

COPING WITH PUBLIC ACT 04-243:
SUPERVISION, EVALUATION AND TERMINATION OF COACHES

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I. Overview: P.A. 04-243 makes three major changes

- a. Subsection (a) applies to all coaches and requires that coaches be evaluated annually by his/her immediate supervisor

Subsection (c) defines “athletic coach” as any person holding a coaching permit who is hired by a board of education to coach for a sport season.

- b. Subsection (b) applies only to coaches who have been in the same position for three or more years and provides:

Coaches whose contracts are being terminated must be notified no more than 90 days after the completion of the sport that he/she coaches.

Exception: can fire at any time, without notice for reasons of moral misconduct, insubordination, or a violation of BOE rules or if the sport has been cancelled by the BOE

A coach whose contract has been non-renewed or terminated, has the opportunity to appeal such a decision to the BOE, in a manner prescribed by the local/regional BOE

II. Questions to address:

- a. What, if anything, is required to be included in the annual evaluations?
- b. What are appropriate grounds for termination of contract?
- c. What is the appropriate standard of review?

- d. What types of coaches does this extend to? Assistant Coaches?
- e. What are the special training or qualifications required for the “immediate supervisor” who is to evaluate coaches annually?
- f. Does the appeal process apply to coaches who fall under the notice exception (i.e. violation of BOE policy, moral misconduct)?
- g. How do we conform Board policy with teacher collective bargaining agreements when the coach is also part of the teachers’ bargaining unit?

III. Recommendations:

- a. Adopt a BOE policy as soon as possible to establish how the district will implement this new law
- b. Define “athletic coach.” Consider including all Head Coaches, but only including Assistant Coaches if they act as a head coach for one other team, including JV.
- c. Evaluations. Do not interpret “immediate supervisor” to require that the individual have special training or qualifications.
- d. Employment of the Athletic Coach
 - i. Coaches who have held their position for less than three year are still at-will employees.
 - ii. Standard for nonrenewal/termination after three years can still be “best interests of district,” rather than cause.
 - iii. If a coach is terminated for cause during the athletic season, the Superintendent should remove the coach from duty until a BOE hearing is held.
- e. Hearing/Appeal Rights
 - i. Only to coaches who have held the same position for three or more years have right to a hearing.
 - ii. Right to an appeal should be extended to coaches terminated or non-renewed in all cases except when the sport is cancelled.

iii. Recommended procedure:

1. Coach must first file written appeal with the BOE within 10 calendar days of notification of termination/non-renewal:
 - a. Must set forth the basis for review of decision;
 - b. Must send copy to Superintendent;
 - c. Failure to meet timelines will result in a waiver of appeal rights.
2. BOE shall then "within a reasonable period of time" of receipt of the appeal, conduct a hearing:
 - a. Notice of the meeting shall be given;
 - b. Recommend ability to assign a subcommittee.
3. Hearing:
 - a. Coach can present facts and evidence;
 - b. Superintendent shall have opportunity to present facts and evidence as well;
 - c. We recommend an arbitrary and capricious standard for the BOE;
 - d. The BOE shall have a "reasonable period of time" to render its decision following the hearing.
 - i. Provide written decision to coach
 - ii. BOE decision is final

IV. Legal Requirements for Coach Evaluation

- a. Administrative certification is not required (we think):

Sec. 10-145d-423. Coaching permits

(b) On and after July 1, 1999, a coach (regardless of coaching assignment) of intramural or interscholastic athletics in elementary, middle or high schools, shall meet the requirements of subdivisions (1) through (7), inclusive, of this section:

- (1) Hold the following permit:

- (A) A coaching permit; or
- (B) A temporary coaching permit.

(2) A person serving as a director of athletics at the elementary or secondary school level, not responsible for supervision, shall be required to hold a coaching permit;

(3) A person serving as a director of athletics at the elementary or secondary school level, responsible for the supervision of coaches, shall be required to hold a coaching permit and a valid Connecticut educator certificate;

(4) A person serving as a director of athletics, with district-wide responsibilities for the athletic program or evaluation of certified staff, shall be required to hold a coaching permit and a Connecticut educator certificate endorsed for intermediate administration or supervision;

(5) An individual who serves as a coach shall hold a coaching permit or a temporary coaching permit. An individual, not serving as any type of coach, may assist a coach, if working under the direct and continual supervision of a coach.

b. Discrimination issues apply

- i. Disability, gender
- ii. Other?

c. Established procedures must be followed – equal protection, due process

V. Practical Suggestions for Effective Coach Evaluation

a. Understand “Progressive Discipline”

What are your expectations?

Is the coach aware of your expectations?

Have you made the coach aware of those deficiencies?

Have you followed usual progression?

- Oral warning
- Written warning
- Suspension (?)
- Termination (or non-renewal) (?)

b. Evaluation is to help a coach improve.

- c. There is no “off-the-record.”
- d. You must give the coach a chance to respond.
- e. You must be clear.
- f. You must be timely – don’t put things off.

VI. Concrete examples of coach evaluation procedures

a. District A:

i. Evaluation criteria:

Scope

Grading options

QUERY: “Needs Improvement”?

ii. Process:

Self-evaluation?

Coach input?

Sequence

Realistic burden?

iii. Differentiation between head coach and assistant coaches?

b. District B:

i. Evaluation criteria

ii. Back-up for critical statements?

iii. Coach input?

iv. Is the status of the coach sufficiently clear?

VII. Summary Recommendations:

- a. Be realistic in developing your procedures.
- b. Be candid in your assessment.
- c. Be timely in your feedback; if a problem is serious, don’t wait for evaluation.
- d. Be fair.



Substitute Senate Bill No. 535

Public Act No. 04-243

AN ACT CONCERNING TERMINATION OF COACHES.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

Section 1. (NEW) (*Effective July 1, 2004*) (a) Local and regional boards of education that employ athletic coaches shall require the coaches' immediate supervisor to evaluate such coaches on an annual basis and to provide such coaches with copies of such evaluations.

(b) Any local or regional board of education acting directly, or through its duly authorized agent, that terminates or declines to renew the coaching contract of an athletic coach who has served in the same coaching position for three or more consecutive school years shall inform such coach of such decision no later than ninety days after the completion of the sport season covered by the contract. Such coach shall have an opportunity to appeal such decision to the local or regional board of education in a manner prescribed by such local or regional board of education. Nothing in this subsection shall prohibit a local or regional board of education from terminating the coaching contract of an athletic coach at any time (1) for reasons of moral misconduct, insubordination or a violation of the rules of the board of education, or (2) because a sport has been cancelled by the board of education.

(c) For the purposes of this section, "athletic coach" means any person holding a coaching permit who is hired by a local or regional board of education to coach for a sport season.

Approved on June 8, 2004

MEMORANDUM

TO: Dr. David Larson

FROM: Education Practice Group

RE: Model Policy to Implement Public Act 04-243,
"An Act Concerning Termination of Coaches"

DATE: December 21, 2004

In the last session the General Assembly adopted Public Act 04-243. This new law requires that coaches be evaluated each year, and it gives coaches who have been employed for at least three consecutive years a right to automatic renewal of their contract unless they are notified within ninety days of the end of the season that their employment will not be renewed. Moreover, it gives a coach who receives notification and is not renewed the opportunity to appeal to the board of education "in a manner prescribed by such local or regional board of education."

Given this new statutory requirement, and given the fact that termination of a coach can be a controversial issue, we are advising superintendents and school boards in Connecticut that they should adopt a policy to address these new requirements now, so that they will not be required to prescribe an appeal procedure while in the middle of a specific controversy. Moreover, by addressing these new requirements proactively, boards of education will be ready to deal with related problems as they arise.

The scope of the new legislation is not clear. For example, it is not clear whether assistant coaches are covered, and it is not clear whether any special training or qualification is required for the "immediate supervisor" who by law must now evaluate coaches annually. In this model policy, we have resolved these uncertainties in favor of simplicity and of giving school boards the maximum flexibility in making coaching decisions. If and when the courts interpret the requirements of P.A. 04-243, we will want to review this model policy. However, we think that boards of education will benefit from addressing this issue now, and we hope that this model policy is of assistance to them. We appreciate your agreeing to distribute this policy as a service to your member superintendents.

**Series 4000
Personnel**

POLICY REGARDING ATHLETIC COACHES

It is the policy of the [_____] Board of Education (the "Board") that an athletic coach employed by the Board shall:

- 1) adhere to all Board policies, rules and regulations;
- 2) shall conduct himself or herself in a professional manner; and
- 3) serve as a role model for students;
- 4) demonstrate competence and proficiency in his or her role as an athletic coach of a particular sport.

For purposes of this policy, the term "athletic coach" means any person holding a coaching permit who is hired by a local or regional board of education to act as a coach for a sport season. This term "coach" under this policy shall include only coaches who have direct responsibility for one or more teams (including assistant coaches who serve as coach to a team (*e.g.*, JV)), and the term shall not include other assistant coaches and volunteer coaches.

I. Evaluations

Pursuant to state law, the Board requires that an athletic coach employed by the Board be evaluated on an annual basis by the coach's immediate supervisor. An athletic coach shall be provided with a copy of any such evaluation. Other assistant and volunteer coaches may be evaluated as directed by the Superintendent of Schools or his/her designee.

II. Employment of an Athletic Coach

Athletic coaches serve at the discretion of the Superintendent, and their employment in their specific coaching positions (*e.g.*, basketball, golf) may be non-renewed or terminated at any time except as follows.

If the athletic coach has served in the same coaching position for three or more consecutive school years, the following procedures shall apply. The Superintendent may non-renew the employment of any such athletic coach by providing written notification of that action within ninety (90) calendar days of the end of the season. The Superintendent may terminate the employment of any such athletic coach at any time for 1) for reasons of moral misconduct, insubordination, failure to comply with the Board's policies, rules and regulations; or 2) because the sport has been canceled. If a decision to terminate a coach's employment is made during the athletic season, the

Superintendent shall remove the coach from duty during the pendency of any hearing conducted pursuant to this policy.

III. Hearing Procedures:

An athletic coach who has served in the same coaching position for three or more consecutive years may appeal any such non-renewal or termination decision (except if such decision was due to cancellation of the sport) to the Board of Education in accordance with the following procedures:

- A. The athletic coach must file a written appeal with the Board within ten (10) calendar days of the Superintendent's written notification of non-renewal or termination. Such appeal shall set forth the basis on which the athletic coach seeks review of that decision, and a copy of said appeal shall be sent to the Superintendent. Failure to submit a timely written appeal shall constitute a waiver of said appeal opportunity.
- B. Within a reasonable period of time of its receipt of a written appeal of the Superintendent's decision, the Board or a committee of the Board as designated by the Chairperson shall conduct a hearing to consider such appeal. Reasonable notice of the time and place for such hearing shall be issued to the athletic coach prior to the commencement of the hearing.
- C. At the hearing, the athletic coach shall have an opportunity to present facts and evidence in support of renewal and/or reinstatement, and the Superintendent shall have the opportunity (but shall not be obligated) to present facts and evidence in support of the decision of non-renewal and/or termination. For good cause shown, the athletic coach may call a limited number of witnesses to testify if there is a clear need for witnesses to present factual information (rather than simply expressing an opinion on the skill or competence of the athletic coach). In any event, cumulative or redundant testimony shall not be allowed.
- D. The decision of non-renewal or termination shall be affirmed unless the Board determines that the decision is arbitrary and capricious. The coach shall bear the burden of proof on this point.
- E. Within a reasonable period of time following the hearing, the Board shall determine whether the Superintendent acted in an arbitrary and capricious manner in making his/her decision not to renew and/or to terminate, and shall provide a written decision to the coach. The decision of the Board shall be final.

Legal References: Public Act 04-243
ADOPTED: _____

379080 v.07 S1 (December 21, 2004)

**PUBLIC SCHOOLS
COACH EVALUATION FORM**

COACH:

SPORT:

COACH CERTIFICATION: Permanent 199

DATE: December

FIRST AID CERTIFICATION: APRIL 7

CPR CERTIFICATION: APRIL 7

Code:	1 - Excellent	5 - Unsatisfactory
	2 - Above Average	6 - Not Applicable
	3 - Average	7 - No Opportunity To Observe
	4 - Needs Improvement	8 - Refer To Comments

PROFESSIONAL AND PERSONAL RELATIONSHIPS

- 3 1. Cooperates with athletic coordinator in regard to submitting requested paper work by date requested.
- 1 2. Understands and follows the rules set forth by the CIAC, Central Connecticut Conference, [] Board of Education, Athletic Department.
- 4 3. Works closely with parents in order to bring about the emotional, social, and educational growth of the student.
- 2 4. Cooperates with administration, staff and fellow coaches in establishing, implementing, and supporting school policies.
- 1 5. Presents a favorable appearance.
- 1 6. Displays an enthusiastic, positive attitude.
- 1 7. Maintains a professional relationship with athletic trainers and other medical personnel and abides by the advice of the medical professionals.
- 2 8. Works closely with the school nurse and prohibits student-athletes from participating on his/her team unless the necessary paperwork is properly signed and submitted.
- 1 9. Organizes, directs and promotes the sport coached so that it is in harmony with, and contributes to, the total school program.
- 1 10. Demonstrates concern for the health and safety of team members as well as for other professional responsibilities, including legal ones.
- 3 11. Distributes and discusses the Student/Parent Athlete Handbook and other appropriate information with all team members.
- 3 12. Serves as a model of good sportsmanship through his/her interaction with officials, opponents, and others.
- 5 13. Motivates student-athletes to perform to the best of each one's ability.
- 5 14. Provides an athletic experience that is a positive one for all team members.
- 5 15. Communicates effectively with all team members.
- 4 16. Manages and monitors his/her staff to assure quality performance. Makes staff adjustments when individuals do not satisfy requirements and standards for the position.

COACHING PERFORMANCE

- 1 1. Demonstrates knowledge and skills of the sport.
- 1 2. Is proficient in the teaching of skills and fundamentals.
- 1 3. Is able to evaluate game situations and adjust to them.
- 1 4. Conducts organized practice sessions.
- 7 5. Continues to upgrade knowledge about the sport coached via clinics, seminars, coaching conventions, and/or other professional development opportunities.
- 4 6. Demonstrates appropriate behaviors during practices and contests. Provides positive leadership that members of his/her team strive to emulate.

RELATED COACHING RESPONSIBILITIES

- 1 1. Participates in league and/or staff meetings.
- 1 2. Participates in award nights and banquets.
- 7 3. Maintains an awareness and interest in his/her student-athletes' academic progress.
- 4 4. Aids players in the selection of colleges.
- 2 5. Demonstrates care of equipment and facilities.
- 1 6. Leaves locker rooms and building secure at the end of each session.
- 4 7. Assumes responsibility for the organization of a consistent feeder program for the sport coached, including the coordination of programs offered within the _____ Public Schools.
- 7 8. Offers assistance to youth leagues and other local agencies relative to the sport coached.
- 3 9. Demonstrates organization by collecting all issued equipment, uniforms, etc.. Also, maintains daily and seasonal inventory of all supplies issued to the coach.
- 3 10. Promotes the sport he/she coaches.
- 2 11. Reports all contest results to the appropriate media, as required.
- 7 12. Conducts interviews with media and others in a professional and positive manner.

Professional growth - provide details on conferences, clinics, etc. attended and/or other activities designed to enhance your coaching expertise:

Substance abuse/use education - provide details (including dates) of times in which you provided educational activities designed to inform your student-athletes about harmful substances.

COMMENTS AND/OR RECOMMENDATIONS OF THE ATHLETIC COORDINATOR:

The 20 season was not as successful as it should have been. The victories and defeats are not the issue, rather the dissension within the team and the lack of mature leadership of the program are concerns. Although Coach has an excellent grasp of and does a good job of teaching the fundamental skills, there are essential components of coaching that are missing.

The head coach of any of our sports must strive to provide a strong, respected and mature leadership to his/her program. The head coach needs to be seen by his/her assistants in that regard. I do not believe that is the case in our program. There is a lack of unity within the coaching staff and that is unacceptable. That there is little communication within the staff is a problem; Coach is not perceived as a head coach that provides a mature and positive type of leadership.

Numerous student-athletes and parents have complained about the style with which Coach manages the program. No one questions his knowledge of the game, rather there have been numerous questions raised concerning his interactions with his student-athletes.

If Coach is to continue as the head coach of the program, the style with which he manages the team must change. Student-athletes must feel comfortable speaking with him, his actions and the way he speaks to them must change to a more positive style. Also, a leadership style that his assistants respect must be employed.

Greater communication with student-athletes and assistant coaches is imperative. An improvement must be seen within the program next season. If there is not clear evidence that the program is being managed in a more positive style, there will be a need for different leadership the following year.

The season is to be a probationary year for . All efforts to correct the deficiencies noted above must be in place for the aforementioned season.

Good luck!

COMMENTS OF COACH:

Coordinator of Athletics' Signature

Date

Head Coach's Signature

Date

Principal's Signature

Date

Coach's Signature

Date

COACHING GUIDELINES.

The following guidelines are designed to help coaches identify important areas of coaching. These guidelines are more detailed descriptions of the checklist items that are part of the Coach's Evaluation Form.

I. COACHING PERFORMANCE

1. A good coach demonstrates knowledge in the sport by:
 - a. teaching current techniques and strategies.
 - b. adjusting the style of play to fit the players and the competition.
 - c. teaching the proper progression of skills.
 - d. knowing the rules of the game.
2. A good coach prepares for the total program by:
 - a. meeting with the junior and the senior high school staff before and after the season to evaluate and improve the program.
 - b. advising junior recreational programs.
 - c. providing materials, drills and information to program coaches.
 - d. developing long and short range goals.
 - e. organizing staff in the most effective manner.
3. A good coach prepares for daily practices by:
 - a. preparing well-organized practice plans with specific goals.
 - b. developing a time schedule and staying within its limits.
 - c. preparing equipment and supplies in advance of their use.
 - d. providing an atmosphere conducive to learning.
4. A good coach uses a variety of coaching techniques to:
 - a. emphasize techniques in individual, small group and team work.
 - b. increase enthusiasm and motivation.
 - c. provide opportunities for all players to experience success.
5. A good coach provides a safe environment by:
 - a. providing sufficient time for player warm-ups.
 - b. developing drills that do not create high risk situations.
 - c. checking the practice area for any hazard and correcting dangerous situations.
6. A good coach properly cares for injuries by:
 - a. preparing himself/herself by taking first aid or other courses.
 - b. only doing what he/she is capable of doing.
 - c. calling for medical assistance when necessary.
7. A good coach communicates with players by:
 - a. giving clear, accurate explanations.
 - b. clearly answering questions.
 - c. explaining purposes of different drills or situations.
 - d. being available to players.
 - e. exemplifying what he/she is attempting to develop.
8. A good coach demonstrates understanding by:
 - a. being aware of adolescent development stages.
 - b. being flexible when necessary.
9. A good coach encourages enthusiasm and dedication by:
 - a. stressing positive achievements of the players.
 - b. demonstrating enthusiasm and dedication.
 - c. working with individuals before and after practices.

10. A good coach creates positive interpersonal relationships with his/her athletes by:
 - a. treating each with respect.
 - b. knowing their interests and backgrounds.
 - c. being a friend but not a buddy.
 - d. being genuinely concerned about the total individual.
 - e. emphasizing the positive aspect of their performance.
 - f. encouraging feedback to the coach from the athlete.
 - g. assisting student-athletes with advanced pursuits.
11. A good coach is punctual in attending all team practices and meetings.
12. A good coach demonstrates self-control and poise by:
 - a. not using gestures to show dissatisfaction.
 - b. maintaining composure.
 - c. not using profanity.
13. A good coach improves himself/herself by:
 - a. attending clinics.
 - b. attending all coaches meetings.
 - c. reading pertinent literature.
 - d. carefully evaluating his/her own coaching performance.
14. A good coach communicates team roles to players by:
 - a. meeting with players individually and collectively to discuss roles.
 - b. cooperatively setting reasonable expectations for team and players.
 - c. revising roles and expectations when necessary.
15. A good coach helps athletes develop good character traits by:
 - a. setting high expectations for conduct both on and off the field of play.
 - b. clearly identifying important character traits.
 - c. providing opportunities for character growth.
 - d. reinforcing positive traits to all.
 - e. including drug and alcohol prevention programs as team activities.

II. TEAM MANAGEMENT

1. A good coach decides the personnel of the team in an objective and consistent manner by:
 - a. developing criteria for selection in advance.
 - b. explaining to the candidates the criteria for selection in advance.
 - c. allowing all eligible students to try out.
 - d. allowing adequate time for candidates to demonstrate their skill.
2. A good coach demonstrates full control of the team by:
 - a. developing fair rules and regulations.
 - b. thoroughly explaining the rules and regulations to the team.
 - c. consistently disciplining violators of the rules.
 - d. solving minor team problems before they become major.
3. A good coach informs athletes of all rules and regulations by:
 - a. giving written rules to players and parents.
 - b. having team meetings to clearly explain and discuss the rules.
4. A good coach provides adequate supervision by:
 - a. arriving for practices and contests prior to the players arriving and staying until all players have left.
 - b. being in the locker room or providing supervision for the locker room.
 - c. being present while practices and contests are being held.
 - d. closely monitoring conduct of players while on buses.

5. A good coach properly manages equipment by:
 - a. completing an accurate inventory of all equipment at the end of each season.
 - b. organizing equipment to be distributed to the players.
 - c. using equipment issue forms for each player.
 - d. securing equipment while not in use.
 - e. maintaining proper supervision of equipment.
 - f. collecting equipment from athletes when the season has ended.
 - g. properly maintaining equipment.
6. A good coach emphasizes appropriate academic achievement by:
 - a. reviewing report cards and progress reports.
 - b. informing the faculty of those students on the team.
 - c. working closely with teachers to encourage good classroom progress.
 - d. allowing players to miss practice to get academic help when needed.

III. PROFESSIONAL QUALITIES

1. A good coach submits all requested information accurately and promptly.
2. A good coach works cooperatively with the athletic staff by:
 - a. being loyal.
 - b. discussing problems when they occur.
 - c. assisting when necessary.
 - d. suggesting solutions to problems.
 - e. being a team player
3. A good coach assists in budget preparation and purchasing by:
 - a. preparing a list of prioritized needs.
 - b. researching prices and types of equipment.
 - c. accurately inventorying existing equipment.
4. A good coach understands and complies with all school, league, and state rules and regulations by:
 - a. having a thorough knowledge of the rules and regulations
 - b. attending all appropriate meetings dealing with his/her sport
 - c. following proper procedures as described by the rules and regulations.
5. A good coach keeps the Athletic Director informed of unusual events within the sports activity such as:
 - a. team management problems.
 - b. community and/or public relations situations.
 - c. game management problems.
 - d. outstanding achievements.
 - e. potential league or state changes.
6. A good coach cooperates in sharing and safeguarding facilities by:
 - a. strictly adhering to pre-determined practice and game schedules.
 - b. not interfering with other practices or games.
 - c. being flexible when necessary.
 - d. communicating with the Athletic Director and/or the other coaches when changes in schedules must occur.
 - e. securing the facility when leaving for the day.
 - f. eliminating activities that could damage facilities

7. A good coach works professionally with all members of the high school staff, the press, parents and community organizations by:
 - a. courteously providing requested information and interviews.
 - b. attending community functions, if requested, that relate to his/her sport.
 - c. proper communication.
8. A good coach adheres to ethical guidelines by:
 - a. reading and understanding guidelines established by the Connecticut Coaches Association.
 - b. demonstrating the knowledge of these guidelines through his/her actions
9. A good coach maintains all required coaching certifications.
10. A good coach attends and actively participates in awards programs, league and staff meetings.
11. A good coach is a positive role model for athletes by:
 - a. personally modeling what is expected of the athletes.
 - b. being professional at all times.
 - c. by recognizing the importance his/her actions have on the developing young athlete.
12. A good coach uses good judgment when making decisions by:
 - a. putting the health, welfare and best interests of all athletes first.
 - b. keeping winning in perspective.
 - c. following a philosophy that is sound in purpose.
 - d. seeking the advice of others before action is taken.

COACH'S EVALUATION

1. PURPOSE

The purposes of the coach's evaluation are to:

- Confirm good coaching.
- Create positive changes in coaching techniques and procedures to improve the individual coach's performance.
- Encourage an exchange of ideas and communication between the coach and the Athletic Director.
- Assure the Administration and the Board of Education that quality coaching is a priority shared by the entire Athletic Department.
- Improve the overall quality of the athletic department as it relates to the total school program.
- Provide an effective means by which administrators may make recommendations concerning the continued employment of personnel and/or other recommendations to the Board of Education.

2. EVALUATION PROCEDURE.

2.1 Prior to the season

- All coaches will review the Athletic Handbook to determine the responsibilities and expectations of the position and how it relates to the total school system and the athletic department.

2.2 During the season

- The Athletic Director will observe coaches in game and/or practice situations.

2.3 Following the season

- All coaches will have a written evaluation completed.
- The Athletic Director will meet with each high school head coach to review the season, to discuss accomplishments made during the season, and to establish goals for the next season.
- High School Assistant Coaches will meet with either the head coach or the head coach and athletic director to review the season, to discuss the coach's accomplishments and to establish goals for the next season.

- The Athletic Director will evaluate all middle school coaches. The middle school principal and the high school head coach will provide input. Head middle school coaches will provide input regarding their assistant coaches.
- There will be a written summary of these discussions that will become the final evaluation.
- If deemed necessary by the coach's supervisor, other criteria may be considered when evaluating performance.
- Each coach will sign the evaluation. The signature of the coach does not necessarily mean agreement with the evaluation, only that the coach has read and understands the evaluation. The coach has the right to attach a statement to the evaluation expressing his/her opinion.
- All evaluations will be reviewed and signed by the Athletic Director indicating his/her approval of the contents. The signature of a head coach as the immediate supervisor of an assistant coach does not supersede the authority of the Athletic Director who makes the final recommendation for reemployment
- The final evaluation may be reviewed by the administration and will be filed in the Athletic Director's office.

3. Public Act No. 04-243

COACHES EVALUATION FORM

NAME Joe Sample

SPORTS ASSIGNMENT _____

DATE _____

The coaching responsibilities listed are rated on the following scale.

A-Acceptable performance

U-Unacceptable performance

I-Improvement needed

X-No basis for judgment

I. COACHING PERFORMANCE

- | | |
|--|---|
| 1. Is knowledgeable in the sport.
(You need to continue to improve your knowledge by attending appropriate clinics) | I |
| 2. Prepares for the total program or assists in this preparation | A |
| 3. Prepares for daily practices so that maximum instruction is presented
(At times you need to provide more activities and not spend as much time on the same one) | I |
| 4. Uses a variety of coaching techniques for individual and group instruction.
(Same as above) | I |
| 5. Provides an environment that attempts to prevent injuries | A |
| 6. Properly cares for injuries when they occur. | A |
| 7. Communicates with athletes in a positive constructive manner.
(Be careful about over-talking, some athletes may lose concentration) | A |
| 8. Is understanding and sensitive in dealing with the players | A |
| 9. Encourages enthusiasm and dedication in the players | A |
| 10. Creates positive interpersonal relationships with the players. | A |
| 11. Is punctual in attending and ending team practices and meetings | A |
| 12. Demonstrates self-control and poise in all areas relating to coaching responsibilities.
(Do not criticize opposing coaches or players publicly) | U |
| 13. Attempts to improve self as a coach by attending clinics, workshops and other professional development activities.
(You need to become more familiar with sport psychology) | A |
| 14. Effectively communicates team roles to players. | A |

II. TEAM MANAGEMENT and SUPERVISION

- | | |
|--|---|
| 1. Decides the personnel in an objective and consistent manner. | A |
| 2. Has full control of the team in all matters pertaining to coaching and athletic discipline. | A |
| 3. Informs athletes of all rules and regulations pertaining to discipline that have been established for the team, being sure these rules are consistent with athletic policy. | A |
| 4. Provides adequate supervision at each practice session and at all contests of the sport.
This includes supervision of the locker and shower rooms, practice fields and buses | A |
| 5. Properly manages school equipment. | A |

III. PROFESSIONAL QUALITIES

- | | |
|--|----|
| 1. Submits all requested information accurately and promptly. | A+ |
| 2. Works cooperatively with the Athletic Director and/or Head Coach. | A |
| 3. Assists with budget preparation. | A |
| 4. Understands and complies with all rules and regulations outlined in the Athletic Handbook and CIAC regulations. | A |
| 5. Keeps the Athletic Director and/or Head Coach informed of unusual events within the sport activity. | A |
| 6. Is cooperative in sharing and safeguarding facilities | A |
| 7. Works professionally with all members of high school staff, parents, and Community organizations. | A |

8. Adheres to the ethical guidelines established by the Connecticut High School Coaches Association
9. Maintains all required coaching certifications

 A
 A

IV. Identify a minimum of three coaching accomplishments that were made during the season.

- Skills were improved by most players
- A good rapport was developed with underclass athletes
- Practice organization was improved

V. List a minimum of three personal goals for coaching improvement to be pursued next season.

- Attend at least one coaching clinic that will help improve the drills and activities used in practices.
- Attend a clinic or do reading on the subject of sports psychology.
- Delegate more responsibility to team captains to provide better leadership opportunities for them.

Commendations/Recommendations

Joe continues to work hard as our head coach and is slowly making progress as he strives to improve our program. The players must respond by making a greater commitment to the sport. Joe must be positive in his approach, by stressing areas needing improvement but being careful not to turn off the girls due to overemphasis. His practices are good but some need more activities that keep the girls engaged in practice. Generally ☐ does a good job and is working to improve.

SIGNATURE OF COACH - DATE

The signature of the coach does not necessarily mean agreement with the evaluation, only that the coach has read and understands the evaluation. The coach has the right to attach a statement to this form expressing his/her opinion.

SIGNATURE OF HEAD COACH (if applicable) - DATE

The signature of the head coach does not supersede the authority of the Athletic Director who makes the final recommendation for employment.

SIGNATURE OF THE ATHLETIC DIRECTOR - DATE

Employment recommendation

- ☒ Recommend for continued employment.
- ☐ Recommend for continued employment with the understanding of areas to be improved.
- ☐ Not recommended for continued employment.

Senate Session Transcript for 05/05/2004 22 of document(s) retrieved

CONNECTICUT GENERAL ASSEMBLY

SENATE

May 5, 2004

The Senate was called to order at 1: 54 p. m. , President Rell in the Chair.

THE CHAIR:

Would members please rise and direct your attention to our Guest Chaplain Rob Corvo who will lead us in prayer.

ACTING CHAPLAIN ROB CORVO:

Almighty God, Creator of all that is, was and will ever be, we seek Your presence and wisdom as our Senate gathers today and completes the work of this year's session. Difficult decisions have been made and new laws established. We pray that all of the completed work will create a better and safer life for all persons of our state. I pray for each Senator that as he or she completes their work, give them the patience, endurance, wisdom and knowledge to do what is right not only for their immediate constituencies but also for those who are part of our larger state family of communities. I pray also for each support staff member of our Legislature. Grant them patience and wisdom as they, too, continue to exhibit their best in helping to make our government function. Bless all who work for the good of others and bring justice, peace, and a better life to the people of our state. This is our prayer in the name of the Lord God. Amen.

THE CHAIR:

Senator Murphy, would you lead us in the pledge, please.

SEN. MURPHY:

I pledge allegiance to the flag of the United States of America and to the republic for which it stands, one nation, under God, indivisible, with liberty and justice for all.

THE CHAIR:

At this time, the Chair will entertain points of personal privilege or announcements.

THE CLERK:

Turning to the Call of the Calendar, Calendar Page 13, Calendar 232, File 284, Substitute for S. B. 535 An Act Concerning Notification In Cases Of Termination Of Coaches, as amended by Senate Amendment Schedule "A", House Amendment Schedule "A". Favorable Report of the Committee on Education and Labor.

THE CHAIR:

Senator Gaffey.

SEN. GAFFEY:

Thank you, Madam President. Madam President, I move acceptance of the Joint Committee's Favorable Report and passage of the bill in concurrence with the House.

THE CHAIR:

The question is on passage in concurrence. Will you remark?

SEN. GAFFEY:

Thank you, Madam President. Madam President, what we have before us with House "A" is essentially the same bill that made a few minor technical changes and if there's no objection, I move the bill to the Consent Calendar.

THE CHAIR:

Motion is to refer to the Consent Calendar. Without objection, so ordered.

THE CLERK:

House Session Transcript for 05/04/2004 10 of document(s) retrieved
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CONNECTICUT GENERAL ASSEMBLY

HOUSE OF REPRESENTATIVES

Tuesday, May 4, 2004

The House of Representatives was called to order at 11: 16 o'clock, a. m. , Deputy Speaker Currey in the Chair.

DEPUTY SPEAKER CURREY:

The House will come to order. Our guest Chaplain today is Representative Wade Hyslop of New London.

REP. HYSLOP: (39TH)

Let us bow our heads. Our God, our Father, it's once again that we have come into this Hall of the House, oh God and as we've come, Master, we come to do the business of the State of Connecticut and we pray, Master, that as we come, that Thou would guide our thoughts and guide our actions and Master, we might do the things that would be for the benefit of all of our constituents.

We pray now, Oh Lord, Oh Master, as we continue to deliberate the matters that are hand, that we might do it, Oh God, in a way, Oh God, that it might be done in Your honor and Your glory. We ask, Master, we able to do it, Oh God, that all might better that are concerned, that all might be taken care of. We ask this in Your name.

Amen.

DEPUTY SPEAKER CURREY:

Representative Peters of the 30th will now lead us in the Pledge.

REP. PETERS: (30TH)

I pledge allegiance to the flag of the United States of America and to the republic, for which it stands, one nation, under God, indivisible with liberty and justice for all.

DEPUTY SPEAKER CURREY:

Is there any business on the Clerk's desk?

DEPUTY SPEAKER HYSLOP:

The Chamber will come back to order.

Clerk, please call Calendar 489.

CLERK:

On page 12, Calendar 489, Substitute for S. B. 535, AN ACT CONCERNING NOTIFICATION IN CASES OF TERMINATION OF COACHES. Favorable Report of the Committee on Labor and Public Employees.

DEPUTY SPEAKER HYSLOP:

Representative Giannaros.

REP. GIANNAROS: (21ST)

Thank you, Mr. Speaker. For clarification purposes, this particular bill was on the floor of the House. We had taken -- we were in the middle of discussing and debating Senate Amendment "A", at which point the bill was PT'd. So we are back, as far as I understand it, we're back on Senate "A".

Mr. Speaker, I move acceptance of the Joint Committee's Favorable Report and passage of the bill, in concurrence with the Senate.

DEPUTY SPEAKER HYSLOP:

The question is on acceptance and passage, in concurrence with the Senate. Will you remark further?

REP. GIANNAROS: (21ST)

Thank you, Mr. Speaker. While we were discussing the amendment yesterday, there were some problems with the language of the amendment. And a bipartisan group actually drafted a new amendment. So therefore, LCO number -- I'd like -- excuse me, the Clerk has in his possession LCO number 3874. May he call it and may I be allowed to summarize.

DEPUTY SPEAKER HYSLOP:

Clerk, please call LCO 3874, previously designated Senate Amendment "A" and the Representative has asked leave to summarize.

CLERK:

LCO number 3874, previously designated Senate "A" offered by Senator

Gaffey.

DEPUTY SPEAKER HYSLOP:

Representative Giannaros.

REP. GIANNAROS: (21ST)

Thank you, Mr. Speaker. This particular amendment dealt with coach notification and providing the opportunity for coaches to file for an appeal if they were dismissed.

This particular amendment, as I mentioned earlier, had some defective language and therefore, I move that the Senate "A" be rejected.

DEPUTY SPEAKER HYSLOP:

The request before the Chamber is for Senate "A" to be rejected.

Will you remark on Senate "A"? Will you remark on Senate "A"?

Representative Heagney.

REP. HEAGNEY: (16TH)

Thank you, Mr. Speaker. I join the Chairman requesting the Chamber reject Senate "A".

Thank you, Mr. Speaker.

DEPUTY SPEAKER HYSLOP:

Will you remark further on Senate "A"? Will you remark further on Senate "A"?

All those in favor of rejection of Senate "A", signify by saying aye.

REPRESENTATIVES:

Aye.

DEPUTY SPEAKER HYSLOP:

Those opposed. The ayes have it, Senate "A" is rejected.

Will you remark further on the bill?

Representative Giannaros.

REP. GIANNAROS: (21ST)

Thank you, Mr. Speaker. The Clerk has in his possession LCO number 5053. May he call it and may I be allowed to summarize.

DEPUTY SPEAKER HYSLOP:

Clerk, please call LCO 5053, to be designated House "A" and the Representative has asked leave to summarize.

CLERK:

LCO number 5053, House "A" offered by Representatives Johnston, Heagney, Giannaros.

DEPUTY SPEAKER HYSLOP:

Representative Giannaros.

REP. GIANNAROS: (21ST)

Thank you, Mr. Speaker. This particular amendment provides the opportunity for coaches to be notified when and if the local or regional board of education terminates or declines to renew their coaching contracts. They have to be notified within ninety days. The coaches must also be evaluated annually by their supervisors and that evaluation must be provided to the coach, the copy of the evaluation.

The coach who has been terminated or has been declined the renewal of the contract, can appeal the decision to the Board of Education. The Board of Education, of course, has the right to terminate any coach whose been dismissed for moral misconduct, insubordination, or violation of the rules of the Board of Education or because a sport has been cancelled by the Board of Education.

Mr. Speaker, I move adoption.

DEPUTY SPEAKER HYSLOP:

The question is on adoption of House "A". Will you remark on House "A"?

Representative Heagney.

REP. HEAGNEY: (16TH)

Thank you, Mr. Speaker. Mr. Speaker, I rise in support of House "A". This is a clarification and rewrite of the bill we debated yesterday.

A number of improvements are in this amendment. I want to first thank the Chairman and others who worked diligently in redrafting this, Representative Johnston, Representative O'Connor, Representative Giannaros.

The changes that were specifically addressed to the debate of yesterday is to extend the period from sixty days notice to ninety days to specifically identify in the legislation that if a sport is cancelled, the coach would not be, the Board of Ed would not be compelled to hire the coach for that particular season and to deal specifically with situations of moral misconduct, insubordination, or a violation of the rules. We did a rewrite on the language there to make sure it was very specific as to the rights that that Board would have in dealing with coaches in those specific instances.

This, Mr. Speaker, only applies to coaches who have already coached three or more consecutive school years in a sport and so it does not apply instantly to every coach, but only those who have shown through experience and performance to have a vested position as coaching in that school.

The original part of the statute dealing with evaluations is simply a clarification of existing law. It indicates that coaches, which have to receive a specific permit from our Department of Education, have to also receive an annual evaluation as our teachers do.

With those comments, Mr. Speaker, it's my pleasure to rise in support of this legislation and to encourage the body to vote in favor of it.

Thank you, Mr. Speaker.

DEPUTY SPEAKER HYSLOP:

Representative Metz.

REP. METZ: (101ST)

Thank you, Mr. Speaker. Mr. Speaker, I would agree that this amendment, as it's drafted, does address the problems that existed with this bill that were brought out in the prior debate, but I have some questions about the effect of the bill, which I would like to direct to Representative Giannaros, if I may.

DEPUTY SPEAKER HYSLOP:

Proceed, sir.

REP. METZ: (101ST)

Thank you. Representative Giannaros, I understand the part about a coach needing an evaluation and a superior would evaluate him, but if on the basis of that evaluation or on some other basis, a coach who had served for three years would be terminated, I'm wondering what would be appropriate grounds for terminating a coach. Is there some standard for terminating a coach?

DEPUTY SPEAKER HYSLOP:

Representative Giannaros.

REP. GIANNAROS: (21ST)

Mr. Speaker, it's my understanding that it's completely up to the Board of Education or the Regional Board of Education. The only thing this particular amendment does, it mandates that they have to notify him within ninety days after such decision. Ninety days following the end of the season, the sports season so that he or she has the opportunity to file an appeal to the Board of Ed, and again, it's the Board of Education or Regional Board of Education that has the authority to hire or fire.

Thank you, Mr. Speaker. Through you.

DEPUTY SPEAKER HYSLOP:

Representative Metz.

REP. METZ: (101ST)

Thank you, Mr. Speaker. And a coaching position is not exactly the same as a teaching position. There is no tenure for coaches, for example. So as I understand Representative Giannaros' answer, I think he's saying that a board of education could terminate a coach for any reason, there wouldn't have to be any specific standard, he could have a very good evaluation by his supervisor, but they could choose to terminate that coach and although he would have a right to appeal to the board of education, they wouldn't have to meet any standard whatsoever in order to be able to dismiss him. I'd like to confirm that.

Through you, Mr. Speaker with Representative Giannaros. Is my understanding correct?

DEPUTY SPEAKER HYSLOP:

Representative Giannaros.

REP. GIANNAROS: (21ST)

Thank you, Mr. Speaker. Through you, the answer is yes, it's the Board of Education that develops the guidelines for hiring and firing.

Thank you, Mr. Speaker. Through you.

DEPUTY SPEAKER HYSLOP:

Representative Metz.

REP. METZ: (101ST)

Thank you, Mr. Speaker. Thank you, Representative Giannaros for your answer.

DEPUTY SPEAKER HYSLOP:

Will you remark further on House "A"?

Representative Johnston.

REP. JOHNSTON: (51ST)

Thank you, Mr. Speaker. Mr. Speaker, I believe the language before us a good compromise. When the bill was before us before, it appeared that we were heading into a long debate on this issue. We sat down, came out with some compromised language that we think works well, it doesn't dilute the intention of the bill, good language, ought to pass.

Thank you, Mr. Speaker.

DEPUTY SPEAKER HYSLOP:

Will you remark further on House "A"? Will you remark further on House "A"?

If not, we'll try your minds. All those in favor, signify by saying aye.

REPRESENTATIVES:

Aye.

DEPUTY SPEAKER HYSLOP:

Those opposed. The ayes have it, House "A" is adopted.

Will you remark further on the bill, as amended?

Will you remark further on the bill, as amended?

Representative Ward.

REP. WARD: (86TH)

Thank you, Mr. Speaker. Mr. Speaker, I didn't want to get up and speak on the amendment because I did think it was better than the bill in its original form, but I still rise to oppose it.

I find it odd that for a full-time certified teacher, you get tenure in five years, but if you coach three years, you get some new rights. And I understand in response to Representative Metz's question, the Board still has absolute discretion to fire the coach for any reason. In other words, there's still an at will employee. If so, why do we grant them the right to appeal?

I'm quite puzzled by that. The right to appeal, appeal a decision, there are usually standards upon which an appeal is based. There's a requirement of an evaluation. The evaluation is from the immediate supervisor. We don't even say that the immediate supervisor moves up the chain. So that the supervisor, let's assume this is baseball and there are two assistant coaches. And so the head coach gives one of the assistant coaches a good evaluation, but maybe the principal thinks the head coach should be replaced. And the principal saw that coming and -- I'm sorry, the head coach saw it coming, so in order to protect his friends who are the assistant coaches because they wanted to change the whole team, he wrote glowing evaluations, even though the principal of the high school or the athletic director didn't agree.

So then the notice goes out that the head coach and the two assistants are terminated. The assistant says, I want to appeal my decision, I've got a glowing evaluation from my immediate supervisor, perhaps no evaluation from the people beyond them, and he goes to the Board of Ed. And the Board of Ed says well, the principal recommended a change, we've had complaints from parents and students and we haven't won a game in fifteen years, so we thought a change might make sense.

So a combination of all of those.

We're told that the bill does nothing, that the Board just has to hear the appeal and has no standards and that they're an at will employee. I hope that's how it's judged. But if it is, I don't know what the bill does. It says somebody gives an evaluation. It says the Board of Education has to hear an appeal. So you're basically saying,

I guess we're adopting the following state policy. Regardless of the Board's policy, it may no longer delegate to the principal of a high school or a principal of a junior high school, if they employee coaches, the decision about the personnel, about terminating the coach. That has to automatically go to the Board.

I guess we're saying the athletic direction can't be delegated the authority. It has to be the Board. I don't know why we're interfering in this. I do understand that there are several cases where people felt coaches were treated inequitably, improperly, not with what some members thought were a fair process. I look at the number of high schools that play sports and the number of sports that are played and suggest to you that if there were a handful of cases where a Board acted in the way that the general public might have thought was somewhat unfair, the better answer is the election process to replace the Board, not to adopt this new standard for what maybe part-time employees that earn \$ 500, but they did it for three years in a row. When they got this new status, at least it looks like a new status. I think if I was a lawyer for the coach, I'd be arguing that despite a claim of legislative intent, that we intend this law to mean nothing, but you get an evaluation and a right to appeal, but upon the appeal, they don't have to consider anything, they could just say we changed our mind.

Is it a renewable contract? Did we create a just cause standard for termination? It sounds like we probably created just cause whether we intended or not because we say there are three things that you don't need any reason for and you don't have to comply with the time requirements.

We probably all agree with those three. You eliminated the sport, probably a good reason not to have the coach. Moral misconduct or direct insubordination. I think everybody would probably agree that those are reasons for immediate termination. Some might argue a claim of insubordination and certain kinds of employees you would actually have a hearing as to whether or not they were insubordinate, but we don't do that here, but if you terminated them for other reasons, you have to do it within ninety days of the end of the season, that will become perhaps an inconvenience in some cases because it maybe that the reason not to terminate a coach was they were kind of unhappy, but not terribly unhappy and a great person came by and was interested in the job and they thought they would want to make the change.

Can't do that now if the sport ended more than ninety days before. A new board of education coming in, a new athletic director coming in after that ninety days. Can't do it.

I will vote against the bill because I don't think there's been sufficient showing of a problem that needs to be solved. I do

understand the pressures of coaching, particularly in the high school level with mixed demands from both the Board of Ed, but probably mostly and as a parent of kids that played high school sports, probably mostly from parents who probably mostly complain about playing time more than anything else and a little bit about the record of the team. And I understand that it maybe difficult to coach, but I think it's better left to policies and processes of the local school and its school board than the Legislature jumping in creating this sort of right.

And again, it maybe that under the current certification law, there's a right to an evaluation today. I think that's not absolutely settled. And it may not be settled at every level, but it seems like this three year extra right where you get an extra right of appeal is sort of like a probationary standard. If it's a probationary standard, then you've kind of given a just cause standard and I don't know if that's what we really think we ought to do.

So I appreciate the answer to Representative Metz's questions that the right to appeal just means you can ask the board, but the board has no standards whatsoever. It's my understanding it's not just cause. They can simply say we listened to you, we would not like you anymore. I don't know how well that will work or how that will be held up.

I have a further objection because in many high schools, the teachers' collective bargaining agreement contains provisions with regard to coaches. So we may well -- if the coach is a teacher, then they have the right. That's considered an extra duty, an extra assignment. They have the right to bargain over that. In fact, most teachers' contracts have provisions for the salary of the coach. So at least some aspect of it is bargained.

Some give teachers a right, if they're qualified, to get the job before anybody from outside the school system. It seems to me, by putting in this three year rule, at least for those we should have exempted out of this rule, any coach who is a teacher in that school system because they would have had a right to bargain for an evaluation as a coach to bargain for termination proceedings as a coach. So something that could be bargained for those coaches who are certified personnel as teachers, we're now, I guess, kind of taking them out of the bargaining unit, either we're giving them a right to bargain that they didn't bargain for or perhaps something taking something away from them whenever their contract expires.

Whatever it is may be, I think it would be better that we not interfere with this method. I agree the amendment's better than the original draft, but it's not a reason that we ought to adopt it here today. We don't even say if there's a standard evaluation form.

I don't know, the immediate supervisor and again, I assume the immediate supervisor, if you're an assistant coach, is the head coach. That's probably the immediate supervisor, but it's not spelled out because sometimes the athletic director hires the head coach and the assistant coaches. The head coach may not make a decision as to he or she's assistant, but they're probably, although this doesn't spell it out, the immediate supervisor. So you could have the untenable situation where the athletic director hires the head coach and the two assistants. Maybe the head coach really didn't want that assistant, wanted somebody else, but he's now the immediate supervisor, so the head coach does the evaluation even though somebody else did the hiring and ordinarily would be responsible for the determination as to whether to renew the contract.

And again, we're not just talking about termination of somebody during their contract. We're saying non-renewal of a contract. So we took what was always at will employment, a one year, usually a one sport contract, you get paid, it can vary anywhere from a few hundred dollars to several thousand dollars to coach a sport for a season and we're turning it in if you've done it three in a row, to a formal process.

I suspect what will begin to happen is you'll develop the process, like they sometimes do with new teachers and budget's not in place, you sent a layoff notice to everybody. To cover the ninety days at the end of every sports season, a letter will be sent out saying you're terminated. And then you'll decide, as you get closer to the season, whether you want to reinstate them or not because if you wait the ninety days and you're thinking about it, you'd better terminate them. Then they say, well I have a right to appeal to the board and the board says, thank you for your appeal, since we have no standards anyway, we don't care, we agree we're terminating everybody and we'll decide who we rehire later.

You'll have parents upset that there's been a termination notice. You'll have students upset and they're doing it because they're not sure what the decision will be.

I think this is a mistake. I think it's a problem that I think we're fixing a problem that doesn't really exist and I urge rejection of the bill.

DEPUTY SPEAKER HYSLOP:

Will you remark further on the bill, as amended?

Representative Giannaros.

REP. GIANNAROS: (21ST)

Thank you, Mr. Speaker. A couple of points, again for clarification for our colleagues here.

Through you, Mr. Speaker to Representative Ward. The intention here is to have the coaches notified so that if their contract is not going to be continued, they can start looking for a job. In the academic market for employment, teachers' market or coaches' market, it's not a year-round market. There are certain times of the year that coaches and teachers are hired and therefore if they miss that time, they may be unemployed for a whole year.

So one of the reasons is for that. The other is that there are occasions where an individual coach was perhaps terminated by his supervisor, not necessarily the Board of Education because the Board of Education is the ultimate supervisor of the system, but rather by some lower supervisor. So this gives them the opportunity to have it looked into.

Thank you, Mr. Speaker. And I appreciate Representative Ward's comments.

Thank you.

DEPUTY SPEAKER HYSLOP:

Will you remark further on the bill, as amended? Will you remark further on the bill, as amended? If not, staff and guests to the Well of the House, the machine will be opened.

CLERK:

The House of Representatives is voting by roll call. Members to the Chamber. The House is voting by roll call. Members to the Chamber, please.

DEPUTY SPEAKER HYSLOP:

Have all members voted? If all members have voted, please check the machine and make sure your vote is properly recorded. The machine will be locked and the Clerk will take a tally.

The Clerk will announce the tally.

CLERK:

S. B. 535, as amended by House Amendment Schedule "A"

Total Number Voting 143

Necessary for Passage 72

Those voting Yea 90

Those voting Nay 53

Those absent and not voting 8

DEPUTY SPEAKER HYSLOP:

The bill, as amended passes.

ED Committee Hearing Transcript for 03/05/2004 6 of document(s) retrieved
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MARCH 5, 2004

mft EDUCATION COMMITTEE 12:00 P.M.

PRESIDING CHAIRMEN: Senator Gaffey

Representative Giannaros

MEMBERS PRESENT:

SENATORS: Herlihy, Fasano, Finch, McDonald

REPRESENTATIVES: Reinoso, Boucher, Fritz,
Green, Hovey, Kerensky, Klarides, Mikutel,
Nafis, Powers, Sawyer, Walker, Widlitz,
Williams

REPRESENTATIVE GIANNAROS: -- guidelines relating to what happens if there is an emergency. So in the interest of safety, I would ask you to note the location of and access to the exits in this hearing room. The two doors through which you entered in the back, those are the emergency exits and are marked with exit signs.

In an emergency, the door behind the legislators can also be used right to my left. In the event of emergency, please walk quickly to the nearest exit. After exiting the room go to your left and exit the building by the main entrance, which is right immediately outside to your left, and exit the building as soon as you can. Do not delay and do not return unless and until you're advised that it's safe to do so.

Since we have more than a full house I was obliged to mention that. Today we're going to be televised by Connecticut Television Network so be aware of that and for the Committee members, before you speak please make sure you have your button on and once you have completed your remarks please turn off your button so that CTN can broadcast in a qualitative manner.

We have about one minute, I'm waiting for my Co-chair to arrive. He should be arriving but I will convene the meeting in a minute.

One more time, can I have your attention please. The public hearing is in order and the first person that will be testifying is our Honorable Representative Betty Boukus because she has to

Fernando Betancourt, following Fernando we have Roch Girard and following Mr. Girard we have Theodore Scheidel. Thank you, please proceed.

PAUL DAVIS: Thank you, my name is Paul Davis. I have been the head coach of swimming at Amity Regional High School for the past 25 years. I currently serve on the Executive Committee of the Connecticut High School Coaches Association as girl's swimming Chair and I am President of the Amity Coaches Association.

I'm here today to present testimony in support of S.B. 535, AN ACT CONCERNING DUE PROCESS AND TERMINATION OF COACHES. I'd like to thank you Representative Giannaros, Senator Gaffey and the entire Committee for considering a solution to this problem that has challenged coaches for many years.

Many of our schools have no formal procedures for dealing with complaints made against coaches, nor do coaches have any protection against unsupported claims or accusations. Coaches are not truly represented by bargaining units that negotiate their salaries, but will only take supportive action in a job situation if the coach also happens to be a teacher in the local school district.

Athletic Directors will tell you that it is becoming more and more difficult to get competent coaches because the time commitment is so great, compensation so poor, and job protection nonexistent. Three years ago at Amity Regional School District we were embroiled in a major conflict that threatened to destroy the entire athletic program.

After an investigation of allegations made by some of the parents, the Board terminated the contract of an assistant baseball coach because of his conduct and overall approach to coaching; no specifics were given. The Amity Coaches Association took a strong exception to the entire process.

Intense public pressure and support for the position of the coaches forced the Board to overturn their vote at the next meeting. The coach is still working at Amity today.

Subsequent to this incident in 2001, similar difficulties involving termination or non-renewal of coaches were reported in Branford, Stratford, Milford and several other communities. In all cases, these public conflicts have caused major distress for everyone involved.

They have most importantly placed many of our students in the

intolerable position of having to take sides in disputes between their family members and their coaches. Every coach understands that there are times when a coach should be terminated or not rehired, but he or she should at least be given reasons based on fact not allegations.

My discussions with numerous coaches and coaching association officials indicate very strong support and need for a due process statute. We are concerned, however, that some of the proposed language may not bring the desired results. Suggestions have been made that the proposed language implies that evaluations would be used only for termination or non-renewal of an employee instead of support improvement of coaching techniques.

It also seems to involve student athletes too heavily in the process. We would hope to insulate them from employment conflicts unless absolutely necessary. I would respectfully ask the Education Committee to consider modified language, which I have attached to my testimony. It is based on Connecticut education statutes and a Minnesota statute, Section 122A.58 entitled "Coach's Termination of Duties".

I'd like to thank you for your time. May I beg the Chair's indulgence? I have a young lady next to me who has coached for 24 years at Lewis Mills High School. She is the subject of an article in the front page of her local newspaper today and she is --

REP. GIANNAROS: Let me just say that you really did run out of time --

PAUL DAVIS: Okay.

REP. GIANNAROS: -- because we must allocate, but I will allow one minute if you want to summarize a statement because we cannot have everybody waiting --

PAUL DAVIS: Thank you.

REP. GIANNAROS: -- because we have limits today, thank you. Just summarize -- you don't have to read the statement if you can just tell us what your main point is.

EILEEN CROMPTON: Okay, I just want to say that I've been a coach at Lewis Mills High School for 24 years. I've received every possible honor that a high school coach could receive, including National Coach of the Year.

We have four state titles, 11 league championships, my overall record is 405 and 87 and just recently I was told that I would not be rehired. And I was also told in a letter from the Superintendent that I have no right to due process.

I have a copy of that letter that I'd like to leave with you if possible. So I'd like you to strongly support that bill.

REP. GIANNAROS: Please leave that document with our clerk way down there and he'll make copies for us.

EILEEN CROMPTON: Okay.

REP. GIANNAROS: Thank you.

EILEEN CROMPTON: Thank you.

REP. GIANNAROS: Any questions? Senator Gaffey. Hold on for a second.

SEN. GAFFEY: Recall Mr. Davis. Mr. Davis, you mentioned -- I brought this bill forward because I have great respect for the gentleman who contacted me, both Rob Somasik (phonetic) from Maloney High School and John Fontana from Southington.

PAUL DAVIS: We certainly appreciate that.

SEN. GAFFEY: And -- but this is new.

PAUL DAVIS: Right.

SEN. GAFFEY: This is new for this Committee; this is new for this legislature, so we need to understand the ramifications of what we're doing very carefully.

You mentioned in your testimony potential employment conflicts and I didn't know what you meant by that. Can you please elaborate?

PAUL DAVIS: Potential employment --

SEN. GAFFEY: I heard you use the words employment conflict. Somewhere around the line you talked about -- and I don't have it in front of me so I don't know, somewhere around the line you talked about the students being --

PAUL DAVIS: Oh yes, employ -- from employment conflicts. What we're talking about is employment conflicts between the School Board, school system and the coaches. It's our position that we

would like to only have to deal with the athletes or bring the athletes forward if it's absolutely necessary.

In the bill as it's stated, one of the primary statements is that this will be based on the evaluations made by student athletes -- the termination, and it's number two on the bill as it's proposed.

So what we'd like to do is leave that to either the Board or the coach that's going through the process, whether or not they should bring the athletes forward in this particular situation. It may be possible to leave them out and not involve them and it's something that could be quite emotional for them.

SEN. GAFFEY: I would tend to agree with you on that, that it probably is -- well as I sit here now thinking about it, it's probably not well advised that we inject kids into this process because it can be awfully, not only subjective but there can be a lot of pressure put on the children to lobby for one side or the other. And I quite frankly don't want to put them in the middle.

PAUL DAVIS: Right, right.

SEN. GAFFEY: Ms. --

EILEEN CROMPTON: Crompton.

SEN. GAFFEY: Crompton, can you tell me -- I didn't catch the end of your testimony. Were you -- you've been at your school for how many years?

EILEEN CROMPTON: Twenty-four.

SEN. GAFFEY: Twenty-four years, Coach of the Year and what happened to you?

EILEEN CROMPTON: This spring I was sent an e-mail, a one line e-mail that that I wasn't going to be rehired.

SEN. GAFFEY: Okay, and are you a certified teacher?

EILEEN CROMPTON: No.

SEN. GAFFEY: Okay, so you are a bearer of a coach's permit.

EILEEN CROMPTON: Right.

SEN. GAFFEY: Okay. And in this e-mail did they explain to you

the reasons why you were not asked to continue on in your coaching position of 24 years?

EILEEN CROMPTON: No.

SEN. GAFFEY: There was no reason given whatsoever?

EILEEN CROMPTON: No. In the e-mail he just said he was not going to rehire me and if I wished to have a meeting I could call. I had a meeting -- I did call, I had that meeting and was told that I didn't meet the standards expected of a Lewis Mills coach.

SEN. GAFFEY: And this was from whom?

EILEEN CROMPTON: Our Athletic Director Jay Pelter.

SEN. GAFFEY: And in your school district, who hires you?

EILEEN CROMPTON: The Athletic Director.

SEN. GAFFEY: Does the Athletic Director hire you or does the Board of Education hire you, do you know?

EILEEN CROMPTON: I guess technically the Board of Education, yes.

SEN. GAFFEY: I would believe in most instances technically the hiring party is the Board of Education and the Athletic Director is like your supervisor.

EILEEN CROMPTON: Right, right.

SEN. GAFFEY: And as your supervisor, has this Athletic Director ever in the 24 years that you've coached at your school provide you with any written evaluation of your performance?

EILEEN CROMPTON: I've asked for my file and they said they don't have one.

SEN. GAFFEY: Oh really.

EILEEN CROMPTON: The Athletic Director by the way that's there right now is brand new, but I did ask the Superintendent for my file and they say they don't have a file on me, no evaluations.

SEN. GAFFEY: Have you ever seen a written evaluation of your performance as coach?

EILEEN CROMPTON: No.

SEN. GAFFEY: Have you ever been interviewed for an evaluation of your performance as coach?

EILEEN CROMPTON: No.

SEN. GAFFEY: And at the onset of your employment as the coach at that school or during -- at any time during the 24 years that you've coached there, did your supervisor or your employer, be it the school that you coached at or the Board of Education, ever define the standards upon which you were to be evaluated upon?

EILEEN CROMPTON: No. I just found out that they don't have any written standards.

SEN. GAFFEY: And there certainly was no reference to any standards that were not met, any expectations that were not met -- I shouldn't lead you like that.

Were there any written standards or expectations that were not fulfilled ever communicated to you verbally or in writing?

EILEEN CROMPTON: No. When I asked what the standards were they didn't have any and they hemmed and hawed and the principal finally said we expect the highest standard, that was the answer.

SEN. GAFFEY: Well while lofty, that's certainly as about as undefined as I can imagine.

PAUL DAVIS: Senator, may I interject something?

SEN. GAFFEY: As I just think things through, go ahead.

PAUL DAVIS: Okay, it's pertinent to this because at Amity we have very, very well defined standards. We've had them for many years. Every coach is evaluated every year.

So what probably we're looking at here is a total -- it's totally left up to the school district how they want to handle this and we believe some guidance on the state level would probably be very important in making this a little bit more systematic and consistent.

SEN. GAFFEY: Well, I would tend to agree with you. And in my discussions with Coach Fontana and Coach Somasik, I've certainly reached that conclusion and this is just solidifying that

conclusion as I hear this witness testify.

Now, you mentioned a file. Do you know if there is any file actually in existence?

EILEEN CROMPTON: I asked for a file and was told that they didn't have one. Finally, I put it in writing and they sent home to me -- they made a copy -- my husband is a teacher there. They made a copy of some letters that I had written to the Superintendent last year and a letter from 1998 and that's what my entire file consists of.

SEN. GAFFEY: Do you have any knowledge that other documentation was or should have been contained in that file?

EILEEN CROMPTON: I have a lot of letters from parents -- a lot of positive letters from parents that I think probably would belong in a personnel file, yes.

SEN. GAFFEY: Okay, but not that they're required to put letters from parents in any file I just wondered if you had any knowledge of any other documentation to the best of your knowledge that may have been in that file except for what you were provided.

EILEEN CROMPTON: I'm not sure. I mean, I've received --

SEN. GAFFEY: That's fine, if you're not sure you're not sure, that's the answer.

EILEEN CROMPTON: Okay.

SEN. GAFFEY: Have you -- well, they've turned over a file upon written request to you. We're just not so sure how comprehensive that file may have been kept.

EILEEN CROMPTON: They have turned it over, right.

SEN. GAFFEY: They've turned over the file to you.

EILEEN CROMPTON: I don't even know -- I haven't been able to go into the school and see it so I don't even know if it's complete.

SEN. GAFFEY: You actually have a contract with that school system -- that school district?

EILEEN CROMPTON: We have an annual contract.

SEN. GAFFEY: You have an annual contract and do you have a copy of that contract?

EILEEN CROMPTON: No, I don't.

SEN. GAFFEY: Can you provide this Committee with a copy of that contract?

EILEEN CROMPTON: Yes, I can.

SEN. GAFFEY: And I would be interested in copies of similar contracts whether it be from Amity or wherever. I'd like to see some of these contracts so we can take a look at them.

PAUL DAVIS: Senator, while they have a signed contract we don't. There's no formal contract for coaches at Amity. The Athletic Director makes a recommendation for reappointment or non-renewal of a contract --

SEN. GAFFEY: To your knowledge has anyone ever requested a contract specifying the terms and conditions of their employment as coach at the Amity School District?

PAUL DAVIS: No. Anything that covers us contractually is written in as a subsection of the teacher's contract, which is maybe five lines long and covers primarily salaries. There are a couple -- I think since that time it's been added that each coach shall be evaluated on an annual basis.

SEN. GAFFEY: But that is not --

PAUL DAVIS: We can provide --

SEN. GAFFEY: But that is not a contract with the coach that's not a certified teacher.

PAUL DAVIS: Correct.

SEN. GAFFEY: Just a permit holder.

PAUL DAVIS: Correct.

SEN. GAFFEY: Okay, so there's no individual contracts. You though had a contract with your school district.

EILEEN CROMPTON: All the contract is is that we apply for the job and how we want to be paid. It's a one-page very simple thing. You sign it, the Superintendent signs it and that's all. And that's what we call the contract.

SEN. GAFFEY: And it's on a year-by-year basis.

EILEEN CROMPTON: Right.

SEN. GAFFEY: You are therefore an at-will employee of that school district.

EILEEN CROMPTON: Right.

SEN. GAFFEY: Okay. Alright, I'm going to ask the staff -- because we've been putting some time into this and looking at this, does staff have any questions for the two witnesses in front of us? Nothing you think of right now?

Senator Herlihy has a question.

REP. GIANNAROS: Senator Herlihy.

SEN. HERLIHY: Thank you Chairman. Thank you for being here. Let me just jump back to the file issue. Do any of your colleagues as coaches, have any of them ever expressed to you -- well, I have a file why couldn't they come up with yours, or is it your understanding that there is no file on any coach there?

EILEEN CROMPTON: I don't know. I don't know if any of the other coaches have files or not.

SEN. HERLIHY: Okay, that might be of interest to us. Number two, were there any unusual -- and this is a public -- are we on CTN?

REP. GIANNAROS: Yes, we are.

SEN. HERLIHY: This is a public meeting so if there's any -- if you have any reason for concern with regard to your privacy as I ask these questions, they do not have to be granted at this point in time. If you're comfortable speaking to either the Chairs or myself privately, we can certainly do that.

But my question to you if you're willing to answer it publicly is were there any unusual, extraordinary, significant events, incidents, complaints -- issues with parents, issues with fellow coaches, teachers, administrators, students, referees -- was there a single event, compelling event that may have led to your dismissal on field, off field?

EILEEN CROMPTON: I will say that last year there was a complaint from a player from another team who accused me of some unsportsmanlike conduct. However, there's never been any complaints from officials, parents, even the officials that were

at that particular game, no other complaints.

And as a matter of fact, at the Board of Education meeting I waived my right to confidentiality so that if that were the reason they could bring that out.

SEN. HERLIHY: Is that the only complaint that you're aware of?

EILEEN CROMPTON: Yes.

SEN. HERLIHY: Was it a formalized complaint? Was it just someone sharing information with someone -- oh, such and such coach this and that, or was it --

EILEEN CROMPTON: I was never allowed to see it.

SEN. HERLIHY: Was it a written complaint?

EILEEN CROMPTON: I don't know because I was never allowed to see it. I was told about it.

SEN. HERLIHY: Was it investigated by either the Board of Education or the Athletic Department?

EILEEN CROMPTON: It was investigated by the Athletic Department.

SEN. HERLIHY: Did you have an opportunity to respond to that complaint in writing?

EILEEN CROMPTON: Yes, I did. I responded -- I wasn't actually given the opportunity; I did it on my own.

SEN. HERLIHY: Was there ever a hearing held where you were in front of either the head of the Athletic Department or members of the Athletic Department or the administration or the Board of Education where you were able to defend yourself and your actions based on that complaint?

SEN. HERLIHY: I did have a meeting with the Superintendent and the Athletic Director.

SEN. HERLIHY: Thank you.

REP. GIANNAROS: Thank you. Are the coaches organized -- a union?

PAUL DAVIS: We have several professional organizations but we do not have any type of union, no.

REP. GIANNAROS: That's why unions are created by the way.

PAUL DAVIS: Yes. One of the problems is that Connecticut education law does not permit us to have a union or be recognized as a union.

REP. GIANNAROS: Our state law does not allow you?

PAUL DAVIS: Our state law does not allow.

REP. GIANNAROS: Well, that's something that the Labor Committee should look into. Further questions or comments?

Yes, Senator Herlihy one more time.

SEN. HERLIHY: Forgive me, I just came up with something after I thanked the Chairman for my time. You've been replaced and were you replaced by someone of equal or greater ability if we were to compare your coaching resume versus this new individual's?

EILEEN CROMPTON: Absolutely not.

SEN. HERLIHY: Would you in your opinion, and I understand it's opinion only, would you suggest this person then is a weaker candidate for the position that you held?

EILEEN CROMPTON: Absolutely.

SEN. HERLIHY: And lastly, and I'm even embarrassed that this question has to be asked, but this person is not related in any way, shape or form to anyone associated with the school or the Board of Education or someone of prominence in the community that you were coaching in?

EILEEN CROMPTON: She's a retired teacher.

SEN. HERLIHY: She's a retired teacher but no personal relationship.

EILEEN CROMPTON: Not that I'm aware of.

SEN. HERLIHY: Thank you.

EILEEN CROMPTON: Can I just clear one thing up?

REP. GIANNAROS: Can you for one more time tell us your name clearly so that we can register that?

EILEEN CROMPTON: It's Eileen Crompton.

REP. GIANNAROS: Crompton, C-R-O-M-P-T-O-N?

EILEEN CROMPTON: Right, and the first name is E-I-L-E-E-N.

REP. GIANNAROS: Okay, thank you. Senator Gaffey has a question.

SEN. GAFFEY: Thank you, following up on Senator Herlihy. Was there -- and I really appreciate you coming forward today. I know this is not very easy for you but you're being very helpful in bolstering the need for this bill to get passed through the legislature with your testimony because I just find it startling that this could occur.

EILEEN CROMPTON: I found it startling too.

SEN. GAFFEY: Was there ever -- and again, I'm going to reemphasize what Senator Herlihy put so eloquently. If there is ever a question here that's asked that you'd rather not comment on but would talk to us privately then you may choose to do so.

But was there ever a complaint filed by any student whom you coached in 24 years?

EILEEN CROMPTON: Not that I'm aware of.

SEN. GAFFEY: Not that you're aware of.

EILEEN CROMPTON: Nope.

SEN. GAFFEY: Well, I guarantee you under the law -- the Chairs are going to rule with an iron fist on the issue of cell phones.

If you have cell phones shut them off or put them on vibrate because it is extremely rude to us and to the people who are at the podium testifying to have a cell phone go off. So please, kindly put them on a different mode.

So I guaranty you under the law of the State of Connecticut that if there was a complaint you would have heard about it because that's the way the process works on those complaints, certainly those complaints that are filed with DCF.

So to the best of your knowledge there's no compelling event that occurred outside of this one complaint that had to do with a participant from another team during a -- what did you coach, I'm sorry?

EILEEN CROMPTON: A softball game.

SEN. GAFFEY: During a game, that accused you of some sort of unsportsmanlike -- there's been no other event?

EILEEN CROMPTON: In 24 years, there was one accusation that I was found -- there was no substantiation for it and one other one where it was a prank that my team did. That's it for 24 years and those are very old, those are eight years old.

SEN. GAFFEY: And I don't believe that win/loss records are indicative of a coach's effectiveness because the whole issue in my mind, at least as a former scholastic athlete, is how well a coach connects with a child and helps that child whether it's in that sport or academically or just helps them grow.

But just for the record, you mentioned you were Coach of the Year one year. I seem to remember Lewis Mills being rather dominant in softball.

EILEEN CROMPTON: Right.

SEN. GAFFEY: And in the last few years if we looked at a trend line of win/losses, what was it?

EILEEN CROMPTON: Last year was 14 and 6, the year before was 18 and 3.

SEN. GAFFEY: I'm through, thank you very much.

REP. GIANNAROS: Thank you Senator, further questions?

EILEEN CROMPTON: Can I just clarify one thing that I wanted to really --

REP. GIANNAROS: Very fast because we're really running late, thank you.

EILEEN CROMPTON: Okay, it was -- I just wanted to make it clear that I was told that I had -- at this investigation that I was told I had no right to see any records, to even know who accused me. I got to see nothing.

REP. GIANNAROS: I'd like to invite the person who said that to testify or come up to testify next time.

EILEEN CROMPTON: I'd be glad to, thank you.

REP. GIANNAROS: Please invite him on my behalf.

EILEEN CROMPTON: Thank you.

PAUL DAVIS: Thank you.