



CONSOLIDATED SCHOOL DISTRICT OF NEW BRITAIN

Board Policy Statement

4117.5 - Continuing Employment Policy for Certified Staff

Approved on May 19, 2014

The New Britain Board of Education recognizes that each certificated teacher of the Board of Education is evaluated annually to encourage improvement and professional growth, to make better use of the variability of employee talents, to assist the teacher in identifying his/her own strengths and weaknesses and to provide a sound basis for decisions on continued employment.

When an administrator has sufficient reason, based on a professional's performance, to believe that termination of employment should be considered, the steps listed in Administrative Procedures 7-4 shall be followed.

These procedures are designed to protect the rights of the individual and the School District in conformance with State Law.

Legal References/Citations

Connecticut General Statutes § 10-151



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Administrative Procedure

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I. Purpose of Procedures

The following procedures have been developed for administrators and teachers to use in assessing performance when there is a question concerning continuing employment. This process is meant to apply when a documented pattern of conduct is evident, rather than where there is a particular action of serious proportion, or a specific incident of gross negligence or a sudden change in performance of a serious or substantial nature. The latter may be grounds for immediate suspension or termination of employment, in conformance with applicable law. These procedures are designed to protect the rights of the individual and the school district.

II. Reasons for Termination

The contract of employment of any tenured teacher in New Britain may be terminated for any of the following causes: a) ineffectiveness, inefficiency or incompetence; 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, 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 in accordance with either (1) a provision for a layoff procedure agreed upon by the Board of Education and the exclusive employees' representative organization or (2) in the absence of such agreement, a written policy of the Board of Education; or (f) other due and sufficient cause.

III. Procedures for Continuing Employment

A. Step 1

- a. The Step 1 administrator is the head of the responsibility center or appropriate administrator who has gathered and documented evidence of a pattern of unsatisfactory performance which may substantiate dismissal and who has shared these concerns with the teacher through general supervisory activities.
- b. The Step 1 administrator sends the teacher a letter that lists his/her concerns and gives written notice of an initial conference.
- c. At the meeting, the Step 1 administrator outlines his/her concerns and allows for teacher responses.

- d. If the Step 1 administrator deems that the problems are unresolved after the initial conference, the teacher is notified in writing that he/she has been formally placed in Step 1 of the Procedure for Continuing Employment with the reasons why. A planning conference must be scheduled within five (5) days of the initial conference. At this point, a copy of the letter is sent to the Superintendent, the president of the bargaining agent and to the Chief Human Resources Officer.
- e. The planning conference is held at which:
 - i. The teacher and administrator will discuss the reasons for placement in the procedure to ensure the understanding by both parties.
 - ii. A plan must be developed to help the teacher improve in areas identified as weak.
 - iii. Further formal observations should be planned at this time. No other administrator may observe during the procedures unless included as part of the plan.
 - iv. If the teacher still wishes to challenge the decision, he/she may grieve following procedures in the appropriate contract.
- f. At the conclusion of the planning conference, the teacher and administrator will try to implement plans to improve performance of 45 consecutive school days.
- g. During the 45 days:
 - i. The administrator must meet the obligation to be helpful. This may include the services of a special area resource person(s).
 - ii. The teacher must give evidence of effort to improve.
 - iii. If, in the administrator's opinion, the teacher's performance is satisfactory after 45 days, the administrator shall remove the teacher from the Procedure for Continuing Employment. If the teacher's performance is deemed unsatisfactory, the administrator must move to the next step.
 - iv. At the conclusion of the 45 days, the teacher must be notified, in writing, within two (2) school days of the administrator's decision to continue or discontinue the procedure. A copy of the letter is sent to the president of the appropriate bargaining agent. At the same time, the administrator must request that the Superintendent or Superintendent's designee select another administrator to observe and guide the teacher for Step 2. The Step 2 administrator must be selected within seven (7) days of the close of Step 1.

B. Step 2

- a. Within ten (10) school days after the close of Step 1, the Step 2 administrator will meet with the teacher and formulate a plan to improve performance. Further observations should be planned at this conference.
- b. For the thirty (30) school days, only the Step 2 administrator will observe and work with the evaluate to implement the plan. No other administrator may observe during this procedure unless

included as part of the plan. At the end of the thirty (30) day period, the Step 2 administrator submits an independent, confidential report to the Superintendent recommending continuation or non-continuation in the procedure.

- c. Within five (5) school days after the end of the thirty (30) day period, the Step 1 Administrator will observe to determine if the evaluatee's performance is satisfactory and submits an independent, confidential report to the Superintendent.
- d. The Superintendent reviews both the reports and recommendations. If both administrators report satisfactory performance, the procedure ends and the teacher is notified in writing and all materials are treated as directed in Procedural Safeguard C. If both administrators report unsatisfactory performance, the teacher is notified in writing that dismissal procedures will be initiated.
- e. If the reports of the two administrators disagree, the Superintendent must notify the president of the bargaining agent and the Chief Human Resources Officer that the Step 3 will be initiated. At the same time, the Superintendent or Superintendent's designee selects another administrator for Step 3 within seven (7) school days after the close of Step 2.

C. Step 3

- a. Within ten (10) school days after the close of Step 2, the Step 3 administrator will meet with the teacher and formulate a plan to improve performance. Further observations should be planned at this conference.
- b. For the next thirty (30) school days, only the Step 3 administrator will observe and work with the teacher to implement the plan. No other administrator may observe during this procedure unless included as part of the plan. At the end of the thirty (30) day period, the Step 3 administrator submits an independent, confidential report to the Superintendent.
- c. Within five (5) school days after the end of the thirty (30) day period, the Step 1 and 2 administrators will observe to determine if the teacher's performance is satisfactory and submit independent, confidential reports to the Superintendent.
- d. The Superintendent reviews all three reports and recommendations and takes the following action within seven (7) school days after the thirty (30) day period:
 - i. If two or three of the administrators agree that the teacher should be considered for termination, the teacher is notified that dismissal procedures will be initiated. At the same time, the Superintendent must notify the president of the bargaining agent and the Chief Human Resources Officer of the decision.
 - ii. If two or three of the administrators agree that the teacher's performance is satisfactory, the procedure ends and the teacher is notified in writing and all materials are treated as directed in Procedural Safeguard C.

IV. Procedural Safeguards

- A. The teacher may not apply for transfer while in the procedure of continuing employment.
- B. All correspondence regarding the procedure must be placed in the individual's personnel file.
- C. When a teacher is removed from the Procedure for Continuing Employment, all correspondence and other information pertaining to this procedure, except the letter of placement and letter of removal, shall be sealed and placed on the teacher's personnel file for a period of 180 school days after the date of removal. There after the sealed record will be maintained in accordance with state law. In the event the evaluate is reestablished in the Procedure for Continuing Employment before the end of 180 school days, the sealed record may be opened in the presence of the teacher or his/her representative and placed in the personnel file.
- D. The Chief Human Resources Officer will monitor all procedures as prescribed in the procedure.
- E. In Step 1, the appropriate administrator is the one who initiates the procedure as defined in Section 1:1. In Steps 2 and 3, the appropriate administrator is the administrator appointed by the Superintendent for that step (cannot be any administrator involved in any prior part of the procedure).
- F. Teachers must be notified of conferences in writing of conference dates are not included into a written improvement plan.
- G. A teacher must be allowed to ask questions and challenge the data presented by the administrator.
- H. The teacher is allowed a union representative at all meetings.
- I. An evaluatee must be allowed to present evidence in writing to support his/her position any time during the procedure.
- J. All information and evidence must be kept in confidence by the Chief Human Resources Officer, the administrators involved and the union representatives involved.
- K. In order to extend any timeline, both parties must agree to the extension. Extensions may be appropriate because of extended absence due to illness or other extenuating circumstances. If either party does not agree to an extension, the procedure continues as written.
- L. While in this procedure, the teacher will not participate in any other component of the evaluation cycle.
- M. No administrator may initiate a second procedure while the current procedure is in process.