing student academic growth and development; (D) a consideration of control factors tracked by the state-wide public school information system, pursuant to subsection (c) of section 10-10a, that may influence teacher performance ratings, including, but not limited to, student characteristics, student attendance and student mobility; (E) minimum requirements for teacher evaluation instruments and procedures, including scoring systems to determine exemplary, proficient, developing and below standard ratings; (F) the development and implementation of periodic training programs regarding the teacher evaluation and support program to be offered by the local or regional board of education or regional educational service center for the school district to teachers who are employed by such local or regional board of education and whose performance is being evaluated and to administrators who are employed by such local or regional board of education and who are conducting performance evaluations; (G) the provision of professional development services based on the individual or group of individuals' needs that are identified through the evaluation process; (H) the creation of individual teacher improvement and remediation plans for teachers whose performance is developing or below standard, designed in consultation with such teacher and his or her exclusive bargaining representative for certified teachers chosen pursuant to section 10-153b, and that (i) identify resources, support and other strategies to be provided by the local or regional board of education to address documented deficiencies, (ii) indicate a timeline for implementing such resources, support, and other strategies, in the course of the same school year as the plan is issued, and (iii) include indicators of success including a summative rating of proficient or better immediately at the conclusion of the improvement and remediation plan; (I) opportunities for career development and professional growth; and (J) a validation procedure to audit evaluation ratings of

exemplary or below standard by the department or a third-party entity approved by the department.

(2) The State Board of Education shall, following the completion of the teacher evaluation and support pilot program, pursuant to section 10-151f, and the submission of the study of such pilot program, pursuant to section 10-151g, review and may revise, as necessary, the guidelines for a model teacher evaluation and support program and the model teacher evaluation and support program adopted under this subsection.

(d) A local or regional board of education may phase in full implementation of the teacher evaluation and support program adopted pursuant to subsection (b) of this section during the school years commencing July 1, 2013, and July 1, 2014, pursuant to a teacher evaluation and support program implementation plan adopted by the State Board of Education, in consultation with the Performance Evaluation Advisory Council, not later than July 1, 2013. The Commissioner of Education may waive the provisions of subsection (b) of this section and the implementation plan provisions of this subsection for any local or regional board of education that has expressed an intent, not later than July 1, 2013, to adopt a teacher evaluation program for which such board requests a waiver in accordance with this subsection

Sec. 10-151c. Nondisclosure of records of teacher performance and evaluation.

Exceptions. Any records maintained or kept on file by the Department of Education or any local or regional board of education that are records of teacher performance and evaluation shall not be deemed to be public records and shall not be subject to the provisions of section 1-210, provided that any teacher may consent in writing to the release of such teacher's records by the department or a board of education. Such consent shall be required for each request for a release of such records.

Notwithstanding any provision of the general statutes, records maintained or kept on file by the Department of Education or any local or regional board of education that are records of the personal misconduct of a teacher shall be deemed to be public records and shall be subject to disclosure pursuant to the provisions of subsection (a) of section 1-210. Disclosure of such records of a teacher's personal misconduct shall not require the consent of the teacher. For the purposes of this section, "teacher" includes each certified professional employee below the rank of superintendent employed by a board of education in a position requiring a certificate issued by the State Board of Education.

Sec. 10-151e. Disclosure of teacher records for purposes of an investigation of child abuse or neglect. Notwithstanding the provisions of section 10-151c, a local or regional board of education shall provide the Commissioner of Children and Families, upon request and for the purposes of an investigation by the commissioner of suspected child abuse or neglect by a teacher employed by such board of education, any records maintained or kept on file by such board of education. Such records shall include, but not be limited to, supervisory records, reports of competence, personal character and efficiency maintained in such teacher's personnel file with reference to evaluation of performance as a professional employee of such board of education, and records of the personal misconduct of such teacher. For purposes of this section, "teacher" includes each certified professional employee below the rank of superintendent employed by a board of education in a position requiring a certificate issued by the State Board of Education.

Sec. 31-128b. Employee access to personnel file, documentation of disciplinary action and notice of termination. (a) Each employer shall, not more than seven business days after receipt of a written request from an employee, permit such employee to inspect, and if requested, copy his or her personnel file if such a file exists. Such inspection shall take place during regular business hours at a location at or reasonably near the employee's place of employment. Each employer who has personnel files shall be required to keep any personnel file pertaining to a particular employee for at least one year after the termination of such employee's employment.

(b) Each employer shall, not more than ten business days after receipt of a written request from a former employee, permit such former employee to inspect, and if requested, copy his or her personnel file if such a file exists, provided the employer receives such written request not later than one year after the termination of such former employee's employment with the employer. Such inspection shall take place during regular business hours at a location mutually agreed upon by the employer and former employee. If the employer and former employee cannot agree upon a location to conduct such inspection, the employer may satisfy the requirements of this subsection by mailing a copy of the former employee's personnel file to the former employee not more than ten business days after receipt of the written request from the former employee.

(c) Each employer shall provide an employee with a copy of any documentation of any disciplinary action imposed on that employee not more than one business day after the date of imposing such action. Each employer shall immediately provide an employee with a copy of any documented notice of that employee's termination of employment.

Personnel Records

Personnel records shall be maintained securely and confidentially in the central office for all current employees and shall include information customarily kept in personnel files. Files shall be maintained for past employees, and include years of employment, salaries, and such other basic and essential information as the superintendent/designee shall require.

There shall be only one official personnel file in central office for each employee.

Requests for access to personnel files, except from an employee to see his or her own file, shall be referred to the superintendent/designee who shall determine whether disclosure of such records would legally constitute invasion of employee privacy. If the superintendent/designee believes disclosure is not an invasion of privacy, requested information shall be disclosed, but professional courtesy suggests the employee should be notified of such disclosure.

The records may be disclosed when the Superintendent does not believe such disclosure would legally constitute an invasion of privacy. The records, in such a situation, shall first be disclosed to the requestor, followed within a reasonable time after disclosure, with the sending of a written or electronic copy of brief description of such request to the employee and any applicable collective bargaining representative. Disclosure shall only be considered an invasion of privacy where (1) such records do not pertain to a legitimate matter of public interest and (2) disclosure of such records would be highly offensive to a reasonable person.

Records maintained or kept on file by the State Department of Education or the Board which are records of a teacher's personal misconduct shall be deemed to be public records, and subject to disclosure under the Freedom of Information Act. Disclosure of such records of a teacher's personal misconduct shall not require the consent of the teacher.

If the superintendent/designee determines disclosure would invade employee privacy, the employee/s and collective bargaining representatives if any, shall be notified in writing of the request. If the superintendent/designee does not receive a written objection, from the employee or bargaining representative, within seven business days from receipt of their notification, or if there is no evidence of receipt not later than nine business days from the date the notice was mailed, sent, posted, or otherwise given, requested records shall be disclosed. However, if an objection is received in a timely manner on the form prescribed, the superintendent/designee shall not disclose requested information unless directed to do so by the Freedom of Information Commission. Notwithstanding an objection filed by an employee's bargaining representative, the employee may subsequently approve disclosure of records by filing a written notice with the superintendent.

Personnel Records (continued)

Employee or bargaining representative objections to disclosure of records shall be made in writing on a form developed by the superintendent/designee including a signed statement by the employee or bargaining representative, under penalties of false statement, that to the best of respondent's knowledge, information, and belief, there is good grounds to support the objection and that the objection is not interposed for delay.

Notwithstanding earlier provisions of this policy, personnel evaluations of certified employees, except the superintendent, are not public records subject to disclosure – unless the employee consents in writing to the release of such records.

Each employee may inspect his or her file at reasonable times, and upon request, receive a copy of the information therein.

Legal Reference: Connecticut General Statutes

1-213 Agency administration. Disclosure of personnel, birth and tax records.

1-214 Objection to disclosure of personnel or medical files (as amended by PA 18-93)

1-215 Record of arrest as public record.

1-206 Denial of access to public records or meetings.

10-151a Access of teacher to supervisory records and reports in personnel file.

10-151c Records of teacher performance and evaluation not public records. (as amended by PA 02-138 and PA 13-122)

Perkins v Freedom of Information Commission, 228 Conn.158 (1993)

The Americans with Disabilities Act

Section 1112(c)(6) The Every Student Succeeds Act (ESSA)

Section 1112(e)(1)(B) The Every Student Succeeds Act (ESSA)

Policy

Adopted: November 14, 2005

Revised: September 12, 2022

Non-renewal/Suspension

Non-renewal – Prior to obtaining tenure, a certified employee’s contract may be non-renewed provided the employee is notified in writing prior to May 1st by the Superintendent. A teacher so notified may request not later than three (3) 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 ten (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 (15) calendar days after receipt of such request unless an extension, not to exceed fifteen calendar days, is mutually agreed upon. Procedures for hearing on non-renewal of a contract shall be those provided in C.G. S. 10-151(c).

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 Counsel – Prior to recommending non-renewal or suspension of an employee, the superintendent of schools may review the issues involved with the school district attorney.

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.)
PA 95-58 An Act Concerning Teacher Evaluations, Tenure and Dismissal.
PA 97-247 An Act Concerning Revisions to the Education Statutes.
Shanbrom v. Orange Board of Education, 2 Conn. L. Rpts. 396, 398 (1990)

Policy

Adopted: November 14, 2005

Revised: October 15, 2012