

Policy Subcommittee

Wednesday, March 23, 2022 6:00 PM

Meeting Access: Policy Subcommittee (3/23/22 at 6 p.m.) Web:

<https://zoom.us/j/91860914614> Dial In: (929) 205-6099 Meeting ID: 918 6091 4614, 3 Brush Hill Road, New Fairfield, CT 06812

I. CALL TO ORDER

II. APPROVAL OF THE MINUTES

II.A. February 24, 2022 - Special

III. ACTION ITEMS

III.A. Policy 0524 - Hate Crimes and Bias Incidents in Schools

III.B. Policy 4118.11/4218.11 - Nondiscrimination

III.C. Policy 6146.11 - Grade Weighting and Class Rank

III.D. Bylaw 9327 - Electronic Communications Among Board Members

III.E. Bylaw 9327.1 – Board Member Use of Internet Social Networks

IV. INFORMATION ITEMS

V. OTHER

VI. ADJOURNMENT

An optional policy to consider.

Mission – Goals – Objectives

Hate Crimes and Bias Incidents in Schools

The _____ Board of Education (Board) is committed to providing a safe and healthy environment for all children in the school district. The commission of hate crimes and bias incidents committed on school grounds or at school related activities can lead to further violence and retaliation. Hate crimes and bias incidents are a direct attack upon the racial, religious and ethnic heritage of the school community and will not be tolerated by or within the school district. The school district employees will work closely with local law enforcement and the county prosecutor’s office to report or eliminate the commission of hate crimes and bias incidents.

Alternate introductory paragraph:

The _____ School District is committed to providing a safe learning and working environment that is free from discrimination, harassment, intimidation and/or bullying. District policy requires all schools and personnel to promote mutual respect, tolerance, and acceptance among students and staff. Hate-motivated incidents and crimes or actions motivated by bias/prejudice/bigotry jeopardize both the safety and well-being of all students and staff. The District will not tolerate hate-motivated incidents/crimes based on actual or perceived characteristics, of actual or perceived sex, sexual orientation, gender, gender identity, gender expression, race or ethnicity, ethnic group identification, ancestry, nationality, national origin, religion, color, mental or physical disability, age, or on the basis of a person’s association with a person or group with one or more of these actual or perceived characteristics, in any program or activity it conducts or to which it provides significant assistance or retaliation in any form for reporting such incidents or crimes.

Definitions

1. A **“hate crime”** is any criminal offense or unlawful act which is directed at or occurs to a person, private property, or public property on the basis of religion, national origin, alienage, color, sex, gender identity or expression, sexual orientation, blindness, or mental or physical disability. An offense is bias-based and thus constitutes a hate crime if the motive for the commission of the offense or unlawful act is racial, religious, ethnic or pertains to sexual orientation. The designated bias incident offenses include such acts as murder, manslaughter, rape, robbery, aggravated assault, burglary, simple assault, fear of bodily violence, arson, criminal mischief, damage to property, weapons offenses, sex offenses, terroristic threats, trespass, disorderly conduct, harassment and desecration of venerated objects.

Alternate definition: A **“hate crime”** is a crime motivated by hatred, bias, or prejudice, or where the victim is targeted or selected for the crime at least in part because of his/her actual or perceived race, color, ethnicity, national origin, religion, sexual orientation, gender identity or expression age, disability or sex. A hate crime may involve a physical attack, threat of bodily harm, physical intimidation, or damage to another’s property.

Mission – Goals – Objectives

Hate Crimes and Bias Incidents in Schools

Definitions (continued)

2. A **“bias incident”** is any suspected or confirmed offense or unlawful act which is directed at or occurs to a person, private property, or public property on the basis of race, color, religion, sexual orientation or ethnicity. An act is bias-based and thus constitutes a bias incident if the motive for the commission of the act or unlawful act is racial, religious, ethnic or pertains to sexual orientation, including gender identity or expression.
3. A **“bias-related act”** is an act directed at a group of persons, private property, or public property that is motivated in whole or part by racial, gender, disability, religion, sexual orientation, gender identity or expression, or ethnic prejudice. A bias-related act need not involve conduct that constitutes a criminal offense. All hate crimes are also bias-related acts, but not all bias-related acts will constitute a hate crime.
4. A **“hate-motivated incident”** is a noncriminal act or attempted act that constitutes an expression of hostility, bias, or bigotry against a person, property, or institution because of the target’s actual or perceived protected characteristics as set forth above. This may include using insults, taunts and slurs, distributing or posting hate group literature or posters, defacing, removing, or destroying posted materials or announcements, posting or circulating demeaning jokes or leaflets, or sending insulting or threatening messages by phone, e-mail, websites or any other electronic or written communication.
5. A **“hate-motivated crime”** is a “hate-motivated incident that has been determined by law enforcement to be criminal conduct that was primarily motivated by bias or prejudice against a targeted group. This includes any criminal action that manifests evidence of hostility towards the target because of his or her actual or perceived characteristics set forth above. Such action includes, but is not limited to, threatening telephone calls, hate mail, physical assault, vandalism, cross burning, destruction of religious symbols and fire bombings. This also includes threats and hate messages sent by electronic communication.
6. **“Retaliation”** is any form of intimidation, reprisal, or harassment by a student directed against any student, staff or other individual for reporting or filing a complaint, for aiding or encouraging the filing of a report or complaint, for cooperating in an investigation under this policy, or for taking action consistent with this policy.

Interference with, intimidation of, and/or retaliation against any individual, including a student, parent, or guardian, for filing a complaint, filing a grievance, or opposition discrimination is strictly prohibited and shall be treated as an actionable, wrongful act in and of itself.

Mission – Goals – Objectives

Hate Crimes and Bias Incidents in Schools

Definitions (continued)

7. **“Disability”** includes mental and/or physical impairments.
8. **“Electronic”** communications, acts, postings refers to conduct perpetrated through, but not limited to the following: internet, social networking sites, spyware or global positioning system tracking technology, telephone or cellular telephone, instant or text messages, email, blogs, websites, forums and mailing lists.
9. **“Gender”** means sex, and includes a person’s gender identity and gender expression.
10. **“Gender expression”** means a person’s gender-related appearance and behavior whether or not stereotypically associated with the person’s assigned sex at birth.
11. **“Harassment”** occurs when a target is subjected to unwelcome conduct related to a protected category and can result in a hostile environment when the harassment is subjectively offensive to the target and would be offensive to a reasonable person of the same age and characteristics under the same circumstances and is sufficiently severe, pervasive, or persistent so as to interfere with or limit an individual’s ability to participate in or benefit from the services, activities, or opportunities offered by the District.
12. **“In whole or in part because of”** means that the bias motivation must be a cause of the offense, whether or not other causes also exist. When multiple motives exist, bias must be a substantial factor. There is no requirement that bias be a main factor, or that the crime would not have been committed but for the actual or perceived protected characteristic.
13. **“Nationality”** includes citizenship, country of origin and national origin.
14. **“Race or ethnicity”** includes ancestry, color and ethnic background.
15. **“Religion”** includes all aspects of religious belief, observance and practice, including agnosticism and atheism.
16. **“Sexual orientation”** means heterosexuality, homosexuality or bisexuality.
17. **“Target”** means an individual alleged to have experienced acts in violation of this policy, sometimes referred to as “victim.”

Mission – Goals – Objectives

Hate Crimes and Bias Incidents in Schools (continued)

Hate Prevention Program

The Board believes that a comprehensive hate prevention program involving all staff and students will permit the expression of diverse viewpoints but will help to prevent hate crimes and bias-related incidents in district schools and in the community.

1. Training shall be provided to all district staff in order to increase their awareness of the various manifestations of hate and bias-related incidents. The training will include anti-bias and conflict resolution methods; procedures for identifying and reporting incidents of racial, religious, and sexual harassment, discrimination, and hate crime; strategies for preventing such incidents from occurring; and resources available to assist in dealing with these incidents.
2. All students shall receive hate prevention training through age-appropriate classroom activities, assemblies, and school-related activities. The Board believes that prejudice and discrimination are learned attitudes and behaviors. Teaching children that even subtle forms of hate such as ethnic slurs or epithets, negative or offensive name-calling, stereotyping, and exclusion are hurtful and inherently wrong can help to prevent more extreme, violent manifestations of hate. Structured classroom activities and programs will help children to develop empathy, while practicing the critical thinking and conflict resolution skills needed to recognize and respond to various manifestations of hate and bias-related behavior.
3. The District will develop partnerships with families, community organizations, and law enforcement agencies. These partnerships help identify resources available to school personnel to address hate incidents, raise community awareness of the issue, ensure appropriate responses to hate incidents, and ensure that youth receive a consistent message that hate-motivated and/or bias-related behavior will not be tolerated.
4. This policy shall be distributed annually to all students, their families and to all District personnel. The purpose of this policy is to promote a school climate in which racial, religious, ethnic, gender and other differences, as well as freedom of thought and expression, are respected and appreciated. The policy should have the input of parents, students, teachers, community members, and school administrators. It should respect diverse viewpoints, freedom of thought, and freedom of expression.
5. A range of corrective actions for those who violate school hate-prevention policies shall be used. The District will take a firm position against all injurious manifestations of hate, from ethnic slurs, racial epithets, and taunts, to graffiti, vandalism, discrimination, harassment, intimidation, and violence. A wide range of nondisciplinary corrective actions to respond to incidents, including counseling, parent conferences, community service, awareness training, or completion of a research paper on an issue related to hate, as well as disciplinary actions such as in-school suspension or expulsion shall be utilized. School officials shall contact local, state or federal civil rights officials to respond to more serious incidents and, in cases involving criminal activity or threat of criminal activity, should call the police.

Mission – Goals – Objectives

Hate Crimes and Bias Incidents in Schools

Hate Prevention Program (continued)

6. Data is to be collected to focus district-wide hate prevention efforts. Collection of data on the occurrence of school-based hate or bias-related incidents or crimes will assist administrators and teachers to identify patterns and to more effectively implement hate prevention policies and programs.

Required Actions

Whenever any school employee in the course of his/her employment has reason to believe that:

1. a hate crime has been committed or is about to be committed on school property, or has been or is about to be committed by any student, whether on or off school property and whether or not such offense was or is about to be committed during operating school hours, or
2. that a student enrolled in the school has been or is about to become the victim of a hate crime, whether committed on school property or during school hours, the school employee shall immediately notify the building principal and Superintendent, who in turn shall notify the _____ Police Department. The Principal shall notify the _____ Police Department immediately if there is reason to believe the act of violence has been or is about to be committed against a student or there is reason to believe that a life has been or will be threatened.

Whenever any school employee in the course of his/her employment has reason to believe that a bias incident has been committed or is about to be committed on school property, or has been or is about to be committed by any student, whether on or off school property and whether or not such bias incident was or is to be committed during school hours, the school employee should immediately notify the building principal and Superintendent, who in turn should promptly notify the _____ Police Department. Any student charged with a hate crime or bias incident will be disciplined in accordance with the student conduct code or policies pertaining to discipline and student conduct.

In deciding whether to refer the matter of a bias incident to the Police Department the building principal and the Superintendent, should consider the nature and seriousness of the conduct and the risk that the conduct posed to the health, safety and well-being of any student, school employee or member of the general public. The building principal and Superintendent should consider the possibility that the suspected incident could escalate or result in some form of retaliation which might occur within or outside school property.

It is understood a referral to the Police Department is only a request to conduct an investigation and nothing more than the transmittal of information which might be pertinent to any such law enforcement investigation. A referral is not an accusation or formal charge.

Mission – Goals – Objectives

Hate Crimes and Bias Incidents in Schools

Hate Prevention Program (continued)

Unless the Police Department requests otherwise, the school district will continue to investigate a suspected hate crime or bias incident occurring on school property and may take such actions as necessary and appropriate to redress and remediate any such acts.

School officials will secure and preserve any such graffiti or other evidence of a suspected hate crime or bias incident pending the arrival of the Police Department. The school officials, when feasible, will cover or conceal such evidence until the arrival of the Police Department.

- (cf. 0521 – Nondiscrimination)
- (cf. 0523 – Equity and Diversity)
- (cf. 4111.1/4211.1 – Affirmative Action)
- (cf. 4118.11 – Nondiscrimination)
- (cf. 4118.113/4218.113 – Harassment)
- (cf. 4131 – Staff Development)
- (cf. 5114 – Suspension/Expulsion)
- (cf. 5118.1 – Homeless Students)
- (cf. 5131 – Student Conduct)
- (cf. 5131.911 – Bullying/Safe School Climate Plans)
- (cf. 5144 – Discipline)
- (cf. 5145.4 – Nondiscrimination)
- (cf. 5145.5 – Sexual Harassment)
- (cf. 5145.51 – Peer Sexual Harassment)
- (cf. 5145.52 – Harassment)
- (cf. 5145.53 – Transgender and Non-Conforming Youth)
- (cf. 5145.6 – Student Grievance Procedure)
- (cf. 6115 – Ceremonies and Observances)
- (cf. 6121 – Nondiscrimination)
- (cf. 6121.1 – Equal Educational Opportunity)
- (cf. 6141.21 – Religions in the Public Schools)
- (cf. 6141.22 – Religious Accommodations)

- Legal Reference: Connecticut General Statutes
- 10-15c Discrimination in public schools prohibited. School attendance by five-year olds. (Amended by P.A. 97-247 to include “sexual orientation” and P.A. 11-55 to include “gender identity or expression”)
 - 10-153 Discrimination on account of marital status.
 - 29-7m(a) Classification of crimes motivated by bias
 - 29-7m(b) Report of crime motivated by bias.
 - 46a-60 Discriminatory employment practices prohibited.
 - 53a-181i Intimidation based on bigotry or bias: Definitions.

Mission – Goals – Objectives

Hate Crimes and Bias Incidents in Schools

Legal Reference: Connecticut General Statutes (continued)
3A-181i j, k, l Intimidation based on bigotry in the first, second, or third degree.
17a-101 Protection of children from abuse.
Connecticut State Board of Education “Position Statement on Culturally Responsive Education,” adopted May 4, 2011
P.A. 17-111 An Act Concerning Hate Crimes
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 (a) 62 Fed Reg. 12033 (March 13, 1997) and 66 Fed. Reg. 5512 (January 19, 2001)
20 U.S.C. 7905 (Boy Scouts of America Equal Access Act)
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)
Gebbser v. Lago Vista Indiana School District, No. 99-1866, (U.S. Supreme Court, June 26, 1998)
Davis v. Monroe County Board of Education, No. 97-843, (U.S. Supreme Court, May 24, 1999.)
The Vietnam Era Veterans’ Readjustment Act of 1974, as amended, 38 U.S.C. §4212
Title II of the Genetic Information Nondiscrimination Act of 2008
The Americans with Disabilities Act as amended by the ADA Amendments Act of 2008
Public Law 111-256
Meacham v. Knolls Atomic Power Laboratory 128 S.Ct. 2395, 76 U.S.L.W. 4488 (2008)
Federal Express Corporation v. Holowecki 128 S.Ct. 1147, 76 U.S.L.W. 4110 (2008)
Kentucky Retirement Systems v. EEOC 128 S.Ct. 2361, 76 U.S.L.W. 4503 (2008)
Sprint/United Management Co. v. Mendelsohn 128 S.Ct. 1140, 76 U.S.L.W. 4107 (2008)

Policy adopted:

cps 1/18

An administrative regulation to consider.

Mission – Goals – Objectives

Hate Crimes and Bias Incidents in Schools

The _____ School District is committed to providing a safe learning and working environment that is free from discrimination, harassment, intimidation and/or bullying. District policy requires all schools and personnel to promote mutual respect, tolerance, and acceptance among students and staff. Hate-motivated incidents and crimes or actions motivated by bias/prejudice/bigotry jeopardize both the safety and well-being of all students and staff. The following procedures provide the manner in which policy #0524 is to be implemented.

Staff Responsibilities

Employees shall:

- Share responsibility for modeling appropriate behavior and creating an environment where students and staff know that bias and hate motivated incidents/crimes are inappropriate and will not be tolerated.
- Support the District's efforts to prevent bias and hate-motivated incidents/crimes by learning to recognize the indicators of such conduct and effectively taking steps to intervene immediately when such conduct occurs.
- Promote an appreciation and respect of diversity, appropriate interactions and social norms and discourage the development of potentially prejudicial conduct, discriminatory attitudes/practices or hate violence that prevents pupils from achieving their full potential.
- Understand their individual responsibility to report bias and hate-motivated incidents to the administrator and/or Title IX/Bullying Complaint Manager.
- Assist students alleging that he or she is a target of, or a witness to, a hate-motivated incident/crime to report such an incident.
- Cooperate in any investigation of a bias or hate-motivated incident/crime.
- Guard against any actions that could be considered retaliatory against anyone who has made a report or is participating in an investigation of a bias or hate-motivated incident/crime.

Student Responsibilities

Each student is responsible for:

- Complying with this Policy;
- Ensuring that (s)he does not harass or discriminate against another person on school grounds or in a school-related function, event or activity because of that person's race, color, religion, national origin, ethnicity, sex, sexual orientation, sexual identity or expression, age, or disability;
- Ensuring that he or she does not bully another person on school grounds or at a school-related function, event or activity;

Mission – Goals – Objectives

Hate Crimes and Bias Incidents in Schools

Student Responsibilities (continued)

- Ensuring that he or she does not retaliate against any other person for reporting or filing a complaint, for aiding or encouraging the filing of a report or complaint, or for cooperating in an investigation of harassment, bullying, discrimination, bias-related incident or a hate crime; and
- Cooperating in the investigation of reports or complaints of harassment, bullying, discrimination, retaliation, or a hate crime.

Students shall be informed that:

- They share a responsibility for creating a safe school environment and that they can do that by treating others with mutual respect and acceptance, and by being sensitive as to how others might perceive their actions and/or words.
- They are not to engage in or contribute to bias or hate-motivated conduct.
- Students who may be a witness to or a target of a bias or hate-motivated incident/crime have the responsibility to report such an incident to a school administrator.
- They are never to engage in retaliatory behavior or ask of, encourage, or consent to anyone taking retaliatory actions on their behalf.

Protection against Retaliation

The _____ Public Schools will take appropriate steps to protect students from retaliation when they report, file a complaint of, or cooperate in an investigation of a violation of this Policy. Threats or acts of retaliation, whether person-to-person, by electronic means, or through third parties, are serious offenses that will subject the violator to significant disciplinary and other corrective action, including short or long-term suspension, or expulsion.

Designated Officials for Reporting

The Principal or his/her designee is responsible for receiving reports and complaints of violations of this Policy.

Reporting Procedures

1. Any student who becomes aware or has a reasonable belief that harassment, bullying, discrimination, retaliation, or a hate crime has occurred or may have occurred on school property or in a school-related activity should promptly report the incident(s) to the Principal or his/her designee. In situations where a student or other person does not feel comfortable reporting the incident to a designated official, he/she may report it to a trusted school employee, who must promptly transmit the report to the Principal or his/her designee.

Mission – Goals – Objectives

Hate Crimes and Bias Incidents in Schools

Reporting Procedures (continued)

2. All complaints or reports about a violation of this Policy must be documented in writing.

If a complainant or reporter is either unwilling or unable to complete the District's document the occurrence in writing, the official who receives the oral complaint or report will promptly prepare a written report using, to the extent practicable, the reporter's or complainant's own words to describe the potential violation.
3. Oral reports made by or to a staff member shall be recorded in writing. A school or District staff member is required to report immediately to the Principal or his/her designee.
4. Reports made by students, parents or guardians, or other individuals who are not school or District staff members, may be made anonymously. The school or District will utilize a variety of reporting resources including, but not limited to, an Incident Reporting Form, a voicemail box, a dedicated mailing address, and an email address. No disciplinary action will be taken against an alleged aggressor solely on the basis of an anonymous report.
5. Through the District's **Memorandum of Understanding** with the Police Department, the District may share any and all information with regard to student safety or possible illegal activity with the School Resource Officer.

Investigation Procedures

The goal of the investigation is to obtain an accurate and complete account of all incidents and circumstances deemed relevant to the allegations of the complaint.

The Principal or his/her designee, upon receipt of a viable report of bullying, hate crime or bias-related incident shall promptly contact the parents or guardians of a student who has been the alleged target and the alleged perpetrator of the incident. The actions being taken to prevent such further acts shall be discussed.

Emergencies

The Principal or his/her designee will immediately call 911 in a case of a threat of imminent physical harm or actual physical harm to a school community member or where police, fire, medical, or other emergency assistance is needed.

Mission – Goals – Objectives

Hate Crimes and Bias Incidents in Schools

Investigation Procedures: (continued)

Informal Resolution Procedure

It may be possible to resolve a complaint through a voluntary informal process. Both the complainant and the alleged perpetrator will meet separately in a timely manner with the Principal or designee who will explain the informal process, the nature of the complaint, explain the prohibition against retaliation, and determine the needed corrective action the complainant seeks.

After adequate investigation, the designated official will propose a resolution. If the complainant and the alleged offender agree with the proposed resolution, the designated official will write down the resolution, and *the* complainant and the subject of the complaint will sign it, and each person will receive a copy. At the meeting, the designated official will again explain the prohibition against retaliation. Parents of both the complainant and alleged offender will be notified of the process being followed.

A designated school official will monitor the situation, and will follow up with the complainant to determine whether there are further incidents or concerns. The designated official will maintain a written record of the follow up. At any time, either party may choose to forego the informal process and commence the formal procedure.

Formal Procedure

STEP ONE

The Principal or his/her designee will separately meet in a timely manner with the complainant and the subject of the complaint to tell them about the formal process, explain the prohibition against retaliation, and determine the remedy the complainant seeks.

STEP TWO

The Principal or his/her designee will conduct an investigation in accordance with the procedures of this policy. Parents of both the complainant and alleged offender will be notified of the complaint and the process being followed.

STEP THREE

The Principal or his/her designee will determine whether the allegations have been substantiated, and whether this Policy and/or the Code of Conduct have been violated. If the complaint is substantiated, the designated official will decide based on the investigative findings, on the appropriate course of action. The Principal or his/her designee will prepare a written report that includes the investigative findings.

Mission – Goals – Objectives

Hate Crimes and Bias Incidents in Schools

Formal Procedure (continued)

STEP FOUR

The designated official will promptly notify the complainant and the subject of the complaint to let them know whether the complaint has been substantiated. If the complaint is substantiated, the designated official will meet with the offender to describe, consistent with the Code of Conduct, the disciplinary and/or corrective action recommended, the school's expectations for future behavior and the potential consequences for retaliation or future violation of the Policy.

If a complaint is substantiated, a report of the incident will be placed in the offender's student records.

File Retention: The Principal or his/her designee will maintain a separate confidential file containing the original written complaint, investigatory interview notes and reports, findings made, the results of the investigation, including any decision for action, and other relevant investigatory materials.

Any disciplinary or corrective action against a student must conform to the due process requirements of federal and state law.

STEP FIVE

The Principal or his/her designee will monitor the situation, and will follow up with the complainant at least weekly for two months to determine whether there are further incidents or concerns, and whether the corrective action and/or disciplinary action(s) imposed has/had been effective. The designated official will maintain a written record of the follow-up.

Disciplinary sanctions and corrective actions may include, but are not limited to, one or more of the following:

- A written warning;
- Parent conferences;
- An apology to the victim;
- Limiting or denying student access to a part or an area of the school;
- Adult supervision on school premises;
- Exclusion from participation in school-sponsored functions, after-school programs, and/or extracurricular activities;
- Classroom transfer;
- Awareness training (to help students understand the impact of their behavior);
- Participation in cultural diversity, anti-harassment, anti-bullying or intergroup relations program;
- Specific recommendations, (i.e. anger management, medical assessment, counseling, etc.);
- Suspension;
- Expulsion;
- Any other action consistent with the Code of Conduct/Disciplinary policies.

Mission – Goals – Objectives

Hate Crimes and Bias Incidents in Schools

Investigation Procedures: (continued)

Alternate Procedures for Formal Investigation:

Investigations for Formal Proceedings

Prompt and Thorough Investigations: When the Principal or his/her designee determines that a formal proceeding is appropriate, the school will promptly investigate all reports or complaints of an alleged violation of this Policy.

Investigative Procedure

The Principal or his/her designee investigating the incident will gather and preserve evidence and identify all involved parties and witnesses. If the incident involves physical injury, destruction of public property, or acts of a serious criminal nature, the designated official will confer with the local police department prior to gathering or preserving evidence.

Communication During Investigation

Throughout the investigatory and complaint resolution process, the Principal or his/her designee will make reasonable efforts to regularly inform the complainant and the subject of the complaint and their parent(s) or guardian(s) of the status of the complaint, the anticipated timing for concluding the investigation, and determination of discipline and/or corrective action(s).

Time for Investigations

The Principal or his/her designee will complete his/her investigation as soon as practicable, but not to exceed 14 school days once the report has been received. The Principal or his/her designee will expedite the investigation of any claim involving physical violence or serious threats of harm.

Ensuring Safety During Investigation

The Principal or his/her designee will take any step he/she determines is necessary and/or advisable to protect, to the extent practicable, the complainant, witnesses, and other individuals from further incidents or from retaliation pending the outcome of the investigation.

Victim Assistance

The Principal or his/her designee will make appropriate referrals for victim assistance, including counseling and crisis intervention, if requested, or as needed.

Mission – Goals – Objectives

Hate Crimes and Bias Incidents in Schools

Investigation Procedures: (continued)

Confidentiality

The District will respect the privacy of the complainant, the subject(s) of the complaint, and the witnesses to the extent possible consistent with its obligations under federal and state law and regulations and the Policy to investigate, report, and take appropriate disciplinary and corrective action, and consistent with applicable confidentiality laws and student record regulations.

Imposing Disciplinary Action or Corrective Action

If the Principal or his/her designee concludes that the subject of the complaint has violated this Policy, the District will impose disciplinary measures and/or corrective action reasonably calculated to end the conduct cited in the complaint, deter future conduct, and protect the complainant(s) and other similarly situated individuals.

Frivolous Complaints

When a complaint is unfounded, frivolous, or maliciously fabricated, the complainant shall be subject to a range of disciplinary and correction actions consistent with the Code of Conduct/Discipline policies.

Regulation approved:

cps 1/18

Existing policy with required revision.

Personnel - Certified/Non-Certified

Nondiscrimination

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, sex, age, natural origin, ancestry, marital status, Veteran status, pregnancy, sexual orientation, gender identity or expression, disability, or genetic information, except in the case of a bona fide occupational qualification. The Board of Education seeks to extend the advantages of public education with full equality of educational opportunity to all students and personnel. For purposes of this policy, “genetic information” means the information about genes, gene products, or inherited characteristics that may derive from an individual or family member.

“Race” is inclusive of ethnic traits historically associated with race, including, but not limited to, hair texture and protective hairstyles. “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.

Association Membership

No employee shall suffer any professional disadvantage by reason of the employee's membership in an employee association or participation in its lawful activities.

Grievances

No employee, employee association representative, member of any employee organization or any other participant in a grievance procedure shall suffer reprisals in any other way or suffer any professional disadvantage by reason of their opposition to any unfair labor practices or because of participation in the processing of any grievance. The Superintendent will provide procedures for alleged violations of Board policies, administrative regulations, and school district operations in general when not otherwise covered in employee organization agreements.

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.

(cf. 4111 - Recruitment and Selection)

(cf. 4111.1 - Affirmative Action)

(cf. 4118.112/4218.112 - Sexual Harassment)

(cf. 4135 - Organizations/Units)

Personnel - Certified/Non-Certified

Nondiscrimination

Legal References: Connecticut General Statutes

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

46a-81a Discrimination 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.)

P.A. 11-55 An Act Concerning Discrimination

10-153 Discrimination on account of marital status.

10-153a Rights concerning professional organization and regulations.

Public Act 07-62 An Act Concerning the Deprivation of Rights on Account of Sexual Orientation

Public Act 07-245 An Act Concerning Family and Medical Leave for Municipal Employees and the Applicability of Certain Statutory Provisions to Civil Union Status

Federal Law:

Title VI of the Civil Rights Acts of 1964, 42 USC 2000d, et seq.

Title VII of the Civil Rights Acts of 1964, 42 USC 2000e et seq.

Title IX of the Educational Amendments of 1972, 20 USC 1681, et seq.

Age Discrimination in Employment Act, 29 USC 621

Americans with Disabilities Act, 42 USC 12101, as amended

Section 504 of the Rehabilitation Act of 1973, 29 USC 794

Policy adopted: June 1, 2006
Policy revised: August 19, 2010
Policy revised: November 17, 2011
Policy revised: March 1, 2018
Policy revised: November 4, 2021
Policy revised:

NEW FAIRFIELD PUBLIC SCHOOLS
New Fairfield, Connecticut

Appropriate as written.

Personnel - Certified/Non-Certified

Nondiscrimination

It is the express policy of the New Fairfield Board of Education to provide for the prompt and equitable resolution of complaints alleging any discrimination on the basis of protected characteristics such as race, color, religion, sex, age, natural origin, ancestry, marital status, Veteran status, pregnancy, sexual orientation, gender identity or expression, disability, or genetic information. In order to facilitate the timely resolution of such complaints and/or grievances, any employee who feels that he/she has been discriminated against on the basis of these protected characteristics should file a written complaint with:

Office of the Superintendent of Schools
New Fairfield Board of Education
3 Brush Hill Road
New Fairfield, CT 06812

Preferably, complaints should be filed within thirty (30) days of the alleged occurrence. Timely reporting of complaints and/or grievances facilitates the investigation and resolution of such complaints and/or grievances.

Complaints and/or grievances will be investigated promptly and corrective action will be taken when allegations are verified.

Specifically, upon receipt of a written complaint of discrimination, the Superintendent and/or his or her designee should:

1. offer to meet with the complainant to discuss the nature of his/her complaint;
2. provide the complainant with a copy of the Board's anti-discrimination policy and accompanying regulations;
3. investigate the factual basis of the complaint, including, as applicable, conducting interviews with individuals deemed relevant to the complaint;
4. conduct the investigation in a confidential manner, to the extent practicable, adhering to the requirements of state and federal law;
5. communicate the findings and/or results of any investigation to the complainant; and
6. take appropriate corrective and disciplinary action, as deemed appropriate by the Superintendent and/or his or her designee.

Personnel - Certified/Non-Certified

Nondiscrimination

If the complaint involves an allegation of discrimination based on disability or sex, the complainant should be referred to the Board's policies and procedures related to Section 504 of the Rehabilitation Act (for claims of discrimination and/or harassment based on disability) and Sex Discrimination/Sexual Harassment. (for claims of discrimination and/or harassment based on sex).

For allegations pertaining to race, color or national origin discrimination, at any stage in this complaint procedure, the complainant has the right to file formal complaints regarding such matters with:

Boston Office
Office of Civil Rights
U.S. Department of Education
8th Floor
5 Post Office Square
Boston, MA 02109-3921
Tel. (617) 289-0111

If a complaint is filed with the Office of Civil Rights, it must be filed in writing no later than one hundred eighty (180) days after the occurrence of the alleged discrimination.

A complainant may also file a complaint with the Connecticut Commission on Human Rights and Opportunities, 1229 Albany Avenue, Hartford, CT 06112 (860 566-7710) and/or the Equal Employment Opportunity Commission, Boston Area Office, John F. Kennedy Federal Building, 475 Government Center, Boston, MA 02203 (617-565-3200).

(cf. 4118.112 – Sexual Harassment)
(cf. 5145.4 – Nondiscrimination on the Basis of Disability)
(cf. 5145.5 – Exploitation: Sexual Harassment)

Regulation approved: August 19, 2010
Regulation revised: November 17, 2011
Regulation revised: March 1, 2018
Regulation reviewed: November 4, 2021

NEW FAIRFIELD PUBLIC SCHOOLS
New Fairfield, Connecticut

**NEW FAIRFIELD PUBLIC SCHOOLS
New Fairfield, Connecticut 06312**

DISCRIMINATION COMPLAINT FORM

(For Complaints Based on race, color, religion, sex, age, natural origin, ancestry, marital status, Veteran status, pregnancy, sexual orientation, gender identity or expression, disability, or genetic information)

Name of the complainant _____

Date of the complaint _____

Date of the alleged discrimination/harassment _____

Name or names of the discriminator(s) or harasser(s) _____

Location where such discrimination/harassment occurred _____

Name(s) of any witness(es) to the discrimination/harassment. _____

Detailed statement of the circumstances constituting the alleged discrimination or harassment

Existing policy with modification based on P.A. 21-199.

Instruction

Grade Weighting and Class Rank

The New Fairfield School System believes it is necessary and important to provide differentiated quality points for the purpose of weighting its academic course offerings at the high school. Quality points are the weights that are assigned to courses in order to communicate their differing academic challenge. Calculation of the quality points assigned to academic courses multiplied by the grades a student achieves determines a student's Grade Point Average (GPA).

Weights assigned to academic courses communicate the level of academic challenge inherent in each course to students and their parents; therefore, the weights assigned help students to make more appropriate course selections. Additional weights assigned to college preparatory courses recognize that more challenging courses require advanced levels of work; therefore, advanced courses have higher course weights and impact the Grade Point Average accordingly.

Parents/guardians shall be advised as to whether a grade in an honors class, advanced placement class, International Baccalaureate program, Cambridge International program, dual enrollment, dual credit or early college is or is not given added weight for purposes of calculating grade point average and determining class rank. The grading system developed by the administration, subject to Board approval, shall reflect this.

Parents/Guardians and students shall be notified annually of the Board's position via the parent/student handbook and/or the high school's website.

New Fairfield High School has a two-tiered method for calculating students' Grade Point Averages (GPA). The first tier is the Academic Grade Point Average, which includes all grades earned in English, world languages, mathematics, science, social studies, and any honors or Advanced Placement courses. The second tier is the Overall Grade Point Average, which includes unweighted grades in all courses. Academic and Overall Grade Point Averages (GPA) are important ways to communicate a student's academic standing, and all colleges request GPA as part of the college acceptance process.

Advanced Placement courses will be distinguished from honors courses with higher weights, and honors courses will be distinguished from other college preparatory courses with higher weights for the determination of Grade Point Average and class rank. In order to qualify for the higher weight in Advance Placement courses, students must take the appropriate AP test; in addition, students enrolled in semester AP courses are required to complete successfully a teacher-assigned packet prior to the exam to qualify for the higher weight.

Academic Grade Point Average

Academic Grade Point Average is based on the arithmetic average (total grade points divided by credits taken) of grades earned in English, world languages, mathematics, science, social studies, and any honors or Advanced Placement courses.

Instruction

Grade Weighting and Class Rank

Academic Grade Point Average (continued)

<i>Instructional Level</i>	WT	A+	A	A-	B+	B	B-	C+	C	C-	D+	D	D-	F
AP with Exam	5.00	5.00	4.67	4.33	4.00	3.67	3.33	3.00	2.67	2.33	2.00	1.67	1.33	0
Honors/AP without Exam	4.00	4.67	4.33	4.00	3.67	3.33	3.00	2.67	2.33	2.00	1.67	1.33	1.00	0
Level III	3.00	4.33	4.00	3.67	3.33	3.00	2.67	2.33	2.00	1.67	1.33	1.00	0.67	0
Level II	2.00	4.00	3.67	3.33	3.00	2.67	2.33	2.00	1.67	1.33	1.00	0.67	0.33	0
Level I	1.00	3.67	3.33	3.00	2.67	2.33	2.00	1.67	1.33	1.00	0.67	0.33	0.16	0

Independent Study courses are assigned weight after students present their projects to a committee of teachers for assessment. This committee determines how successfully each of the independent Study objectives was met, and a grade and weight are determined at that time, according to standard guidelines and rubrics.

Any students who transfer into the district during high school will have their transcripts evaluated by the guidance department. This evaluation will assign comparable course weights to all transferred courses so that students will not be penalized or advantaged in class rank.

Overall Grade Point Average

An overall GPA will also be calculated based on the unweighted arithmetic average of grades in all courses, using numerical grade values as follows:

A+ = 4.33	B+ = 3.33	C+ = 2.33	D+ = 1.33	F = 0.00
A = 4.0	B = 3.0	C = 2.0	D = 1.0	
A- = 3.67	B- = 2.67	C- = 1.67	D- = 0.67	

Class Rank

New Fairfield High School will report Class Rank annually in deciles (tenths) instead of exact standing Class Rank. Students and colleges will receive Academic and Overall Grade point averages, and a decile rank. Salutatorian and valedictorian will be calculated at the completion of senior year using the Academic Grade point average as criteria.

Legal Reference: Connecticut General Statutes
~~P.A. 99-81 An Act Concerning Weighted Grading for Honors Classes~~
 10-220g Policy on weighted grades for honors and advanced placement classes (as amended by PA 21-199)

Policy adopted: June 11, 2001
 Policy revised: November 7, 2002
 Policy revised: December 4, 2008
 Policy revised: October 4, 2018
 Policy revised:

NEW FAIRFIELD PUBLIC SCHOOLS
 New Fairfield, Connecticut

Bylaws of the Board

Meetings

Electronic Communications Among Board Members

The Board of Education recognizes that electronic communication among Board members and between Board members, District administration, and members of the public is an efficient and convenient way to communicate and expedite the exchange of information and to help keep the community informed about the goals, programs, and achievements of the District and its schools.

Board members shall exercise caution so as to ensure that electronic communications are not used as a means for the Board to deliberate outside of an agendaized Board meeting.

A majority of the Board shall not, outside of an authorized meeting, use a series of electronic communications of any kind, directly or through intermediaries, to discuss, deliberate, or take action on any item that is within the subject matter jurisdiction of the Board.

Examples of permissible electronic communications concerning District business include, but are not limited to, dissemination of Board meeting agendas and agenda packets, reports of activities from the Superintendent, and reminders regarding meeting times, dates, and places.

Board members shall make every effort to ensure that their electronic communications conform to the same standards and protocols established for other forms of communication. A Board member may respond, as appropriate, to an electronic communication received from a member of the community and should make clear that his/her response does not necessarily reflect the views of the Board as a whole. Any complaint or request for information should be forwarded to the Superintendent in accordance with Board bylaws and protocols so that the issue may receive proper consideration and be handled through the appropriate District process. As appropriate, communication received from the press shall be forwarded to the designated District spokesperson.

Legal Reference: Connecticut General Statutes

The Freedom of Information Act.

1-200 Definitions.

1-210 Access to public records. Exempt records.

1-211 Disclosure of computer-stored public records.

Bylaw adopted by the Board:

NEW FAIRFIELD PUBLIC SCHOOLS
New Fairfield, Connecticut

Electronic Participation Among Board Members

(Background information for Policy Committee)

The Freedom of Information Act was passed by the Connecticut General Assembly in 1975 to provide for more open government. This statute defines all local and regional boards of education as public agencies. Therefore, they must comply with the provisions of the Act.

The Freedom of Information Act requires that the meeting of public bodies such as school boards be open to the public. In addition, public records, with few exceptions, must be made available for public inspection or be given to individuals and organizations who request copies. Further, the statute requires that regular, special and emergency meetings of school boards must be open to the public. Any hearing or other proceedings of the board, any convening of a quorum of a multi-member agency, and any communication to or by a quorum of a multi-member public agency to discuss or act upon a matter over which the public agency has supervisory control, jurisdiction, or advisory power is defined as a “meeting” under the Act.

This statutory definition includes committee as well as telephone and electronic meetings. A voice mail message or an answering machine message can create a ‘record’ subject to the Freedom of Information laws. The Public Records Administrator in a *Management and Retention Guide for Electronic and Voice Mail* indicated that voice mail and answering machine messages are considered “transitory in nature and may be deleted at will.” However, there may be times when certain messages could later be used as evidence and should be retained for the same period that would apply to a written record of the same nature.

In addressing the issue of email retention, the Public Records Administrator found the boards of education are responsible for establishing guidelines for which of the three categories email messages fall into. The federal Rules of Civil Procedure address electronically stored information also. The federal rules do not mean that every last bit of electronic information must be retained. School districts need policies that make clear what documents must be saved and when they can safely be discarded. This has been addressed in CABE’s policy #3543.31, “Electronic Communications Use and Retention,” with an accompanying administrative regulation. This policy is considered a recommended “good practice” policy for inclusion in a district’s policy manual. It is available upon request from CABE’s Policy Department.

As stated, the board is authorized to discuss district business only at a properly noticed board meeting. Other than during a board meeting, a majority or more of a board quorum may not engage in contemporaneous interactive communication, whether in person or electronically, to discuss district business.

Electronic communication among board members and with the administration can be an efficient and convenient way to exchange information. However, it must not be misused to deliberate issues that are appropriately discussed only in a public meeting. Therefore, board members and administrators need to exercise caution when communicating between and among themselves via electronic messaging services including but not limited to email, internet web forums and internet chat rooms. It must be understood that at times these communications may be considered school district records subject to public disclosure.

Electronic Participation Among Board Members

(continued)

Electronic messaging communications should also conform to the same standards of judgment, propriety and ethics as other forms of board-related communication. When communicating electronically, board members and its administrators should adhere to the following guidelines:

1. Board members shall not use email or any other electronic messaging service as a substitute for deliberations at board meetings. (A board member may discuss district business in person or by electronic means with less than a quorum of other board members at a time. However, a board member should not facilitate interactive communication by discussing district business in a series of visits with, or use of emails or telephone calls to, board members individually.)
2. Board members shall be aware that email and email attachments received or prepared for use in board business may be considered public records that may be open to public disclosure, upon request.
3. Board members shall avoid reference to confidential information about employees, students, or to others in email communications because of the risk of improper disclosure.
4. Board members shall adhere to the district's "acceptable use" policy in all email communications and refrain from sending inappropriate, profane, harassing or abusive emails.
5. The Superintendent or designee is permitted to email information to board members. This can include board meeting agendas and supporting information. When responding to a single board member's request, the Superintendent should copy all other board members and include a "do not reply/forward" alert to the group, such as "*BOARD MEMBER ALERT: This email is in response to a request. Do not reply or forward to the group but only to the sender.*"
6. Board members are permitted to provide information to each other, whether in person or by electronic means, that is non-deliberative and non-substantive. Examples of this type of communication include scheduling meetings and confirming receipt of information.
7. A board member should include a "do not reply/forward" alert when emailing a message concerning district business to more than one other Board member. The following is an example of such an alert: "*BOARD MEMBER ALERT: This email is not for interactive discussion purposes. The recipient should not reply to it or forward it to any other individual.*"
8. Board members are permitted to discuss any matter except district business with each other, whether in person or by electronic means, regardless of the number of members participating in the discussion. (For example, they may discuss league sports, work, current events, etc.)

Electronic Participation Among Board Members

(continued)

9. IF BOARD MEMBERS ARE NETWORKED TO THE DISTRICT SYSTEM, THE FOLLOWING MAY BE APPROPRIATE:

Board members shall not reveal their passwords to others in the network or to anyone outside of it, except to the system administrator. If any board member has reason to believe a password has been lost or stolen, or that email is being accessed by someone without authorization, he/she shall notify the Superintendent of Schools immediately.

Many boards are now using paperless board meetings (**CABE BoardBook**) which is a type of electronic communication among its members and the administration that is an efficient and convenient way to exchange information pertaining to the meeting of the board, but it must not be misused to deliberate issues that are appropriately discussed only in a public meeting. Therefore, board members and administrators need to exercise caution when communicating between and among themselves via electronic messaging services including but not limited to surveying, email, internet web forums and internet chat rooms.

The following guidelines should be considered regarding the conducting of a survey on an issue among board members using electronic means:

1. Board members shall not use surveys, email or any other electronic messaging service as a substitute for deliberations at board meetings.
2. Surveying will not be used for topics referring to confidential information about employees, students or others in email communications because of the risk of improper disclosure.
3. The district will avoid the appearance of conducting board discussion or actions, in which opinions are exchanged among a quorum of board members through repeated survey questions and answers, outside an open public meeting.

It is also recommended that the board annually review its electronic communication policy and practices with the board attorney.

Policy Implications: Policy #9327, "Electronic Communications Among Board Members" pertains to this issue. An existing model follows for your consideration. In addition, a new version has been developed and is also presented for your consideration.

Suggested bylaw to consider.

Bylaws of the Board

Meetings

Electronic Communications Among Board Members

The Board of Education believes that Board members electronically connected to other Board members is an efficient and convenient way to communicate. The main goal of electronic mail (email) is to expedite the passage of information. Email gives Board members quick access to one another. Communication among Board members via email should conform to the same standards as other forms of communication. (i.e. committee meetings, etc.) as directed by the Freedom of Information Act. When used properly, email is an effective communications tool and can provide a formal record.

All Board members are encouraged to access email. It will be the responsibility of individual Board members who use email to provide the hardware, hook-up and pay all consumable expenses associated with email usage.

Guidelines for Board Email Usage

The Freedom of Information Act mandates that all meetings of public bodies such as school boards be open to the public. It is the policy of the Board of Education that email shall not be used in such a manner as to deprive the public of the rights given to it under the Freedom of Information Act. For this purpose, this bylaw sets forth guidelines for the uses intended to be made of email by Board members when communicating with other Board members.

1. Email, like other written forms of communication relating to the conduct of the public business is subject to the Freedom of Information Act and subject to disclosure.
2. Board members shall not use email as a substitute for deliberations at public Board meetings, and/or shall not discuss policy matters or vote informally on any issues.
3. Email should be used to pass along factual information.
4. Security of email communication cannot be assured. Board members shall not reveal their passwords to others in the network or to anyone outside of it. If any Board member has reason to believe a password has been lost or stolen, or that email is being accessed by someone without authorization, he/she shall notify the Superintendent, who will notify the district's technology specialist.
5. Personnel issues and other sensitive subjects should never be discussed on-line. The confidentiality of employee data, student data, and other sensitive subjects must always be maintained.

Any usage contrary to the aforementioned shall be reported immediately to the Superintendent and may result in the suspension and/or revocation of system access.

Bylaws of the Board

Meetings

Electronic Communications Among Board Members (continued)

Accessing Email

In an effort to encourage all Board members to access email, while maintaining public fiscal responsibility, the Board of Education will loan to any Board member needing access, a modem, computer (when surplus is available), and other hardware peripherals to be returned to the Board Office upon leaving office. It will be the individual Board member's responsibility to provide the hook-up and pay all consumable expenses associated with email usage. In the event a Board member elects not to access email, a hard copy of all email directed to "Board" will be placed in the Board packet delivered via courier, and will also be accessible in the Board of Education Office.

Legal Reference: Connecticut General Statutes

The Freedom of Information Act.

1-200 Definitions.

1-210 Access to public records. Exempt records.

1-211 Disclosure of computer-stored public records.

Bylaw adopted by the Board:

rev 11/10

A new bylaw to consider.

Bylaws of the Board

Meetings

Electronic Communications Among Board Members

The Board of Education believes that electronic communication among its members and the administration is an efficient and convenient way to disseminate information, but must not be misused to deliberate issues that are appropriately discussed only in a public meeting. Therefore, Board members and administrators shall exercise caution when communicating between and among themselves via electronic messaging services including but not limited to email, internet web forums and internet chat rooms. Electronic messaging communication shall conform to the same standards of judgment, propriety and ethics as other forms of board-related communication (committee meetings, telephone calls, etc.). Board members shall adhere to the following guidelines when communicating electronically:

1. Board members shall not use email or any other electronic messaging service as a substitute for deliberations at Board meetings. (A Board member may discuss District business in person or by electronic means with only one other Board member at a time. However, a Board member should not facilitate interactive communication by discussing District business in a series of visits with, or use of emails or telephone calls to, Board members individually.)
2. Board members shall be aware that email and email attachments received or prepared for use in Board business may be considered public records that may be open to public disclosure, upon request.
3. Board members shall avoid reference to confidential information about employees, students, or to others in email communications because of the risk of improper disclosure.
4. Board members shall adhere to the District's "acceptable use" policy in all email communications and refrain from sending inappropriate, profane, harassing or abusive emails.
5. The Superintendent or designee is permitted to email information to Board members. This can include Board meeting agendas and supporting information. When responding to a single Board member's request, the Superintendent should copy all other Board members and include a "do not reply/forward" alert to the group, such as "*BOARD MEMBER ALERT: This email is in response to a request. Do not reply or forward to the group but only to the sender.*"
6. Board members are permitted to provide information to each other, whether in person or by electronic means, that is non-deliberative and non-substantive. Examples of this type of communication include scheduling meetings and confirming receipt of information.

Bylaws of the Board

Meetings

Electronic Communications Among Board Members (continued)

7. A Board member should include a “do not reply/forward” alert when emailing a message concerning District business to more than one other Board member. The following is an example of such an alert: *“BOARD MEMBER ALERT: This email is not for interactive discussion purposes. The recipient should not reply to it or forward it to any other individual.”*
8. Board members are permitted to discuss any matter except District business with each other, whether in person or by electronic means, regardless of the number of members participating in the discussion. (For example, they may discuss league sports, work, current events, etc.)
9. IF BOARD MEMBERS ARE NETWORKED TO THE DISTRICT SYSTEM, THE FOLLOWING MAY BE APPROPRIATE:

Board members shall not reveal their passwords to others in the network or to anyone outside of it, except to the system administrator. If any Board member has reason to believe a password has been lost or stolen, or that email is being accessed by someone without authorization, he/she shall notify the Superintendent of Schools immediately.
10. In the use of paperless Board meetings (**CABE BoardBook**), a type of electronic communication among its members and the administration that is an efficient and convenient way to exchange information pertaining to the meeting of the Board, care must be exercised to not misuse the process to deliberate issues that are appropriately discussed only in a public meeting.

The following guidelines should be considered regarding the conducting of a survey on an issue among Board members using electronic means:

1. Board members shall not use surveys, email or any other electronic messaging service as a substitute for deliberations at Board meetings.
2. Surveying will not be used for topics referring to confidential information about employees, students or others in email communications because of the risk of improper disclosure.
3. The district will avoid the appearance of conducting Board discussion or actions, in which opinions are exchanged among a quorum of Board members through repeated survey questions and answers, outside an open public meeting.

The Board shall annually review its electronic communication policy and practices with the Board attorney.

Bylaws of the Board

Meetings

Electronic Communications Among Board Members (continued)

Some additional language to consider included in the policy:

1. If the Board decides to conduct a meeting utilizing some form of instantaneous electronic communication, the meeting shall be posted along with the means by which members of the general public may access the meeting. At a minimum, this access shall include providing access to a computer or computer monitor to view the meeting as it is conducted.
2. The Board shall have no expectation of privacy for any messages sent, stored, or received electronically. Messages that have been deleted may still be accessible on a District storage device. Messages deleted or otherwise, may be subject to disclosure under the Freedom of Information Act, unless an exemption would apply.
3. District email addresses of all Board members who choose to have an account shall be published on the District website. Board members who choose not to forward and reply to messages via the District email system accept personal responsibility for compliance with the Freedom of Information Act.
4. All emails received or sent from a personal email address that pertains to Board business shall be immediately forwarded to a designated District account for archiving purposes.
5. Members of the Board shall not communicate among themselves by the use of any form of communication (*e.g.*, personal intermediaries, email, or other technological device) in order to reach a collective concurrence regarding any item that is within the subject matter jurisdiction of the Board.

Legal Reference: Connecticut General Statutes
 The Freedom of Information Act.
 1-200 Definitions.
 1-210 Access to public records. Exempt records.
 1-211 Disclosure of computer-stored public records.

Bylaw adopted by the Board:

cps 11/10

Two concise versions of this bylaw to consider.

Bylaws of the Board

Meetings

Electronic Communications Among Board Members

The Board of Education recognizes that electronic communication among Board members and between Board members, District administration, and members of the public is an efficient and convenient way to communicate and expedite the exchange of information and to help keep the community informed about the goals, programs, and achievements of the District and its schools.

Board members shall exercise caution so as to ensure that electronic communications are not used as a means for the Board to deliberate outside of an agendaized Board meeting.

A majority of the Board shall not, outside of an authorized meeting, use a series of electronic communications of any kind, directly or through intermediaries, to discuss, deliberate, or take action on any item that is within the subject matter jurisdiction of the Board.

Examples of permissible electronic communications concerning District business include, but are not limited to, dissemination of Board meeting agendas and agenda packets, reports of activities from the Superintendent, and reminders regarding meeting times, dates, and places.

Board members shall make every effort to ensure that their electronic communications conform to the same standards and protocols established for other forms of communication. A Board member may respond, as appropriate, to an electronic communication received from a member of the community and should make clear that his/her response does not necessarily reflect the views of the Board as a whole. Any complaint or request for information should be forwarded to the Superintendent in accordance with Board bylaws and protocols so that the issue may receive proper consideration and be handled through the appropriate District process. As appropriate, communication received from the press shall be forwarded to the designated District spokesperson.

Another version to consider:

Electronic mail used by a majority of a quorum of the members of the Board or any of its subcommittees for the purpose of discussing public business constitutes a meeting under the *Freedom of Information Act* and is illegal unless held in compliance with the requirements of the Act. Email from a Board member to another member or members of the Board, in his/her capacity as Board members, shall not be used for the purpose of discussing District business in violation of the *Freedom of Information Act* restrictions. Email between or among Board members shall be limited to: 1) disseminating information, 2) messages not involving deliberation, debate, or decision-making; and 3) discussion of District business by less than a majority of a quorum of the Board or any of its subcommittees.

Bylaws of the Board

Meetings

Electronic Communications Among Board Members

Legal Reference: Connecticut General Statutes

The Freedom of Information Act.

1-200 Definitions.

1-210 Access to public records. Exempt records.

1-211 Disclosure of computer-stored public records.

Bylaw adopted by the Board:

cps 11/10

Bylaws of the Board

Board Member Use of Internet Social Networks

The Board of Education (Board) recognizes that reliance on social media as a means of communication is rapidly becoming the norm for school districts. Many school board members are active users of social media, including, but not limited to, such online platforms as Facebook and Twitter, as well as other media such as blogs and personal websites. The Board understands that social media can be a positive tool for fostering community engagement with the school district. However, Board members need to operate with appropriate guidelines when they are communicating online about school district business.

While social networking sites can be an effective and efficient means of communication, Board members need to be aware of the obligations and requirements that arise when using this form of communication. Board members' personal use of social networking sites may be limited or prohibited because of the need to comply with Connecticut statutes pertaining to public records and open meetings as described in the Freedom of Information Act.

Compliance with Public Records Law

Any recorded data or information relating to the conduct of public business prepared, owned, received, or retained by the Board or the school district, whether handwritten, typed, tape-recorded, printed, photo-stated, photographed or recorded by any other method is by definition a "public record" and access to this data shall be granted to any citizen during normal hours of business. This includes communication that school board members and district employees send or receive relating to the affairs of the school district and the official acts of school officials and employees. Electronically stored information generally constitutes a "record" within the meaning of the public records law provided such recorded information is created or kept in connection with school business. The substance of the information, not the format, controls whether it is a public record. As an elected official, a school board member's information contained on a social networking site or a blog, that is created or kept by the Board member regarding the affairs of the district is likely to be considered a public record.

Compliance with the Freedom of Information Act

Board members must be mindful of the Connecticut Freedom of Information Act (FOIA) when using social networking sites. The FOIA defines a "meeting" as any hearing or other proceeding of a public agency, any convening or assembly of a quorum of a multimember public agency, and any communication by or to a quorum of a multimember public agency, whether in person or by means of electronic equipment, to discuss or act upon a matter over which the public agency has supervision, control, jurisdiction, or advisory power (C.G.S. 1-200(2)).

Bylaws of the Board

Board Member Use of Internet Social Networks

Compliance with the Freedom of Information Act (continued)

Board member use of a social networking site may be susceptible to violations of the FOIA due to the ease with which Board members can discuss school business in a manner that may determine the Board's course of action. An online discussion by Board members can result in agreement, tacitly or explicitly to act in a certain manner if the number of Board members is sufficient to reach a quorum.

Social Networking Websites

Board members need to periodically review the importance of maintaining proper decorum in the online digital world as well as in person. This review is to give special emphasis to Board member use of Facebook, Twitter and other social media.

Code of Ethics

Use of social media sites by Board members shall be consistent with the Board's Code of Ethics (Bylaw #9270).

When on social media sites, Board members will refrain from disparaging all others on a personal, social, racial, or religious basis. Board members shall not send messages that contain material that may be defined by a reasonable person as profane or obscene; messages that are racist, sexist or promote illicit, illegal or unethical activity.

Board members will recognize that authority rests with the Board of Education and will make no personal promises on social media sites nor take any private action which may compromise the Board.

Maintaining Confidentiality

Board members will exercise care not to divulge confidential information about students, school employees, or Board business on social media sites. Board members who have access to student information, like District employees, are prohibited from disclosing that information without the consent of the adult student or parent/guardian of a minor. In general, all records related to the individual student maintained by a school constitute confidential student records.

Board members are not to expect that their online conversations will remain private. Discussion of investigations into school issues will not be conducted online. Extreme care must be taken not to disclose confidential information related to students or employees while interacting online.

Bylaws of the Board

Board Member Use of Internet Social Networks (continued)

Social Media Guidelines for Board Members

The following guidelines are for Board members to consider when using social media in their role as public officials. In using social media to communicate about school district activities, a Board member shall:

1. Clarify that the communication is as an individual member of the Board and not in the role of an official District spokesperson.
2. Avoid deliberating school district business directly with other Board members.
3. Direct complaints or concerns presented online from other individuals to the appropriate administrator.
4. Avoid posting content that indicates a consensus or final opinion on pending matters.
5. Ask for community input through appropriate channels, but will not allow the social network site to direct decisions as a Board member.
6. Post only content that the District has already released to the public.
7. Clarify, when attempting to restate what happened at a previous Board meeting, that the posting on the social media site is not an official record of such meeting. Share information only from the open portions of the meeting.
8. Conduct himself/herself online in a manner that reflects well on the District; avoid posting information that has not been verified and made public by the District; and never post anonymously about school business.
9. Report immediately harassing or defamatory communications to the Superintendent if they involve school officials, staff, students or District business.
10. Retain electronic records, including the Board member's own posts and content others post to the Board members account, when required to do so by the District's retention policy.
11. Report immediately to the District any potential security breaches if the Board member loses control or possession of a District-issued or personal electronic device on which confidential District records could be accessed.
12. Comply with the District's acceptable use policy when using District-issued devices or technology resources, including District Internet access on a personal device.

Bylaws of the Board

Board Member Use of Internet Social Networks

Social Media Guidelines for Board Members (continued)

- (cf. 1100 – Communications with the Public)
- (cf. 1114 – District-Sponsored Social Media)
- (cf. 3543.31 – Electronic Communication Use and Retention)
- (cf. 4118.5/4218.5 – Staff Acceptable Computer Use)
- (cf. 4118.51/4218.51 – Social Networking)
- (cf. 5125 – Student Records)
- (cf. 6141.321 – Acceptable Computer Use)
- (cf. 6141.324 – Posting of Student Work/Photographs)
- (cf. 6141.326 – Online Social Networking)
- (cf. 9271 – Board Code of Ethics)
- (cf. 9327 – Electronic Mail Communications)
- (cf. 9330 – Board/School District Records)

Legal Reference: Connecticut General Statutes
The Freedom of Information Act.
1-200 Definitions.
10-209 Records not to be public.
1-210 Access to public records. Exempt records.
Public Law 94-553, The Copyright Act of 1976, 17 U.S.C. 101 et. seq.
Federal Family Educational Rights and Privacy Act of 1974
Dept. of Education. 34 CFR. Part 99 (May 9, 1980 45 FR 30802) regs. implementing FERPA enacted as part of 438 of General Education Provisions Act (20 U.S.C. 1232g) - parent and student privacy and other rights with respect to educational records, as amended 11/21/96.

Bylaw adopted by the Board: April 24, 2018
Bylaw revised: May 6, 2021

NEW FAIRFIELD PUBLIC SCHOOLS
New Fairfield, Connecticut

Social Media Etiquette

As use of blogs, micro blogs, Twitter, Facebook, and cell phone message texting has become more commonplace, it is important for Board members, as elected officials, to make sure there is a clear definition between the school district's and board member's own accounts.

Board members need to keep both communication etiquette and legal restraints in mind when writing in their personal accounts. Remember:

1. The printed word, even if it is written and distributed via the Internet, is 'discoverable', meaning it can be retrieved and used as evidence in lawsuits.
2. Don't assume that you can post any opinion you want citing 'freedom of speech'. More and more headlines are reporting defamation suits filed as the result of those postings.
3. Lawsuits are also being filed against social media users who have not obtained copyright permission prior to posting copyrighted materials (articles and photos). Make sure you have written permission for reproducing information and that you follow a publication's reprint/use guidelines, even if you are using only a small portion of a lengthy article about school improvement or other education-related topic from a publication.
4. Follow district guidelines and state and national privacy laws concerning the release of student information (including use of photos) if you post anything about school district events on a social media outlet. Obtain written permission from parents or guardians prior to posting photos or other identifying information on your personal accounts even if the school district has permission forms on file. Parents may not feel that a Board member's personal account is a place to display their children's information.
5. Don't solicit discussion among fellow Board members on any school district business using social media. While discussion of certain topics may be permitted, err on the side of caution so that you don't find yourself violating legal requirements for open meetings.
6. Even if you are posting to your personal websites, such as Facebook and Twitter accounts, remember that nothing is really personal on the Internet. People have a way of accessing the information, forwarding, copying and pasting and possibly distorting what you have written. Even though you use a personal account, as long as you are on the school board you are a 'public face' of the district and your comments could be misconstrued as reflecting views of the district.
 - a. Include a statement or disclaimer on your account that the opinions you post are yours as an individual.
 - b. Avoid posting your opinions about school district business or Board actions.
 - c. At a Board meeting, discuss with the district's legal counsel the legalities regarding use of a personal social media account while serving as an elected official.
7. If you have a reason to post information about the district, double check to make sure the information is correct. It is easy to transpose numbers, get a date or time incorrect even on the most well-intentioned post, blog entry, or tweet.

- a. Once an error is discovered, make the correction and then note the date/time of the correction at the top of the post or blog. If you've sent an incorrect Tweet, send a new one with 'Correction' at the lead.
 - b. To avoid putting incorrect information on your personal blogs, use links to the school district's home page or blog directing readers/followers to get information from the 'official' source.
8. Commenting on school district business while using one's own computer can put you in a precarious position if a public records request is made of all communications concerning a particular topic. Your personal computer and hard drive, and other data memory equipment could be subpoenaed as part of a lawsuit discovery process.
 9. Remember that once a thought, idea, claim, or suggestion has been distributed via social media, it takes on a life of its own. Think twice when writing anything. Ask yourself if you would want your comments to appear on the front page of the morning paper or as a lead item on the television news.
 10. Don't continue school board discussions or debates using your social media as a vehicle for voicing your dissent or approval of an issue. The Boardroom is the place for discussion and decision, not the Internet.
 11. If you want public comment on a particular issue with which the school board is dealing, don't ask readers/followers to comment on your own message boards or comment sections. Instead, tell readers/followers how to contact the district through e-mail or phone calls that will allow comments to be forwarded to all board members. Be sure to include information on deadlines for submitting comments.
 12. Refrain from using your personal social media account to inflame or incite a public outcry on a topic that is being discussed by the board.
 13. Never post any information gleaned during an executive session, such as that related to personnel, business negotiations, and employee contract negotiations.
 14. If you post to other sites and social media outlets — not under your control — make sure those site's topics and photos are considered to be politically correct as well as socially acceptable for readers of all ages.