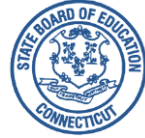





STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION



TO: Superintendents of Schools

FROM: Dr. Miguel A. Cardona, Commissioner of Education 

DATE: April 13, 2020

SUBJECT: Temporary Flexibilities – Non-Renewal and Tenure

In accordance with Governor Ned Lamont’s Executive Order 7C, and due to extended school class cancellations during the COVID-19 pandemic, I am providing guidance pertaining to the flexibilities for local or regional boards of education related to non-renewal notifications and tenure impacted as a result of COVID-19. The current non-renewal process, pursuant to Connecticut General Statutes (C.G.S.) Section 10-151, requires that by May 1, Superintendents issue notifications to non-tenured teachers if their contracts will be terminated at the end of the 2019-2020 school year. This guidance provides extended timeframes for the hearing process and non-renewal notice, as appropriate, to preserve due process for teachers and ensure that districts have the time they need to make informed employment decisions.

Non-Renewal Using the May 1st Notice Timeframe with an Extension of the Hearing Date

Districts may elect to proceed with the non-renewal process on the statutory schedule to inform non-tenured teachers by May 1 that their contract will not continue to the next school year. Following this timeframe is appropriate where superintendents have started the non-renewal process consistent with the local collective bargaining processes, and wish to move forward with issuing a teacher a notice of non-renewal. During April 2020, non-renewal notice may be issued via e-mail consistent with this memorandum**. To the extent possible, I encourage superintendents be sensitive to staff well-being given these circumstances and to engage in virtual meetings to provide feedback regarding the non-renewal. As with the typical process, teachers may request a hearing when they are noticed of non-renewal, and may do so via email to both the Superintendent and the Board chairperson.¹

Notice of Extension to May 1st Timeframe

Additional flexibility is provided pursuant to Executive Order 7C for superintendents who are considering non-renewal, but have **not** made a final determination prior to May 1, 2020 due to the impact of the COVID-19 pandemic. In those cases, this guidance modifies the requirements of C.G.S. Section 10-151 and provides the following flexibility for a fully informed deliberation:

¹ In those cases where the teacher requests a hearing, the board, local hearing officer or subcommittee may permit an extension, by up to 90 days, for all state statutory and regulatory time requirements related to non-renewal hearings, pursuant to Executive Order 7M. If a teacher requests a statement of the reasons for non-renewal by email within three days of receiving the non-renewal notice, the district must provide such reasons in writing within four days of the request. Teachers may request the supplemental response by email to the Superintendent and the response may also be via email.

- It will be permissible to send an *extension* notification to non-tenured teachers prior to May 1, 2020 via email** concerning extension of the probationary period. Such extension may be for up to one school year.
- Districts are encouraged to come to an agreement with teachers and their bargaining unit representatives related to the length of a contractual extension, to provide teachers ample time to demonstrate progress and performance but also allow districts the flexibility to non-renew mid-year if progress has not been made (December 1, 2020) or by the end of the school year if further time is needed to assess the teachers ability to perform (before May 1, 2021). If the district does not reach agreement with the teacher and the bargaining unit representative, districts should consider continuing the probationary period through the 2020-21 school year.
- Other than the modifications in this memorandum, all other statutory requirements and timelines related to non-renewal and tenure will apply in accordance with Section 10-151 of the Connecticut General Statutes.

***Written notification of non-renewal or extension is deemed received if sent by email to the teacher's district email address and the teacher's bargaining unit representative's email address. In no instance shall a teacher be considered to attain tenure when they have been notified of a non-renewal or extension before² May 1, 2020, and the notification emails shall include specific language to this effect.*

This memo officially modifies the provisions of C.G.S. Section 10-151 to define teachers receiving extension notices, as authorized herein, as “non-tenured” until they receive a contract to return for the 2021-2022 school year and have otherwise fulfilled the requirements to achieve tenure.

If you have questions, please feel free to contact Dr. Shuana Tucker at shuana.tucker@ct.gov . We wish you continued health and safety.

MAC:skt

cc: Ms. Charlene Russell-Tucker, Deputy Commissioner of Education
Dr. Shuana Tucker, Chief Talent Officer
Mr. Christopher Todd, Bureau Chief, Talent Office
Ms. Fran Rabinowitz, Executive Director, CAPSS

² A scrivener's error indicating such tenure exception applied to notice made “in” May 1, 2020 has been corrected to indicate “before” May 1, 2020 and this order was reposted on April 20, 2020 with this correction.