

BOE Meeting Template
Monday, May 9, 2011 7:00 PM

Mabelle Avery Middle School District Offices Board Room, 4 Vision Boulevard, Somers, CT 06071

1. CALL TO ORDER
2. PLEDGE OF ALLEGIANCE
3. APPROVAL OF MINUTES 2
4. AUDIENCE TO CITIZENS/STAFF/STUDENTS
 1. Lunch Program Update
The annual report on the district's lunch program will be presented by Cathi Smith, Lunch Program Director and Bill Boutwell, Director of Business Services. Both will be available to answer any questions board members may have.
 2. Technology Presentation
Jim Morrow, Director of Technology & Information Services will give the annual presentation on technology. He will be available to answer any questions board members may have.
 3. Update on Transition Program
Dr. Collin, Director of Pupil Services will give an update on the transition program. She will be available to answer any questions board members may have.
5. CORRESPONDENCE
6. OPPORTUNITY TO ADD/DELETE AGENDA ITEMS
7. CONSENT AGENDA
 1. Approval of Bills 5
8. NEW BUSINESS
 1. First Warning of DBS Code: 4152.6/4252.6 - Family, Medical and Pregnancy Leave Policy 9
The Policy Committee is recommending that this policy replace our current policy. It has been reviewed by counsel and is in line with current law. Most of the current policy would be covered in administrative regulations. Second warning/adoption will be included on the 5/23/11 agenda.
 2. First Warning of DBS Code: 5145.52 - Harassment 16
This is a new policy recommended by CABE. We currently have a policy on sexual harassment but not a policy on harassment in general. Second warning/adoption will be on the 5/23/11 agenda.
 3. First Warning of DBS Code: 5141.7 - Student Sports-Concussion and Head Injuries 18
This is a new policy recommended by CABE. Second warning/adoption will be on the 5/23/11 agenda.
9. OLD BUSINESS
10. ADMINISTRATIVE REPORTS
11. COMMITTEE REPORTS
 1. Budget
 2. Curriculum
 3. Policy
 4. Salary & Negotiations
 5. Planning
 6. Other Committees
12. OTHER
13. ADJOURNMENT 20

SOMERS BOARD OF EDUCATION

1 Vision Boulevard

Somers, CT 06071

www.somers.k12.ct.us

MINUTES OF THE MEETING – April 25, 2011

Members Present: J.Formeister, R.Lees, B.Devlin, J.Taylor, T.Potrikus, A.Kirkpatrick, S. Bollinger (arrived at 7:04 p.m.), M.Marquardt (arrived at 7:03)

Members Absent: D.Palmer

Administrators Present: M.Suffredini, B.Boutwell, P.Collin, K.Pezza

Staff Present:

Citizens Present: G. Schober

Students Present:

Others: E.Quinlan (*Patch.com* Editor)

1.0 CALL TO ORDER

The regular meeting of the Board of Education was called to order at 7:00 p.m. by Vice Chairman Formeister in the Mabelle B. Avery Middle School Board of Education meeting room.

2.0 PLEDGE OF ALLEGIANCE

3.0 APPROVAL OF MINUTES – April 11, 2011

April 11, 2011 Regular Meeting – It was MOVED (B.Devlin) SECONDED (T.Potrikus) to approve the April 11, 2011 Board of Education regular meeting minutes as presented. PASSED 6-0

4.0 AUDIENCE TO CITIZENS/STAFF/STUDENTS

Citizens:

George Schober addressed the Board in regards to the April 11, 2011 Board of Education Minutes. Mr. Schober told the Board that the minutes did not accurately report what he said at the meeting. Mr. Schober requested that the minutes be corrected.

Mr. Schober stated that he is still waiting for a retraction of the statements made by Dr. Suffredini at the March 28, 2011 Board of Education meeting.

Mr. Schober distributed an article to the Board regarding Freedom of Information training.

Staff:

4.1 Lunch Program Update

The Director of the Somers Lunch Program was unable to attend the meeting.

5.0 CORRESPONDENCE

No correspondence was reported.

6.0 OPPORTUNITY TO ADD/DELETE AGENDA ITEMS

6.1 Due to the absence of the Director of the Somers Lunch Program, the Lunch Program Update will be rescheduled to the May 9th BOE meeting.

7.0 CONSENT AGENDA

7.1 Approval of Bills 4/25/11 – (\$80,314.83)

It was MOVED (T.Potrikus) SECONDED (J.Taylor) to approve the 4/25/11 Bills in the amount of \$80,314.83 as presented. PASSED 8-0

8.0 NEW BUSINESS

8.1 Second Warning/Adoption of DBS Code: 4111/4211 – Recruitment and Selection

It was MOVED (A.Kirkpatrick) SECONDED (B.Devlin) to Adopt DBS Code: 4111/4211 – Recruitment and Selection as presented. PASSED 8-0

8.2 2009-2010 Strategic School Profile

Dr. Suffredini reviewed the profile with the Board and highlighted the following:

- The district’s overall enrollment is down 4.8% over the past 5 years. The elementary school is down by 10.6 percent and the middle school is down by 3 percent; the high school is up by 1.6 percent for the same period of time.
- The district’s percent of students identified as Gifted and/or Talented is half what it is in our DRG and across the State. Gifted and/or Talented students were not reported on the high school profile. Dr. Suffredini will look into why these students were not reported.
- The percentage of Juniors and Seniors working 16 or more hours per week is higher in Somers than it is in our DRG and State.
- Somers per pupil expenditure is lower than it is in our DRG and across the State.
- Our computer ratio to staff and students is improving.
- Our class size averages are slightly higher in most areas when compared within our DRG and across the State. Our amount of instructional time is above the average.
- The percentage of Advanced Placement Exams scored at 3 or more is substantially lower than reported for the State. Dr. Suffredini stated that this is an area of concern and he will look into it further.

9.0 OLD BUSINESS - None

10.0 ADMINISTRATIVE REPORTS

10.1 Transportation Update

Director of Business Services, Bill Boutwell, updated the Board on the district’s transportation services. Mr. Boutwell reported that he attended a meeting at CREC regarding creating a regional interdistrict transportation collaborative with towns north of Hartford. CREC is looking for towns that are interested in a collaborative approach in an attempt to lower transportation costs. Currently nine towns have contracts with First Student. Five towns have contracts that will expire in 2012 and Somers is one of those towns. Mr. Boutwell stated that he will meet with CREC again before the end of the year.

Mr. Boutwell reported that there are no current transportation issues; however, should the Board receive any complaints, Mr. Boutwell requested that they be forwarded directly to him.

11.0 COMMITTEE REPORTS

Minutes will be taken at all subcommittee meetings.

11.1 Budget

The Public Hearing on the 2011-2012 Budget will be held on April 26th.

Mr. Boutwell reported that he will have a better handle on this year’s budget within the next few weeks. There is still a 75% spending cap and a budget freeze was put in place in December. Only critical items are being purchased.

The town has agreed to appropriate \$30,000 to the schools for snow removal costs; however, this appropriation needs to be approved at the May 10th Town Meeting.

Mr. Boutwell reported that he still does not know what funding the district will receive from the State's Excess Cost Sharing grant.

11.2 Curriculum

The high school English Department is requesting new books. A BOE Curriculum Subcommittee meeting may need to be scheduled.

12.3 Policy

The Policy Committee will meet on April 28th at 6:00 p.m.

12.4 Salary & Negotiations

An initial negotiations meeting was held today with the custodial union. Future meetings are being scheduled.

Dates are being scheduled to begin negotiations with the nurses union.

12.5 Planning Committee

12.6 Other Committees

12.6.1 Technology Ad Hoc Committee

Dr. Suffredini reported that Jim Morrow has contacted the SEA and discussed the criteria and format for creating a staff technology committee.

13.0 OTHER

Vice Chairman Formeister stated that the matter referred to under Audience to Citizens/Staff/Students has been referred to the Board's attorney.

14.0 ADJOURNMENT

It was MOVED (B.Devlin) SECONDED (J.Taylor) to adjourn the regular meeting of the Board of Education at 8:20 p.m. PASSED 8-0

Respectfully submitted,

Rick Lees, Jr., Secretary
Joan Jaquith, Recording Secretary

These minutes are not official until approved at a subsequent meeting.

Somers Board of Education General Budget Treasury Warrant

Report # 11875

Check Batch: 4180
 Check Header: (N / A)
 Check Numbers: (First) - (Last)
 Check Dates: (Earliest) - (Latest)
 Cash Account Numbers: (First) - (Last)
 Bank Account Code: (N/A)
 Check Authorization Code: AP GB
 Minimum Check Amount: \$0.00
 Sorted By:
 Include Payable Information: No
 Include Payable Dist Information: No
 Include Authorization Information: Yes

Batch #	Check #	Check Date	Vendor Code	Vendor Name	Electronic Amount	Check Amount
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Approved by:  Date: 5/5/11

 William B. Boutwell, Director of Business Services

4180	2821	05/09/2011	V58674	Administrator, Unemployment Compensation	0.00	870.00
	2822	05/09/2011	V52670	Amazon	0.00	5.73
	2823	05/09/2011	V60040	Anthem Life Insurance Company	0.00	2,219.96
	2824	05/09/2011	V02406	Billings Sports, Inc.	0.00	128.00
	2825	05/09/2011	V51942	CBS	0.00	188.96
	2826	05/09/2011	V00159	Connecticut Light & Power	0.00	13,614.81
	2827	05/09/2011	V00204	CREC	0.00	12,586.72
	2828	05/09/2011	V02186	Flinn Scientific, Inc.	0.00	79.80
	2829	05/09/2011	V02461	Michael N. Fulco, Ph.D	0.00	3,000.00
	2830	05/09/2011	V00999	J.W. Pepper & Son, Inc.	0.00	206.34
	2831	05/09/2011	V02338	Longstreth	0.00	53.90
	2832	05/09/2011	V02898	MagnaKleen Services	0.00	325.50
	2833	05/09/2011	V54159	Vernon Printing Co, Inc.	0.00	2,598.68
	2834	05/09/2011	E00234	Morrow, Jim	0.00	139.16
	2835	05/09/2011	V02444	Nelson Jr PHD, W. J.	0.00	2,475.00
	2836	05/09/2011	V53987	Office Equipment Finance Services	0.00	1,662.67
	2837	05/09/2011	V01288	President's Challenge	0.00	67.50
	2838	05/09/2011	V60098	Questar Assessment, Inc	0.00	91.00
	2839	05/09/2011	V52476	River Valley Lawn Care LLC	0.00	817.93
	2840	05/09/2011	V53811	RJ Mase, LLC	0.00	64.00

Somers Board of Education General Budget Treasury Warrant

Batch #	Check #	Check Date	Vendor Code	Vendor Name	Electronic Amount	Check Amount
	2841	05/09/2011	E00296	Sarantakis, Matthew	0.00	12.75
	2842	05/09/2011	V51324	Sherwin-Williams Co., The	0.00	12.62
	2843	05/09/2011	V00486	Somers High School	0.00	9,710.64
	2844	05/09/2011	V00886	Somers Lunch Program	0.00	10.50
	2845	05/09/2011	V00548	Somers Sanitation Service, Inc.	0.00	1,189.70
	2846	05/09/2011	V01591	Town of Somers	0.00	8,234.60
	2847	05/09/2011	V54355	Talbot M.A. CCC-SLP, Catherine	0.00	350.00
	2848	05/09/2011	V53945	Transcanda Power Marketing LTD	0.00	16,719.88
	2849	05/09/2011	V52399	W.R. Robinson Lumber	0.00	475.20
Totals:					0.00	\$77,911.55

29 Checks Listed.

Somers Board of Education General Journal Register

Report # 11874
Batch: 4154
Transaction: N/A
Show Summary Only: Yes

Batch # 4154	Control Total \$77,911.55	Status Posted	Created By lbergamini	Created On 05/02/2011	Last Updated By lbergamini	Last Updated On 05/05/2011
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General Ledger Distribution Summary						
Period, Fiscal Year Account Number	Account Description	DTF Base	Over Budget	Debits	Credits	
May, 2011						
Generated Distributions						
10-000-0-0-00-000-710-00-0-00000	ENCUMBRANCE CONTROL			71,675.04	0.00	
10-000-0-0-00-000-720-00-0-00000	RESERVE FOR ENCUMBRANCE			0.00	71,675.04	
	Total Generated Distributions			\$71,675.04	\$71,675.04	
User-Entered Distributions						
10-000-0-0-00-000-241-00-0-00000	ACCOUNTS PAYABLE			50.00	0.00	
10-000-0-0-00-000-241-00-0-00000	ACCOUNTS PAYABLE			0.00	77,961.55	
10-100-2-2-18-242-611-01-5-00187	K-5 - MATH SUPPLIES			5.73	0.00	
10-100-2-2-20-242-611-01-5-00169	K-5 - MUSIC SUPPLIES			182.92	0.00	
10-100-2-2-20-242-611-01-5-00169	K-5 - MUSIC SUPPLIES			0.00	50.00	
10-100-2-3-12-242-611-01-5-00182	MA - TECHNOLOGY ED SUPPLIES			475.20	0.00	
10-100-2-3-20-242-611-01-5-00172	MA - MUSIC SUPPLIES			5.40	0.00	
10-100-2-3-28-242-611-01-5-00204	MA - SCIENCE SUPPLIES			79.80	0.00	
10-100-2-4-20-242-611-01-5-00168	HS - BAND SUPPLIES			68.02	0.00	
10-120-9-9-98-955-330-02-5-01117	SP ED-INDEPENDENT EVALUATIONS		Yes	5,825.00	0.00	
10-120-9-9-98-955-330-02-5-01142	SPED - CONSULTANT FEES		Yes	2,348.90	0.00	
10-212-2-5-46-243-611-02-5-00252	SW - TESTING			91.00	0.00	
10-222-2-5-14-233-611-03-5-00150	SW - COMPUTER SOFTWARE			26.96	0.00	
10-231-1-5-74-134-590-10-5-00049	B.O.E. - PRINTING		Yes	2,598.68	0.00	
10-231-1-5-74-134-690-10-5-00047	B.O.E. - SUPPLIES			10.50	0.00	
10-232-1-5-72-251-580-05-5-00271	CO - TRAVEL/IN-SERVICE			124.95	0.00	
10-232-6-5-66-830-440-04-5-00525	CO - COPIER RENTAL		Yes	415.67	0.00	
10-240-6-2-66-830-440-04-5-00523	K-5 - COPIER RENTAL			415.67	0.00	
10-240-6-2-66-830-440-04-5-00524	K-5 - COPIER SUPPLIES			188.96	0.00	
10-240-6-3-66-830-440-03-5-00527	MA - COPIER RENTAL			415.66	0.00	
10-240-6-4-66-830-440-04-5-00763	HS - COPIER RENTAL			415.67	0.00	
10-260-5-4-38-722-430-01-5-00393	HS - QUANTITY FOODS MAINT.			64.00	0.00	
10-260-5-6-62-650-613-05-5-00377	SW - CUSTODIAL SUPPLIES			325.50	0.00	
10-260-5-6-62-722-430-08-5-00442	SW - GROUNDS KEEP			817.93	0.00	
10-260-5-6-62-722-430-08-5-00444	SW - RUBBISH REMOVAL			1,189.70	0.00	
10-260-5-6-62-722-430-08-5-00467	SW - GENERAL PAINT		Yes	12.62	0.00	

Somers Board of Education General Journal Register

Batch #	Control Total	Status	Created By	Created On	Last Updated By	Last Updated On
4154	\$77,911.55	Posted	lbergamini	05/02/2011	lbergamini	05/05/2011
		10-260-5-6-64-641-620-05-5-00358	K-5 - ELECTRICITY		7,308.51	0.00
		10-260-5-6-64-641-620-05-5-00360	MA - ELECTRICITY		12,503.00	0.00
		10-260-5-6-64-641-620-05-5-00361	HS - ELECTRICITY		10,523.18	0.00
		10-270-4-5-84-521-627-12-5-00327	BUS FUEL		7,718.86	0.00
		10-279-4-5-84-722-627-12-5-00341	SW - GASOLINE SCHOOL VEHICLES	Yes	515.74	0.00
		10-280-6-5-82-820-200-13-5-00512	LIFE AND AD&D INSURANCE	Yes	2,219.96	0.00
		10-280-6-5-82-820-200-13-5-00517	UNEMPLOYMENT INSURANCE	Yes	870.00	0.00
		10-320-7-3-42-880-690-06-5-00600	MA - ATHLETIC AWARDS		67.50	0.00
		10-320-7-4-42-880-590-06-5-00597	HS - OFFICIALS	Yes	9,710.64	0.00
		10-320-7-4-42-880-690-06-5-00595	HS - ATHLETIC SUPPLIES		53.90	0.00
		10-320-7-4-42-880-690-06-5-01220	HS - ATHLETIC UNIFORMS		128.00	0.00
		10-611-9-9-88-955-560-14-5-00813	SP ED - CREC HEARING PROGRAM	Yes	10,237.82	0.00
			Total User-Entered Distributions		\$78,011.55	\$78,011.55
			Total for May, 2011		\$149,686.59	\$149,686.59
			Grand Total for Batch # 4154		\$149,686.59	\$149,686.59

117 Transactions Listed.

This policy would replace our current policy.

Personnel -- Certified/Non-Certified

Personal Leaves

Family, Medical and Pregnancy Leave Policy

Family and Medical leaves are provided by the Board as required by the federal Family and Medical Leave Act of 1993, as amended (FMLA). This policy and the corresponding regulations will be interpreted to comply with that law, as well as the Connecticut Fair Employment Practices Act (CFEPA) with respect to pregnancy-related disability leave and transfer. Employees should contact the Business Office of the Somers Public Schools if they have any questions regarding how the Board's FMLA policy and regulations apply to their situation, when and how they may take leave or any question regarding family, medical or pregnancy-related disability leave.

(cf. 4118.14 - Disabilities)

(cf. 4151.2 - Family Illness)

(cf. 4152.3 - Maternity; Adoptive; Child Care)

Legal Reference: P.L. 103-3 and 29 CFR Part 825 - The Family and Medical Leave Act of 1993, as amended by H.R. 4986, the National Defense Authorization Act for Fiscal Year 2008, Section 585. 29 U.S.C. §2601 et seq. and the National Defense Authorization Act for Fiscal Year 2010, Public Law 111-84, section 565, Title V.

Final Rule - published in Federal Register, Vol. 60, Nov. 4, Friday, January 6, 1995, as amended on February 3, 1995, March 30, 1995, and on November 17, 2008. Rules and Regulations (29 CFR Part 825).

Connecticut General Statutes

46b-3800 Applicability of statutes to civil unions and parties to a civil union.

PA 07-245 An Act Concerning Family and Medical Leave for Municipal Employees.

SOMERS BOARD OF EDUCATION

Family and Medical Leave of Absence Policy

Purpose

To define the policy and procedure of the Somers Board of Education with regard to family and medical leave required by the Family and Medical Leave Act of 1993 (FMLA).

This policy has been modeled after the interim regulations implementing the Family and Medical Leave Act of 1993 issued by the U.S. Department of Labor's Wage and Hour Division on June 4, 1993 (58 FR 31794, codified at 29 CFR Part 825).

Policy

Eligibility

Employees who have worked for the Board for at least twelve (12) months and at least 1,250 hours during the twelve (12) months preceding commencement of the leave may take up to twelve (12) weeks of unpaid leave (FMLA leave) for the following reasons:

- (1) Birth and/or care of a child of the employee;
- (2) Placement of a child into the employee's family by adoption or by a foster care arrangement;
- (3) Care of the employee's spouse, child or parent who has a serious health condition; or
- (4) Inability of the employee to perform the functions of the employee's position due to a serious health condition.

Any FMLA leave taken by an employee during the applicable twelve (12) month period will be used to determine the amount of available leave pursuant to the Family and Medical Leave Act. See "Method for Calculating Twelve Month Period" set forth below.

The right to family leave for the birth and/or placement of a child into an employee's family may only be taken within the twelve (12) months after the date of the birth or placement of the child. In the case of unpaid leave for the birth or placement of a child, intermittent leave or working a reduced number of hours is not permitted, unless both the employee and the Board¹ agree. If both spouses are employed by the Board, the combined leave shall not exceed twelve (12) weeks.

¹As used in this policy, whenever agreement or exercise of discretion is required, "Board" shall mean the Superintendent, or other designee(s), charged with FMLA compliance responsibility.

For purposes of this policy, a serious health condition means an illness, injury, impairment or physical or mental condition that involves:

- any period of incapacity or treatment in connection with or consequent to in-patient care (i.e., an overnight stay) in a hospital, hospice or residential medical care facility;
- any period of incapacity requiring absence from work, school, or other regular daily activities of more than three (3) calendar days, that also involves continuous treatment by (or under the supervision of) a health care provider;
- continuing treatment by (or under the supervision of) a health care provider for a chronic or long-term health condition that is incurable or so serious that, if not treated, would likely result in a period of incapacity of more than three (3) calendar days; or
- prenatal care.

Intermittent Leave/Reduced Hours

In the case of unpaid leave for serious health conditions, the leave may be taken intermittently or on a reduced hours basis only if such leave is medically necessary. Where an employee requests intermittent leave or leave on a reduced hours basis due to a family member's or the employee's own serious health condition, the Board has the option, in its sole discretion, to require the employee to transfer to a temporary alternative job for which the employee is qualified and which better accommodates the intermittent leave or reduced hours leave than the employee's regular job. The temporary position will have pay and benefits equivalent to the employee's regular job. The shortest period of time (one hour or less) that the payroll system uses to account for absences or leave shall constitute the minimum intermittent or reduced leave increment.

Substitution of Accrued Leave

Employees may be required to use their available accrued leave time, such as personal leave and/or vacation time, during the twelve (12) week FMLA leave period, and available sick days when FMLA leave is taken because of a serious health condition of the employee. The Board's policies, practice(s) and/or collective bargaining agreement(s) regarding vacation time, personal days, sick days or other leave time will determine if an employee is eligible to receive accrued paid or unpaid leave. The employee will be notified immediately, in writing, which accrued leave, if any, will be counted towards the twelve (12) weeks of FMLA leave. If written notice is not given to the employee by the date of expiration of the leave, the accrued leave will not be counted towards the employee's available twelve (12) weeks of FMLA leave.

Employee Notice – Foreseeable/Unforeseeable Need

When the necessity of leave is foreseeable due to the expected birth or placement of a child, the employee must provide the Board at least thirty (30) days notice of the employee's intention to take leave. If the date of birth or placement of a child requires the employee's leave to begin in less than thirty (30) days from the date of notice to the Board, the employee must provide such notice as soon as practical. Where the necessity for leave is due to a family member's or an employee's own serious health condition and is foreseeable based on planned medical treatment, the employee must:

- give at least thirty (30) days notice, or as soon as practical if treatment starts in less than thirty (30) days; and
- make a reasonable effort to schedule the treatment so as not to unduly disrupt the operation of the Board, subject to the approval of the health care provider.

Where the need for leave is unforeseeable, the employee must give notice as soon as practical.

Certification of Physician/Practitioner

Any leave request based on a family member's or employee's own serious health condition may have to be supported by certification from a health care provider. The employee must provide a copy of the certification to the Board in a timely manner. (Fifteen calendar days will be allowed to provide the certification.) Certification from the health care provider must contain:

- the date the serious health condition began;
- the possible duration of the conditions;
- if the leave is based on the care of a spouse, child or parent, a statement that the employee is needed to provide the care and an estimate of the amount of time that need will continue;
- in the case of intermittent leave or leave on a reduced hours basis for planned medical treatment, the date the treatment is expected to be given and the duration of the treatment.

Health Insurance

During FMLA leave of absence, the Board will continue to pay its portion of the health insurance premiums and the employee must continue to pay his/her share of the premiums. Failure of the employee to pay his/her share of the health insurance premiums may result in loss of coverage. If the employee does to return to work after the expiration of the leave, the employee will be required to reimburse the Board for payment of health insurance premiums during the FMLA leave, unless the employee does not return because of the presence of a serious health condition which prevents the employee from performing his/her job, or circumstances beyond the control of the employee.

Other Benefits

During FMLA leave, when no other leave is substituted, the employee shall not accrue any additional benefits. Employment benefits accrued by the employee up to the day on which the FMLA leave of absence begins will be available upon return from leave.

With respect to pension and retirement plans, FMLA leave will be treated as continued service for purposes of vesting and eligibility to participate.

Return to Work

The Board may require an employee on FMLA leave to report periodically on his/her status, and intention to return to work. Also, periodic recertification of the medical condition may be required.

~~An employee taking leave due to the employee's serious health condition may be required to obtain certification that the employee is able to resume work prior to returning from any FMLA leave. The Board will consider the nature of the employee's serious health condition, and the demands of the employee's position, when deciding whether to require certification of ability to resume work.~~

~~Employees who return to work from FMLA leave of absence within or on the business day following the expiration of the twelve (12) weeks are entitled to return to their job or an equivalent position without loss of benefits or pay.~~

Method for Calculating Twelve Month Period

~~For purposes of this policy, the following twelve month period shall apply:~~

~~A rolling twelve month period measured backward from the date the employee uses any FMLA leave (except that such measure may not extend back before August 5, 1993).~~

~~If an employee takes leave on an intermittent or reduced leave schedule only the amount of leave actually taken may be counted toward the twelve weeks of leave to which an employee is entitled. Where an employee normally works a part time schedule, the amount of leave to which an employee is entitled is determined on a pro rata or proportional basis. If any employee's schedule varies from week to week, a weekly average of the hours worked over the twelve weeks prior to the beginning of the leave period is used for calculating the employee's normal work week.~~

INSTRUCTIONAL EMPLOYEES

~~"Instructional employees" are those employees whose principal function is to teach and instruct students in a class, a small group, or an individual setting such as teachers, athletic coaches, and certain special education assistants. Teacher assistants or aides who do not have as their principal job actual teaching or instructing are not considered "instructional employees" for purposes of this policy. Auxiliary personnel such as counselors, psychologists or curriculum specialists, whose principal function is not teaching or instructing students in a class, small group or individual setting are not considered "instructional employees". Bus drivers, cafeteria workers, maintenance workers, and similar employees are also not "instructional employees."~~

Intermittent Leave/Reduced Leave Instructional Employees

~~If an eligible instructional employee requests intermittent leave or leave on a reduced leave schedule to care for a family member, or for the employee's own serious health condition, which is foreseeable based on planned medical treatment, and the employee would be on leave for more than twenty percent (20%) of the total number of working days over the period the leave would extend, the Board of Education, at its option, may require the employee to choose either to:~~

- ~~1. Take leave for a period or periods of particular duration, not greater than the duration of the planned treatment; or~~
- ~~2. Transfer temporarily to an available alternative position for which the employee is qualified which has equivalent pay and benefits and better accommodates recurring periods of leave than does the employee's regular position.~~

~~An instructional employee who does not give required notice of foreseeable leave to be taken intermittently or on a reduced leave schedule may be required by the Board to take leave of a particular duration, or to transfer temporarily to an alternative position. Alternatively, the Board~~

may require the employee to delay the taking of leave until the notice provision is met. This notice provision, however, shall not be interpreted to be more strict for purposes of FMLA leave than the Board requires from its employees otherwise taking comparable paid or unpaid leave.

Instructional Employees – Academic Term

The school year is divided into two academic terms. “Academic term” means the school semester which typically ends near the end of the calendar year or the end of spring each school year. An instructional employee who begins leave more than five weeks before the end of a term may be required by the Board to continue taking leave until the end of the term if:

- A. The leave will last at least three weeks, and
- B. The employee would return to work during the three week period before the end of the term.

If an instructional employee begins leave for a purpose other than the employee’s own serious health condition during the five week period before the end of the term the Board may require the employee to continue taking leave until the end of the term if:

- (i) The leave will last more than two weeks, and
- (ii) The employee would return to work during the two week period before the end of the term.

If the instructional employee begins leave for a purpose other than the employee’s own serious health condition, during the three week period before the end of the term, and the leave will last more than five working days, the Board may require the employee to continue taking leave until the end of the term.

PROCEDURE

Notice by an employee of the need for a leave of absence under FMLA must be given to an appropriate supervisor at least thirty (30) days before the leave is to commence, or as soon as possible if thirty (30) days notice is not possible. The Board may waive such notice requirement and designate accrued leave as FMLA leave if it would qualify, except for lack of the required notice.

Each employee taking leave which meets the requirements for FMLA leave will be provided a copy of this policy, the “Request For And/Or Response to Leave Under the Family And Medical Leave Act of 1993” form and the “Certification of Physician or Practitioner” form (if appropriate). Such forms are incorporated in, and made a part of, this policy.

RECORDS

The FMLA requires employers to maintain records in accordance with the record keeping requirements of Section 11 © of the Fair Labor Standards Act and in accordance with FMLA regulations. FMLA regulations require that such records disclose the following:

1. Name, address and occupation of the employee; rate or basis of pay and terms of compensation; daily and weekly hours worked per pay period; additions to or deductions from wages; and total compensation paid;
2. Dates FMLA leave is taken by employees. Leave must be designated in records as FMLA leave;

- ~~3. If FMLA leave is taken in increments of less than one full day, the hours of the leave;~~
- ~~4. Any written notice of FMLA leave given by the employee, and copies of all notices given to employees as required by law and by this policy;~~
- ~~5. Any document describing employee benefits or employee policies and practices regarding the taking of paid and unpaid leaves;~~
- ~~6. Payment of any employee benefits' premiums; and~~
- ~~7. Records of any dispute regarding designation of leave as FMLA leave, including any written statement from the Board or an employee of the reasons for the designation and for the disagreement.~~

Medical Records

~~Records and documents relating to medical certifications, recertifications or medical histories of employees or employees family members, shall be maintained in separate files/records and treated as confidential medical records.~~

A related version of this policy should also be placed in the 4000 series-Personnel.

Students

Harassment

The Board strives to provide a safe, positive learning environment in the schools. Therefore, harassment, in any form, will not be tolerated. 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.

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, 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, creates an intimidating, threatening or abusive educational environment;
2. has the purpose or effect of substantially or unreasonably interfering with an individual's academic performance; and
3. otherwise adversely affects an individual's learning 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.

The Board strictly prohibits retaliation against any person for filing a complaint, for aiding or encouraging the filing of a report or complaint, or for cooperating in an investigation of discrimination or harassment. The Board considers/treats retaliation as a form of discrimination.

Each student shall be responsible to respect the rights of their fellow students and District employees and to ensure an 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 an educational environment that discourages and prohibits unlawful harassment, the Board designates the Curriculum Director as the District's Compliance Officer.

Students

Harassment (continued)

(cf. 4118.113/4218.113 - Harassment)

(cf. 5131.911 - Bullying)

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 (a) 62 Fed Reg. 12033 (March 13, 1997) 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)

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

Gebbs 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.)

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.

Student Sports – Concussion and Head Injuries

The Board of Education recognizes that concussions and head injuries are commonly reported injuries in children and adolescents who participate in sports and other recreational activities. The Board acknowledges the risk of catastrophic injuries or deaths are significant when a concussion or head injury is not properly evaluated and managed.

For the school year beginning July 1, 2011, and each school year thereafter, and after the completion of the initial training course regarding concussions and head injuries, each coach shall annually review current and relevant information regarding concussions and head injuries prior to the start of the coaching assignment. This annual review is not required in any year the coach is completing a refresher course. Beginning July 1, 2015, and each school year thereafter, a coach must complete a approved refresher course not later than five years after the initial training course in order to maintain his/her coaching permit and to coach in the District.

The District will also utilize protocols developed by the Connecticut Concussion Task Force, information promulgated by the Connecticut Interscholastic Athletic Association (CIAC), Centers of Disease Control and Prevention and other pertinent information and forms to inform and educate coaches, youth athletes and their parents and/or guardians of the nature and risk of concussions or head injuries, including the dangers associated with continuing to play after a concussion or head injury.

Annually the District will distribute a head injury and concussion information sheet to all parents/guardians of student participants in competitive sport activities. The parent/guardian and student must return a signed acknowledgement indicating that they have reviewed and understand the information provided before the student participates in any covered activity. This acknowledgement form must be returned and be on file with the District in order for the student to be allowed to practice or compete in the sports activity.

All coaches will complete training pertaining to the District's procedures.

Further, in compliance with applicable state statutes, the coach of any intramural or interscholastic athletics shall immediately remove any student athlete participating in intramural or interscholastic athletics who (1) is observed to exhibit signs, symptoms or behaviors consistent with a concussion following an observed or suspected blow to the head or body during a practice, game or competition, (2) is diagnosed with a concussion, or (3) is otherwise suspected of having sustained a concussion or head injury because such student athlete is observed to exhibit signs, symptoms or behaviors consistent with a concussion regardless of when such concussion or head injury may have occurred.

The coach shall not permit such student athlete to participate in any supervised team activities involving physical exertion, including, but not limited to, practices, games or competitions, until such student athlete receives written clearance to participate in such supervised team activities involving physical exertion from a licensed health care professional* trained in the evaluation and management of concussions.

Following medical clearance, the coach shall not permit such student athlete to participate in any full, unrestricted supervised team activities without limitations on contact or physical exertion, including, but not limited to, practices, games or competitions, until such student athlete (1) no

Students

Student Sports – Concussion and Head Injuries (continued)

longer exhibits signs, symptoms or behaviors consistent with a concussion at rest or with exertion, and (2) receives written clearance to participate in such full, unrestricted supervised team activities from a licensed health care professional trained in the evaluation and management of concussions.

The Board believes that at the forefront of concussion management is the implementation of baseline testing, through the implementation of the ImPACT (Immediate Post-concussion Assessment and Cognitive Testing) Program. Subject to the availability of financial resources, District athletes will receive “baseline” testing every two years by the athletic trainer prior to the start of the sports season.

Legal Reference: Connecticut General Statutes

PA 10-62 An Act Concerning Student Athletes and Concussions

SOMERS BOARD OF EDUCATION

1 Vision Boulevard

Somers, CT 06071

www.somers.k12.ct.us

MINUTES OF THE MEETING – May 9, 2011

Members Present: D.Palmer, J.Formeister, R.Lees, B.Devlin, J.Taylor (arrived at 7:04 p.m.),
T.Potrikus, A.Kirkpatrick, S. Bollinger (arrived at 7:05 p.m.)

Members Absent: M.Marquardt

Administrators Present: M.Suffredini, B.Boutwell, P.Collin, K.Pezza, J.Morrow

Staff Present: C.Smith, L.Gengenbach, S.Yarrows

Citizens Present: M.Splain

Students Present:

Others:

1.0 CALL TO ORDER

The regular meeting of the Board of Education was called to order at 7:00 p.m. by Chairman Palmer in the Mabelle B. Avery Middle School Board of Education meeting room.

2.0 PLEDGE OF ALLEGIANCE

3.0 APPROVAL OF MINUTES – April 25, 2011

April 25, 2011 Regular Meeting – It was MOVED (J.Formeister) SECONDED (B.Devlin) to approve the April 25, 2011 Board of Education regular meeting minutes as presented. PASSED 6-0

4.0 AUDIENCE TO CITIZENS/STAFF/STUDENTS

4.1 Lunch Program Update

C.Smith and L.Gengenbach, Co-Managers of the Food Service Program, along with the Director of Business Services, B.Boutwell, presented the annual report on the district's lunch program.

Mrs. Smith reported that the kitchens at all three schools have passed state and local inspections. In addition, Material Data Safety Reports were compiled this year for each cafeteria. The principal and nurse in each building have copies of this report.

All the state nutritional guidelines are being followed; however, Mrs. Smith reported that these guidelines would be changing. The Somers lunch program will be adjusted to meet the new guidelines when they are reported to the district.

Mrs. Smith reported that purchasing is done through a co-op and all bids have been submitted for next year. Mrs. Smith stated that they are trying to get two-year contracts from vendors to keep costs down. Pricing for the lunch program for next year will be determined during the summer. Participation in the lunch program has decreased this year in all three schools. Breakfast at the high school is still very popular.

Mr. Boutwell stated that the lunch program in Somers is self sufficient from a financial point of view. There is no financial support from the Board of Education. Salaries, supplies and repairs are funded through the revenue generated through the program. Mr. Boutwell

reported that they plan to bring in an outside consultant to evaluate the lunch program and possibly suggest ways to improve the program.

The State mandated that all beverages available to students that contain caffeine be removed from the cafeteria. These beverages have been removed and replaced with non-caffeinated beverages.

Mrs. Smith reported that there have been no major problems this year.

The Food Service Co-Managers work closely with the school nurses to address food allergies and diabetic issues.

4.2 Technology Presentation

Director of Technology & Information Services, J.Morrow, presented his annual report on technology in the district.

Mr. Morrow reported that our infrastructure is current and meets all state recommendations. All classroom teachers and administrators have laptops. Our student to computer ratio as reported in the Strategic School Profile has improved, especially at the elementary school.

Funding for technology over the next few years will be used for replacement and for technology that allows the district to stay current. Dr. Suffredini stated that funding for technology would come from either the town or from the school budget.

Mr. Morrow explained how older computers are recycled when they are replaced.

Both the elementary school and middle school have one iPod cart. Mr. Morrow reported that at least fifty percent of students have their own devices.

The Board discussed with Mr. Morrow different ways in which students could use their personal devices for educational purposes.

4.3 Update on Transition Program

Dr. Collin, Director of Pupil Services, and S.Yarrows, Transition Teacher, updated the Board on the first year of this program.

The Somers Public Schools transition program is designed to provide young adults, ages 18-21, with a vocationally oriented education experience which will enable them to be productive members of their community. Students are identified through their Individual Educational Plan (IEP) to participate in this program.

The components of the Transition Program are vocational/employment experiences, independent living/community participation and integrated functional academics. Mrs. Yarrows explained how each component is implemented. Dr. Collins and Mrs. Yarrows stated that the employers in the community have been extremely supportive. Parents have also been very supportive and pleased with the program. The three students in the program have been successful and like being able to stay in their community.

There has been a significant cost saving to the district; however, not as large as originally anticipated due to additional services that were required for one student in the program.

5.0 CORRESPONDENCE

Chairman Palmer reported receipt of the following:

- A letter from the State of Connecticut regarding kindergarten.
- An invitation to Betsy Kenneson's retirement party.
- An invitation to the Art Show reception on May 11th.

Chairman Palmer notified the Board that there will be a meeting on Monday, May 16th at 6:00 p.m. at Somers Town Hall with the DBS Solar people and he encouraged Board members to attend. Chairman Palmer and Mr. Potrikus stated some areas where they would like clarification.

A vote to accept this project will be scheduled for the May 23rd BOE meeting.

6.0 OPPORTUNITY TO ADD/DELETE AGENDA ITEMS

6.1 Add Frequently Asked Questions on Website to agenda under 11.1 Budget.

7.0 CONSENT AGENDA

7.1 Approval of Bills 5/9/11 – (\$77,911.55)

It was MOVED (B.Devlin) SECONDED (J.Taylor) to approve the 5/9/11 Bills in the amount of \$77,911.55 as presented. PASSED 8-0

8.0 NEW BUSINESS

8.1 First Warning of DBS Code: 4152.6/4252.6 – Family, Medical and Pregnancy Leave Policy

The Policy Committee recommends that this policy replace the current policy. The policy has been reviewed by counsel and is in line with current law.

Second Warning/Adoption will be included on the May 23rd BOE meeting agenda.

8.2 First Warning of DBS Code: 5145.52 – Harassment

This is a new policy recommended by CABE. There is currently a policy on sexual harassment but there is no policy on harassment in general.

Second Warning/Adoption will be included on the May 23rd BOE meeting agenda.

8.3 First Warning of DBS Code: 5141.7 – Student Sports-Concussion and Head Injuries

This is a new policy recommended by CABE. Second Warning/Adoption will be included on the May 23rd BOE meeting agenda.

Questions regarding these policies should be directed to A.Kirkpatrick.

9.0 OLD BUSINESS

10.0 ADMINISTRATIVE REPORTS – No report

11.0 COMMITTEE REPORTS

Minutes will be taken at all subcommittee meetings.

11.1 Budget

- The Annual Town Meeting will be held on May 10th at 7:00 p.m. at Town Hall.
- It was noted that the "Frequently Asked Questions" on the website needs to be updated and kept current.

11.2 Curriculum – No Report

12.3 Policy

The Policy Committee will meet on June 2nd at 6:30 p.m.

12.4 Salary & Negotiations

A meeting was held today with the custodial union. A meeting will be scheduled with the nurse's union.

12.5 Planning Committee – No Report

12.6 Other Committees

12.6.1 Technology Ad Hoc Committee

Chairman Palmer expressed concern that this committee has not been able to accomplish as much as they had hoped to; therefore, Chairman Palmer suggested that a five-year district technology plan be developed and added to the district's long-range plan. Chairman Palmer would like to discuss this further at the Board's retreat.

13.0 OTHER

The Board's annual retreat will be held on Thursday, July 14th from 8:30 a.m. to 1:00 p.m. in the conference room at Somers Congregational Church.

14.0 ADJOURNMENT

It was MOVED (B.Devlin) SECONDED (R.Lees) to adjourn the regular meeting of the Board of Education at 9:06 p.m. PASSED 8-0

Respectfully submitted,

Rick Lees, Jr., Secretary
Joan Jaquith, Recording Secretary

These minutes are not official until approved at a subsequent meeting.