BRIDGEPORT BOARD OF EDUCATION
AGENDA OF SPECIAL MEETING OF THE POLICY COMMITTEE

WEDNESDAY, OCTOBER 28, 2026 - 6:30 PM
CITY HALL ROOM 305
45 LYON TERRACE
BRIDGEPORT, CT 06604

1. **Approval of the Minutes Dated September 9, 2026**
2. **Discussion and Possible Action of the Whistle Blower Protection Policy**
3. **Discussion and Possible Action of the Series 4000 Personnel - Certified/Non-Certified Policies**
4. **Adjourn**

Wednesday, September 9, 2026

MINUTES OF THE POLICY COMMITTEE OF THE BRIDGEPORT BOARD OF EDUCATION, held September 9, 2026, at Bridgeport City Hall, 45 Lyon Terrace, Bridgeport, Connecticut.

The meeting was called to order at 6:31 p.m. Present were Chair Andre Woodson and member Joseph Sokolovic. Board members Albert Benejan Grajales*, Maritza Estremera Jimenez, and Willie Medina* were present. Committee member Lamond Daniels joined subsequently as noted. Board member Robert Traber* joined the meeting subsequently as noted.

(*remote participation)

Mr. Sokolovic moved approval of the minutes of May 13, 2026. The motion was seconded by Mr. Woodson and unanimously approved.

Mr. Daniels arrived at the meeting.

The next agenda item was on the lottery process for magnet schools.

Mike Ferraiolo, assistant director of data management, and Claudia Osorio were present.

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Mr. Ferraiolo displayed the lottery timeline and described the process. The software process is called School Mint.

Ms. Estremera Jimenez presented on the work of the Ad Hoc Lottery Committee this summer. She said the presentation would be basically the same as at the last board meeting.

Ms. Estremera Jimenez said the goal is to give anyone who applies for the lottery a fair shot at it. She said the committee focused on the background of the lottery and the process. The second meeting delved into policies and considered changes to the policies, and a proposal to the board was developed in third meeting.

Ms. Estremera Jimenez said the proposals look to standardize policies across the board in elementary schools and high schools. It is also proposed to limit the amount of people with access to the lottery after the selections are made to prevent potential gaming to the system. She said annual reports will ensure the limitation is consistent.

Ms. Estremera Jimenez said the goal is to have public confidence in the process.

Ms. Estremera Jimenez said the proposal includes an ombudsperson selected by the superintendent to have exclusive access to the lottery. She described

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the use of 100 percent lottery margin, meaning all seats will be filled after the lottery, and seats will not be left open for what-ifs down the road. An extended waitlist will be added for Fairchild Wheeler, which will allow more suburban and Bridgeport children to come in. Language has been added that lottery seats are relinquished upon exiting the school.

Ms. Estremera Jimenez said the lottery information on the district's website would be improved and enhanced. She said there was a discussion about a lottery preference for district teachers, but it was decided to leave that as a matter to be negotiated with unions.

Mr. Sokolovic said he was part of the last policy changes that watered down parent volunteer hours. He said the right of the child to be educated is embodied in the Constitution and the right belongs to the child, not the parent. He said, if challenged, we might lose on this issue in court. He proposed removing parent volunteer hours.

In response to a question, Ms. Osorio said High Horizons requested the removal of the parent commitment.

Mr. Traber asked if a child has ever been thrown out of a school because of lack of parent participation.

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Mr. Sokolovic moved "*to remove the parental volunteer portions before we present it to the full board*." The motion was seconded by Mr. Woodson.

Ms. Estremera Jimenez suggested a provision encouraging parental involvement. Mr. Sokolovic said such encouraging was ripe for abuse like selective enforcement. He said tracking the hours puts an additional burden on principals.

Mr. Daniels said he would support wording to strongly encourage. Mr. Sokolovic said luck was the only difference between a magnet school student and a general education student.

Ms. Estremera Jimenez suggested the wording on encouragement be on the School Mint submission. Mr. Sokolovic expressed agreement.

The motion was unanimously approved.

Mr. Sokolovic discussed the use of calendar days or business days for appeal periods. He noted there are periods of school closings when no one may be in the office.

Mr. Sokolovic moved to change references in the appeal process from calendar days to school days.

Mr. Traber said calendar days were chosen because they were simpler. Ms. Estremera Jimenez said it was

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done to conform to references to state policies. Mr. Sokolovic said notices for board meetings are determined by business days.

The motion was not seconded.

Mr. Sokolovic moved "*to forward to the full board the revised policy as amended*."

Mr. Daniels moved to amend this document in defining what 'blatant disregard' means. Mr. Sokolovic suggested "any failure to follow the lottery process will result in disqualification from the lottery."

Ms. Estremera Jimenez suggested the language: "Any blatant disregard for lottery or policy guidelines will result in disqualification of the lottery (i.e., violation of lottery process).

Mr. Daniels moved to "*strike the phrase 'blatant disregard' and replace it with 'violation*.'" The motion was seconded by Mr. Sokolovic and unanimously approved.

Mr. Sokolovic moved "*to move the document to the full board for approval with said revisions*." The motion was seconded by Mr. Daniels and unanimously approved.

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The next agenda item was on recognition of Eid al-Adha.

Mr. Sokolovic moved "*to add to the agenda the ability to our guests to present to us about the holiday*." The motion was seconded by Mr. Daniels and unanimously approved.

Mr. Traber said the item referred to committee was on creating a policy on adding holidays.

Mostafa Hassan of the Bridgeport Islamic Community Center Outreach Committee was present. A student from Harding High presented. He said a student should not have to choose between observing their religion or attending school. He said the district previously recognized Eid al-Fitr.

Dr. Hassan said his community was receiving hate calls that have been reported to law enforcement. He said the best way to fight Islamophobia is awareness and education. He noted the Muslim origins of algebra and the word algorithm.

Dr. Hassan said he appreciated the holiday designation by the board of Eid al-Fitr. He said Eid al-Adha, the festival of sacrifice, commemorates Prophet Abraham for his devotion to God and his willingness to make a great sacrifice, which highlights universal values shared by Muslims, Christians, and Jews.

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Dr. Hassan said over the next fifteen years, Eid al-Fitr and Eid al-Adha fall ten times on weekends or school vacations; leaving eleven Eid al-Adha days for consideration. He distributed a document with the amount of holidays in the next fifteen years.

Dr. Hassan said he invited the board members to the Metropolitan Museum to give a tour in the Egyptian section as part of the educational process and did not receive a response. He said ten percent of the people working in the medical field are Muslims.

Mr. Sokolovic discussed the process of approved Eid al-Fitr as a holiday in the past. He said we're not approving or disapproving a religion. He said we can approve a sense of belonging in our schools.

Mr. Sokolovic said simply postponing tests on holidays stalls the education of 19,000 other students. He said a holiday means the students do not have to make a choice of coming to school or celebrating the holiday. He said there was a lot of pushback against Eid al-Fitr.

Mr. Sokolovic said Islam was likely the second largest religion in Bridgeport Public Schools. He said the Jewish community was not as large, yet they have two holidays. He said the Muslim community was not asking for special treatment, but equal treatment.

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Mr. Sokolovic moved "*to recommend to the full board a recognition for a school holiday for Eid al-Adha."*

There was a discussion of which committee should handle the matter.

Mr. Sokolovic said there is no special policy in school districts for holiday approval or not. He said Diwali was approved for a holiday without a policy. He said hoops to jump through only appear around a Muslim holiday celebration. He said the board has the right to approve holidays.

Mr. Benejan Grajales thanked Dr. Hassan for everything he does for the community and our students.

Mr. Traber said there was a huge fight over Columbus Day and its naming. He noted Mr. Benejan Grajales has brought up Veterans' Day. He added he believed Diwali was a state-mandated holiday, although he was not sure.

Mr. Traber said we have a calendar approved by the board this year, so we have a few months to sit down and work on a policy on holidays. He said he did not disagree most of what was said so far, but there is not a rush to do it this Monday.

Mr. Medina said he suggested in the past that the board create ad hoc committee on this. He said he

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believed Waterbury had Eid al-Adha as a holiday. He said he was deeply concerned about threats that have been made. He said he was in support of approving the holiday without delay.

The motion was seconded by Mr. Woodson. The motion was approved by a 2-0 vote. Voting in favor were members Woodson and Sokolovic. Mr. Daniels abstained.

Mr. Sokolovic moved "*to add to the agenda creating a policy for approving holidays on the calendar, entitled School Calendar Holidays and Amendment Processes*." The motion was seconded by Mr. Daniels and unanimously approved.

Mr. Sokolovic said he submitted language for the policy to the board's portal. He read the proposed policy, which included a list of days off. A referral for a proposed policy would be sent to the Policy Committee, followed by an operational review by the superintendent.

Ms. Estremera Jimenez said she had concerns about school closures extending the school year far out. This year some schools went to June 28th. Mr. Sokolovic said an excused absence for a student celebrating a holiday causes them to miss out on instruction. Ms. Estremera Jimenez spoke in favor of using excused absences for holidays.

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Mr. Traber said he believed it should come to the Instruction & Support Services Committee.

Mr. Benejan Grajales noted there might be complications with union contracts regarding days off.

Mr. Sokolovic moved "*to refer this to the full board for a first read and discussion, and possible revision and possible referral back to committee*." The motion was seconded by Mr. Daniels and unanimously approved.

Mr. Sokolovic moved to adjourn the meeting. The motion was seconded by Mr. Daniels and unanimously approved.

The meeting was adjourned at 8:23 p.m.

Respectfully submitted,

John McLeod

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RETALIATION AND WHISTLEBLOWING

Background information for Policy Committee)

"Whistleblowing" is an employee reporting an employer's wrongdoing to a supervisor, a government agency, or other third parties such as the media or members of the public. The whistleblower reports, usually to a governmental agency, any violation or suspicion of violation, with good cause, of state or federal laws by the employer. An employer may not fire an employee for reporting violations or for participating in any investigation or hearing involving violations in the workplace.

Another definition of whistleblowing is verbal and/or written communication to a person, organization, or activity that is in the public sector (local, state, or federal government) or private sector (business/industry/non-government). The purpose of such communication is to expose and/or inform about alleged wrongdoing (fraud, theft, etc.), or discrimination (race, religion, national origin, gender, gender identity or expression**,** etc.), or retaliation or some other type of adverse occurrence that violates a law, or a regulation or a policy, or morals, or ethics, or decency, and especially those matters that endanger public health and/or public safety.

Public employees sometimes fear reprisal for disclosing negative information about their employer or supervisor. Federal laws protect employees from retaliation by their employers or supervisors. Retaliation against employees because they have opposed employment discrimination is prohibited by Title VII of the Civil Rights Act of 1964, the Age Discrimination in Employment Act, and the Americans with Disabilities Act. The Fair Labor Standards Act prohibits retaliation against employees who file claims for unpaid wages. The Occupational Safety and Health Act, the Family and Medical Leave Act, and the National Labor Relations Act also prohibit retaliation. In addition, whistleblowing and similar anti-retaliation protections appear in various other federal statutes. Frankly, such protection exists in approximately fifty federal statutes.

Connecticut has an applicable whistleblowing statute, C.G.S. 31-51m, "Protection of employee who discloses employer's illegal actions or unethical practices. Civil action." Under this statute, an employer cannot discipline, discharge, or otherwise penalize an employee because the employee, or someone acting on the employee's behalf, made a verbal or written report concerning a violation or suspected violation of any state or federal law, regulation or ordinance, or concerning unethical practices, mismanagement, or abuse of authority by the employer. This section does not apply when an employee knowingly makes a false report.

Policy language pertaining to this topic is not mandated. This is an optional policy to consider if the board wants to state its position more clearly to staff and cover this topic in its employee handbook or similar document.

Policy, #4118.211/4218.211 – "Retaliation and Whistleblowing," follows for your consideration.

October 2026

Personnel – Certified/Non-Certified

Retaliation and Whistleblowing

Employees are encouraged to report suspected illegal activity to appropriate District administrators or to the Board of Education. The Board of Education will not tolerate any form of reprisal, retaliation, or discrimination against:

- Any employee, or applicant for employment, because they opposed any practice that they reasonably believed to be made unlawful by federal or state laws prohibiting employment discrimination on the basis of sex, sexual orientation, gender identity or expression, race, color, national origin, ancestry**,** age, religion, marital status, veteran status, genetic information, handicap or disability.
- Any employee, or applicant for employment, because they filed a charge, testified, assisted or participated, in any manner, in an investigation, proceeding or hearing under federal or state laws prohibiting employment discrimination on the basis of sex, sexual orientation, gender identity or expression, race, color, national origin, ancestry, age, religion, marital status, veteran status, genetic information, handicap or disability or because they reported a suspected violation of such laws according to this policy; or,
- Any employee or applicant because they reported, or was about to report, a suspected violation of any federal, state or local law or regulation to a public body (unless the employee knew that the report was false) or because they were requested by a public body to participate in an investigation, hearing or inquiry held by that public body or a court; or,
- Any employee who in good faith makes a report of suspected child abuse or neglect pursuant to state mandated reporting laws, or who acts as an advocate for students with disabilities in accordance with state and federal special education laws.

An employee or applicant for employment who believes that they have suffered reprisal, retaliation or discrimination in violation of this policy shall report the incident(s) to the Superintendent of Schools or their designee. In the event that the complaint involves the Superintendent of Schools, the report shall be made directly to the Chairperson of the Board of Education. The Board of Education guarantees that no employee or applicant for employment who makes such a report will suffer any form of reprisal, retaliation, or discrimination for making the report. Individuals are forbidden from preventing or interfering with whistleblowers who make good faith disclosures of misconduct.

The Board or its agents will not discharge, discipline, or otherwise penalize any employee because the employee or someone acting on the employee's behalf reports, verbally or in writing, a violation or suspected violation of any state or federal law or regulation or any town/city ordinance or regulation to a public body, or because an employee is requested by a public body, as defined in C.G.S. 31-51m, to participate in an investigation, hearing or inquiry held by that public body, or a court action.

Personnel – Certified/Non-Certified

Retaliation and Whistleblowing (continued)

Further, the Board or its agents will not discharge, discipline or otherwise penalize any employee because the employee, or a person acting on their behalf, reports, verbally or in writing, to a public body, as defined in the statutes, concerning unethical practices, mismanagement, or abuse of authority by the employer. This section does not apply when an employee knowingly makes a false report.

The District will make reasonable efforts to:

- investigate any complaints of retaliation or interference made by whistleblowers;
- take immediate steps to stop any alleged retaliation; and
- discipline any person associated with the District found to have retaliated against or interfered with a whistleblower.

The Bridgeport Board of Education considers violations of this policy to be a major offense that will result in disciplinary action against the offender, regardless of the offender's position within the District, up to and including termination of employment.

The Board shall make this policy available to its staff by posting it on its website with its other District policies and including it in employee handbooks.

Legal Reference: Connecticut General Statutes:
31-51m Protection of employee who discloses employer's illegal activities or unethical practices. Civil action.
17a-101 et seq. Protection of children from abuse (Mandated reporting).
46a-60 Discriminatory employment practices prohibited (Connecticut Fair Employment Practices Act).
10-221 Boards of Education (Policy adoption requirements).
Federal Statutes & Case Law:
Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e-3(a)
Age Discrimination in Employment Act, 29 U.S.C. § 623(d)
Americans with Disabilities Act, 42 U.S.C. § 12203(a) and (b)
Fair Labor Standards Act, 29 U.S.C. § 215(a)(3)
Occupational Safety and Health Act, 29 U.S.C. § **660(c)**
Family and Medical Leave Act, 29 U.S.C. § 2615
National Labor Relations Act, 29 U.S.C. § 158(a)
Individuals with Disabilities Education Act (IDEA), 20 U.S.C. § 1400 et seq.
CBOCS West, Inc. v. Humphries, 128 S. Ct. 1951, 553 U.S. 442 (2008)
Gomez-Perez v. Potter, 128 S. Ct. 1931, 553 U.S. 474 (2008)

Policy adopted:

THE GOVERNANCE MANUAL: What It Should Contain for Personnel - Series 4000

One of the most confusing areas in which a Board must develop sound policies is that of certified and non-certified personnel. Certain aspects are strictly governed by law, and neither the Board nor the bargaining representative can alter them. For example, each certified employee shall be entitled to *a minimum* of fifteen paid sick days in each school year and must be provided in-service training on specific issues.

Other aspects of personnel policies are required topics of bargaining, if a bargaining unit exists. This includes work day hours, conditions of employment and wages.

A third group of topics, those currently held to be permissive topics of bargaining, may infringe on the Board's management prerogatives. For example, if the union wanted to negotiate the length of the student day, the Board might decide not to discuss this as part of the bargaining procedure. It is possible that a single policy may include matters which can be settled unilaterally by the Board, matters which must be negotiated and matters controlled by law.

Since negotiated agreements are an important form of district policy, reference to their provisions must be included in the manual. In formulating policy statements, provisions of such agreements must be considered but should not be quoted in the policy. For this reason, you will find references to contracts in the right column of the table of contents. In general, all policies must apply equally to both sexes. Affirmative action in all phases of employment is both state and federal law.

RETALIATION AND WHISTLEBLOWING

Background information for Policy Committee)

"Whistleblowing" is an employee reporting an employer's wrongdoing to a supervisor, a government agency, or other third parties such as the media or members of the public. The whistleblower reports, usually to a governmental agency, any violation or suspicion of violation, with good cause, of state or federal laws by the employer. An employer may not fire an employee for reporting violations or for participating in any investigation or hearing involving violations in the workplace.

Another definition of whistleblowing is verbal and/or written communication to a person, organization, or activity that is in the public sector (local, state, or federal government) or private sector (business/industry/non-government). The purpose of such communication is to expose and/or inform about alleged wrongdoing (fraud, theft, etc.), or discrimination (race, religion, national origin, gender, gender identity or expression**,** etc.), or retaliation or some other type of adverse occurrence that violates a law, or a regulation or a policy, or morals, or ethics, or decency, and especially those matters that endanger public health and/or public safety.

Public employees sometimes fear reprisal for disclosing negative information about their employer or supervisor. Federal laws protect employees from retaliation by their employers or supervisors. Retaliation against employees because they have opposed employment discrimination is prohibited by Title VII of the Civil Rights Act of 1964, the Age Discrimination in Employment Act, and the Americans with Disabilities Act. The Fair Labor Standards Act prohibits retaliation against employees who file claims for unpaid wages. The Occupational Safety and Health Act, the Family and Medical Leave Act, and the National Labor Relations Act also prohibit retaliation. In addition, whistleblowing and similar anti-retaliation protections appear in various other federal statutes. Frankly, such protection exists in approximately fifty federal statutes.

Connecticut has an applicable whistleblowing statute, C.G.S. 31-51m, "Protection of employee who discloses employer's illegal actions or unethical practices. Civil action." Under this statute, an employer cannot discipline, discharge, or otherwise penalize an employee because the employee, or someone acting on the employee's behalf, made a verbal or written report concerning a violation or suspected violation of any state or federal law, regulation or ordinance, or concerning unethical practices, mismanagement, or abuse of authority by the employer. This section does not apply when an employee knowingly makes a false report.

Policy language pertaining to this topic is not mandated. This is an optional policy to consider if the board wants to state its position more clearly to staff and cover this topic in its employee handbook or similar document.

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October 2026

Personnel – Certified/Non-Certified

Retaliation and Whistleblowing

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- Any employee, or applicant for employment, because they filed a charge, testified, assisted or participated, in any manner, in an investigation, proceeding or hearing under federal or state laws prohibiting employment discrimination on the basis of sex, sexual orientation, gender identity or expression, race, color, national origin, ancestry, age, religion, marital status, veteran status, genetic information, handicap or disability or because they reported a suspected violation of such laws according to this policy; or,
- Any employee or applicant because they reported, or was about to report, a suspected violation of any federal, state or local law or regulation to a public body (unless the employee knew that the report was false) or because they were requested by a public body to participate in an investigation, hearing or inquiry held by that public body or a court; or,
- Any employee who in good faith makes a report of suspected child abuse or neglect pursuant to state mandated reporting laws, or who acts as an advocate for students with disabilities in accordance with state and federal special education laws.

An employee or applicant for employment who believes that they have suffered reprisal, retaliation or discrimination in violation of this policy shall report the incident(s) to the Superintendent of Schools or their designee. In the event that the complaint involves the Superintendent of Schools, the report shall be made directly to the Chairperson of the Board of Education. The Board of Education guarantees that no employee or applicant for employment who makes such a report will suffer any form of reprisal, retaliation, or discrimination for making the report. Individuals are forbidden from preventing or interfering with whistleblowers who make good faith disclosures of misconduct.

The Board or its agents will not discharge, discipline, or otherwise penalize any employee because the employee or someone acting on the employee's behalf reports, verbally or in writing, a violation or suspected violation of any state or federal law or regulation or any town/city ordinance or regulation to a public body, or because an employee is requested by a public body, as defined in C.G.S. 31-51m, to participate in an investigation, hearing or inquiry held by that public body, or a court action.

Personnel – Certified/Non-Certified

Retaliation and Whistleblowing (continued)

Further, the Board or its agents will not discharge, discipline or otherwise penalize any employee because the employee, or a person acting on their behalf, reports, verbally or in writing, to a public body, as defined in the statutes, concerning unethical practices, mismanagement, or abuse of authority by the employer. This section does not apply when an employee knowingly makes a false report.

The District will make reasonable efforts to:

- investigate any complaints of retaliation or interference made by whistleblowers;
- take immediate steps to stop any alleged retaliation; and
- discipline any person associated with the District found to have retaliated against or interfered with a whistleblower.

The Bridgeport Board of Education considers violations of this policy to be a major offense that will result in disciplinary action against the offender, regardless of the offender's position within the District, up to and including termination of employment.

The Board shall make this policy available to its staff by posting it on its website with its other District policies and including it in employee handbooks.

Legal Reference: Connecticut General Statutes:
31-51m Protection of employee who discloses employer's illegal activities or unethical practices. Civil action.
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Americans with Disabilities Act, 42 U.S.C. § 12203(a) and (b)
Fair Labor Standards Act, 29 U.S.C. § 215(a)(3)
Occupational Safety and Health Act, 29 U.S.C. § **660(c)**
Family and Medical Leave Act, 29 U.S.C. § 2615
National Labor Relations Act, 29 U.S.C. § 158(a)
Individuals with Disabilities Education Act (IDEA), 20 U.S.C. § 1400 et seq.
CBOCS West, Inc. v. Humphries, 128 S. Ct. 1951, 553 U.S. 442 (2008)
Gomez-Perez v. Potter, 128 S. Ct. 1931, 553 U.S. 474 (2008)

Policy adopted:

Personnel - Certified/Non-Certified

Recruitment and Selection/Equal Employment Opportunity

Non-Discrimination

The Bridgeport Board of Education will provide equal employment opportunities for all persons without regard to race, color, religion, sex, sexual orientation, gender identity or expression, status as a veteran, status as a victim of domestic violence, marital status, pregnancy or related conditions, national origin, protective hairstyles, alienage, ancestry, age, disability, or any other basis prohibited by law and prohibits discrimination, including harassment, in any education program or activity it operates.

No advertisement of employment opportunities may by intent or design restrict employment based upon discrimination as defined by law.

(cf. 4111.3 - Increasing Educator Diversity)

Legal Reference: Connecticut General Statutes
4a-60 Nondiscrimination and affirmative action provisions in contracts of the state and political subdivisions rather than municipalities
4a-60a Contracts of the state and political subdivisions, other than municipalities, to contain provisions re nondiscrimination on the basis of sexual orientation
10-153 Discrimination on account of marital status.
46a-51 Definitions (as amended by PA 17-127, PA 21-2 and PA 22-82)
46a-58 Deprivation of rights. Desecration of property. Placing of burning cross or noose on property. Penalty. (as amended by PA 17-127 and PA 22-82)
46a-60 Discriminatory employment practices prohibited. (as amended by PA 17-127, PA 21-69 and PA 22-82)
Title VII, Civil Rights Act U.S.C. 2000e, et. seq.
The Vietnam Era Veterans' Readjustment Assistance Act of 1974, as amended, 38 U.S.C. §4212
Title II of the Genetic Information Nondiscrimination Act of 2008

Policy adopted:

BRIDGEPORT PUBLIC SCHOOLS
Bridgeport, Connecticut

P.A. 23-167, Sections 9 and 10 An Act Concerning Transparency in Education

Setting the context on why increasing educator diversity matters, CSDE's Chief Talent Officer, Dr. Shuana Tucker cites the following excerpt from A Guidebook for Hiring and Selection (Warner and Duncan, 2019):

All students benefit from the talents of teachers from a variety of different backgrounds, races, and ethnic groups who have high expectations of them, treat them humanely and equitably, are culturally responsive, and are willing and able to view students and families as assets. Additionally, students of color benefit from having teachers from their own racial and ethnic group who can serve as successful role models, have the potential to possess a greater knowledge of their heritage and culture, and who tend to have higher academic expectations of them. Yet, the diversity gap between teachers and students continues to exist.

In alignment with the Connecticut Board of Education's strategic goal to increase educator diversity and the State Department of Education's continuing work to support district efforts in this critical area, the General Assembly acted in two important ways directed at this initiative: Connecticut legislators allocated financial resources to CSDE initiatives, such as "Educators Rising" mini-grants to help districts establish grow your own programs at the secondary level and the "Aspiring Diverse Educators Scholarship" for students of color majoring in education in the amount of $10,000.00 annually for a total of $40,000.00 over a four year period.

Public Act 23-167, §10 requires boards of education to submit an Increasing Educator Diversity Plan to the Connecticut State Department of Education on or before March 15, 2024. According to the SDE's FAQ document, the department sees its role as "proactive, not punitive," and will provide outreach to districts struggling to meet the deadline. In addition, requests for an extension of time or revision must be submitted in writing before the due date. Additional frequently asked questions and their responses can be found through this link: https://portal.ct.gov/-/media/SDE/Talent Office/lED/lED FAQ.icdf

Boards of Education are not required to have a policy for increasing educator diversity. However, CABE has developed a model policy and regulations to support boards of education and superintendents as they delve into this multifaceted and critical work. The policy speaks to the board's commitment and recognition that a sustainable effort will need to be made to close the gap between the increasing diversity of our students and the current underrepresentation among the educator workforce.

The regulations provide a broad overview of the important elements of successful planning. Perhaps more importantly, they include important links to excellent resources for the teams developing these plans and leading the work forward.

P.A. 21-2 JSS, §378-379: Minority Teacher Candidate Certification, Retention and Residency Year Program

This portion of the Budget Implementer Act creates the diverse candidate certification, retention, or residency year program for teacher certification candidates; requires each alliance district to partner with a residency program operator to enroll diverse candidates; requires SDE to withhold from each alliance district 10% of any increase in alliance aid and use the funds for grants to cover costs related to the residency program. Non-alliance districts are allowed to participate in the residency program.

The program is administered by the State Department of Education (SDE) and under the supervision of a Regional Educational Service Center (RESC) or a private, non-profit certification program (i.e., operators). Each alliance school district must partner with an operator of a residency program to enroll minority candidates and place them in the district for their 10-month residency.

The legislation defines "diverse" as individuals whose race is other than white or whose ethnicity is Hispanic or Latino, as used by the U.S. Census Bureau. A "diverse candidate" is a person who is non-white and is employed as a school paraeducator or an associate instructor with a board of education.

The legislation requires, for FY 2022 (2021-2022 school year) and each subsequent year, SDE to administer the diverse candidate certification, retention, or residency year program to assist (1) diverse candidates in enrolling in a residency program for purposes of becoming full-time, certified teachers upon successful completion of the program and (2) local and regional boards of education in hiring and retaining the diverse candidates.

Residency Program

The legislation defines the "residency program" as a State Board of Education (SBE)-approved certification program in which participants serve in (1) a position that otherwise would require professional certification and (2) a full-time position for 10 school months at a board of education under the supervision of (a) a certified administrator or teacher and (b) a supervisor from the Regional Educational Service Center (RESC) or a private, nonprofit teacher or administrator operating the certification program.

By law, the SBE approves teacher preparation programs and alternate route to certification (ARC) programs. Also, a law allows school support staff to obtain a teacher certification through an ARC program that includes a one-year residency. Still, that law is not specific to alliance districts or diverse candidates (CGS 10-145b(a)).

Beginning with FY 2023 (2022-2023 school year) and each year after, the legislation also requires each board of education for an alliance district to partner with an operator of a residency program to enroll diverse candidates and place them in the school district as part of the residency program.

Alliance District Required Plan to Increase Student Achievement

An Alliance district is required to submit a plan to SDE for approval before SDE releases the district's Alliance funding. The plan must detail how it intends to use its alliance funding and how this will increase student achievement. Alliance funds are a portion of the Education Cost Sharing (ECS) funds that alliance districts receive every year. The legislation provides for FY 23, and each subsequent year, the Commissioner of Education must withhold 10% of any increase in funds from an alliance district for that fiscal year over the amount it received for FY 20. The SDE must use the funds to make a payment to the Alliance district, and the district must expend the money for the residency program costs described in the legislation.

Allowed Uses of Residency Grants

A participating board may apply to the Commissioner of Education at a time and in a manner the Commissioner prescribes, receiving a payment as established in the legislation to cover specified costs.

The payments made or grants awarded under the Act may be used for costs associated with the:

1. enrollment of diverse candidates in a residency program,
2. certification process for the diverse candidates,
3. hiring of diverse candidates following the successful completion of a residency program or
4. retention of diverse candidates as certified employees of the school district.

The legislation prevents any unexpended funds paid or awarded to a board of education under the bill from lapsing at the end of the fiscal year. These funds must be carried over and available to spend during the next fiscal year to implement the law's purposes.

Potential Hires

The legislation authorizes a board of education to hire a diverse candidate who has successfully completed the residency program.

Non-Alliance School Districts May Participate Beginning with FY 23 (2022-2023 School Year)

The Act allows non-alliance districts to partner with a residency program operator to enroll diverse candidates and place them in the school district as part of the residency program. Following a diverse candidate's successful completion of the residency program, the participating board may hire the candidate. The board may apply to the Commissioner of Education at a time and in a manner the Commissioner determines to receive a grant for any of the allowed costs described in the law. Within available appropriations, the Commissioner may award a grant to a non-alliance board of education for any allowable cost.

Program Guidelines

The SDE is required to develop guidelines and criteria for implementing the diverse candidate certification, retention, or residency year program and administering the related funds.

Education Commissioner to Release Alliance Funds

Under the alliance district law, the Commissioner may only release alliance funding if it will be expended in accordance with (1) the school district's alliance plan, (2) the law requiring the funding only be spent for educational purposes and not to supplant local education dollars, and (3) any SBE guidelines regarding these funds. The Act also allows the funds to be released in accordance with the legislation's residency program.

This legislation became effective as of July 1, 2021.

Policy Implications

Recommended policy #4111.3/4211.3, "Increasing Educator Diversity" (previously titled "Recruitment of Minority Staff Members"), relates to this topic. It has been modified and follows for your consideration.

Personnel – Certified

Increasing Educator Diversity

The Bridgeport Board of Education recognizes the importance of diversity among its educators. It is committed to ensuring effective strategies are implemented to recruit and retain a diverse pool of highly qualified and effective educators who reflect the demographics of our student population and those diverse communities extending beyond our schools' walls.

In accordance with Public Act 23-167, Section 10, the Board directs the Superintendent to develop and submit an Increasing Educator Diversity Plan (the Plan) to the Connecticut State Department of Education (CSDE) on or before March 15, 2024, and comply with all CSDE procedures related to the Public Act. Upon completion of the Plan and prior to its submission, the Board shall approve it. The day, month, and year on which the Plan receives Board approval is required to complete the application.

The Board recognizes the complexity of sustaining the critical efforts to increase educator diversity. To that end, the Board will work within its authority to support planning and implementation tasks, including but not limited to planning team responsibilities, administrator and staff training, recruitment efforts, and data collection.

The Board directs the Superintendent to draft regulations referencing resources available on CSDE's Talent Office Homepage.

(cf. 4111 – Recruitment and Selection)
(cf. 4111.1/4211.1 – Affirmative Action: Equal Employment Opportunity)

Legal Reference: Connecticut General Statutes
10-4a (3) Educational interests of state identified.
10-151 Employment of teachers. Notice and hearing on termination of contract.
10-153 Discrimination on account of marital status.
10-220(a) Duties of Boards of Education. (as amended by PA 18-34)
46a-60 Discriminatory employment practices prohibited.
PA 16-41 An Act Concerning the Recommendations of the Minority Teacher Recruitment Task Force.
PA 18-34 An Act Concerning Minority Teacher Recruitment and Retention.
PA 19-74 An Act Concerning Minority Teacher Recruitment and Retention.
PA 21-2 June Special Session, Sections 378 & 379.
PA 23-27 An Act Concerning Transparency in Education, Section 10

Policy adopted: BRIDGEPORT PUBLIC SCHOOLS
Bridgeport, Connecticut

Personnel -- Certified/Non-Certified

Recruitment and Selection

The Board directs the Superintendent to develop and maintain a recruitment program designed to attract and retain the most effective personnel as defined by federal law in the District's schools. All District teachers must meet applicable state certification and licensure requirements, including any requirements for certification obtained through alternate routes to certification.

The Board of Education believes it is especially important to ensure recruitment, hiring and retention efforts result in increasing educator diversity.

The administration is directed to make a determined and substantial effort to ensure that the recruitment procedures of the district increase a diversity consistent with PA 23-167, Section 10.

The schools shall engage in fair and sound personnel practices in the appointment of all district employees. The administration shall be responsible for establishing recruitment, selection and appointment procedures.

The Superintendent shall insure that the District is in compliance with the provisions of Title I and the Every Student Succeeds Act. Manuals and handbooks shall comply with federal law as to the qualifications for instructional personnel. Parents/guardians of students in Title I schools shall be informed annually, at the beginning of each school year, of their right to request information about whether their child's teacher has met state qualifications and licensing criteria for the grade levels and subject areas in which the teacher provides instruction; is teaching under emergency or other provisional status through which state qualifications or licensing criteria have been waived; and is teaching in the field of discipline of the certification of the teacher. The qualifications of services provided by paraprofessionals shall also be provided. Timely notices shall also be provided to parents/guardians that the student has been assigned, or has been taught in a Title I school for four or more consecutive weeks by a teacher who does not meet applicable state certification or licensure requirements at the grade level and subject area in which the teacher has been assigned.

Hiring of Retired Teachers

A **retired** teacher receiving benefits from the Teachers Retirement Board (TRB) may be reemployed by the Board for up to one full school year in a position (1) designated by the Commissioner of Education as a subject shortage area, or (2) at a school located in a priority school district for the school year in which the teacher is being employed. Such employment may be for up to one full school year. Such reemployment may be extended for an additional school year, provided the Board (a) submits a written request for approval to the Teachers' Retirement Board, (b) certifies that no qualified candidates are available prior to the reemployment of such teacher and (c) indicates the type of assignment to be performed, the anticipated date of rehire and the expected duration of the assignment.

Personnel -- Certified/Non-Certified

Recruitment and Selection

Hiring of Retired Teachers (continued)

The forty-five percent limitation applies, as described below, if the retired teacher described in this paragraph, works in excess of two years in either a subject shortage area and/or in a school in a priority school district.

The salary of such teacher shall be fixed at an amount at least equal to that paid other teachers in the District with similar training and experience for the same type of service.

Except as indicated in the first paragraph in this section, a certified educator receiving retirement benefits from the Teachers Retirement Board (TRB) may not be employed in a certified position receiving compensation paid out of public money appropriated for school purposes except that such educator may be employed in such a position and receive no more than forty-five percent of the maximum salary level for the assigned position. Any certified educator who receives in excess of such amount shall reimburse the Board for the amount of such excess. Fringe benefits offered by the District, if taken by the employed retired individuals, are included in the maximum compensation. The individual can continue to pay TRB for health insurance as a retired member in the same manner as prior to the post retirement employment. (Health insurance from the Board is not legally required to be offered.)

Note: *TRB has indicated that a six month break in service is required before a retired teacher, who has retired before age 62 or normal retirement (20 years of service and age 60 or 35 years of service) can be reemployed by any Connecticut school district.*

On the application form, an applicant for any position in the school district shall disclose any previous relationship with the Superintendent or any Board member. Previous relationships will include any business, financial, personal, political or family connections.

The Superintendent shall provide the Board with full disclosure of any prior knowledge or relationship with any candidate recommended for employment.

The Board of Education authorizes the Superintendent to employ teachers.

(cf. 4111.3 – Increasing Educator Diversity)
(cf. 4115 – Evaluation)

Personnel -- Certified/Non-Certified

Recruitment and Selection (continued)

Legal Reference: Connecticut General Statutes

10-151 Employment of teachers. Notice and hearing on termination of contract (as amended by P.A. 12-116 An Act Concerning Educational Reform)

10-153 Discrimination on account of marital status.

10-183v Reemployment of teachers, as amended by P.A. 10-111, An Act Concerning Education Reform in Connecticut, P.A. 16-91, An Act Making Changes to the Teachers' Retirement System, and PA 17-173 An Act Concerning Minor Revisions and Additions to the Education Statutes and PA 18-42 An Act Concerning a Provision Concerning Reemployment of Certain Teachers.

10-220 Duties of Boards of Education.
31-126 Unfair Employment Practices.

46a-60 Discriminatory employment practices prohibited.

Title IV Equal Employment Opportunities.

34 C.F.R. 200.55 Federal Regulations.

P.L. 114-95 Every Student Succeeds Act, S.1177-55, 56

PA 23-167 An Act Concerning Transparency in Education Section 10

Policy adopted:

BRIDGEPORT PUBLIC SCHOOLS
Bridgeport, Connecticut

P.A. 15-108 An Act Concerning Teacher Certification Requirements for Shortage Areas, Interstate Agreements for Teacher Certification Reciprocity, Minority Teacher Recruitment and Retention and Cultural Competency Instruction

(Background Information for Policy Committee)

This Act decreases, from three to two years, the number of years of teaching experience an out-of-state teacher needs to qualify for a professional teacher certificate in Connecticut.

The legislation:

1. allows teacher shortage area applicants to receive 90-day temporary teacher certificates as the law already allows for those who finish an alternative route to certification (ARC) program;
2. requires the State Department of Education (SDE) to establish or join interstate agreements to facilitate certification of qualified out-of-state teachers;
3. creates an 11-member minority teacher recruitment task force and requires it to submit its report and recommendations to the Education Committee by February 1, 2016;
4. requires the Office of Higher Education (OHE) to issue an annual demographics report on candidates enrolled in teacher preparation programs; and
5. adds training in cultural competency to the teacher preparation and in-service training laws.

Under existing law, the State Board of Education (SBE) must grant a 90-day temporary teacher certificate to an applicant at the employing board of education's request, if he or she, among other things, completes an alternative route to certification (ARC) program. The new legislation expands the law to grant 90-day temporary certifications to applicants in teacher shortage areas who meet the same criteria. ARC programs allow participants to attain teacher certification without completing a regular teacher preparation program.

Under existing law, the temporary certificate is available for education endorsement areas of elementary, middle grades, secondary academic subjects, special subjects or fields, special education, early childhood, and administration and supervision.

The Act requires, rather than permits, SDE to establish or join interstate agreements to facilitate certification of qualified out-of-state teachers.

It specifies that:

1. SBE must issue an initial Connecticut teacher certification to any out-of-state teacher if the appropriate interstate agreement is in place;
2. the out-of-state applicants must have taught under an appropriate certification in another state, U.S. territory or possession, including the District of Columbia and the Commonwealth of Puerto Rico; and
3. the applicant must have fulfilled any appropriate post-preparation assessment the education commissioner requires.

The legislation eliminates the requirement that these certification applicants must fulfill the SBE-approved teacher testing requirements, but instead requires them to fulfill the Commissioner-required assessments previously mentioned. Under the law and unchanged by the Act, the applicants must at least hold a bachelor's degree from a regionally accredited college or university and meet all the requirements of the interstate agreement.

The legislation requires SBE to issue a professional certification to a teacher who has taught in another state or U.S. territory for two, rather than three, years in the previous ten and meets other existing requirements (i.e., be nationally board certified and hold a master's degree in an endorsement area related to the applicant's certification endorsement area). By law, in-state public school teachers must work three years before qualifying for professional certification.

Furthermore, under the Act, applicants can be exempt from the mandatory Connecticut beginning teacher program if they taught under an appropriate certificate in another state for two, rather than three, years within the previous ten. But the Act requires that they also show effectiveness as a teacher as SBE determines which can include a record of improving student achievement.

For in-state private school teachers the bill also reduces the experience requirement from three years to two, within the previous ten, in order for them to be exempted from the beginning teacher program, as long as they show effectiveness as a teacher as SBE determines.

Minority Teacher Recruitment Task Force and Study

The Act creates an 11-member minority teacher recruitment task force to study and develop strategies to increase and improve the recruitment, preparation, and retention of minority teachers in Connecticut public schools. The study must include, at a minimum, an examination of current state-wide and school district demographics and a review of best practices.

The task force must submit its report with findings and recommendations, by February 1, 2016, to the Education Committee.

Training in Cultural Competency

The legislation adds a cultural competency component to teacher preparation programs and in-service training. It requires training in cultural competency to include instruction concerning awareness of student background and experience in order to develop skills, knowledge, and behaviors that enable teachers and students to build positive relationships and work effectively in cross-cultural situations.

The effective date of this legislation is July 1, 2015, except the minority teacher recruitment task force section is effective upon passage.

Policy Implications:

Policy #4112.2, "Certification," a recommended policy for inclusion in the district's manual has been revised to reflect this Act and follows. In addition, the appendix to policy #4131, "Staff Development," which lists the required topics for in-service training is also impacted.

August 2015

Personnel -- Certified

Certification

Every instructional employee shall be certified according to the provisions of applicable state law.

It is the responsibility of the employee to submit proof of appropriate certification to the school system prior to the commencement of employment with Bridgeport Public Schools. The school system will maintain a record of the employee's credential as required by law.

It shall be the sole responsibility of the certified employee to see that their credentials for certification are completed before the date of expiration and to file the completed certification with the school system.

In the event of a lapse in certification, employee's status shall be immediately changed to "Substitute" (per diem) with no benefits, and their salary will be reduced to the current rate of pay for substitutes. If employee fails to obtain appropriate certification within 40 days they may be subject to termination of employment. If, within a reasonable period of time following a lapse in certification, employee provides evidence of appropriate certification, the employee's salary and benefits shall be reinstated, retroactive to the effective date of certification.

Note: On or July 1, 2018, to qualify for a professional educator certificate, an individual with a provisional educator certificate must hold a master's degree in an appropriate subject matter area, as determined by the State Board of Education, related to the teacher's certification endorsement area.

Distinguished Educator Designation

The Board of Education encourages certified staff to aspire and to achieve the designation of "Distinguished Educator."

Personnel -- Certified

Certification

Distinguished Educator Designation (continued)

To achieve this designation, the individual must hold a professional educator certificate, have taught successfully for at least five years, have advanced education in addition to a master's degree, that can include training in mentorship or coaching teachers, and meets the performance requirements established by the State Board of Education. Teachers, so designated, will be considered eligible to serve as mentors for the District's teacher education and mentoring program.

Legal Reference: Connecticut General Statutes

10-145b Teaching certificate (as amended by P.A. 12-116 An Act Concerning Educational Reform, P.A. 15-108 **A**n Act Concerning Teacher Certification Requirements for Shortage Areas, Interstate Agreements for Teacher Certification Reciprocity, Minority Teacher Recruitment and Retention and Cultural Competency Instruction and PA 17-173 An Act Concerning Minor Revisions and Additions to the Education Statutes and PA 17-68, An Act Concerning Various Revisions and Additions to the Education Statutes)

10-146c Interstate agreements to facilitate educator certification (as amended by P.A. 15-108)

10-145d State board regulations for teacher certificates et. al. (as amended by P.A. 12-116, An Act Concerning Educational Reform and P.A. 15-108)

10-145o Teacher education and mentoring program (as amended by P.A. 12-116, An Act Concerning Educational Reform)

34 C.F.R. 200.55 – Federal Regulations Regarding Highly Qualified Teachers

Policy adopted:

BRIDGEPORT PUBLIC SCHOOLS
Bridgeport, Connecticut

FINGERPRINTING AND CRIMINAL JUSTICE INFORMATION SERVICES

(Background Information for Policy Committee)

Background Information:

Connecticut General Statutes (C.G.S.) Section 10-221d requires that an individual being hired for a position with a board of education submit to state and national criminal history records checks within thirty days from when they begin employment. In addition, C.G.S. Section 10-232b requires that students enrolled in a teacher preparation program undergo such checks within sixty days of the commencement of a student teaching clinical placement.

If your district uses Federal Criminal History Record Information (CHRI) for background checks for the emergency placement of children, you must provide the statute that allows your agency to do so and provide the process your agency uses as to how you collect and submit fingerprints from the individual, not a Name and DOB search.

The process includes the checking of fingerprints by the State Police Bureau of Identification and the F.B.I. The results of the criminal history record checks (both state and federal) are reported to the employing school district. If the district receives notice of a conviction of a crime by a person holding a certificate, authorization or permit issued by the State Board of Education, the district shall notify the Bureau of Educator Standards and Certification.

A person may obtain fingerprint packets (including fingerprint cards) and have their fingerprints taken at a local board of education, a Regional Educational Service Center (RESC), or the State Police Bureau of Identification. If fingerprinted by a local school district, police department or by the State Police Bureau of Identification, an individual's results cannot be shared with other districts.

School volunteers are not required, by statute, to have a criminal history record check (fingerprinting). However, school districts are entitled to establish additional policies concerning criminal history record checks.

Requirements of FBI Regarding Fingerprint Information Access, Retention, and Use:

The Federal Bureau of Investigation (FBI), through its "Criminal Justice Information Services (CJIS)" provides the data pertaining to the national criminal history record check, via the fingerprinting process.

The FBI considers departments of education and local school districts as "noncriminal justice agencies," which maintain criminal history record information (CHRI), a subset of criminal justice information (CJI). CHRI is defined as any notations or other written or electronic evidence of an arrest, detention, complaint, indictment, information or other formal criminal charge relating to an identifiable person that includes identifying information regarding the individual as well as the deposition of any charges.

This information (CHRI) is maintained in several ways, such as by hard copy in case files or file cabinets, or kept on email servers, individual desktops, and records management systems.

As a result, the FBI, in order to protect the privacy of the data made possible by the fingerprinting process in acquiring CJI, has established requirements for local school districts that they must comply with. These requirements are detailed in the updated FBI CJIS Security Policy, Version 5.8.

The FBI CJIS Security Policy requires all noncriminal justice agencies, such as school districts, to designate a Terminal Agency Coordinator (TAC) and a Local Agency Security Officer (LASO).

In addition, there are requirements, including but not limited to, pertaining to the location in which the information is maintained, request and use of the criminal justice information (CJI), maintenance and safeguarding of CJI, disclosure of CJI by permitted individuals, security incident response, record retention, disposal and destruction of CJI and training requirements.

Policy Implications

This remains a challenging and multi-faceted process requiring the necessary actions that school districts need to take.

The CABE Policy Department recommends that districts revise existing policy #4112.5/4212.5, "Security Check/Fingerprinting," and especially its accompanying administrative regulation. Existing policy #4112.5/4212.5 has been modified to include the following language: "Criminal Justice Information (CJI) is to be maintained in accordance with the administrative regulation pertaining to the use and disclosure of criminal justice information."

Federal Criminal History Record Information (CHRI) shall be used solely for the purpose requested and cannot be disseminated outside the receiving departments, related agencies, or other authorized entities.

The physical protection policy can be part of your media protection policy or a policy on its own. Physical CHRI information is kept in secure/locked file cabinets, and access is only granted to those authorized to view it. It is the policy of the Board to ensure CHRI and information system hardware, software, and media are physically protected through access control measures.

The administrative regulation, which accompanies this policy, has been updated to include a new section pertaining to the FBI's requirements for criminal justice information.

This material follows for your consideration and use. It is strongly recommended in dealing with this topic that the district's legal counsel be consulted.

April 2017
Revised July 2019
Revised April 2024

Personnel -- Certified/Non-Certified

Security Check/Fingerprinting/Criminal Justice Information

Criminal Justice Information

In order to create a safe and orderly environment for students, all offers of employment will be conditional upon the successful outcome of a criminal record check. In addition, any person applying for employment with the Bridgeport Public Schools District shall submit to a record check of the Department of Children and Families (DCF) Child Abuse and Neglect Registry before the person may be hired.

Note: *Applicants for all positions, certified or non-certified, must submit to a check of the Department of Children and Families Child Abuse and Neglect Registry.*

Applicants, as required, shall make disclosures containing (1) current and past employers' contact information; (2) authorization allowing contact with such employers; and (3) statements about any past misconduct, discipline, or licensure penalties as a result of sexual misconduct or abuse allegations.

The District, prior to hiring such applicants, applicants, will (1) ensure that they complete the above-stated three requirements; (2) review applicants' employment history after making a documented, good faith effort to contact previous employers for information; and (3) request any available information about applicants from SDE.

The background/reference checks shall be done in compliance with the statutory guidelines contained in Board policy #4112.51/4212.51, as updated in 2019.

District employees shall, within 30 days after they are hired, submit to state and national criminal checks. District students employed by the school system are exempted from this requirement.

Workers placed in a school under a public assistance employment program shall also submit to a criminal check if such individuals will have direct contact with students.

Student teachers placed in District schools as part of completing preparation requirements for the issuance of an educator certificate shall also be required to undergo the same criminal background checks and DCF child abuse and neglect registry check already required for school employees.

A District student, employed by the District or a person employed by the Board as a teacher for a non-credit adult class or adult education activity (as defined in C.G.S. 10-67) who is not required to hold a teaching certificate, pursuant to C.G.S. 10-145b, as amended by PA 18-51, is exempt from the fingerprinting requirement.

Personnel -- Certified/Non-Certified

Security Check/Fingerprinting/Criminal Justice Information (continued)

Criminal Justice Information

Criminal Justice Information (CJI) is to be maintained in accordance with the administrative regulation pertaining to the use and disclosure of criminal justice information.

(cf. 4112.51/4212.51 - Employment/Reference Checks)

Legal Reference: Connecticut General Statutes

10-221d Criminal history records checks of school personnel. Fingerprinting. Termination or dismissed. (as amended by PA 01-173, PA 04-181 and June 19 Special Session, PA 09-1, PA 11-93, PA 16-67, PA 18-51, and PA 19-91)

29-17a Criminal history checks. Procedure. Fees.

PA 16-67 An Act Concerning the Disclosure of Certain Education Personnel Records

Criminal Justice Information Services (CJIS) Security Policy, Version 5.4, U.S. Department of Justice, Federal Bureau of Investigation, Criminal Justice Information Services Division, October 6, 2015.

Criminal Justice Information Services (CJIS) Security Policy, Version 5.8, June 2019

Policy adopted:

BRIDGEPORT PUBLIC SCHOOLS
Bridgeport, Connecticut

Personnel Certified/Non-Certified

Personnel Records/Medical Records

Personnel records shall be kept on all current employees.

A file shall be kept for all resigned or retired employees, including such essential information as shall seem appropriate to the administration.

The employee's personnel file can be reviewed by the employee in the presence of an administrator or designee. Upon request, an employee will be provided a copy of supervisory records and reports maintained in said employee's personal file as a guide to evaluation of performance.

Use and Disclosure of Employee Medical Information

Medical records are considered highly confidential because of the very private and personal information they contain. Medical information cannot be disclosed without written consent of the employee. Employee medical information will be reviewed only by Human Resources staff and the employee's supervisor as needed for reasonable accommodation.

Other than health information contained in employment records held by the Bridgeport Public Schools District in its role as employer, all information in the School District's possession which is related to employee past, present and future health conditions and that identifies the individual employee or could reasonably be utilized to identify the employee, will be protected under the terms of the Health Insurance Portability and Accountability Act of 1996.

To the extent the School District possesses personally identifiable health information regarding employees, aside from health information contained in employment records held by the School District in its role as employer, the Superintendent or their designee shall act as the Privacy Officer to oversee the administration of privacy of such records.

Legal Reference: Connecticut General Statutes
1-19b Agency administration. Disclosure of personnel, birth and tax records.
1-20a Objection to disclosure of personnel or medical files.
1-21i(b) Denial of access to public records or meetings.
10-151a Access of teacher to supervisory records and reports in personnel file.
10-151c Records of teacher performance and evaluation not public records.
Health Insurance Portability and Accountability Act of 1996 HIPAA)

Policy adopted: BRIDGEPORT PUBLIC SCHOOLS
Bridgeport, Connecticut

(BACKGROUND INFORMATION FOR POLICY COMMITTEE)

Improper favoritism remains a lasting concern in public employment. Nepotism, defined as actual or presumed bias arising from a familial or other close relationship, can cause unfairness, inefficiency and low morale in the school setting. The U.S. Supreme Court has recognized problems related to nepotism.

Governmental agencies, including school districts, commonly adopt anti-nepotism policies in an attempt to resolve the issues raised or the perceptions caused by nepotism. However, these policies in themselves have been the subject of controversy. Such policies typically prohibit spouses and other relatives from working together or supervising one another.

Those who have objected to these policies often do so on the argument that they violate the constitutional rights of an individual to marry, to substantive due process, to free association and to equal protection of the laws. However, federal courts have disagreed and indicated that such policies do not directly burden constitutional rights.

It is believed that anti-nepotism policies will survive legal challenge as long as the employer has a legitimate government interest in enacting them. This is not a difficult standard to meet because the major objective behind anti-nepotism policies is the need to promote workplace harmony and efficiency.

In terms of anti-discriminatory language in state statutes around the country, the issue is less clear. State anti-discrimination statutes, especially those banning marital status discrimination, such as Connecticut's 46a-60, can provide a stronger basis for challenging aspects of anti-nepotism policies, especially the portion pertaining to spouses. Courts appear split on this issue. Some state courts have held that such policies violated the marital status provisions of anti-discrimination laws. Conversely, other state courts have not agreed. Further, even if a court finds that anti-nepotism policies prohibiting marital working relationships are discriminatory, courts may not find other aspects of the policy banning other familial or non-marital relationships discriminatory.

In Connecticut, there is no statutory prohibition against a relative of a board member, including husband, wife or child from being employed by the board of education. In such cases, there may be a local ethics ordinance governing the action of the board member, such as the need for the board member to refrain from voting on an issue in which he/she may have a personal interest.

Policy Implications

It is recommended that boards adopt a policy pertaining to nepotism. Policy #4112.8/4212.8 pertains to this topic. Models follow for your consideration.

Personnel -- Certified/Non-Certified

Nepotism: Employment of Relatives

It is the policy of the Board of Education that individuals shall not be appointed to any full-time, part-time or temporary position which would create a supervisor/employee relationship within any one department between two individuals who are related by blood, marriage*, civil union or law.

> *The term "marriage" includes a same-sex marriage that is legally recognized in Connecticut.

As used in this policy, the word "Department" shall mean and include those levels of organization under the Superintendent's office into which the various structural areas of operation of the school district are divided.

In the event of marriage or civil union between employees of the District, creating a relationship which violates this policy, one of the persons affected must transfer to a location compatible with policy provisions, or in cases of refusal to transfer, be terminated from that location by the end of the school/fiscal year or within six months from the date the relationship was established, whichever is the greater period.

The degrees of relationship included in the above restrictions are as follows:

By Blood: Parent, child, grandparent, grandchild, brother, sister, uncle, aunt, nephew, niece, first cousin.

By Marriage: Husband, wife, stepparent, stepchild, father-in-law, mother-in-law, sister-in-law, brother-in-law, daughter-in-law, son-in-law, half-sister, half-brother, uncle, aunt, nephew, niece.

By Law: Guardianship relationships, adoptive parent/child relationships, partner in a civil union, same-sex marriage.

In the appointment and selection of new employees, the District shall adhere to this policy. All current supervisor/employee relationships established prior to the adoption of this policy will not be affected by this policy so long as they remain in present assignments.

(cf. 9270 – Conflict of Interest)

Personnel -- Certified/Non-Certified

Nepotism: Employment of Relatives

Legal Reference: Connecticut General Statutes

7-479 Conflicts of Interest

46b-38nn Equality of benefits, protections and responsibilities (civil unions)

46b-38oo applicability of statutes to civil unions and parties to a civil union.

10-153a et seq. Teacher Negotiation Act

7-467 et seq. Municipal Employees Relations Act

United States v. Windsor, U.S. 133 S. Ct. 2675 (2013)

Policy adopted:

BRIDGEPORT PUBLIC SCHOOLS
Bridgeport, Connecticut

Personnel -- Certified

Minimum Duty-Free Lunch Periods for Teachers

The Board of Education, in compliance with P.A. 22-80, shall provide a minimum 30-minute uninterrupted lunch period for teachers and other certified staff.

Legal Reference: Connecticut General Statutes

PA 22-80 An Act Concerning Childhood Mental and Physical Health Services in School.

Policy adopted:

BRIDGEPORT PUBLIC SCHOOLS
Bridgeport, Connecticut

Personnel -- Certified

Evaluation

Coaches

There shall be an annual evaluation of all coaches, to be conducted by the athletic director or the coach's immediate supervisor. Each coach shall receive a written copy of the evaluation.

The purposes of evaluation are:

1. To provide a systematic process whereby coaches may increase the effectiveness of their services to the athletic program utilizing the available professional resources.
2. To provide an opportunity for coaches to analyze their strengths and weaknesses, and to discuss objectively the contributions they have made to the athletic program.
3. To provide an opportunity for the administrative staff to analyze the strengths and weaknesses of individual coaches, and to utilize this knowledge to develop supervisory service to assist individuals in developing their competence.
4. To provide an effective means by which administrators may make recommendations concerning the continued employment of personnel, the granting of increments, and/or other recommendations to the Board of Education.

It is the responsibility of all administrators, coaches and other professional staff members to recognize that the district schools intend to seek and maintain the best qualified staff to provide quality coaching for student athletes. In keeping with this goal, all personnel are expected to participate fully in the appraisal process.

An integral part of this process is self-appraisal. The self and administrative appraisals include: knowledge of sports area, coaching skills and techniques, attitudes, behavior patterns, values and ethics.

Any coach that has held the same coaching position for three or more years, for which the Board terminates or non-renews the contract shall be informed of the Board's decision within ninety (90) days of the completion of the sport season covered by the contract. The coach may request a written statement from the Board specifying the reason(s) for the Board's action. The statement shall be provided within thirty (30) days of the request. The decision to terminate or non-renew the coach's contract may be appealed by the coach in a manner prescribed by the Board.

The Board may terminate the contract of any coach at any time for reasons of moral misconduct, insubordination or a violation of the rules of the Board or because a sport has been cancelled by the Board.

(cf. 2137 – Athletic Director)

Personnel – Certified

Evaluation

Coaches

Legal Reference: Connecticut General Statutes

10-151b Evaluation by superintendent of certain educational personnel

10-220a In-service training

10-222e Policy on evaluation and termination of athletic coaches (as amended by P.A. 13-41)

10-149 Qualifications for coaches of intramural and interscholastic athletics coaches (as amended by P.A. 13-41)

P.A. 13-41 An Act Concerning Hiring Standards for Athletic Directors

PA 04-243 An Act Concerning Notification in Cases of Termination of Coaches

Policy adopted:

BRIDGEPORT PUBLIC SCHOOLS
Bridgeport, Connecticut

COACHING APPEAL PROCEDURES

Pursuant to the provisions of Public Act 04-263, AN ACT CONCERNING TERMINATION OF COACHES, the Bridgeport Board of Education ("Board") hereby promulgates these procedures by which an eligible Coach who is terminated or non-renewed may appeal such decision to the Board. To be covered by these Procedures, the person must both:

- be an Athletic Coach holding a coaching permit who was hired by the Board for a sport season;
- have served in the same coaching position for three or more consecutive school years.

1. Notice of non-renewal or termination shall be in writing. From receipt of notice of non-renewal or termination, the Coach shall have 15 (fifteen) calendar days in which to prepare and file a written appeal of the non-renewal or termination with the Board of Education by filing the written appeal with the Superintendent of Schools, who shall provide Board members with copies of the appeal;

2. The appeal document shall contain all relevant information that the Coach wishes to place before the Board in connection with his/her appeal, including documents that the Coach feels relevant, which documents shall be attached to the appeal;

3. The Coach's written appeal documents shall be reviewed by Board Members, and action on the appeal shall be placed on the agenda of a regular or special Board meeting within 30 (thirty) calendar days from the date of filing, unless Board work load or scheduling difficulties require a longer period. At such meeting, the Board shall consider the appeal and vote to uphold or deny the appeal. The Superintendent shall advise the Coach of the Board's decision in writing. Absent unusual circumstances, the Board's decision shall be provided to the Coach not more than 50 (fifty) calendar days from the date the appeal is filed;

4. A representative of the Administration may file a responsive statement with the Board at any time prior to the meeting at which the appeal will be decided, but such rebuttal statement shall not be required. A copy of any such statement shall be provided to the Coach;

5. The Coach may appear at the Board meeting and shall be given an opportunity to advocate the appeal before the Board reaches a decision on the appeal. A representative of the Administration shall be afforded the same opportunity. The Board, Coach or the Administration may be represented by counsel or by another outside representative of their choosing;

COACHING APPEAL PROCEDURES

6. At the sole discretion of the Board, in extraordinary or unique cases, persons with first hand knowledge of the case may speak at the meeting when the Board reviews the appeal, and additional relevant documents may be introduced, also at the sole discretion of the Board. In all instances where the Coach or the Administration desire to request the right to have other persons address the Board or to submit additional documents not part of his/her appeal package or rebuttal, the other party and the Board must be advised in writing at least 48 hours in advance of the Board meeting at which review of the appeal is scheduled;

7. The decision of the Board on the appeal shall be final and binding upon the parties, and shall not be subject to any administrative challenge, including any grievance or arbitration claim.

8. Nothing in these Procedures shall prohibit Bridgeport Public Schools District from terminating a coach at any time for reasons of moral misconduct, insubordination, a violation of Board rules, or because a sport has been cancelled by the Board.

Personnel – Certified

Policy for Educator and Leader Evaluation and Support

The Board recognizes the critical role an effective professional evaluation and support system plays in ensuring student growth and success and promoting reflective practice through job-embedded professional learning and goal setting. The Board empowers the superintendent to ensure that each educator and leader has the opportunity for continuous learning and feedback, to develop and grow, individually and collectively, through the educator and leader evaluation and support system so that all of the district's students experience growth and success. Connecticut General Statutes 10-151b requires that the superintendent shall annually evaluate or cause to be evaluated each teacher.

Educator and leader practice discussions shall be based on a set of national or state performance standards set by professional organizations agreed upon by the district's Professional Development and Evaluation Committee (PDEC). The district's PDEC shall work to mutually agree upon a standard-based best practice observation model.

On or before July 1, 2024, the Board of Education shall adopt a plan approved by the Superintendent and implement an Evaluation Program consistent with the Evaluation Guidelines adopted by the State Board of Education. The teacher evaluation and support program shall be developed through mutual agreement between the (local/regional) Board of Education and the district's PDEC. If the Board of Education and the PDEC are unable to come to a mutual agreement, they shall consider the model teacher evaluation and support program adopted by the State Board of Education and may, through mutual agreement, adopt such model teacher evaluation and support program.

If the Board of Education and the PDEC are unable to mutually agree on the adoption of the State Board of Education's model program, then the Board shall adopt and implement a teacher evaluation and support program approved by the Board, provided the program is consistent with the guidelines adopted by the State Board of Education.

While the District may create its own rubrics for use in this process, it must demonstrate that those rubrics are aligned with or tied to an externally referenced standard.

Definitions:

Educator includes **teachers** and student and educator support **specialists** who provide instruction and support services to students and staff. Educators serving in a teaching role or serving in a role providing support services hold a valid certificate or permit issued by the State Board of Education.

Personnel – Certified

Policy for Educator and Leader Evaluation and Support

Definitions: (continued)

Leader includes school and district administrators who are responsible for providing instructional leadership and for developing, implementing, and evaluating systems and policies within the school district. Leaders serving in an administrative position hold a valid certification endorsement for Intermediate Administration or Supervision (#092) issued by the State Board of Education.

Single Point Competency is a description of a standard of behavior or performance, framed only as a single set of desired outcomes rather than laid out across a rating or scale of performance, similar to a traditional rubric. The primary reason for using this approach is that it supports a focus on understanding the goal and the performance's strengths and weaknesses without the complication of interpreting those elements into a rating. This shift in practice is designed to make it easier for the participants to focus the energy of the process on the evidence, why that evidence looks the way it does, and what can be done to support improvement rather than a debate or negotiation on the rating.

The **PDEC** (Professional Development and Evaluation Committee's) responsibilities include its participation in the development and adoption of a teacher evaluation and support plan for the district. The district's representative PDEC shall be composed of at least one representative from the teachers', administrators', and paraeducators' bargaining units, and other appropriate school personnel, and shall ensure Educator and Leader practice discussions are based on a set of national or state performance standards set by professional organizations and agreed upon by the Committee. PDEC shall work to mutually agree upon a state or national standard-based best practice observation model, which will require Board approval. Any district-created rubric used in this process must demonstrate alignment or be tied to an externally referenced standard.

Guiding Principles:

Educator and leader practice discussions are based on a set of national or state performance standards set by professional organizations agreed upon by the PDEC, which will mutually agree upon a standards-based best practice observation model.

The primary goal of the educator evaluation and support system is to strengthen individual and collective practices to increase student learning, growth, and achievement and will need to:

- Be consistent with emerging research and best practices in the field of education;
- Include a focus on professional learning to develop systems of continuous improvement for educator and leader practice and student outcomes; and
- Address the continued impact of the pandemic on all members of the educational community and families;

Personnel – Certified

Policy for Educator and Leader Evaluation and Support

Guiding Principles: (continued)

- Allow for differentiation of roles (teachers, counselors, instructional coaches…);
- Focus on things that matter (identify high leverage, mainstream goal focus areas);
- Connect to best practices aimed at the development of the whole child;
- Focus on educator growth and agency, meaningfully engaging professionals by focusing on growth and practice in partnership with others aligned to a strategic focus;
- Provide multiple pathways for participation to improve educator practice in a way that is meaningful and impactful;
- Provide specific, timely, accurate, actionable, and reciprocal feedback.

Vision:

All of the district's educators and leaders have the opportunity for *continuous learning* and *feedback* to develop and grow individually and collectively, through the educator and leader evaluation and support system to ensure all students experience growth and success.

Process:

Evaluation and support shall be an ongoing, cyclical progress monitoring process and shall include references to standards and criteria, a process for goal setting, a focus on professional practice and student growth, and an environment that nurtures feedback and engagement. Minimally evaluator and educator/leader/team conference shall occur in the fall, winter, and spring of each school year:

- Educators and leaders will meet with their supervisor no fewer than three times a year (fall goal setting, mid-year review, end of the year reflection). The meetings shall be approached in a spirit of continuous improvement, reflection, and collaboration. In addition, meetings shall provide opportunities for evaluator and evaluatee constructive feedback. Goals should always be connected to standards recommended by PDEC and approved by the Board.
- The first meeting shall focus on goal setting, which can be proposed either by an individual or by a collaborative group, depending on the goal.
- The mid-year review shall provide the educator(s) and supervisor the opportunity to review the extent to which the established goal is being reached and reflect on ways additional attention and support may be provided to adjust the goal or support its successful attainment.

Personnel – Certified

Policy for Educator and Leader Evaluation and Support

Process: (continued)

- The end-of-the-year meeting shall be used to reflect on the current year and how it might inform/launch the next evaluation cycle.
- An appropriate summary of the educator/leader growth achieved through the process and considerations for future work shall be provided by the evaluator annually. This summary should be tied to the agreed-upon standards and goals determined through this process.

Multiple measures of student learning, growth, and achievement as mutually agreed upon during the goal-setting process may include but not be limited to:

- For the Educator: Considering additional evidence relevant to one or more competencies related to student learning and growth may be part of the process and discussion. Multiple measures should be adjusted and be appropriate to the role of the educator in the process (educator, counselor, instructional coach, etc.).
- For the Leader: Considering additional evidence relevant to one or more competencies including but not limited to promoting a positive, safe, and equitable learning culture, engaging in instructional-focused interactions, facilitating collaboration and professional learning, as well as managing operations, personnel, and resources strategically may be part of the process and discussion. Multiple measures should be adjusted and be appropriate per the role of the leader in the process (assistant superintendent, principal, department chair, etc.).

To ensure participants focus the discussion and feedback on the desired practice rather than a rating outcome, **Single Point Competencies** will be preferred. This will allow for the promotion of clear, research-based expectations while ensuring a tie to standards

- Current rubrics may be used as talking points for feedback and deepening reflection on practice – but are encouraged to be framed or converted as single points for increased clarity. PDEC will be responsible for developing or adopting external, state, or national standards-based models for district use.
- The district will establish a clearly articulated vision of highly effective instruction and educational practice focusing on growth.

Best practice should allow for Goals and standards to be consistent with the goals of the district. Clear alignment between district, school, and certified staff goals (departments, grade-level teams, or collaborations). Coherence improves the collective effectiveness of practice.

Personnel – Certified

Policy for Educator and Leader Evaluation and Support

Process: (continued)

- This will encourage individual educators and leaders to reflect on how they are contributing to the goals, mission, and vision of the district, whether developing individual, departmental, or grade-level team-based goals.
- The goals-setting process should encourage consideration of the growth of the whole child – considering growth indicators in a variety of areas critical to the overall well-being of students.

Goal-Setting Process

Requirements for Goal Setting – *Educators*

- The goal-setting process must follow the timelines and frameworks created by the PDEC consistent with the standards established during this process.
- Goals and feedback must be based on evidence, observations, and artifacts of professional practice as aligned to the lens of the agreed-upon standards.
- Educators and their evaluators must mutually agree upon a one, two, or three-year goal and develop a plan for professional development and support consistent with the educator's professional status and goals. All educators must be assigned a primary evaluator, who holds a #092 certificate.
- The district's PDEC shall determine protocols for each level of educator (novice, provisional, professional, transfers to the district, part-time or partial year, educator or leader in need of support, etc.)
- Goals setting may allow for differentiated timelines (1, 2, or 3 years) and differentiated partnerships (perhaps in teams or collaboration with another educator) depending upon the role of the educator and aligned with a plan for professional learning and growth.
- The plan allows for discussion and exploration of how goals may/should be aligned with district-wide and individual professional development, professional learning communities, and other integrated efforts to support the goals, mission, and vision established within the district.

Personnel – Certified

Policy for Educator and Leader Evaluation and Support (continued)

Requirements for Goal Setting Process – *Leaders*

- The goal-setting process shall follow the timelines and frameworks created by the PDEC consistent with the standards established during this process.
- Goals and feedback shall be based on evidence, observations and artifacts of professional practice as aligned to the lens of the agreed upon standards.
- Mutually agree upon a one, two, or three-year goal and develop a plan for professional development and support that is consistent with the leader's professional status and goals. All leaders shall be assigned a primary evaluator who holds either a #092 or #093 certificate.
- The district PDEC shall determine protocols for each level of leader (level of experience, role, transfers to the district, part-time or partial year, leader in need of support, etc.)
- Goal setting may allow for differentiated timelines (1, 2, or 3 years) and differentiated partnerships (perhaps in teams or collaboration with another leader) depending upon the role of the leaders and aligned with a plan for professional learning and growth.
- There may be discussion and exploration of how goals may/should be aligned with district-wide and individual professional development, a theory of action, PLC work, and other integrated efforts to support the goals, mission, and vision established within the district.

Professional Practice and Educator Growth

- Feedback to the educator shall consider multiple and varied quantitative and qualitative evidence indicators.
- Dialogue through the professional growth process should begin with educator self-reflection/self-assessment of the impact of professional learning and educator practice on student growth and identifying the next steps.
- Within the required process structure, the district's PDEC may identify a minimum or recommend the number of observations aligned with the current professional needs of the educator (novice, provisional, professional).
    - PDEC shall create the district's plan for the nature and number of observations and/or reviews of practice and required artifacts.
- There should be multiple pieces of evidence, which may include artifacts, observations of practice, student feedback, and reflections of the educator on student growth as part of the educator feedback process.

Personnel – Certified

Policy for Educator and Leader Evaluation and Support (continued)

Professional Practice and Leader Growth

- Feedback to leaders must consider multiple and varied quantitative and qualitative indicators of evidence.
- Dialogue through the professional growth process should begin with leader self-reflection/self-assessment of impact of professional learning and leadership practice on organizational health as well as the identification of next steps.
- Within the required process structure, the district's PDEC may identify a minimum or recommend the number of observations aligned with the current professional needs of the leader (new or experienced).
    - PDEC shall create the district's plan for the nature and number of observations and/or reviews of practice and required artifacts.
- There should be multiple pieces of evidence, which may include artifacts, observations of practice, teacher, leader and staff feedback, and reflections of the leader on organizational growth as part of the leader feedback process.

Evaluator/Observer/Stakeholder Feedback and Engagement

- Feedback, tied to standards, identifies strengths and areas of focus for advancement.
    - PDEC will determine clear timelines for both written and verbal feedback.
    - PDEC will determine a process for appropriate feedback and how to use informal and formal feedback from stakeholders.
- In-person beginning-of-the-year, mid-year, and end-of-year check-in is required for all educators with a timeline determined by PDEC.
- A check-in cycle for the purpose of discussing what is occurring in the classroom/school or district and to identify additional mutually agreed upon needs is required. It is required that a balance of written and verbal feedback be provided periodically.
- For the Educator, the cycle of check-ins should provide opportunities for discussion linking student growth and development with observations of practice and performance.
- For the Leader, the cycle of check-ins should provide opportunities for discussion linking organizational growth and development with observations of practice and performance.

Process Elements – Educator

- PDEC shall articulate agreed-upon processes for both formal and informal observations.
- At a minimum, initial goal-setting meetings, and mid and end-of-year reflective progress reviews must be held for all educators.

Personnel – Certified

Policy for Educator and Leader Evaluation and Support

Process Elements – Educator (continued)

- A pattern of persistent lack of growth and reflection or resistance to growth-oriented feedback should lead to advancing levels of support with a defined process for placing an educator on a **corrective support plan**. The corrective support plan must include indicators of success for transitioning out of the plan.
    - PDEC shall establish a clearly articulated corrective support model, which will be distinct from the typical educator growth model;
    - The corrective support model shall include:
        - Clear objectives specific to the well-documented area of concern;
        - Resources, support, and interventions to address the area of concern;
        - Timelines for implementing the resources, support, and interventions; and
        - Supportive actions from the evaluator.
- The district PDEC plan should include differentiated supports and be responsive to educator needs.
    - Utilize and document differentiated support prior to movement to a corrective support plan.
    - Ongoing training to ensure all stakeholders understand tiers, supports, and process (model of a corrective structure with tier 1, 2, and 3 supports should be provided in the appendix).
- The PDEC agrees upon orientation, training, and support elements for evaluators and educators on the critical components of success.

In addition to these required elements, PDEC should consider the following best practices as additional process elements:

- Intermediate support should be in place prior to an educator having to be placed on a corrective support plan.
- Corrective support should not be initiated without appropriate evidence of concern
- Ensure coaching/mentoring is available for new educators.
- Educators involved in a formal induction process should have an evaluation pathway that is aligned but separate from their induction process to reduce the work burden on the beginning educator and support their transition to provisional and professional educator status.
    - The intention of the Educator and Leader Evaluation Plan should be to reduce the burden of evaluation on beginning educators without compromising the distinct separation between induction and evaluation.

Personnel – Certified

Policy for Educator and Leader Evaluation and Support

Process Elements – Educator (continued)

- There should be regular check-ins/interactions with evaluators and mentors for beginning educators.

- Establish procedures and guidelines for PDEC operations, which include membership, quorum, and consensus criteria.
- PDEC should create a reflective process through PDEC, survey, etc. that reviews the TEVAL plan and process and provides for constructive feedback, reflection, assessment, and revision as needed.

Process Elements – Leader

- At a minimum, an initial goal-setting meeting, mid-year, and end-of-year reflective progress should be held for all leaders.
- There should be ongoing, on-site, evidence-driven visits or reviews of practice for each leader whose purpose/focus is aligned with the leader's goals in this process. PDEC should determine the minimum number of visits as appropriate.
- PDEC shall agree upon orientation, training, and support elements for evaluators and leaders on the critical components for success.
- A pattern of persistent lack of growth and reflection or resistance to growth-oriented feedback shall lead to advancing levels of support with a defined process for placing a leader on a corrective support plan with indicators of success for transitioning out of the plan.
- The corrective support plan shall be developed in consultation with the leader and their exclusive bargaining unit representative for administrators chosen pursuant to section C.G.S. §10-153b.
    - The district PDEC should establish a clearly articulated corrective support model that is separate from the normal educator growth model.
    - The corrective support model shall include:
        - Clear objectives specific to the well documented area of concern;
        - Resources, support, and interventions to address the area of concern;
        - Timeframes for implementing the resources, support, and interventions; and
        - Supportive actions from the evaluator.

Personnel – Certified

Policy for Educator and Leader Evaluation and Support

Process Elements – Leader (continued)

- The district PDEC plan should include differentiated supports and be responsive to leader needs.
    - Utilize and document differentiated supports prior to movement to a corrective support plan.
    - Ongoing training to ensure all stakeholders understand differentiated supports and process (model of a corrective structure should be provided in the appendix).
    - Support models should always include clear objectives specific to the well documented area of concern, timeframes, interventions, supportive actions from the evaluator.

In addition to these required elements, PDEC should consider the following best practices as additional process elements:

- Coaching and/or mentoring should be strongly considered an option for a new leader.
- Intermediate supports should be in place before placing a leader on a corrective action plan.
- A support plan should not be initiated without appropriate evidence of concern.
- PDEC should create a reflective process, either through PDEC, survey, etc. that reviews the TEVAL plan and process and provides for reflection, assessment, and revision as needed.
- Establish policy or procedures and guidelines for PDEC operations that includes membership, quorum, and consensus criteria.

Dispute Resolution

- The Board of Education shall, in mutual agreement with the PDEC, include a process for resolving disputes in cases where the evaluator and educator/leader being evaluated cannot agree on goals/objectives, the evaluation period, feedback or the professional development plan.
- Any claims that the district has failed to follow the established procedures of the educator/leader evaluation and support program shall be subject to the grievance procedures set forth in the then-current collective bargaining agreements between the Board of Education and the relevant bargaining unit.

Personnel – Certified

Policy for Educator and Leader Evaluation and Support (continued)

Local and State Reporting

- The superintendent shall report:
    - The status of teacher evaluations to the Board of Education on or before June 30th of each year; and
    - The status of the implementation of the educator/leader evaluation and support program; including the frequency of evaluations, the number of teachers who have not been evaluated, and other requirements as determined by the Department of Education on or before September 15 of each year.

The term "teacher", "educator" or "leader" shall include each professional employee of the Board of Education, below the rank of superintendent, who holds a certificate or permit issued by the State Department of Education.

Appendix: (PDF File)

Connecticut Guidelines for Educator and Leader Evaluation and Support 2023

Legal Reference: Connecticut General Statutes

10-145b Teaching certificates.

10-151a Access of teacher to supervisory records and reports in personnel file.

10-151b Evaluation by superintendent of certain educational personnel. (amended by PA 04-137, P.A. 10-111, P.A. 12-116, PA 12-2 (June Special Session), PA 13-245, PA 15-5 (June Special Session)

10-151c Records of teacher performance and evaluation not public records.

10-220a(b) In-service training. Professional development. Institutes for educators. Cooperative and beginning teacher programs, regulations.

PA 11-135 An Act Concerning Implementation Dates for Secondary School Reform.

PA 12-116 An Act Concerning Education Reform (as amended by PA 13-145 An Act Concerning Revisions to the Reform Act of 2012.)

Connecticut Guidelines for Educator Evaluation, adopted by the State Board of Education, June 27, 2012.

Personnel – Certified

Policy for Educator and Leader Evaluation and Support (continued)

Legal Reference: Connecticut General Statutes (continued)

Connecticut's System for Educator Evaluation and Development (SEED) state model evaluation system.

"Flexibility to Guidelines for Educator Evaluation" adopted by Connecticut State Board of Education, February 6, 2014

34 C.F.R. 200.55 Federal Regulations.

PL 114-95 – Every Student Succeeds Act §9213

Public Act 23-159 (An Act Concerning Teachers and Paraeducators)

Policy adopted:

BRIDGEPORT PUBLIC SCHOOLS
Bridgeport, Connecticut

Personnel – Certified

Tenure Status

The granting of tenure is a serious decision having long-term consequences for the Bridgeport Public Schools. For this reason, tenure status is not awarded to Bridgeport teachers, whose performance in their probationary years has been no more than adequate. Rather, tenure is achieved only when there is evidence that the teacher has met the standard or excellence as determined by the Superintendent, or their designee and the School District's Staff Evaluation Plan.

Legal Reference: Connecticut General Statutes
10-151 Employment of teachers. Definitions. Notice and hearing on failure to renew or termination of contract. Appeal.

Policy adopted:

BRIDGEPORT PUBLIC SCHOOLS
Bridgeport, Connecticut

Personnel -- Certified

Reduction in Teaching Staff

1. General

Under Section 10-220 and 10-4A of the Connecticut General Statutes, the Board of Education has the responsibility to maintain good public elementary and secondary schools and to implement the educational interests of the State. However, recognizing also that it may become necessary to eliminate professional staff positions in certain circumstances, this policy is adopted to provide a fair and orderly process should such eliminations become necessary.

2. Reasons for Elimination of Teaching Positions

The Bridgeport Board of Education has the sole and exclusive prerogative to eliminate professional staff positions consistent with the provisions of statute, providing such elimination does not result in the failure in its duty as a State agency to implement the educational interests of the State, and to provide good public elementary and secondary schools.

Elimination of professional staff positions may result from decreases in student enrollment, changes in curriculum, severe financial conditions, or other circumstances as determined by the Board of Education.

Professional staff members will be dismissed under this policy only when authorized by the Board of Education, and only within the provisions of the following procedure.

3. Definitions

a. As outlined herein, the term teacher shall apply to any employee of the Board of Education who holds a regular certificate issued by the Connecticut State Board of Education, and is employed in a teaching or administrative position below the rank of Superintendent.
b. Tenure – as defined by Connecticut General Statutes
c. Non-Tenure – as defined by Connecticut General Statutes

4. Procedure

a. Prior to commencing action to terminate teachers' contracts under this procedure, the Board of Education will give every consideration to its ability to effectuate possible and/or reduction in staff by:

    1. Voluntary retirements.
    2. Voluntary resignations.
    3. Transfer of existing staff members.

b. Elimination of professional staff positions.

    1. Non-tenured teachers will be terminated before tenured teachers.
    2. Within the category of non-tenured teachers, the administration will recommend the teacher to be terminated on the basis of performance evaluation.

Personnel -- Certified

Reduction in Teaching Staff

4. Procedure (continued)

b. Elimination of professional staff positions. (continued)

3. Tenured teachers with the greatest number of unbroken years of employment in the Bridgeport Public Schools will be retained.
4. Appropriate certification requirements must be met in each consideration.

5. Policy Provision Not Applicable to Promotions

Nothing herein shall require the promotion of a teacher to a position of higher rank, authority, or compensation, although the teacher whose contract is to be terminated is qualified and/or certified for the promotional position.

Legal Reference: Connecticut General Statutes

10-4a Educational interests of the state identified

10-151 Employment of teachers. Notice and hearing on termination of contract.

10-220 Duties of boards of education

Policy adopted:

BRIDGEPORT PUBLIC SCHOOLS
Bridgeport, Connecticut

Personnel – Certified/Non-Certified

Reports of Suspected Abuse or Neglect of Persons with Disabilities

Section 46a-11b of the Connecticut General Statutes requires that certain school personnel (including teachers, school administrators, school guidance counselors, paraprofessionals, licensed nurses, psychologists, social workers, mental health professionals, occupational therapists, dental hygienists and speech pathologists) report any suspected abuse or neglect of persons with disabilities between eighteen (18) and sixty (60) years of age. In furtherance of this statute and its purpose, it is the policy of the Board of Education to require all employees of the Board of Education to comply with the following procedures in the event that they have reasonable cause. arising out of, or in the course of his or her employment by the Board of Education, to suspect that any person with disabilities between eighteen (18) and sixty (60) years of age has been abused or neglected.

1. **Scope of Policy**

   This policy applies to all employees of the Board of Education.

2. **Definitions**

   For the purposes of this policy:

   "**Abuse**" means the willful infliction of physical pain or injury or the willful deprivation by a caretaker of services which are necessary to the person's health or safety.

   "**Neglect**" means a situation where a person with disabilities either is living alone or is not able to provide for himself or herself the services which are necessary to maintain his or her physical and mental health or is not receiving such necessary services from the caretaker.

   "**Statutory Mandated Reporter**" means an individual required by Conn. Gen. Statutes to report suspected abuse and/or neglect of persons with disabilities. In the public school context, the term "statutory mandated reporter" includes teachers, school administrators, school guidance counselors, paraprofessionals, licensed nurses, psychologists, social workers, mental health professionals, physical therapists, occupational therapists, dental hygienists and speech pathologists.

3. **Reporting Procedures for Statutory Mandated Reporters**

   If a statutory mandated reporter has reasonable cause, arising out of, or in the course of his or her employment by the Board of Education. to suspect that any person with disabilities between eighteen (18) and sixty (60) years of age has been abused or neglected, he/she shall immediately, but in any case within no later than five calendar days, make an oral report to the Director of the Office of Protection and Advocacy for Persons with Disabilities. The statutory mandated reporter shall also immediately notify the Superintendent.

   Such oral report shall be followed by a written report to the Director of the Office of Protection and Advocacy for Persons with Disabilities within five additional calendar days, and a copy of any written report shall be given to the Superintendent.

Personnel – Certified/Non-Certified

Reports of Suspected Abuse or Neglect of Persons with Disabilities (continued)

4. Reporting Procedures for Non-Statutory Mandated Reporters

The following procedures apply only to employees who are not statutory mandated reporters. as set forth above.

a. If an employee who is not a statutory mandated reporter has reasonable cause, arising out of, or in the course of his or her employment by the Board of Education, to suspect that any person with disabilities between eighteen (18) and sixty (60) years of age has been abused or neglected, the following steps shall be taken.

   i. The employee shall immediately, but in any case within no later than five calendar days, make an oral report by telephone or in person to the Superintendent of Schools or his/her designee, to be followed by an immediate written report to the Superintendent or his/her designee.

   ii. If the Superintendent or his/her designee determines that there is reasonable cause to suspect or believe that a person with disabilities between eighteen (18) and sixty (60) years has been abused or neglected, he/she shall cause reports to be made in accordance with the procedures set forth for statutory mandated reporters, set forth above.

b. Nothing in this policy shall be construed to preclude an employee from reporting suspected abuse and/or neglect of a person with disabilities directly to the Office of Protection and Advocacy for Persons with Disabilities.

5. Contents of Report

Any oral or written report made pursuant to this policy shall contain the following information, if known:

a. the name and address of the allegedly abused or neglected person,

b. a statement from the reporter indicating a belief that the person is a person with disabilities, together with information indicating that the person is unable to protect himself or herself from abuse or neglect;

c. information concerning the nature and extent of the abuse or neglect; and

d. any additional information which the reporter believes would be helpful in investigating the report or in protecting the person with disabilities.

6. Investigation of the Report

If the suspected abuser is a school employee, the Superintendent shall thoroughly investigate the report, and shall, to the extent feasible, endeavor to coordinate any such investigation with the investigation conducted by the Office of Protection and Advocacy for Persons with Disabilities.

Personnel – Certified/Non-Certified

Reports of Suspected Abuse or Neglect of Persons with Disabilities (continued)

6. **Investigation of the Report** (continued)

   The Superintendent's investigation shall include an opportunity for the suspected abuser to be heard with respect to the allegations contained within the report. During the course of an investigation of suspected abuse by a school employee, the Superintendent may suspend the employee with pay or may place the employee on administrative leave with pay, pending the outcome of the investigation.

   If the investigation by the Superintendent and/or the Office of Protection and Advocacy produces evidence that a person with disabilities has been abused by a school employee, the Superintendent and/or the Board, as appropriate, may take disciplinary action, up to and including termination of employment.

7. **Delegation of Authority by Superintendent**

   The Superintendent may appoint a designee for the purposes of receiving and making reports, notifying and receiving notification, or investigating reports pursuant to this policy.

8. **Disciplinary Action for Failure to Follow Policy**

   Any employee who fails to comply with the requirements of this policy shall be subject to discipline, up to and including termination of employment.

9. **Non-discrimination Policy**

   The Board of Education shall not discharge or in any manner discriminate or retaliate against any employee who, in good faith, makes a report pursuant to this policy, or testifies or is about to testify in any proceeding involving abuse or neglect.

Legal References: Connecticut General Statutes

Section 46a-11b et seg. (Formerly Sec. 19a-458a). Reports of suspected abuse or neglect required of certain persons. Report by others. Immunity. Fine. Treatment by Christian Science practitioner

Policy adopted:

BRIDGEPORT PUBLIC SCHOOLS
Bridgeport, Connecticut

Personnel - Certified-Non-Certified

Rights, Responsibilities and Duties

Responsible Computer Network Use (Employee Use of Technology)

The Board of Education recognizes that technological resources can enhance employee performance by offering effective tools to assist in providing a quality instructional program, facilitating communications with parents/guardians, students, and the community, supporting District and school operations, and improving access to and exchange of information. The Board expects all employees to learn to use the available technological resources that will assist them in the performance of their job responsibilities. As needed, employees shall receive professional development in the appropriate use of these resources.

Employees shall be responsible for the appropriate use of technology and shall use the District's technological resources primarily for purposes related to their employment.

Employees shall be notified that computer files and electronic communications, including email and voice mail, are not private. Technological resources shall not be used to transmit confidential information about students, employees, or District operations without authority.

Online/Internet Services

Note: 20 USC 6777 mandates that districts adopt an Internet safety policy as a condition of receiving technology funds under Title II, Part D of the No Child Left Behind Act (20 USC 6751-6777) for the purpose of purchasing computers with Internet access or paying for direct costs associated with accessing the Internet. 47 USC 254 mandates that districts adopt an Internet safety policy in order to qualify for federal universal service discounts for Internet access (E-rate discounts). Although these requirements focus on measures designed to protect students using district technology, they also require policy that affects adult use of any district computers with Internet access. Districts applying for any of these funds must certify that District policy requires the operation and enforcement of a "technology protection measure" that blocks or filters Internet access to visual depictions that are obscene or child pornography.

The Superintendent or designee shall ensure that all District computers with Internet access have a technology protection measure that prevents access to visual depictions that are obscene or child pornography and that the operation of such measures is enforced. The Superintendent or designee may disable the technology protection measure during use by an adult to enable access for bona fide research or other lawful purpose. (20 USC 6777; 47 USC 254)

Personnel - Certified-Non-Certified

Rights, Responsibilities and Duties

Responsible Computer Network Use (Employee Use of Technology)

Online/Internet Services (continued)

Note: 20 USC 6777 and 47 USC 254 require districts receiving federal Title II technology funds or E-rate discounts to enforce the operation of technology protection measures. The legislation clarified that nothing in the Children's Internet Protection Act shall be construed to require the tracking of individual students' or adults' Internet use; thus, it appears to be left to the discretion of districts and schools as to whether they wish to track Internet use through personally identifiable web monitoring software or other means. The following optional paragraph may be revised to reflect district practice.

To ensure proper use, the Superintendent or designee may monitor employee usage of technological resources, including the accessing of email and stored files. Monitoring may occur at any time without advance notice or consent. When passwords are used, they must be known to the Superintendent or designee so that he/she may have system access.

The Superintendent or designee shall establish administrative regulations and a Responsible Use Agreement which outline employee obligations and responsibilities related to the use of District technology. He/she also may establish guidelines and limits on the use of technological resources. Inappropriate use may result in a cancellation of the employee's user privileges, disciplinary action, and/or legal action in accordance with law, Board policy, and administrative regulation.

The Superintendent or designee shall provide copies of related policies, regulations, and guidelines to all employees who use the District's technological resources. Employees shall be required to acknowledge in writing that they have read and understood the District's Responsible Use Agreement.

Online/Internet Services: User Obligations and Responsibilities

Employees are authorized to use District equipment to access the Internet or other online services in accordance with Board policy, the District's Responsible Use Agreement, and the user obligations and responsibilities specified below.

1. The employee in whose name an online services account is issued is responsible for its proper use at all times. Employees shall keep account information, home addresses, and telephone numbers private. They shall use the system only under the account number to which they have been assigned.

2. Employees shall use the system safely, responsibly, and primarily for work-related purposes.

Personnel - Certified-Non-Certified

Rights, Responsibilities and Duties

Responsible Computer Network Use (Employee Use of Technology)

Online/Internet Services: User Obligations and Responsibilities (continued)

3. Employees shall not access, post, submit, publish, or display harmful or inappropriate matter that is threatening, obscene, disruptive, or sexually explicit or that could be construed as harassment or disparagement of others based on their race, ethnicity, national origin, sex, gender, sexual orientation, age, disability, religion, or political beliefs.

4. Employees shall not use the system to promote unethical practices or any activity prohibited by law, Board policy, or administrative regulations.

5. Employees shall not use the system to engage in commercial or other for-profit activities without permission of the Superintendent or designee.

6. Copyrighted material shall be posted online only in accordance with applicable copyright laws.

7. Employees shall not attempt to interfere with other users' ability to send or receive email, nor shall they attempt to read, delete, copy, modify, or forge other users' email.

8. Employees shall not develop any classroom or work-related websites, blogs, forums, or similar online communications representing the District or using District equipment or resources without the permission of the Superintendent or designee. Such sites shall be subject to rules and guidelines established for District online publishing activities, including, but not limited to, copyright laws, privacy rights, and prohibitions against obscene, libelous, and slanderous content. Because of the unfiltered nature of blogs, any such site shall include a disclaimer that the District is not responsible for the content of the messages. The District retains the right to delete material on any such online communications.

9. Users shall report any security problem or misuse of the services to the Superintendent or designee.

Personnel - Certified-Non-Certified

Rights, Responsibilities and Duties

Responsible Computer Network Use (Employee Use of Technology)

(cf. 1311.1 – Political Activities/Functions of School Employees)
(cf. 4118.4/4218.4 – E-Mail (Electronic Monitoring (staff))
(cf. 4131 – Staff Development)
(cf. 5125 – Student Records)
(cf. 6141 – Curriculum Design/Development/Revision)
(cf. 6141.32 – Computer Literacy)
(cf. 6141.321 – Student Responsible Use of the Internet)
(cf. 6141.322 – Websites/Pages)
(cf. 6141.323 – Internet Safety Policy/Filtering)

Legal References: Connecticut General Statutes

The Freedom of Information Act

53A-182B Harassment in the first degree.

P.A. 98-142 An Act Requiring Notice to Employees of Electronic Monitoring by Employers.

United States Code, Title 20
675 1-6777 Enhancing Education Through Technology Act, Title II, Part D, especially: 6777 Internet safety

United States Code, Title 47
254 Universal service discounts (E-rate)

Code of Federal Regulations, Title 47
54.520 Internet safety policy and technology protection measures, E-rate discounts

Policy adopted:

BRIDGEPORT PUBLIC SCHOOLS
Bridgeport, Connecticut

P.A. 21-2 An Act Creating a Respectful and Open World for Natural Hair

(Background Information for Policy Review Committee)

This legislation makes it an illegal practice to (1) discriminate based on a person's hair texture and protective hairstyle in employment, public accommodations, housing, credit practices, union membership, and state agency practices or (2) deprive any person of any rights secured or protected by the Connecticut Constitution or the United States Constitution.

It does so by specifying that the term "race" includes ethnic traits historically associated with race, including hair texture and protective hairstyles. Under the Act "protective hairstyles" include wigs, headwraps, and hairstyles such as individual braids, cornrows, locs, twists, Bantu knots, afros, and afro puffs.

It adds this protection to those afforded under the existing human rights law under the jurisdiction of the Commission on Human Rights and Opportunities (CHRO). CHRO has the authority to investigate complaints of discriminatory practices. The Act also applies to the laws that govern the awarding of agency, municipal public works, and quasi-public agency project contracts.

This Act became effective upon passage. It was signed into law on March 4, 2021.

Policy Implications

This legislation amended C.G.S. 461-51, "Definitions," by adding the following:

- **"Race"** is inclusive of ethnic traits historically associated with race, including, but not limited to, hair texture and protective hairstyles; and

- **"Protective hairstyles"** includes, but is not limited to, wigs, headwraps and hairstyles such as individual braids, cornrows, locs, twists, Bantu knots, afros and afro puffs.

Therefore, the Connecticut Fair Employment Practices Act is amended so that discrimination on the basis of "race" is "inclusive of ethnic traits historically associated with race, including, but not limited to, hair texture and protective hairstyles."

Policy #4118.11/4218.11, "Nondiscrimination," pertaining to personnel has been modified and follows for consideration. This is one of several versions.

A. 21-69 An Act Deterring Age Discrimination in Employment Applications

(Background information for Policy Review Committee)

This Act makes it a discriminatory employment practice for an employer or the employer's agent to request or require a prospective employee's age, birth date, or school attendance or graduation dates on an initial employment application unless it is (1) for a bona fide occupational qualification or need or (2) required by state or federal law.

The discriminatory employment practices law applies to employers with at least 3 employees, including the state and its political subdivisions (CGS §46a-51(10)).

By law, individuals aggrieved by a discriminatory practice may file a complaint alleging discrimination with the Commission on Human Rights and Opportunities (CGS §46a-82).

This legislation became effective as of October 1, 2021.

Specifically, C.G.S. 461-60, Section 1 has been modified. The list of what is considered a discriminatory practice now also includes the following:

"It shall be a discriminatory practice in violation of this section:

(12) For an employer, by the employer or the employer's agent, to request or require a prospective employee's age, date of birth, dates of attendance at or date of graduation from an educational institution on an initial employment application, provided the provisions of this subdivision shall not apply to any employer requesting or requiring such information (A) based on a bona fide occupational qualification or need, or (B) when such information is required to comply with any provision of state or federal law."

Policy Implications

Policy #4118.11/4218.11, "Nondiscrimination," pertaining to personnel, has been modified to reflect this legislation.

July 2021

Rev. 1/26

Personnel - Certified/Non-Certified

Nondiscrimination

It is the intent of the Bridgeport Board of Education to provide a fair employment setting for all persons and to comply with state and federal law. The conditions or privileges of employment in the school district, including the wages, hours, terms and benefits, shall be applied without regard to race, color, religion, age, veteran status, genetic information, marital status, national origin, sex, sexual orientation, gender identity or expression, status as a victim of domestic violence, ancestry, present or past history of mental disorder, or disability (including pregnancy), except in the case of a bonafide occupational qualification.

"Race" is inclusive of ethnic traits historically associated with race, including, but not limited to, hair texture and protective hairstyles. "Protective hairstyles" include, but are not limited to, wigs, headwraps, and hairstyles such as individual braids, cornrows, locs, twists, Bantu knots, afros, and afro puffs.

The District shall not discriminate against qualified individuals with disabilities because of the disabilities of such individuals in regard to job application procedures, hiring, advancement, discharge, compensation, job training, and other terms, conditions, and privileges of employment.

The District shall not engage in contractual or other arrangements that have the effect of subjecting its qualified applicants or employees with disabilities to discrimination on the basis of disability. The District shall not exclude or otherwise deny equal jobs or job benefits to a qualified individual because of the known disability of an individual with whom the qualified individual is known to have a relationship or association.

Further, the District shall make reasonable accommodations for the known physical or mental limitations of an otherwise qualified individual with a disability who is an applicant or an employee, unless the accommodation would impose undue hardship on the District's business operations.

Any job applicant or employee wishing to discuss the need for reasonable accommodation, or other matters related to a disability or the enforcement and application of this policy, should contact the District's ADA/Section 504 Coordinator. The District's Coordinator is the Assistant Superintendent of Human Capital.

The District recognizes that it is a discriminatory practice to request or require, on an initial employment application, a prospective employee's age, date of birth, dates of attendance at or date of graduation from an educational institution on an initial employment application, unless requesting or requiring such information is based on a bona fide occupational qualification or need, or when such information is required to comply with any provision of state or federal law.

Personnel - Certified/Non-Certified

Nondiscrimination

(cf. 0521 – Nondiscrimination)
(cf. 4000.1/5145.44 – Title IX)
(cf. 4111 - Recruitment and Selection)
(cf. 4118.112/4218.112 – Sex Discrimination and Sexual Harassment in the Workplace)
(cf. 4118.14/4218.14 – Disabilities)
(cf. 5145.5 – Sexual Harassment)
(cf. 5145.51 – Peer Sexual Harassment)

Legal Reference: Connecticut General Statutes

4a-60 Nondiscrimination and affirmative action provisions in contracts of the state and political subdivisions rather than municipalities

4a-60a Contracts of the state and political subdivisions, other than municipalities, to contain provisions re nondiscrimination on the basis of sexual orientation

10-15c Discrimination in public schools prohibited. School attendance by five-year olds (as amended by PA 21-2 §441.)

10-153 Discrimination on account of marital status

Connecticut Fair Employment Practices Act, C.G.S. §469-60

46a-51 Definitions (as amended by PA 17-127, PA 21-2 and PA 17-127, PA 21-2, and PA 22-82)

46a-58 Deprivation of rights. Desecration of property. Placing of burning cross or noose on property. Penalty. (as amended by PA 17-127 and PA 22-82)

46a-60 Discriminatory employment practices prohibited. (as amended by PA 17-127, PA 21-69 and PA 22-82)

46a-81a Discrimination on the basis of sexual orientation; Definitions

P.A. 11-55 An Act Concerning Discrimination

Title VI of the Civil Rights Act of 1964, 42. U.S.C. §2000d et. seq.

Title VII, Civil Rights Act 42 U.S.C. 2000e, et seq.

Title IX of the Education Amendments of 1972, 20 U.S.C. §1681 et. seq.

Title IX Final Rule, May 6, 2020

The Vietnam Era Veterans' Readjustment Assistance Act of 1974, as amended, 38 U.S.C. §4212

Title II of the Genetic Information Nondiscrimination Act of 2008

42 U.S.C. §2000ff; 29CFR1635.1 et. seq.

Age Discrimination in Employment Act, 29 U.S.C. §621

Americans with Disabilities Act, 42 U.S.C. §12101

Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. §794

Policy adopted:

BRIDGEPORT PUBLIC SCHOOLS
Bridgeport, Connecticut

4118.11
4218.11
Appendix A

Discrimination Grievance Form

Any student, parent/guardian, employee or employment applicant who feels that he/she has been discriminated against on the basis of race, color, age, religion, national origin, ancestry, sex, sexual orientation, gender identity or expression, marital status, genetic information, status as a victim of domestic violence, status as a Veteran or mental or physical disability, (including pregnancy), may discuss and/or file a grievance with either of the Civil Rights Coordinators of the Bridgeport Public Schools. Reporting should take place within 40 calendar days of the alleged discrimination. Civil Rights Coordinators:

_____ at _____ or _____ at _____

Name of Presenter/Complainant:_____

Employee____Employment Applicant_____StudentParent/Guardian_____

Home address_____

Phone_____Date of Claim_____ Date of Incident_____

1. Statement of Incident/Issue (include all pertinent information: who, how, where, when, how often, feelings, witness).

2. Please attach any additional information/documentation as necessary.

Signature of Presenter:_____

Signature of Civil Rights Coordinator:_____

Date Received:_____

Forms are available from either of the Civil Rights Coordinators, Administrators and Guidance Offices.

Personnel – Certified/Non-Certified

Nondiscrimination on the Basis of Disabilities

The Bridgeport Board of Education prohibits discrimination against any individual with a disability with regard to recruitment, advertisement and job application procedures; hiring, upgrading, promotion, awarding of tenure, demotion, transfer, layoff, termination, right of return from layoff, employee compensation, job assignments, job classifications, organizational structures, position descriptions, lines of progression and seniority lists, leaves of absence, sick leave or other leaves, fringe benefits or job training.

Federal law defines a person with a disability as one who (1) has a mental or physical impairment which substantially limits one or more major life activities such as, but not limited to, caring for one's self; performing manual tasks walking, seeing, hearing, eating, sleeping, standing, sitting, reaching, lifting, bending, reading, writing, concentrating, thinking, communicating, interacting with others, speaking, breathing, learning or working; (2) has a record of such an impairment; or (3) is regarded as having such an impairment. The Board will afford qualified disabled individuals reasonable accommodations. The Supreme Court of the United States has recognized that individuals with a communicable disease may be considered disabled.

The Bridgeport Board of Education recognizes a responsibility to avoid discrimination in policies and practices regarding its personnel, students, parents and members of the public who participate in school-sponsored programs. No discrimination against any person with a disability will be knowingly permitted in any of the programs and practices in the school system.

With regard to its employees, the Board specifically prohibits discrimination against any individual with a qualified disability with regard to recruitment, hiring, promotion or advancement, compensation, evaluation, training, or any other aspect of employment within the school system. The Board will afford qualified disabled individuals reasonable accommodations in accordance with state and federal law.

Disabled employees who can no longer perform essential job functions are encouraged to advise their supervisors or administrators of the nature of their disability and which functions cannot be performed. The Board will consider any reasonable suggestions of accommodation that would enable performance of those functions so long as the accommodation will not impose an undue hardship on the operation of the school system. The term "disability" shall be broadly construed. The determination of whether an individual has a disability should not demand extensive analysis.

A person is not qualified to perform his/her duties if his/her medical condition or disability poses a threat to health or safety of individuals in the workplace.

Persons, including employees of the district, that feel they may have been discriminated against on the basis of a disability should contact the Assistant Superintendent of Human Capital.

Personnel – Certified/Non-Certified

Nondiscrimination on the Basis of Disabilities

Employees seeking accommodations for a disability in order to perform essential job functions are encouraged to contact their supervisors or administrators and/or the Assistant Superintendent of Human Capital.

(cf. 0521 - Nondiscrimination)
(cf. 4112.4/4212.4 - Health Examinations)

Legal Reference: Connecticut General Statutes
10-209 Records not to be public.
19-581 AIDS testing and medical information.
46a-60 Discriminatory employment practices prohibited.
Federal Law
Section 504 and the Federal Vocational Rehabilitation Act of 1973, 20 U.S.C. 706(7)(b).
American Disability Act of 1989, 42 U.S.C. 12101 et. seq., as amended by the ADA Amendments Act of 2008
29 CFR, Part 1630, Regulations to Implement the Equal Employment Provisions of the Americans with Disabilities Act, as amended, published in the Federal Register, Vo. 76, No. 58, 3/25/11
Chalk v. The United States District Court of Central California.
Amendments of Americans with Disabilities Act, Title II and Title III, Regulation to Implement ADA Amendments Act of 2008. Federal Register, Vol. 81, No. 155 (28 CFR Parts 35 & 36)

Policy adopted:

BRIDGEPORT PUBLIC SCHOOLS
Bridgeport, Connecticut

4118.14
4218.14
Form

SECTION 504/ADA
EMPLOYEE REQUEST FOR ACCOMMODATION

1. Name of Employee: _____ Title/Position: _____

2. Eligibility Determination
Individuals considered eligible for protection from discrimination under Section 504/ADA are those who have a physical or mental impairment which substantially limits a major life activity; has a record of such impairment; or is regarded as having such an impairment.

   A. Please describe your mental or physical disability:

   B. Please describe the major life activity substantially limited by your disability:

   C. Please describe how your disability affects your ability to perform essential job functions:

   D. Please describe the specific accommodation(s) being requested:

   E. Have you attached medical documentation to support your request? ☐Yes ☐No

   F. If "no", please provide the name and contact information for your treating physician:

      Name: _____

      Address: _____

      Telephone #: _____

3. **Authorization to Communicate with Medical Provider**

   I hereby authorize my employer, the Bridgeport Public Schools District to obtain, and for the medical provider listed above, to release confidential protected health information to the Assistant Superintendent of Human Capital for the limited purpose of determining any work related restrictions and/or accommodations which may be necessary in order to fulfill the essential function of my employment responsibilities. Any information received by my employer pursuant to this authorization shall be subject to all applicable state and federal confidentiality laws governing further use and disclosure of such information.

_____

Employee Signature *Date*

ONCE COMPLETED, THIS FORM, ALONG WITH SUPPORTING DOCUMENTATION SHOULD BE FORWARDED TO THE ASSISTANT SUPERINTENDENT OF HUMAN CAPITAL.

WORKPLACE BULLYING IN SCHOOLS

(Background information for Policy Sub-Committee)

A 2007 survey from the Workplace Bullying Institute reported that 37 percent of American employees had been bullied at work and that it occurs four times more often than discriminatory harassment protected by law. Wrestling with changes in the level of civility in society is a nationwide challenge. To help students it is appropriate to have the adults in the school setting model appropriate behavior to one another. In addition, there is overwhelming evidence that workplace bullying may cause severe damage to a target's mental and physical health.

Workplace bullying, like childhood bullying, is the tendency of individuals or groups to use persistent aggressive or unreasonable behavior against a co-worker or subordinate. Workplace bullying can be defined as repeated inappropriate behavior, direct or indirect, whether verbal, physical or otherwise, conducted by one or more persons against another or others, at the place of work and/or in the course of employment, which could reasonably be regarded as undermining the individual's right to dignity at work. It can also be defined as repeated, unreasonable actions of individuals or a group directed against an employee or group, which are intended to intimidate, degrade, humiliate, or undermine; or which create a risk to the health or safety of the employee(s). Such bullying can involve an abuse or misuse of power. Such bullying behavior creates feelings of defenselessness and injustice in the targeted individual and undermines an individual's right to dignity in the workplace. It is also possible in the school setting for adults to bully students based upon the manner in which they interact with them.

Such bullying can include such tactics as verbal, nonverbal, psychological, physical abuse and humiliation. This type of aggression is difficult because, unlike the typical forms of school bullying, workplace bullies often operate within the established rules and policies of their organization and society. Workplace bullying is often perpetrated by management and takes many forms.

Examples of Workplace Bullying

A pattern, including, but not limited to, of the following behaviors are examples of workplace bullying:

- Unwarranted or invalid criticism
- Blame without factual justification
- Being treated differently than the rest of the work group
- Being sworn at, verbal abuse
- Exclusion or social isolation
- Being shouted at or being humiliated or ridiculed in connection with one's work
- Harassment through excessive monitoring or micro-managing
- Being exposed to an unmanageable workload
- Being given work with unrealistic deadlines
- Blame for things beyond the person's control
- Overwork and devaluation of personal life
- Over evaluation and manipulating information
- Managing by threat and intimidation

WORKPLACE BULLYING IN SCHOOLS

(continued)

How Workplace Bullying Affects People and the Organization

Victims of workplace bullying experience significant physical and mental health problems. Such problems can include the following:

- High stress; post-traumatic stress disorder
- Financial problems due to absence
- Reduced self-esteem
- Loss of self confidence
- Musculoskeletal problems
- Phobias
- Sleep and digestive disturbances
- Increased depression/self-blame
- Family tension and stress
- Adverse effects on a person's career

Each of the individual consequences listed above can also be costly for the organization. Costs of such bullying generally fall into three categories. First, there is the cost of replacing staff members that leave as a result of being bullied and the cost of training new employees. Next, work effort being displaced as staff cope with bullying incidents in which effort is directed away from work productivity and towards coping. Lastly, there are costs associated with investigations of ill treatment and potential legal action.

Workplace Bullying in the School Setting

Connecticut schools are required to have policies and a school climate plan that targets bullying; but these are aimed at students. However, a need exists for school districts to also develop and adopt anti-bullying policies for their adult employees. A core employment value is the commitment to ensuring that every individual is guaranteed a safe working environment where he/she may expect to be treated with dignity both by management and work colleagues. This approach is a positive emphasis on the importance of each individual and the contribution each makes to the success of the workplace. It guarantees the optimal working conditions that allow individuals to freely maximize their roles in the workplace. Sound management ethos is based on providing leadership that encourages individuals in this regard. This is best achieved in the school setting through the creation and maintenance of a positive working environment within a safe school climate.

Workplace bullying in schools occurs when the staff of a school engages in bullying or harassment. In many cases of workplace bullying in schools, the behavior of the staff bullying mimics the behavior of student bullies. Workplace bullying in schools consists of bullying from staff, usually teachers or instructors against students or others in the workplace such as other teachers or support staff. Such workplace bullying can include intimidation, humiliation, physical and verbal harassment, aggressive behavior, uncooperative attitude, rumors or other antisocial behavior. When directed against students it can create a very uncomfortable learning environment and lead to not only academic problems but also psychological disorders. When directed against other staff, it can create a hostile working environment and also provides a bad example for students to follow.

Workplace bullying in schools can either be overt or covert. Covert bullying occurs when no one is around to witness it. Covert bullying can be particularly frightening for the victim as the victim has no support and does not know how far the bullying will escalate. Overt bullying takes place in public with witnesses. Self-esteem can be damaged by such bullying.

Workplace bullying in schools cannot be completely prevented. However, through preventative measures it can be significantly reduced. Such measures include the adoption and implementation of code of conduct policies which outline the prohibited behavior. The code should be required reading for all staff and consideration should also be given to a training seminar on the topic. Consequences should also be a part of the policy. The policy must be focused on creating an environment where bullying is treated very seriously.

Recommended Policy Action

Through policy, a board of education can voice its desire to provide the right examples to students by the adults modeling appropriate behavior. The board of education must be committed to providing all of employees and students with an environment that is free from any form of workplace bullying. The objective of the board's policy must be to eliminate workplace bullying and to contribute to a supportive environment where the staff and students have the right to carry out the responsibilities of the school. The policy must also guarantee that all complaints will be taken seriously and investigated promptly, and that all parties will be treated with respect. Also, the staff must be protected from victimization or discrimination for assisting in an investigation. Retaliation as a result of a staff member raising a complaint should not be tolerated.

Policy Implications

Through the adoption of a policy pertaining to workplace bullying, a board of education can establish its desire to provide the right examples for students through adults modeling appropriate behavior in the school/workplace. Adult behavior becomes a means of educating students. It is important that as we look at the issue of student bullying that it is necessary for adults to behave appropriately in order to avoid sending mixed messages to students.

A new policy, #4118.15/4218.15, "Workplace Bullying (Congenial and Healthy Workplace)," follows for consideration. This is considered as an optional policy for inclusion in a district's policy manual.

Personnel-Certified/Non-Certified

Rights, Responsibilities and Duties

Workplace Bullying (Congenial and Healthy Workplace)

The purpose of this policy is to promote a healthy, positive workplace climate so that every individual is able to contribute fully to our educational community. Every person has the right to dignity at work. The rights and responsibilities described in this policy apply to all employees, parents, and all who utilize or visit District facilities.

The Board requires all employees to treat all other employees, as well as students, with dignity and respect. Building principals and supervisory staff need to be sensitive to signs of stress among staff. During periods of high stress, staff may be observed acting in an unprofessional manner with each other. Unprofessional behavior must be dealt with, and not ignored. Further, rudeness will not be tolerated among the staff.

Consequences of Bullying in the Workplace

The Bridgeport Board of Education (Board) does not condone bullying in the workplace. Workplace bullying is antithetical to maintaining a congenial and healthy workplace. The Board desires to provide a workplace that is free from violence, harassment, intimidation, and other disruptive behavior. The Board is concerned that bullying in the workplace can affect people in a number of serious ways, which include:

- High stress; post-traumatic stress disorder (PTSD);
- Loss of self-confidence;
- Deterioration in the quality of work;
- Increased absenteeism;
- Financial problems due to absence;
- Lack of communication and teamwork;
- Lack of confidence in the District leading to lack of commitment to the position;
- Reduced self-esteem;
- Musculoskeletal problems;
- Phobias;
- Sleep disturbances;
- Increased depression/self-blame; and/or
- Digestive problems

Personnel-Certified/ Non-Certified

Rights, Responsibilities and Duties

Workplace Bullying (Congenial and Healthy Workplace)

Definitions

"**Workplace bullying**" is defined as conduct that a reasonable person would find hostile, intimidating, offensive, humiliating or an abuse of authority. It may be verbal, nonverbal, public or private. Some of the most common bullying behaviors include yelling, shouting, and screaming; hostile glares and other intimidating gestures, "behind-the-back" put-downs, insults, and unfair criticisms; and the deliberate sabotage and undermining of another individual's work performance.

"Mobbing" is a particular type of bullying behavior carried out by a group rather than by an individual. Mobbing is the bullying or social isolation of a person through collective unjustified accusations, humiliation, general harassment or emotional abuse. Although it is group behavior, specific incidents such as an insult or a practical joke may be carried out by an individual as part of mobbing behavior.

Examples of Bullying in the Workplace

Inappropriate behavior includes actions that intimidate, offend, degrade or humiliate a worker, which at times can occur in the presence of co-workers, students, parents, contractors or visitors to the school or school activities. The Board believes that:

- Bullies can be supervisors, subordinates, co-workers, and colleagues;
- Bullies often operate within the established rules and policies of their organization; and
- The damage that such actions cause, both to the targeted employee and to workplace morale, is significant.

The Board believes it is necessary to maintain a congenial, healthy and supportive workplace in order to avoid institutional bullying. Institutional bullying is when bullying becomes entrenched in an organization and becomes accepted as part of the workplace culture.

In order to develop and maintain a congenial, healthy and supportive workplace that contributes in a positive manner to the educational services provided to the students of the District, the Board considers the following examples of bullying as a detriment in the educational workplace.

Personnel-Certified/ Non-Certified

Rights, Responsibilities and Duties

Workplace Bullying (Congenial and Healthy Workplace)

Examples of Bullying in the Workplace (continued)

The illustrative examples of bullying include, but are not limited to:

- Provocative or dehumanizing name calling;
- Belittling the person;
- Discounting or humiliating people at meetings;
- Deliberate exclusion from job-critical decision-making opportunities;
- Preventing an employee from meeting students' academic potential;
- Unwarranted or invalid criticism;
- Blame without factual justification;
- Being treated differently than the rest of a person's work group;
- Being sworn at;
- Exclusion or social or physical isolation;
- Rumors (or failing to stop them) and gossip about a person or school's reputation;
- Being shouted at or being humiliated;
- Being the target of practical jokes;
- Subjected to excessive monitoring; and
- Other inappropriate behavior includes actions that intimidate, offend, degrade or humiliate a co-worker, including occurrences in front of other co-workers, students, parents, contractors or visitors.

Reporting of Workplace Bullying/Procedures

Employees who believe they have been subjected to workplace bullying should report to their immediate Supervisor/the Building Principal/Superintendent of Schools or their designee in writing. The report should include details of the date, time, place and the specific conduct which occurred. Their immediate Supervisor/Building Principal/Superintendent or their designee will seek to maintain confidentiality while investigating the incident(s) but may discuss the situation with other supervisors/administrators or, if deemed necessary, with the Chairperson of the Board, via the Superintendent of Schools. The District will implement appropriate remedial measures. Disciplinary action may be taken if the severity of the workplace bullying makes that intervention appropriate. While investigating and responding to the prohibited misconduct, the immediate Supervisor/Principal/Superintendent, or their designee, will give priority to avoiding possible retaliation or reprisals, while restoring and maintaining a congenial and healthy workplace.

Personnel-Certified/ Non-Certified

Rights, Responsibilities and Duties

Workplace Bullying (Congenial and Healthy Workplace)

Reporting of Workplace Bullying/Procedures (continued)

At times, incidents of workplace bullying can be handled effectively in an informal manner. If an incident occurs that is offensive, it may be sufficient to explain clearly to the offender that the behavior is unacceptable. If the circumstances are too difficult or embarrassing for an individual, support may be sought from another colleague, a contact person, staff representative or an administrator. A complainant may decide, for whatever reason, to bypass the informal procedure and proceed to the filing of a written complaint.

It is the intent of this policy that such issues are identified early by the targeted individual, a co-worker or colleague, and the issue is resolved at the earliest possible stage.

Related Considerations

Bullying must not be confused with the non-abusive exercise of management rights to assign tasks, coach, and reprimand or take disciplinary actions against employees. Any administrator, supervisor or individual in a position of leadership to whom a complaint is reported (verbally or in writing) must take appropriate action according to internal procedures. Failure to comply may result in disciplinary action.

Freedom from retaliation is protected under this policy. Retaliation is a separate offense from the original claim of bullying. Protected individuals include complainants, or anyone who testifies, assists, or participates in any manner in an investigation or proceeding, internal or external, pertaining to the allegation of bullying.

Misuse of the policy is a violation of the policy itself.

This policy supplements but does not replace the District's policies pertaining to discrimination and harassment.

Personnel-Certified/ Non-Certified

Rights, Responsibilities and Duties

Workplace Bullying (Congenial and Healthy Workplace)

(cf. 0521 – Nondiscrimination)
(cf.1316 – Conduct on School Property)
(cf. 4118.11/4218.11 – Nondiscrimination)
(cf. 4118.112/4218.112 – Sexual Harassment)
(cf. 4118.13/4218.13 – Conflict of Interest)
(cf. 4118.211 – Retaliation and Whistle-Blowing)
(cf. 4118.24/4218.24 – Staff/Student Relations)
(cf. 5131.911 – Connecticut School Climate Policy)

Legal Reference: Connecticut General Statutes

10-221 Boards of education to prescribe rule(s), policies, and procedures.

10-238 Petition for hearing by board of education.

Policy adopted:

BRIDGEPORT PUBLIC SCHOOLS
Bridgeport, Connecticut

Personnel – Certified/Non-Certified

Reports of Suspected Abuse or Neglect of Children

Conn. Gen. Stat. Section 17a-101 et seq. as amended by Public Act 97319, requires certain educational personnel (school teachers, school administrators, school guidance counselors, paraprofessionals physicians, physical therapists, dentists, dental hygenist, and coaches of intramural and interscholastic athletics as well as licensed nurses, psychologists and social workers, and other mental health professionals, who have reasonable cause to suspect or believe that a child has been abused or neglected to report such abuse and/or neglect. In furtherance of this statute and its purpose, it is the policy of the Bridgeport Board of Education to require all employees of the Bridgeport Public Schools District to report suspected abuse and/or neglect, in accordance with the procedures set forth below.

1. **Scope of Policy**

   This policy applies to all employees of the Bridgeport Public Schools District.

2. **Definitions**

   For the purposes of this policy:

   "**Abused**" means that a child (a) has bad physical injury or injuries inflicted upon him other than by accidental means, or (b) has injuries which are at variance with the history given of them, or (c) is in a condition which is the result of maltreatment, such as, but not limited to, malnutrition. sexual molestation or exploitation, deprivation of necessities, emotional maltreatment or cruel punishment.

   "**Neglected**" means that a child (a) has been abandoned, or (b) is being denied proper care and attention, physically, educationally, emotionally or morally, or (c) is being permitted to live under conditions, circumstances or associations injurious to his/her well-being, or (d) has been abused.

   "**Statutory mandated reporter**" means an individual required by Conn. Gen. Stat. Section 17a-101 to report suspected abuse and/or neglect of children. In the public school context, the term "statutory mandated reporter" includes teachers, school administrators, school guidance counselors, paraprofessionals, licensed nurses, physicians, physical therapists, dentists, dental hygenist, coaches of intramural or interscholastic athletics, psychologists, social workers and other mental health professionals.

3. **What Must Be Reported**

   A report must be made when any employee of the Bridgeport Public Schools District, in their professional capacity has reasonable cause to suspect or to believe that a child under the age of eighteen:

   a. has been abused; or,

   b. has had non accidental injuries or physical injuries which are at variance with the history given for them inflicted by a person responsible for the child's health, welfare or care or by a person given access to such child by a responsible person, or

   c. has been neglected.

Personnel – Certified/Non-Certified

Reports of Suspected Abuse or Neglect of Children (continued)

4. Reporting Procedures for Statutory Mandated Reporters

The following procedures apply only to statutory mandated reporters, as defined above.

a. When an employee of the Bridgeport Public Schools District has reasonable cause to suspect or believe that a child has been abused or neglected, the following steps shall be taken.

i. The employee shall immediately upon having reasonable cause to suspect or believe that a child has been abused or neglected, and in no case later than twelve hours after having such a suspicion or belief, make an oral report by telephone, electronically or in person to the Commissioner of Children and Families or the local law enforcement agency.

ii. The employee shall also immediately make an oral report to the Superintendent or the Superintendent's designee.

iii. In cases involving suspected or believed abuse or neglect by a school employee, the Superintendent or their designee shall immediately notify the child's parent or guardian that such a report has been made.

iv. Within 48 hours of making an oral report the employee shall submit a written report to the Commissioner of Children and Families or their representative containing all of the required information.

v. The employee shall immediately submit a copy of the written report to the Superintendent or the Superintendent's designee.

vi. If the report concerns suspected abuse or neglect by a certified school employee, the Superintendent shall submit a copy of the written report to the Commissioner of Education or his/her representative.

5. Reporting Procedures for Employees Other Than Statutory Mandated Reporters

The following procedures apply only to employees who are not statutory mandated reporters, as defined above.

a. When an employee who is not a statutory mandated reporter has reasonable cause arising out of, or in the course of their employment, to suspect or believe that a child has been abused or neglected, the following steps shall be taken.

i. The employee shall immediately upon having reasonable cause to suspect or believe that a child has been abused or neglected, and in no case later than twelve hours after having such a suspicion or belief, make an oral report by telephone or in person to the Superintendent of Schools or their designee, to be followed by an immediate written report to the Superintendent or their designee.

ii. If the Superintendent or their designee determines that there is reasonable cause to suspect or believe that a child has been abused or neglected, they shall cause reports to be made in accordance with the procedures set forth for statutory mandated reporters, set forth above.

Personnel – Certified/Non-Certified

Reports of Suspected Abuse or Neglect of Children

5. **Reporting Procedures for Employees Other Than Statutory Mandated Reporters** (continued)

   b. Nothing in this policy shall be construed to preclude an employee from reporting suspected child abuse and/or neglect from reporting the same directly to the Commissioner of Children and Families.

6. **Contents of Reports**

   Any oral or written report made pursuant to this policy shall contain the following information, if known:

   a. the names and addresses of the child and their parents or other person responsible for their care;

   b. the age of the child,

   c. the gender of the child;

   d. the nature and extent of the child's injury or injuries, maltreatment or neglect;

   e. the approximate date and time the injury or injuries, maltreatment or neglect occurred;

   f. information concerning any previous injury or injuries to, or maltreatment or neglect of the child or his/her siblings;

   g. the circumstances in which the injury or injuries, maltreatment or neglect came to be known to the reporter;

   h. the name of the person or persons suspected to be responsible for causing such injury or injuries, maltreatment or neglect; and

   i. whatever action, if any, was taken to treat, provide shelter or otherwise assist the child.

7. **Investigation of the Report**

   If the suspected abuser is a school employee, the Superintendent shall thoroughly investigate the report. Recognizing the fact that the Department of Children and Families is the lead agency for the investigation of child abuse and neglect reports, the Superintendent's, investigation shall be coordinated with the Department of Children and Families and/or the police in order to minimize the number of interviews of any child and to share information with other persons authorized to conduct an investigation of child abuse and neglect. When investigating a report, the Superintendent shall endeavor to obtain, when possible, the consent of parents or guardians or other persons responsible for the care of the child to an interview with a child. except in those cues in which there is reason to believe that the parents or guardians or other persons responsible for the care of such child are the perpetrators of the alleged abuse, or where the Department of Children and Families has indicated and obtaining such consent will interfere with its investigation.

Personnel – Certified/Non-Certified

Reports of Suspected Abuse or Neglect of Children

7. Investigation of the Report (continued)

The investigation shall include an opportunity for the suspected abuser to be heard with respect to the allegations contained within the report. During the course of an investigation of suspected abuse by a school employee, the Superintendent may suspend the employee with pay or may place the employee on administrative leave with pay, pending the outcome of the investigation.

a. Evidence of Abuse by Certified School Employee

If, upon completion of the investigation by the Commissioner of Children and Families, the Superintendent has received a report from the Commissioner of Children and Families that the Commissioner of Children and Families has reasonable cause to believe that a child has been abused by a certified employee in a position requiring a certificate.

The Superintendent shall suspend the employee, if not previously suspended, with pay and without diminution, or termination of benefits.

Regardless of the outcome of any investigation by the Commissioner of Children and Families and/or the police. the Superintendent and/or the Board, as appropriate, may take disciplinary action, up to and including termination of employment in accordance with the provisions of any applicable statute, if the investigation produces evidence that a child has been abused by a certified school staff member.

If the contract of employment of such certified school employee is terminated as a result of an investigation into reports of child abuse and neglect, the Superintendent shall notify the Commissioner of Education, or their representative, within seventy-two (72) hours after such termination.

b. Evidence of Abuse by Other School Staff

If the investigation by the Superintendent and/or the Commissioner of Children and Families produces evidence that a child has been abused by a non-certified school staff member, the Superintendent, as appropriate, may take disciplinary action, up to and including termination of employment.

8. Delegation of Authority by Superintendent

The Superintendent may appoint a designee for the purposes of receiving and making reports, notifying and receiving notification, or investigating reports pursuant to this policy.

9. Disciplinary Action for Failure to Follow Policy

Any employee who fails to comply with the requirements of this policy shall be subject to discipline, up to and including termination of employment.

Personnel – Certified/Non-Certified

Reports of Suspected Abuse or Neglect of Children (continued)

10. Non-discrimination Policy

The Bridgeport Board of Education shall not discharge or in any manner discriminate or retaliate against any employee who, in good faith makes, or in good faith does not make, a report pursuant to this policy, or testifies or is about to testify in any proceeding involving abuse or neglect.

Legal References: Connecticut General Statutes

Section10-151

Section 17a-101 et seq. Report of abuse, neglect or injury of child or imminent risk of serious harm to child. Factors for mandated reporter's suspicion or belief; preliminary inquiries.

Public Act 97-319

Public Act 02-106

Policy adopted:

BRIDGEPORT PUBLIC SCHOOLS
Bridgeport, Connecticut

Personnel – Certified/Non-Certified

Ethics

Bridgeport Public Schools' employees must adhere to current standards of ethical behavior as referenced by City of Bridgeport Ethics Policy, Connecticut Code of Professional Responsibility for Teachers, Connecticut Code of Professional Responsibility for School Administrators and Standards for School Leaders.

Policy adopted:

BRIDGEPORT PUBLIC SCHOOLS
Bridgeport, Connecticut

Personnel – Certified/Non-Certified

Rights, Responsibilities, and Duties

Social Networking

The Bridgeport Board of Education (Board) has a strong commitment to providing quality education and ensuring the well-being of all students, as well as preserving the school district's reputation. The Board believes staff members must establish and maintain public trust and confidence and be committed to protecting all students attending the school district. In support of the Board's strong commitment to the public's trust and confidence, the Board holds all staff members to the highest level of professional responsibility.

Inappropriate conduct outside a staff member's professional responsibilities may determine them as unfit to discharge the duties and functions of their position. Staff members should be advised that communications, publications, photographs, and other information appearing on social networking sites deemed inappropriate by the Board may be cause for discipline, up to and including termination of employment, consistent with state and federal law.

Staff members are advised to be concerned and aware that such conduct deemed inappropriate may include, but is not limited to, communications and/or publications using e-mails, text-messaging, social networking sites, or any other form of electronic communication that is directed and/or available to students or for public display or publication.

While the Board respects the right of staff members to use social networking sites, staff members should recognize they are held to a higher standard than the general public regarding standards of conduct and ethics. A staff member's use of these sites must not harm the reputation of the school district, its employees, students, or their families. Staff members who utilize, post, or publish images, photographs, or comments on social networking sites, podcasts, or other forms of electronic communication outside their professional responsibilities must ensure that their use, postings, or publications are done with an appropriate level of professionalism and are in keeping with the conduct expected of a school staff member. Staff members shall exercise care in setting appropriate boundaries between their personal and professional online behavior, understanding that what is private in the digital world often has the potential to become public, even without their knowledge or consent.

The school district strongly encourages all staff members to carefully review the privacy settings on social networking sites they use and exercise care and good judgment when posting content and information on such sites. Staff members should adhere to the following guidelines, which are consistent with the District's workplace standards on harassment, student relationships, conduct, professional communication, and confidentiality.

When using personal social networking sites, school staff members:

1. Should not make statements that would violate any of the district's policies, including its policies concerning discrimination or harassment;

Personnel – Certified/Non-Certified

Rights, Responsibilities and Duties

Social Networking (continued)

2. Must uphold the district's value of respect for the individual and avoid making defamatory statements about the school district, employees, students, or their families;
3. May not disclose any confidential information about the school district or confidential information obtained during their employment, about any individual(s) or organization, including students and/or their families;
4. Shall not use social networking sites to post any materials of a sexually graphic nature;
5. Shall not use social networking sites to post any materials that promote violence;
6. Shall not use social networking sites which would be detrimental to the mission and function of the District;
7. Are prohibited from using their school district title as well as adding references to the District in any correspondence, including, but not limited to, e-mails, postings, blogs, and social networking sites, unless the communication is of an official nature and is serving the mission of the district. This prohibition also includes signature lines and personal e-mail accounts; and
8. Shall not post or publish any information that the Superintendent would deem to be inappropriate conduct by a school staff member.

The Policy of this district is to maintain a level of professionalism both during and after the school day. Any publication through any means of electronic communication that is potentially adverse to the operation, morale, or efficiency of the District will be deemed a violation of this Policy. If the Board or Superintendent believes that a staff member's activity on any social networking site violates the District's policies, the Board or Superintendent may request that the employee cease such activity. Depending on the severity of the incident, the staff member may be subject to disciplinary action.

This Policy has been developed and adopted by this Board to provide guidance and direction to staff members on how to avoid actual and/or the appearance of inappropriate conduct toward students and/or the community while using social networking sites.

Personnel – Certified/Non-Certified

Rights, Responsibilities and Duties

Social Networking (continued)

(cf. 4118.24/4218.24 – Staff/Student Non-Fraternization)
(cf. 4118.4/4218.4 – E-Mail – Electronic Monitoring)
(cf. 4118.5/4218.5 – Responsible Computer Network Use)
(cf. 4131 – Staff Development)
(cf. 5125 – Student Records)
(cf. 6141.32 – Computer Literacy)
(cf. 6141.321 – Student Responsible Use of the Internet)
(cf. 6141.322 – Websites/Pages)
(cf. 6141.323 – Internet Safety Policy/Filtering)

Legal References: Connecticut General Statutes

The Freedom of Information Act

53A-182B Harassment in the first degree.

31-48d Employees engaged in electronic monitoring required to give prior notice to employees. Exceptions. Civil penalty.

United States Code, Title 20

675 1-6777 Enhancing Education Through Technology Act, Title II, Part D, especially: 6777 Internet safety

United States Code, Title 47

254 Universal service discounts (E-rate)

Code of Federal Regulations, Title 47

54.520 Internet safety policy and technology protection measures, E-rate discounts

U.S. Constitution, 1st Amendment

Connecticut Constitution, Article 1, Sections 3, 4, 14

Policy adopted:

BRIDGEPORT PUBLIC SCHOOLS
Bridgeport, Connecticut

Instruction/Personnel - Certified-Non-Certified

Electronic Resources

Generative AI (Artificial Intelligence)

The Bridgeport Board of Education is committed to providing our students with the most innovative and effective educational experiences, fostering high levels of learning and opportunities for self-expression. As our schools prepare students for a future that demands adaptability, critical thinking, and digital literacy, we recognize the potential of generative Artificial Intelligence (AI) and related technologies. When used responsibly, AI has the potential to enhance teaching and learning, improve operational performance, and support student success.

As with all technologies, users must be mindful of and adhere to considerations that ensure responsible and ethical use, especially in mitigating bias, promoting transparency, and ensuring the benefits of AI are accessible to all students. This policy provides a framework to empower AI users while ensuring appropriate safeguards against discrimination, privacy violations, and a lack of accountability and transparency, and setting expectations for ethical use, data protection, academic integrity, professional learning, and ongoing oversight.

While ensuring the responsible use of generative AI technologies by those interacting with and creating content, the Board emphasizes its commitment to fostering a dynamic and engaging learning environment that leverages AI advancements to enhance student learning outcomes and equip students with the skills and dispositions necessary for success in the digital age.

I. Definitions and Scope

For purposes of this policy:

1. **Artificial Intelligence (AI)** refers to technologies that perform tasks that typically require human intelligence, including but not limited to content generation, data analysis, pattern recognition, predictive modeling, decision support, or adaptive learning.
2. **AI Tools** include generative AI systems, machine learning applications, adaptive educational platforms, and AI-enabled administrative or operational systems.
3. **Generative Artificial Intelligence** (GAI) refers to AI-enabled systems that generate text, images, audio, video, code, or other content in response to prompts or data inputs.
4. **Users** include students, staff, contractors, and vendors who access or deploy AI tools in connection with District programs or operations.

This policy applies to all AI tools used for instructional, assessment, administrative, or operational purposes within the District, whether provided by the District or accessed independently by staff or students when used for school-related activities.

Instruction/Personnel - Certified-Non-Certified

Electronic Resources

Generative AI (Artificial Intelligence) (continued)

II. Guiding Principles

The District's use of AI shall be guided by the following principles:

1. **Fairness**: AI tools shall be selected, deployed, and monitored to avoid bias, discrimination, or disparate impact on students, staff, or families, particularly based on legally protected characteristics.
2. **Transparency**: The District shall promote transparency by ensuring that students, staff, and families understand when and how AI tools are used in instruction, assessment, and District operations.
3. **Accountability**: Human oversight and clear lines of responsibility shall be maintained for decisions and outcomes influenced or supported by AI systems.
4. **Security and Privacy**: The District shall protect student and staff data by ensuring that AI tools comply with applicable Federal and State privacy, security, and data protection laws and standards.

III. Ethical Principles and Responsible Use

The District is committed to the ethical and responsible use of AI. Accordingly,

1. **Human Oversight and Agency**: AI systems shall support – not replace – professional judgment and decision-making. Final responsibility for instructional, evaluative, and operational decisions remains with District personnel.
2. **Avoidance of Discrimination and Disparate Impact**: The District shall evaluate AI tools for potential bias and inequitable outcomes and shall take corrective action when such risks are identified. To that end, the District shall develop procedures to evaluate the AI tools' ability to address such impacts.
3. **Privacy and Data Protection**: AI use shall respect individual privacy rights and limit data collection and retention to what is necessary for legitimate educational purposes and comply with records retention schedules.
4. **Equity**: The District shall consider accessibility, digital equity, and inclusive design when adopting or approving AI tools to ensure that AI use does not exacerbate existing inequities.

IV. Academic Integrity and Instructional Practices

The Board affirms that AI may be a valuable instructional tool when used safely, responsibly, and ethically.

1. **Permitted Uses**: AI tools may be used, consistent with teacher direction and District guidance, for purposes such as:

    a. Students

        i. Thinking critically
        ii. Helping generate ideas, vocabulary, or outlines

Instruction/Personnel - Certified-Non-Certified

Electronic Resources

Generative AI (Artificial Intelligence)

IV. Academic Integrity and Instructional Practices (continued)

iii. Soliciting and reviewing feedback on original work.
iv. Prompting AI tools to provide outlines and other supports for structuring original work.
v. Researching and gathering various perspectives on topics and issues.
vi. Breaking down complex concepts.

b. Professional Staff

i. Teaching students to evaluate AI outputs and think critically.
ii. Providing formative feedback.
iii. Supporting differentiation and accessibility (Creating scaffolds for diverse learners).
iv. Enhancing instructional planning and analysis.

2. **Prohibited Uses**: AI tools shall not be used to:

a. Students

i. Substituting for original work without acknowledgment/attribution.
ii. Circumventing academic expectations or District codes of conduct.
iii. Completing assignments, assessments, or examinations in a manner that misrepresents a student's knowledge or skills.

b. Professional Staff

i. Substituting for original work without acknowledgment/attribution.
ii. Allowing AI to assume professional tasks without acknowledgment, review, and sound judgment.

3. **Acknowledgment and Disclosure**: When appropriate, students and staff shall acknowledge and explain their use of AI tools to promote transparency, reflection, and ethical decision-making.

V. Data Privacy, Security, and Procurement

Recognizing that AI tools may process sensitive information, the District establishes the following safeguards:

1. **Legal Compliance**: All AI tools shall comply with the Family Educational Rights Act (FERPA), Connecticut student privacy laws, and other applicable federal and state requirements.
2. **Procurement and Review**: The District shall maintain a review and approval process for AI tools, including:
   a. Evaluation of vendor data practices and security measures.
   b. Verification of compliance with State data protection standards.
   c. Review of claims regarding AI functionality, limitations, and data use.

Instruction/Personnel - Certified-Non-Certified

Electronic Resources

Generative AI (Artificial Intelligence)

V. Data Privacy, Security, and Procurement (continued)

3. **Data Minimization and Security**: AI tools shall collect and retain only data necessary for educational purposes, and appropriate measures shall be in place to protect against unauthorized access or misuse.

VI. Professional Development and AI Literacy

The District shall support ongoing professional development related to AI. Such professional development shall include, but not be limited to:

1. Support training for educators and administrators on AI literacy, ethical use, data privacy, and instructional integration.
2. Modeling responsible AI use and embedding ethical considerations into instruction, helping students develop critical thinking and digital citizenship skills.

VII. Stakeholder Engagement and Policy Review

To ensure this policy remains responsive to evolving technology and guidance:

1. The Board shall review this policy on a regular cycle and update it as needed to reflect changes in technology, law, and State guidance, including, but not limited to future updates to Policy AI-01 and recommendations generated by the GAI Advisory Committee.
2. The District shall engage educators, students, and families in reviewing AI practices and policy implementation to promote transparency and trust.

VIII. Implementation and Administration

The Superintendent or their designee shall develop administrative regulations to implement this policy. Such elements shall include those related to students, staff, and administrative operational productivity and functionality to more effectively align with the Board's mission to meet the needs of all students.

(cf. 6141.321 – Student Responsible Use of the Internet)
(cf. 5121.3 – Academic Dishonesty/Plagiarism)
(cf. 6162.51 – Surveys of Students (Student Privacy))

Legal Reference: Public Act 23-16 An Act Concerning Artificial Intelligence, Automated Decision-Making and Personal Data Privacy
Public Act 24-151 An Act Authorizing and Adjusting Bonds of the State and Concerning Provisions Related to State and Municipal Tax Administration, General Government and School Building Projects

Policy adopted: BRIDGEPORT PUBLIC SCHOOLS
Bridgeport, Connecticut

R5145.5

R4118.112

R4218.112

Personnel -- Certified/Non-Certified

Students

Prohibition Against Sexual Harassment

Response to Reports of Sexual Harassment and Grievance Procedures for Formal Complaints

Scope

This regulation shall govern reports and complaints of sexual harassment made by or against Bridgeport Public Schools students and employees alike.

Only reports/complaints of sexual harassment in violation of Title IX are governed by this regulation. The grievance process required for formal sexual harassment complaints contained in this regulation does not apply to complaints alleging discrimination based on pregnancy, different treatment based on sex, or other forms of sex discrimination. Reports of sex discrimination other than sexual harassment shall be made and addressed in accordance with the Bridgeport Board of Education policies and regulations governing non-discrimination/sex discrimination.

Responding to Sexual Harassment

The District will respond to all incidents of sexual harassment: (a) of which it has actual knowledge, and (b) that occurs within the school's education program or activity and (c) occurs against a person in the United States.

"Actual knowledge" means notice of sexual harassment or an allegation of sexual harassment brought to the attention of the Title IX Coordinator, any official of the school who has authority to institute corrective measures on the behalf or the school as well as to any employee of an elementary and secondary school. Accordingly, any District employee with actual knowledge that sexual harassment is occurring shall notify the District's Title IX Coordinator.

Education program or activity includes locations, events, or circumstances over which the school exercises substantial control over both the respondent (perpetrator of sexual harassment) and the context in which the sexual harassment occurs. In addition to occurring on school grounds, sexual harassment may potentially occur off campus, in places or situations where athletic and extracurricular activities occur, on field trips, on the school bus, at school related conferences or through use of school technology depending upon whether the District exercises control over both the respondent and the context in which the sexual harassment occurs.

Reporting Sexual Harassment

Informal Reports

Any person, including parent/guardians, students, employees and third parties, may report sexual harassment in the District's education program or activity. Reporting may be in person, by mail, telephone, or by electronic mail, using the contact information provided for the Title IX Coordinator. Reports may be made during non-business hours. Reports may be made anonymously. When a reporter fails to identify a specific complainant (victim of sexual harassment) or to identify him/herself as the reporter, the District's response may be limited. Informal reports will be accepted in any form; however, forms for making both informal reports and formal complaints are available on the District's website and may also be obtained from the Title IX Coordinator.

Formal Complaint

While third parties may make informal reports of sexual harassment in the District's education program or activities, a formal complaint may only be made by a complainant or by the Title IX Coordinator, triggering an investigation and adherence to grievance procedures set forth herein. A formal complaint is a document filed by a complainant or signed by the Title IX Coordinator alleging sexual harassment and requesting that an investigation commence.

While there is no time limit for making a report or filing a formal complaint of sexual harassment, reporters/complainants are encouraged to promptly report incidents of sexual harassment to avoid the potential loss of evidence, a lapse in the memories of parties or witnesses or the unavailability of persons key to an investigation. The District understands that a victim may decide not to report sexual harassment, to file a formal complaint and/or may decide to wait to come forward with a report/formal complaint for a variety of reasons. The District respects complainants' decisions. However, the Title IX Coordinator has discretion to sign a formal complaint that initiates the grievance process where necessary to avoid deliberate indifference to sexual harassment even without a formal complaint from the complainant.

Forms for making both informal reports and formal complaints are available on the District's website and from the Title IX Coordinator.

Supportive measures will be offered to a complainant with or without a formal complaint.

The Title IX Coordinator may consolidate formal complaints as to allegations against more than one respondent, or by more than one complainant against one or more respondents, or by one party against the other party, where the allegations arise out of the same facts or circumstances.

Response Including Supportive Measures

Upon actual knowledge of sexual harassment, the Title IX Coordinator will promptly contact the complainant to advise and discuss with the complainant (1) the availability of supportive measures (with or without a formal complaint) and consider the complainant's wishes with respect to supportive measures (2) the right to file a formal complaint, and (3) how to file a

formal complaint. The complainant shall be provided with a copy of the Board's policy prohibiting sexual harassment and with a copy of this regulation containing the grievance procedure.

With or without the filing of a formal complaint, a complainant as well as a respondent shall be offered, free of charge, non-disciplinary, non-punitive individualized supportive measures. Supportive measures are designed to restore or preserve equal access to the education program or activity, protect the safety of all parties and the educational environment, and deter sexual harassment, without unreasonably burdening the other party.

Supportive measures may include, but are not limited to:

- Counseling
- Course adjustments
- Modification of work
- Modification of class schedules
- Escorts
- Increased monitoring
- Restrictions on contact

Supportive measures may be modified at any time as appropriate based upon changed or evolving circumstances and may be offered before or after the filing of a formal complaint or where no complaint has been filed at all. Supportive measures may also be part of any ultimate remedy. No disciplinary action for sexual harassment shall be taken against a respondent without first following the grievance procedures set out herein and a determination of responsibility has been made. If the respondent has engaged in conduct other than sexual harassment in violation of a code of conduct or similar restriction, the respondent may be disciplined for such action(s) notwithstanding an ongoing investigation.

Emergency Removal/Administrative Leave

With or without the filing of a formal complaint, an emergency removal of a respondent from the education program or activity is permissible provided that the District conducts an individualized safety and risk analysis and determines that emergency removal is necessary in order to protect a student or other individual from an immediate threat to physical health or safety, and provides notice and an opportunity to challenge the decision. This does not modify any rights under the Individuals with Disabilities Education Act (IDEA), Section 504 of the Rehabilitation Act of 1973, or the Americans with Disabilities Act (ADA).

A non-student employee respondent may be placed on administrative leave during the pendency of an investigation.

Dismissals of Complaints

Mandatory Dismissal

A complaint of sexual harassment must be dismissed if:

1. it fails to allege conduct that constitutes sexual harassment, even if proved;

2. the alleged conduct did not occur in a District activity or program or

3. the alleged conduct did not occur against a person in the United States.

Permissive Dismissal

A complaint of sexual harassment may be dismissed if:

1. the complainant notifies the Title IX Coordinator that he/she wishes to withdraw the complaint or an allegation;

2. the respondent's enrollment or employment ends;

3. specific circumstances exist that prevent the District from gathering enough evidence to reach a determination i.e. significant passage of time between the formal complaint and the alleged conduct; failure of a complainant to cooperate with the grievance process.

The complainant and the respondent will promptly and simultaneously be provided written notice of the dismissal of a complaint or allegation including the reasons for the mandatory or discretionary dismissal and an explanation of appeal rights as set forth in this regulation.

Grievance Procedures (to be used for formal complaints only)

Grievance Procedures consistent with the regulations under Title IX as promulgated by the U.S. Department of Education and the principles of due process, the Bridgeport Board of Education adopts the following Grievance Procedures responsive to formal complaints.

a. Notice

Written notice of the complaint shall be provided to the respondent prior to an initial interview with the respondent.

Written notice provided to the respondent shall include:

- notice of the Grievance Procedure, including any informal resolution process;

- notice of the allegations in sufficiently detail to allow the respondent to prepare a response; a statement that the respondent is presumed not responsible for sexual harassment and responsibility will be determined at the conclusion of the Grievance Process;

- notice of the right to have an advisor to inspect/review evidence; and

- notice of any provision in applicable codes of conduct that prohibit knowingly making false statements or providing false information in the grievance process.

Likewise, the complainant shall be provided with written notice of a formal complaint.

Additional written notice shall be provided to the parties in the event of additional or revised allegations of sexual harassment.

b. Investigation

The District will promptly investigate all formal complaints of sexual harassment in accordance with these grievance procedures.

The District will designate personnel to investigate formal complaints and such personnel shall be trained in accordance with this regulation. The person(s) designated as the investigator(s) may not be the same person as the Decision-maker(s).
The investigator will attempt to collect all relevant information and evidence. While the investigator, acting on behalf of the District, will have the burden of gathering evidence, it is crucial that the parties present evidence and identify witnesses to the investigator so that they may be considered during the investigation. The investigation may include, among other things, interviewing the complainant, the respondent, any witnesses; reviewing law enforcement investigation documents if applicable; reviewing relevant student or employment files (preserving confidentiality as required by law); and gathering and examining other relevant documents, social media, and evidence.

Until a determination is made, the respondent shall be entitled to a presumption of that they are not responsible for sexual harassment. Both parties are to be treated fairly throughout the investigation and shall be entitled to an unbiased investigator who has not prejudged the matter being investigated.

The burden of proof shall be by a preponderance of the evidence. Both parties shall be provided with an equal opportunity to present facts and witnesses and other inculpatory or exculpatory evidence. However, the burden of proof rests on the District not the parties.

Each party shall have the opportunity to select an advisor of the parties "choice." The advisor may accompany the parties during any grievance proceeding at which the party's attendance is requested. The District may, in its discretion, establish certain restrictions regarding the extent to which an advisor may participate in the proceedings. If any such restrictions are established, they will be applied equally to all parties.

The school shall send written notice to both the complainant and respondent of any investigative interviews, or other meetings providing sufficient time for the party to prepare to participate.

Prior to the conclusion of the investigation and the issuing of a final investigative report, the complainant and respondent and their advisors, if applicable, shall be provided evidence directly related to the allegations (electronic or hard copy) with at least ten (10) calendar days to inspect, review and respond in writing to the evidence. The evidence provided shall include the evidence

upon which the District does not intend to rely in reaching a determination regarding responsibility and inculpatory or exculpatory evidence whether obtained from a party or other source. Such evidence shall not be further disseminated by the parties. The parties and advocates shall not further disseminate such evidence and may be required to execute a non-disclosure agreement.

The complainant and respondent shall not be prohibited from discussing the allegations or gather evidence, i.e. no "gag" orders. All parties' First Amendment rights shall be honored.

Evidence of the complainant's prior sexual activity is not relevant and may not be introduced except to prove that someone other than the respondent committed the alleged misconduct or is offered to prove consent.

Supportive measures shall be offered to the complainant or respondent pending a final resolution after consultation with them.

c. Investigative Report

The investigator shall create an investigative report that fairly summarizes the relevant evidence. The investigator shall provide the Decision-Maker the investigative report along with the evidence considered. The parties will be provided with a copy of the final investigative report shared with the Decision-Maker.

d. Decision-Maker

The Superintendent of Schools will appoint a Decision-Maker(s), who shall be a District employee or third-party contractor and who shall be someone other than the Title IX Coordinator or investigator(s).

The parties may submit a written response to the Decision-Maker within ten (10) calendar days of receiving the investigative report from the investigator. The Decision-Maker may extend this deadline for good cause.

Before reaching a determination regarding responsibility, the Decision-Maker must afford each party the opportunity to submit written, relevant questions that a party wants asked of any party or witness, provide each party with the answers, and allow for additional, limited follow-up questions from each party. The Decision-Maker will determine if the questions submitted are relevant to the case and will then forward the relevant questions to the respective parties or witness for a response. The Decision-Maker will explain to the party proposing the questions any decision to exclude a question as not relevant. The Decision-Maker will provide the parties with the answers to their questions and allow for limited follow-up questions by the parties.

The Decision-Maker must review all the evidence; apply the preponderance of the evidence standard; and issue a written determination.

The written determination must include:

a) an identification of the allegations potentially constituting sexual harassment.

b) a description of procedural steps taken from the receipt of the formal complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and hearings held.

c) findings of fact supporting the determination.

d) conclusions as to whether the conduct alleged occurred and whether the conduct violated the District's code of conduct,

e) the rationale for the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions the District imposes on the respondent, and whether remedies designed to restore or preserve equal access to the District's education program or activity will be provided by the District to the complainant; and

f) the District's procedures and permissible bases for the complainant and respondent to appeal.

The Decision-Maker's written determination shall not be issued sooner than ten (10) calendar days from receipt of the investigative report, allowing minimally ten (10) calendar days for an opportunity for the parties to submit written responses and exchange questions and responses and for consideration of these by the Decision-Maker. While taking into consideration the District's overall obligation to respond promptly to sexual harassment complaints, there is no specified timeframe for issuing a written determination. The timeframe may vary on a case-by-case basis in light of the totality of the circumstances, the unique nature of each complaint, and the extent of the evidence to be considered.

The Decision-Maker shall send the written determination simultaneously to the parties along with an explanation of how to file an appeal. Appeal procedures shall apply equally for both parties.

The determination regarding responsibility becomes final either on the date that the District provides the parties with the written determination of the result of the appeal, if an appeal is filed, or if an appeal is not filed, on the date on which an appeal would no longer be considered timely.

Remedies

Remedies will be provided to a complainant when a respondent is found responsible. Remedies shall be designed to maintain the complainant's equal access to education. The range of remedies in the case a violation is found can range from counseling to serious discipline, up to and including expulsion/termination.

The range of remedies depends on the circumstances but may include previously provided supportive measures, grade changes; the opportunity to retake a test or resubmit an assignment; reassignment of class; school-based counseling; and reinstatement to a team or activity as well as other appropriate measures.

The Title IX Coordinator shall oversee the effectiveness of the remedies toward ensuring no continued sexual harassment occurs.

Appeal

A written appeal of the Decision-Maker's determination regarding responsibility or the Title IX Coordinator's dismissal of a complaint may be filed by either party with the Superintendent of Schools or other designated Appeal Decision-Maker ("ADM"), **only** for one or more of the following reasons:

1.) procedural irregularities that affected the outcome
2.) newly discovered evidence that could affect the outcome
3.) the Title IX personnel (Title IX coordinator, investigator/Decision-Maker, etc.) had a conflict of interest or bias that altered the outcome.

The ADM must **receive** the written appeal within ten (10) calendar days of the issuance of the Decision-Maker's determination regarding responsibility or notification of dismissal of the complaint. The appeal must specify the reasons the party is challenging the determination or dismissal. Upon receipt of the appeal, the ADM will send a copy to the other party. The non-appealing party may submit a statement in response to the appeal. The statement by the non-appealing party in response to the appeal must be submitted in writing to the ADM and must be **received** by the ADM within ten (10) calendar days after the ADM has provided the copy of the written appeal. Upon receipt, the ADM shall provide a copy of the statement to the appealing party for review. The appealing party shall not have a right to reply to the statement.

All submissions shall be via email or fax and must be received by 11:59 p.m. on the date due to be considered timely.

The Superintendent or other ADM shall determine any additional procedures for the appeal. The ADM shall render a decision within ten (10) calendar days following the non-appealing party's deadline for a written submission, whether or not a submission is made.

The Superintendent or other ADM may extend deadlines pertaining to the appeal process for good cause. However, the deadline to file the appeal may not be extended.

Both parties will be given a reasonable, equal opportunity to submit a written statement in support of, or challenging, the outcome. The ADM shall consider the appeal and simultaneously notify the parties in writing of the decision on appeal describing the result of the appeal and the rationale for the result.

Retaliation

Retaliation against any party, witness, or other participant to an investigation/grievance process is prohibited.

Any claim of retaliation may be filed in accordance with this Grievance Procedure. Discipline for filing or making a false statement shall not constitute retaliation absent evidence of such motivation.

Informal Resolution

At any point in the formal complaint process, the District Title IX Coordinator, in their discretion, offer to facilitate an informal resolution option such as mediation or restorative justice.

Both parties must give voluntary, informed written consent.

Either party has a right to withdraw consent at any time, in which case the formal investigation shall proceed.

The informal resolution process shall not be available if the complainant/victim is a student and the respondent is an employee.

Informal resolution may encompass a broad range of conflict resolution strategies, including, but not limited to, arbitration, mediation or restorative justice.

Confidentiality

The identities of the complainants, respondents and witnesses, except as provided herein or as required by law, including FERPA, shall not be disclosed.

Record Keeping

The District must keep records related to reports of alleged sexual harassment for a minimum of seven years, including investigation records, disciplinary sanctions, remedies, appeals, and records of any action taken, including supportive measures. Additionally, District must also keep for a minimum of seven years any materials used to train Title IX Coordinators, investigators, Decision-Makers, any employee designated to facilitate an informal process.

Alternate Complaint Procedures

In addition, or as an alternative to the filing of a sexual harassment complaint through the District's grievance procedure, a person may choose to file a complaint with the Office for Civil Rights of the United States Department of Education, any other state or federal agency designated to receive such complaints and/or to report an incident of sexual harassment to law enforcement.

Statement of Protected Rights

Application of this policy and its grievance procedure shall not be interpreted to restrict rights protected under the U.S. Constitution, including the right to free speech, to be free from self-incrimination and to due process of law.

Mandated Reporters

Nothing in the Board's sexual harassment policy or this regulation shall interfere with or alter a mandated reporter's responsibility to report child abuse or neglect or sexual assault to DCF or the police as may be required by law.

Training

Training shall be provided to Title IX personnel, including, but not limited to, Title IX Coordinators, investigators, Decision-Makers, and any employee designated to facilitate an informal process in accordance with the regulation under Title IX as promulgated by the U.S. Department of Education, as it may be amended from time to time.

Training shall include, but is not limited to, explanation or instruction regarding:

- the definition of "sexual harassment"
- grievance procedures
- how to conduct an investigation
- how to prepare an investigative report
- training on any technology that might be needed to carry out responsibility for investigation or decision making e.g. recording device for live hearing
- issues of relevance including how to apply rape shield protections for complainants and application of legally recognized privilege

Training may additionally be provided to other school employees as deemed appropriate.

A record shall be kept reflecting the names of all employees who receive training along with the date and nature of the training.

Materials used to train personnel shall be posted to the District's website and maintained as required under the regulations under Title IX as promulgated by the U.S. Department of Education, as it may be amended from time to time.

Regulation approved:

BRIDGEPORT PUBLIC SCHOOLS

Bridgeport, CT

5145.5

4118.112

4218.112

Personnel -- Certified/Non-Certified

Students

Sexual Harassment

Prohibition Against Sexual Harassment

Bridgeport Board of Education (Board) prohibits sexual harassment including sexual assault in the District's education program or activities. Education program or activity includes locations, events, or circumstances over which the school exercises substantial control over both the respondent (alleged perpetrator of sexual harassment) and the context in which the sexual harassment occurs. In addition to occurring on school grounds, sexual harassment may potentially occur off campus, in places or situations where athletic and extracurricular activities occur, on field trips, on the school bus, at school-related conferences or through use of school technology.

The District shall respond to sexual harassment occurring in the District's education program or activities for which it has "actual knowledge." **"Actual knowledge"** means notice of sexual harassment or an allegation of sexual harassment brought to the attention of the Title IX Coordinator, any official of the school who has authority to institute corrective measures on the behalf or the school, as well as to any other employee of an elementary and secondary school.

Sexual harassment may take the form of student-on-student, employee-student, employee-employee, student-employee sexual harassment, or may be perpetrated against students or employees by third parties under the control of the District. Students who engage in proven sexual harassment may be subject to discipline, up to and including expulsion. Employees who engage in proven sexual harassment may be subject to disciplinary action, up to and including termination, as well as other action required under the law.

Definition of Sexual Harassment for the Purposes of Title IX

Sexual harassment is conduct on the basis of sex that satisfies one or more of the following:

(i) A school employee conditioning an education benefit or service on participation in unwelcome sexual conduct (i.e., quid pro quo).

(ii) Unwelcome conduct that a reasonable person would determine is so severe, pervasive and objectively offensive that it effectively denies a person equal access to the school's education program or activity.

(iii) "Sexual assault" as defined in 20 U.S.C. 1092 (f)(6)(A)(v)(the Clery Act), "dating violence" as defined 34 U.S.C. 12291(a)(10), "domestic violence" as defined in 34 U.S.C. 12291(a)(8), or "stalking" as defined in 34 U.S.C. 12291(a)(30) (the Violence Against Women Act (VAWA).

Examples of sexual harassment may include, but are not limited to:

- pressure for sexual activity
- repeated remarks with sexual or sexually demeaning implications
- unwelcome or inappropriate touching
- sexual assault
- suggesting or demanding sexual involvement accompanied by implied or explicit threats concerning a student's grades or academic standing or an employee's employment status
- telling lewd jokes or sharing stories about sexual experiences – even if not directed at you but done in your presence to cause you discomfort
- sending unwanted suggestive or lewd emails, letters or other communications or sharing images of a sexual nature around the workplace or displaying posters, items or screensavers of a sexual nature
- repeatedly asking for dates despite being rebuffed
- making sexually offensive gestures or facial expressions
- dating violence or stalking

Other Definitions

"Complainant" is defined as a person who is alleged to be the victim of conduct that could constitute sexual harassment.

"Respondent" is defined as a person who is alleged to be the perpetrator of conduct that could constitute sexual harassment.

"Supportive measures" are defined as non-disciplinary, non-punitive, individualized services, offered as appropriate and without charge to a complainant or respondent before or after the filing of a formal complaint, or where no complaint has been filed.

Title IX Coordinator

The Superintendent of Schools designates and authorizes the Assistant Superintendent of Curriculum and Instruction and/or Assistant Superintendent of Human Capital to be the District's Title IX Coordinator. This individual shall be referred to as the Title IX Coordinator and is responsible for ensuring compliance across the school district with Title IX, corresponding state law, and applicable Board policy concerning sexual harassment.

Applicants for admission and employment, students, parents or legal guardians of elementary and secondary school students, employees, and all unions shall be notified of the name or title, office address, electronic mail address, and telephone number of the Title IX Coordinator.

The Title IX Coordinator's contact information shall be posted on the District's website and included in student and employee handbooks and published in other locations as deemed appropriate.

Reporting Sexual Harassment

Any person, including, but not limited to, students, their parents or guardians, employees, bystanders or third parties (whether or not the person is the alleged victim), may report sexual harassment occurring in the District's education program or activities. Reporting may occur in person, by mail, by telephone or by electronic mail, using the contact information provided for the Title IX Coordinator, or by any other means that results in the Title IX Coordinator receiving the person's verbal or written report. Reports may be made at any time including during non-business hours.

A formal complaint is defined as a document filed by a complainant or signed by the Title IX Coordinator alleging sexual harassment against an individual and requesting that the school investigate the alleged sexual harassment. In an instance where the Title IX Coordinator signs the complaint, the Title IX Coordinator is not a party to the complaint nor is such action taken on behalf of the complainant.

The Title IX Coordinator will make forms available for both informal reports and formal complaints. Additionally, forms will be posted on the District's website. Informal reports are permissible and may be brought by any person. However, only a complainant and/or the District's Title IX Coordinator may file a formal complaint. All formal complaints will be investigated. Supportive measures shall be offered to a complainant with or without the filing of a formal complaint.

There is no time limit on a complainant's decision to file a formal complaint, but complainants are encouraged to promptly file or report incidents of sexual harassment.

Response Including Supportive Measures

Any school employee with actual knowledge of sexual harassment shall promptly inform the District's Title IX Coordinator. The failure to do so may be grounds for disciplinary action.

Upon actual knowledge of sexual harassment occurring in the District's program or activity, the Title IX Coordinator will promptly contact the complainant to advise and discuss with the complainant (1) the availability of supportive measures with or without the filing of a formal complaint, (2) the right to file a formal complaint and (3) how to file a formal complaint.

A complainant as well as a respondent shall be offered free, individualized "supportive measures" (e.g., counseling, course related adjustments, modification of work or class schedules, escort services, increased security/monitoring of certain areas, mutual restrictions on contact between the parties) designed to restore or preserve equal access to education with or without a formal complaint. These, as well as other measures, may be part of a final remedy.

Upon the filing a formal complaint, the complainant will be provided with a copy of this policy and its grievance procedures.

Written notice shall be provided to the respondent and the complainant advising that a formal complaint has been filed. The respondent shall be entitled to a presumption that they are not responsible for sexual harassment. Both parties will be treated fairly throughout the investigation and shall be entitled to an unbiased investigator who has not prejudged the matter being investigated.

Complaints that fail to allege a violation of Title IX shall be dismissed without investigation. This does not preclude the school administration from investigating or addressing the underlying conduct under relevant codes of conduct or Board policy.

Emergency Removal/Administrative Leave

An emergency removal of a respondent from the education program or activity is permissible provided that the District conducts an individualized safety and risk analysis and determines that emergency removal is necessary in order to protect a student or other individual from an immediate threat to physical health or safety and notice and an opportunity to challenge the decision is provided. This does not modify any rights under the Individuals with Disabilities Education Act (IDEA), Section 504 of the Rehabilitation Act of 1973, or the Americans with Disabilities Act (ADA).

An employee-respondent may be placed on administrative leave during the pendency of a grievance process.

Informal Resolution

At any point in the formal complaint process, the Title IX Coordinator, in their discretion, may offer to facilitate an informal resolution option such as mediation or restorative justice.

Both parties must give voluntary, informed written consent.

Either party has a right to withdraw consent at any time, in which case the formal investigation shall proceed.

The informal resolution process shall not be available if the complainant/victim is a student and the respondent is an employee.

Grievance Procedures

The District will promptly and thoroughly investigate all formal complaints of sexual harassment in accordance with established grievance procedures.

District grievance procedures shall be established in the form of a regulation accompanying this policy.

The grievance procedure shall be used for the reporting and investigation of, and response to formal complaint of sexual harassment in the District's education program and activities against a person in the United States.

The District's grievances procedures shall be designed to comply with the regulation under Title IX as promulgated by the U.S. Department of Education, as it may be amended from time to time. Among other required provisions, the grievance procedures shall establish standards for

fairness and equity, explain how to file a complaint, address required notice, set out timelines for various components of the investigation and adjudication process, establish and explain grounds for the dismissal of a complaint and provide and explain the appeal process available to both parties, include a presumption that the respondent is not responsible for sexual harassment, state the evidence standard to be used to determine responsibility, and require objective evaluation of all available evidence.

Training

Training shall be provided to Title IX personnel in accordance with the regulation under Title IX as promulgated by the U.S. Department of Education, as it may be amended from time to time. Additional training may be provided to all school employees as deemed advisable.

Training materials used to train Title IX personnel shall be posted on the District's website.

Prohibition Against Retaliation

Retaliation against any party, witness or other participant to the grievance process is prohibited. Retaliation may form a basis for a complaint under this policy. The charging of a person with a code of conduct violation based upon a person making a materially false statement in bad faith in an investigation is not considered retaliatory.

Dissemination, Posting and Discussion of Policy

This policy along with its accompanying regulation/grievance procedure shall appear in the Student Handbook, be discussed with students at least annually and more often as needed, be posted in prominent and accessible locations in each school building and in the Board of Education offices and be published on the District's website along with the name/title and contact information for the Title IX Coordinator.

Record Keeping

The District must keep records related to reports of alleged sexual harassment for a minimum of seven years, including investigation records, disciplinary sanctions, remedies, appeals, and records of any action taken, including supportive measures. Additionally, Districts must also keep for a minimum of seven years any materials used to train Title IX Coordinators, investigators, decision-makers, and any employee designed to facilitate an informal process.

Alternate Complaint Procedures

In addition, or as an alternative to the filing of a sexual harassment complaint through the District's grievance procedure, a person may choose to file a complaint with the Office for Civil Rights of the United States Department of Education.

Statement of Protected Rights

Application of this policy and its grievance procedure shall not be interpreted to restrict rights protected under the U.S. Constitution, including the right to free speech, to be free from self-incrimination and to due process of law.

Legal References: Connecticut General Statutes

10-15c Discrimination in public schools prohibited. School attendance by five-year-olds.

United States Constitution, Article XIV.

Title IX of the Education Amendments of 1972, 20 U.S.C. 1681, et seq.

Title IX of the Education Amendments of 1972, 34 C.F.R. 106.1, et

seq.

Title IX Regulation, 34 C.F.R. Part 106

20 U.S.C. 1092 (f)(6)(A)(v)

34 U.S.C. 12291 (a)(8), (a)(10), (a)(36)

Gebser v. Lago Vista Independent School District 524 U.S. 274 (1998)

Davis v. Monroe County Bd. Of Educ.,526 U.S. 629 (1999)

Policy adopted:

BRIDGEPORT PUBLIC SCHOOLS
Bridgeport, Connecticut

Personnel -- Certified/Non-Certified

Harassment

The Bridgeport Public Schools District strives to provide a safe, positive working climate for its employees. Therefore, harassment, in any form, will not be tolerated in this District. This policy applies to all students, staff members, Board members, parents, vendors, contracted individuals, volunteers, other employees and other visitors -- who are on District grounds or property or on property within the jurisdiction of the District; on buses operated by or for the District; while attending or engaged in District activities; and while away from District grounds if the misconduct directly affects the good order, efficient management, and welfare of the District.

Employees, students, and others are expected to adhere to a standard of conduct that is respectful and courteous to all. The principle of freedom of expression that might otherwise protect the most offensive public speech does not protect or encompass a right to threaten the dignity and privacy of an individual. Such personally directed behavior will not be tolerated. It is contrary to academic values, debilitates its victims, compromises the offenders, and undermines the District's fundamental commitment to individual freedom and respect for all its members. Furthermore, acts of intolerance may destroy the very atmosphere in which freedom of expression is otherwise tolerated and cherished.

For purposes of this policy, **harassment** consists of verbal, written, graphic, or physical conduct relating to an individual's race, color, religion, sex, national origin/ethnicity, physical attributes or disability, parental or marital status, victims of domestic violence, sexual orientation, (including gender identity/expression) or age when such conduct/harassment:

1. is sufficiently severe, persistent or pervasive that it affects an individual's ability to participate in or benefit from an educational program or activity or creates an intimidating, threatening or abuse education environment;

2. has the purpose or effect of substantially or unreasonably interfering with an individual's work performance;

3. otherwise adversely affects an individual's employment opportunities;

Harassment as set forth above may include, but is not limited to:

- verbal, physical, or written intimidation or abuse;

- repeated remarks of a demeaning or condescending nature;

- repeated demeaning jokes, stories, or activities directed at the individual;

Personnel -- Certified/Non-Certified

Harassment (continued)

For purposes of this policy, **sexual harassment** shall consist of unwelcome sexual advances; requests for sexual favors; and other inappropriate verbal, written, graphic or physical conduct of a sexual nature when:

1. acceptance of such conduct is made, either explicitly or implicitly, a term or condition of an individual's continued employment;

2. submission to or rejection of such conduct by an individual is used as the basis for decisions affecting the individual; and

3. such conduct is sufficiently severe, persistent or pervasive that it has the purpose or effect of substantially interfering with the employee's job performance or creating an intimidating, hostile or offensive working environment.

Examples of conduct that may constitute sexual harassment include, but are not limited to sexual flirtations, advances, touching or propositions; verbal abuse of a sexual nature; graphic or suggestive comments about an individual's dress or body; sexually degrading words to describe an individual; jokes; pin-ups; calendars; objects; graffiti; vulgar statements; abusive language; innuendos; references to sexual activities; overt sexual conduct; or any conduct that has the effect of unreasonably interfering with an employee's ability to work or creates an intimidating, hostile or offensive working environment.

Each staff member shall be responsible to maintain an educational environment free from all forms of unlawful harassment.

Should harassment be alleged, it is the policy of this Board that it shall be thoroughly investigated, that there shall be no retaliation against the victim of the alleged harassment, and that the problem/concern shall be appropriately addressed.

In order to maintain a work environment that discourages and prohibits unlawful harassment, the Board designate the

Assistant Superintendent of Human Capital

as the District's Compliance Officer.

Personnel -- Certified/Non-Certified

Harassment (continued)

The Compliance Officer shall publish and disseminate this policy and the complaint procedure annually to students, parents, employees, independent contractors, vendors and the public. The publication shall include the position, office address and telephone number of the District's Compliance Officer.

The Board directs that complaints of harassment shall be investigated promptly and corrective action be taken when allegations are substantiated. Confidentiality of all parties shall be maintained consistent with the District's legal and investigative obligations.

The Supervisor/Building Principal/Superintendent or their designee shall be responsible to complete the following duties when receiving a complaint of unlawful harassment:

1. Inform the employee or third party of the right to file a complaint and the complaint procedure.
2. Notify the complainant and the accused of the progress at appropriate stages of the procedure.
3. Refer the complainant to the Compliance Officer if the Supervisor/Building Principal/Superintendent is the subject of the complaint.

(cf. 5145.52 – Harassment)

Legal Reference: Title VII, Civil Rights Act, 42 U.S.C. 2000e, et seq.

29 CFR 1604.11, EEOC Guidelines on Sex Discrimination.

Title IX of the Educational Amendments of 1972, 20 U.S.C. 1681 et seq.

34 CFR Section 106.8(b), OCR Guidelines for Title IX.

Definitions, OCR Guidelines on Sexual Harassment, Fed. Reg. Vol 62, #49, 29 CFR Sec. 1606.8 (a0 62 Fed. Reg. 12033 (March 13, 1977) and 66 Fed. Reg. 5512 (January 19, 2001)

Meritor Savings Bank. FSB v. Vinson, 477 U.S. 57 (1986)

Faragher v. City of Boca Raton, No. 97-282 (U.S. Supreme Court, June 26,1998)

Personnel -- Certified/Non-Certified

Harassment (continued)

Legal References: (continued)

Burlington Industries, Inc. v. Ellerth, No. 97-569, (U.S. Supreme Court, June 26,1998)

Gebbser v. Lago Vista Indiana School District, No. 99-1866, (U.S. Supreme Court, June 26,1998)

Davis v. Monro County Board of Education, No. 97-843, (U.S. Supreme Court, May 24, 1999.)

Connecticut General Statutes

46a-60 Discriminatory employment practices prohibited.

10-15c Discrimination in public schools prohibited. School attendance by five-year olds. (Amended by P.A. 97-247 to include "sexual orientation)

10-153 Discrimination on account of marital status.

17a-101 Protection of children from abuse.

Policy adopted:

BRIDGEPORT PUBLIC SCHOOLS
Bridgeport, Connecticut

‘P.A. 21-1 (June Special Session): An Act Concerning Responsible and Equitable Regulation of Adult-Use Cannabis

(Background Information for Policy Review Committee)

Overview of the Act:

This legislation makes numerous changes related to criminal justice, licensing, employment, tax, traffic enforcement, and other laws to establish legal adult recreational use of cannabis (marijuana).

The effective date of the legislation governing workplace cannabis regulation was July 1, 2022. However, employers still retain the ability to regulate recreational use of cannabis. Rules regulating smoking in the workplace become effective on October 1, 2021. The law creates two sets of rules depending on whether the employer or a particular employee position is considered “exempt” from regulation. Schools are considered in the group of “exempt employers and exempt employees.”

Regarding adult recreational use, the legislation allows individuals age 21 or older (consumers) to possess, use, or otherwise consume cannabis and cannabis products. It generally limits possession to (1) 1.5 ounces of cannabis plant material and five ounces of such material in a locked container in the person’s residence or locked vehicle glove box or trunk, or (2) equivalent cannabis product amounts or combined amounts. It erases certain cannabis-related criminal convictions, in some cases automatically and in others upon the person’s petition.

Starting July 1, 2023, the legislation allows any individual age 21 or older to cultivate up to three mature and three immature cannabis plants at his or her primary residence, provided the plants are kept secure from others. The legislation limits each household to growing 12 cannabis plants at a given time. Starting October 1, 2021, the legislation similarly allows home cultivation by medical marijuana patients age 18 or older.

The legislation establishes a Social Equity Council (Council) to promote and encourage full participation in the cannabis industry by people from communities disproportionately harmed by cannabis prohibition. It requires the Council to establish criteria and review social equity applications.

The legislation establishes various DCP licensing and registration requirements for individuals and entities to work in the cannabis industry. Application requirements include, among other things, that cannabis establishment licensees be at least age 21, their employees be at least age 18, and certain individuals submit to criminal history checks. The legislation sets cannabis establishment licensure requirements for each license type.

For example, it (1) generally limits purchases to one ounce for consumers and five ounces for qualifying patients or caregivers per day, (2) prohibits certain advertising practices by cannabis establishments (e.g., targeting those under age 21 or claiming therapeutic effects), (3) limits how cannabis may be delivered to consumers, and (4) sets requirements for how undelivered products must be securely stored.

The legislation establishes guidelines, rules, and protections for employers and employees regarding recreational cannabis use. It generally bans certain employer actions, such as penalizing an employee for the employee’s use of cannabis prior to employment. The legislation specifically authorizes other actions, such as allowing employers to establish a workplace policy prohibiting cannabis possession or use by an employee, except for possession of medical marijuana.

The legislation (1) exempts some employers and types of positions from its requirements and (2) specifies that it does not limit an employer's ability to require employees to submit to drug testing. It also allows aggrieved employees to bring a civil action for violations of the legislation's employer limitations. Employers are provided with significant authority to prohibit marijuana use in the workplace. Additional restrictions on smoking and vaping of tobacco and cannabis are also imposed.

The Act creates two sets of rules for employers based upon whether the employer or a particular job or position in question is considered 'exempt" from regulation. Employers (such as school districts) providing educational services, including K-12 schools, are considered "Exempt Employees" and excluded from coverage.

It directs the revenue to a new General Fund account, the General Fund, and two new appropriated funds for designated purposes (the Social Equity and Innovation Fund and Prevention and Recovery Services Fund) according to a specified schedule. It imposes a 3% municipal sales tax on cannabis sales, in addition to the state cannabis tax and the state's 6.35% sales tax. (Cannabis for palliative use is exempt from all three taxes under the legislation.)

Regarding traffic enforcement, the legislation modifies the state's driving under the influence (DUI) and boating under the influence laws and the related administrative sanction processes to enhance enforcement against those who are drug-impaired but do not have an elevated blood alcohol content. It includes increasing the number of police officers trained in impaired driving assessment techniques. It also makes it illegal to use cannabis while driving or as a passenger in a motor vehicle. The legislation establishes penalties for various actions, such as (1) consumers possessing cannabis in excess of the possession limit, (2) underage individuals possessing cannabis or attempting to buy it, (3) retailers selling cannabis to customers under age 21, and (4) property owners allowing persons under age 21 to possess cannabis at the property.

The legislation generally lowers existing penalties for illegally selling cannabis and related actions. The legislation makes certain other changes to the state's medical marijuana laws, such as allowing DCP to add to the list of qualifying medical conditions without adopting regulations.

The legislation also has several student-related provisions, including prohibiting, with some exceptions, a positive drug test that solely indicates a specified THC metabolite from serving as the sole basis for a school to penalize a student. It also generally bans higher education institutions from (1) revoking financial aid or student loans or (2) expelling a student, solely for using or possessing small amounts of cannabis.

Among numerous other cannabis-related provisions, the legislation also: 1. prohibits minors from being adjudicated delinquent for certain cannabis possession offenses; 2. limits when cannabis odor or possession can justify a search or motor vehicle stop; 3. limits when cannabis possession or use can be grounds to revoke parole, special parole, or probation; 4. (a) allows municipalities to regulate certain aspects of cannabis businesses through zoning ordinances and (b) requires municipalities, upon petition of 10% of their voters, to hold a referendum on whether to allow recreational cannabis sales; 5. extends existing law's prohibition on smoking and e-cigarette use in certain establishments and public areas to include cannabis, hemp, and electronic cannabis delivery systems, and expands the locations where the prohibition applies; 6. restricts when landlords and property managers can take certain cannabis-related actions regarding tenants; and 7. authorizes the governor, without further legislative approval, to enter into agreements with the Mashantucket Pequot and Mohegan tribes concerning cannabis regulation.

Contents of the Act Impacting the Public School Setting:

1. Expansion of the definition of smoking to include using a lighted cigarette, cigar, pipe, or other similar device that contains, in whole or in part, cannabis or hemp, in addition to tobacco. Smoking means burning these devices rather than lighting or carrying them. (§§86-87)
2. Smoking and the use of e-cigarettes were banned in various locations, including restaurants, health care institutions, and state and municipal buildings. The Act adds to this prohibition the smoking of cannabis and hemp. (§§86-87)
3. Expansion of the law of prohibited locations to include **any** area of a school building, instead of only inside the building. It provides an exemption to situations in which a classroom is used during a smoking or e-cigarette demonstration that is part of a medical or scientific experiment or lesson. (§§86-87)
4. Employers are required to ban smoking and e-cigarette use in any area of the workplace and outside within 25 feet of a doorway, operable window or air intake vent. The workplace smoking ban applies to smoking tobacco, cannabis, hemp, and e-cigarette use, including cannabis. (§88)
5. An individual must be 21 years of age or older to possess, use, or otherwise consume cannabis or cannabis products. As of July 1, 2023, an individual must be 21 years of age or older to cultivate the plants in one's residence.
6. Employers are permitted to establish and implement a policy prohibiting cannabis possession, use, or other consumption by an employee except for possession of medical marijuana by a qualifying patient. Such policy must be in writing, in either physical or electronic form, and made available to each employee before its enactment. Such policy must also be made available to each prospective employee when making an offer or conditional offer of employment. (§98) The legislation permits the employer to maintain a drug-free workplace. (§§97-101)
7. Further, the employer's ability to require employees to submit to drug testing is not limited. Therefore, the legislation allows an employer to prohibit cannabis use by an employee outside of the workplace. (§98)
8. Employers can take disciplinary action against employees for possession, use, and consumption of recreational marijuana outside the workplace, provided the employer has a written policy that is made available to employees.
9. Minors are prohibited from being adjudicated delinquent for certain cannabis possession offenses. (1st and 2nd offenses) (§5)
10. On or after January 1, 2022, policies pertaining to alcohol and drugs must indicate that no such policies shall result in a student facing greater discipline, punishment, or sanctions for the use, sale, or possession of cannabis than a student would have faced for the use, sale, or possession of alcohol. (§19)

11. Employers are not required to make accommodations for an employee to perform his/her duties while under the influence of cannabis or for the employee to possess, use or otherwise possess, use or otherwise consume cannabis while performing work duties on the employer's premises, except for the possession of medical marijuana by a qualifying patient. (§98)

Policy Implications:

This legislation permitting the recreational use of marijuana does not provide students the right to use or be under the influence of marijuana on school property at any time. Specifically, persons under the age of 21 cannot receive, possess, use, acquire, cultivate, process, manufacture, deliver, sell, or transfer marijuana or marijuana accessories. In short, the possession or consumption of marijuana or marijuana accessories on school property is prohibited.

Concern is voiced regarding the recreational use of marijuana by adult staff members in the school setting or appearing under the influence while performing their duties.

Rather than developing a new policy pertaining to recreational use of marijuana, this topic can be appropriately covered in a district's mandated policy pertaining to the maintenance of a drug-free workplace. Therefore, previous versions of this policy will be discarded and replaced by a new policy, #4118.232/4218.232, "Drug and Alcohol-Free Workplace." That policy follows for your consideration.

Personnel – Certified/Non-Certified

Alcohol, Drugs, and Tobacco

Drug and Alcohol-Free Workplace

The Bridgeport Board of Education (Board) is concerned with maintaining a safe and healthy working and learning environment for all staff and students. The Board recognizes the importance of maintaining a drug- and alcohol-free environment for its staff and students. Reasonable steps will be taken to create a safe workplace free from the effects of alcohol, second-hand smoke, and drug abuse.

Employees must abide by the terms of this policy as a condition of employment. This policy is adopted in accordance with state law and the Drug-Free Workplace Act.

Definitions

"Cannabis" means marijuana, which includes all parts of a plant or species of the genus cannabis, whether growing or not, and including its seeds and resin; its compounds, manufactures, salts, derivatives, mixtures, and preparations; and cannabinon, cannabinol, cannabidiol (CBD), and similar compounds unless derived from hemp as defined in federal law. The definition of marijuana also includes any product made using hemp, as defined in state law, with more than 0.3% total THC concentration on a dry-weight basis, manufactured cannabinoids, and certain synthetic cannabinoids.

"Cannabis product" is cannabis in the form of a cannabis concentrate or a product that contains cannabis, which may be combined with other ingredients, and is intended for use or consumption.

"Cannabis concentrate" is any form of concentration extracted from cannabis, such as extracts, oils, tinctures, shatter, and waxes.

"Medical marijuana product" is cannabis that (1) dispensary facilities and hybrid retailers exclusively sell to qualifying patients and caregivers and (2) the Department of Consumer Protection (DCP) designates on its website as reserved for sale to those individuals.

"Manufactured cannabinoid" means cannabinoids naturally occurring from a source other than marijuana that are similar in chemical structure or physiological effect to cannabinoids derived from marijuana, but that are derived by a chemical or biological process.

"Workplace" means the site for the performance of work done, which includes work done in connection with a federal grant. The workplace includes any District building or property; any District-owned vehicle or any other District-approved vehicle used to transport students to and from school or school activities; and off-District property during any school-sponsored or school approved activity, event or function, such as a field trip or athletic event, where students are under the jurisdiction/supervision of the District, which could also include work on a federal grant.

Personnel – Certified/Non-Certified

Alcohol, Drugs and Tobacco

Drug and Alcohol-Free Workplace

Definitions (continued)

"School-sponsored activity" means any activity sponsored, recognized, or authorized by the Board and includes activities conducted on or off school property.

"Drug" is defined as:

1. **"Controlled substances,"** which include all forms of narcotics, depressants, stimulants, hallucinogens, steroids, and cannabis (including products made with or infused with these substances), whose sale, purchase, transfer, use, or possession is prohibited or restricted by state or federal law;
2. **"Synthetic cannabinoids,"** which include drugs that are known or advertised as possibly affecting judgment, coordination, or any of the senses, including those that may cause drowsiness or dizziness; and
3. Illegal substances.

"Prescription drugs" means drugs which are used in the course of medical treatment and have been prescribed and authorized for use by a licensed medical practitioner/physician or dentist, other than marijuana (cannabis) and marijuana-related substances.

"Smoking" means the burning of a cigarette, cigar, pipe, or other similar device that contains, in whole or in part, cannabis or hemp, in addition to tobacco.

"Electronic nicotine delivery system" for purposes of this policy means an electronic device used in the delivery of nicotine or other substances to a person inhaling from the device, and includes, but is not limited to, an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe or electronic hookah and any related device and any cartridge or other component of such device, including, but not limited to, electronic cigarette liquid.

"Vapor product" means any product that employs a heating element, power source, electronic circuit, or other electronic, chemical, or mechanical means to produce a vapor that may or may not include nicotine and is inhaled by the product's user.

"Under the influence" means any noticeable use, any detectable level of drugs or alcohol in the employee's blood or urine, or any noticeable or perceptible impairment of the employee's mental or physical faculties.

"Criminal drug statute" means any criminal statute involving the manufacture, distribution, dispensing, use, or possession of any controlled substance.

Personnel – Certified/Non-Certified

Alcohol, Drugs and Tobacco

Drug and Alcohol-Free Workplace

I. Prohibited Behavior

To help maintain a drug-free school, community, and workplace, the following conduct is strictly prohibited for all District employees and volunteers. An employee who violates this policy may be required to successfully complete an appropriate rehabilitation program, may not be renewed, or may have their employment suspended or terminated.

A. Reporting to work or the workplace under the influence of alcohol, illegal and/or controlled substances, including marijuana (cannabis) and anabolic steroids;

B. Manufacturing, selling, delivering, soliciting, consuming, using, possessing, or transmitting alcohol in any amount or in any manner on District property or a District workplace at any time while students are under the supervision of the District, or when involved as an employee in a District activity on or off school district property;

C. Unlawfully manufacturing, distributing, dispensing, possessing, or using a controlled substance in a District workplace;

D. Using the workplace, District property or the staff member's position within the District to make or traffic alcohol, illegal and/or controlled substances, including marijuana (cannabis) and anabolic steroids;

E. Using, possessing, or transmitting illegal and/or controlled substances, including marijuana (cannabis) and anabolic steroids, in a manner that is illegal or which impairs job performance or poses a hazard to the safety and welfare of the employee, the public, the students, or other employees; and

F. Smoking or other use of tobacco products on school property during regular school hours, on transportation provided by the Board of Education, or during the course of any trip sponsored by the Board or under the supervision of the Board or its authorized agent.

II. Use of Prescription Drugs

A. Employees are permitted to use prescription drugs on school property or during the conduct of Board business that have been prescribed by a licensed medical practitioner. Such drugs shall be used only as prescribed. In addition, employees shall not possess prescription drugs for the purpose of sale or distribution.

B. However, the Board, in compliance with C.G.S. 21a-408a through 408q, prohibits the palliative use of marijuana on school property, at a school-sponsored event, or during the conduct of Board business. Employees are prohibited from being under the influence of intoxicating substances, including marijuana used for palliative purposes, during the workday.

Personnel – Certified/Non-Certified

Alcohol, Drugs and Tobacco

Drug and Alcohol-Free Workplace (continued)

III. Smoking

A. The Board prohibits smoking, including smoking using an electronic nicotine delivery system (e.g., e-cigarettes), and the use of tobacco products on school property or at any school-sponsored activity. This ban applies to any area of the workplace and outside within 25 feet of a doorway, operable window or air intake vent.

B. The workplace smoking ban also applies to cannabis, hemp, and e-cigarette use, involving cannabis.

C. Smoking, including cannabis, will be permitted in a situation in which a classroom is used during a smoking or e-cigarette demonstration that is part of a medical or scientific experiment or lesson.

D. The District will not make accommodations for an employee or be required to allow an employee to perform their duties while under the influence of cannabis or allow the employee to possess, use, or otherwise consume cannabis while performing their employment duties.

IV. Notification Requirements

A. Any staff member who is taking prescribed or over-the-counter medications will be responsible for consulting the prescribing physician and/or pharmacist to ascertain whether the medication may interfere with the safe performance of his/her job. If the use of a medication could compromise the safety of the staff member, other staff members, students, or the public, it is the staff member's responsibility to use appropriate personnel procedures (e.g., use leave, request a change of duty, or notify his/her supervisor of potential side effects) to avoid unsafe workplace practices. If a staff member notifies his/her supervisor that the use of medication could compromise the safe performance of their job, the supervisor, in conjunction with their superior, will determine whether the staff member can remain at work and whether any work restrictions will be necessary.

B. As a condition of employment, each employee will notify their supervisor of a conviction under any criminal drug statute. Such notification will be provided no later than five (5) days after such conviction. The District will inform the federal granting agency within ten (10) days of such conviction, regardless of the source of the information.

C. District employees are directed to report any suspected violation of this policy to an administrator or directly to the Superintendent of Schools or their designee. The Superintendent or designee will investigate the allegation and meet with the alleged violator.

Personnel – Certified/Non-Certified

Alcohol, Drugs, and Tobacco

Drug and Alcohol-Free Workplace

IV. Notification Requirements (continued)

D. All employees will be notified of this policy on a yearly basis and instructed to recognize that compliance is mandated.

E. This policy shall be made known to prospective employees prior to employment.

V. Disciplinary Action Upon Violation of Policy

A. An employee who violates this policy may be subject to disciplinary action, consistent with applicable state and federal laws, up to and including termination. Enrollment and successful completion of an appropriate drug-or alcohol-abuse, employee-assistance rehabilitation program may be required at the discretion of the administration, at the employee's expense. Nothing in this policy will be construed to guarantee reinstatement of any employee who violates this policy, nor does the District incur any financial obligation for treatment or rehabilitation required as a condition of eligibility for reinstatement.

B. Disciplinary action will include, at a minimum, a letter of reprimand and may include, but is not limited to, suspension or termination from employment.

C. The Board shall take disciplinary action with respect to an employee convicted of a drug offense in the workplace within thirty (30) days after receiving notice of the conviction.

D. Should District employees be engaged in the performance of work under a federal contract or grant, or under a State contract or grant of $5,000 or more, the Superintendent shall notify the appropriate State or Federal agency from which the District receives contract or grant monies of the employee's conviction within ten (10) days after receiving notice of the conviction.

E. The District may notify law enforcement agencies regarding a staff member's violation of this policy at the District's discretion or take other actions as the District deems appropriate.

VI. Employee Assistance

In order to make employees aware of dangers of drug and alcohol abuse, and to provide an employee with the opportunity for rehabilitation in overcoming addiction to, dependence upon or other problem with alcohol or drugs, the District will:

A. provide each employee with a copy of this District Drug- and Alcohol-Free Workplace policy;

Personnel – Certified/Non-Certified

Alcohol, Drugs, and Tobacco

VII. Employee Assistance (continued)

B. post notice of the Drug- and Alcohol-Free Workplace policy in a place where other information for employees is posted;

C. make available materials from local, state, and national anti-drug and alcohol-abuse organizations;

D. enlist the aid of community and state agencies with drug and alcohol informational and rehabilitation programs to provide information to District employees;

E. provide information about benefits available under the Board's group medical plan for treatment;

F. establish a drug-free awareness program to inform employees about:

- the dangers of drug abuse in the workplace,
- available drug and alcohol counseling, rehabilitation, re-entry, and any employee assistance programs, and
- the penalties that the District may impose upon employees for violations of this policy.

Legal Reference: Connecticut General Statutes
P.A. 21-1 (June Spec. Session) An Act Concerning Responsible and Equitable Regulation of Adult-Use Cannabis
Controlled Substances Act, 21 U.S.C. §812; 21 C.F.R. 1308.11-1308.15
Drug-Free Workplace Act of 1988, 41 U.S.C. §701 et. seq.
Drug-Free Schools and Community Act, P.L. 99-570, as amended by P.L. 101-226
Safe and Drug-Free School and Communities Act of 1994, 20 U.S.C. §7101-71187 (as amended by Title IV – 21st Century Schools)
Drug-Free Workplace Act, 30 ILCS 580/1 et. seq.
Drug-Free Workplace Requirements for Federal Grant and Recipients 41 U.S.C. 8103

Policy adopted: BRIDGEPORT PUBLIC SCHOOLS
Bridgeport, Connecticut

Personnel – Certified/Non-Certified

Weapons and Dangerous Instruments

All dangerous instruments and illegal weapons (guns, knives, etc.) are prohibited on school property, student transportation and at school-sponsored activities. Such instruments and weapons shall be confiscated. Any violation will be reported to the police. Appropriate disciplinary or legal action shall be pursued by school officials.

(cf. 5131 – Suspension/Expulsion; Due Process)
(cf. 5133 – Weapons and Dangerous Instruments)

Legal Reference: Connecticut General Statutes
10-221 Board of Education to prescribe rules.

Policy adopted:

BRIDGPORT PUBLIC SCHOOLS
Bridgeport, Connecticut

Personnel – Certified

Students

Psychotropic Drug Use

The Bridgeport Board of Education, in accordance with CGS 10-212b, prohibits all school personnel from recommending the use of psychotropic drugs for any student enrolled within the school system. Moreover, personnel may not require that a child obtain a prescription for a controlled substance in order for the child to: (1) attend school; (2) receive an initial evaluation or reevaluation to determine eligibility for special education; or (3) receive special education and related services. For purposes of this policy, the term "recommend" shall mean to directly or indirectly suggest that a child use psychotropic drugs.

Psychotropic drugs are defined as prescription medications for behavioral or social-emotional concerns, such as attentional deficits, impulsivity, anxiety, depression, and thought disorders, and include, but are not limited to, stimulant medications and antidepressants.

However, school health or mental health personnel, including school nurses or nurse practitioners, the District's Medical Advisor, school psychologists, school social workers, and school counselors *(note: The Board may also include other school personnel it has identified as the person responsible for communication with a parent or guardian about a child's need for medical evaluation, such as the district's director of special services/special education.)* may recommend that a student be evaluated by an appropriate medical practitioner and school personnel may consult with such practitioner with the consent of the parents/guardian of such child in accordance with this policy.

Procedures shall be established by the Superintendent of Schools or their designee (or Chief of Special Education) delineating the manner in which school personnel and school health and mental health personnel shall communicate with each other regarding children who may need to be recommended for a medical evaluation. Such procedures shall also include how school health and mental health personnel should communicate the need for a medical evaluation to the child's parents/guardians. Such procedures shall be consistent with all mandatory and existing procedures and due process safeguards governing assessment and diagnosis.

Personnel – Certified

Students

Psychotropic Drug Use (continued)

Further, upon the consent of the student's parents or guardian, obtained, in writing, through the Planning and Placement Team process, school personnel may consult with the medical practitioner regarding such use.

In addition, the Planning and Placement Team (PPT) may recommend a medical evaluation as part of an initial evaluation or reevaluation, as needed to determine either a child's eligibility for special education and related services, or educational needs for an individualized education program (IEP). The Superintendent of Schools or his/her designee shall promulgate this policy to district staff and parents/guardians of students annually and upon the registration of new students.

(cf. 5141.4 - Reporting of Child Abuse and Neglect)

Legal Reference: Connecticut General Statutes
10-212b Policies prohibiting the recommendation of psychotropic drugs by school personnel. (as amended by PA 03-211)
46b-120. Definitions
10-76a Definitions. (as amended by PA 00-48)
10-76b State supervision of special education programs and services.
10-76d Duties and powers of boards of education to provide special education programs and services. (as amended by PA 97-114 and PA 00-48)
10-76h Special education hearing and review procedure. Mediation of disputes. (as amended by PA 00-48)
State Board of Education Regulations.
34 C.F.R. 3000 Assistance to States for Education for Handicapped Children.
34 C.F.R. §300.174 Prohibition on mandatory medication
American with Disabilities Act, 42 U.S.C. §12101 et seq.
Individuals with Disabilities Education Act, 20 U.S.C. §1400 et seq.
Rehabilitation Act of 1973, Section 504, 29 U.S.C. § 794.

Policy adopted:

BRIDGEPORT PUBLIC SCHOOLS
Bridgeport, Connecticut

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Personnel – Certified

Student Teachers/Interns

Student Teachers

Bridgeport Public Schools will accept qualified student teachers to teach in Bridgeport classrooms. The Superintendent or their designee will create appropriate procedures for the supervision of these teachers.

Policy adopted:

BRIDGEPORT PUBLIC SCHOOLS
Bridgeport, Connecticut

Personnel -- Certified

Staff Development

"Staff development" is viewed by the Bridgeport Board of Education (Board) as a continuous, systematic effort to improve educational programs in this school district through (1) staff involvement in organized program planning, implementation, and evaluation efforts, and (2) activities to upgrade the skills, knowledge, and ability of educators to improve student learning.

Each certified employee shall annually participate in a program of professional development, of not fewer than eighteen hours in length, of which a preponderance is in small-group or individual settings. The professional development program shall:

1. be a comprehensive, sustained, and intensive approach to improving teacher and administrator effectiveness in increasing student knowledge achievement;
2. focus on refining and improving various effective teaching methods that are shared among educators;
3. foster collective responsibility for improved student performance,
4. be comprised of professional learning that is aligned with rigorous state student academic achievement standards, conducted at the school among educators and facilitated by principals, coaches, mentors and distinguished educators or other appropriate teachers, occurs frequently on an individual basis or among groups of teachers in a job-embedded process of continuous improvement, and includes a repository or best practices for teaching methods developed by educators within each school that is continuously available to such educators for comment and updating; and
5. include training in culturally responsive pedagogy and practice.

The principles and practices of social-emotional learning shall be integrated throughout the components of such program of professional development described in items 1 through 5 above.

Staff development experiences made available by the Board directly, through a RESC, another Board of Education, or a provider approved by the Commissioner, shall be consistent with any goals identified by the certified employees and the Board.

The Board believes that staff development experience should be comprehensive, sustained, and intensive enough to improve teacher and administrator effectiveness in raising student performance and foster collective responsibility for improved student performance.

Teachers must constantly review curricular content, teaching methods and materials, educational philosophy and goals, social change, and other topics related to education to enhance educators' capacity to improve student learning. The Board recognizes that it, along with the certified staff, shares responsibility for upgrading and updating teacher performance and attitudes. The Board of Education and teachers' organizations support the principles of continuing teacher training and the improvement of instruction.

Personnel -- Certified

Staff Development (continued)

All employees shall be provided with opportunities to develop greater competence beyond what they may attain through the performance of their assigned duties.

The Board, in determining its professional development program, shall seek the advice and assistance of teachers and establish a professional development and evaluation committee (PDEC) consisting of certified employees, including representatives of the exclusive bargaining representative for such employees.

Committee membership shall consist of at least one representative from each of the teachers' and administrators' unions and other school personnel the Board deems appropriate.

The duties of the committee shall include, but not be limited to, participation in the development of a teacher evaluation and support program for the District, the development, evaluation and annual updating of a comprehensive local professional development plan, in fulfillment of the statutes, for certified employees of the District.

Such plan shall (1) be directly related to the educational goals proposed by the Board pursuant to C.G.S. 10-220(b), (2) be developed in full consideration of the priorities and needs related to student social-emotional learning pursuant to C.G.S. 10-148a, as amended, and student outcomes as determined by the State Board of Education, and (3) provide for the ongoing and systematic assessment and improvement of both teacher evaluation and professional development of the District's professional staff members, including personnel management and evaluation training or experiences for administrators, and (4) shall be related to regular and special student needs and may include provisions concerning career incentives and parent involvement.

The members chosen by the Board to be on the professional development and evaluation committee shall serve at the pleasure of the Board.

Special effort shall be made to prepare teachers and other school personnel to meet the needs of students of diverse cultural and ethnic backgrounds. Planning and implementation of such programs shall be carried out cooperatively by the administration, teachers, and parent advisory groups. Special effort shall also be made to administrators and/or supervisors in training, in accordance with their obligations in evaluating the teacher.

Staff development activities should respond directly to the educational needs of the student body. The in-service program shall comply with all applicable statutory requirements, particularly those set forth in CGS 10-220a, as amended. Such in-service training program for certified staff shall provide information on the following:

1. the nature and the relationship of drugs and alcohol to health and personality development, and procedures for discouraging their abuse,
2. health and mental health risk reduction education that includes, but need not be limited to, the prevention of risk-taking behavior by children and the relationship of such behavior to substance abuse, pregnancy, sexually transmitted diseases, including HIV-infection and AIDS, violence, teen dating violence, domestic violence, and child abuse,
3. school violence prevention, conflict resolution, the prevention of and response to youth suicide, and the identification, prevention of, and response to bullying,
4. cardiopulmonary resuscitation and other emergency life-saving procedures,

Personnel -- Certified

Staff Development (continued)

5. the requirements and obligations of a mandated reporter,
6. the detection and recognition of, and evidence-based structured literacy interventions for, students with dyslexia, as defined in CGS 10-3d, and
7. play-based learning for PreK-5 teachers.

The Board will allow any paraprofessional or noncertified employee of the District to participate, voluntarily, in any in-service training program provided to certified staff on those topics mandated per C.G.S. 10-220a, subsection (a).

The Superintendent is to report annually to the Bridgeport Board of Education on the professional development program and its effect, with recommendations for changes as needed.

Professional Development Pertaining to Human Trafficking

The Board, in compliance with PA 17-32, shall provide training pertaining to human trafficking to those staff members who have contact with students. These individuals must complete the initial educational training by July 1, 2018, and refresher training annually thereafter. New hires must complete the initial training within six months after their start date, or by July 1, 2018, whichever is later. This training shall use the training program, which includes a video presentation developed by the Department of Children and Families (DCF) on human trafficking awareness and how to accurately and promptly identify and report suspected human trafficking.

(cf. 4115 - Evaluation)

Legal Reference: Connecticut General Statutes
10-27 Exchange of professional personnel and students.
10-220a In-service training. (amended by PA 04-227, PA 08-160, June 19 Special Session, Public Act No. 09-1, PA 10-91, PA 12-116, PA 13-145, PA 15-215, PA 17-37 and PA 19-100 and PA 21-56)
10-153b Selection of teachers' representatives
10-226f Coordinator of intergroup relations.
10-226g Intergroup relations training for teachers.
10-145b Teaching certificates (as amended by PA 01-173)
10-148a Professional development (as amended by PA 17-37 and PA 19-100 and PA 21-46)
10-151(b) Employment of teachers. Definitions. Tenure
PA 17-32 An Act Concerning Human Trafficking
PA 17-37 An Act Implementing the Recommendations of the Task Force on Professional Development and In-service Training Requirements for Educators
PA 23-159 An Act Concerning Teachers and Paraprofessionals Sec. 4-5

Policy adopted: BRIDGEPORT PUBLIC SCHOOLS
Bridgeport, Connecticut

Personnel – Certified

Publication or Creation of Materials

Professional staff member shall be encouraged to write and publish educational materials whether it be for local use, periodicals or books.

Staff members are encouraged to contribute professional articles and news items to local, State and national agencies. As a matter of professional ethics, all professional articles should be cleared through the office of the Superintendent of Schools in the event that the school system or any of its separate departments is mentioned.

Copyrights and Patents

Materials created by staff at the instigation and/or direction off superiors and/or during work-time shall be considered "work made for hire" under Sections 201(b) and 101 of the Copyright Act and shall be solely the property of the school district.

It is also understood that educational materials created by an employee during the employee's leisure hours when the employee is not fulfilling his/her contractual duties to the School District are the property of the employee.

Policy adopted:

BRIDGEPORT PUBLIC SCHOOLS
Bridgeport, Connecticut

Business and Non-Instructional Operations

Travel by Staff Members

1. Use of Cars in Bridgeport

Staff members whose assigned duties necessitate the regular use of their personal cars, as traveling from school to school, shall be granted a monthly allowance which shall be based on the estimated average use of the car, according to a schedule approved and published by the Superintendent and/or their designee on a yearly basis. A monthly, non-specific travel allowance is subject to income taxes under Internal Revenue Service regulations

The receipt of a monthly stipend for travel, or reimbursement for specific miles traveled for Bridgeport Board of Education business, indicates the recipient is receiving reimbursement for fuel, wear and tear on the vehicle, depreciation and insurance. A "Travel Expense Reimbursement Form" is required unless disallowed in contractual obligations. In case of an accident the employee's insurance is first coverage.

2. Travel Outside the Metropolitan Bridgeport Area

Staff members traveling outside the metropolitan Bridgeport area (for more than fifty miles round trip), for reasons approved in advance by the Superintendent or their designee may be reimbursed for travel expenses, the amount to be determined on the basis of the most direct route and the one including the least overall expense to the board. When personally owned cars are used, payments shall be made in accordance with the rate established by the Superintendent or their designee based on the I.R.S published rate. Staff members traveling by common carrier shall secure federal tax exemption by indicating to the travel agent that they are on school business. Employees failing to do so shall not be entitled to reimbursement of any tax paid.

Staff members attending educational conferences or on official school business approved in advance by the Superintendent or their designee may be reimbursed for other expenses, including hotel room, meals, and registration, within the allowance appropriated in the annual budget. Reimbursement rates and limitations shall be established annually by the Superintendent.

Policy adopted:

BRIDGEPORT PUBLIC SCHOOLS
Bridgeport, Connecticut

Personnel – Certified/Non-Certified

Soliciting and Selling

No Bridgeport Board of Education funds, including school activity funds, shall be used to support charity contributions or personal gifts or any non-school activities

Collections, Contests, and Drives

Approval by the Superintendent shall be required for participation by schools in collections, contests, and drives. Every effort shall be made to keep collections, contests, and drives at a minimum to avoid interference with the regular school program.

Policy adopted:

BRIDGEPORT PUBLIC SCHOOLS
Bridgeport, Connecticut

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Personnel – Certified/Non-Certified

Non-School Employment

Personnel of the Bridgeport Public Schools District may receive compensation for activities outside of the compensated work time as long as these activities do not interfere with the proper discharge of their assigned duties, do not constitute a conflict of interest, or do not cause poor public relations within the community. It is expected that any outside activity should be carried on in a business-like and ethical manner.

All employees shall notify the Superintendent of outside activities that may interfere with the performance of normal duties.

If an outside activity occurs during compensated work time and the Superintendent permits the employee to participate, any compensation given to the employee shall be remitted to the district.

Policy adopted:

BRIDGEPORT PUBLIC SCHOOLS
Bridgeport, Connecticut

P4140.2
4240.2

Personnel -- Certified/Non-Certified

Compensation and Related Benefits for Non-Bargaining Unit Employees (excluding Superintendent, Assistant Superintendent, and Directors)

The Superintendent and his/her designee will develop guidelines in the form of administrative regulations, concerning the compensation and benefits of non-bargaining unit employees (excluding the Superintendent). The compensation and benefits of such employee will be reviewed and determined, annually, by the Board of Education prior to the new fiscal hear.

Policy adopted:

BRIDGEPORT PUBLIC SCHOOLS
Bridgeport, Connecticut

Personnel – Certified/Non-Certified

Family and Medical Leave Act

The Bridgeport Board of Education shall provide leave to eligible employees consistent with the Family and Medical Leave Act of 1993 (FMLA) and/or the Connecticut Family and Medical Leave Act (CT FMLA) and legislative updates. This policy notifies employees of their rights and establishes guidelines consistent with FMLA and applicable Connecticut state law. This policy is not intended to recite every provision of applicable law and regulations.

Eligibility

Federal FMLA

Employees of the Bridgeport Public Schools District who have been employed for at least twelve (12) months and who have worked at least 1,250 service hours during the twelve (12) months immediately preceding the start of a leave are eligible for unpaid leave under the FMLA. Full-time employees are considered to have met the 1,250-hour requirement unless the Board can demonstrate otherwise. Under the federal FMLA, eligible employees are entitled to up to 12 weeks of unpaid leave each year.

CT FMLA

Eligible employees are employees whose position does not require professional certification (non-certified school personnel) or certified school personnel whose union has successfully negotiated with the Board to participate in such programs. To be eligible for the program, a certified school employee must be employed for at least three months immediately preceding such employee's request for leave by the employer with respect to whom leave is requested. Non-certified school personnel must have been employed by the Board for at least three (3) months during the previous 12 months to be eligible.

Under the CT FMLA, eligible employees can take up to 12 weeks of unpaid leave in a 12-month period for qualifying reasons, with an additional 2 weeks available for certain pregnancy-related conditions. An employee may be entitled to leave under the Federal FMLA and/or CT FMLA. To the extent an employee is eligible for and qualifies for leave under both laws, the employee's Federal FMLA and CT FMLA leave will run concurrently.

Personnel – Certified/Non-Certified

Family and Medical Leave Act

Definitions

Genetic Information: For purposes of this policy, "genetic information" includes an individual's family medical history, an individual's or family member's genetic tests, and/or the fact that an individual or an individual's family member sought or received genetic services or participated in clinical research, which includes genetic services. "Genetic information" includes information of a fetus carried by an individual or an individual's family member or an embryo lawfully held by an individual or family member utilizing assistive reproductive technology.

Instructional employee: For purposes of this policy, an "instructional employee" is defined as a teacher or other employee of the District who is employed principally in an instructional capacity and whose principal function is to teach and instruct students in a class, small group, or an individual setting, and includes athletic coaches, driving instructors, and special education assistants such as signers for the hearing impaired. The term does not include teacher assistants or aides whose principal function is not actual teaching or instruction, nor auxiliary personnel such as counselors, psychologists, curriculum specialists, cafeteria workers, maintenance workers, bus drivers, or other primarily non-instructional employees.

Non-certified employee: For purposes of this policy, "non-certified employee" means an employee employed by the District in a position that does not require a professional certification under Chapter 166 of the Connecticut General Statutes.

Leave covered by FMLA includes the following:

- incapacity due to pregnancy, prenatal medical care, or childbirth;
- to care for the employee's newborn child;
- the placement of a child with the employee by adoption or foster care;
- to care for the employee's spouse, child, or parent who has a serious health condition; or
- to care for the employee's own serious health condition that renders the employee unable to perform the functions of the employee's position;
- to serve as an organ or bone marrow donor;
- to care for an injured or ill service member;
- a qualifying exigency arising out of a family member's military service, including one or more of the following reasons:
  - short-notice deployment;
  - military events and related activities;
  - childcare and school activities;
  - financial and legal arrangements;
  - counseling;
  - rest and recuperation;
  - post-deployment activities;

Personnel – Certified/Non-Certified

Family and Medical Leave Act

Leave covered by FMLA includes the following: (continued)

- parental care leave for a military member's parent who is incapable of self-care and care is necessitated by the military member's covered active duty;
- additional activities that arise out of the active duty or call to active-duty status of a covered military member, provided that the Board and the employee agree that such leave qualifies as an exigency and agree to both the timing and the duration of such leave.

Leave covered by Connecticut FMLA includes the following:

- upon the birth of the employee's newborn child, and to care for the newborn child;
- upon the placement of a child with the employee for adoption or foster care, and to care for the newly placed child;
- to care for the employee's family member, if such family member has a serious health condition;
- because of the employee's own serious health condition, including any period of incapacity due to pregnancy or for prenatal care, that renders the employee unable to perform the functions of the employee's position;
- in order to serve as an organ or bone marrow donor;
- to care for an injured or ill servicemember who is the employee's spouse, parent, child or next of kin; or
- to address a qualifying exigency arising out of the fact that the spouse, child, or parent of the employee is on active duty, or has been notified of an impending call or order to active duty, in the armed forces.

For purposes of determining whether an employee has a qualifying reason for leave under CT FMLA, "family member" is defined as a spouse, sibling, child, grandparent, grandchild or parent, or an individual related to the employee by blood or affinity whose close association the employee shows to be the equivalent of those family relationships.

If a leave is requested for one of the reasons listed above, each eligible employee may take up to a total of twelve (12) weeks of unpaid family or medical leave in the twelve (12) month entitlement period. This entitlement period is measured on the basis of a "rolling" 12-month period measured backward from the date an employee uses any FMLA leave.

The Superintendent shall draft administrative regulations to comply with the FMLA, CT FMLA, and subsequent updates. In developing these regulations to support policy 4152.6/4252.6, the Superintendent will provide direction and explanations covering the following areas:

- Acceptable reasons for requesting leave under the FMLA;
- Leave scenarios and conditions;
- Leave to care for an injured or ill service member;

Personnel – Certified/Non-Certified

Family and Medical Leave Act

Leave under Connecticut FMLA includes the following: (continued)

- Procedures for requesting leave under the FMLA;
- Leaves under FMLA and medical treatment requirements;
- Required certifications and documentation;
- Use of paid leave
- Medical insurance and other benefits, and
- Reinstatement.

(cf. 4118.14 - Disabilities)
(cf. 4151.2 - Family Illness)
(cf. 4152.3 - Maternity; Adoptive; Child Care)

Legal References: Connecticut General Statutes

31-51rr Family and medical leave benefits for employees of political subdivisions

Regs. Conn. State Agencies 31-51rr-1, et seq.

United States Code:

Family and Medical Leave Act of 1993, 29 U.S.C. Section 2601 et seq., as amended

29 CFR Part 825.100 et seq.

Title II of the Genetic Information Nondiscrimination Act of 2008, 42 USC 2000ff et seq.

S29 CFR 1635.1 et seq.

Public Act 24-41 An Act Concerning Educator Certification, Teachers, Paraeducators and Mandated Reporter Requirements, Section 18

Public Act 25-174 An Act Authorizing and Adjusting Bonds of the State and Concerning Grant Programs, State Grant Commitments for School Building Projects, Revisions to the School Building Projects Statutes and Various Provisions Revising and Implementing the Budget for the Biennium Ending June 30, 2027, Sections 234-237

Policy adopted:

BRIDGEPORT PUBLIC SCHOOLS
Bridgeport, Connecticut

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Personnel – Certified/Non-Certified

Family and Medical Leave Act

The Bridgeport Board of Education shall provide leave to eligible employees consistent with the Family and Medical Leave Act of 1993 (FMLA) and legislative updates. This policy notifies employees of their rights and establishes guidelines consistent with FMLA and applicable Connecticut state law. *(These regulations do not recite every provision of applicable law and regulations.)*

Federal FMLA

Employees of the Bridgeport Public Schools District who have been employed for at least twelve (12) months and who have worked at least 1,250 service hours during the twelve (12) months immediately preceding the start of a leave are eligible for unpaid leave under the FMLA. Full-time employees are considered to have met the 1,250-hour requirement unless the Board can demonstrate otherwise. Under the federal FMLA, eligible employees are entitled to up to 12 weeks of unpaid leave each year.

CT FMLA

Eligible employees are employees whose position does not require a professional certification (non-certified school personnel) or certified school personnel whose union has successfully negotiated with the Board to participate in such programs. To be eligible for the program, a certified school employee must be employed for at least three months immediately preceding such employee's request for leave by the employer with respect to whom leave is requested. Non-certified school personnel must be employed by the District for at least three months during the previous 12 months to be eligible.

Under the CT FMLA, eligible employees can take up to 12 weeks of unpaid leave in a 12-month period for qualifying reasons, with an additional 2 weeks available for certain pregnancy-related conditions.

For purposes of these administrative regulations, a **paraeducator** means a school employee who performs instructional duties or delivers either direct or indirect services to students and/or parents and serves in a position for which a teacher has ultimate responsibility for the design and implementation of educational programs and services. An **instructional employee** is defined as a teacher or other employee who serves in an instructional capacity and whose function is to instruct students. The term does not include teacher assistants or non-instructional aides, nor auxiliary personnel such as school counselors, psychologists, curriculum specialists, cafeteria workers, maintenance or custodial workers, or other primarily non-instructional employees.

Personnel – Certified/Non-Certified

Family and Medical Leave Act (continued)

If a leave is requested for one of the reasons listed above, each eligible employee may take up to a total of twelve (12) weeks of unpaid family or medical leave in the twelve (12) month entitlement period. This entitlement period is measured on the basis of a "rolling" 12-month period measured backward from the date an employee uses any FMLA leave.

Types of Leave and Conditions

Full-Time, Intermittent, and Reduced Schedule Leave

Full-time leave excuses the employee from work for a continuous period of time. Full-time unpaid leave may be taken for any of the reasons permitted by the FMLA. ***Intermittent leave*** means leave taken for a single qualifying reason in separate periods rather than for one continuous period.

Intermittent leave includes leave taken one day per week over a period of a few months or leaves taken on an occasional or as-needed basis for medical appointments. ***Reduced schedule*** leave is leave that reduces an employee's usual number of work hours per day for a period of time, such as when an employee may request half-time work for a number of weeks to assist in the care of a seriously ill parent.

Intermittent or reduced schedule leave may be taken when medically necessary for an employee's or covered family member's serious health condition or a covered service member's serious illness or injury, and the need for leave can be best accommodated through intermittent or reduced schedule leave. In addition, FMLA leave may be taken intermittently or on a reduced schedule due to a qualifying exigency or to effectuate the placement of a child for adoption or foster care before the child is placed in the home. Intermittent or reduced schedule leave may be taken following the birth or placement of a healthy child only with the Board's permission.

If foreseeable intermittent or reduced-schedule leave is medically required based on planned medical treatment for the employee, a family member, or a covered service member, the Board may, in its sole discretion, temporarily transfer the employee to another job with equivalent pay and benefits that better accommodates the requested leave. This would include a period of recovery from an employee's or family member's serious health condition or a serious injury or illness of a covered service member.

In addition, special arrangements may be required of an instructional employee who needs to take intermittent or reduced-schedule leave, which will involve absence for more than twenty (20) percent of the work days in the period over which the leave will extend (for example, more than five days over a five-week period) if the leave is to care for a family member with a serious health condition, to care for a covered service member with a serious injury or illness, or for the employee's own serious health condition, which is foreseeable based on planned medical treatment. In such situations, the Board may require the instructional employee to transfer temporarily to another job or take leave for a particular duration not to exceed the duration of the planned medical treatment.

Personnel – Certified/Non-Certified

Family and Medical Leave Act (continued)

Both Spouses Working for the Same Employer

If both spouses are eligible employees of the Board and request leave for the birth, placement of a child by adoption or for foster care, or to care for a parent with a serious health condition, they will only be entitled to a maximum combined total leave equal to twelve (12) weeks in the 12-month entitlement period. If either spouse (or both) uses a portion of the total 12-week entitlement for one of the purposes in the preceding sentence, each is entitled to the difference between the amount the employee has taken individually and the 12 weeks for FMLA leave for their own or their spouse's serious health condition in the 12-month entitlement period.

Leave Taken by Instructional Employees Near the End of an Academic Term

If an instructional employee's leave for any reason begins more than five (5) weeks before the end of an academic term, the Board may require the employee to continue the leave until the end of the term if the leave will last at least three (3) weeks and the instructional employee returns to work during the three-week period before the end of the term.

If the instructional employee begins a leave during the five-week period preceding the end of an academic term for a reason other than the instructional employee's own serious health condition, the Board may require the instructional employee to continue taking leave until the end of the term if the leave will last more than two (2) weeks and the instructional employee would return to work during the two-week period before the end of the term.

If the instructional employee begins leave during the three-week period preceding the end of an academic term for a reason other than the instructional employee's own serious health condition, the Board may require the instructional employee to continue taking leave until the end of the term if the leave will last more than five (5) working days.

Leave to Care for an Injured or Ill Service Member

In addition to the reasons for leave listed above, an eligible employee may take up to twenty-six (26) workweeks of FMLA leave during a 12-month period to care for a service member who is the employee’s spouse, parent, child, or next of kin, and who incurred a serious injury or illness in the line of duty and while on active duty in the Armed Forces or had a preexisting injury or illness prior to beginning active duty that was aggravated by service in the line of duty on active duty in the Armed Forces; or a covered veteran with a serious injury or illness who is the employee’s spouse, parent, child or next of kin.

For service members, the injury or illness must render them medically unable to perform the duties of office, grade, rank, or rating. This provision applies to service members who are undergoing medical treatment, recuperation, or therapy, are in outpatient status, or are on the temporary disability retired list for a serious injury or illness.

Personnel – Certified/Non-Certified

Family and Medical Leave Act

Leave to Care for an Injured or Ill Service Member (continued)

For covered veterans, they must be undergoing medical treatment, recuperation, or therapy for a serious injury or illness and must have been a member of the Armed Forces (including the National Guard or Reserves), discharged or released under conditions that were other than dishonorable, and discharged within the five-year period before the eligible employee first takes FMLA military caregiver leave to care for the veteran. *(The employee's first date of leave must be within the five-year period. However, the employee may continue to take leave throughout the single 12-month period even if the leave extends past the five-year period. Note - special rules may apply to calculating the five-year period for veterans discharged between October 28, 2009, and March 8, 2013. This period will effectively be excluded from the five-year calculation.)*

For covered veterans, serious injury or illness means any of the following:

- a continuation of a serious injury or illness that was incurred or aggravated when the covered veteran was a member of the Armed Forces and rendered the service member unable to perform the duties of the service member's office, grade, rank, or rating;
- a physical or mental condition for which the covered veteran has received a U.S. Department of Veterans Affairs Service-Related Disability Rating (VASRD) of 50 percent or greater and such VASRD rating is based, in whole or in part, on the condition precipitating the need for military caregiver leave;
- a physical or mental condition that substantially impairs the covered veteran's ability to secure or follow a substantially gainful occupation by reason of a disability or disabilities related to military service or would do so absent treatment;
- an injury, including a psychological injury, on the basis of which the covered veteran has been enrolled in the Department of Veterans Affairs Program of Comprehensive Assistance for Family Caregivers.

When combined with any other type of FMLA qualifying leave, total leave time may not exceed twenty-six (26) weeks in a single twelve (12) month period. Standard FMLA leave procedures described below apply to all requests for and designations of leave for this purpose. *However*, in the case of leave to care for a service member with a serious injury or illness, the 12-month period begins on the day such leave actually commences.

Requests for Leave

Foreseeable Leave

An employee must notify the personnel department of the need for a family or medical leave at least thirty (30) days before the leave is to begin if the need for the leave is foreseeable based on the expected birth of the employee's child, placement of a child with the employee for adoption or foster care, planned medical treatment for the employee's or family member's serious health condition, or the planned medical treatment for a serious injury or illness of a covered service member. If a 30-day notice is not practicable, then the employee must provide notice as soon as practicable under the circumstances, usually the same day or the next business day after the employee becomes aware of the need for FMLA leave.

Personnel – Certified/Non-Certified

Family and Medical Leave Act

Requests for Leave (continued)

Qualifying Exigency

An employee must provide notice as soon as practicable if the foreseeable leave is for a qualifying exigency, regardless of how far in advance such leave is foreseeable.

Unforeseeable Leave

When the employee's need for leave is not foreseeable, the employee must provide notice as practicable under the circumstances.

Scheduling Planned Medical Treatment

When planning medical treatment for foreseeable FMLA leave, an employee must consult with the personnel department and make a reasonable effort to schedule the treatment so as not to unduly disrupt the Board's operations, subject to the health care provider's approval. Similarly, if an employee needs to leave intermittently or on a reduced leave schedule for planned medical treatment, the employee must make a reasonable effort to schedule the treatment so as not to disrupt the Board's operations unduly.

Ordinarily, the employee should consult with the personnel department prior to scheduling the treatment to work out a schedule that best suits the needs of the Board and the employee. The Board and the employee shall attempt to work out a leave schedule that meets the employee's needs without unduly disrupting the Board's operations, subject to the health care provider's approval of any modification to the treatment schedule.

Required Certifications/Documentation

For leaves taken for any FMLA-qualifying reason, an employee must submit a completed certification form supporting the need for leave. The employee must submit a complete and sufficient certification form as required within fifteen (15) calendar days of receiving the request for the completed certification. If it is not practicable for the employee to provide the completed form by the due date despite the employee's diligent, good-faith efforts, the employee must inform the personnel department of the reason(s) for the delay and what efforts the employee undertook to obtain the required certification.

FMLA-protected leave may be delayed or denied if the employee does not provide a complete and sufficient certification as required. Depending on the reason for leave, an employee may be required to submit medical certification from the employee's health care provider, medical certification from the employee's family member's health care provider, and/or other documentation (e.g., to establish a family relationship, military active-duty orders, etc.). In certain circumstances, employees may also be required to obtain second or third medical opinions and/or recertifications in accordance with applicable law.

Personnel – Certified/Non-Certified

Family and Medical Leave Act

Required Certifications/Documentation (continued)

If an employee takes leave for the employee's own serious health condition (except on an intermittent or reduced-schedule basis), prior to returning to work, the employee must provide a medical fitness-for-duty certification that the employee is able to resume work and the health condition that created the need for the leave no longer renders the employee unable to perform the essential functions of the job. This certification must be submitted to the Assistant Superintendent of Human Capital.

If the employee is unable to perform one or more of the essential functions of the employee's position, the Board will determine whether the employee is eligible for additional FMLA leave (if such leave has not been exhausted) or whether an accommodation is appropriate, in accordance with the Americans with Disabilities Act.

In connection with the Board's request for medical information, employees must be aware that the Genetic Information Nondiscrimination Act of 2008 ("GINA") prohibits employers and other entities covered by Title II of GINA from requesting or requiring genetic information of an individual or family member of the individual, except as specifically allowed by this law. To comply with this law, the Board requests that employees not provide any genetic information when responding to a request for medical information.

Use of Paid Leave

Accrued paid personal leave and accrued paid vacation will be substituted (in that order) for any unpaid portions of family or medical leave taken for any reason. However, where the leave is for the employee's own serious health condition, accrued paid sick leave shall be substituted for unpaid portions of family or medical leave prior to the substitution of accrued paid personal and accrued paid vacation leave. The amount of unpaid family or medical leave entitlement is reduced by the amount of paid leave substituted.

In addition, in cases involving absences due to a Workers' Compensation injury that also qualifies as an FMLA serious health condition, and if the employee (and the employee's collective bargaining agent, if applicable) and the Board agree to do so, the Board will apply the employee's available accrued paid leave in increments as a supplement to the Workers' Compensation weekly benefit in an appropriate amount so that the employee can maintain the employee's regular weekly income level.

Medical Insurance and Other Benefits

During approved family or medical leaves of absence, the District will continue to pay its portion of medical insurance premiums for the period of unpaid family or medical leave. The employee must continue to pay the employee's share of the premium, and failure to do so may result in loss of coverage. If the employee does not return to work after the expiration of the leave, the employee will be required to reimburse the District for the medical insurance premiums paid during the family or medical leave, unless the employee does not return because of a serious health condition or circumstances beyond the employee's control.

Personnel – Certified/Non-Certified

Family and Medical Leave Act

Medical Insurance and Other Benefits (continued)

During FMLA leave, an employee shall not accrue list benefits, such as seniority, pension benefits, or sick or vacation leave**,** unless otherwise required by any applicable collective bargaining agreement or Board policy. However, unused employment benefits accrued by the employee up to the day on which the leave begins will not be lost upon return to work. Leave taken under this policy does not constitute an absence under the Board's attendance policy, if any.

Reinstatement

Except for circumstances unrelated to taking family or medical leave, and unless an exception applies, an employee who returns to work following the expiration of family or medical leave is entitled to return to the job such employee held prior to the leave or to an equivalent position with equivalent pay and benefits.

Additional Information

Questions regarding family or medical leave may be directed to the Superintendent or designee. An employee may file a complaint with the U.S. Department of Labor or may bring a private lawsuit against an employer. FMLA does not affect any federal or state law prohibiting discrimination or supersede any state or local law or collective bargaining agreement that provides greater family or medical leave rights.

Legal References: Connecticut General Statutes

31-51rr Family and medical leave benefits for employees of political subdivisions

Regs. Conn. State Agencies 31-51rr-1, et seq.

United States Code:

Family and Medical Leave Act of 1993, 29 U.S.C. Section 2601 et seq., as amended

29 CFR Part 825.100 et seq.

Title II of the Genetic Information Nondiscrimination Act of 2008, 42 USC 2000ff et seq.

29 CFR 1635.1 et seq.

Public Act 24-41 An Act Concerning Educator Certification, Teachers, Paraeducators and Mandated Reporter Requirements, Section 18

Public Act 25-174 An Act Authorizing and Adjusting Bonds of the State and Concerning Grant Programs, State Grant Commitments for School Building Projects, Revisions to the School Building Projects Statutes and Various Provisions Revising and Implementing the Budget for the Biennium Ending June 30, 2027, Sections 234-237

Regulation approved: BRIDGEPORT PUBLIC SCHOOLS
Bridgeport, Connecticut

Personnel -- Non-Certified

Affirmative Action: Recruitment and Selection

The Bridgeport Board of Education will provide equal employment opportunities for all persons without regard to race, color, religious creed, age, marital status, national origin, sex, gender identity/expression, disability (including, but not limited to, intellectual disability, past or present history of mental disorder, genetic information, or sexual orientation. The Bridgeport Board of Education directs the administration to set as a goal the recruitment, selection and employment of qualified people among racial and ethnic minority groups to the end that the school district's employees will proportionately mirror the racial and ethnic composition of this community.

The Bridgeport Board of Education requests an annual report from the Superintendent of Schools concerning the extent to which the above-mentioned affirmative action program goals are being achieved.

No advertisement of employment opportunities may by intent or design restrict employment based upon discrimination as defined by law.

Legal Reference: Connecticut General Statutes
10-153 Discrimination on account of marital status
46a-60 Discriminatory Employment Practices Prohibited
Title VII, Civil Rights Act 42 U.S.C. 2000e, et seq.
Equal Pay Act of 1963, 29 U.S.C. 206(d).

Policy adopted:

BRIDGEPORT PUBLIC SCHOOLS
Bridgeport, Connecticut

Personnel -- Non-Certified

Recruitment and Selection

It is the responsibility of the Superintendent of Schools and of persons designated by the Superintendent to determine the personnel needs of the school district and to locate suitable candidates to recommend for employment to the Board of Education. An estimate of the cost of the recruitment and selection program will be made annually by the Superintendent and presented to the Board of Education for inclusion in the annual budget.

No inquiry in regard to an employee's race, color, religious creed, sex, sexual orientation or national origin shall be made of a person proposed for or seeking employment.

Prior to initial employment, a physician shall certify to the Superintendent of Schools or their designee that said employee is in good health and in fit condition for service. It shall be the duty of the Superintendent of Schools or their designee to see that persons nominated for employment shall meet all qualifications established by law and by the Bridgeport Board of Education for the type of position for which nomination is made.

Legal Reference: Connecticut General Statutes
46a-60 Discriminatory employment practices prohibited.
46a-81a Discrimination on the basis of sexual orientation
Title VII, Civil Rights Act, 42 U.S.C. 2000e et seq.

Policy adopted:

BRIDGEPORT PUBLIC SCHOOLS
Bridgeport, Connecticut

BUS DRIVER DRUG TESTING PROGRAM UPDATE: CLEARINGHOUSE

(Background Information for Policy Review Committee)

The United States Department of Transportation (USDOT), through the Federal Motor Carrier Safety Administration Agency (FMCSA), amended the rules for the commercial driver's license drug testing program to establish requirements for the Commercial Driver's License Drug and Alcohol Clearinghouse (Clearinghouse). The Clearinghouse was required to be established by federal law with the intent of improving road safety. (49 CFR Section 382.701 et seq.)

The Clearinghouse is a secure online database that gives employers, the Federal Motor Carrier Safety Administration (FMCSA), State Driver Licensing Agencies (SDLAs), and State law enforcement personnel real-time information about commercial driver's license (CDL) and commercial learner's permit (CLP) holders' drug and alcohol program violations.

The Clearinghouse contains records of violations of drug and alcohol prohibitions in 49 CFR Part 382, Subpart B, including positive drug or alcohol test results and test refusals. When a driver completes the return-to-duty (RTD) process and follow-up testing plan, this information is also recorded in the Clearinghouse.

The purpose of the Clearinghouse is to maintain records of every violation of the drug and alcohol testing program in a central depository, so that employers of CDL holders may have one electronic resource to determine whether potential drivers and current employees have violated the USDOT drug and alcohol testing regulations. The Clearinghouse will identify drivers who frequently move and obtain CDLs in different states and link those CDLs to maintain complete and accurate information on such drivers.

The amended rules require employers to update their drug and alcohol testing policies to include the Clearinghouse.

The Clearinghouse began its operation in 2020. Every employer that employs CDL drivers must register with the Clearinghouse. The Clearinghouse website is https://clearinghouse.fmcsa.dot.gov/. The employer is required, as part of the registration process, to name its employees who will have the authority to make an inquiry. For school districts, this would be the superintendent and/or the transportation director, the business manager, or the person overseeing transportation for the local district. The designated persons will be allowed to make the inquiries required by the regulations.

The regulations require an employer to make an inquiry to the Clearinghouse for applicants for a CDL driver position, such as school bus drivers. Information will be provided in this initial inquiry regarding whether the Clearinghouse contains records indicating that the driver has violated the drug and alcohol regulations, including testing positive on one of the required tests or being found to have engaged in a prohibited activity. Prohibited activities include the use of alcohol while performing a safety-sensitive function on the job or consuming alcohol within four hours before performing a safety-sensitive function. A violation reported in the Clearinghouse requires the employer to conduct a full inquiry within 24 hours to obtain the details of the violation.

The driver's written consent is required before conducting any initial or full inquiry. The driver's failure to provide consent prevents the employer from hiring the applicant. The purpose of an annual inquiry into current employees is to determine whether they have committed any violations while working for other covered current employers. Clearinghouse information received by the employer is confidential and cannot be disclosed to any entity or employee who does not have the authority to hire or discipline the driver/employee.

Employers of CDL drivers are required to report information about their current employees who have violated the regulations. What must be reported to the Clearinghouse includes positive drug and alcohol tests required by the regulations, actual knowledge of the violations of the drug and alcohol regulations, such as the use of drugs and/or alcohol prior to performing safety-sensitive functions or while on duty, or the driver's refusal to be tested. Information must be posted to the Clearinghouse by the employer within three (3) business days of the violation.

The regulations require a prospective employer to obtain drug and alcohol testing information from prior employers who employed the driver within the last three years, up to and including January 6, 2023. After that date, an employer making an inquiry to the Clearinghouse on the driver/applicant will fulfill this requirement.

Drivers are not required to register for the Clearinghouse. However, a driver will need to be registered to provide electronic consent in the Clearinghouse if a prospective or current employer needs to conduct a full query of the driver's Clearinghouse record – this includes all pre-employment queries. A driver must also be registered to view the information in his or her own Clearinghouse record electronically. Registered drivers will have their Clearinghouse accounts and contact preferences set up, enabling them to quickly respond to employer queries.

Policy Implications

The regulations require the employer to state in its policy on the CDL drug and alcohol testing program that the employer must report violations of the program to the Clearinghouse and to include this information in the training and notice materials given to drivers, as required by the regulations.

The CABE sample policy on drug and alcohol testing for school bus drivers has been revised to comply with the Clearinghouse requirements.

It is important that contracts entered into between the school district and a transportation carrier for bus transportation services, if the district does not run its own buses, include language pertaining to the assurance that the contractor will establish a drug and alcohol-testing program that meets the requirements of federal regulations, state statutes and the district's policy and that the contractor will actively enforce the regulations of the policy as well as state and federal requirements.

Policy #4212.42, "Drug and Alcohol Testing for School Bus Drivers," is a required policy per federal mandate. Several versions are available, including an administrative regulation.

Personnel -- Non-Certified

Drug and Alcohol Testing for School Bus Drivers

In a continuing effort to prevent accidents and injuries resulting from the use of drugs and misuse of alcohol by drivers of commercial motor vehicles, the District shall establish a drug and alcohol misuse prevention program.

The District's program shall meet the requirements of the Omnibus Transportation Employee Testing Act of 1991, as amended, and C.G.S. 14-276a.

The Superintendent will develop administrative regulations as needed to implement the District's program, including provisions for pre-employment, reasonable suspicion, random, post-accident, return-to-duty, and follow-up testing as may be necessary. The regulations will also include training, education, and other assistance to employees to promote a drug and alcohol-free environment.

Contracts for transportation approved by this District shall contain assurance that the contractor will establish a drug and alcohol-testing program that meets the requirements of federal regulations, state statutes, and this policy, and will actively enforce the regulations of this policy as well as federal and state requirements.

Such contract shall also contain the assurance that the school transportation contractor will use the Federal Motor Carrier Safety Administration's Drug and Alcohol Clearinghouse (Clearinghouse) database to report information to, and obtain information from, drivers who are subject to the Department of Transportation's controlled substance and alcohol testing regulations.

This policy applies to all drivers and applicants for driver positions for the District who must have a Commercial Driver's License (CDL) to operate school vehicles.

In addition to the above cited federal requirement, the Board of Education expects its school transportation carrier to provide training to all school bus drivers, including instruction on (1) identifying the signs and symptoms of anaphylaxis, (2) administering epinephrine by a cartridge injector ("EpiPen"), (3) notifying emergency personnel, and (4) reporting an incident involving a student's life-threatening allergic reaction.

Each carrier must provide the training to school bus drivers following the issuance or renewal of a public passenger endorsement to operate a school bus for carrier employees, and upon the hiring of a school bus driver who is not employed by such carrier (e.g., subcontractor), except a driver who received the training after the most recent issuance or renewal of his or her endorsement is not required to repeat it.

Legal Reference: United States Code, Title 49

2717 Alcohol and controlled substances testing (Omnibus Transportation Employee Testing Act of 1991)

Code of Federal Regulations, Title 49

40 Procedures for Transportation Workplace Drug and Alcohol Testing Programs

382 Controlled Substance and Alcohol Use and Testing (as amended)

395 Hours of Service Drivers`

Holiday v. City of Modesto (1991) 229 Cal. App. 3d. 528, 540

International Brotherhood of Teamsters v. Department of Transportation

932 F. 2d 1292 (1991)

American Trucking Association, Inc. v. Federal Highway Administration, (1995) WL 136022 (4th circuit)

10-212c Life-threatening food allergies and glycogen storage disease: Guidelines; district plans. (as amended by PA 18-185)

14-261b Drug and alcohol testing of drivers of certain vehicles, mechanics and forklift operators

14-276a Regulations re school bus operators and operators of student transportation vehicles; qualifications; training. Pre-employment drug test required for operators

52-557b Immunity from liability for emergency medical assistance first aid or medication by injection. School personnel not required to administer or render. (as amended by PA 05-144, An Act Concerning the Emergency Use of Cartridge Injectors and PA 18-185, An Act Concerning Life-Threatening Food Allergies in Schools)

Policy adopted:

BRIDGEPORT PUBLIC SCHOOLS
Bridgeport, Connecticut

Personnel – Non-Certified

Evaluation/Supervision

The Superintendent shall evaluate or cause to be evaluated each employee in the School District and report the status of the evaluation to the Board of Education on or before June 15 or each year.

It is also the intention of the Superintendent that all employees receive supervision to ensure that all aspects of their job assignments are properly and competently performed.

Policy adopted:

BRIDGEPORT PUBLIC SCHOOLS
Bridgeport, Connecticut