

VII.C.

Connecticut State Board of Education Hartford

To Be Proposed:
September 6, 2023

Resolved, That pursuant to its authority under subsection (e) of Section 10-145d-612 of the Regulations for Connecticut State Agencies, the State Board of Education orders the Commissioner to file with it, within the regulatory time period, a written report In the Matter of CS, Certification Action.

Approved by a vote of _____ this sixth day of September, Two Thousand Twenty-Three.

Signed: _____
Charlene M. Russell-Tucker, Secretary
State Board of Education

**Connecticut State Board of Education
Hartford**

To: State Board of Education
From: Charlene M. Russell-Tucker, Commissioner of Education
Date: September 6, 2023
Subject: Issue Report or Order Hearing in the Matter of CS, Certification Action

Executive Summary

Introduction

Pursuant to Connecticut General Statutes (C.G.S.), Section 10-145b (i), the State Board of Education (“State Board”) may revoke, suspend, or place on probation an individual’s educator and administrative certificates issued by the State Board for reasons set forth in the statute.

Section 10-145d-612 of the Regulations of Connecticut State Agencies (RCSA), establishes procedures for such action by the State Board. Pursuant to these regulations and C.G.S. Section 10-145b(i)(2), it was determined, after investigation, that there was probable cause to institute certification proceedings against Mr. Charles Schaub’s (the “Certificate Holder”) educator certificate for the following reasons: (c) the holder is professionally unfit to perform the duties for which the certificate, authorization or permit was granted; and/or (e) other due and sufficient cause.

Also pursuant to RCSA Section 10-145d-612, the Department served the Certificate Holder via certified mail, return receipt requested, and electronically via email with an Administrative Complaint setting forth the reasons for certification action to be taken. This service also included the notice required by the regulations that the Certificate Holder may, within 15 days of receipt of the notice, either request a hearing or surrender his certificate and waive his right to a hearing. The Department is in possession of an email dated June 13, 2023, identifying that he received the electronic email to which the administrative complaint was attached. The Certificate Holder responded to the email but did not exercise either of his options within the regulatory timeframe.

In situations where there is no surrender of a certificate and waiver of the right to a hearing, and no request for a hearing made by the Certificate Holder, the State Board may, within 90 days of the expiration of the aforementioned 15-day notice period, either order a hearing or order the Commissioner to file a written report. Here the 90-day period will expire on September 26, 2023.

Recommendation

I recommend that the State Board order the submission of a written report by the Commissioner. The Certificate Holder has been given the opportunity to request a hearing but has not done so.

The Department can present the case against the Certificate Holder adequately through a report, and the report will provide the State Board with sufficient evidence on which to base a decision.

Implications

If the State Board Orders a Written Report. If the State Board orders a written report by the Commissioner, the report must be submitted to the State Board not more than 90 days following the Board's order for the report.

After the report is filed, the State Board shall determine by a recorded roll-call vote whether the certificate of the holder shall be revoked, or other action taken. An affirmative vote of a majority of the Board present and voting shall be required. Each member of the State Board who votes shall certify having read the written report of the Commissioner. The State Board shall provide the Commissioner and the Certificate Holder with the opportunity to make an oral statement regarding the report of the Commissioner. The State Board shall state in a written opinion the reasons for its action and shall base its determination upon the written report of the Commissioner.

If the State Board Orders a Hearing. If the State Board orders a hearing, the hearing must be held not later than 60 days following the order unless there is an agreed upon extension.

The hearing shall be conducted by the State Board, a subcommittee of the State Board, or an impartial hearing officer appointed by the State Board. The State Board shall, within 90 days of the closing of the record in the hearing, or the filing of a proposed decision by a subcommittee or hearing officer, determine by a recorded roll-call vote whether the certificate of the holder shall be revoked, or other action taken. An affirmative vote of a majority of the Board present and voting shall be required. Each member of the Board who votes shall certify either to attendance at the hearing or to having read the proposed final decision. The State Board, if it has not heard the matter en banc, shall provide the Commissioner and the Certificate Holder with the opportunity to make an oral statement regarding the proposed decision and to file exceptions, a brief, and present oral argument. See C.G.S. Section 4-179. The State Board shall state in a written opinion the reasons for its action and shall base its determination on the evidence adduced at the hearing.

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