

**BOE Policy Committee Agenda  
Wednesday, February 10, 2021  
Virtual Meeting 8:30 A.M.**

*In consideration of public health, open meetings and the Governor’s Executive Order No. 7B dated March 10, 2020 regarding PROTECTION OF PUBLIC HEALTH AND SAFETY DURING COVID- 19 PANDEMIC AND RESPONSE - FURTHER SUSPENSION OR MODIFICATION OF STATUTES; this meeting will include an option for the public to phone in to listen to the audio of the meeting. Please note that public comment will be received by phone at the beginning and end of this meeting.*

**Joining Info:   Join by phone  
                  +1 252-656-5287 PIN: 862 589 920#**

**CALL TO ORDER**

**IN ATTENDANCE**

**PUBLIC PARTICIPATION**

**APPROVE MINUTES** December 9, 2020

**NEW BUSINESS**

**Discussion and possible action:**

<b>Item</b>	<b>Reports</b>
<b>Policy 4116 – Probationary/Tenure Status</b> Newtown does not have a current policy.	<ul style="list-style-type: none"><li>• S. Connell will invite S. D’Eramo to this virtual meeting</li></ul>
<b>Policy 4117 – Separation/Disciplinary Action</b> S. Connell will include Newtown’s current policy (Policy 4-109) for the committee to review	<ul style="list-style-type: none"><li>• S. Connell will invite S. D’Eramo to this virtual meeting</li></ul>
<b>Policy 4117.12 – Purchase of Health Insurance</b> Newtown does not have a current policy.	<ul style="list-style-type: none"><li>• S. Connell will invite S. D’Eramo to this virtual meeting</li></ul>
<b>Policy 4117.2 – Resignation</b> Newtown does not have a current policy	<ul style="list-style-type: none"><li>• S. Connell will invite S. D’Eramo to this virtual meeting</li></ul>
<b>Policy 4117.3 – Personnel Reduction</b> S. Connell will include Newtown’s current policy (Policy 4-110) for the committee to review. This policy is required if it is not already in negotiated agreements.	<ul style="list-style-type: none"><li>• S. Connell will invite S. D’Eramo to this virtual meeting</li></ul>

**UPDATE FROM THE SUPERINTENDENT**

**PUBLIC PARTICIPATION**

**ADJOURNMENT**

*A policy to consider.*

## **Personnel - Certified**

### **Probationary/Tenure Status**

All certified personnel may attain tenure as provided by law. (C.G.S. 10-151, as amended\*)

The Board of Education will expect thorough and competent evaluations of all personnel before they become candidates for tenure. The awarding of a contract by the Superintendent for a teacher to return for the following year must be based on effective practice as informed by performance evaluations conducted pursuant to Connecticut General Statute 10-151b, as amended and with the teacher evaluation guidelines recommended by the Performance Evaluation Advisory Council (PEAC) and approved by the State Board of Education (6/27/12).

Procedures for continuation or termination of a contract, failure to renew a teacher's contract, or appeals thereof shall be in accordance with Connecticut General Statute 10-151, as amended.

### **Teachers Working Under Cooperative Arrangements**

Teachers working under cooperative arrangements recognized in statute retain their credited service toward tenure with a Board of Education if their service is transferred to a committee administering a cooperative arrangement and the District is part of the committee. Also permitted is allowing a teacher with tenure at a district to be considered as having continuous employment for tenure purposes if the teacher becomes employed under a cooperative arrangement in which the district participates.

(cf. 4115 - Evaluation/Supervision)

(cf. 4117.4 - Dismissal/Suspension)

Legal Reference: Connecticut General Statutes

10-151 Employment of teachers. Notice and hearing on termination of or failure to renew contract. Appeals as amended by P.A. 10-111, An Act Concerning Education Reform in Connecticut, and PA 12-116, An Act Concerning Educational Reform and PA 19-139, An Act Concerning Education Issues.

10-158a Cooperative arrangements among towns. School building projects. Student transportation.

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

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

Policy adopted:

rev 10/19

*Another version to consider.*

## **Personnel - Certified**

### **Awarding of Tenure**

The most important person in the educational life of any student is his or her teacher. Therefore, it is the policy of the Board of Education to allow tenure to accrue only to those teachers who have demonstrated outstanding achievement and talent in their work in this school system. The awarding of a contract the Superintendent for a teacher to return for the following year must be based on effective practice as informed by performance evaluations conducted pursuant to Connecticut General Statute 10-151b, as amended and with the teacher evaluation guidelines recommended by the Performance Evaluation Advisory Council (PEAC) and approved by the State Board of Education (6/27/12).

In addition to the evaluations usually done by Principals and/or Department Heads, the Superintendent of Schools shall formally observe and evaluate, under the District's Evaluation Document, the work of each non-tenured teacher each year. In addition, 60 days before the date on which tenure shall accrue to a teacher, the Superintendent shall review with the Board of Education in executive session the quality of that teacher's work.

### **Teachers Working Under Cooperative Arrangements**

Teachers working under cooperative arrangements recognized in statute retain their credited service toward tenure with a board of education if their service is transferred to a committee administering a cooperative arrangement and the District is part of the committee. Also permitted is allowing a teacher with tenure at a district to be considered as having continuous employment for tenure purposes if the teacher becomes employed under a cooperative arrangement in which the district participates.

Legal Reference: Connecticut General Statutes

10-145 Certificate necessary for employment.

10-151 Employment of teachers. Notice and hearing on termination of or failure to renew contract. Appeals as amended by P.A. 10-111, An Act Concerning Education Reform in Connecticut, and PA 12-116, An Act Concerning Educational Reform and PA 19-139, An Act Concerning Education Issues.

10-158a Cooperative arrangements among towns. School building projects. Student transportation.

10-220 Duties of boards of education.

## **Personnel - Certified**

### **Probationary/Tenure Status**

Legal Reference: Connecticut General Statutes (continued)

10-221 Boards of education to prescribe rules, policies and procedures.

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

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

Policy adopted:

rev 7/11  
rev 5/12  
rev 3/13  
rev 10/19

*An optional policy to consider.*

## **Personnel -- Certified**

### **Notification of Tenure Status**

The Superintendent shall present to the Board the names of those teachers who will achieve tenure if their contracts are renewed for the following year. Achievement of tenure shall be in compliance with the state statutes and regulations. The Superintendent or his/her designee also will apprise the Board of the pending tenure date of each non-tenured teacher. The Board will publicly recognize teachers who have achieved tenure.

Legal Reference: Connecticut General Statutes

10-145 Certificate necessary for employment.

10-151 Employment of teachers. Notice and hearing on termination of or failure to renew contract. Appeals as amended by P.A. 10-111, An Act Concerning Education Reform in Connecticut, and PA 12-116, An Act Concerning Educational Reform and PA 19-139, An Act Concerning Education Issues.

10-158a Cooperative arrangements among towns. School building projects. Student transportation.

10-220 Duties of boards of education.

10-221 Boards of education to prescribe rules, policies and procedures.

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

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

Policy adopted:

cps 3/14  
rev 10/19

*Suggested policy to consider.*

## **Personnel -- Certified**

### **Disciplinary Action/Suspension/Dismissal**

The Superintendent is directed to adhere to the following regulations and procedures for the dismissal, suspension or demotion of any employee for reasons of incompetence, willful neglect of duty, malfeasance, immoral or improper conduct, insubordination, behavior in violation of the policies and regulations of the district, mental and/or physical illness or disability and actions which are, in the opinion of the Board of Education, a hindrance to the district, the staff or the students. A notice of disciplinary action taken shall contain a statement in ordinary and concise language of the specific charges on which the disciplinary action is based. The notice shall contain specific action or behavior with which the employee is charged. Dismissal or demotion will be made only for just and reasonable cause, and only after written charges have been filed. The Board, acting through its Superintendent, will notify the employee in writing, stating the charges brought against him/her, and if necessary, arrange for a hearing to be held. Disciplinary sanction up to and including dismissal and referral for prosecution will be imposed on employees who violate the standards of conduct or commit a crime against State or Federal law.

Employees will be given a copy of the standards and the statement of disciplinary sanctions, as well as information about any drug and alcohol counseling and rehabilitation programs that are available to employees.

#### **Definitions:**

**"Suspension"** means temporary removal of an employee from a position with loss of pay, as a disciplinary measure, or removal from a position preliminary to a decision by the Board on charges leading to dismissal or demotion.

**"Demotion"** means reduction of an employee from a given class or group of similar positions combined under a common title to a class or group having a lower salary rate.

**"Dismissal"** means separation, discharge or permanent removal of an employee from service in the district for cause, in accordance with the policies and regulations of the district.

#### **Suspension of the Employee Pending Disciplinary Action by the Board**

Except where circumstances justify, disciplinary action shall follow this order: (a) verbal warning, (b) written warning-probation, (c) suspension and (d) demotion and/or dismissal.

In any case where the Superintendent or his/her designee deems it necessary or proper, the employee may be suspended until the Board of Education has determined what disciplinary action to take, if any, against the employee.

## **Personnel -- Certified**

### **Disciplinary Action/Suspension/Dismissal**

#### **Suspension of the Employee Pending Disciplinary Action by the Board (continued)**

This suspension shall be without pay, except that if the Board of Education denies the recommendation of the Superintendent or designee, the employee shall be entitled to full pay for the suspension period. If the Board modifies the recommendation of the Superintendent, the Board shall determine as part of its action whether the suspension or any part of the suspension shall be without pay.

#### **Just Cause**

One or more of the following causes may be sufficient grounds for imposing a disciplinary measure:

1. Incompetency, ~~or~~ inefficiency, or ineffectiveness in the performance of the duties of the assigned position;
2. Insubordination (including, but not limited to, refusal to do assigned work);
3. Carelessness or negligence in the performance of duty or in the care or use of district property;
4. Discourteous or offensive or abusive language or conduct toward other employees, students or the public;
5. Dishonesty;
6. Drinking alcoholic beverages on the job, or reporting for work while intoxicated;
7. The unlawful possession, use, or distribution of illicit drugs or alcohol on school premises or as part of any of its activities;
8. Personal conduct unbecoming an employee of the district;
9. Engaging in political activities during assigned hours of employment or otherwise in violation of applicable policies or regulations of the district;
10. Conviction of any crime involving moral turpitude, including a sex offense;
11. Repeated and unexcused absences or tardiness;

## Personnel -- Certified

### Disciplinary Action/Suspension/Dismissal

#### Just Cause (continued)

12. Abuse of leave privileges;
13. Falsifying any information supplied to the school district, including but not limited to, information supplied on application forms, employment records or any other school district records;
14. Persistent violations of, or refusal to obey, safety rules and regulations made applicable to the public schools by the Board of Education, the Superintendent or by any appropriate state or governmental agency;
15. Offering anything of value or offering any service in exchange for special treatment in connection with the employee's job or to any member of the public;
16. Abandonment of position.

### Consequences for the Use, Sale or Possession of Controlled Substances or Alcohol

Any employee using, possessing, or selling controlled substances on school premises or as part of any of its activities shall automatically be subject to the following actions:

**First Violation:** Any employee found to be in violation of the policy for the first time during his/her tenure in the \_\_\_\_\_ Public Schools will be referred by the Superintendent to an appropriate agency licensed to assess and treat drug/alcohol involved individuals. If the employee does not agree to be assessed and participate or agrees to participate and then fails to complete the program prescribed by the agency he/she will be dismissed.

Any employee convicted of selling or distributing a controlled substance will be dismissed. In cases of possession, law enforcement officials will be notified. The violator will also be subject to disciplinary action stipulated in this policy.

**Second Violation:** The law enforcement agency will be notified of all second violations involving a controlled substance. Employees who are convicted of workplace drug abuse will be dismissed.

## Personnel -- Certified

### Disciplinary Action/Suspension/Dismissal

Legal Reference: Connecticut General Statutes

10-151(b) Employment of teachers. Definitions. Tenure, etc. (as amended by P.A. 10-111, and P.A. 12-116, An Act Concerning Educational Reform)

10-154 (a) Professional communications between teacher or nurse and student. Surrender of physical evidence obtained from students.

21(a)-240 Definitions

Policy adopted:

cps 1/99

rev 5/12

ASSIGNMENT, TRANSFER, OR SUSPENSION OF PERSONNEL - FOR CAUSE

The Superintendent is authorized temporarily to assign, transfer, or suspend a Board of Education employee for cause. The provisions of statutes or employee contracts will govern the procedures for this administrative action. The Superintendent will notify the Board of Education in a timely manner of the temporary assignment, transfer, or suspension.

Reference: CGS 10-151b

Adopted 11/23/76  
Amended 10/10/95

*An optional policy to consider.*

## **Personnel – Certified/Non-Certified**

### **Retirement**

### **Purchase of Health Insurance**

All full-time employees of the District who have retired from school service are eligible for health insurance at their sole cost through the school program until age 65, upon receipt of premium payment from retiree and/or TRB. Employees who are not eligible for Medicare may maintain health coverage through the Board of Education and not be terminated until the death of the employee and his/her surviving spouse. Employees who are not eligible for Medicare may remain in the same group with the same coverage after age 65 upon receipt of premium payments from the retiree and/or the State Teachers Retirement Board.

Legal Reference: Connecticut General Statutes

10-183t Health Insurance

Policy adopted:

*An optional policy to consider*

## **Personnel - Certified/Non-Certified**

### **Acceptance of Resignations**

The Superintendent of Schools is authorized to accept resignations of all certified and non-certified personnel and report these resignations to the Board of Education at its next regularly scheduled meeting.

#### ***Optional language to consider:***

### **Resignation of a Teacher**

The teacher shall recognize the obligation faithfully to fulfill the terms of his/her contract until it is dissolved by mutual consent or by due process of law.

The teacher shall have the right to resign for good reason by submitting at least thirty (30) days written notice at any time except during the month of August, during which month only extreme emergencies shall permit withdrawal.

The teacher shall not resign to accept a new position elsewhere during a school year until the teacher is assured that a suitable replacement is available or until every reasonable opportunity has been given for the Superintendent receiving the teacher's resignation to secure a suitable replacement.

The Superintendent and the Board of Education shall recognize the obligation to release a teacher from the terms of a contract when an opportunity is offered for significant professional advancement.

A teacher intending to resign shall submit a written resignation to the Superintendent of Schools, who is authorized to accept such resignation and such resignation shall be effective upon its submission to the Superintendent. The Board of Education shall be informed of any such teacher resignation at the next regularly scheduled meeting of the Board.

Policy adopted:

*A sample policy to consider.*

## **Personnel -- Certified**

### **Reduction in Teaching Staff**

#### **1. General**

Under Section 10-220 and 10-4A of the Connecticut General Statutes, the Board of Education has the responsibility to maintain good public elementary and secondary schools and to implement the educational interests of the State. However, recognizing also that it may become necessary to eliminate professional staff positions in certain circumstances, this policy is adopted to provide a fair and orderly process should such eliminations become necessary.

#### **2. Reasons for Elimination of Teaching Positions**

The Board of Education has the sole and exclusive prerogative to eliminate professional staff positions consistent with the provisions of statute, providing such elimination does not result in the failure in its duty as a State agency to implement the educational interests of the State, and to provide good public elementary and secondary schools.

Elimination of professional staff positions may result from decreases in student enrollment, changes in curriculum, severe financial conditions, or other circumstances as determined by the Board of Education.

Professional staff members will be dismissed under this policy only when authorized by the Board of Education, and only within the provisions of the following procedure.

#### **3. Definitions**

- a. As outlined herein, the term teacher shall apply to any employee of the Board of Education who holds a regular certificate issued by the Connecticut State Board of Education, and is employed in a teaching or administrative position below the rank of Superintendent.
- b. Tenure – as defined by Connecticut General Statutes
- c. Non-Tenure – as defined by Connecticut General Statutes

## Personnel -- Certified

### Reduction in Teaching Staff (continued)

#### 4. Procedure

a. Prior to commencing action to terminate teachers' contracts under this procedure, the Board of Education will give every consideration to its ability to effectuate possible and/or reduction in staff by:

1. Voluntary retirements.
2. Voluntary resignations.
3. Transfer of existing staff members.

b. Elimination of professional staff positions.

1. Non-tenured teachers will be terminated before tenured teachers.
2. Within the category of non-tenured teachers, the administration will recommend the teacher to be terminated on the basis of performance evaluation.
3. Tenured teachers with the greatest number of unbroken years of employment in the \_\_\_\_\_ Public Schools will be retained.
4. Appropriate certification requirements must be met in each consideration.

#### 5. Policy Provision Not Applicable to Promotions

Nothing herein shall require the promotion of a teacher to a position of higher rank, authority, or compensation, although the teacher whose contract is to be terminated is qualified and/or certified for the promotional position.

Legal Reference: Connecticut General Statutes

10-4a Educational interests of the state identified

10-151 Employment of teachers. Notice and hearing on termination of contract.

10-220 Duties of boards of education

Policy adopted:

## STAFF REDUCTION PROCEDURES

### 1. General Statement

Under the provisions of Section 10-220 and 10-4a of the General Statutes, the Board of Education has the responsibility to maintain good public elementary and secondary schools and to implement the educational interest of the State. However, recognizing also that it may become necessary to eliminate certified staff positions in certain circumstances, this policy seeks to provide a fair and orderly process should such reductions in staff become necessary.

### 2. Reasons for Elimination of Certified Staff Positions

It is recognized that the Board has the sole and exclusive prerogative to eliminate certified staff positions consistent with the provisions of State statutes, providing such elimination does not result in a failure in its duty as a State agency to implement the educational interests of the State to provide a good public education in Newtown.

Elimination of certified staff positions may result from decreases in student enrollment, changes in curriculum, severe financial conditions, or other circumstances as determined by the Board.

### 3. Definitions

A. The term days shall mean calendar days.

B. The term teacher shall be any employee of the Board who holds a certificate issued by the State Board of Education and is employed in a teaching or administrative position below the rank of Superintendent.

### 4. Procedure

A. Prior to commencing action to terminate teacher contracts under this procedure, the Board will give due consideration to its ability to effectuate position elimination and/or reduction in staff by:

1. Voluntary retirements
2. Voluntary resignation
3. Transfer of existing staff members
4. Voluntary leaves of absence

## 6. Reappointment Procedure

If the contract of employment of a tenured teacher is terminated because of position elimination, the name of that teacher shall be placed on a reappointment list and remain on such list for a period of two years. If a position within the area of that teacher's certification becomes open during such period and that person is considered most qualified to fill the vacancy, then that teacher will be notified by certified mail, sent to the last known address of the teacher, at least thirty (30) days prior to the anticipated date of reemployment where possible.

In determining whether a teacher is qualified for reappointment, the criteria set forth in Section 4 above shall be considered.

The teacher shall accept or reject the appointment in writing within ten (10) days after receipt of notification. If the appointment is accepted, the teacher shall receive a written contract within twenty (20) days of the teacher's acceptance of the offer. If the teacher rejects the appointment offer or does not respond within ten (10) days after receipt of such notification, the name of the teacher shall be removed from the reappointment list.

Reference: CGS 10-220, 10-4a, 10-151(c), 10-151h

Adopted 6/22/76

Amended 2/18/92, 10/10/95