

HEARINGS

The rules set forth below shall apply to all formal hearings before the Board of Education in contested cases. Said rules shall not apply to conferences or other informal investigations or proceedings at or upon which no formal ruling or decision is made, or to any proceeding in a non-contested case.

Hearings or Appeals

All requests for hearing or appeals authorized under law, and/or regulations of the State of Connecticut, or as otherwise provided for by decisions of the Board of Education shall be in writing to the Board Chairperson or the Superintendent. Appeals from the decision of the Superintendent shall include the appellant's statement of the issues to be presented in said appeal. All hearings held under Notice of Hearing #2, below, will be public.

Notice of Hearing

1. In personnel actions, written notice of hearing shall be sent by the Board Chairperson or his/her designee, to all interested parties, not less than 24 hours prior to the hearing. Such notice shall state the date, time and place of the hearing. All such hearings will not be public, unless the employee requests that the hearing be in public.
2. In all other cases involving appeals authorized by law, written notice of a hearing shall be sent by the Board Chairperson, or his/her designee, to all interested parties not less than 24 hours prior to the hearing. If the Superintendent determines that charges and/or issues being appealed are materially and substantially different from those previously raised or decided in the first instance, the Superintendent shall outline a counter-statement of charges and/or issues. Any disagreement arising from the above shall be resolved by the Board. All such hearings will be public, unless involving a student matter and would result in the disclosure of student records or a student's identity.

Parties/Representation

1. "Party" includes any person or agency named or admitted as a party. Any person or agency may be admitted as a party for limited purposes upon the satisfactory demonstration of the nature and extent of its interest to the Board.
2. All parties appearing at formal hearings shall have the right to appear in person or with counsel. All such parties shall have the right to be accompanied, represented and advised by counsel.

HEARINGS (continued)

Records/Transcripts

1. The Board shall prepare an official record, which shall include all pleadings, testimony, exhibits and other memoranda or material filed in the proceeding.
2. A record of the proceedings shall be made at the expense of the District and shall be transcribed. Cost of copies of the transcript of any proceedings, or part thereof, shall be paid by the party requesting the copy.

Presiding Officer/Duties and Authority

Each hearing shall be held before not less than three members of the Board. The Board Chairperson, or in his/her absence, the Vice Chairperson, or in the absence of both, a member designated by the Chairperson, shall be the presiding officer and shall have charge of the hearing, with authority to permit the examination of witnesses testifying in the proceedings.

Order of Procedure

The order in which the parties shall present their case shall be determined by the presiding officer, except in cases of appeals, as follows:

1. In an appeal of a dismissal or suspension, the Superintendent shall proceed first.
2. In all other appeals, the appellant shall proceed first.

Examination of Witnesses and Introduction of Evidence

1. The strict judicial rules of evidence shall not be applicable to hearings conducted hereunder and, in each case, the test of admissibility shall be whether the evidence is reasonably relevant to a material issue and whether it has substantial probative value with respect to such material issue. The presiding officer may limit or refuse to admit cumulative or repetitive evidence, and may curtail redundant questioning. The presiding officer may encourage (but shall in no event coerce) the parties, where possible, to make proffers and stipulations in place of cumulative evidence. All testimony shall be given under oath.

HEARINGS (continued)

Examination of Witnesses and Introduction of Evidence (continued)

2. Counsel for any party may submit evidence, examine and cross-examine witnesses, and file objections, exceptions and motions, provided that where a party is not represented by counsel, all such submission of evidence, examination of witnesses and filing of objections, exceptions and motions shall be done and presented by the party.
3. The presiding officer, or any person designated by him/her for the purpose, may examine all witnesses called by any party. The presiding officer may call as a witness any person whose testimony may be relevant. Any Board member may examine any witness.

Briefs

Any party may submit briefs of the issues of fact and law involved in the hearing in such form as the presiding officer may designate.

Counsel

The presiding officer of the Board may request the Board attorney to participate in any hearing as counsel for the Board.

Decision and Order

Each decision and order of the Board shall be delivered in writing, unless it shall immediately follow the hearing, in which case it shall be delivered orally and thereafter in writing, with copies to all parties. Each decision and order shall be accompanied by findings of fact, conclusions of law, and specific disposition of the case and shall be provided to the individual. Formal action of the Board shall be taken publicly at the next regular Board meeting following the hearing, but no other information will be released by the Board or school administration as noted above.

Legal Reference: Connecticut General Statutes

4-177 Contested Cases
10-238 Petition for hearing to Board of Education

Approved by the Board, November 10, 2020