

Woodbridge Board of Education WBOE  
Policy Committee  
Thursday, March 22, 2012 6:00 PM

WBOE Policy Committee March 8, 2012 6:00  
PM District Office Conference Room 40  
Beecher Road South

## **Agenda**

- I. **Call to Order**
- II. **Review 4000 Series**
- III. **Adjourn**

*An optional policy to consider.*

## **Personnel – Certified/Non-Certified**

### **Freedom of Speech**

Personnel employed by this school system are expected to exercise their constitutionally guaranteed right to freedom of expression. Teacher expression cannot be squelched merely because it addresses a controversial topic. Teacher speech in the school setting, however, can be constrained when it constitutes a disruption of the school environment, frustrates the schools' legitimate and compelling educational interests or violates an existing school policy or other law. The Board of Education recognizes that no freedom is absolute, and that in this case restrictions come from at least three sources, as listed below.

#### **1. Legal**

Governing bodies can within frequently defined limits restrict freedom of speech, as for example within the "clear and present danger" doctrine of the United States Supreme Court. Moreover, the initial analysis in all free speech cases must be whether the speech itself can be characterized as touching on a matter of public concern. However it is recognized that it is possible that speech on a matter of public concern can be so disruptive to the work environment or so impedes the employee's effectiveness to carry out his/her duties that the District is legally justified in disciplining such speech. Statements on purely private concerns or expressed as part of one's job duties are not protected by the First Amendment.

The following factors shall be used in determining whether speech by a District employee is protected:

- The need for harmony in the workplace;
- Whether there is a need for a close working relationship between the speaker and the persons who would be affected by the speech;
- The time, manner and place of the speech;
- The degree of public interest in the speech; and
- Whether the speech impeded the ability of other employees to perform their duties.

In compliance with the ruling expressed by the U. S. Supreme Court in *Garcetti v. Ceballos*, the Board recognizes that when District employees make statements pursuant to their official duties they are not speaking as citizens for First Amendment purposes and the employee communications may be subject to District discipline.

The Board recognizes that differences of opinion on what constitutes acceptable restrictions of freedom of speech may find solution only by legal action.

## Personnel – Certified/Non-Certified

### Freedom of Speech

#### 2. Societal

Communities vary in what they will tolerate in classroom discussion. Limits of such tolerance change with time and place. Differences of opinion between District staff and community feelings may not be so much a matter of court adjudication as for tolerance on the part of each contender for the other's position.

#### 3. Professional

District staff and their organizations must themselves decide what effect insisting on exercising freedom of speech, or accepting some degree of regulation thereof, will have on their role in the District and on their ultimate effectiveness in the education process.

Staff members are encouraged to use the District's internal complaint procedure to safely and effectively bring issues of concern to the Board of Education and central administration. School administrators shall be required to contact the Superintendent of Schools or his/her designee (or the Board's attorney) when the comments of a staff member come into question.

The Board requests that any differences of opinion about exercise or abridgements of freedom of speech within or among members of the Board, staff, and especially certified personnel be reviewed by all parties concerned in light of the above factors.

(cf. 1311.1 – Political Activities/Functions of School Employees)  
(cf. 1311.2 – Political Activities in the Schools/On School Board Property)  
(cf. 4118.21 – Academic Freedom)  
(cf. 4118.22 – Code of Ethics)  
(cf. 4135.2 – Communications with the Board of Education)  
(cf. 4135.4 – Grievances/Complaints)  
(cf. 6144 – Controversial Issues)  
(cf. 6144.3 – Controversial Speakers)  
(cf. 9030 – Board/Staff Communications)

Legal Reference: Connecticut General Statutes

53a-193 through 53a-200

*Keyishian v. Board of Regents*, 395 U.S. 589, 603 (1967)

*Perry v. Sindermann*, 408 U.S. 593 (1972)

## Personnel – Certified/Non-Certified

### Freedom of Speech

Legal Reference: (continued)

*Pickering v. Board of Education*, 391 U.S. 563 (1968)

*Garcetti v. Ceballos*, 547 U.S. \_\_\_, 126 S.Ct. 1951 (2006)

*Sterzing v. Fort Bend Independent School District*, 376F. Supp. 657 (S.D. Tex 1972)

*Grayned v. City of Rockford*, 408 U.S. 104 (1972)

*Miller v. California*, 413 U.S. 15 (1973)

Amendment to U.S. Constitution, Article I

Connecticut Constitution, ARTICLE FIRST, Declaration of Rights, Sections 4, 5

Academic Freedom Policy (adopted by Connecticut State Board of Education, 9/8/81)

Policy adopted:

*Another version to consider.*

## **Personnel -- Certified/Non-Certified**

### **Conflict of Interest**

District employees will not engage in, or have a financial interest in, any activity that raises a reasonable question of conflict of interest with their duties and responsibilities as school staff members. This means that:

1. Employees will not participate for financial remuneration in outside activities for which their position on the staff is used to sell goods or services to students or their parents;
2. Any device, publication or any other item developed during the employee's paid time shall be district property;
3. Employees will not engage in any work where the source of information concerning customer, client or employer originates from information obtained throughout the school system.

The Board directs that no employee be assigned to a position whereby the employee would be under the direct supervision of a relative.

(cf. – 4134 Tutoring)

Legal Reference: Connecticut General Statutes

7-479 Conflicts of interest

Policy adopted:

cps 12/04

*A recommended "good practice" policy to consider. A sample regulation follows.*

## **Personnel – Certified/Non-Certified**

### **Nondiscrimination on the Basis of Disabilities (*Option 1*)**

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

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

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

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

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

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

Persons, including employees of the district, that feel they may have been discriminated against on the basis of a disability should contact the Director of Pupil Personnel Services.

## Personnel – Certified/Non-Certified

### Nondiscrimination on the Basis of Disabilities (*Option 1*) (continued)

*Note: The district needs to name a person who will coordinate the system's efforts to comply with the Americans with Disabilities Act. It can be the same person named to coordinate the district's efforts to comply with Section 504 of the Rehabilitation Act of 1973 and Title IX of the Education Amendments of 1972.*

Employees seeking accommodations for a disability in order to perform essential job functions are encouraged to contact their supervisors or administrators and/or the Director of Pupil Personnel Services.

(cf. 0521 - Nondiscrimination)

(cf. 4112.4/4212.4 - Health Examinations)

Legal Reference: Connecticut General Statutes

10-209 Records not to be public.

19-581 AIDS testing and medical information.

46a-60 Discriminatory employment practices prohibited.

Federal Law

Section 504 and the Federal Vocational Rehabilitation Act of 1973, 20 U.S.C. 706(7)(b).

American Disability Act of 1989, 42 U.S.C. 12101 et. seq., as amended by the ADA Amendments Act of 2008

29 CFR, Part 1630, Regulations to Implement the Equal Employment Provisions of the Americans with Disabilities Act, as amended, published in the Federal Register, Vo. 76, No. 58, 3/25/11

*Chalk v. The United States District Court of Central California.*

Policy adopted:

rev 1/09

rev 11/10

rev 6/11

rev 11/11

SECTION 504/ADA  
EMPLOYEE REQUEST FOR ACCOMMODATION

1. Name of Employee: \_\_\_\_\_ Title/Position: \_\_\_\_\_

2. Eligibility Determination

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

A. Please describe your mental or physical disability:

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

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

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

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

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

Name:

Address:

Telephone#:

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

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

\_\_\_\_\_  
*Employee Signature*

\_\_\_\_\_  
*Date*

**ONCE COMPLETED, THIS FORM, ALONG WITH SUPPORTING DOCUMENTATION SHOULD BE FORWARDED TO THE DIRECTOR OF PUPIL PERSONNEL SERVICES.**

*Sample regulation.*

## **Personnel – Certified/Non-Certified**

### **Nondiscrimination on the Basis of Disabilities**

In accordance with the requirements of Title II of the Americans with Disabilities Act of 1990, the Board of Education (Board) does not discriminate against qualified individuals with disabilities in the District's services, programs or activities.

In accordance with the requirements of Title II of the Americans with Disabilities Act of 1990, the Board does not discriminate on the basis of disability in its hiring or employment practices and complies with all regulations promulgated by the Equal Employment Opportunity Commission under Title I of the Americans with Disabilities Act.

### **Definitions**

**Person with a Disability:** An individual who (1) has a mental or physical impairment which substantially limits one or more major life activities such as, but not limited to, caring for one's self; performing manual tasks walking, seeing, hearing, eating, sleeping, standing, sitting, reaching, lifting, bending, reading, concentrating, thinking, communicating, interacting with others, speaking, breathing, learning or working; (2) has a record of such an impairment; or (3) is regarded as having such an impairment.

**Mental or Physical Impairments:** Any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more body systems, such as neurological, musculoskeletal, special sense organs, respiratory (including speech organs), cardiovascular, reproductive, digestive, genitourinary, immune, circulatory, hemic, lymphatic, skin and endocrine. They also cover any mental or psychological disorder, such as intellectual disability, organic brain syndrome, emotional or physical illness, and specific learning disabilities.

**Major Life Activities:** Major life activities include, but are not limited to, (1) caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, sitting, reaching, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communication, interacting with others, and working; (*whether an activity is a "major life activity" is not determined by reference to whether it is of "central importance to daily life."*) and (ii) the operation of a major bodily function, including functions of the immune system, special sense organs and skin; normal cell growth; and digestive, genitourinary, bowel, bladder, neurological, brain, respiratory, circulatory, cardiovascular, endocrine, hemic, lymphatic, musculoskeletal, and reproductive functions. The operation of a major bodily function includes the operation of an individual organ within a body system.

**Substantially Limits:** This term shall be construed broadly in favor of expansive coverage to the maximum extent permitted by the ADA. It is not meant to be a demanding standard. Consistent with the Amendments to the ADA (ADAAA), "rules of construction" are to be used when determining if an individual is substantially limited in performing a major life activity.

## **Personnel – Certified/Non-Certified**

### **Nondiscrimination on the Basis of Disabilities**

#### **Definitions (continued)**

**Has a Record of Such an Impairment:** In general, this term means if an individual has a history of, or has been misclassified as having a mental or physical impairment that substantially limits one or more major life activities. This shall be construed broadly and not demand extensive analysis. An individual with a record of a substantially limiting impairment may be entitled, absent undue hardship to the district, to a reasonable accommodation if needed and related to the past disability.

#### **Determination of Disability Requiring Accommodation**

“Rules of construction” are to be used when determining if an individual is substantially limited in performing a major life activity. These rules include the following:

1. The impairment substantially limits the ability of an individual to perform a major life activity, as compared to most people in the general population. It need not prevent or severely or significantly limit a major life activity. Not every impairment will constitute a disability.
2. The term “substantially limits” should be construed broadly in favor of expansive coverage to the maximum extent permitted by the terms of the ADA.
3. The determination of whether an impairment substantially limits a major life activity requires an individual assessment, but should not demand/require extensive analysis.
4. Although determination of whether an impairment substantially limits a major life activity as compared to most people will not usually require scientific, medical or statistical evidence, such evidence may be used if appropriate.
5. An individual need not be substantially limited or have a record of a substantial limitation, in one major life activity to be covered under the first or second prong of the definition of “disability.”
6. An impairment that is episodic or in remission meets the definition of “disability” if it would substantially limit a major life activity when active. (Impairments that may be episodic include epilepsy, hypertension, asthma, diabetes, major depression disorder, bipolar disorder, and schizophrenia. Cancer that is in remission but that may possibly return in a substantially limiting form is also considered a disability.)

## **Personnel – Certified/Non-Certified**

### **Nondiscrimination on the Basis of Disabilities**

#### **Determination of Disability Requiring Accommodation (continued)**

7. Mitigating measures, including but not limited to, medications, medical equipment and devices, prosthetic limbs, low vision devices, hearing aids, mobility devices, oxygen therapy equipment, use of assistive technology, reasonable accommodations, learned behavioral or adaptive neurological modifications, psychotherapy, behavioral therapy, and physical therapy, shall not be used in the determination of whether an impairment substantially limits a major life activity. (Eyeglasses and contact lenses shall, however, be considered.) The determination of disability must focus on whether the individual would be substantially limited in performing a major life activity without the mitigating standard.
8. An impairment that substantially limits one major life activity need not substantially limit other major life activities to be considered a substantially limiting impairment.
9. Impairments that last fewer than six months do not apply to the definition of “disability.” The effects of an impairment lasting or expected to last fewer than six months can be substantially limiting.

#### **Medical Examinations**

The school Board may make pre-employment inquiries into the ability of an applicant to perform job-related functions. Medical examinations may be required after an offer of employment has been extended to an applicant and before commencement of employment duties. Any information obtained from such medical examinations will be collected and maintained on separate forms and in separate medical files and will be treated with confidentiality.

An employee, who is not qualified to perform their duties or whose medical condition or disability poses a direct threat to the health or safety of individuals in the workplace, once properly established by medical evidence and after proper due process procedures, may be relieved of their duties or reassigned.

The Board of Education may lawfully refuse to assign a person having a communicable disease, which is transmittable through the handling of food, to such duty or position as specified in the Federal Register Food and Drug Administration Regulations of May, 1991.

## **Personnel – Certified/Non-Certified**

### **Nondiscrimination on the Basis of Disabilities**

#### **Privacy**

The confidentiality of medical records of applicants or employees shall be strictly observed in accordance with the state and federal laws. Medical records shall be maintained separately from an applicant or employee personnel file. Such information may be released in limited circumstances:

- A. Upon signed release by the individual;
- B. To inform supervisor or administrator about any restriction or accommodation to accomplish work or duties of the employee;
- C. Emergency medical treatment;
- D. In compliance with state or federal law.

Connecticut General Statutes Section 19a-581 through 585, “Aids Testing and Medical Information,” provides that no person shall request HIV-related testing or disclose HIV-related information without written or oral informed consent of such individual.

#### **Alternative Accommodations**

The Supreme Court has recognized that individuals with contagious diseases will be considered as having a disability. Disabled employees who can no longer perform essential job functions are encouraged to advise their administrators of the nature of their disability, indicating which functions cannot be performed and suggest accommodations that would enable them to perform those functions. Accommodations will be considered if such accommodation does impose an undue hardship on the operation of the school system.

An employee is not qualified to perform his/her duties, whose medical condition or disability poses a direct threat to health or safety of individuals in the workplace, if it has been properly established by medical evidence and the employee has been afforded proper procedural due process safeguards.

#### **Grievance Procedure**

- A. In the event an employee believes that there has been discrimination on the basis of his/her disability, he or she shall mail or deliver to the ADA Coordinator/Superintendent of Schools a written statement setting out the alleged violations in specific terms, describing the incident or activity involved, the individuals involved and the dates, times, and locations involved.

## Personnel – Certified/Non-Certified

### Nondiscrimination on the Basis of Disabilities

#### Grievance Procedure (continued)

- B. If the individual who files the written statement so requests, the ADA Coordinator/Superintendent of Schools shall provide that person with an opportunity to discuss the matter personally.
- C. The ADA Coordinator/Superintendent shall investigate the complaint and render a decision in writing within thirty (30) days.
- D. If the complainant is not satisfied with the decision of the ADA Coordinator/Superintendent of Schools, the complainant may appeal to the Board of Education within ten (10) days of receipt of the decision of the Superintendent.
- E. Such an appeal shall be filed in writing with the Superintendent of Schools in his capacity as the executive agent of the Board of Education.
- F. The Board of Education shall cause the complaint to be investigated and, if it deems necessary, conduct a hearing to gather additional information.
- G. The Board of Education shall render a decision on any such appeal, in writing, within twenty (20) days of its being filed, or if a hearing should be held, within twenty (20) days of the conclusion of such hearing.

(cf. 0521 – Nondiscrimination)

(cf. 4112.4/4212.4 - Health Examinations)

Legal Reference: Connecticut General Statutes  
19-581 through 585 AIDS testing and medical information.  
10-209 Records not to be public.  
46a-60 Discriminatory employment practices prohibited.  
Section 504 and the Federal Vocational Rehabilitation Act of 1973, 20 U.S.C. 706 (7)(b).  
American Disability Act of 1989, as amended by the ADA Amendments Act of 2008.  
29 CFR, Part 1630, Regulations to Implement the Equal Employment Provisions of the Americans with Disabilities Act, as amended, published in the Federal Register, Vo. 76, No. 58, 3/25/11.  
*Chalk v. The United States District Court of Central California*, 840F.2d701 (9th Cir. 1988).

Regulation approved:

cps rev 10/03  
rev 1/09  
rev 6/11  
rev 11/11

*Sample revised policy to consider.*

## **Personnel – Certified**

### **Academic Freedom**

The teacher must be free to think, to express ideas, to select and employ materials and methods of instruction, free from undue pressures of authority, and free to act within the teacher's professional group. Such freedom must be used judiciously and prudently so that it promotes the free exercise of intelligence and student learning.

Academic freedom, not an absolute, must be exercised within the law and the basic ethical responsibilities of the teaching profession. Those responsibilities include:

1. an understanding of our democratic tradition and its methods;
2. a concern for the welfare, growth, maturity, and development of children;
3. the method of scholarship; and
4. application of good taste and judgment in selecting and employing materials and methods of instruction.

### **Controversial Issues and Academic Freedom**

The District will offer courses of study which will afford learning experiences appropriate to levels of student understanding. The instructional program respects the rights of students to face issues, to have free access to information, to study under teachers in situations free from prejudice, and to form, hold, and express their own opinions without personal prejudice or discrimination.

Teachers will guide discussions and procedures with thoroughness and objectivity to acquaint students with the need to recognize various points of view, importance of fact, value of good judgment, and the virtue of respect for conflicting opinions.

The Board encourages and supports the concept of academic freedom, recognizing it as a necessary condition to aid in maintaining an environment conducive to learning and to the free exchange of ideas and information.

In a study of controversial issues or materials, however, the Board directs teaching staff to take into account the following criteria:

- Relative maturity of students;
- District philosophy of education;
- Community standards, morals and values;
- Necessity for a balanced presentation; and
- Necessity to seek administrative counsel and guidance in such matters.

## Personnel – Certified

### Academic Freedom (continued)

(cf. 1220 – Citizens’ Advisory Committees)  
(cf. 1312 – Public Complaints)  
(cf. 5145.2 – Freedom of Speech/Expression)  
(cf. 6144 – Controversial Issues)  
(cf. 6161 – Equipment, Books, Materials: Provision/Selection)

Legal Reference: Connecticut General Statutes

53a-193 through 53a-200

*Keyishian v. Board of Regents*, 395 U.S. 589, 603 (1967)

*Perry v. Sindermann*, 408 U.S. 593 (1972)

*Pickering v. Board of Education*, 391 U.S. 563 (1968)

*Sterzing v. Fort Bend Independent School District*, 376F. Supp. 657 (S.D. Tex 1972)

*Grayned v. City of Rockford*, 408 U.S. 104 (1972)

*Miller v. California*, 413 U.S. 15 (1973)

Amendment to U.S. Constitution, Article I

Connecticut Constitution, ARTICLE FIRST, Declaration of Rights, Sections 4, 5

Academic Freedom Policy (adopted by Connecticut State Board of Education, 9/8/81)

Policy adopted:

rev 1/08

*Sample regulation to consider. Modify as necessary.*

## **Personnel -- Certified**

### **Academic Freedom**

1. Teachers and administrators shall have the right to determine and select which instructional material and methods are to be used in the schools, subject to budgetary consideration.
2. The exercise of this right shall be within the framework of good taste and the growth and maturity of children.
3. Partisan views of teachers, administrators, the public, and/or Board members may not be used to suppress (or promote) instructional materials that are otherwise appropriate (or inappropriate).
4. The goal in selecting and utilizing instructional materials is the development of children's critical faculties, and of their ability to learn for themselves and make sound judgments; therefore, the selection of materials should be broad rather than narrow, factual rather than dogmatic.
5. Teachers shall not exclude relevant materials simply because it is unpopular or not widely accepted.
6. Teachers' personal opinions may be presented provided that the teacher does not use them to indoctrinate students.
7. Teachers shall not penalize students who disagree with them or who present views which are unpopular and/or not widely accepted.

(cf. 6144 - Controversial Issues)

Regulation approved:

*A sample policy to consider.*

## **Personnel – Certified/Non-Certified**

### **Freedom of Speech**

### **Display of Religious Symbols and Decorations**

This policy applies to office, administrative, and other spaces where the instruction of students or the provision of services to students is not intended to occur and where students are not typically found.

It is the policy of the Board that it shall neither promote nor discourage any religious belief or non-belief. Instead, the Board encourages all students and employees to have an appreciation for and tolerance of the many points of view which they may encounter among the District's many students and employees.

Consistent with this policy the Board recognizes and respects the right of all of its employees to engage in private and quiet religious activities, so long as that conduct is not disruptive and does not interfere with the rights of others to not participate in those activities or to have those activities imposed upon them. Employees whose religious beliefs require religious activity during the work day are to request of their supervisor a non-disruptive place for such practice. Time for such practice will be during break periods or non-paid time.

In some religious traditions there is an expectation that specific apparel will be worn in the workplace. Moreover, many employees occasionally, choose to wear to work clothing that suggests or implies the observance of a religious holiday. The District's policy is to balance the rights of employees to express their religious beliefs with the right of their co-employees to not have religious beliefs, customs, or practices imposed upon them. At the same time, the District requires all employees to maintain a professional appearance and to respect the integrity of the workplace. Restraint, tolerance, and respect for the traditions of other employees is both expected and required.

The use of District resources, including office supplies and equipment, including word processors, copying machines and fax machines, in connection with or in support of the personal observance of religious beliefs, is no more appropriate than the use of District resources and equipment for any non-religious personal purpose, and will not be tolerated.

Any and all decoration of work spaces by employees is expected to be done in a manner which is not disruptive and which does not interfere with work performance. Employees are expected to be sensitive to the rights and views of others. The visibility of decorations to other employees and their resulting impact upon the workplace should be considered by employees who place them in the workplace, and will be considered by the Administration in monitoring adherence to this policy.

Policy adopted:

cps 9/03

*An optional policy to consider.*

## **Personnel – Certified/Non-Certified**

### **Retaliation and Whistle Blowing**

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

- Any employee, or applicant for employment, because he/she opposed any practice that he/she reasonably believed to be made unlawful by federal or state laws prohibiting employment discrimination on the basis of sex, sexual orientation, race, color, national origin, age, religion, height, weight, marital status, handicap or disability.
- Any employee, or applicant for employment, because he/she filed a charge, testified, assisted or participated, in any manner, in an investigation, proceeding or hearing under federal or state laws prohibiting employment discrimination on the basis of sex, sexual orientation, race, color, national origin, age, religion, height, weight, marital status, handicap or disability or because he/she reported a suspected violation of such laws according to this policy; or,
- Any employee or applicant because he/she reported, or was about to report, a suspected violation of any federal, state or local law or regulation to a public body (unless the employee knew that the report was false) or because he/she was requested by a public body to participate in an investigation, hearing or inquiry held by that public body or a court.

An employee or applicant for employment who believes that he/she has suffered reprisal, retaliation or discrimination in violation of this policy shall report the incident(s) to the Superintendent of Schools or his/her designee. The Board of Education guarantees that no employee or applicant for employment who makes such a report will suffer any form of reprisal, retaliation or discrimination for making the report. Individuals are forbidden from preventing or interfering with whistle blowers who make good faith disclosures of misconduct.

The Board or its agents will not discharge, discipline or otherwise penalize any employee because the employee or someone acting on the employee's behalf, reports, verbally or in writing, a violation or suspected violation of any state or federal law or regulation or any town/city ordinance or regulation to a public body, or because an employee is requested by a public body, as defined in C.G.S. 31-51m, to participate in an investigation, hearing or inquiry held by that public body, or a court action. Further, the Board or its agents will not discharge, discipline or otherwise penalize any employee because the employee, or a person acting on his/her behalf, reports, verbally or in writing, to a public body, as defined in the statutes, concerning unethical practices, mismanagement or abuse of authority by the employer. This section does not apply when an employee knowingly makes a false report.

## Personnel – Certified/Non-Certified

### Retaliation and Whistle Blowing (continued)

The District will exercise reasonable efforts to:

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

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

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

Legal Reference: Connecticut General Statutes  
31-51m Protection of employee who discloses employer's illegal activities or unethical practices. Civil action.  
Title VII of the Civil Rights Act of 1964, 42 U.S.C. §2000e-3(a)  
Age Discrimination in Employment Act, 29 U.S.C. §623 (d)  
Americans with Disabilities Act, 42 U.S.C. §12203(a) and (b)  
Fair Labor Standards Act, 29 U.S.C. §215(a)(3)  
Occupational Safety and Health Act, 29 U.S.C. §6660(c)  
Family and Medical Leave Act, 29 U.S.C. §2615  
National Labor Relations Act, 29 U.S.C. §158(a)  
*CBOCS West, Inc. v. Humphries* 128S.Ct 1951, 76 U.S.L.W. 4322 (2008)  
*Gomez-Perez v. Potter* 128S.Ct. 1931, 76 U.S.L.W. 4488 (2008)

Policy adopted:

cps 3/05

rev 4/09

*An optional policy, with accompanying regulation to consider.*

## **Personnel -- Certified**

### **Code of Ethics**

Certified staff should be mature, well-balanced, and should observe professional ethics and cooperate with and support the administration. It is expected that certified staff members demonstrate knowledge of the Connecticut Code of Professional Responsibility for Teachers. Certified staff are also bound to the Code of Ethics in their respective areas of discipline. The Board of Education accepts as a guide for certified staff the Connecticut Education Association Code of Ethics.

Reference: Connecticut Education Association Code of Ethics  
Connecticut Code of Professional Responsibility for Teachers  
Regulation of Connecticut State Agencies  
Section 10-145d-4001

Policy adopted:

rev. 7/07

*Sample regulation to consider based upon the NEA Code of Ethics of the Education Profession.*

## **Personnel -- Certified**

### **Code of Ethics of the Education Profession**

The educator believes in the worth and dignity of man. He/She recognizes the supreme importance of the pursuit of truth, devotion to excellence, and the nurture of democratic citizenship. He/She regards as essential to these goals the protection of educational opportunity for all. The educator accepts his/her responsibility to practice his/her profession according to the highest ethical standards.

The educator recognizes the magnitude of the responsibility he/she has accepted in choosing a career in education, and engages himself/herself, individually and collectively with other educators, to judge his/her colleagues, and to be judged by them, in accordance with the provisions of this Code.

### **PRINCIPLE I - Commitment to the Student**

The educator measures his/her success by the progress of each student toward the realization of his/her potential as a worthy and effective citizen. The educator, therefore, works to stimulate the spirit of inquiry, the acquisition of knowledge and understanding, and the thoughtful formulation of worthy goals. In fulfilling his/her obligation to the student, the educator:

1. Shall not, without just cause, restrain the student from independent action in his/her pursuit of learning, and shall not, without just cause, deny the student access to varying points of view.
2. Shall not deliberately suppress or distort subject matter for which he/she bears responsibility.
3. Shall make reasonable efforts to protect the student from conditions harmful to learning or to health and safety.
4. Shall conduct professional business in such a way that he/she does not expose the student to unnecessary embarrassment or disparagement.
5. Shall not, on the ground of race, color, creed or national origin, exclude any student from participation or deny him/her benefits under any program, nor grant any discriminatory consideration or advantage.
6. Shall not use professional relationships with students for private advantage.
7. Shall keep in confidence information that has been obtained in the course of professional service, unless disclosure serves professional purposes or is required by law.
8. Shall not tutor for remuneration students assigned to his/her classes, unless no other qualified teacher is reasonably available.

## **Personnel -- Certified**

### **Code of Ethics of the Education Profession (continued)**

#### **PRINCIPLE II - Commitment to the Public**

The educator believes that patriotism in its highest form requires dedication to the principles of our democratic heritage. He/She shares with all other citizens the responsibility for the development of sound public policy and assumes full political and citizenship responsibilities. The educator bears particular responsibility for the development of policy relating to the extension of educational opportunities for all and for interpreting educational programs and policies to the public. In fulfilling his/her obligation to the public, the educator:

1. Shall not misrepresent an institution or organization with which he/she is affiliated, and shall take adequate precautions to distinguish between his/her personal and institutional or organizational views.
2. Shall not knowingly distort or misrepresent the facts concerning educational matters in direct and indirect public expressions.
3. Shall not interfere with a colleague's exercise of political and citizenship rights and responsibilities.
4. Shall not use institutional privileges for private gain or to promote political candidates or partisan political activities.
5. Shall accept no gratuities, gifts, or favors that might impair or appear to impair professional judgment, not offer any favor, service, or thing of value to obtain special advantage.

#### **PRINCIPLE III - Commitment to the Profession**

The educator believes that the quality of the services of the education profession directly influences the nation and its citizens. He/She, therefore, exerts every effort to raise professional standards, to improve his/her service, to promote a climate in which the exercise of professional judgment is encouraged, and to achieve conditions which attract persons worthy of the trust to careers in education. Aware of the value of united effort, he/she contributes actively to the support, planning, and programs of professional organizations. In fulfilling his/her obligation to the profession, the educator:

1. Shall not discriminate on the ground of race, color, creed, or national origin for membership in professional organizations, nor interfere with the free participation of colleagues in the affairs of the association.
2. Shall accord just and equitable treatment to all members of the profession in the exercise of their professional rights and responsibilities.

## **Personnel -- Certified**

### **Code of Ethics of the Education Profession**

#### **PRINCIPLE III - Commitment to the Profession (continued)**

3. Shall not use coercive means or promise special treatment in order to influence professional decisions of colleagues.
4. Shall withhold and safeguard information acquired about colleagues in the course of employment, unless disclosure serves professional purposes.
5. Shall not refuse to participate in a professional inquiry, when requested by an appropriate professional association.
6. Shall provide, upon the request of the aggrieved party, a written statement of specific reasons for recommendations that lead to the denial of increments, significant changes in employment, or termination of employment.
7. Shall not misrepresent his/her professional qualifications.
8. Shall not knowingly distort evaluations of colleagues.

#### **PRINCIPLE IV - Commitment to Professional Employment Practices**

The educator regards the employment agreement as a pledge to be executed both in spirit and in fact, in a manner consistent with the highest ideals of professional service. He/she believes that sound professional personnel relationships with governing boards are built upon personal integrity, dignity and mutual respect. The educator discourages the practice of his/her profession by unqualified persons. In fulfilling his obligation to professional employment practices, the educator:

1. Shall apply for, accept, offer, or assign a position or responsibility on the basis of professional preparation and legal qualifications.
2. Shall apply for a specific position only when it is known to be vacant, and shall refrain from underbidding or commenting adversely about other candidates.
3. Shall not knowingly withhold information regarding a position from an applicant or misrepresent an assignment or conditions of employment.
4. Shall give prompt notice to the employing agency of any change in availability of service, and the employing agent shall give prompt notice of change in availability or nature of a position.

**Personnel -- Certified**

**Code of Ethics of the Education Profession**

**PRINCIPLE IV - Commitment to Professional Employment Practices (continued)**

5. Shall not accept a position when so requested by the appropriate professional organization.
6. Shall adhere to the terms of a contract or appointment, unless these terms have been legally terminated, falsely represented, or substantially altered by unilateral action of the employing agency.
7. Shall conduct professional business through channels, when available, that have been jointly approved by the professional organization and the employing agency.
8. Shall not delegate assigned tasks to unqualified personnel.
9. Shall permit no commercial exploitation of his/her professional position.
10. Shall use time granted for the purpose for which it is intended.

Regulation approved:

## Connecticut Code of Professional Responsibility for Teachers

### Preamble

The Code of Professional Responsibility for Teachers is a set of principles which the teaching profession expects its members to honor and follow. These principles set forth, on behalf of the teaching profession and the public it serves, standards to guide conduct and the judicious appraisal of conduct in situations that have professional and ethical implications. The Code adheres to the fundamental belief that the student is the foremost reason for the existence of the profession.

The teaching profession is vested by the public with a trust and responsibility requiring the highest ideals of professionalism. Therefore, the teacher accepts both the public trust and the responsibilities to practice the profession according to the highest possible degree of ethical conduct and standards. Such responsibilities include the commitment to the students, the teaching profession, and the community.

Consistent with applicable laws, the Code of Professional Responsibility for Teachers shall serve as a basis for decisions on issues pertaining to licensure and employment. It shall apply to all teachers licensed by or individuals seeking licensure from the State of Connecticut. For the purposes of this section, "teacher" means a person who is applying for, who holds or who is employed under a teaching certificate, or other equivalent certificate, issued by the State Board of Education.

### Responsibility to the Student:

1. The professional teachers, in full recognition of his or her obligation to the student, shall:
  - a. Recognize, respect and uphold the dignity and worth of students as individual human beings, and, therefore, deal justly and considerately with students;
  - b. Engage students in the pursuit of truth, knowledge and wisdom and provide access to all points of view without deliberate distortion of subject matter;
  - c. Nurture in students lifelong respect and compassion for themselves and other human beings regardless of race, ethnic origin, gender, social class, disability, religion, or sexual orientation;
  - d. Foster in students the full understanding, application and preservation of democratic principles and processes;
  - e. Guide students to acquire the requisite skills and understanding for participatory citizenship and to realize their obligation to be worthy and contributing members of society;
  - f. Assist students in the formulation of value systems and worthy, positive goals;
  - g. Promote the right and freedom of students to learn, explore ideas, develop learning skills and acquire the necessary knowledge to achieve their fullest potential;
  - h. Strive to develop within students, fundamental critical thinking and problem-solving skills and problem-solving techniques;
  - i. Remain steadfast in guaranteeing equal opportunity for quality education for all children, and not unlawfully discriminate; and
  - j. Maintain the confidentiality of all information concerning students obtained in the proper course of the educational process, and dispense such information only when prescribed or directed by federal or state law or professional practice.

**Connecticut Code of Professional Responsibility for Teachers**  
(continued)

**Responsibility to the Student:** (continued)

2. The Professional teacher, in full recognition of his or her obligation to the student, shall not:
  - a. Abuse his or her position as a professional with students for private advantage;
  - b. Sexually or physically harass or abuse students;
  - c. Emotionally abuse students; or
  - d. Engage in any misconduct which would put students at risk.

**Responsibility to the Profession:**

1. The professional teacher, in full recognition of his or her obligation to the profession of teaching, shall:
  - a. Conduct himself or herself as a professional realizing that his or her action reflects directly upon the status and substance of the profession;
  - b. Uphold the professional teacher's right to teach effectively;
  - c. Uphold the principle of academic freedom;
  - d. Strive to exercise the highest level of professional judgment;
  - e. Assume responsibility for his or her professional development;
  - f. Encourage the participation of teachers in the process of educational decision-making;
  - g. Promote the employment of only qualified and fully licensed teachers;
  - h. Encourage promising, qualified and competent individuals to enter the profession;
  - i. Decline any gratuity, gift or favor that would impair or influence professional decisions or actions; and
  - j. Maintain the confidentiality of all information concerning colleagues obtained in the proper course of the educational process, and dispense such information only when prescribed or directed by federal or state law or professional practice.
2. The professional teacher, in full recognition of his or her obligation to the profession of teaching, shall not:
  - a. Obtain licensure or employment by misrepresentation or fraud;
  - b. Misrepresent his, her or another's professional qualifications or competencies; or
  - c. Engage in any misconduct which would impair his or her ability to teach.

**Connecticut Code of Professional Responsibility for Teachers**  
(continued)

**Responsibility to the Community**

1. The professional teacher, in full recognition of the public trust vested in the teaching profession, shall:
  - a. Be cognizant of the influence of teachers upon the community-at-large, and therefore, shall not knowingly misrepresent facts or make false statements;
  - b. Encourage the community to exercise its responsibility to be involved in the formulation of educational policy;
  - c. Promote the principles and ideals of democratic citizenship; and
  - d. Endeavor to secure equal educational opportunities for all children.
  
2. The professional teacher, in full recognition of the public trust vested in the teaching profession, shall not:
  - a. Exploit the educational institution for personal gain; or
  - b. Be convicted in a court of law of a crime involving moral turpitude or of any crime of such nature that violates such public trust.

## NAEYC Code of Ethical Conduct

Revised April 2005

A position statement of the National Association for the Education of Young Children

### Preamble

NAEYC recognizes that those who work with young children face many daily decisions that have moral and ethical implications. The NAEYC Code of Ethical Conduct offers guidelines for responsible behavior and sets forth a common basis for resolving the principal ethical dilemmas encountered in early childhood care and education. The Statement of Commitment is not part of the Code but is a personal acknowledgement of an individual the willingness to embrace the distinctive values and moral obligations of the field of early childhood care and education.

The primary focus of the Code is on daily practice with children and their families in programs for children from birth through 8 years of age, such as infant/toddler programs, preschool and prekindergarten programs, child care centers, hospital and child life settings, family child care homes, kindergartens, and primary classrooms.

When the issues involve young children, then these provisions also apply to specialists who do not work directly with children, including program administrators, parent educators, early childhood adult educators, and officials with responsibility for program monitoring and licensing. (Note: See also the “Code of Ethical Conduct: Supplement for Early Childhood Adult Educators”; online at <http://www.naeyc.org/positionstatements>)

### Core Values

Standards of ethical behavior in early childhood care and education are based on commitment to the following core values that are deeply rooted in the history of the field of early childhood care and education. We have made a commitment to:

- Appreciate childhood as a unique and valuable stage of the human life cycle
- Base our work on knowledge of how children develop and learn
- Appreciate and support the bond between the child and family
- Recognize that children are best understood and supported in the context of family, culture<sup>1</sup>, community and society
- Respect the dignity, worth, and uniqueness of each individual (child, family member, and colleague.)
- Respect diversity in children, families, and colleagues.
- Recognize that children and adults achieve their full potential in the context of relationships that are based on trust and respect.

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<sup>1</sup> The term *culture* includes ethnicity, racial identity, economic level, family structure, language, and religious and political beliefs, which profoundly influence each child’s development and relationship to the world.

## NAEYC Code of Ethical Conduct

### Conceptual Framework

The Code sets forth a framework of professional responsibilities in four sections. Each section addresses an area of professional relationships: (1) with children, (2) with families, (3) among colleagues, and (4) with the community and society. Each section includes an introduction to the primary responsibilities of the early childhood practitioner in that context. The introduction is followed by a set of ideals (I) that reflect exemplary professional practice and by a set of principles (P) describing practices that are required, prohibited, or permitted.

The **ideals** reflect the aspirations of practitioners. The **principles** guide conduct and assist practitioners in resolving ethical dilemmas<sup>2</sup>. Both ideals and principles are intended to direct practitioners to those questions which, when responsibly answered, can provide the basis for conscientious decision making. While the Code provides specific direction for addressing some ethical dilemmas, many others will require the practitioner to combine the guidance of the Code with professional judgment.

The ideals and principles in this Code present a shared framework of professional responsibility that affirms our commitment to the core values of our field. The Code publicly acknowledges the responsibilities that we in the field have assumed, and in so doing supports ethical behavior in our work. Practitioners who face situations with ethical dimensions are urged to seek guidance in the applicable parts of this Code and in the spirit that informs the whole.

Often “the right answer” – the best ethical course of action to take is not obvious. There may be no readily apparent, positive way to handle a situation. When one important value contradicts another, we face an ethical dilemma. When we face a dilemma, it is our professional responsibility to consult the Code and all relevant parties to find the most ethical resolution.

### Section I – Ethical Responsibilities to Children

Childhood is a unique and valuable stage in the human life cycle. Our paramount responsibility is to provide care and education in settings that are safe, healthy, nurturing, and responsive for each child. We are committed to supporting children’s development and learning; respecting individual differences; and helping children learn to live, play, and work cooperatively. We are also committed to promoting children’s self-awareness, competence, self-worth, resiliency, and physical well-being.

#### Ideals

I-1.1 – To be familiar with the knowledge base of early childhood care and education and to stay informed through continuing education and training.

I-1.2 – To base program practices upon current knowledge and research in the field of early childhood education, child development, and related disciplines, as well as on particular knowledge of each child.

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<sup>2</sup> There is not necessarily a corresponding principle for each ideal.

## NAEYC Code of Ethical Conduct

### Section I – Ethical Responsibilities to Children (continued)

#### Ideals (continued)

I-1.3 – To recognize and respect the unique qualities, abilities, and potential of each child.

I-1.4 – To appreciate the vulnerability of children and their dependence on adults.

I-1.5 – To create and maintain safe and healthy settings that foster children’s social, emotional, cognitive and physical development and that respect their dignity and their contributions.

I-1.6 – To use assessment instruments and strategies that are appropriate for the children to be assessed that are used only for the purposes for which they were designed, and that have the potential to benefit children.

I-1.7 – To use assessment information to understand and support children’s development and learning, to support instruction, and to identify children who may need additional services.

I-1.8 – To support the right of each child to play and learn in an inclusive environment that meets the needs of children with and without disabilities.

I-1.9 – To advocate for and ensure that all children, including those with special needs, have access to the support services needed to be successful.

I-1.10 – To ensure that each child’s culture, language, ethnicity, and family structure are recognized and valued in the program.

I-1.11 – To provide all children with experiences in a language that they know, as well as support children in maintaining the use of their home language and in learning English.

I-1.12 – To work with families to provide a safe and smooth transition as children and families move from one program to the next.

#### Principles

P-1.1 – Above all, we shall not harm children. We shall not participate in practices that are emotionally damaging, physically harmful, disrespectful, degrading, dangerous, exploitative, or intimidating to children. *This principle has precedence over all others in this Code.*

P-1.2 – We shall care for and educate children in positive emotional and social environments that are cognitively stimulating and that support each child’s culture, language, ethnicity and family structure.

## **NAEYC Code of Ethical Conduct**

### **Section I – Ethical Responsibilities to Children (continued)**

#### **Principles (continued)**

P-1.3 – We shall not participate in practices that discriminate against children by denying benefits, giving special advantages, or excluding them from programs or activities on the basis of their sex, race, national origin, religious beliefs, medical condition, disability or the marital status/family structure, sexual orientation, or religious beliefs or other affiliations of their families. (Aspects of this principle do not apply in programs that have a lawful mandate to provide services to a particular population of children.)

P-1.4 – We shall involve all those with relevant knowledge (including families and staff) in decisions concerning a child, as appropriate, ensuring confidentiality of sensitive information.

P-1.5 – We shall use appropriate assessment systems, which include multiple sources of information, to provide information on children’s learning and development.

P-1.6 – We shall strive to ensure that decisions such as those related to enrollment, retention, or assignment to special education services, will be based on multiple sources of information and will never be based on a single assessment, such as a test score or a single observation.

P-1.7 – We shall strive to build individual relationships with each child; make individualized adaptations in teaching strategies, learning environments, and curricula; and consult with the family so that each child benefits from the program. If after such efforts have been exhausted, the current placement does not meet a child’s needs, or the child is seriously jeopardizing the ability of other children to benefit from the program, we shall collaborate with the child’s family and appropriate specialist to determine the additional services needed and/or the placement option(s) most likely to ensure the child’s success. (Aspects of this principle may not apply in programs that have a lawful mandate to provide services to a particular population of children.)

P-1.8 – We shall be familiar with the risk factors for and symptoms of child abuse and neglect, including physical, sexual, verbal, and emotional abuse and physical, emotional, educational, and medical neglect. We shall know and follow state laws and community procedures that protect children against abuse and neglect.

P-1.9 – When we have reasonable cause to suspect child abuse or neglect, we shall report it to the appropriate community agency and follow up to ensure that appropriate action has been taken. When appropriate, parents or guardians will be informed that the referral will be or has been made.

P-1.10 – When another person tells us of his or her suspicion that a child is being abused or neglected, we shall assist that person in taking appropriate action in order to protect the child.

P-1.11 – When we become aware of a practice or situation that endangers the health, safety, or well-being of children, we have an ethical responsibility to protect children or inform parents and/or others who can.

## **NAEYC Code of Ethical Conduct**

### **Section II – Ethical Responsibilities to Families**

Families<sup>3</sup> are of primary importance in children’s development. Because the family and the early childhood practitioner have a common interest in the child’s well-being, we acknowledge a primary responsibility to bring about communication, cooperation, and collaboration between the home and early childhood program in ways that enhance the child’s development.

#### **Ideals**

I-2.1 – To be familiar with the knowledge base related to working effectively with families and to stay informed through continuing education and training.

I-2.2 – To develop relationships of mutual trust and create partnerships with the families we serve.

I-2.3 – To welcome all family members and encourage them to participate in the program.

I-2.4 – To listen to families, acknowledge and build upon their strengths and competencies, and learn from families as we support them in their task of nurturing children.

I-2.5 – To respect the dignity and preferences of each family and to make an effort to learn about its structure, culture, language, customs, and beliefs.

I-2.6 – To acknowledge families’ childrearing values and their right to make decisions for their children.

I-2.7 – To share information about each child’s education and development with families and to help them understand and appreciate the current knowledge base of the early childhood profession.

I-2.8 – To help family members enhance their understanding of their children and support the continuing development of their skills as parents.

I-2.9 – To participate in building support networks for families by providing them with opportunities to interact with program staff other families, community resources, and professional services.

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<sup>3</sup> The term family may include those adults, besides parents, with the responsibility of being involved in education, nurturing, and advocating for the child.

## **NAEYC Code of Ethical Conduct**

### **Section II – Ethical Responsibilities to Families (continued)**

#### **Principles**

P-2.1 – We shall not deny family members access to their child’s classroom or program setting unless access is denied by court order or other legal restriction.

P-2.2 – We shall inform families of program philosophy, policies, curriculum, assessment system, and personnel qualifications, and explain why we teach as we do, which should be in accordance with our ethical responsibilities to children (see Section I.)

P-2.3 – We shall inform families of and, when appropriate, involve them in policy decisions.

P-2.4 – We shall involve the family in significant decisions affecting their child.

P-2.5 – We shall make every effort to communicate effectively with all families in a language that they understand. We shall use community resource for translation and interpretation when we do not have sufficient resources in our own programs.

P-2.6 – As families share information with us about their children and families, we shall consider this information to plan and implement the program.

P-2.7 – We shall inform families about the nature and purpose of the program’s child assessments and how data about their child will be used.

P-2.8 – We shall treat child assessment information confidentially and share this information only when there is a legitimate need for it.

P-2.9 – We shall inform the family of injuries and incidents involving their child, of risks such as exposures to communicable diseases that might result in infection, and of occurrences that might result in emotional stress.

P-2.10 – Families shall be fully informed of any proposed research projects involving their children and shall have the opportunity to give or withhold consent without penalty. We shall not permit or participate in research that could in any way hinder the education, development, or well-being of children.

P-2.11 – We shall not engage in or support exploitation of families. We shall not use our relationship with a family for private advantage or personal gain, or enter into relationships with family members that might impair our effectiveness working with their children.

## **NAEYC Code of Ethical Conduct**

### **Section II – Ethical Responsibilities to Families** (continued)

#### **Principles** (continued)

P-2.12 – We shall develop written policies for the protection of confidentiality and the disclosure of children’s records. These policy documents shall be made available to all program personnel and families. Disclosure of children’s records beyond family members, program personnel, and consultants having an obligation of confidentiality shall require familial consent (except in cases of abuse or neglect.)

P-2.13 – We shall maintain confidentiality and shall respect the family’s right to privacy, refraining from disclosure of confidential information and intrusion into family life. However, when we have reason to believe that a child’s welfare is at risk, it is permissible to share confidential information with agencies, as well as with individuals who have legal responsibility for intervening in the child’s interest.

P-2.14 – In cases where family members are in conflict with one another, we shall work openly, sharing our observations of the child, to help all parties involved make informed decisions. We shall refrain from becoming an advocate for one party.

P-2.15 – We shall be familiar with and appropriately refer families to community resources and professional support services. After a referral has been made, we shall follow up to ensure that services have been appropriately provided.

### **Section III – Ethical Responsibilities to Colleagues**

In a caring, cooperative workplace, human dignity is respected, professional satisfaction is promoted, and positive relationships are developed and sustained.

Based upon our core values, our primary responsibility to colleagues is to establish and maintain settings and relationships that support productive work and meet professional needs. The same ideals that apply to children also apply as we interact with adults in the workplace.

#### **A. Responsibilities to Co-workers**

##### **Ideals**

I-3A.1 – To establish and maintain relationships of respect, trust, confidentiality, collaboration, and cooperation with co-workers.

I-3A.2 – To share resources with co-workers, collaborating to ensure that the best possible early childhood care and education program is provided.

## **NAEYC Code of Ethical Conduct**

### **Section III – Ethical Responsibilities to Colleagues**

#### **A. Responsibilities to Co-workers (continued)**

##### **Ideals (continued)**

I-3A.3 – To support co-workers in meeting their professional needs and in their professional development.

I-3A.4 – To accord co-workers due recognition of professional achievement.

##### **Principles**

P-3A.1 – We shall recognize the contributions of colleagues to our program and not participate in practices that diminish their reputations or impair their effectiveness in working with children and families.

P-3A.2 – When we have concerns about the professional behavior of a co-worker, we shall first let that person know of our concern in a way that shows respect for personal dignity and for the diversity to be found among staff members, and then attempt to resolve the matter collegially and in a confidential manner.

P-3A.3 – We shall exercise care in expressing views regarding the personal attributes or professional conduct of co-workers. Statements should be based on firsthand knowledge, not hearsay, and relevant to the interests of children and programs.

P-3A.4 – We shall not participate in practices that discriminate against a co—worker because of sex, race, national origin, religious beliefs or other affiliations, age, marital status/family structure, disability, or sexual orientation.

#### **B. Responsibilities to Employers**

##### **Ideals**

I-3B.1 – To assist the program in providing the highest quality of service.

I-3B.2 – To do nothing that diminishes the reputation of the program in which we work unless it is violating laws and regulations designed to protect children or is violating the provisions of this Code.

## **NAEYC Code of Ethical Conduct**

### **Section III – Ethical Responsibilities to Colleagues**

#### **B. Responsibilities to Employers (continued)**

##### **Principles**

P-3B.1 – We shall follow all program policies. When we do not agree with program policies, we shall attempt to effect change through constructive action within the organization.

P-3B.2 – We shall speak or act on behalf of an organization only when authorized. We shall take care to acknowledge when we are speaking for the organization and when we are expressing a personal judgment.

P-3B.3 – We shall not violate laws or regulations designed to protect children and shall take appropriate action consistent with this Code when aware of such violations.

P-3B.4 – If we have concerns about a colleague’s behavior, and children’s well-being is not at risk, we may address the concern with that individual. If children are at risk or the situation does not improve after it has been brought to the colleague’s attention, we shall report the colleague’s unethical or incompetent behavior to an appropriate authority.

P-3B.5 – When we have a concern about circumstances or conditions that impact the quality of care and education within the program, we shall inform the program’s administration or, when necessary, other appropriate authorities.

#### **C. Responsibilities to Employees**

##### **Ideals**

I-3C.1 – To promote safe and healthy working conditions and policies that foster mutual respect, cooperation, collaboration, competence, well-being, confidentiality, and self esteem in staff members.

I-3C.2 – To create and maintain a climate of trust and candor that will enable staff to speak and act in the best interests of children, families, and the field of early childhood care and education.

I-3C.3 – To strive to secure adequate and equitable compensation (salary and benefits) for those who work with or on behalf of young children.

I-3C.4 – To encourage and support continual development of employees in becoming more skilled and knowledgeable practitioners.

## **NAEYC Code of Ethical Conduct**

### **Section III – Ethical Responsibilities to Colleagues**

#### **C. Responsibilities to Employees (continued)**

##### **Principles**

P-3C.1 – In decisions concerning children and programs, we shall draw upon the education, training, experience, and expertise of staff members.

P-3C.2 – We shall provide staff members with safe and supportive working conditions that honor confidences and permit them to carry out their responsibilities through fair performance evaluation, written grievance procedures, constructive feedback, and opportunities for continuing professional development and advancement.

P-3C.3 – We shall develop and maintain comprehensive written personnel policies that define program standards. These policies shall be given to new staff members and shall be available and easily accessible for review by all staff members.

P-3C.4 – We shall inform employees whose performance does not meet program expectations of areas of concern and, when possible, assist in improving their performance.

P-3C.5 – We shall conduct employee dismissals for just cause, in accordance with all applicable laws and regulations. We shall inform employees who are dismissed of the reasons for their termination. When a dismissal is for cause, justification must be based on evidence of inadequate or inappropriate behavior that is accurately documented, current, and available for the employee to review.

P-3C.6 – In making evaluations and recommendations, we shall make judgments based on fact and relevant to the interests of children and programs.

P-3C.7 – We shall make hiring, retention, termination, and promotion decisions based solely on a person's competence, record of accomplishment, ability to carry out the responsibilities of the position, and professional preparation specific to the developmental levels of children in his/her care.

P-3C.8 – We shall not make hiring, retention, termination, and promotion decisions based on an individual's sex, race, national origin, religious beliefs or other affiliations, age, marital status/family structure, disability or sexual orientation. We shall be familiar with and observe laws and regulations that pertain to employment discrimination. (Aspects of this principle do not apply to programs that have a lawful mandate to determine eligibility based on one or more of the criteria identified above.)

P-3C.9 – We shall maintain confidentiality in dealing with issues related to an employee's job performance and shall respect an employee's right to privacy regarding personal issues.

## **NAEYC Code of Ethical Conduct**

### **Section IV – Ethical Responsibilities to Community and Society**

Early childhood programs operate within the context of their immediate community made up of families and other institutions concerned with children’s welfare. Our responsibilities to the community are to provide programs that meet the diverse needs of families, to cooperate with agencies and professions that share the responsibility for children, to assist families in gaining access to those agencies and allied professionals, and to assist in the development of community programs that are needed but not currently available.

As individuals, we acknowledge our responsibility to provide the best possible programs of care and education for children and to conduct ourselves with honesty and integrity. Because of our specialized expertise in early childhood development and education and because the larger society shares responsibility for the welfare and protection of young children, we acknowledge a collective obligation to advocate for the best interests of children within early childhood programs and in the larger community and to serve as a voice for young children everywhere.

The ideals and principles in this section are presented to distinguish between those that pertain to the work of the individual early childhood educator and those that more typically are engaged in collectively on behalf of the best interests of children with the understanding that individual early childhood educators have a shared responsibility for addressing the ideals and principles that are identified as “collective.”

#### **Ideal (Individual)**

I-4.1 – To provide the community with high-quality early childhood care and education programs and services.

#### **Ideals (Collective)**

I-4.2 – To promote cooperation among professionals and agencies and interdisciplinary collaboration among professions concerned with addressing issues in the health, education, and well-being of young children, their families, and their early childhood educators.

I-4.3 – To work through education, research, and advocacy toward an environmentally safe world in which all children receive health care, food, and shelter; are nurtured; and live free from violence in their home and their communities.

I-4.4 – To work through education, research, and advocacy toward a society in which all young children have access to high-quality early care and education programs.

I-4.5 – To work to ensure that appropriate assessment systems, which include multiple sources of information, are used for purposes that benefit children.

## **NAEYC Code of Ethical Conduct**

### **Section IV – Ethical Responsibilities to Community and Society**

#### **Ideals (Collective) (continued)**

I-4.6 – To promote knowledge and understanding of young children and their needs. To work toward greater societal acknowledgment of children’s rights and greater social acceptance of responsibility for the well-being of all children.

I-4.7 – To support policies and laws that promote the well-being of children and families and to work to change those that impair their well-being. To participate in developing policies and laws that are needed, and to cooperate with other individuals and groups in these efforts.

I-4.8 – To further the professional development of the field of early childhood care and education and to strengthen its commitment to realizing its core values as reflected in this Code.

#### **Principles (Individual)**

P4.1 – We shall communicate openly and truthfully about the nature and extent of services that we provide.

P4.2 – We shall apply for, accept, and work in positions for which we are personally well-suited and professionally qualified. We shall not offer services that we do not have the competence, qualifications, or resources to provide.

P4.3 – We shall carefully check references and shall not hire or recommend for employment any person whose competence, qualifications, or character makes him or her unsuited for the position.

P4.4 – We shall be objective and accurate in reporting the knowledge upon which we base our program practices.

P-4.5 – We shall be knowledgeable about the appropriate use of assessment strategies and instruments and interpret results accurately to families.

P-4.6 – We shall be familiar with laws and regulations that serve to protect the children in our programs and be vigilant in ensuring that these laws and regulations are followed.

P-4.7 – When we become aware of a practice or situation that endangers the health, safety, or well-being of children, we have an ethical responsibility to protect children or inform parents and/or others who can.

P-4.8 – We shall not participate in practices that are in violation of laws and regulations that protect the children in our programs.

## **NAEYC Code of Ethical Conduct**

### **Section IV – Ethical Responsibilities to Community and Society**

#### **Principles (Individual) (continued)**

P4.9 – When we have evidence that an early childhood program is violating laws or regulations protecting children, we shall report the violation to appropriate authorities who can be expected to remedy the situation.

P4.10 – When a program violates or requires its employees to violate this Code, it is permissible, after fair assessment of the evidence, to disclose the identity of that program.

#### **Principles (Collective)**

P-4.11 – When policies are enacted for purposes that do not benefit children; we have a collective responsibility to work to change these practices.

P-4.-12 – When we have evidence that an agency that provides services intended to ensure children’s wellbeing is failing to meet its obligations, we acknowledge a collective ethical responsibility to report the problem to appropriate authorities or to the public. We shall be vigilant in our follow-up until the situation is resolved.

P-4.13 – When a child protection agency fails to provide adequate protection for abused or neglected children; we acknowledge a collective ethical responsibility to work toward the improvement of these services.

*A version of this policy developed by Wilton.*

## **Personnel -- Certified/Non-Certified**

### **Employee Conduct**

The Wilton Board of Education recognizes that school children are often influenced by the conduct displayed by its employees. The Board expects that employees will strive to set the kind of positive example for students that will serve them well in their own conduct and behavior and contribute toward an appropriate school atmosphere. The following guidelines are intended to define the district's expectations for employee conduct. These include but are not limited to the following:

- Employees are expected to report for work appropriately dressed, on time and prepared and able to perform their duties in a timely and efficient manner.
- Employees are expected to deal effectively and respectfully with students, parents, visitors and fellow staff.
- Employees are expected to respect the confidentiality of student and staff information and discuss such information only with appropriate parties.
- Employees are expected to respect the district's property and belongings as well as that of students, staff, and visitors. Misappropriation, theft, or removal of same will not be tolerated.
- Employees will not be permitted to work if they are under the influence of alcohol or are engaged in the use or possession of any illegal and/or controlled substance without medical supervision.
- Employees are not permitted to falsify any information on a student or staff record, application, time, or employment record.
- Employees are forbidden to misuse or violate computer security access codes and/or authorized use of computers.
- Employees are prohibited from bringing deadly weapons or firearms of any kind onto district premises at any time.
- In dealing with suppliers, vendors, contractors, and all organizations or individuals doing or seeking to do business with the school district, employees are prohibited from deliberating, deciding or acting in all matters in which there may be a conflict between their own personal or financial interests and the interests of the school district. Employees will disclose the potential for these conflicts to their immediate supervisor or the office of Human Resources and General Administration as they arise.
- Employees will not engage in any form of harassment or bullying of students or other employees based on race, color, religion, ethnicity, national origin, ancestry, gender, sexual orientation or disability.

Disciplinary action, should it be necessary relative to this policy, will be applied in accord with applicable laws, other applicable Board policies, and existing collective bargaining agreements.

Policy adopted:

WILTON PUBLIC SCHOOLS  
Wilton, Connecticut

cps 4/09

*Existing policy, presently numbered 5131.8 adopted 9/17/02, appropriate as renumbered, except for update to legal reference. A sample follows for comparison and consideration.*

## **Personnel - Certified/Non-Certified**

### **Drugs, Alcohol, and Tobacco**

There shall be no use, distribution, or unlawful possession of illicit drugs or alcohol in the building, on the grounds, on transportation provided by the school, or at any event, trip or activity sponsored by the school or under supervision of the school, and as set forth in the policy on Administration of Medication.

Employees who violate the standard of conduct policy prohibiting the use, distribution, or unlawful possession of illicit drugs or alcohol on school premises or during any school related activity (or under supervision of the Board) may be subject to disciplinary sanctions up to and including termination of employment and referral for prosecution imposed on employees who violate this standard of conduct. Disciplinary sanctions may include completion of an appropriate rehabilitation program.

#### **Tobacco**

There shall be no smoking or other use of tobacco products on school property, or transportation provided by the Board of Education, or during the course of and trip or activities sponsored by the school or under the supervision of the school.

The following action will be taken for employees who violate the policy which prohibits smoking in school buildings and grounds.

**First Offense:** The supervising administrator will verbally remind the employee of the policy and provide a written copy of the policy.

**Second Offense:** Upon the second offense, the supervising administrator will provide a written warning.

**Third Offense:** The employee will be suspended without pay. The length of suspension will be determined by the Superintendent.

**Fourth Offense:** The employee will be dismissed.

Legal Reference: Drug-Free Workplace Act, 102 Stat. 4305-4308;  
Drug-Free Schools and Community Act, P.L. 99-507, as amended by P.L.  
101-226 (199)  
21 U.S.C. 812, Controlled Substances Act, I through V, 202;  
21 C.F.R. 1300.11 through 1300.15 regulation;  
54 Fed. Reg. 4946 (1989)  
Connecticut General Statutes  
1-21b Smoking prohibited in certain places

Policy adopted:

WOODBIDGE PUBLIC SCHOOLS  
Woodbridge, Connecticut

*Madison's version of this policy.*

## **Personnel - Certified/Non-Certified**

### **Alcohol, Drugs and Tobacco**

The Madison Board of Education is committed to maintaining a safe and healthy working and learning environment for all staff and students. Employees shall abide by the terms of school district policies respecting a drug-free, alcohol-free and tobacco-free workplace and are entrusted with the responsibility of imparting knowledge and serving as role models to students.

#### **Definition:**

The “**workplace**” is defined to mean the site for the performance of work done. That includes any school building or any school premises; any school-owned vehicle or any other school-approved vehicle used to transport students to and from school or school activities; off school property during any school-sponsored or school-approved activity, event or function, such as a field trip or athletic event, where students are under the jurisdiction of the school district.

#### **Alcohol and Drugs**

In compliance with federal and state requirements, employees are prohibited from the unlawful manufacture, distribution, dispensing, possession or use on or in the workplace or during any school activity of any alcohol, narcotic drug, hallucinogenic drug, amphetamine, barbiturate, marijuana or any other controlled substance. Controlled drugs are further defined in Schedules I through V of Section 202 of the Controlled Substances Act (21 U.S.C. 812) and as further defined by regulation at 21 C.F.R. 1300.11 through 1300.15.

An employee who violates the terms of this policy may be required to successfully complete an appropriate rehabilitation program, or his/her employment may be terminated, at the discretion of the Board.

#### **Tobacco**

There shall be no smoking or other use of tobacco products on or in the workplace.

In support of this policy the Superintendent shall:

- Develop administrative procedures which ensure the implementation and address violations of this policy;
- Provide a copy of this policy to all Madison Board of Education employees;
- Ensure appropriate public posting of tobacco use restrictions at all Board of Education buildings and grounds; and
- Continue to use resources to educate employees of the recognized health hazards of smoking and other tobacco use.

## **Personnel - Certified/Non-Certified**

### **Alcohol, Drugs and Tobacco (continued)**

Failure to comply with this policy may result in disciplinary action.

Legal Reference: Connecticut General Statutes  
19a-342 Smoking prohibited in certain places  
Drug-Free Workplace Act. 102 Stat. 4305-4308  
Drug-Free Schools and Community Act, P.L. 99-570, as amended by P.L.  
101-226 (1991)  
21 U.S.C. 812, Controlled Substances Act, I through V, 202.  
21 C.F.R. 1300.11 through 1300.15 regulation.  
54 Fed. Reg. 4946 (1989)

Policy adopted:  
cps 4/11

MADISON PUBLIC SCHOOLS  
Madison, Connecticut

*CABE's suggested regulation.*

## **Personnel - Certified/Non-Certified**

### **Alcohol, Drugs and Tobacco**

Employees violating the alcohol, drug and tobacco policy may be subject to disciplinary action as indicated below.

#### **Alcohol and Drugs**

In accordance with state and federal law, the Board of Education is required to provide written explanation of the consequences of violating the Board's policy which prohibits the unlawful manufacture, possession, use, dispensing, or distribution of illicit, controlled drugs and alcohol on school premises or as part of any of the school activities.

"Controlled drugs" are those drugs which contain any quantity of a substance which has been designated as subject to federal narcotic laws, or which has been designated as a depressant or stimulant drug pursuant to federal food and drug laws, or which has been designated by the public health council and Commissioner of Consumer Protection pursuant to Section 19-451 as having a stimulant, depressant or hallucinogenic effect upon the higher functions of the central nervous system and as having a tendency to promote abuse or psychological or physiological dependence, or both. Controlled drugs are classifiable as amphetamine-type, barbiturate-type, cannabis-type, cocaine-type, hallucinogenic, morphine-type and other stimulant and depressant drugs. Specifically excluded from controlled drugs are alcohol, nicotine and caffeine.

The Board of Education working with the Superintendent will provide drug-free a workplace in accordance with state and federal regulations.

The Board of Education will establish a drug-free awareness program to inform employees about the dangers of drug and alcohol abuse in the workplace; the district's policy of maintaining drug-free workplace; any available drug and alcohol counseling, rehabilitation, and employee assistance program; and the penalty that may be imposed on employees for drug or alcohol abuse violations occurring in the workplace.

#### **Employees Funded by Federal Grant**

Any employee who is funded by a federal grant, in an amount greater than \$25,000, is required to be given a copy of this policy and regulation concerning a drug-free workplace.

## **Personnel -- Certified/Non-Certified**

### **Alcohol, Drugs and Tobacco (continued)**

#### **Employees Funded by Federal Grant**

All employees will be notified that as a condition of employment under the grant the employee will abide by the terms of the statement, and will notify the district of any criminal drug statute conviction for a violation occurring in the workplace no later than five days after such conviction.

If an employee who worked on a federal grant is convicted, the federal agency will be notified within ten days after the employer receives notice from an employee of such conviction.

One of the following actions will be taken within 30 days of receiving notice with respect to any employee who is so convicted:

1. Take appropriate personnel action against such an employee, up to and including termination;
2. Require such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a federal, state or local health law enforcement, or other appropriate agency.

The Board of Education shall make a good faith effort to continue to maintain a drug-free and alcohol-free workplace through the implementation of this regulation.

#### **Disciplinary Action for Violation of Alcohol and Drug Policy**

These procedures should be followed if an employee of the district is found to have violated the alcohol and drug policy.

1. **Employees observed selling, possessing, or transferring of controlled drugs and alcohol.**
  - A. The observation of possession, selling/or transference will be reported to the building Principal at once.
  - B. The Superintendent will become responsible for holding the suspicious materials and will issue a signed receipt for them.
  - C. The confiscated material will be placed in the hands of the police for analysis and disposition.

## **Personnel -- Certified/Non-Certified**

### **Alcohol, Drugs and Tobacco (continued)**

#### **Disciplinary Action for Violation of Alcohol and Drug Policy (continued)**

- D. The police will be notified and the material turned over to them in exchange for a written receipt. Any further action will be left to the police. No employee shall act in a law enforcement capacity.

#### **2. Employees suspected to be under the influence of drugs or alcohol.**

- A. If an employee appears to be under the influence of drugs or alcohol, he/she shall be taken to the nurse and shall be treated as a person who is ill. The Superintendent shall be notified by the Principal. In case of emergency or if there is a clear and present danger to the employee's health, he/she will be transferred immediately to the hospital.
- B. Consistent with local, state and federal law, employees found to be in possession of, using or distributing illicit drugs or alcohol on school premises may be subject to termination of employment and prosecution.
- C. Information about drug and alcohol counseling and rehabilitation and re-entry programs will be made available to employees, and the completion of an appropriate rehabilitation program will be required as a condition of continued employment.

#### **3. Discovery of Controlled Drugs and Alcohol**

- A. An employee finding such material will deliver it to the Principal.
- B. The Principal will investigate the matter and notify the Superintendent of the incident.
- C. If the material is found to be or is suspected of being a controlled drug, the building principal will turn over the material to the police in exchange for a written receipt.

The Superintendent will designate one staff member, who handles all disciplinary matters regarding personnel, to review, monitor and recommend to the Superintendent disciplinary action.

## **Personnel -- Certified/Non-Certified**

### **Alcohol, Drugs and Tobacco (continued)**

#### **Sanctions for Violation of Smoking Policy**

**1. First Offense**

Upon the first violation, an employee found to be smoking in the school building or on the school grounds during regular school hours, will be warned verbally that he/she is violating the school smoking ban policy and that further violation will lead to a written warning and further disciplinary action.

**2. Second Offense**

Employees who are found to violate the policy a second time will receive a written warning. A copy of this written warning will be placed in the employee's supervisory file.

**3. Third Offense**

Upon the third violation, an employee will receive a second written warning. A copy of this written warning will be the employee's supervisory and personnel files.

**4. Fourth Offense**

If the employee violates the smoking policy a fourth time, the employee will be referred to the Superintendent for disciplinary action.

Legal Reference: Drug-Free Workplace Act. 102 Stat. 4305-4308.  
Drug-Free Schools and Community Act, P.L. 99-570, as amended by P.L. 101-226 (1991)  
21 U.S.C. 812, Controlled Substances Act, I through V, 202.  
21 C.F.R. 1300.11 through 1300.15 regulation.  
54 Fed. Reg. 4946 (1989)  
Connecticut General Statutes  
1-21b Smoking prohibited in certain places.  
19-443(6) Exception.

Regulation approved:

*Existing policy, presently numbered 5131.7 adopted 3/29/93, appropriate as renumbered, except for update to legal references.*

## **Personnel - Certified/Non-Certified**

### **Drug-Free Workplace**

The School District will provide a drug-free workplace in accordance with the Drug-Free Workplace Act of 1989 and its implementing regulations. The School District certifies that it will:

1. Notify all employees in writing that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the district's workplace and specify the actions that will be taken against employees for violation of such prohibitions.
2. Establish a drug-free awareness program to inform employees about the dangers of drug abuse in the workplace; the district's policy of maintaining a drug-free workplace; any available drug counseling, rehabilitation, and employee assistance programs; and the penalty that may be imposed on employees for drug abuse violations occurring in the workplace.
3. Make it a requirement that each employee whose employment is funded by a federal grant be given a copy of the statement concerning a drug-free workplace.
  - a. Notify the employee in the required statement that as a condition of employment under the grant, the employee will abide by the terms of the statement, and will notify the district of any criminal drug statute conviction for a violation occurring in the workplace no later than five days after such conviction.
  - b. Notify the federal agency within ten days after receiving notice from an employee or otherwise receiving notice of such conviction.
  - c. Take one of the following actions within 30 days of receiving notice with respect to any employee who is so convicted: take appropriate personnel action against such an employee, up to and including termination; or require such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a federal, state or local health law enforcement, or other appropriate agency.
4. Make a good faith effort to continue to maintain a drug-free workplace through implementation of all the provisions of this policy.

Legal Reference: Drug Free Workplace Act, 102 Stat. 4308.

Drug-Free Schools and Community Act, P.L. 99-570, as amended by P.L. 101-226(199)

## **Personnel - Certified/Non-Certified**

### **Drug-Free Workplace**

**Legal References:** (continued)

21 U.S.C. 812, Controlled Substances Act, I through V, 202.

21 C.F.R. 1300.11 through 1300.15 regulation.

54 Fed. Reg. 4946(1989)

Connecticut General Statutes

1-21b Smoking prohibited in certain places.

*A sample policy to consider.*

## **Personnel – Certified/Non-Certified**

### **Weapons and Dangerous Instruments**

Schools should be an example of what is taught regarding the observance and respect for law. Schools also must be highly conscious of the health and welfare of students, staff, and the public. In this regard, no person shall possess weapons, facsimiles of weapons, or dangerous instruments of any kind in school buildings, on school grounds, on school buses, nor at any school-related or school-sponsored activity away from school facilities. This ban shall include:

1. A firearm, which according to state statute means any sawed-off shotgun, machine gun, rifle, shotgun, pistol, revolver or other weapon, whether loaded or unloaded, from which a shot may be discharged.
2. A deadly weapon which according to state statute means any weapon, whether loaded or unloaded, from which a shot may be discharged, or a switchblade knife, gravity knife, billy, blackjack, bludgeon, or metal knuckles.
3. A dangerous instrument, which according to state statute means any instrument, article or substance which, under the circumstances in which it is used or attempted or threatened to be used, is capable of causing death or serious physical injury, and includes a vehicle.

Weapons under the control of law enforcement personnel are permitted. The Principal may authorize persons to display weapons that are registered and handled in a legal manner for the purpose of education or the community use of school facilities. The Principal may prescribe special conditions or procedures to be followed before giving such authorization.

Possession of or bringing a firearm or deadly weapon on school grounds or other areas under the control of the Board of Education may also be a violation of criminal law, and, therefore, any violation of this policy shall be reported to the local law enforcement agency.

Any person violating this policy shall be subject to immediate disciplinary action up to and including termination of employment. Any other person violating this policy shall be subject to arrest.

Legal References: Connecticut General Statutes  
10-221 Board of education to prescribe rules  
53a-3 Definitions  
53a-217b Possession of a weapon on school grounds

Policy adopted:

*A revised sample policy to consider. It is mandated to have a policy pertaining to this issue.*

## **Personnel – Certified**

### **Students**

#### **Psychotropic Drug Use**

The Board of Education prohibits all school personnel from recommending the use of psychotropic drugs for any student enrolled within the school system. For purposes of this policy, the term “recommend” shall mean to directly or indirectly suggest that a child use psychotropic drugs.

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

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

The District shall follow procedures for identification, evaluation, placement and delivery of services to children with disabilities or suspected disabilities provided in state and federal statutes that govern special education.

**or**

Communications between and among school health, mental health personnel and other school personnel pertaining to a child in possible need of a recommendation for a medical evaluation shall be accomplished through the District’s established child study teams and/or the planning and placement team and its procedures, in conformity with state and federal special education statutes.

**or**

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

## Personnel – Certified

### Students

#### Psychotropic Drug Use (continued)

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

In addition, the Planning and Placement Team (PPT) may recommend a medical evaluation as part of an initial evaluation or reevaluation, as needed to determine either a child's eligibility for special education and related services, or educational needs for an individualized education program (IEP).

or

Nothing in this policy shall be construed to prohibit a Planning and Placement Team (PPT) from discussing with parents and/or guardians of a child the appropriateness of consultation with, or evaluation by, medical practitioners with the consent of the parents and/or guardians of a child.

The Board recognizes that the refusal of a parent or other person having control of a child to administer or consent to the administration of any psychotropic drug to the child shall not, in and of itself, constitute grounds for the Department of Children and Families (DCF) to take such child into custody or for any court of competent jurisdiction to order that such child be taken into custody by the Department, unless such refusal causes such child to be neglected or abused, as defined in C.G.S. 46b-120.

The Superintendent of Schools or his/her designee shall promulgate this policy to district staff and parents/guardians of students annually and upon the registration of new students.

(cf. 5141.4 - Reporting of Child Abuse and Neglect)

Legal Reference: Connecticut General Statutes  
10-212b Policies prohibiting the recommendation of psychotropic drugs by school personnel. (as amended by PA 03-211)  
46b-120. Definitions  
10-76a Definitions. (as amended by PA 00-48)  
10-76b State supervision of special education programs and services.  
10-76d Duties and powers of boards of education to provide special education programs and services. (as amended by PA 97-114 and PA 00-48)  
10-76h Special education hearing and review procedure. Mediation of disputes. (as amended by PA 00-48)  
State Board of Education Regulations.  
34 C.F.R. 3000 Assistance to States for Education for Handicapped Children.  
American with Disabilities Act, 42 U.S.C. §12101 et seq.  
Individuals with Disabilities Education Act, 20 U.S.C. §1400 et seq.  
Rehabilitation Act of 1973, Section 504, 29 U.S.C. § 794.

Policy adopted:

rev. 6/02

rev 6/03

*A revised sample regulation to consider.*

## **Personnel – Certified**

### **Students**

#### **Psychotropic Drug Use**

In order to properly implement the Board policy prohibiting school personnel from recommending the use of psychotropic drugs for any child, the following administrative regulations are hereby established:

1. Psychotropic drugs are defined as prescription medications for behavioral or social-emotional concerns, such as attention deficits, impulsivity, anxiety, depression and thought disorders.
2. Psychotropic drugs include, but are not limited to, Ritalin, Adderal, Dexedrine and other stimulant medication, and anti-depressants.
3. All school personnel, including teachers and administrators are prohibited from any communications, both oral and written, to the parents and/or guardians of a child in which the use of psychotropic drugs is recommended.
4. School health or mental health personnel which includes school nurses or nurse practitioners, the District Medical Advisor, school psychologists, school social workers, and school counselors is permitted to discuss with parents and/or guardians of a child the advisability of a medical evaluation by an appropriate medical practitioner when there are behaviors or concerns that may be indicative of medication considerations.
5. School personnel, through the Planning and Placement Team referral process, shall communicate to the school medical staff about a child's behavior that may indicate the need for an evaluation.
6. The Planning and Placement Team (PPT) has the authority and responsibility to recommend a medical evaluation as part of an initial evaluation or reevaluation as needed to determine a child's eligibility for special education and related services, or educational needs for a child's individualized education program (IEP).
7. As required, the District may seek remedy through the due process provisions allowed under the Individuals with Disabilities Educational Act (IDEA) if a parent and/or guardian refuses consent for a reevaluation.

## Personnel – Certified

### Students

#### Psychotropic Drug Use (continued)

8. Appropriate medical practitioners, such as a psychiatric consultant or physician, with whom the District contracts for services to students or to whom the District makes a referral for an evaluation may recommend such medications.
9. School personnel may consult with the medical practitioner performing the evaluation with the informed consent of the parent or guardian of the child. The purposes of such communication include the following:
  - a. Conveying concerns or observations of a child, both prior to and following a medical evaluation;
  - b. Requesting health records and other educationally relevant medical evaluations;
  - c. Providing school records to medical practitioners upon request;
  - d. Providing information on school performance to help a medical practitioner monitor and evaluate the effectiveness of psychotropic drugs and/or other medical interventions and/or treatment;
  - e. Discussing with medical practitioners appropriate and necessary nursing or health care in schools to ensure student safety;
  - f. Disclosure of educationally relevant information by the medical practitioner to school personnel.
10. The Department of Children and Families (DCF) is limited by this legislation to take a child into custody solely on the refusal of a parent or guardian to administer or consent to the administration of any psychotropic drug. However, a PPT meeting may be convened if the child is eligible or may be eligible for special education or making a referral to the Department of Children and Families if there are concerns about a child's safety and possible abuse or neglect.

(cf. 5141.4 - Reporting of Child Abuse and Neglect)

Regulation approved:

cps 4/02  
rev 6/02  
rev 6/03

*A sample policy to consider.*

## **Personnel – Certified/Non-Certified**

### **Staff/Student Non-Fraternization**

**Version #1:** Staff members shall maintain professional relationships with students which are conducive to an effective educational environment. Staff members shall not have any interaction of a sexual nature with any student at any time regardless of the student's age, status or consent.

**Version #2:** Any action or comment by a member of the school staff which involves romantic or sexual involvement with a student is considered to be highly unethical and is unacceptable to the Board. This includes, but is not limited to, inappropriate conversation, inappropriate touching, dating, cohabitation, and engaging in immoral conduct.

**Version #3:** All school system personnel shall maintain a professional, ethical relationship with students and refrain from improper fraternization or undue familiarity with students. Dating and sexual conduct between teachers, staff members and students are prohibited.

It is the responsibility of the Principal of each school to emphasize the requirements of this policy and to provide appropriate follow-up on any complaint or evidence of failure to follow the policy and related regulations.

**Version #4:** The Board of Education requires all employees to conduct themselves in a manner which will maintain the authority and respect necessary in the educational setting. Therefore, any dating relationships or other social relationships which may reasonably be perceived to be dating between any staff member and any student of this school district is expressly prohibited. Employees shall not entertain students or socialize with students in such a manner as to reasonably create to students, parents, or the public that a dating relationship exists. While the Board encourages employees to be warm and supporting of students, personnel may not allow students to regard them as peers.

**Version #5:** The relationship between the teacher and the student should be one of cooperation, understanding and mutual respect. The teacher has the responsibility to provide an atmosphere conducive to learning and to motivate each student to perform to his/her capacity.

Staff members are expected to regard each student as an individual and to accord each the rights and respect due to any individual. Neither insults, disparaging names, nor sarcasm shall be used as a way of forcing compliance with a staff member's requirements or expectations.

The Board believes that students and staff members should interact with each other in a warm, open, and positive fashion. However, there must be maintained a certain distance in order to preserve the businesslike atmosphere that is necessary to achieve the educational mission of the school. In recognition of the fact that sexual harassment, whether verbal or physical, may create a psychological harmful atmosphere, inhibit performance, undermine the integrity of the staff-student relationship and constitute a form of illegal sex discrimination, the Board prohibits all forms of sexual remarks or conduct between staff and students of the District.

## Personnel – Certified/Non-Certified

### Staff/Student Non-Fraternization

**Version #6:** Adults who have contact with children and adolescents through school activities have the responsibility not to betray or misuse their privileged position. Students develop a special trust in school staff by virtue of the school system's authority and the important role the schools play in their lives. Adults must never take advantage of students' vulnerability or of their confidence that adults in school will behave appropriately in relationships with them.

It is the policy of the Board of Education to prohibit any sexual relationship, contact or sexually nuanced behavior or communication (verbal or non-verbal) between a staff member and a student, while the student is enrolled in the school system. The prohibition extends to students of the opposite sex or the same sex as the staff member, and applies regardless of whether the student or the staff member is the initiator of the behavior and whether or not the student welcomes or reciprocates the attention.

(cf. 4118.112/4218.112 – Sexual Harassment)

(cf. 4118.23/4218.23 – Conduct)

(cf. 5141.4 – Child Abuse/Neglect)

Legal Reference: Connecticut General Statutes

10-53a-71 Sexual assault in the second degree: Class C or B felony.

10-151 Employment of teachers. Definitions. Notice and hearing on failure to renew or termination of contract. Appeal

Policy adopted:

cps 10/03

*A sample regulation to consider.*

## **Personnel – Certified/Non-Certified**

### **Staff/Student Non-Fraternization**

Staff members are expected to use good judgment in their relationships with students both inside and outside of the school context including, but not limited to, the following guidelines:

1. Staff members shall not make derogatory comments to students regarding the school and/or staff.
2. The exchange of purchased gifts between staff members and students is discouraged.
3. Staff-sponsored parties, at which students are in attendance, unless they are a part of the school's extracurricular program and are properly supervised, are prohibited.
4. Staff members shall not fraternize, written or verbally, with students except on matters that pertain to school-related issues.
5. Staff members shall not associate with students at any time in any situation or activity which could be considered sexually suggestive or involve the presence or use of tobacco, alcohol or drugs.
6. Dating between staff members and students is prohibited.
7. Staff members shall not use insults or sarcasm against students as a method of forcing compliance with requirements or expectations.
8. Staff members shall maintain a reasonable standard of care for the supervision, control, and protection of students commensurate with their assigned duties and responsibilities.
9. Staff members shall not send students on personal errands.
10. Staff members shall, pursuant to law and Board policy, immediately report any suspected signs of child abuse or neglect.
11. Staff members shall not attempt to counsel, assess, diagnose or treat a student's personal problem relating to sexual behavior, substance abuse, mental or physical health and/or family relationships but instead, should refer the student to the appropriate individual or agency for assistance.
12. Staff members shall not disclose information concerning a student, other than directory information, to any person not authorized to receive such information. This includes, but is not limited to, information concerning assessments, ability scores, grades, behavior, mental or physical health and/or family background.
13. Sexual relations with students, regardless of age and/or consent, is prohibited and will result in dismissal.

Regulation approved:

cps 10/03

*A sample policy to consider.*

## **Personnel - Certified**

### **Duties**

### **Job Descriptions**

Job descriptions serve to:

1. Describe all essential functions that the individual who holds the position must be able to perform unaided or with the assistance of a reasonable accommodation;
2. Describe attendance standards;
3. Help applicants determine the qualifications needed to fill a position;
4. Help District administrators determine which candidates to recommend for appointment; and
5. Assist administrators in the evaluation of the employee's performance of position responsibilities.

"Essential functions" as used in this policy means the fundamental job duties of the employment position. A job function may be considered essential for any of several reasons, including, but not limited to, the following:

1. The function may be essential because the position exists is to perform the function;
2. The function may be essential because of the limited number of employees available among whom the performance of the job function can be distributed; and/or
3. The function may be highly specialized so that the individual is hired for his/her expertise or ability to perform the particular function.

"Attendance standards" as used in this policy means the regular work hours of the position, including leave and vacation provisions available through policy and/or collective bargaining agreements and any special attendance needs of the position as determined by the District.

Job descriptions will be developed under the supervision of the Superintendent or his/her designee for each position in the District. Each job description shall be dated. As job descriptions are reviewed and/or revised new dates will be affixed.

Job descriptions will be maintained in a separate manual titled *Job Descriptions for the [ ] District*. The document will be available for inspection by any District employee or patron. Each employee shall receive a copy of his/her job description.

Job descriptions will be periodically reviewed. Initial or revised job descriptions will be approved by the Superintendent or his/her designee and will be presented to the Board for approval.

## **Personnel - Certified**

### **Duties**

### **Job Descriptions**

Legal Reference: Connecticut General Statutes

Americans with Disabilities Act of 1990, 42 U.S.C. §§12101-12213; 29 C.F.R. Part 1630 (2006); 28 C.F.R. Part 35 (2006)

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

Title II of the Genetic Information Nondiscrimination Act of 2008

Section 503 of the Rehabilitation Act of 1973

Policy adopted:

cps 11/10

**NUTMEG BOARD OF EDUCATION**  
**Nutmeg, Connecticut**

**NOTICE**

Pursuant to the authority of Public Act 98-142, the Board of Education hereby gives notice to all its employees of the potential use of electronic monitoring in its workplace. While the Board may not actually engage in the use of electronic monitoring, it reserves the right to do so when determined by the Board or the Superintendent of Schools in their discretion.

“Electronic monitoring,” as defined by Public Act 98-142, means the collection of information on school district premises concerning employees’ activities or communications, by any means other than direct observation of the employees. Electronic monitoring includes the use of a computer, telephone, wire, radio, camera, electromagnetic, photoelectronic or photo-optical systems. The law does not cover the collection of information (A) for security purposes in any common areas of the Board of Education premises which are open to the public, or (B) which is prohibited under other state or federal law.

The following specific types of electronic monitoring may be used by this school district in its facilities:

- Monitoring of e-mail and other components of the school district’s computer system for compliance with policies.
- Video surveillance of employee parking areas for security purposes.
- Telephone monitoring (office, professional calls only) for quality control and performance assessment.
- Monitoring of electromagnetic card access system for security purposes.

*(Note: The above is a sample list only. The inclusion of reasons for the monitoring and the areas of the facility or job categories affected by the monitoring are not required by the law, but are recommended for employee relations reasons.)*

The law also provides that, where electronic monitoring may produce evidence of misconduct, the school district may use electronic monitoring without any prior notice when the Board and/or the Superintendent have reasonable grounds to believe employees of the school system are engaged in conduct that (1) violates the law, (2) violates the legal rights of the Board of Education or other employees, (3) creates a hostile work environment, or (4) violates Board policy or regulation.

Questions about electronic monitoring in the workplace should be directed to the Superintendent of Schools or members of the administrative staff of the district.

Policy adopted:

*A sample policy to consider.*

## **Personnel - Certified/Non-Certified**

### **Rights, Responsibilities and Duties**

#### **Electronic Mail**

Electronic mail is an electronic message that is transmitted between two or more computers or electronic terminals, whether or not the message is converted to hard copy format after receipt and whether or not the message is viewed upon transmission or stored for later retrieval. Electronic mail includes all electronic messages that are transmitted through a local, regional, or global computer network.

All district electronic mail systems are owned by the district and are intended for the purpose of conducting official district business only. District electronic mail systems are not intended for personal use by employees of the district and employees should have no expectation of privacy when using the electronic mail systems.

Users of district E-mail systems are responsible for their appropriate use. All illegal and improper uses of the electronic mail system, including but not limited to pornography, obscenity, harassment, solicitation, gambling and violating copyright or intellectual property rights are prohibited. Use of the electronic mail system for which the district will incur an expense without expressed permission of an administrator is prohibited.

Electronic messages are not for private or confidential matters. Because there is no guarantee of privacy or confidentiality, other avenues of communication should be used for such matters. Except for directory information, student records will not be transmitted by electronic mail. Care should be taken when forwarding an electronic mail message. If the sender of an electronic mail message does not intend for the mail to be forwarded, the sender should clearly mark the message "Do Not Forward".

In order to keep district electronic mail systems secure, users may not leave the terminal "signed on" when unattended and may not leave their password available in an obvious place near the terminal or share their password with anyone except the electronic mail system administrator. The district reserves the right to bypass individual passwords at any time and to monitor the use of such systems by employees.

The district retains the right to review, store and disclose all information sent over the district electronic mail systems for any legally permissible reason, including but not limited to determining whether the information is a public record, whether it contains information discoverable in litigation and to access district information in the employee's absence.

## Personnel - Certified/Non-Certified

### Rights, Responsibilities and Duties

#### Electronic Mail (continued)

Except as provided herein, district employees are prohibited from accessing another employee's electronic mail without the expressed consent of the employee. All district employees should be aware that electronic mail messages can be retrieved even if they have been deleted and that statements made in electronic mail communications can form the basis of various legal claims against the individual author or the district.

Electronic mail sent or received by the Board, the district or the district's employees may be considered a public record subject to public disclosure or inspection. All Board and district electronic mail communications may be monitored.

District employees will be subject to disciplinary action for violation of this policy.

The Superintendent will ensure that all district employees have notice of this policy and that each district employee is given an acknowledge form to sign stating they have received and read the policy. The form will be maintained in the employee's personnel file.

*Note: It is recommended that each employee acknowledge in writing, receiving and reading the policy. Notice is essential to defending a claim of invasion of privacy. The notice should be documented in the employee's personnel file.*

(cf. 5125 - Student records)

Legal Reference: Connecticut General Statutes

The Freedom of Information Act.

31-48d – Employees engaged in electronic monitoring required to give prior notice to employees

Policy adopted:

cps 4/99

rev 4/04

*A new version of this sample policy to consider.*

## **Personnel - Certified-Non-Certified**

### **Rights, Responsibilities and Duties**

#### **Acceptable Computer Network Use (Employee Use of Technology)**

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

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

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

#### **Online/Internet Services**

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

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

## **Personnel - Certified-Non-Certified**

### **Rights, Responsibilities and Duties**

#### **Acceptable Computer Network Use (Employee Use of Technology)**

##### **Online/Internet Services (continued)**

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

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

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

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

##### **Online/Internet Services: User Obligations and Responsibilities**

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

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

## **Personnel - Certified-Non-Certified**

### **Rights, Responsibilities and Duties**

#### **Acceptable Computer Network Use (Employee Use of Technology)**

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

3. Employees shall not access, post, submit, publish, or display harmful or inappropriate matter that is threatening, obscene, disruptive, or sexually explicit, or that could be construed as harassment or disparagement of others based on their race, ethnicity, national origin, sex, gender, sexual orientation, age, disability, religion, or political beliefs.
4. Employees shall not use the system to promote unethical practices or any activity prohibited by law, Board policy, or administrative regulations.
5. Employees shall not use the system to engage in commercial or other for-profit activities without permission of the Superintendent or designee.
6. Copyrighted material shall be posted online only in accordance with applicable copyright laws.
7. Employees shall not attempt to interfere with other users' ability to send or receive email, nor shall they attempt to read, delete, copy, modify, or forge other users' email.
8. Employees shall not develop any classroom or work-related web sites, blogs, forums, or similar online communications representing the District or using District equipment or resources without permission of the Superintendent or designee. Such sites shall be subject to rules and guidelines established for District online publishing activities including, but not limited to, copyright laws, privacy rights, and prohibitions against obscene, libelous, and slanderous content. Because of the unfiltered nature of blogs, any such site shall include a disclaimer that the District is not responsible for the content of the messages. The District retains the right to delete material on any such online communications.
9. Users shall report any security problem or misuse of the services to the Superintendent or designee.

## **Personnel - Certified-Non-Certified**

### **Rights, Responsibilities and Duties**

#### **Acceptable Computer Network Use (Employee Use of Technology)**

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

Legal References:      Connecticut General Statutes

                                 The Freedom of Information Act

                                 53A-182B Harassment in the first degree.

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

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

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

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

Policy adopted:

cps 1/09

*A sample regulation consider*

## **Personnel - Certified-Non-Certified**

### **Rights, Responsibilities and Duties**

#### **Acceptable Computer Network Use**

*NOTE: The organizational structure, computer systems and resources of local school districts vary widely. These sample regulations are intended to provide general guidance in developing regulations that meet local needs and conditions. The Board and administration should involve school staff with expertise in this area in developing the rules. CABE also recommends that local Boards have the regulations reviewed by their legal counsel prior to approval.*

The intent of these administrative regulations rules is to provide employees with general requirements for utilizing the school district's computers, networks and Internet services. The administrative regulations may be supplemented by more specific administrative procedures and rules governing day-to-day management and operation of the computer system.

These rules provide general guidelines and examples of prohibited uses for illustrative purposes but do not attempt to state all required or prohibited activities by users. Employees who have questions regarding whether a particular activity or use is acceptable should seek further guidance from the system administrator [*or insert other appropriate administrator*].

Failure to comply with Board policy 4118.5/4218.5, these regulations and/or other established procedures or rules governing computer use may result in disciplinary action, up to and including discharge. Illegal uses of the school district's computers will also result in referral to law enforcement authorities.

#### **A. Access to School Computers, Networks, E-mail and Internet Services**

The level of access that employees have to school district computers, networks, e-mail and Internet services is based upon specific employee job requirements and needs.

#### **B. Acceptable Use**

Employee access to the school district's computers, networks, e-mail and Internet services is provided for administrative, educational, communication and research purposes consistent with the school district's educational mission, curriculum and instructional goals. General rules and expectations for professional behavior and communication apply to use of the school district's computers, networks, e-mail and Internet services.

*NOTE: As discussed previously, Boards should decide whether employee use of computers will be limited to job-related duties or whether some level of personal use will be allowed. The following paragraphs illustrate two different approaches that local school units may want to consider. The same language used in the policy should be repeated here.*

## **Personnel - Certified-Non-Certified**

### **Rights, Responsibilities and Duties**

#### **Acceptable Computer Network Use (continued)**

Employees may utilize the school district's computers, networks, e-mail and Internet services only for purposes related to the schools and the performance of their jobs, and no personal use of any kind is permitted.

#### **OR**

Employees are to utilize the school district's computers, networks, e-mail and Internet services for school-related purposes and performance of job duties. Incidental personal use of school computers, networks, e-mail and Internet services is permitted as long as such use does not interfere with the employee's job duties and performance, with system operations or other system users. "Limited incidental personal use" is defined as use by an individual employee for occasional personal communications. Employees are reminded that such personal use must comply with this policy and all other applicable policies, procedures and rules.

#### **C. Prohibited Use**

The employee is responsible for his/her actions and activities involving school unit computers, networks and Internet services and for his/her computer files, passwords and accounts. General examples of unacceptable uses which are expressly prohibited include but are not limited to the following:

1. Any use that is illegal or in violation of other Board policies, including harassing, defamatory, discriminatory or threatening communications and behavior, violations of copyright laws, etc.;
2. Any use involving materials that are obscene, pornographic, sexually explicit or sexually suggestive;
3. Any inappropriate communications with students or minors, including, but not limited to, e-mail communications, text messages or other electronic communications that fail to adhere to professional boundaries and expectations for professional communications between students and staff;
4. Any use for private financial gain, political, commercial, advertising or solicitation purposes;
5. Any use as a forum for communicating by e-mail or any other medium with other school users or outside parties to solicit, proselytize, advocate or communicate the views of an individual or non-school-sponsored organization; to solicit membership in or support of any non-school-sponsored organization; or to raise funds for any non-school-sponsored purpose, whether for-profit or not-for-profit. No employee shall knowingly provide school e-mail addresses to outside parties whose intent is to communicate with school employees, students and/or their families for non-school purposes. Employees who are uncertain as to whether particular activities are acceptable should seek further guidance from the building principal or appropriate administrator.

## **Personnel - Certified-Non-Certified**

### **Rights, Responsibilities and Duties**

#### **Acceptable Computer Network Use (continued)**

6. Any communication that mis-represents personal views as those of the school districts or that could be misinterpreted as such;
7. Downloading or loading software or applications without permission from the system administrator;
8. Opening or forwarding any e-mail attachments (executable files) from unknown sources and/or that may contain viruses;
9. Sending mass e-mails to school users or outside parties for school or non-school purposes without the permission of the system administrator or other designated administrator;
10. Any malicious use or disruption of the school district's computers, networks, e-mail and Internet services or breach of security features;
11. Any misuse or damage to the school district's computer equipment;
12. Misuse of the computer passwords or accounts (employee or other users);
13. Any communications that are in violation of generally accepted rules of network etiquette and/or professional conduct;
14. Any attempt to access unauthorized sites;
15. Failing to report a known breach of computer security to the system administrator;
16. Using school computers, networks, e-mail and Internet services after such access has been denied or revoked; and
17. Sending any message that breaches the school district's confidentiality requirements, including the confidentiality rights of students;
18. Using computer systems for any purposes; or in any manner, other than those permitted under these regulations; and
19. Any attempt to delete, erase or otherwise conceal any information stored on a school computer that violates these rules.

## **Personnel - Certified-Non-Certified**

### **Rights, Responsibilities and Duties**

#### **Acceptable Computer Network Use (continued)**

##### **D. No Expectation of Privacy**

The school district retains control, custody and supervision of all computers, networks and Internet services owned or leased by the school district. The school district reserves the right to monitor all computer, e-mail and Internet activity by employees and other system users. Employees have no expectation of privacy in their use of school computers, including e-mail messages and stored files. Employees are on notice that the school district can conduct monitoring of computers, network, e-mail and Internet services and can do so despite the assignment to individual employees of passwords for system security. Any password systems implemented by the district are designed solely to provide system security from unauthorized users, not to provide privacy to the individual system user. The system's security aspects, message delete function and personal passwords can be bypassed for monitoring purposes. Therefore, employees must be aware that they should not have any expectation of personal privacy in the use of these computer systems. This provision applies to any and all uses of the district's computers, networks, e-mail and Internet services, including any incidental personal use permitted in accordance with these regulations. In addition, records of employee access to district computers, networks, e-mail and Internet services, including individual electronic communications sent or received by the district's employees may be considered a public record subject to public disclosure or inspection.

##### **E. Confidentiality of Information**

Employees are expected to use appropriate judgment and caution in communications concerning students and staff to ensure that personally identifiable information remains confidential.

##### **F. Staff Responsibilities to Students**

Teachers, staff members; and volunteers who utilize school computers, networking, e-mail and Internet services for instructional purposes with students have a duty of care to supervise such use. Teachers, staff members and volunteers are expected to be familiar with the school district's policies and rules concerning student computer and Internet use and to enforce them. When, in the course of their duties, employees or volunteers become aware of student violations, they are expected to stop the activity and inform the building principal [or other appropriate administrator].

##### **G. Compensation for Losses, Costs and/or Damages**

The employee shall be responsible for any losses, costs or damages incurred by the school unit related to violations of policy 4118.5/4218.5 and/or these regulations.

## Personnel - Certified-Non-Certified

### Rights, Responsibilities and Duties

#### Acceptable Computer Network Use (continued)

#### H. School District Assumes No Responsibility for Unauthorized Charges, Costs or Illegal Use

The school district assumes no responsibility for any unauthorized charges made by employees including but not limited to credit card charges, subscriptions, long distance telephone charges, equipment and line costs, or for any illegal use of its computers such as copyright violations.

*NOTE: CABE recommends that Boards require employees to sign an acknowledgment that they have read policy 4118.5/4218.5 and these regulations. A signed acknowledgment can provide protection for the school unit in defending invasion of privacy claims.*

#### I. Employee Acknowledgment Required

Each employee authorized to access the school district's computers, networks and Internet services is required to sign an acknowledgment form stating that they have read policy 4118.5/4218.5 and these regulations. The acknowledgment form will be retained in the employee's personnel file.

#### J. Computer Security Measures

In order to keep district computers, networks, e-mail and Internet services secure, users may not leave the terminal "signed on" when unattended and may not leave their password available in an obvious place near the terminal or share their password with anyone except the system administrator. The district reserves the right to bypass individual passwords at any time to monitor the use of such systems by employees.

The district retains the right to review, store and disclose all information sent over the district electronic mail systems for any legally permissible reason, including but not limited to determining whether the information is a public record, whether it contains information discoverable in litigation and to access district information in the employee's absence.

Except as provided herein, district employees are prohibited from utilizing another employee's password to access the district computers, networks, e-mail and Internet services, without the express consent of the system administrator or the employee's direct supervisor.

Regulation approved:

cps 3/00  
rev 11/10

\_\_\_\_\_PUBLIC SCHOOLS  
\_\_\_\_\_, Connecticut

**EMPLOYEE COMPUTER AND INTERNET USE  
ACKNOWLEDGMENT FORM**

No employee shall be allowed to use school computers or the Internet until he/she has signed and returned this acknowledgment.

I have read policy 4118.5/4218.5 - Acceptable Computer Network Use and its Administrative Regulations - Acceptable Computer Network Use and understand their terms and conditions.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

## STAFF USE OF SOCIAL NETWORKING SITES

*(Background information for Policy Committee)*

As indicated in the previous section, social networking presents significant challenges to schools. These challenges are not limited solely to students. The use of social networks by school faculty and staff can provide exciting new ways to collaborate and communicate. Districts can and have started to also use such tools. District use will be discussed in a future publication of the *Policy Update*. However, care must be exercised to be sure that such tools are used, especially with students, in ways that are age-appropriate and consistent with the mission of the district and school.

School faculty and staff are expected to behave honorably in both real and online spaces. Activities which are improper, unethical, and illegal or which may cause undue discomfort for students, employees, parents/guardians or other members of the school community should be avoided in both physical space and cyberspace.

Determining what communications between teachers and students are appropriate, especially in the emerging fields of electronic devices and social-networking websites is an issue that districts nationwide are navigating, with policies ranging from fairly permissive to restrictive. The challenge that is faced in determining policy in this area is the speed with which new technologies are emerging.

Many teachers, raised in the digital age, participate in social networking websites. The district's authority over staff behaviors does not extend to off duty hours. However, recent legal disputes indicate that this may be changing. Staff members may argue that the district has no control over their off-duty behaviors. However, employee dismissal hearings and recent legal decisions have allowed administrators to introduce evidence that off-duty behaviors have negatively influenced a teacher's ability to teach effectively and/or to control their classes after inappropriate materials were posted on the Internet.

It is important that teachers remember that they are role models and quasi-public figures. In the eyes of the communities and students, they are individuals who should be beyond reproach. An educator means living in the public eye and being held to a higher standard.

The websites are not the problem. Many districts and organizations maintain a social networking presence. Some schools encourage teachers to use such sites to help students. However, education groups do not agree on the best approach to these sites and their use by staff. The Missouri Education Association, for example, warns teachers against partaking in social sites. The Ohio affiliate also discourages such use.

A case in Ansonia, Connecticut in 2008 involved a teacher who created a MySpace page to communicate with students. The site had pictures on it of naked men and inappropriate captions. The teacher's contract was not renewed after being placed on leave. His challenge that his free speech rights were violated was not upheld in the U.S. District Court.

In the fast-changing world of social networking, districts will have to continue to adapt to new technologies and the uses to be made of them. What we have become aware of is that the technology is and will be constantly evolving, causing the need for policy direction that will certainly need to be reexamined in the not-too-distant future.

*A sample policy to consider.*

## **Personnel - Certified-Non-Certified**

### **Rights, Responsibilities and Duties**

#### **Acceptable Computer Network Use (Employee Use of Technology)**

##### **Social Networking Websites – Version #1**

The Board of Education recognizes that technological resources can enhance employee performance by offering effective tools to assist in providing a quality instructional program, facilitating communications with parents/guardians, students and the community, supporting District and school operations and improving access to and exchange of information. The Board expects all employees to learn to use the available technological resources that will assist them in the performance of their job responsibilities. As needed, employees shall receive professional development in the appropriate use of these resources. Further, employees shall be responsible for the appropriate use of technology and shall use the District's resources primarily for purposes related to their employment. Technological resources shall not be used to transmit confidential information about students, employees or District operations without authority.

Staff members will utilize social network sites, such as but not limited to, Facebook, MySpace and Twitter, judiciously by not posting confidential information about students, staff or District business. Staff members will treat fellow employees, students and the public with respect while posting. Communication with students using personal communication devices will be appropriate, professional and related to school assignments or activities. If communicating with students electronically, staff is expected to use District e-mail using mailing lists to a group of students rather than individual students. Texting students is [discouraged] [prohibited].

The Superintendent and the School Principals shall annually remind staff members and orient new staff members concerning the importance of maintaining proper decorum in the on-line, digital world as well as in person. Employees must conduct themselves in ways that do not distract from or disrupt the educational process. The orientation and reminders will give special emphasis to:

- A. Improper fraternization [inappropriate communications] with students using social networking websites on the Internet.
  1. Teachers may not list current students as "friends" on networking sites.
  2. All e-contacts with students should be through the District's computer and telephone systems.
  3. All contacts by coaches with team members shall be sent to all team members.
  4. Teachers will not give out their private cell phone or home phone numbers without prior approval of the Superintendent or designee.
  5. Inappropriate contact via e-mail or telephone is prohibited.

## **Personnel - Certified-Non-Certified**

### **Rights, Responsibilities and Duties**

#### **Acceptable Computer Network Use (Employee Use of Technology)**

##### **Social Networking Websites – Version #1 (continued)**

- B. Inappropriateness of posting items with sexual content.
- C. Inappropriateness of posting items exhibiting or advocating use of drugs or alcohol.
- D. Examples of inappropriate behavior from other districts, as behavior to avoid.
- E. Monitoring and penalties for improper use of District computers and technology.
- F. The possibility of penalties, including dismissal from employment, for failure to exercise good judgment in on-line conduct.

The Superintendent or designees will periodically conduct Internet searches to see if teachers have posted inappropriate materials on-line. When inappropriate use of computers and websites is discovered, the School Principals and Superintendent will download the offensive material and determine the appropriate disciplinary action.

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

Legal References: Connecticut General Statutes  
The Freedom of Information Act  
53A-182B Harassment in the first degree.  
P.A. 98-142 An Act Requiring Notice to Employees of Electronic Monitoring by Employers.  
United States Code, Title 20  
675 1-6777 Enhancing Education Through Technology Act, Title II, Part D, especially: 6777 Internet safety  
United States Code, Title 47  
254 Universal service discounts (E-rate)  
Code of Federal Regulations, Title 47  
54.520 Internet safety policy and technology protection measures, E-rate discounts  
U.S. Constitution, 1<sup>st</sup> Amendment  
Connecticut Constitution, Article 1, Sections 3, 4, 14

## **Personnel - Certified-Non-Certified**

### **Rights, Responsibilities and Duties**

#### **Acceptable Computer Network Use (Employee Use of Technology) (continued)**

##### **Social Networking Websites – Version #2**

The Board of Education (Board) strongly discourages District staff from socializing with students outside of school on social networking websites, including but not limited to MySpace, Facebook, Twitter, or dating websites.

All District employees, faculty and staff who participate in social networking websites shall not post any District data, documents, photographs, or other District owned or created information on any website. Further, the posting of any private or confidential District data is strictly prohibited.

School district employees are prohibited from engaging in any conduct on social networking websites that violates the law, Board policies, or other standards of conduct. No conduct may negatively impact or disrupt the educational environment in the school. Employees who violate this policy may face discipline and/or termination, in line with other Board policies, acceptable use agreement, and/or collective bargaining unit agreements, as applicable. [*optional*: A teacher may be recommended for dismissal if he/she has behaved in any unethical or lascivious conduct at any time; if there is a reasonable and adverse relationship between the conduct and the continuing ability of the employee to perform any of his/her professional functions in an effective manner.]

Nothing in this policy prohibits employees, faculty, staff or students from the use of approved educational websites if such sites are used solely for educational purposes.

Access of social networking websites for individual use during school hours is prohibited.

##### **Social Networking Websites – Version #3**

Professional standards dictate that an adult should never be alone with a student in an isolated space (e.g., one student, one teacher together in a classroom with the door closed after school operating hours). This is true in online environments as well. Social networking sites such as Facebook and MySpace are structured to be closed environments, and as such the \_\_\_\_\_ School District discourages students and teachers/staff from using them to communicate with one another. The District provides websites, blogs, and email for students and teachers to communicate and collaborate. If a student or teacher desires to use a social networking site to communicate and collaborate, the District recommends using the online service Ning or Elgg (education social networks) to create a class social networking site. In such an environment, students and teachers are both protected by the monitoring of oversight of the District.

## **Personnel - Certified-Non-Certified**

### **Rights, Responsibilities and Duties**

#### **Acceptable Computer Network Use (Employee Use of Technology)**

#### **Social Networking Websites – Version #3 (continued)**

Teachers that feel that “mainstream sites” such as Facebook and MySpace will add educational value that cannot be attained without such sites, should communicate their intentions with their Principal and the parents of their students. Teachers must remember that they should not assume that all students have access to the Internet or to social networking sites, and should not use these as the sole source of communication.

#### **Social Networking Websites – Version #4**

All employees, faculty, and staff of the \_\_\_\_\_ School District who participate in social networking websites such as but not limited to MySpace or Facebook, shall not post any data, documents, photos, or inappropriate information on any website that might result in a disruption of classroom activity. This determination will be made by the Superintendent or his/her designee. Employees, faculty and staff should not give social networking website passwords to students. Fraternalization [inappropriate communications] via the Internet between employees, faculty or staff and students is prohibited and a violation of any of this policy may result in disciplinary action, up to and including termination. Nothing in this policy prohibits employees, faculty, staff or students from the use of educational websites that are used solely for educational purposes. Access of social networking websites for individual use during school hours is prohibited.

Policy adopted:

cps 4/10

*A sample administrative regulation to consider/modify.*

## **Personnel - Certified-Non-Certified**

### **Rights, Responsibilities and Duties**

#### **Acceptable Computer Network Use (Employee Use of Technology)**

#### **Social Networking Websites**

District employees are expected to behave honorably in online activities. Activities which are improper, unethical, and illegal or which may cause undue discomfort for students, employees, parents or other members of the school community should be avoided in both physical space and cyberspace. To that end, the following guidelines for school employees who use online social networking applications which may be frequented by current or former students are offered.

#### **Guidelines for the use of social networking sites by professional staff:**

1. Do not accept students as friends on personal social networking sites. Decline any student-initiated friend requests.
2. Do not initiate friendships with students.
3. Remember that people classified as “friends” have the ability to download and share your information with others. Post only what you want the world to see. Imagine your students, their parents, your administrator, visiting your site. It is not like posting something to your web site or blog and then realizing that a story or photo should be taken down. On a social networking site, basically once you post something it may be available, even after it is removed from the site.
4. Do not discuss students or co-workers or publicly criticize school policies or personnel.
5. Visit your profile’s security and privacy settings. At a minimum, educators should have all privacy settings set to “only friends.” “Friends of Friends” and “Networks and Friends” open your content to a large group of unknown people. Your privacy and that of your family may be a risk.
6. Exercise appropriate discretion when using social networks for personal communications with the knowledge that adult behavior on social networks may be used as a model by students.
7. Understand that the uneven power dynamics of the school, in which adults have authority over former students, continues to shape those relationships.
8. Remind all members of your network of your position as an educator whose profile may be accessed by current or former students, and to monitor their posts to your network accordingly. Conversely, be judicious in your postings to all friends’ sites, and act immediately to remove any material that may be inappropriate from your site whether posted by you or someone else.

## **Personnel - Certified-Non-Certified**

### **Rights, Responsibilities and Duties**

#### **Acceptable Computer Network Use (Employee Use of Technology)**

##### **Social Networking Websites (continued)**

#### **Guidelines for the use of educational networking sites by professional staff:**

1. Let your administrator, fellow teachers and parents know about your educational network.
2. When available, use school-supported networking tools.
3. Do not say or do anything that you would not say or do in as a teacher in the classroom. (Remember that all online communications are stored and can be monitored.)
4. Have a clear statement of purpose and outcomes for the use of the networking tool.
5. Establish a code of conduct for all network participants.
6. Do not post images that include students without parental release forms on file.
7. Pay close attention to the site's security settings and allow only approved participants access to the site.

#### **Guidelines for all networking sites by professional staff:**

1. Do not use commentary deemed to be defamatory, obscene, proprietary, or libelous. Exercise caution with regards to exaggeration, colorful language, guesswork, obscenity, copyrighted materials, legal conclusions, and derogatory remarks or characterizations.
2. Weigh whether a particular posting puts your effectiveness as a teacher at risk.
3. Due to security risks, be cautious when installing the external applications that work with the social networking site. Examples of these sites are calendar programs and games.
4. Run updated malware protection to avoid infections of spyware and adware that social networking sites might place on your computer.
5. Be careful not to fall for phishing scams that arrive via email or on your wall, providing a link for you to click, leading to a fake login page.
6. If a staff member learns of information, on the social networking site that falls under the mandatory reporting guidelines they must report it as required by law.

Regulation approved:  
cps 4/10

*An optional policy to consider. It is recommended that the final version of this policy be developed with input from staff members who blog.*

## **Personnel – Certified/Non-Certified**

### **Instruction**

#### **Use of New Web Tools (Blogging/Podcasting)**

Online communication is critical to our students' learning of 21<sup>st</sup> Century Skills and to the communication efforts of the staff. Tools such as blogging and podcasting offer authentic, real-world vehicles for student and staff expression. As educators, our primary responsibility to students is their safety. Hence, expectations for classroom blogs, student/staff protected e-mails, podcasts, or other Web interactive use must follow all established Internet safety guidelines.

#### **Blogging/Podcasting Terms and Conditions**

- The use of blogs, podcasts or other Web 2.0 tools is considered an extension of the classroom. Therefore, any speech that is considered inappropriate in the classroom is also inappropriate in all uses of blogs, podcasts, or other Web 2.0 tools. This includes, but is not limited to, profanity and racist, sexist or discriminatory remarks.
- Teachers must monitor all communication on blogs, podcasts, or other Web 2.0 tools that are used by students in the classroom.
- Students and staff using blogs, podcasts or other web tools are expected to act safely by keeping all personal information out of their posts.
- A student should never post personal information on the web (including, but not limited to, last names, personal details including addresses or phone numbers, or photographs). Do not, under any circumstances, agree to meet someone you have met over the Internet.
- Any personal blog a student creates in class is directly linked to the class blog which is typically linked to the student profile, and, therefore, must follow these blogging guidelines. In addition to following the information above about not sharing too much personal information (in the profile or in any posts/comments made), students need to realize that anywhere they use their blog login it links back to the class blog. Therefore, anywhere that login is used (posting to a separate personal blog, commenting on someone else's blog, etc.), the account should be treated the same as a school blog and should follow district blogging guidelines. Comments made on blogs should be monitored and – if they are inappropriate – deleted.
- Never create a link to web sites from your blog or blog comment without reading the entire article to make sure it is appropriate for a school setting.
- Students using such tools agree to not share their user name or password with anyone besides their teachers and parents and to treat blogspaces as classroom spaces. Speech that is inappropriate for class is also inappropriate for a blog.
- Students who do not abide by these terms and conditions may lose their opportunity to take part in the project and/or be subject to consequences appropriate to misuse.

## **Personnel – Certified/Non-Certified**

### **Instruction**

#### **Use of New Web Tools (Blogging/Podcasting) (continued)**

- The use of school mascots, symbols, logos or other district trademarks is prohibited.
- Blogging is prohibited during the school day unless it is a part of a classroom/instructional activity.
- The use of school district property for personal blogs is prohibited.
- Employees shall not develop any classroom or work-related websites, blogs forums, or similar online communications representing the District or using District equipment or resources without permission of the Superintendent or his/her designee. Such sites shall be subject to rules and guidelines established for District online publishing activities including, but not limited to, copyright laws, privacy rights, and prohibitions against obscene, libelous, and slanderous content. Due to the unfiltered nature of blogs, any such site shall include a disclaimer that the District is not responsible for the content of the messages. The District reserves the right to delete material on any such online communications.

Employees and students who create a blog may not violate the privacy rights of employees and students, may not use District personal and private information/data, images and copyrighted material in their blog, and may not disrupt the District.

Administrators may visit the blogs at any time.

Students or staff engaging in gross disobedience and misconduct may be disciplined for creating and/or distributing written or electronic material, including Internet material and blogs, that causes substantial disruption to school operations or interferes with the rights of other students or staff members.

- (cf. 4118.4/4218.4 - E-Mail (Electronic Monitoring) (staff))
- (cf. 4118.5/4218.5 - Staff Acceptable Computer Network Use)
- (cf. 5131.913 - Cyberbullying)
- (cf. 6141.321- Student Acceptable Use of the Internet)
- (cf. 6141.322 - Websites/Pages)
- (cf. 6141.323 - Internet Safety Policy/Filtering)

## Personnel – Certified/Non-Certified

### Instruction

#### Use of New Web Tools (Blogging/Podcasting) (continued)

Legal Reference: Connecticut General Statutes

- 1-19(b)(11) Access to public records. Exempt records.
- 10-15b Access of parent or guardians to student's records.
- 10-209 Records not to be public.
- 11-8a Retention, destruction and transfer of documents
- 11-8b Transfer or disposal of public records. State Library Board to adopt regulations.
- 46b-56 (e) Access to Records of Minors.

Connecticut Public Records Administration Schedule V - Disposition of Education Records (Revised 1983).

Federal Family Educational Rights and Privacy Act of 1974 (section 438 of the General Education Provisions Act, as amended, added by section 513 of PL 93-568, codified at 20 U.S.C. 1232g.).

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.

HR 4577, Fiscal 2001 Appropriations Law ( contains Children's Internet Protection Act)

Public Law 94-553, The Copyright Act of 1976, 17 U.S.C. 101 et. seq.

20 U.S.C. Section 6777 No Child Left Behind

*Reno v. ACLU*, 521 U.S. 844 (1997)

*Ginsberg v. New York*, 390 U.S. 629, at 642, n.10 (1968)

*Board of Education v. Pico*, 457 U.S. 868 (1988)

*Hazelwood School District v. Kuhlmeier*, 484 U.S. 620, 267 (1988)

Policy adopted:

cps 1/09

*An administrative regulation to consider.*

## **Personnel – Certified/Non-Certified**

### **Instruction**

#### **Use of New Web Tools (Blogging/Podcasting)**

This is a set of general guidelines for the use of web blogs (“blogs”) in the District. Blogs are considered an extension of the classroom and therefore are subject to these guidelines as well as the rules and regulations of the District. The use of school computers is limited to assigned schoolwork; personal blogs that do not pertain to classwork in District schools should not be accessed from school computers. These guidelines are not meant to be exhaustive nor do they cover every contingency. If students are ever in doubt about the appropriateness of an item, a parent or teacher should be consulted. Staff members unsure of the appropriateness of an item should consult with the administration.

#### **Safe and Responsible Blogging**

The most basic guideline to remember when blogging is that the blog is an extension of the classroom. Students/staff should not write anything on a blog that one would not say or write in the classroom. Common sense should be used, but when in doubt a teacher, parent or administrator should be consulted whether or not what one is considering posting is appropriate. Here are some specific items to consider:

1. The use of blogs is considered an extension of the classroom. Therefore, any speech that is considered inappropriate in the classroom is inappropriate on a blog. This includes, but is not limited to, profanity; racist, sexist or discriminatory remarks; personal attacks.
2. Blogs are used primarily as learning tools, either as extensions of conversations and thinking outside of regular class time, or as the basis for beginning new classroom discussions. Either way, be sure to follow all rules and suggestions that are offered by teachers/administrators regarding appropriate posting in your class.
3. Blogs are about ideas – therefore, agree or disagree with the idea, not the person. Freedom of speech does not give an individual the right to be uncivil. Use constructive criticism and use evidence to support your position. Read others’ posts carefully – often in the heat of the moment you may think that a person is saying one thing, when really they are not.
4. Try not to generalize. Sentences that start with words like “All” (e.g., “All teachers,” “All administrators,” “All liberals,” “All conservatives”) are typically going to be too general.
5. Blogs are public. Whatever is posted on a blog can be read by anyone and everyone on the Internet. Even if a post or comment is deleted, it has often already been archived elsewhere on the web. Students and or staff should not post anything that they wouldn’t want parents, friends, enemies, or a future employer to read.

## Personnel – Certified/Non-Certified

### Instruction

#### Use of New Web Tools (Blogging/Podcasting)

#### Safe and Responsible Blogging (continued)

6. Blog safely. NEVER post personal information on the web (including, but not limited to, last names, personal details including address or phone numbers, or photographs). (Note: *The advice to not use a last name is for the individual's protection. Teachers may choose to use their last names for their posts/comments. Do not, under any circumstances, agree to meet someone met over the Internet.*)
7. Because a login to the blogging site (e.g., Blogger) is typically linked to a person's profile, any personal blog created in class is directly linked to a class blog and must follow these blogging guidelines. In addition to following the information above about not sharing too much personal information (in a profile or in any posts/comments made), students need to realize that anywhere they use that login links back to their class blog. Therefore, **anywhere** that you use that login (posting to a separate personal blog, commenting on someone else's blog, etc.), they need to treat the same as a school blog and follow these guidelines. Students and staff should also monitor any comments received on their personal blogs and, if they are inappropriate, delete them. If students would like to post or comment somewhere and not follow these guidelines, they need to create a separate login to the blogging site so that it does not connect back to their class blog. They may **not** use that login from school computers. The District still recommends the students follow the portion of these guidelines that address their personal safety (e.g., not posting personal information, etc.)
8. Linking to web sites from a student or staff member's blog or blog comments in support of an argument is an excellent idea. They should never link to something without reading the entire article to make sure it is appropriate for a school setting.
9. Use of quotations in a blog is acceptable. The proper formatting and citing the source of the quote is to be followed.
10. Pictures may be inserted into a blog. The image must be appropriate for use in a school document and copyright laws shall be followed. Images that can identify a student or others shall not be posted.

#### Successful Bloggers

The following are some traits of successful bloggers:

1. Their posts (or comments) are well written. This includes not only good content, but – because these are school-related blogs – also follows writing conventions including spelling, grammar and punctuation.

## **Personnel, Certified/Non-Certified**

### **Instruction**

#### **Use of New Web Tools (Blogging/Podcasting)**

##### **Successful Bloggers (continued)**

2. Their posts (or comments) are responsive. They respond to other people's ideas – whether it is a post by a teacher, a comment by a student, or an idea elsewhere on the Internet. The power of blogs is in their connectedness – they are connected to a larger community of ideas. Participate in that community.
3. Their posts (or comments) include textual references to support their opinions. Adding quotes or links to other works strengthens their response.
4. They participate frequently. To be part of the dialogue, you have to participate fully and consistently.
5. They are respectful of others. It's okay to disagree; it's not okay to be disagreeable. Be respectful of others and their opinions, and be civil when you disagree.

(cf. 4118.4/4218.4 - E-Mail (Electronic Monitoring) (staff))  
(cf. 4118.5/4218.5 - Staff Acceptable Computer Network Use)  
(cf. 5131.913 - Cyberbullying)  
(cf. 6141.321- Student Acceptable Use of the Internet)  
(cf. 6141.322 - Websites/Pages)  
(cf. 6141.323 - Internet Safety Policy/Filtering)

Regulation approved:

cps 1/09

*A revised sample policy to consider.*

## **Personnel – Certified/Non-Certified**

### **Cellular Telephones/District Issued Communication Devices**

The Board recognizes that the use of cellular telephones and other communication devices may be appropriate to provide for the effective and efficient operation of the District and to help ensure safety and security of District property, staff and others while on District property or engaged in District-sponsored activities. To this end, the Board authorizes the purchase and employee use of cellular telephones, as deemed appropriate by the Superintendent. Communication devices issued by the District may include cellular telephones, walkie-talkies, personal digital assistants (PDAs) or laptop computer with “beaming capabilities,” citizen band radios and pagers/beepers.

District-owned cellular telephones/communication devices shall be used for authorized District business purposes, consistent with the District's mission and goals. Personal use of such equipment is prohibited except in emergency situations. Any expenses incurred for such personal use shall be reimbursed to the District.

Use of cellular telephones/communication devices in violation of Board policies, administrative regulations, and/or state/federal laws will result in discipline up to and including dismissal and referral to law enforcement officials, as appropriate.

The Superintendent is directed to develop administrative regulations for the implementation of this policy, including a uniform and controlled system for identifying employee cellular telephone needs, monitoring use and reimbursement. Provisions may also be included for staff use of privately owned cellular telephones/communication devices for authorized District business.

#### ***Optional language:***

*Students and staff are encouraged to use any available cellular telephone/communication device in the event of an emergency that threatens the safety of students, staff or other individuals. A school bus driver is prohibited from operating a school bus while using a cellular telephone except: (1) during an emergency situation, (2) to call for assistance if there is a mechanical breakdown or other mechanical problem, and (3) when the school bus is parked.*

(cf. 5131.81 - Use of Beepers - Paging Devices/Cellular Telephones)

Policy adopted:

cps 3/03

rev. 1/05

*A revised and broadened sample regulation to consider/modify.*

## **Personnel – Certified/Non-Certified**

### **Cellular Telephones/District-Issued Communication Devices**

Communication devices issued by the District may include cellular telephones, walkie-talkies, personal digital assistants (PDAs) or laptop computer with “beaming capabilities,” citizen band radios and pagers/beepers.

District-owned communication devices may be purchased and authorized for staff use in accordance with the following guidelines:

#### **Cellular Telephone Authorization**

Cellular telephones/communication devices may be assigned or made available on a temporary basis by the [Superintendent] [Business Manager] when it is determined that:

1. The assignment of a cellular telephone/communication device to the employee is a prudent use of District resources;
2. The employee's job responsibilities requires the ability to communicate frequently and access to a District or public telephone is not readily available.
3. The employee's job involves situations where immediate communication is necessary to ensure the security of District property or safety of students, staff or others while on District property or engaged in District-sponsored activities.

#### **Cellular Telephone/Communication Device Use**

1. Cellular telephones and any other District issued communication devices are provided specifically to carry out official District business when other means of communications are not readily available. These devices may not be used for routine personal communications except in emergencies involving employee health or safety.
2. Cellular telephones are not to be used when a less costly alternative is readily available, unless as otherwise necessary for safety or emergency circumstances.
3. Personal use of cellular telephones is limited to making or receiving calls for family emergency purposes, including contacting a family member or child care provider to advise that the employee is going to be late arriving home or picking up children for a reason directly related to his/her official District duties, i.e., a meeting which runs later than expected or a last minute schedule change. Whenever possible, such calls should be made or received on District or other public telephones.

## **Personnel – Certified/Non-Certified**

### **Cellular Telephones/District-Issued Communication Devices**

#### **Cellular Telephone Communication Device Use (continued)**

4. Cellular telephones are not to be used for conversations involving District information of a confidential nature.
5. Cellular telephones or other District issued communication devices are not to be loaned to others.
6. Employees issued a cellular telephone or other District issued communication devices are responsible for its safekeeping at all times. Defective, lost or stolen cellular telephones are to be reported immediately to the Business Manager who will in turn notify the service provider. Reckless or irresponsible use of District equipment, resulting in loss or damage may result in the employee having to reimburse the District for any associated costs of replacement or repair.
7. District issued equipment shall be used in a manner that does not disrupt instruction and should not be used during school-sponsored programs, meetings, in-services, or other events where there exists a reasonable expectation of quiet attentiveness unless there is a reason of personal health or safety involved.
8. Cellular telephones and any other District issued communication equipment issued for employees are to be returned to the Business Manager at the conclusion of the school year, activity or as otherwise specified or immediately upon request.

#### **Privately Owned Cellular Telephones/Electronic Communications Devices**

1. Employees may possess and carry cellular telephones, pagers/beepers and PDAs or laptop computers with “beaming capabilities” during the school day and on school property.
2. District employees may be reimbursed for use of privately owned cellular telephones to conduct District business in accordance with Board policy and this regulation, with prior approval of the [Superintendent] or [Business Manager].
3. Personal use of privately owned cellular telephones and pagers/beepers authorized to use such equipment for District business is restricted to lunch, breaks or other such times when the employee is not on duty.
4. Use of cellular telephones or audible pagers/beepers should be curtailed during instructional time or at school-sponsored programs, meetings, in services, parent-teacher conferences or any other time when there would be a reasonable expectation of privacy.
5. Any employee violating these rules will be subject to disciplinary action.

## Personnel – Certified/Non-Certified

### Cellular Telephones

#### Reimbursement

1. On a [monthly] [quarterly] basis all personal call are to be highlighted on the billing statement by the user. [A notation for each highlighted entry indicating the nature of the call is required.]
2. The cost of all personal calls made/received by a employee are to be totaled and a check written for the amount to the District.
3. The check, along with the highlighted copies of the [monthly] [quarterly] billing statement are to be submitted to the [employee's immediate supervisor] [Business Manager] for review and recommendation for approval.
4. The check and billing statement are to be forwarded to the [Business Manager] [Superintendent] for review and the check credited o the appropriate account.
5. Requests for reimbursement for authorized use of employee owned cellular telephones are to be submitted on District provided forms accompanied by a copy of the billing statement with the District business related calls highlighted. A notation for each highlighted entry, indicating the nature of the call is required.
6. All requests for reimbursement, including the highlighted billing statement must be submitted within thirty (30) days of the end of the time period for which reimbursement is requested. Requests submitted after the reimbursement deadline has passed will be denied.
7. District reimbursement for authorized use of employee owned cellular telephones will be made in conformance with District payment procedures

Regulation approved:

cps 3/03

rev. 1/05

*A sample policy from New Hartford to consider.*

## **Personnel – Certified**

### **Technology Equipment**

#### **Staff Laptop Use**

The Board of Education shall permit the assignment and use of a laptop computer and related equipment for each certified staff member in the New Hartford Public School District when such use is directly or peripherally related to employment and school purposes. Proper controls shall be established to assure each staff member's responsibility for, and return of, such equipment. The administration will develop written procedures outlining these responsibilities and appropriate use. Use of these computers must comply with all New Hartford policies. These lap top computers are being provided for educational purposes. These laptops and all included items shall be returned upon resignation/termination or whenever requested by the Superintendent of New Hartford Public Schools. Restitutions will be made for any and all damage done to the laptops owned by the New Hartford Public School District.

(cf. 4118.4 - Electronic Monitoring of Employee Use of Computer Systems)

(cf. 4118.5 - Computer Network Use)

Policy adopted: August 21, 2007

NEW HARTFORD PUBLIC SCHOOLS  
New Hartford, Connecticut

cps 11/07

**The New Hartford Public Schools**  
**Certified Staff Laptop Responsibilities and Appropriate Use Agreement**

The New Hartford Board of Education assigns the laptop computer listed below for use in the New Hartford Public Schools. In signing below, I agree to the following provisions:

- ❖ Exercise reasonable care to protect the laptop from damage. I may be held responsible for any damages caused by other than normal wear and tear.
- ❖ Not to download any personal software. I fully understand and agree that repair of damage to the New Hartford Public School District system by unprotected software to my laptop will be my responsibility.
- ❖ Immediately report all damage, loss or other problems to the technology representative assigned to my school/location.
- ❖ Comply with all New Hartford Board of Education policies.
- ❖ Return this laptop and all included items on termination/resignation or whenever requested by the Superintendent of Schools.
- ❖ Use of this laptop is for New Hartford Public School District staff only.
- ❖ Provide restitution (appropriate replacement value) for laptop or equipment not returned to the New Hartford Public School District.

Laptop Serial Number \_\_\_\_\_

School: \_\_\_\_\_

Kit includes: power cord/ac adapter, laptop bag, wireless network card, mouse

Notes: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_  
Employee signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Employee name printed

*A sample policy from New Hartford to consider.*

## **Personnel – Certified/Non-Certified**

### **Technology Equipment**

#### **Personal Network Device Policy**

Personal network devices may be used on the network; however, a few expectations must be met. These expectations are not listed solely for the purpose of controlling how personal property is used but instead to protect the District's network. Network devices include any networkable device someone brings to any of the New Hartford Schools. This may include a laptop, tablet PC, PDA, Palm Pilot, or Blackberry. All devices on the network must be configured in such a way as to prevent problems. One mis-configured device can disrupt the entire network. Permission to use personal network devices must be obtained from the New Hartford Public School District Information Technology Support Specialist. In addition, all installations must be conducted and/or approved by the Information Technology Support Specialist.

Restitutions will be made for any and all damage done to the District's network.

Policy adopted: August 21, 2007

NEW HARTFORD PUBLIC SCHOOLS  
New Hartford, Connecticut

cps 11/07

*A sample regulation from New Hartford to consider.*

## **Personnel – Certified/Non-Certified**

### **Technology Equipment**

#### **Personal Network Device Policy**

##### **Expectations**

- ❖ The owner of the device is solely responsible for how the device is used regardless as to whether the owner or a borrower of the device is performing actions on it. The owner of the device is also solely responsible for the network configuration of the device.
- ❖ The device is fit to be on the network. In other words, if the device has a poor quality network interface card or a corrupt operating system it could cause problems for other devices on the network.
- ❖ The owner of the device understands how to set up the device for use on the network and owns all necessary equipment for setting up the device. Cables, network cards, dongles, and antennas cannot be borrowed from the New Hartford School District.
- ❖ The owner and all users of the device understand that no workstation will be disconnected from the network in order to provide a free drop for the device without prior permission. Remember that people doing academic work will have priority.
- ❖ The owner of the device is responsible for the security of the device.
- ❖ The device is running the latest Virus Protection software including the latest weekly virus definition files.
- ❖ The device is running the latest Security Patches for its Operating Systems.
- ❖ The device is free of spyware, adware, worms, viruses, trojan horses, and peer to peer software that could disrupt the network.
- ❖ The device is not to be used for any illegal activity, peer to peer file sharing (i.e., Napster) hacking or cracking this network or any other, downloading large files.
- ❖ The device is not running any Internet or web hosting services and does not have Internet Connection Sharing services turned on.

##### **Using Device on the Network**

The Information Technology (IT) Specialist will approve all equipment to be used on the New Hartford Public School District network prior to use.

Any personally owned device must have the TCP/IP protocol installed. It must be set to obtain an IP Address automatically from the server.

The computer name or host name for the device must have your real name in it. The last name must be spelled out.

An Information Technology (IT) approval form indicating device type must be signed before connecting a device to the New Hartford Public School District network.

Regulation approved:                      August 21, 2007                      NEW HARTFORD PUBLIC SCHOOLS  
New Hartford, Connecticut

cps 11/07

*An optional policy to consider.*

## **Personnel -- Certified**

### **Temporary and Part-Time Personnel**

The Board of Education has the responsibility to employ such persons as may be needed to conduct the business of the school district. Such employment requires the official action of the Board of Education.

The Board of Education recognizes that there are times when extraordinary conditions warrant that the Superintendent of Schools hire temporary personnel in advance of official action by the Board in order to insure the continuity of the district's functions and program.

#### ***Optional Language to consider:***

The Board of Education recognizes that situations may arise in which there is a demonstrated shortage of certified teachers in those fields designated by the State Board of Education or that the Board may elect to expand its academic offerings to students in areas identified as workplace shortage areas, as provided in law. In such situations, in conformity with applicable statutory language, the Board may use qualified private sector specialists. The services of such specialists are to be donated and such individuals may not work more hours than allowed by law.

#### **Legal Reference**

Connecticut General Statutes

4-124w Office of Workforce Competitiveness. Responsibilities.

10-21c Donation of teaching services by private sector specialists; neighborhood assistance.

10a-163 Teacher incentive loan program for training in areas of teacher shortages, Eligibility requirements, Loan repayment and forgiveness provisions.

12-631 Definitions.

Policy adopted:

rev 6/03

*CABE's suggested policy.*

## **Personnel -- Certified**

### **Substitute Teachers**

A substitute teacher shall be a person who has earned a Bachelor's Degree, is fully qualified to instruct in our schools and who is employed for short periods of time in the absence of the regular teacher. The Commissioner of Education may waive requirement for a Bachelor's Degree for good cause upon the request of the Superintendent of Schools.

Suitable programs for training, assigning, orienting and evaluating the work of substitute teachers shall be provided by the certified staff under the direction of the Superintendent.

Rates of compensation for substitute teachers will be set by the Board of Education.

It will be the responsibility of the Principal or his/her designee to assign a substitute to fill any vacancy by the temporary absence of a regular staff member. The substitute teacher will be selected from a list of approved substitutes furnished by the Superintendent's office.

Only fully certified replacement teachers will be assigned to classes whose regular teachers are on long-term leaves of absence of forty (40) days or more. Principals will attempt to maintain as much continuity as possible by engaging only one substitute for the full period of absence of one teacher and by calling back a substitute to serve in a classroom in which he/she has already performed successfully.

Substitute teachers will not participate in the health and welfare plans or other fringe benefits of the school system. However, substitute personnel hired to fill the position of an employee absent on an extended leave will be entitled to the privileges and benefits afforded regular professional employees, with the exception that the term of employment ordinarily will cease at the scheduled termination of the regular teacher's leave.

Retired teachers may be employed as substitute teachers without jeopardizing their retirement salary within the limits as prescribed by law.

Legal Reference:       Connecticut General Statutes  
                              10-183v Reemployment of teachers.  
                              10-145a Certificates of qualification for teachers.  
                              June 19 Special Session, Public Act No. 09-1  
                              An Act Implementing the Provisions of the Budget Concerning Education,  
                              Authorizing State Grant Commitments for School Building Projects and  
                              Making Changes to the Statutes Concerning School building Projects and  
                              Other Education Statutes. (Section 48) Public Act No. 09-6 September  
                              Special Session

Policy adopted:  
rev 11/09  
rev 7/11

*An optional policy to consider.*

## **Personnel -- Certified**

### **Student Teachers**

The Board of Education endorses participation in undergraduate student teaching programs with colleges and universities for the purpose of training competent future teachers. Student teachers will be accepted on a limited basis and placed according to availability of competent cooperating teachers.

The Board of Education authorizes the Superintendent of Schools to approve all prospective student teachers. Decisions to place a student teacher will be determined by the following:

1. Submission of a regular teacher application including copies of transcripts and references.
2. A screening and interview by the building Principal.
3. Recommendation by the building Principal to the Superintendent of Schools on accepting student teachers with the named cooperating teacher. (Normally no more than one student teacher will be assigned to a cooperating teacher in any given school year.)
4. The Superintendent of Schools may interview prospective student teachers and will make the final decision on acceptance of each student teacher.
5. The successful fulfillment of a criminal background check. (Effective July 1, 2010)

It is the responsibility of the Superintendent of Schools to notify the college or university of acceptance of student teacher(s).

Teachers who cooperate in training student teachers must be:

1. Tenured;
2. Successful teachers with good to outstanding evaluations;
3. Recommended by the Principal or Core Coordinator;
4. Participating on a voluntary basis.

(cf. 4112.5 – Security Check/Fingerprinting)

Legal Reference: Connecticut General Statutes  
10-221d Criminal history records checks of school personnel.  
Fingerprinting. Termination or dismissed. (as amended by PA 01-173, PA  
04-181 and June 19 Special Session, Public Act No. 09-1)  
29-17a Criminal history checks. Procedure. Fees.

Policy adopted:

cps 1/04  
rev 11/09

*A sample regulation to consider.*

## **Personnel -- Certified**

### **Student Teachers/Internships**

#### **Student Teacher Selection**

1. The student teacher will be interviewed by the Principal.
2. Placement will be at the Principal's discretion and continuation of it is dependent on satisfactory student-teaching performance.
3. The student teacher, (preparation candidate), prior to placement in a District school, will submit to state and national criminal checks. The criminal history record check shall be done prior to being placed in a school for clinical experiences such as field experience, student learning or internship. Candidates are required to be fingerprinted at one of the Regional Education Service Centers (RESCs) and not through local police stations or the school district. Placement is conditional upon the successful outcome of such criminal record check. (Starting July 1, 2010)

#### **Cooperating Teachers**

1. The cooperating teacher will be selected by the Principal.
2. The cooperating teacher must have attained tenure.
3. The cooperating teacher must meet with the student teacher a minimum of two times per week to check lessons, plans, rank book, etc.
4. Only the cooperating teacher will sign student progress report forms.
5. The cooperating teacher must observe the student teacher a minimum of two times per week for full periods.
6. The student teacher should be left on his/her own for periods of time with the class. The amount of this independence to be decided by the student teacher, cooperating teacher and administration, with ability and maturity to be determinants. This amount of independent work shall be committed to writing and a copy sent to the Principal.

#### **Student Teacher Load**

1. Maximum of four classes per day
2. Maximum of three different preparations
3. Provision for gradual pick-up of classes beginning with a minimum of one week of observation of the cooperating teacher before taking over any responsibility in any class.

## Personnel -- Certified

### Student Teachers/Internships (continued)

#### Student Teacher Placement by Department

1. There will be no more than one student teacher per cooperating teacher per year in academic areas.
2. The department head responsible for the student teacher in his/her department will evaluate and check the student teacher's progress.
3. There will be no more than six student teachers per semester in academic areas of the high school.

#### Experience Exposure

Student teacher will be exposed to the following experience where applicable:

- Homeroom
- Study Hall
- Making dittos, etc
- A.V. - overhead, etc.
- Library
- Guidance procedures
- Teacher handbook
- Rank book - Plan book
- Clubs, Chaperoning
- Mailbox
- Complete Lesson Planning

#### Waiver of Requirements

In any of the above guidelines, the principal, cooperating teacher and/or department head may at his/her discretion, waive specific requirements provided they do not violate Board of Education policy.

Regulation approved:

cps 5/05  
rev 11/09  
rev 11/10

*Revised sample policy to consider.*

## **Personnel -- Certified**

### **Staff Development**

“Staff development” is viewed by the Board of Education as a continuous systematic effort to improve educational programs in this school district through (1) staff involvement in organized program planning, implementation and evaluation efforts, and (2) activities to upgrade the skills, knowledge and ability of educators to improve student learning.

Staff development experiences, for which CEUs are awarded, should be guided by:

- expectations for student performance as reflected in *Connecticut’s Common Core of Learning* and the *Connecticut Framework: Curriculum Goals and Standards*;
- school or district goals;
- actual student performance, as evidenced by the Connecticut Mastery Test (CMT) and the Connecticut Academic Performance Test (CAPT) in addition to other indices; and
- what teachers need to know and be able to do to improve instruction that advances student learning.

Teachers must constantly review curricular content, teaching methods and materials, educational philosophy and goals, social change and other topics related to education to enhance the capabilities of educators to improve student learning. Significant opportunities should also be offered annually to enhance the abilities of staff to promote student mastery in literacy and numeracy. The Board of Education recognizes that it shares with its certified staff responsibility for the upgrading and updating of teacher performance and attitudes. The Board of Education and teachers’ organizations support the principle of continuing training of teachers and the improvement of instruction.

All employees shall be provided opportunities for the development of increased competence beyond that which they may attain through the performance of their assigned duties.

The Board shall establish a professional development committee, consisting of certified employees, including their union representatives, and other school personnel the Board deems appropriate. The duties of the committee shall include, but not be limited to, the development, evaluation and annual updating of a comprehensive local professional development plan for certified employees of the District. Such plan shall (1) be directly related to the educational goals proposed by the Board pursuant to C.G.S. 10-220(b), and (2) on or after July 1, 2011, be developed with full consideration of the priorities and needs related to student outcomes as determined by the State Board of Education, and (3) provide for the ongoing and systematic assessment and improvement of both teacher evaluation and professional development of the professional staff members of the Board, including personnel management and evaluation training or experience for administrators.

The members chosen by the Board to be on the Professional Development Committee shall serve at the pleasure of the Board.

## Personnel -- Certified

### Staff Development (continued)

Special effort shall be made to prepare teachers and other school personnel to meet the needs of students of diverse cultural and ethnic backgrounds. Planning and implementation of such programs shall be done cooperatively by administration, teachers and parent advisory groups. Special effort shall also be given to administrators and/or supervisors in training pursuant to their obligations in the evaluation of the teacher.

Staff development activities should respond directly to the educational needs of the student body, including, (a) content areas such as language arts, including reading, writing, speaking, listening, viewing and enacting; math, social studies and science; (b) methodological areas such as motivation, teaching techniques, including the use of computers in the classroom and classroom management; and second language acquisition and (c) affective areas of interpersonal relations of students and faculty, student growth and development and staff communication, problem solving, and decision making. The in-service program shall fulfill all applicable statutory requirements, especially those delineated in CGS 10-220a.

The Superintendent shall provide the staff with opportunities in areas such as the following:

1. Released time and leaves of absence for travel and study.
2. Visits to other classrooms and other schools for purposes of problem solving, experimenting and interacting professionally with colleagues.
3. Conferences involving other personnel from the district, county, state, region and nation for purposes of problem solving, experimenting and interacting professionally with colleagues.
4. Writing of professional journal articles.
5. Opportunities for curriculum development.
6. Training classes and workshops offered within the district which fulfills "*Connecticut's Guidelines for the Issuance of Continuing Education Units Required for Certification.*"
7. Further training at, or in cooperation with, institutions of higher learning, as provided by law.
8. A full and up-to-date professional library for the certified staff made available for optimum reference use.
9. Professional educational conferences.

The Board will allow any paraprofessional or noncertified employee of the District to participate, on a voluntary basis, in any in-service training program provided to certified staff on those topics mandated per C.G.S. 10-220a, subsection (a).

The Superintendent is to report annually to the Board of Education on the professional development program and its effect with recommendations for changes as needed.

## Personnel -- Certified

### Staff Development (continued)

(cf. 4115 - Evaluation)

(cf. 4131.5 - Continuing Education Units)

Legal Reference: Connecticut General Statutes

10-27 Exchange of professional personnel and students.

10-220a In-service training. (amended by PA 04-227, PA 08-160, June 19 Special Session, Public Act No. 09-1 and PA 10-91)

10-153b Selection of teachers' representatives

10-226f Coordinator of intergroup relations.

10-226g Intergroup relations training for teachers.

10-145b Teaching certificates (as amended by PA 01-173)

Policy adopted:

rev 3/00

rev 7/00

rev. 6/04

rev 7/08

rev 11/09

rev 6/10

## Connecticut General Statutes 10-220a - In-service Training

### A. Required In-service Topics for Certified Personnel

1. Nature and the relationships of drugs and alcohol to health and personality development and procedures for discouraging their abuse.
2. Health and mental health risk reduction education including, but not limited to the prevention of risk-taking behavior by children and the relationship of such behavior to substance abuse, pregnancy, sexually transmitted diseases, including HIV-infection and AIDS, violence, teen dating, domestic violence, child abuse and youth suicide.
3. Growth and development of exceptional children, including handicapped and gifted and talented children including but not limited to, children with attention deficit hyperactivity disorder or learning disabilities who may require special education, and methods for identifying, planning and working effectively with special needs children in a regular classroom
4. School violence prevention and conflict resolution and the prevention of and response to youth suicide.
5. Identification and prevention of bullying and response to bullying, as defined in 10-222d, subsection (a) as amended. (Boards that implement an evidence-based model approach approved by the SDE are not required to provide in-service training on prevention of bullying.)
6. Cardiopulmonary resuscitation and other emergency life saving procedures.
7. Computer and other information technology as applied to student learning and classroom instruction, communications and data management.
8. Teaching of the language arts, reading and reading readiness and assessment of reading performance including methods of teaching language skills necessary for reading, comprehension skills, phonics and the structure of the English language for teachers in grades kindergarten to three, inclusive. (15 hours every 5 years)
9. Second language acquisition in districts required to provide a program of bilingual education pursuant to C.G.S. 10-17f.
10. Requirements and obligations of a mandated reporter regarding reporting of child abuse and neglect.
11. Elementary, middle, and high school teachers must include 15 hours of training in the use of computers in the classroom every five years. Teachers, regardless of grade level, who can demonstrate technology competency, in a manner determined by the Board of Education, based on statewide standards for teacher competency in the use of instructional technology, shall be exempted from this requirement.
12. Training in the evaluation of teachers for superintendents and those employees employed in positions requiring an intermediate administrator or supervisory certificate whose duties equal at least 50% of the assigned time. (15 hours every 5 years)

## Connecticut General Statutes 10-220a - In-service Training

### B. Optional In-Service Topics for Certified Personnel

- Holocaust and genocide education and awareness
- African-American History
- Puerto-Rican History
- Native American History
- Personal Financial Management
- The historical events surrounding the Great Famine in Ireland
- Domestic Violence and Teen Dating Violence

*A sample regulation to consider.*

## **Personnel -- Certified**

### **Staff Development**

The implementation of Board of Education policy 4131 necessitates as per Connecticut General Statutes No. 10-220a the development and implementation of a five-year professional development plan. To meet this request, the administration will take the following steps:

- a. Establish two staff development committees - one elementary and one secondary - with the majority of members representing those to be served by the professional development program. These committees will be responsible for the planning of the professional development plan.
- b. The plan will include a needs assessment process which will be comprehensive, broadbased and ongoing and which will use multiple sources for input.
- c. The plan will include both short and long range goals and activities.
- d. The plan will include at least three levels of activities (district-wide, school and individual) such as:
  - attendance at professional meetings
  - curriculum development committees
  - professional institutes and conferences
  - mini-grants for teachers to develop activities designed to improve instruction
  - plan for, research, and/or develop new instructional materials
  - research projects
  - committees to focus on discipline, school climate, school goals
  - visitations to other classrooms and schools

## **Personnel -- Certified**

### **Staff Development (continued)**

- e. Establish a district-wide steering committee responsible for the implementation and evaluation of the professional development plan.
- f. The administration will prepare an annual staff development budget for Board approval.
- g. The districts will prepare an evaluation instrument that will assess the effectiveness of the staff development plan on annual basis.
- h. Results of the evaluation process will be used to improve and develop future staff development plans.

Regulation approved:

*Optional policy. Policy not required by state law  
but is CABE recommended.*

## **Personnel -- Certified**

### **Continuing Education Units (CEUs)**

The Board of Education believes in the importance of teachers holding a professional certificate participating in continuing educational units (CEUs) as part of their professional and educational development on a regular basis. This belief is based upon the knowledge that student learning is directly affected by teacher competence and that teacher competence is enhanced by ongoing professional development and continuous learning. Teachers, like students, must be continual learners.

State law requires the successful completion of 9 CEUs every five years in order for a holder to maintain a professional educator certificate. A certified staff member providing documented completion of a national board certification assessment in the appropriate endorsement area during each 5 year period shall be exempt from this requirement. In order to achieve this goal, the Board will make available annually at no cost to its certified employees, not fewer than eighteen, 60-minute instructional contact hours of professional development activities for CEUs. Only CEUs awarded by providers approved by the State Department of Education may be used to fulfill the CEU requirements.

The specific professional development activities to be made available will be determined with the advice and assistance of the professional development council which will include a representative of the teachers' union. The time, location and substance of these professional development activities shall be approved by the Board.

All professional development for which CEUs are issued must focus on improved student learning. All learning experiences for which CEUs are awarded should enrich or improve the skills, knowledge and abilities of educators to improve student learning. Professional development, for which CEUs can be offered include workshop presentations, time spent in learning, problem solving, experimenting, interacting with colleagues, developing curriculum and writing professional journal articles. The focus for professional development activities in establishing a link between effective teaching and increased learning shall be *Connecticut's Common Core of Learning, Connecticut Framework: K-12 Curriculum Goals and Standards, Connecticut's Common Core of Teaching and Connecticut Guidelines for Teacher Evaluation and Professional Development*.

The Board of Education may award a CEU equivalent to any of its employees for the successful completion of professional development activities which are not necessarily offered by an approved CEU provider. Any combination of CEUs and CEU equivalents can be used toward the 9 CEU requirement every five years. All CEUs may be earned as CEU equivalents.

Legal Reference: Connecticut General Statutes  
10-145b Teaching certificates (as amended by PA 01-173)  
10-220a In-service training  
PA 95-58 An Act Concerning Teacher Evaluations, Tenure, and Dismissals

Policy adopted:

rev 3/00

rev. 7/01

*A sample, optional, regulation to consider.*

## **Personnel -- Certified**

### **Continuing Education Units (CEUs)**

#### **Board's Role**

The Board shall, through its Superintendent and the Professional Development Manager, determine the specific professional development activities to be made available with the advice and assistance of the teachers employed by such Board, including representatives of the bargaining unit for such teachers.

The Board is not responsible for costs incurred by any staff member electing to obtain CEU(s) or CEU equivalents in a program other than the 18 hours of professional development activities approved by the Board.

The Board shall attest to the State Department of Education in such form and at such time as the Commissioner shall prescribe, that professional development activities for continuing education unit credit are granted in accordance with the procedure established by the State Board of Education.

#### **Focus of CEU Activities**

All professional development for which CEUs are issued must focus on improved student learning. All learning experiences for which CEUs are awarded should enrich or improve the skills, knowledge and abilities of educators to improve student learning. Professional development, for which CEUs can be offered include workshop presentations, time spent in learning, problem solving, experimenting, interacting with colleagues, developing curriculum and writing professional journal articles. The focus for professional development activities in establishing a link between effective teaching and increased learning shall be *Connecticut's Common Core of Learning, Connecticut Framework: K-12 Curriculum Goals and Standards, Connecticut's Common Core of Teaching* and *Connecticut Guidelines for Teacher Evaluation and Professional Development*.

#### **Professional Development Manager's Role**

A Professional Development Manager (or a designee of the Superintendent) will be responsible for managing the CEU program. At the beginning of each school year the Professional Development Manager will report to the Board his/her plan for offering the CEUs for certified staff holding professional educator certificates. Additionally, the Superintendent/Professional Development manager will submit a personal plan for obtaining continuing education units.

#### **Teacher's Role**

It is the responsibility of the teacher to maintain a record of his/her CEUs or CEU equivalents, earned during each consecutive five-year period, and for providing the State Department of Education with documentation of earned CEUs for updated certification.

## **Personnel -- Certified**

### **Continuing Education Units (CEUs)**

#### **CEU Equivalents**

The Board will award CEU equivalents to its certified employees who hold a professional educator certificate for successful completion of professional development activities pre-approved by the Superintendent or his/her designee and carried out by a group or individual working in direct support of those goals and objectives. One CEU equivalent equals ten, 60-minute instructional periods. CEU equivalents shall not be awarded to activities for which the employee earns CEUs. The acquisition, not implementation, of skills, knowledge, and abilities in direct support of the goals and objectives of the district will be considered appropriate activities for earning CEU equivalents.

Legal Reference:        Connecticut General Statutes  
  
                                 10-145b Teaching certificates  
  
                                 10-220a Inservice training  
  
                                 PA 95-58 An Act Concerning Teacher Evaluations, Tenure, and Dismissals

Regulation approved:

rev 3/00

*A suggested policy to consider.*

## **Personnel -- Certified**

### **Publication or Creation of Materials (Version #1)**

Staff members are encouraged to contribute professional articles and news items to Local, State and National Agencies. As a matter of professional ethics, all professional articles should be cleared through the Office of the Superintendent of Schools in the event that the school system or any of its separate departments is mentioned.

The school system retains the right to legal claim on all products created by its employees on the job with the assistance of school system funds.

(cf. 4132.1 - Copyrights and Patents)

### **Publication and Creation of Materials (Version #2)**

All software or educational materials developed or created by professional staff in the performance job responsibilities will remain the property of the Board of Education which will retain all rights and privileges attendant to ownership. In the event such software or materials have commercial appeal or value, the Superintendent of Schools or his/her designee is authorized to secure any appropriate copyrights, patents, trademarks, or the like, in order to ensure the protection of such software or materials and the Board's ownership interest in the same. The Superintendent or his/her designee is further authorized to negotiate with the appropriate agencies for the production and distribution of such software or materials and related products.

### **Development of Software by Staff on Their Own Time**

Members of the professional staff who desire to develop software or materials on their own time and with their own resources and where such software has a connection to or is related to the District shall inform the Superintendent of Schools in writing of the intent to develop such software prior to commencing work on such software to ensure that any ownership interest of the Board of Education is protected and that such software will not interfere with the legitimate interests of the District.

### **Professional Articles and News Items**

Members of the professional staff are encouraged to contribute professional articles and similar materials for publication. To the extent that any such material refers to or reflects upon the District, such material should be submitted to the Superintendent of Schools for appropriate review and comment prior to publication.

Legal Reference: Public Act 94-553, The Copyright Act of 1976, 17 U.S.C.101 et seq.

Policy adopted:

cps 11/06

## **Personnel -- Certified**

### **Copyrights and Patents**

It is the policy of the \_\_\_\_\_ School District to respect the personal property of others, whether tangible or intangible, in accordance with the Copyright Act of 1976 as amended (17 U.S.C. §§101-120).

**Background:** Federal law protects the control of the distribution of intellectual property, including copyrighted materials. The law provides that the use of copyrighted material, under certain circumstances, is not copyright infringement and the permission of the copyright holder is not required. Duplication of copyrighted materials without written prior permission from the owner is prohibited except under the fair use doctrine articulated in Section 107 of the Act. Assessing fair use is a highly subjective process and for this reason, the Congress has published concrete guidelines for the copying of various media for educational purposes.

### **Implementation**

The Superintendent or his or her designee shall develop procedures to implement this policy which may include the federal guidelines published by Congress and other groups with expertise in this area.

- “Guidelines for Classroom Copying in Not-for-Profit Educational Institutions”
- “Guidelines for Off-Air Recording of Broadcast Programming for Educational Purposes” (developed by the Kastenmeier Subcommittee of the U.S. House Judiciary Committee in 1979).
- “Guidelines for Educational Uses of Music” published by the Media and Technology Services Area of the North Carolina Department of Public Instruction in 1979.
- Procedures for the protection of microcomputer software should take into consideration the guidelines developed by the International Council for Computers in Education (University of Oregon, Eugene, Oregon).

The Congressional guidelines represent the minimum fair use. Should a staff member or student want to use copyrighted materials in a manner that exceeds the guidelines, that individual shall seek permission from the copyright holder using the designated Board-approved permission form.

The Superintendent (Principal) will assure that students and staff are advised of this policy at least annually and are educated about the use of this policy and its accompanying procedures.

## Personnel -- Certified

### Copyrights and Patents (continued)

#### Student and Staff Responsibilities

All students and staff members are responsible for complying with this policy and its accompanying procedures. Any student or staff member who willfully fails to seek permission from the copyright owner prior to using copyrighted materials in a manner that exceeds the fair use guidelines shall be considered personally liable for any results of their actions and shall be considered to have acted in violation of this policy.

#### Ownership of Work

1. **Employee work:** All work completed by employees as part of their employment shall be considered works "made for hire." The Board of Education on behalf of the District shall own any and all rights to such works including any and all derivative works, unless there is a written agreement to the contrary. All work owned by the Board shall be accompanied by a standard copyright notice.
2. **Student Work:** All work completed by students as a part of the regular instructional program is owned by that student as soon as it is created, unless such work is created while the student is acting as an employee of the school system or unless such work has been paid for under a written agreement with the school system. Such work shall be considered a work made for hire and shall be the property of the Board of Education. All student work that is owned by the student shall be accompanied by a standard copyright notice. Staff members shall obtain a student's permission prior to distributing his/her work to parties outside the school.

#### Violations

Staff members who violate the provisions of this policy shall be considered to have committed misconduct while employed and such misconduct shall be grounds for disciplinary action.

Students who violate the provisions of this policy shall be disciplined in accordance with the student discipline policy.

Legal Reference: 17 U.S.C. §§101-120 (Copyright Act of 1976 as amended)

Policy adopted:

cps 11/06

# CABE Policy Service

**Connecticut Association of Boards of Education, Inc.**

**81 Wolcott Hill Road • Wethersfield, CT 06109-1242 • (860) 571-7446 • Fax (860) 571-7452**

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March 1, 2012



Dr. Guy Stella  
Superintendent of Schools  
Woodbridge Public Schools  
40 Beecher Street South  
Woodbridge, CT 06525-2006

Dear Dr. Stella:

Enclosed is the first draft of Series 4000 addressing the personnel operations of the Woodbridge Public Schools. This draft should be reviewed by the Policy Committee.

All existing policies were used in this draft. Many sample policies are provided for consideration. As with previous sections, the "Check-off List of Required and Good Practice Policies" will assist the committee in deciding which policies, if any, they may want to eliminate.

I believe the sample policies/regulations will be useful to compare with current policies and practice. If additional information is desired on a topic, please call me. Feel free to adapt or modify any of these policies for you respective community.

The enclosed material includes:

1. *"The Governance Manual: What it Should Contain for Personnel - Series 4000"* provides a brief overview of this series.
2. *"Check-off List of Required and Good Practice Policies"* will assist the Policy Committee to understand the policies and regulations required by law and the ones which are good practice. Most of the good practice policies are self explanatory.

Dr. Guy Stella  
March 1, 2012  
Page 2

3. *"CABE Policy Review of Existing Woodbridge Material"* (an adapted table of contents that indicates the existing policies used in this draft). This handout notes whether the item was kept, modified, eliminated or sample materials provided.
4. First draft of Series 4000 table of contents.
5. First draft of Series 4000 material.

This material should be copied and disseminated to the members of the Policy Committee. Call me if you have any questions.

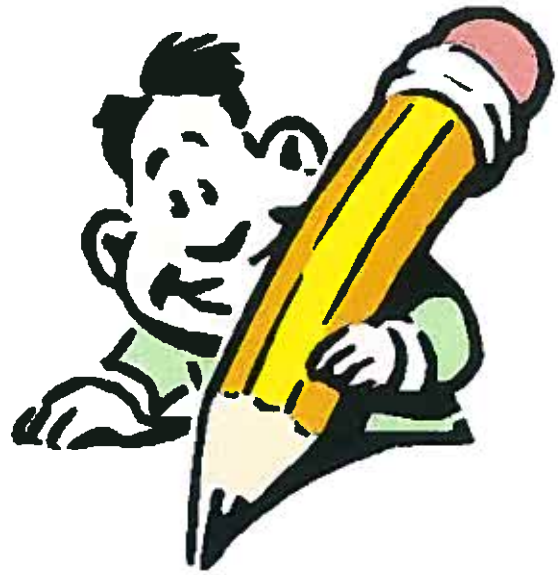
Sincerely,



Vincent A. Mustaro  
Senior Staff Associate  
*for* Policy Service

Enclosure

esp



# **JUST A REMINDER TO POLICY REVIEW COMMITTEE**

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**Please make all changes/modifications in **RED PEN** and return **THIS ENTIRE WORKING PACKET** (even rejections) back to **CABE** for processing of the second draft.**

We will return a clean copy with all modifications made by the Policy Review Committee.

# Packet Return Reminder

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When returning this packet back to CAFE, please take a moment to be sure you've included the following:

- Is the **Table of Contents** included?
- Are the **rejections** included the packet?
- Are all the **additions** and **revisions** marked clearly in **RED** pen?
- If the Board adopted this packet, did you provide an **adoption date**?

Is the entire packet (Series) complete?  Yes  No

If you answered "no" to the above question, how much of the packet is included (e.g., 1/2, 1/4, etc...)? \_\_\_\_\_

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

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

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

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

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

**Connecticut Association of Boards of Education**  
**Check-Off List of Required and Good Practice Policies**  
**Woodbridge Public Schools**

**Policies You Must Have**

Below is a list of the required personnel topics which must either be covered by a Board policy or in the contract. Included with the topic is the appropriate cite.

1.	Reduction in Force for Certified Staff Sec. 10-151 relates to policy 4117.3	Covered in Teacher Agreement
2.	Wages and Benefits Sec. 31-71f relates to policies 4141, 4142, 4143, 4144, 4145	Covered in Teacher, Administrator Agreements
3.	Nondiscrimination, Title IX of the Education Amendments of 1972. Establish school Board policies related to Title IX compliance, including approval of a nondiscrimination policy statement and grievance procedures for students and employees. The implementing regulations for Title IX, published in 1975, require that the policy must be well-publicized and in direct written communication to the students, parents and employees on at least a yearly basis. Schools must carry a statement of nondiscrimination on the basis on sex in bulletins, handbooks, announcements, applications forms, and any material which is used to recruit (86.9).	Covered in some Agreements.
4.	Affirmative Action Sec. 10-15c, 46a-60	4111/4211 4111.1/4211.1
5.	Drugs and Alcohol <i>The Drug-Free Schools and Community Act and the Drug-Free Workplace prohibit the use, consumption, manufacture, distribution of alcohol and drugs in the workplace. All employees need to be informed of the standard of conduct, the consequences if they do not adhere to the standard, and alcohol and drug counseling and rehabilitation programs in the area. To meet this notification requirement, some districts notify employees through the employee handbook while other districts have developed a policy and regulation which is given to employees upon employment. A policy and regulation is not required by either Act.</i>	4118.231/4218.231
6.	Prohibition on Recommendation for Psychotropic Drugs	4118.234
7.	Drug and Alcohol Testing for Bus Drivers	4212.42

**Connecticut Association of Boards of Education**  
**Check-Off List of Required and Good Practice Policies**  
**Woodbridge Public Schools**

**Good Practice Policies or Policies You May Need**

1.	Personnel Policies for Staff not Represented by a Union	4100s/4200s
2.	Health Examinations	4112.4/4212.4
3.	Access to Employee Records Sec. 10-151a & 10-151c	4112.6/4212.6
4.	Nepotism	4112.8/4212.8
5.	Transfer/Reassignment	4114/4214, mentioned in most agreements also
6.	Evaluation Guidelines for Certified Staff Sec. 10-151b	4115
7.	Non-renewal/Suspension for Certified Staff	4117.4
8.	Dismissal/Suspension for Non-Certified Staff	4217.4
9.	Grievance Procedure for Non-Renewal of Employment for Certified Staff.	4118.111
10.	Sexual Harassment	4118.112/4218.112
11.	Disabilities <i>Advised to have a policy/regulation concerning this pursuant to the Americans with Disabilities Act</i>	4118.14/4218.14
12.	Smoking and Non-Smoking Areas Sec. 31-40q <i>Smoking is prohibited, as of October 1, 1993 in all school buildings.</i>	1331, 4118.231, 4218.231, 5131.6
13.	Childbearing Leave Sec. 46a-60	4152.3/4252.3 Covered in some contracts
14.	Staff Development	4131/4231

**Connecticut Association of Boards of Education**  
**Check-Off List of Required and Good Practice Policies**  
**Woodbridge Public Schools**

**Good Practice Policies or Policies You May Need (continued)**

15.	Travel; Reimbursement	4133/4211 and in some contracts
16.	Organizations/Units	4135/4235
17.	Employee Protection	4148/4248
18.	Leaves (Short-Term/Long-Term)	Covered by contracts.
19.	Holidays and Vacations	Covered by contracts.
20.	Family and Medical Leave Act	4152.6/4252.6 (See included materials)

# CABE's Policy Review of Woodbridge Existing Policy Material

Series 4000 - Personnel -- Certified/Non-Certified

Page 1

Policy Topic Title	Number	Former Number	Former/Taken/Action Taken			Sample provided		Date Adopted
			Appropriate as written	Same Modified	Not Used	Policy	Regulation	
Concept and Roles in Personnel	4000					X		
Title IX	4000.1					X		
Goals and Objectives	4010							
Certified Personnel	4100					X		
Permanent Personnel	4110					X		
<b>*Recruitment and Selection</b>	<b>4111</b>					<b>X</b>	<b>X</b>	
<b>*Equal Employment Opportunity</b>	<b>4111.1</b>					<b>X</b>		
Vacancies	4111.2							
Minority Recruitment	4111.3	4119	X			X		2/25/02
Appointment and Conditions of Employment	4112					X		
Appointment of Chairperson	4112.1					X		
Non-Union Personnel	4112.11					X		
Certification	4112.2					X		
Oaths	4112.3							
Health Examination	4112.4	4112.5	X				X	7/17/06
Pre-Employment Drug Screening Test	4112.421							
<b>Security/Credit Check</b>	<b>4112.5</b>	<b>4112.5</b>				<b>X</b>		<b>unknown</b>
Reference Checks	4112.51							
Personnel Records	4112.6					X		
Use and Disclosure of Employee Medical Information (HIPAA)	4112.61					X		
Orientation	4112.7							
Nepotism, Husband/Wife Employment	4112.8					X		
Assignment	4113							
Load/Scheduling/Hours of Employment	4113.1							
Non-Teaching Duties	4113.11							

**\* Bolded line indicates policies which boards of education must have due to federal or state law**

**\*\* Needed if not covered in negotiated agreements**

**CABE's Policy Review of Woodbridge Existing Policy Material**  
 Series 4000 - Personnel -- Certified/Non-Certified

Policy Topic Title	Number	Former Number	Former /Taken/Action Taken			Sample provided		Date Adopted
			Appropriate as written	Same Modified	Not Used	Policy	Regulation	
Promotion/Demotion	4113.2					X		
Work Year	4113.3							
Job Sharing	4113.4							
Equity in Staff Assignments	4113.5							
Transfer/Reassignment	4114							
Evaluation/Supervision	4115					X	X	
Teacher Recognition	4115.1							
Evaluation Coaches	4115.3					X	X	
Probationary/Tenure Status	4116					X		
Seniority	4116.1							
Separation/Disciplinary Action	4117					X		
Retirement	4117.1							
Separation/Change of Status	4117.11							
Purchase of Health Insurance	4117.12					X		
Resignation	4117.2					X		
<b>**Personnel Reduction</b>	<b>4117.3</b>							
Return to Work	4117.31					X	X	
Dismissal/Suspension	4117.4					X		
Just Cause	4117.41					X		
Notice; Hearings	4117.42							
Rights of Appeal	4117.43							
Termination of Employment	4117.5					X		
Exit Interviews	4117.6							
Rights, Responsibilities and Duties	4118					X		
Civil and Legal Rights	4118.1							

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**CABE's Policy Review of Woodbridge Existing Policy Material**  
 Series 4000 - Personnel – Certified/Non-Certified

Policy Topic Title	Number	Former Number	Former /Taken/Action Taken			Sample provided		Date Adopted
			Appropriate as written	Same Modified	Not Used	Policy	Regulation	
<b>*Nondiscrimination</b>	<b>4118.11</b>					X	X	
Sexual Harassment	4118.112	4118.112	X			X	X	12/12/07
Freedom of Speech	4118.12					X		
Conflict of Interest	4118.13					X		
Harassment	4118.113	4117	X			X	X	2/23/04
Disabilities	4118.14					X	X	
Workplace Bullying (Congenial and Healthy Workplace)	4118.15							
Professional Responsibilities	4118.2					X		
Academic Freedom	4118.21					X	X	
Retaliation and Whistle-Blowing	4118.211					X		
Display of Religious Symbols and Decorations	4118.121					X		
Code of Ethics	4118.22					X	X	
Conduct of Dress	4118.23					X		
<b>*Smoking, Drinking &amp; Use of Drugs on School Premises</b>	<b>4118.231</b>	<b>5131.8</b>	X					9/17/02
Drug-Free Workplace	4118.232	5131.7	X					3/29/93
Weapons and Dangerous Instruments	4118.233					X		
<b>Prohibition on Recommendations for Psychotropic Drugs</b>	<b>4118.234</b>					X	X	
Staff/Student Relations	4118.24					X	X	
Duties/Job Description	4118.31					X		
Electronic Monitoring	4118.4					X		
Acceptable Computer Network Use	4118.5					X	X	
Social Networking	4118.51					X	X	
Use of New Web Tools (Blogging/Podcasting)	4118.52					X	X	
Cellular Telephones	4118.6					X	X	
Staff Laptop Use	4118.7					X		

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**CABE's Policy Review of Woodbridge Existing Policy Material**  
 Series 4000 - Personnel -- Certified/Non-Certified

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Policy Topic Title	Number	Former Number	Former /Taken/Action Taken			Sample provided		Date Adopted
			Appropriate as written	Same Modified	Not Used	Policy	Regulation	
Personal Network Device Policy	4118.8					X	X	
Staff Conduct	4119							
Temporary and Part-Time Personnel	4120					X		
Substitute Teachers	4121					X		
Long-Term Substitute Teachers	4121.1							
Student Teachers/Internships	4122					X	X	
Internship in School Administration and Supervision	4122.1							
Home Teachers	4123							
Summer School Teachers	4124							
Adult Education Teachers	4125							
Consultants	4126							
Activities	4130							
Staff Development	4131					X	X	
Exchange Teaching; Exchange of Administrators/Supervisors	4131.1							
Contribution to Fields of Knowledge	4131.2							
In-Service Education/Independent Study	4131.3							
Visitations; Conferences	4131.4							
Continuing Education Units	4131.5					X	X	
Staff Technology Competencies	4131.6							
Publication or Creation of Materials	4132					X		
Copyrights and Patents	4132.1					X		
Travel; Reimbursement	4133					X		
Use of Board of Education Vehicles or Privately Owned Vehicles	4133.1					X		
Tutoring	4134	4134				X		10/21/02
Organizations/Units	4135							

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**CABE's Policy Review of Woodbridge Existing Policy Material**  
 Series 4000 - Personnel -- Certified/Non-Certified  
 Page 5

Policy Topic Title	Number	Former Number	Former/Taken/Action Taken			Sample provided Policy	Regulation	Date Adopted
			Appropriate as written	Same Modified	Not Used			
Agreement	4135.1							
Recognition	4135.11							
Personnel Covered	4135.12							
Board/School System Rights	4135.13							
Federation/ Association Rights	4135.14							
Savings Clause	4135.15							
Work Stoppages	4135.16							
Communications/Contacts	4135.2							
Negotiations/Consultation	4135.3							
Grievance/Complaints	4135.4					X		
Meetings	4136							
Soliciting and Selling	4137							
Non-School Employment	4138					X		
Consulting	4138.1							
Compensation and Related Benefits	4140							
Non-Bargaining Unit Employees	4140.2					X		
**Salary Guides	4141							
**Salary Checks and Deductions	4142							
**Extra Pay for Work	4143							
Mini-Grants for Teachers	4143.1							
**Insurance/Health & Welfare Benefits	4144							
**Retirement Compensation	4145							
Tax-sheltered Annuities	4145.1							
Employment-Related Accommodations	4146							
Credit Union	4146.1							

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**CABE's Policy Review of Woodbridge Existing Policy Material**  
 Series 4000 - Personnel -- Certified/Non-Certified

Policy Topic Title	Number	Former Number	Former/Taken/Action Taken			Sample provided		Date Adopted
			Appropriate as written	Same Modified	Not Used	Policy	Regulation	
Gifts/Awards from Board of Education	4146.2							
Employee Amenities	4146.3							
Protective Clothing/Devices	4146.4							
Professional Library	4146.5							
Employee Safety	4147					X		
Bloodborne Pathogens	4147.1					X	X	
Handling Foreign Blood/Bodily Fluids	4147.2							
Fifth Disease - Parvo Virus	4147.21							
Employee Protection	4148					X		
Employee Safety	4148.1					X	X	
Employee Identification Badge System	4148.2/4218.2					X		
Leaves and Vacations	4150							
Short-Term Leaves	4151							
Personal Illness and Injury	4151.1							
Worker's Compensation	4151.11							
Family Illness/Quarantine	4151.2							
Bereavement	4151.3							
Professional Purposes	4151.4							
Legal and Civic Duties	4151.5							
Religious Observance	4151.6							
Emergency /Personal	4151.7							
Association	4151.8							
Military	4151.9					X	X	
Long-Term Leaves	4152							
Sabbatical	4152.1							

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**CABE's Policy Review of Woodbridge Existing Policy Material**  
 Series 4000 - Personnel -- Certified/Non-Certified

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Policy Topic Title	Number	Former Number	Former /Taken/Action Taken			Sample provided		Date Adopted
			Appropriate as written	Same Modified	Not Used	Policy	Regulation	
Professional	4152.2							
Maternity; Adoptive; Child Care	4152.3							
Military Leave	4152.4							
Health and Hardship	4152.5							
Family and Medical Leave Act	4152.6					X	X	
Political	4152.7							
Association	4152.8							
Vacations/Holidays	4153							
Leave For Governmental Service	4155							
Jury Duty	4158							
Non-Certified Personnel	4200							
Permanent Personnel	4210					See 4110		
<b>*Recruitment and Selection</b>						See		
	<b>4211</b>					4111/X	See 4111	
<b>*Equal Employment Opportunity</b>						See		
	<b>4211.1</b>					4111.1/X	X	
Vacancies	4211.2							
Appointment and Conditions of Employment	4212					See 4112		
Contract	4212.1							
Non-Union Personnel	4212.11					See 4112.11		
Certification or Licensing	4212.2							
Oaths	4212.3							
Health Examinations	4212.4					X	See 4112.4/X	
<b>*Drug and Alcohol Testing for School Bus Drivers</b>	<b>4212.42</b>					X		

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# CABE's Policy Review of Woodbridge Existing Policy Material

Series 4000 - Personnel -- Certified/Non-Certified

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Policy Topic Title	Number	Former Number	Former /Taken/Action Taken			Sample provided		Date Adopted
			Appropriate as written	Same Modified	Not Used	Policy	Regulation	
Pre-Employment Drug Screening Test	4212.421							
Security/Credit Check	<b>4212.5</b>	See 4112.5				See 4112.5		
Personnel Records	4212.6					See 4112.6		
Orientation	4212.7							
Nepotism; Husband/Wife Employment	4212.8					See 4112.8		
Assignment	4213					X		
Load/Scheduling/Hours of Employment	4213.1							
Promotion/Demotion	4213.2							
Work Year	4213.3							
Dual Employment	4213.4							
Transfer/Reassignment	4214							
Evaluation/Supervision	4215					X		
Probationary/Continuing Contract Status	4216							
Seniority	4216.1							
Separation/Disciplinary Action	4217							
Retirement	4217.1							
Purchase of Health Insurance	4217.12					See 4117.12		
Resignation	4217.2					See 4117.2		
Personnel Reduction	4217.3							
Dismissal/Suspension	4217.4					X	X	
Just Cause	4217.41						X	
Notice; Hearing	4217.42							
Rights of Appeal	4217.43							
Rights, Responsibilities and Duties	4218							
Civil and Legal Rights	4218.1							

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**CABE's Policy Review of Woodbridge Existing Policy Material**  
**Series 4000 - Personnel -- Certified/Non-Certified**

Policy Topic Title	Number	Former Number	Former /Taken/Action Taken			Sample provided		Date Adopted
			Appropriate as written	Same Modified	Not Used	Policy	Regulation	
<b>*Nondiscrimination</b>	<b>4218.11</b>					<b>See 4118.11</b>	<b>See 4118.11</b>	
Grievance Procedure-Title IX	4218.111							
Sexual Harassment	4218.112	See 4118.112	X			See 4118.112	See 4118.112	12/12/01
Freedom of Speech	4218.12					See 4118.12		
Conflict of Interest	4218.13					See 4118.13		
Harassment	4218.113	See 4118.113				See 4118.113	See 4118.113	12/3/04
Disabilities	4218.14					See 4118.14	See 4118.14	
Professional Responsibilities	4218.2							
Academic Freedom	4218.21							
Code of Ethics	4218.22							
Conduct and Dress	4218.23					See 4118.23		
<b>Smoking, Drinking &amp; Use of Drugs on School Premises</b>	<b>4218.231</b>	See 4118.231	X			See 4118.231	See 4118.231	
Drug-Free Workplace	4218.232	5131.7	See 4118.232					2/29/93
Weapons	4218.233						See 4118.233	
Staff/Student Relations	4218.24					See 4118.24	See 4118.24	
Duties	4218.31					See 4118.71		
Electronic Monitoring	4218.4					See 4118.4		
Computer Use	4218.5					See 4118.5	See 4118.5	
Temporary and Part-Time Personnel	4220							

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# CABE's Policy Review of Woodbridge Existing Policy Material

Series 4000 - Personnel -- Certified/Non-Certified

Page 10

Policy Topic Title	Number	Former Number	Former /Taken/Action Taken			Sample provided		Date Adopted
			Appropriate as written	Same Modified	Not Used	Policy	Regulation	
Substitute	4221							
Teacher Aides/Paraprofessionals	4222					X		
Title I Paraprofessionals	4222.1					X		
Activities	4230							
Growth in Job Skills	4231							
Visitations; Conferences	4231.1							
Publication or Creation of Materials	4232							
Copyrights and Patents	4232.1							
Travel; Reimbursement	4233					See 4133		
Organizations/Units	4234							
Agreement	4234.1							
Recognition	4234.11							
Personnel Covered	4234.12							
Board/School System Rights	4234.13							
Association Rights	4234.14							
Savings Clause	4234.15							
Work Stoppages	4234.16							
Communications/Contacts	4234.2							
Negotiations/Consultation	4234.3							
Grievance/Complaints/Hearings	4234.4					See 4135.4		
Meetings	4235							
Soliciting and Selling	4236							
Non-School Employment	4238					See 4138		
Compensation and Related Benefits	4240							
Salary Guides	4241							

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**CABE's Policy Review of Woodbridge Existing Policy Material**  
**Series 4000 - Personnel -- Certified/Non-Certified**

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Policy Topic Title	Number	Former Number	Former /Taken/Action Taken			Sample provided		Date Adopted
			Appropriate as written	Same Modified	Not Used	Policy	Regulation	
Salary Checks and Deductions	4242							
Overtime Pay	4243							
Insurance/Health and Welfare Benefits	4244							
Retirement Compensation	4245							
Tax-sheltered Annuities	4245.1							
Employment-Related Accommodations	4246							
Credit Union	4246.1							
Gifts/Awards from Board of Education	4246.2							
Employee Amenities	4246.3							
Uniforms, Protective Clothing/Devices	4246.4							
Board Recognition of Serious Illness/Death in Immediate Family	4246.5							
Employee Safety	4247					See 4147		
Bloodborne Pathogens	4247.1					See 4147.1	See 4147.1	
Employee Protection	4248					See 4148		
Leaves and Vacations	4250							
Short-term Leaves	4251							
Personal Illness and Injury	4251.1							
Worker's Compensation	4251.11							
Family Illness/ Quarantine	4251.2							
Bereavement	4251.3							
Occupational Purposes	4251.4							
Legal and Civic Duties	4251.5							
Religious Observance	4251.6							
Emergency/Personal	4251.7							
Association	4251.8							

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# CABE's Policy Review of Woodbridge Existing Policy Material

Series 4000 - Personnel – Certified/Non-Certified

Page 12

Policy Topic Title	Number	Former Number	Former /Taken/Action Taken			Sample provided		Date Adopted
			Appropriate as written	Same Modified	Not Used	Policy	Regulation	
Military	4251.9					See 4151.9	See 4151.9	
Long-term Leaves	4252							
Sabbatical	4252.1							
Professional	4252.2							
Maternity; Adoptive; Child Care	4252.3							
Military	4252.4							
Health and Hardship	4252.5							
Personal	4252.6							
Political	4252.7							
Association	4252.8							
Vacation/Holiday	4253							

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\*\*Needed if not covered in negotiated agreements

**WOODBIDGE PUBLIC SCHOOLS  
PERSONNEL -- CERTIFIED & NON-CERTIFIED**

**SERIES 4000**

		Contract Policy or Supersedes Number Regulation Policy	
0.	Concept and Roles in Personnel .....	4000	P
A.	Title IX.....	4000.1	P
1.	Certified Personnel.....	4100	P
A.	Permanent Personnel .....	4110	P
(1)	<b>*Recruitment and Selection.....</b>	<b>4111</b>	<b>P/R</b>
(a)	<b>*Affirmative Action:</b>		
	<b>Equal Employment Opportunity .....</b>	<b>4111.1</b>	<b>P</b>
(b)	Vacancies.....	4111.2	T
(c)	Minority Recruitment Plan .....	4111.3	P
(2)	Appointment and Conditions of Employment .....	4112	P
(a)	Non-Union Personnel.....	4112.11	P
(b)	Certification.....	4112.2	P
(c)	Health Examinations.....	4112.4	P/R
(d)	<b>Security/Credit Check .....</b>	<b>4112.5</b>	<b>P/R</b>
(e)	Personnel Records.....	4112.6	P T
(f)	Use and Disclosure of Employee Medical Information (HIPAA) .....	4112.61	P
(g)	Nepotism; Employment of Relatives.....	4112.8	P
(3)	Assignment .....	4113	T
(a)	Load/Scheduling/Hours of Employment .....	4113.1	P T
(b)	Promotion/Demotion .....	4113.2	P
(c)	Work Year .....	4113.3	T
(d)	Job-Sharing.....	4113.4	T
(4)	Transfer/Reassignment .....	4114	T
(5)	Evaluation Supervision.....	4115	P
(a)	Evaluation Coaches.....	4115.3	P/R
(6)	Probationary/Tenure Status .....	4116	P
(7)	Separation/Disciplinary Action .....	4117	P
(a)	Separation/Change of Status .....	4117.21	P/R T
(b)	Purchase of Health Insurance.....	4117.12	P
(c)	Resignation.....	4117.2	P
(d)	<b>**Personnel Reduction .....</b>	<b>4117.3</b>	<b>T</b>
(e)	Return to Work.....	4117.31	P/R T
(f)	Non-renewal/Suspension .....	4117.4	P
(i)	Just Cause.....	4117.41	P T
(g)	Termination of Employment.....	4117.5	P

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**WOODBRIAGE PUBLIC SCHOOLS  
PERSONNEL -- CERTIFIED & NON-CERTIFIED**

**SERIES 4000**

		Contract Policy or Supersedes Number Regulation Policy	
(8)	Rights, Responsibilities and Duties.....	4118	P
(a)	Civil and Legal Rights		
(i)	<b>Nondiscrimination.....</b>	<b>4118.11</b>	<b>P/R A</b>
(a)	Sexual Harassment.....	4118.112	P/R
(ii)	Harassment.....	4118.113	P/R
(iii)	Freedom of Speech.....	4118.12	P
(a)	Display of Religious Symbols and Decorations.....	4118.121	P
(iv)	Conflict of Interest .....	4118.13	P
(v)	Disabilities.....	4118.14	P/R
(b)	Professional Responsibilities		
(i)	Academic Freedom .....	4118.21	P/R
(ii)	Retaliation and Whistle Blowing....	4118.211	P
(iii)	Code of Ethics.....	4118.22	P/R
(iv)	Conduct and Dress .....	4118.23	P
(a)	<b>*Alcohol, Drugs and Tobacco.....</b>	<b>4118.231</b>	<b>P/R</b>
(b)	Drug-Free Workplace .....	4118.232	P
(c)	Weapons and Dangerous Instruments.....	4118.233	P/R
(d)	<b>Prohibition on Recommendations For Psychotropic Drugs....</b>	<b>4118.234</b>	<b>P</b>
(c)	Duties (Job Description) .....	4118.31	P A
(d)	Electronic Monitoring.....	4118.4	P
(e)	Acceptable Computer Network Use .....	4118.5	P/R
(f)	Social Networking.....	4118.51	P/R
(g)	Use of New Web Tools (Blogging/Podcasting).....	4118.52	P
(h)	Cellular Telephones .....	4118.6	P
(i)	Staff Laptop Use.....	4118.7	P
(j)	Personal Network Device Policy .....	4118.8	P/R
B.	Temporary and Part-Time Personnel .....	4120	P
(1)	Substitute Teachers.....	4121	P
(2)	Student Teachers/Internships.....	4122	P/R
C.	Activities		
(1)	Staff Development.....	4131	P/R A
(a)	Contributions to Fields of Knowledge.....	4131.2	P
(b)	Continuing Education Units (CEUs).....	4131.5	P/R
(2)	Publication or Creation of Materials .....	4132	P
(a)	Copyrights and Patents.....	4132.1	P

**\*Bolded line indicates policies which boards of education must have due to federal or state law**

**WOODBIDGE PUBLIC SCHOOLS  
PERSONNEL -- CERTIFIED & NON-CERTIFIED**

**SERIES 4000**

			Contract Policy or Supersedes Number Regulation Policy
(3)	Travel; Reimbursement .....	4133	P T
(a)	Use of Board of Education Vehicles or Privately Owned .....	4133.1	P
(4)	Tutoring .....	4134	P
(5)	Organizations/Units .....	4135	T,A
(a)	Agreement .....	4135.1	T,A
(i)	Recognition .....	4135.11	T,A
(ii)	Personnel Covered .....	4135.12	T,A
(iii)	Board/School System Rights .....	4135.13	T,A
(iv)	Savings Clause .....	4135.15	T,A
(b)	Communications/Contracts.....	4135.2	T
(c)	Negotiations/Consultation .....	4135.3	T
(d)	Grievances/Complaints .....	4135.4	P T,A
(6)	Meetings.....	4136	T
(7)	Non-School Employment .....	4138	P
D.	Compensation and Related Benefits .....	4140	T,A
(a)	Non-Bargaining Unit Employees.....	4140.2	P T,A
(1)	<b>**Salary Guides .....</b>	<b>4141</b>	<b>T,A</b>
(2)	<b>**Salary Checks and Deductions .....</b>	<b>4142</b>	<b>T,A</b>
(3)	<b>**Extra Pay for Extra Work.....</b>	<b>4143</b>	<b>T</b>
(4)	<b>**Insurance/Health &amp; Welfare Benefits.....</b>	<b>4144</b>	<b>T,A</b>
(5)	<b>**Retirement Compensation.....</b>	<b>4145</b>	<b>T</b>
(a)	Tax-Sheltered Annuities .....	4145.1	T
(6)	Employee Safety .....	4147	P
(a)	Occupational Exposure to Bloodborne Pathogens .....	4147.1	P/R
(7)	Employee Protection.....	4148	P
(a)	Employee Safety.....	4148.1	P/R
(b)	Employee Identification Badge System.....	4148.2	P/R
E.	Leaves and Vacations .....	4150	T,A
(1)	Short-Term Leaves .....	4151	T,A
(a)	Personal Illness and Injury .....	4151.1	T,A
(i)	Worker's Compensation .....	4151.11	T
(b)	Family Illness/Quarantine .....	4151.2	A
(c)	Bereavement.....	4151.3	T
(d)	Professional Purposes .....	4151.4	T
(e)	Legal and Civic Duties.....	4151.5	T,A
(f)	Religious Observance .....	4151.6	A

**\*Bolded line indicates policies which boards of education must have due to federal or state law**  
**\*\*Needed if not covered in negotiated agreements**

**WOODBRIIDGE PUBLIC SCHOOLS  
PERSONNEL -- CERTIFIED & NON-CERTIFIED**

**SERIES 4000**

		Contract Policy or Supersedes Number Regulation Policy
	(g) Emergency/Personal.....	4151.7 T,A
	(h) Family Violence Victims .....	4151.71 P
	(h) Association.....	4151.8 P
	(i) Military .....	4151.9 P/R
(2)	Long-Term Leaves.....	4152 T
	(a) Sabbatical .....	4152.1 T
	(b) Maternity; Adoptive; Child Care/ Paternity.....	4152.3 T
	(c) Military .....	4152.4 P/R
	(d) Personal/Family and Medical Leave.....	4152.6 P/R T
(3)	Vacations/Holidays.....	4153 A
(4)	Jury Duty.....	4158 T,A
2. Non-Certificated Personnel		
A.	Permanent Personnel .....	4210 P*
(1)	<b>*Recruitment and Selection.....</b>	<b>4211 P/R*</b>
	(a) <b>*Affirmative Action: Equal Employment Opportunity .....</b>	<b>4211.1 P*</b>
	(b) Vacancies.....	4211.2 C
	(c) Minority Recruitment Plan .....	4211.3 P*
(2)	Appointment and Conditions of Employment .....	4212 P*
	(a) Non-Union Personnel.....	4212.11 P*
	(b) Health Examinations.....	4212.4 P/R* C
	(i) <b>*Drug and Alcohol Testing for School Bus Drivers .....</b>	<b>4212.42 P</b>
	(ii) Pre-Employment Drug Screening Test .....	4212.421 P
	(c) <b>Security/Credit Check .....</b>	<b>4212.5 P/R*</b>
	(d) Personnel Records.....	4212.6 P*
	(e) Employment Medical Information (HIPAA) .....	4212.61 P*
	(f) Nepotism; Employment of Relatives.....	4212.8 P*
(3)	Assignment .....	4213 C,P
	(a) Load/Scheduling/Hours of Employment ....	4213.1 C,P
	(b) Work Year .....	4213.3 C,P
(4)	Transfer/Reassignment .....	4214 C,P
(5)	Evaluation Supervision.....	4215 P C
(6)	Probationary/Continuing Contract Status .....	4216 P
	(a) Seniority .....	4216.1 C,P
(7)	Separation/Disciplinary Action .....	4217 C,P
	(a) Resignation.....	4217.2 P* P

**\*Bolted line indicates policies which boards of education must have due to federal or state law**

Note: Legend follows last page of this table of contents.

**WOODBRIIDGE PUBLIC SCHOOLS**  
**PERSONNEL -- CERTIFIED & NON-CERTIFIED**

**SERIES 4000**

			Contract Policy or Supersedes Number Regulation Policy
	(b) Purchase of Health Insurance.....	4217.12	P*
	(c) Layoff/Rehire .....	4217.3	C,P
	(d) Dismissal/Suspension .....	4217.4	P/R C
	(i) Just Cause.....	4217.41	R
(8)	Rights, Responsibilities and Duties		
	(a) Civil and Legal Rights		
	(i) <b>*Nondiscrimination.....</b>	<b>4218.11</b>	<b>P/R* C</b>
	(a) Sexual Harassment.....	4218.112	P/R*
	(ii) Freedom of Speech.....	4218.12	P*
	(iii) Conflict of Interest .....	4218.13	P*
	(iv) Harassment.....	4218.113	P/R*
	(v) Disabilities.....	4218.14	P/R*
	(b) Professional Responsibilities		
	(i) Retaliation and Whistle Blowing....	4218.211	P*
	(ii) Conduct and Dress .....	4218.23	P*
	(a) <b>*Alcohol, Drugs and Tobacco .....</b>	<b>4218.231</b>	<b>P/R*</b>
	(b) <b>Drug Free Workplace.....</b>	<b>4218.232</b>	<b>P*</b>
	(iii) Weapons.....	4218.233	P*
	(iv) Staff/Student Relations .....	4218.24	P/R*
	(c) Duties.....	4218.3	P
	(i) Librarians.....	4218.31	P*
	(ii) Electronic Monitoring.....	4218.4	P*
	(iii) Computer Use.....	4218.5	P/R*
	(iv) Social Networking.....	4218.51	P/R*
	(v) Blogging/Podcasting .....	4218.52	P/R*
	(vi) Cellular Telephones .....	4218.6	P/R*
	(vii) Personal Network Device .....	4218.8	P/R*
B.	Temporary and Part-Time Personnel .....	4220	C
	(1) Teacher Aides/Paraprofessionals .....	4222	P/R
	(a) Title I Paraprofessionals.....	4222.1	P
C.	Activities		
	(1) Travel; Reimbursement .....	4233	P* P
	(2) Board/Private Owned Vehicles .....	4233.1	P*
	(3) Organizations/Units.....	4234	C,P
	(a) Agreement .....	4234.1	C,P
	(i) Recognition .....	4234.11	C,P
	(ii) Personnel Covered .....	4234.12	C,P
	(iii) Board/School System Rights .....	4234.13	C
	(iv) Savings Clause .....	4234.15	C,P
	(v) Work Stoppages .....	4234.16	C,P
	(b) Grievances/Complaints.....	4235.4	C,P

Note: Legend follows last page of this table of contents.

**WOODBIDGE PUBLIC SCHOOLS  
PERSONNEL -- CERTIFIED & NON-CERTIFIED**

**SERIES 4000**

		<b>Contract Policy or Supersedes Number Regulation Policy</b>	
	(4) Non-School Employment.....	4238	P*
D.	Compensation and Related Benefits .....	4240	C,P
	(1) Non-Bargaining Unit Employees .....	4240.2	P*
	(2) Salary Guides.....	4241	P C,P
	(3) Salary Checks and Deductions.....	4242	C,P
	(4) Overtime Pay .....	4243	C
	(5) Insurance/Health & Welfare Benefits .....	4244	C,P
	(6) Retirement Compensation .....	4245	C
	(7) Employment-Related Accommodations .....	4246	P C,P
	(a) Credit Union.....	4246.1	P C
	(b) Employee Amenities .....	4246.3	P C,P
	(c) Protective Clothing/Devices .....	4246.4	P C
	(8) Employee Safety .....	4247	P*
	(a) Occupational Exposure to Bloodborne Pathogens .....	4247.1	P/R*
	(9) Employee Protection.....	4248	P/R*
	(a) Employee Safety.....	4248.1	P/R*
	(b) Employee Identification Badge System.....	4248.2	P/R*
E.	Leaves and Vacations .....	4250	C,P
	(1) Short-Term Leaves .....	4251	C,P
	(a) Personal Illness and Injury .....	4251.1	C,P
	(i) Worker's Compensation .....	4251.11	P C,P
	(b) Family Illness/Quarantine .....	4251.2	P
	(c) Bereavement.....	4251.3	C,P
	(d) Legal and Civic Duties.....	4251.5	C,P
	(e) Religious Observance .....	4251.6	P
	(f) Emergency/Personal.....	4251.7	C,P
	(g) Association.....	4251.8	C
	(h) Military.....	4251.9	P/R*
	(2) Long-Term Leaves.....	4252	C,P
	(a) Military.....	4252.4	P/R*
	(b) Personal/Family and Medical Leave.....	4252.6	P/R* C,P
	(3) Vacations/Holidays.....	4253	C,P

**\*Bolded line indicates policies which boards of education must have due to federal or state law**

**LEGEND**

**Note:** Legend follows last page of this table of contents.

**WOODBRIIDGE PUBLIC SCHOOLS  
PERSONNEL -- CERTIFIED & NON-CERTIFIED**

**SERIES 4000**

**Contract  
Policy or Supersedes  
Number Regulation Policy**

**P/R Policy/Regulation**

**\* The policy and/or regulation is the same for Certified and Non-Certified Personnel. Refer to the Certified Personnel section of this manual for the policy or regulation covering this issue.**

**T Agreement between the Woodbridge Board of Education and Woodbridge Education Association.**

**A Agreement between Woodbridge Board of Education and the Woodbridge Association of School Administrators.**

**C Agreement between the Woodbridge Board of Education and UE Local 222, CILU/CIPLI (Food Service, Clerical, Custodial).**

**P Agreement between Woodbridge Board of Education and Woodbridge Paraprofessionals Association.**

*A sample policy to consider. Another sample follows.*

## **Personnel -- Certified/Non-Certified**

### **Concepts and Roles in Personnel**

The personnel policies of a school system are an essential part of the program of public education in a community. The philosophy of a school system and the community is generally reflected in such policies.

Through its personnel policies, the Board of Education wishes to establish conditions that will attract and hold the highest qualified personnel for all positions who will devote themselves to the education and welfare of our students.

Policy development must be approached with attitudes of mutual faith and good will. Cooperation and participation of the employees' organizations, administration and the Board of Education are essentials in the formulation of personnel policies. If the predominant values and standards are based upon a democratic philosophy, the personnel policies and procedures will add to the dignity of each individual.

The long-range goals on which these policies will be based are:

1. To recruit, select, and employ the highly qualified personnel to staff the district's schools.
2. To provide staff compensation and benefit programs sufficient to attract and retain qualified employees.
3. To provide an in-service training program for all employees to improve their performance.
4. To conduct an employee evaluation program that will contribute to the continuous improvement of staff performance.
5. To assign personnel to ensure that they are used as effectively as possible.
6. To develop the quality of human relationships necessary to obtain maximum staff performance and satisfaction.

Provisions for the implementation of adopted personnel policies should include channels of communication and procedures for the handling of professional and ethical problems, through which all persons or groups affected may voice their opinions.

To keep its personnel policies and the corresponding administrative regulations in the highest state of effectiveness to achieve the above purposes, the Superintendent of Schools is directed to establish the procedures needed.

Policy adopted:

rev 4/11

*An optional sample policy to consider.*

## **Personnel -- Certified/Non-Certified**

### **Title IX**

The Board of Education agrees to comply with Title IX of the Education Amendments of 1972 and the Regulations promulgated pursuant thereto, the Board designates the Assistant Superintendent of Schools, as Compliance Officer. The Board shall, at least annually, notify all students, parents, employees and labor organizations with which it deals of the name, address and phone number of the Compliance Officer and the procedure for processing grievances.

Except as hereinafter noted, all complaints shall be addressed in writing to the Board designated Compliance Officer and he/she shall be responsible for investigating all complaints. Upon investigation, the Compliance Officer shall effectuate any changes deemed necessary to eliminate any discriminatory practices and shall inform the complainant in writing of his/her actions within ten (10) days of the receipt of such complaint.

If the complainant is not satisfied with the action of the Compliance Officer, within ten (10) days, the complainant may appeal the action of the Compliance Officer in writing to the Board of Education. The Board of Education shall hold a hearing within fifteen (15) days of receipt of such written request and shall decide what, if any, remedies are necessary to eliminate the practices deemed discriminatory. The Board shall notify the complainant in writing of its decision within ten (10) days after such a hearing.

Employees who are represented by labor organizations recognized by this Board for the purposes of collective bargaining shall process all complaints of alleged Title IX violations through the grievance procedures set forth in the applicable collective bargaining contracts.

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)

## Personnel -- Certified/Non-Certified

### Title IX

Legal Reference: (continued)

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

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

Connecticut General Statutes

46a-60 Discriminatory employment practices prohibited.

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

10-153 Discrimination on account of marital status.

17a-101 Protection of children from abuse.

Policy adopted:

rev 3/05

*Sample policy to consider.*

## **Personnel -- Certified**

### **Certified Personnel**

All certified staff positions are created only with the approval of the Board. It is the Board's intent to activate and maintain a sufficient number of positions to accomplish the school system's goals and objectives.

Before any new position is established, the Superintendent will present for the Boards' approval a job description for the position which specifies the necessary job qualifications, the job's performance responsibilities, and the method by which the performance of these responsibilities will be evaluated.

The Superintendent shall maintain a comprehensive and up-to-date set of job descriptions of all positions in the school system in a separate manual.

(cf. 2130 - Job Descriptions)

(cf. 4118.3 - Duties of Personnel)

Policy adopted:

cps 9/03

*Sample policy to consider.*

## **Personnel -- Certified/Non-Certified**

### **Goals and Objectives**

#### **Permanent Personnel**

The Board of Education recognizes that a dynamic and efficient staff dedicated to education is necessary to maintain a constantly improving educational program. The Board is interested in its personnel as individuals, and it recognizes its responsibility for promoting the general welfare of the staff. The Board's specific personnel goals are:

1. to recruit, select and employ the best qualified personnel to staff the school system;
2. to provide staff compensation and benefits programs sufficient to attract and retain qualified employees;
3. to provide an in-service training program for all employees which fosters improved performance and increased rates of staff retention and promotion;
4. to conduct an employee appraisal program that will contribute to the continuous improvement of staff performance;
5. to assign personnel so as to ensure they are utilized as effectively as possible; and
6. to develop the quality of human relationships necessary to obtain maximum staff performance and satisfaction.

Policy adopted:

## **Personnel -- Certified**

### **Recruitment and Selection**

The Superintendent of Schools shall be responsible for the selection and assignment of all personnel in the District's schools except as noted below. They shall be determined on the basis of potential contribution to the educational program and/or the best interests of the school system. It is the policy of the Board of Education to employ and retain the best qualified administrators, teachers, and other personnel. This shall be accomplished through careful consideration of credentials, references, interviews, and evaluation of previous performance. All District teachers teaching a core academic subject area as defined in the No Child Left Behind Act must be determined to be "highly qualified." Personnel shall be considered on the basis of his/her effectiveness without discrimination as defined by law. (cf. 4111.1/4211.1 - Affirmative Action in Recruitment and Selection)

The Superintendent or designee is authorized to employ all personnel below the rank of Assistant Principal. The name, position and salary of each new employee shall be reported in writing to the Board of Education at the next regular session and recorded by the Secretary in the minutes of the meeting. Appointments to positions at the rank of Assistant Principal and above shall be handled in accordance with applicable provision of C.G.S. 10-151.

The District Public Schools will provide an equivalence among all schools with the same grade levels in teachers, administrators and auxiliary personnel.

Legal Reference: Connecticut General Statutes  
10-151 Employment of teachers. Notice and hearing on termination of contract.  
10-220 Duties of Boards of Education.  
10-153 Discrimination on account of marital status.  
10-155f Residency requirement prohibited.  
31-126 Unfair Employment Practices  
Title IX - Equal Employment Opportunity  
Americans With Disabilities Act (ADA)  
20 U.S.C. Section 1119 No Child Left Behind Act  
34 C.F.R. 200.55 Federal Regulations  
Circular Letter C-6, Series 2004-2005, Determining "Highly Qualified" Teachers  
Circular Letter C-9, Series 2004-2005, "No Child Left Behind" and Districts' High Objective Uniform State Standard of Evaluation (HOUSSE) Plans.  
Circular Letter C-7, Series 2007-2008, "Discontinued Use of Districts' High Objective Uniform State Standard of Evaluation and Five Areas of Exception  
Circular Letter C-13, Series 2007-2008, "Continuation of HOUSSE Plans for Highly Qualifying Veteran Teachers

Policy adopted:

rev 5/05

rev 11/07

rev 3/08

*Another version to consider.*

## **Personnel -- Certified/Non-Certified**

### **Recruitment and Selection**

The Board of Education believes that the most important person in the educational life of any student is his/her teacher. Therefore, the Board of Education believes in recruiting and employing the best talent available (teachers, administrators, counselors, librarians, etc.), recognizing the contributions of diverse staff. All District teachers teaching a core academic subject area, as defined in the No Child Left Behind Act, must be determined to be "highly qualified."

The Board of Education recognizes the heterogeneity of the people who reside in the school district and believes that diversity should have an important bearing on all aspects of the school district's activities. (i.e., Gender, Ethnicity, etc.)

The Board of Education believes it is especially important that this heterogeneity be recognized in the recruitment, hiring, promotion and assignment of personnel. The Board of Education and administration shall develop and implement a written plan for diversifying staff recruitment. The administration and staff shall engage in fair and sound personnel practices in the appointment of all district employees including non-certified staff. The administration shall be responsible for establishing recruitment, selection and appointment procedures.

### ***Optional language to consider***

The Board wishes to avoid the appearance of cronyism in its hiring practices. "Cronyism" is defined as "the giving of special treatment, preference, jobs, political appointments, or contracts to people who are friends, donors, or political cohorts rather than to people based on their abilities or qualifications."

On the application form, an applicant for any position in the school district shall disclose any previous relationship with the Superintendent or any Board member. Previous relationships will include any business, financial, personal, political or family connections. This will also include school relationships such as knowing the individual in high school, college, or graduate school.

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

(cf. 4115 – Evaluation)

Legal Reference: Connecticut General Statutes

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

10-153 Discrimination on account of marital status.

## **Personnel -- Certified/Non-Certified**

### **Recruitment and Selection**

Legal Reference: Connecticut General Statutes (continued)

10-220 Duties of Boards of Education.

31-126 Unfair Employment Practices

46a-60 Discriminatory employment practices prohibited.

20 U.S.C. Section 1119 No Child Left Behind Act

34 C.F.R. 200.55 Federal Regulations

Circular Letter C-6, Series 2004-2005, Determining “Highly Qualified” Teachers

Circular Letter C-9, Series 2004-2005, “No Child Left Behind” and Districts’ High Objective Uniform State Standard of Evaluation (HOUSSE) Plans.

Circular Letter C-7, Series 2007-2008, “Discontinued Use of Districts’ High Objective Uniform State Standard of Evaluation and Five Areas of Exception

Circular Letter C-13, Series 2007-2008, “Continuation of HOUSSE Plans for Highly Qualifying Veteran Teachers

### **Policy adopted:**

cps 9/03

rev 5/05

rev 11/07

rev 3/08

rev 4/09

*An updated sample regulation to consider.*

## **Personnel -- Certified/Non-Certified**

### **Recruitment and Selection**

In the employment of teachers and other certified personnel, special consideration is given to professional training, teaching experience, and personal characteristics desirable in good teachers.

Each candidate will:

1. Submit evidence of meeting the certification requirements of the state.
2. Submit an official college transcript to the personnel office.
3. Submit a record of teaching and other work experience to the personnel office. Salary increments are based upon years of creditable service.
4. Appear, unless unusual hardship prevents, for a personal interview.

The Superintendent will ensure that all employee manuals or handbooks are in compliance with federal law and include:

- The education and experience required of all new instructional employees;
- Any credentials that current instructional employees must acquire;
- A timetable for the satisfaction of any new requirements;
- The consequences for employees who fail to comply.

All employees are to be advised of the revisions of the handbooks or manuals and of any implications for existing personnel.

The Superintendent will ensure that parents/guardians of students in Title I schools are informed of their right to know the professional qualifications of their child's teacher and will describe where and how this information may be obtained. The Superintendent will monitor Title I schools to ensure that parents/guardians of all students are notified when those students are taught for 4 or more consecutive weeks by a teacher who is not highly qualified as defined by law.

Staffing patterns will be reviewed annually to ensure that poor and minority students are not, at higher rates than are other children in the district, taught by inexperienced, unqualified, or out-of-field teachers. If such patterns are noted, strategies to correct the problem will be developed.

## Personnel -- Certified/Non-Certified

### Recruitment and Selection (continued)

#### Determining “Highly Qualified” Teachers

All teachers teaching a core academic subject area must be “highly qualified.” As defined in the No Child Left Behind Act (NCLB), core academic subjects include:

English	World Languages
Reading/language arts;	Civics and Government;
Science;	History;
Mathematics;	Geography; and
The arts (music, fine arts, dance and theater);	Economics.

To be considered “highly qualified,” individuals who are **currently employed** must:

1. Hold full state certification; and
2. Hold a bachelor’s degree; and
3. Demonstrate competency in the core academic subject area(s) they teach using **one** of the following four methods:
  - Holds a major in the core academic subject area(s) that they teach; or
  - Holds a master’s degree in the core academic subject area(s) that they teach; or
  - Has successfully completed the Praxis II exam in the core academic subject area(s) that they teach.
  - Has successfully demonstrated competency in the core academic subject area(s) using the district’s High Objective Uniform State Standard of Education (HOUSSE)

The reauthorized IDEA law includes special education teachers as teachers of core academic content. Therefore, special education teachers must demonstrate competency in the core academic subjects that they teach to one or more students. IDEA has provided some flexibility for special education teachers hired subsequent to July 1, 2006. In order to hire a special education teacher who will be a primary teacher of core academic content knowledge either in a resource room or self-contained classroom, that person must be “highly qualified” in one of the following core academic content areas prior to being hired: reading/language arts/English, mathematics or science. Special education teachers then have up to two years to become “highly qualified” in the additional core academic subjects they will be teaching. The District may use the HOUSSE process for special education teachers to become designated as “highly qualified” in additional content areas.

In rural Regional Education Applicant Program (REAP) districts identified as rural by USDOE, newly hired teachers who teach multiple subjects must be “highly qualified” in one core academic area upon hire. Once hired, the District may use the HOUSSE plan for two years to “highly qualify” those teachers in other core academic content areas that they will teach.



## **Personnel -- Certified/Non-Certified**

### **Recruitment and Selection**

#### **Determining “Highly Qualified” Teachers**

Legal Reference: (continued)

Circular Letter C-6, Series 2004-2005, Determining “Highly Qualified” Teachers

Circular Letter C-9, Series 2004-2005, “No Child Left Behind” and Districts’ High Objective Uniform State Standard of Evaluation (HOUSSE) Plans.

Circular Letter C-7, Series 2007-2008, Discontinued Use of Districts’ High Objective Uniform State Standard of Evaluation and Five Areas of Exception

Circular Letter C-13, Series 2007-2008, Continuation of HOUSSE Plans for Highly Qualifying Veteran Teachers

Regulation approved:

cps rev 5/03

cps rev 5/05

cps rev 11/07

cps rev 3/08

*New material to review.*

## **Personnel -- Certified/Non-Certified**

### **Equal Employment Opportunity**

#### **Affirmative Action**

The Board of Education will provide equal employment opportunities for all persons without regard to race, color, religious creed, age, veterans' status, genetic information, marital status, national origin, sex, sexual orientation, gender identity an expression or physical disability. The Board of Education directs the administration to set as a goal the recruitment, selection and employment of qualified people among racial and ethnic minority groups to the end that the school district's employees will proportionately mirror the racial and ethnic composition of this community.

The Board of Education requests an annual report from the Superintendent of Schools concerning the extent to which the above-mentioned affirmative action program goals are being achieved.

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

Legal Reference: Connecticut General Statutes

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

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

10-153 Discrimination on account of marital status.

46a-60 Discriminatory employment practices prohibited.

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

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

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

Title II of the Genetic Information Nondiscrimination Act of 2008

Policy adopted:

rev 9/08

rev 11/10

*Existing policy, presently numbered 4119 adopted 2/25/02, appropriate as renumbered, except for addition of legal reference.*

**Personnel – Certified****Minority Teacher Recruitment****Statement of Commitment**

The Woodbridge School District recognizes the need to provide students with an opportunity to interact with students and staff from different racial, ethnic and economic backgrounds. The Woodbridge School District will develop and implement a plan for minority teacher recruitment. Such a plan shall include but not be limited to long-term and short-term goals, objectives, recruitment, hiring and retention procedures.

**District Action Plan**

The Woodbridge School District Action Plan is intended to reflect a comprehensive effort of short-term, long-term and ongoing components to include:

1. Process for identification of potential candidates;
2. Process for hiring;
3. Process for retention.

**Identification****1. Short-Term**

Traditional and non-traditional ways will be pursued to increase numbers of minority candidates recruited for district positions. Examples of types of activities are: attendance at minority recruitment fairs, both State and regional; utilization of current staff to assist in the identification of minority candidates, utilization of websites set up by the Connecticut State Department and Regional Education Service Centers, special programs at local and regional universities and teacher preparation colleges, advertisements in publications, networking, recruitment of minority candidates as long-term and daily substitutes, and collaborative participation on regional and State committees involved with promoting minority recruitment efforts; and, fostering community awareness of the importance of successful minority employment efforts.

**2. Long-Term**

The Superintendent will monitor and report annually to the Board of Education concerning district efforts to recruit and attract qualified minority candidates to serve in the Woodbridge School District. Review of recruitment procedures employed and determination of how to address impediments to successful pursuit of a district minority recruitment plan will be presented to the Board for its consideration. State and regional resources in recruitment planning efforts will be engaged.

## **Personnel – Certified**

### **Minority Teacher Recruitment**

#### **Statement of Commitment (continued)**

##### **Hiring**

Uniform efforts will be used to assure that equal treatment and consideration is afforded to all applicants in the hiring process. Active pursuit of candidates, meeting the employment standards of the Woodbridge School District, will be fully undertaken. Contacts in support of networking efforts will be explored and engaged.

##### **Retention**

The Woodbridge School District will employ strategies that maintain successful and productive relationships with all staff that encourage and foster its commitment and attitude concerning the importance of providing students with opportunities to interact with staff from different racial, ethnic, and economic backgrounds.

Legal Reference: Connecticut General Statutes

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

10-153 Discrimination on account of marital status.

10-220 Duties of Boards of Education. (as amended by PA 90-252)

46a-60 Discriminatory employment practices prohibited.

Policy adopted:

WOODBIDGE PUBLIC SCHOOLS  
Woodbridge, Connecticut

*A new version developed by New Fairfield to consider.*

## **Personnel-Certified/Non-Certified**

### **Minority Recruitment Plan**

In accordance with Sections 10-4a(3) and Section 10-220(a) of the Connecticut General Statutes, the Board of Education has developed the following written plan for minority staff recruitment:

1. All recruiting sources will be informed in writing of the Board's non-discrimination policy.
2. The Board will develop contacts with local training and educational institutions, including those with high minority enrollments, to publicize job openings within the school district and to solicit referrals of qualified minority candidates.
3. The Board will develop contacts with local minority community organizations to publicize job openings within the school district and to solicit referrals of qualified minority candidates.
4. The Board will maintain, or expand, as appropriate, its help-wanted advertising to include print and/or broadcast media that is targeted to minorities.
5. The Board will participate in local job fairs, including those that are sponsored by the minority community organizations or otherwise targeted toward minorities.
6. The Board, or its designee, will maintain records documenting all actions taken pursuant to this plan, including correspondence with recruitment agencies and other referral sources, job fair brochures and advertising copy.
7. The Board will review on an annual basis the effectiveness of this plan in increasing minority applicant flow and attracting qualified candidates for employment.

**Legal Reference:** Connecticut General Statutes  
10-151 Employment of teachers. Notice and hearing on termination of contract.  
10-153 Discrimination on account of marital status.  
10-220 Duties of Boards of Education. (as amended by PA 98-252)  
10-226h Programs and methods to reduce racial, ethnic and economic isolation. (as amended by P.A. 11-179)  
46a-60 Discriminatory employment practices prohibited.

Policy adopted:

NEW FAIRFIELD PUBLIC SCHOOLS  
New Fairfield, Connecticut

cps 10/10  
rev 9/11

*Sample policy to consider.*

## **Personnel – Certified/Non-Certified**

### **Appointment and Conditions of Employment**

The \_\_\_\_\_ Board of Education delegates the Superintendent the authority to hire certified (except administration), and supplementary positions. In the case of administrative or supervisory personnel, the Superintendent shall nominate a candidate to the Board.

The Superintendent also has the authority to hire support and substitute personnel. On a monthly basis at a minimum, the Superintendent shall notify the Board of those individuals who have been hired.

The Superintendent shall make it an object of paramount interest to secure competent teachers and other employees for the schools. For each vacancy, the Superintendent shall select the ablest and best qualified candidate available. The Superintendent shall ensure that all certified personnel to be employed meet state requirements for the position.

The Superintendent shall conduct an annual review of supplemental pay positions to determine their continued need.

The following guidelines shall be observed in hiring personnel:

1. Residence shall not be a factor.
2. No member of the immediate family of any member of the Board of Education shall be employed in any continuing capacity by the Board. This is not to be construed as requiring the resignation of any employee should a member of his/her immediate family be elected to the Board of Education.
3. Relatives of professional administrative or supervisory personnel shall not serve under the supervision of the administrator or supervisor to whom they are related. This is not to be construed as requiring the resignation of any person already in the employ of the Board of Education.
4. Temporary appointments of a relative as described in paragraphs 2) and 3) above may be made.

Legal Reference: Connecticut General Statutes  
10-151 Employment of teachers. Definitions. Notice and hearing on failure to renew or termination of contract. Appeal.  
10-153 Discrimination on account of marital status.  
10-155f Residency requirement prohibited.  
46a-60 Discriminatory employment practices prohibited.  
Title VII, Civil Rights Act as amended by Title IX, Equal Employment Opportunity

Policy adopted:  
cps 5/04

*Sample policy to consider.*

## **Personnel – Certified/Non-Certified**

### **Non-Union Personnel**

The Superintendent of Schools is responsible for the annual review of all non-union personnel employed by the Board of Education. The Superintendent will make recommendations to the Board concerning all working conditions for non-union personnel.

Policy adopted:

cps 12/03

*A "good practice" recommended policy, with an updated legal reference.*

## **Personnel -- Certified**

### **Certification**

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

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

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

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

### ***Optional language:***

*Upon application, a teacher from another state who has taught in such other state, U.S. possessions or territories for a minimum of three years and is nationally board certified shall be issued a teaching certification by the State Board of Education as permitted by statute.*

Legal Reference: Connecticut General Statutes

10-145d-400 (as amended by PA 04-138, An Act Concerning National Board Certification and June 19 Special Session, Public Act No. 09-1)

Part I	Definitions
Part II	General Conditions
Part III	Types of Certificates
Part IV	Special Authorizations
Part V	Reissue and Cross Endorsement of Certificates
Part VI	Early Childhood, Elementary or Middle School Certificates
Part VII	Middle Grades
Part VIII	Secondary Academic
Part IX	Special Subjects or Instructional Areas
Part X	Applied Curriculum and Technology Subjects
Part XI	Vocational Technical
Part XII	Special Education: Blind, Partially Sighted or Hearing Impaired

## Personnel -- Certified

### Certification

Legal Reference: (continued)

Part XIII Special Services Certificates  
Part XIV Administrative  
Part XV Adult Education  
Part XVI Discontinued Endorsements and Prior Authorization  
Part XVII Appeal Process  
20 U.S.C. 1119 – No Child Left Behind Act of 2001  
34 C.F.R. 200.55 – Federal Regulations Regarding Highly Qualified Teachers

Policy adopted:

cps rev. 6/04

cps rev 12/06

cps rev 12/09

*Existing policy, presently numbered 4112.5 adopted 7/17/06, appropriate as renumbered, except for addition of legal reference. A sample follows for comparison and consideration.*

## **Personnel - Certified/Non-Certified**

### **Tuberculosis Screening for School Personnel**

Upon initial employment, all school personnel are required to present evidence of having submitted to a baseline skin testing examination. Those with a clear history of a previously positive test do not need to be retested. The result of the test should be recorded in millimeters of induration in the employee personnel record.

Each employee with a positive skin test should have a symptom screen and chest X-ray to rule out active disease. When indicated, employees should be offered preventive therapy with isoniazid by their physicians. Repeat chest X-rays should be performed only if the employee develops symptoms consistent with tuberculosis.

Repeat skin testing on persons with negative tests is not routinely necessary, but should be done if exposure to a potentially infectious tuberculosis case occurs in school or if the employee develops symptoms of tuberculosis.

Legal Reference: Connecticut General Statutes

10-207(c) Duties of Medical Advisors

Americans with Disability Acts of 1990

“Tuberculosis Control Screening Guidelines for Connecticut Schools”,  
May 2005 from the Department of Public Health, State of Connecticut.

Policy adopted:

WOODBRIIDGE PUBLIC SCHOOLS  
Woodbridge, Connecticut

*New material (regulation) to review.*

## **Personnel -- Certified/Non-Certified**

### **Health Examination**

#### **Chest X-Ray or Intradermal Test**

All employees upon initial employment shall present evidence of having submitted to examination (chest x-ray, skin test, or other tests designated as acceptable by the County Health Department) to determine that they are free of active tuberculosis prior to commencing service and every four (4) years thereafter or more often if directed by the Board of Education upon recommendation of the local Health Officer or District Medical Advisor.

**or**

All employed personnel (to include all bus drivers on contract, substitute teachers, teacher aides and lunch aides) are required to have a pre-employment physical examination which must include a tuberculin skin test (Mantoux Test) or an Interferon Gamma Release Assays (IGRAs) blood test.

Those who react positively are required to have a chest x-ray and will be referred to their private physician or the local health department for evaluation and treatment. Once an individual has had a positive skin test, no further skin tests are indicated. However, serial chest x-rays may be necessary based upon the decision of the individual's private physician, the school physician, or the county health department.

Those with a negative reaction to the tuberculin test need not have further skin tests unless they have one of the following risk factors.

- a. were born in a high risk country\* of the world and do not have a record of a tuberculin test (TST or IGRA) performed in the U.S.;
- b. travel to a high risk country\* staying at least a week with substantial contact with the indigenous population since the previously required examination;
- c. extensive contact with persons who have recently come to the United States since the previously required examination;
- d.. contact with persons suspected to have tuberculosis; or
- e. lives with anyone who has been in a homeless shelter, jail or prison, uses illegal drugs or has an HIV infection.

## **Personnel -- Certified/Non-Certified**

### **Health Examination**

#### **Chest X-Ray or Intradermal Test (continued)**

The Superintendent may require a medical examination of any certified/non-certified employee whenever the Superintendent has grounds to believe that the performance of the employee is adversely affected by illness of any kind.

\*See attached list of countries

(cf. 4118.14 - Disabilities)

Regulation approved:

cps rev. 11/01

cps rev. 11/05

cps rev. 9/11

**4112.5**

**4212.5**

*Existing policy, presently numbered 4112.5/4212.5, date of adoption unknown, appropriate as renumbered, except for update to legal reference. A sample follows for comparison and consideration.*

**Personnel-Certified/Non-Certified**

**Security Check/Fingerprinting**

In order to create a safe and orderly environment for students, all offers of employment will be conditional upon the successful outcome of a criminal record check. District employees shall submit to state and national criminal checks within 30 days of hire. Failure to comply will result in termination.

Legal Reference: Connecticut General Statutes

10-221d Criminal History Records Check of School Personnel.  
Fingerprinting. Termination or Dismissed. (As amended by PA 01- 173)

29-17a Criminal history checks. Procedures. Laws.

Policy adopted:

WOODBRIIDGE PUBLIC SCHOOLS  
Woodbridge, Connecticut

*A policy to consider. A sample regulation follows.*

## **Personnel -- Certified/Non-Certified**

### **Security Check/Fingerprinting**

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

*Note: Applicants for positions requiring a state certificate, authorization or permit must submit to a check of DCF's abuse and neglect registry, effective July 1, 2011. Applicants for positions not requiring state certification are required to submit to the DCF abuse and neglect registry beginning July 1, 2012.*

District employees shall within 30 days after they are hired submit to state and national criminal checks. District students employed by the school system are exempted from this requirement. **[Optional: After 40 days of continuous employment in the District, the employee will be reimbursed for the cost of the State and National criminal check.]**

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

School nurses and nurse practitioners appointed by the Board or under contract with the Board shall also submit to a criminal history check pursuant to C.G.S. 29-17a.

Student teachers placed in District schools as part of completing preparation requirements for the issuance of an educator certificate, effective July 1, 2010, shall also be required to undergo the same criminal background checks already required for school employees.

Legal Reference: Connecticut General Statutes

10-221d Criminal history records checks of school personnel. Fingerprinting. Termination or dismissed. (as amended by PA 01-173, PA 04-181 and June 19 Special Session, Public Act No. 09-1 and PA 11-93)

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

Policy adopted:

rev. 7/01  
rev. 6/04  
rev 12/09  
rev 4/11  
rev. 11/11

*An optional regulation to consider.*

## **Personnel – Certified/Non-Certified**

### **Security Check/Fingerprinting**

Each applicant for a position within the public school system shall be asked whether he/she has ever been convicted of a crime and whether there are any criminal charges pending against him/her at the time of application. Each person hired by the school system shall be required to submit to state and national criminal record checks. In order to process such record checks, the following procedure will be followed:

1. No later than ten calendar days after the Superintendent or his/her designee has notified a job applicant of a decision to hire the applicant, or as soon thereafter as practicable, the Superintendent or his/her designee will supply the applicant with a packet containing all documents and materials necessary for the applicant to be fingerprinted by the Regional Service Center. This packet shall also contain all documents and materials necessary for the Regional Service Center to submit the completed fingerprints to the State Police Bureau of Identification for the processing of state and national criminal record checks.
2. No later than ten calendar days after the Superintendent or his/her designee has provided the successful job applicant with the fingerprinting packet, the applicant must arrange to be fingerprinted. Failure of the applicant to have his/her fingerprints taken within such ten-day period, without good cause, will be grounds for the withdrawal of the offer of employment.
3. Any person for whom criminal records checks are required to be performed pursuant to this policy must pay all fees and costs associated with the fingerprinting process and/or the submission or processing of the requests for criminal record checks.
4. Upon receipt of a criminal record check indicating a previously undisclosed conviction, the Superintendent or his/her designee will notify the affected applicant/employee in writing of the results of the record check and will provide an opportunity for the affected applicant/employee to respond to the results of the criminal record check.
5. Decisions regarding the effect of a conviction upon an applicant/employee, whether disclosed or undisclosed by the applicant/employee, will be made on a case-by-case basis. Notwithstanding the foregoing, the falsification or omission of any information on a job application or in a job interview, including, but not limited to information concerning criminal convictions or pending criminal charges, shall be grounds for disqualification from consideration for employment or discharge from employment.
6. Adult education teachers and substitute teachers, if they are continuously employed by the district, do not have to be re-fingerprinted after fulfilling the initial requirement.

## Personnel – Certified/Non-Certified

### Security Check/Fingerprinting (continued)

7. School nurses and nurse practitioners appointed by the Board or under contract with the Board shall also submit to a criminal history check pursuant to C.G.S. 29-17a.
8. Student teachers placed in District schools as part of completing preparation requirements for the issuance of an educator certificate shall also submit to a criminal history check. The criminal history check shall be done prior to being placed in a school for clinical experiences such as field experiences, student teaching or internship. Candidates are required to be fingerprinted at one of the RESCs and not through local police stations or the school district. The District is required to notify the State Board of Education if notice is received that a student teacher has been convicted of a crime.
9. Each applicant for a certified position must submit to a records check of the Department of Children and Families (DCF) Child Abuse and Neglect Registry established pursuant to C.G.S. 17a-101k before the applicant may be hired. The Superintendent or his/her designee shall request the required records check of DCF in accordance with the procedures established by DCF.
10. On or after July 1, 2012, each applicant for a non-certified position must submit to a records check of the Department of Children and Families (DCF) Child Abuse and Neglect Registry established pursuant to C.G.S. 17a-101k before the applicant may be hired. The Superintendent or his/her designee shall request the required records check of DCF in accordance with the procedures established by DCF.

Legal Reference: Connecticut General Statutes

10-221d Criminal history records checks of school personnel. Fingerprinting. Termination or dismissed. (as amended by PA 01-173, PA 04-181, June 19 Special Session, Public Act No. 09-1, and PA 11-93)

17a-101k Registry of findings of abuse or neglect of children maintained by Commissioner of Children and Families. Notice of finding of abuse or neglect of child. Appeal of finding. Hearing procedure. Appeal after hearing. Confidentiality. Regulations.

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

Regulation approved:

rev. 6/04  
rev 12/09  
rev. 11/10  
rev 11/11

### CRIMINAL HISTORY RECORD CHECK

Connecticut requires that any person (teacher, administrator, special service staff member, teacher's aide, custodian, cafeteria employee, etc.) who is hired by a local or regional board of education submit to a state and national criminal history record check within the first 30 days of the date of employment. The process includes the checking of fingerprints by the State Police Bureau of Identification and the F.B.I. The results of the criminal history record checks (both state and federal) are reported to the employing school district. If the district receives notice of a conviction of a crime by a person holding a certificate, authorization or permit issued by the State Board of Education, the district shall notify the Bureau Educator Standards and Certification.

<b>Locations Offering Fingerprinting Services</b>	
<b>Area Cooperative Educational Services (ACES)</b> 350 State Street North Haven, CT 06473-3108 (203) 498-6800 <a href="http://www.aces.org">http://www.aces.org</a>	<b>Capitol Region Education Council (CREC)</b> 111 Charter Oak Avenue Hartford, CT 06106 (860) 524-4003 <a href="http://www.crec.org/fp/fingerprinting.php">http://www.crec.org/fp/fingerprinting.php</a>
<b>Cooperative Educational Services (CES)</b> 40 Lindeman Drive Trumbull, CT (203) 365-8831 <a href="http://www.ces.k12.ct.us/page.cfm?p=2523">http://www.ces.k12.ct.us/page.cfm?p=2523</a>	<b>EASTCONN</b> 376 Hartford Turnpike Hampton, CT 06247 (860) 455-0707 <a href="http://www.eastconn.org">www.eastconn.org</a>
<b>Education Connection</b> 355 Goshen Road PO Box 909 Litchfield, CT 06759-0909 (860) 567-0863 <a href="http://www.educationconnection.org/">http://www.educationconnection.org/</a>	<b>LEARN</b> 44 Hatchetts Hill Road Old Lyme, CT 06371 (860) 434-4800 <a href="http://www.learn.k12.ct.us">http://www.learn.k12.ct.us</a>

An appointment may be necessary for fingerprinting services offered by the RESCs. We suggest that you call the RESCs for specific details.

**FREQUENTLY ASKED QUESTIONS**

**1. Who needs to be fingerprinted?**

*In accordance with current statute, any person who is employed by a local board of education (teacher, administrator, special service staff member, teacher's aide, custodian, cafeteria employee, etc.) must submit to a state and national criminal history record check within the first 30 days of the date of employment. The only exception is that teachers of adult education, who are not required to hold certification for their positions (non-mandated, general interest programs only), are not required to submit to the criminal history record check unless directed by the employing district.*

**2. How do I request a criminal history record check?**

*A person may obtain fingerprint packets (including fingerprint cards) and have their fingerprints taken at a local board of education, a Regional Educational Service Center (RESA), or the State Police Bureau of Identification.*

**3. If I am fingerprinted at a RESA, can my fingerprints be shared with other districts?**

*Yes. Individuals fingerprinted at a RESA, may have their fingerprint results shared with local or regional boards of education. The individual must provide a written request to the RESA indicating where the results should be sent.*

**4. If I am fingerprinted by a local school district, police department or by the State Police Bureau of Identification, can my results be shared with other districts?**

*No.*

**5. A criminal history record check (fingerprinting) was done last year for school district X. I served in that district for the entire year. Do I need to be fingerprinted again if I am applying to work in another district?**

*Yes, within the first 30 days of your date of employment.*

**6. I served as a substitute teacher in district X for two weeks last year. Do I need to have a criminal history record check (fingerprinting) done again, if I am employed by the same district for the coming school year?**

*No, continuous employment for substitute teachers is equal to one day of service each school year.*

**7. I was fingerprinted by a RESA last year, but was never employed by a board of education. Now that I have been hired, do I need to submit to a new criminal history record check (fingerprinting)?**

*Yes, within the first 30 days of your employment date.*

**8. Are school volunteers required to have a criminal history record check (fingerprinting)?**

*No. the statute does not require that volunteers submit to the criminal history record check. However, school districts are entitled to establish additional policies concerning criminal history record checks.*

**9. Are employees of private or independent schools required to submit to criminal history record checks?**

*No. The statute does not require criminal history record checks for private or independent schools. However, these schools are permitted by law to require criminal history record checks (fingerprinting).*

*New material to review.*

## **Personnel -- Certified/Non-Certified**

### **Personnel Records**

Personnel records shall be kept on all current employees and shall include information usually expected in good personnel administration.

A file shall be kept for all resigned or retired employees, including such essential information as shall seem appropriate to the administration as specified by state and federal laws.

The Superintendent, on behalf of the Board, shall notify an employee and a collective bargaining representative, if any, in writing when a request is made for disclosure of the employee's personnel, medical or similar files, if the Superintendent reasonably believes disclosure would invade the employee's privacy.

The records will be disclosed unless written objection is received from the teacher or employee's collective bargaining representative, within seven business days from the receipt by employee or collective bargaining representative.

Records of a teacher's performance and evaluation shall not be released without the written consent of the teacher.

Records maintained or kept on file by the Board, which are records of a teacher's personal misconduct shall be deemed to be public records, and subject to disclosure under the Freedom of Information Act. Disclosure of such records of a teacher's personal misconduct shall not require the consent of the teacher.

All written materials shall be made available for inspection by the employee and a collective bargaining representative, if any, involved at an off-duty time in the presence of an administrator. Upon request, a professional employee will be provided a copy of supervisory records and reports maintained in said employee's personal file as a guide to evaluation of performance.

In accordance with federal law, the District shall release information regarding the professional qualifications and degrees of teachers and the qualifications of paraprofessionals to parents/guardians upon request for any teacher or paraprofessional who is employed by a school receiving Title I funds and who provides instruction to their child at that school.

Files containing medical information regarding an employee will be kept separate from other personnel files.

## **Personnel -- Certified/Non-Certified**

### **Personnel Records**

Legal Reference: Connecticut General Statutes

1-206 Denial of access to public records or meetings.

1-213 Agency administration. Disclosure of personnel, birth and tax records.

1-214 Objection to disclosure of personnel or medical files

1-215 Record of arrest as public record

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

10-151c Records of teacher performance and evaluation not public records.  
(as amended by PA 02-138)

PL 107-110, No Child Left Behind Act, Sec. 1119.

The Americans with Disabilities Act

Policy adopted:

cps rev 6/02

rev 10/02

*An optional sample policy to consider.*

## **Personnel-Certified/Non-Certified**

### **Use and Disclosure of Employee Medical Information (HIPAA)**

#### **Version #1:**

The Board of Education directs the Superintendent or his/her designee to take the necessary steps to ensure compliance with the Health Insurance Portability Act of 1996 (HIPAA). Compliance activities shall include conducting an audit to determine applicability of HIPAA to District operations, recommending policies to the Board, implementation of administrative regulations, including record keeping procedures, preparation of necessary documents, employee training and all other activities necessary to ensure compliance.

#### **Version #2:**

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

To the extent the District possesses personally identifiable health information regarding employees, aside from health information contained in employment records held by the District in its role as employer, the Superintendent or his/her designee shall act as the Privacy Officer to oversee the administration of privacy of such records. The Superintendent or his/her designee shall provide all employees with the following information regarding such records:

1. The use and disclosure of personally identifiable health information;
2. Each employee's rights to privacy with respect to his/her personally identifiable health information;
3. Duties under HIPAA with respect to employee's personally identifiable health information;
4. Each employee's rights to file a complaint with the District, Health Benefit Plan, and/or the Secretary of the United States Department of Health and Human Services; and
5. The person or office that an employee can contact for further information about privacy practices.

In addition, the District shall notify the administrator of each of the District's health benefit plans of the requirement under HIPAA that it take reasonable steps to maintain the privacy of each employee's personally identifiable health information and to inform each employee about the information set forth above in items 1 through 5. Further, the District shall notify the administrator of the health benefit plan of the requirement under HIPAA that it provide reasonable notice to all employees of whom the benefit plan designates as the Privacy Officer to oversee the administration of privacy of the benefit plan and to receive complaints.

## Personnel-Certified/Non-Certified

### Use and Disclosure of Employee Medical Information (HIPAA)

#### Version #3:

When applicable, the District will comply with the Health Insurance Portability and Accountability Act of 1996 (HIPAA) to maintain the privacy of protected health information it receives, obtains, transmits or sends. The Board of Education designates the \_\_\_\_\_ as its HIPAA Privacy Officer.

Group health plans sponsored by the Board of Education, including medical, dental, vision, prescription drug plans as well as any employee assistance plans, flexible spending account plans and medical savings account plans may be subject to HIPAA's requirements. The District will develop procedures and safeguards to protect the privacy of health information and prevent wrongful use and disclosure, including obtaining written authorizations when required, limiting disclosures to staff who perform plan administration functions and certify that health information will not be used or disclosed for employment-related actions or decisions. The Superintendent or his/her designee will provide for the training of staff regarding privacy policies and procedures and impose discipline, up to and including discharge, for staff that wrongfully use or disclose protected health information. A privacy notice will be issued to all plan participants describing how protected health information is used and disclosed and explaining the rights of individuals to access or amend their health information.

The District will enter into business associate agreements with third parties who perform a service involving the use or disclosure of health information. The contact person for employee health plans is \_\_\_\_\_.

(cf. 4112.6/4212.6 - Personnel Records)

Legal Reference: 42 U.S.C. 1320d-1320d-8, P.L. 104-191, Health Insurance Portability and Accountability Act of 1996 (HIPAA)  
65 Fed. Reg. 50312-50372  
65 Fed. Reg. 92462-82829  
63 Fed. Reg. 43242-43280  
67 Fed. Reg. 53182-53273

Policy adopted:

cps 6/03

***Authorization Form for Release of Health Information under HIPAA***

I, \_\_\_\_\_, hereby authorize the use or disclosure of my health information as described in this authorization.

1. Specific person/organization (or class of persons) authorized to provide the information:  
\_\_\_\_\_
2. I authorize release of information to the \_\_\_\_\_ Public Schools at \_\_\_\_\_ (address)
3. I authorize release of health information regarding [body parts], from [insert date], forward.
4. I understand that this information will be used by the \_\_\_\_\_ Public Schools in connection with employment related issues or in connection with my receipt of benefits from the \_\_\_\_\_ School District.
5. Right to Revoke: I understand that this authorization is voluntary and that I have the right to revoke this authorization at any time by notifying the Privacy Officer in writing at \_\_\_\_\_ Public Schools. I understand that such a revocation is only effective after it is received and logged by the Privacy Officer. I understand that any use or disclosure made prior to the revocation of this authorization will not be affected by a revocation.
6. I understand that after this information is disclosed, federal law might not protect it and the recipient might disclose it again.
7. I understand that I am entitled to receive a copy of this authorization and the information described on this form if I ask for it.
8. I understand that this authorization will expire six months from the date I sign it, unless I revoke it sooner.
9. I understand that no treatment, payment, enrollment or eligibility for benefits is conditioned upon receipt of this authorization.

\_\_\_\_\_  
Signature of Individual

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Personal Representative

\_\_\_\_\_  
Date

**If a Personal Representative executes this form, that Representative warrants that he or she has authority to sign the authorization form on the basis of:**

**Request that PHI Be Transmitted Confidentially**

Today' Date: \_\_\_\_\_

Print name of individual making request: \_\_\_\_\_

I am requesting that effective (insert date) \_\_\_\_\_, the following protected health information (PHI) (specify PHI) \_\_\_\_\_

\_\_\_\_\_ be transmitted to me by the alternate means or location described below:

*(Insert the new mailing address/place or manner in which individual will receive future information that would otherwise have been mailed to the individual's address on file (e.g. will personally pick up.)* \_\_\_\_\_

I am requesting this confidentiality of PHI because the current method of disclosure of PHI, to which my request pertains, may endanger me.

**Signature of individual requesting confidential transmission of PHI:** \_\_\_\_\_

OR

**Signature of Personal Representative (acting on behalf of the individual) requesting confidential transmission of PHI:** \_\_\_\_\_

**If a Personal Representative executes this form, that Representative warrants that he or she has authority to sign the authorization form on the basis of:** \_\_\_\_\_

Your request for confidential communication of PHI has been:

Approved

Denied, for the following reason(s): \_\_\_\_\_

**Name of Privacy Officer:** \_\_\_\_\_

**Signature of Privacy Officer:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**Request Accounting of Disclosure of Protected Health Information (PHI)**

Today's Date: \_\_\_\_\_

Name of individual for whom accounting of PHI is requested: \_\_\_\_\_

Name of individual requesting accounting of PHI: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_ Phone: \_\_\_\_\_

I \_\_\_\_\_ am requesting that I be provided an accounting of the disclosures of the following PHI for the above noted individual during the time period starting \_\_\_\_\_ and ending \_\_\_\_\_.

---

*For internal use only:*

The above request for an accounting of disclosures of PHI by the District has been:

- Approved
- The District needs an extension of \_\_\_\_\_ days because: \_\_\_\_\_  
\_\_\_\_\_
- Denied, for the following reason(s): \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Name of Privacy Officer: \_\_\_\_\_

Signature of Privacy Officer: \_\_\_\_\_ Date: \_\_\_\_\_

**Request to Amend Protected Health Information (PHI)**

Today's Date: \_\_\_\_\_

**Name of individual for whom PHI amendment is requested:** \_\_\_\_\_

**Name of individual requesting amendment of PHI:** \_\_\_\_\_

**Address:** \_\_\_\_\_

\_\_\_\_\_ **Phone:** \_\_\_\_\_

I am requesting that an amendment be made to the following PHI: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

For the following reason(s): \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

---

The above request for amendment to the above noted PHI has been:

Approved

Denied, for the following reason(s): \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

**Name of Privacy Officer:** \_\_\_\_\_

**Signature of Privacy Officer:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**Request to Terminate the Confidential Transmission of PHI  
by Alternate Means/Location**

Today's Date: \_\_\_\_\_

Print name of individual making request: \_\_\_\_\_

**I am requesting that effective (insert date) \_\_\_\_\_, my original request to maintain confidentiality of PHI delivery by an alternate means/location be terminated. Please deliver all future PHI to me at my usual address/location as follows:**

*(Insert the mailing address or manner or usual place where individual will personally pick up the information.)* \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

**Signature of individual requesting confidential transmission of PHI:** \_\_\_\_\_

**OR**

**Signature of Personal Representative (acting on behalf of the individual) requesting confidential transmission of PHI:** \_\_\_\_\_

**If a Personal Representative executes this form, that Representative warrants that he or she has authority to sign the authorization form on the basis of:**

\_\_\_\_\_  
\_\_\_\_\_

The above noted request to terminate confidentiality of PHI has been reviewed and:

Will be adopted as requested on the date requested above.

Will be adopted but with these modifications: \_\_\_\_\_

Can not be adopted because *(insert reasons)*: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

**Name of Privacy Officer:** \_\_\_\_\_

**Signature of Privacy Officer:** \_\_\_\_\_ **Date:** \_\_\_\_\_

### Appointment of Personal Representative

Complete the following chart to indicate the name of the proposed Personal Representative

	Employee	Proposed Personal Representative
Name (print):		
Address (City, State, Zip):		
Phone:	( )	( )

I, \_\_\_\_\_ *[Name of Participant or Beneficiary]*

hereby designate \_\_\_\_\_ *[Personal Representative]:*

- to act on my behalf, \_\_\_\_\_
- to act on behalf of my spouse named: \_\_\_\_\_
- to act on behalf of my dependent child(ren) named: \_\_\_\_\_

I authorize my Personal Representative to act for me and for my covered spouse and dependents (if named above) in receiving the following protected health information to conduct the following functions on my behalf: \_\_\_\_\_

*I understand that this designation of a Personal Representative is subject to approval by the District. I also understand that, once approved, this designation will remain in effect unless I revoke it. I understand that I have the right to revoke this designation at any time by submitting a signed statement to that effect to the Privacy Officer, on a form for Revocation of a Personal Representative available from the Privacy Officer.*

\_\_\_\_\_  
Employee's Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Personal Representative

\_\_\_\_\_  
Date

The above Personal Representative request is:

- approved.       not approved because: \_\_\_\_\_

Name of Privacy Officer: \_\_\_\_\_

Signature of Privacy Officer: \_\_\_\_\_ Date: \_\_\_\_\_

*A new version to consider. Be advised that if the adoption of this policy reflects a change in practice, having a direct effect on conditions of employment, then it may be considered a mandatory subject of bargaining. Consult with your attorney.*

## **Personnel -- Certified/Non-Certified**

### **Nepotism: Employment of Relatives**

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

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

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

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

- By Blood:** Parent, child, grandparent, grandchild, brother, sister, uncle, aunt, nephew, niece, first cousin.
- By Marriage:** Husband, wife, stepparent, stepchild, father-in-law, mother-in-law, sister-in-law, brother-in-law, daughter-in-law, son-in-law, half-sister, half-brother, uncle, aunt, nephew, niece.
- By Law:** Guardianship relationships, adoptive parent/child relationships, partner in a civil union.

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

(cf. 9270 – Conflict of Interest)

## **Personnel -- Certified/Non-Certified**

### **Nepotism: Employment of Relatives**

Legal Reference: Connecticut General Statutes  
7-479 Conflicts of Interest  
46b-38nn Equality of benefits, protections and responsibilities (civil unions)  
46b-38oo applicability of statutes to civil unions and parties to a civil union.  
10-153a et seq. Teacher Negotiation Act  
7-467 et seq. Municipal Employees Relations Act

Policy adopted:

cps 1/08

rev 1/09

*An optional policy pertaining to promotions.*

## **Personnel -- Certified**

### **Promotion**

Consideration of teachers for promotion shall be based on the training, record of achievements, candidate's future plans, and indications of professional growth, among other factors.

Evidence of initiative, cooperation, ability to work with others, and promise of future growth shall be considered. Seniority will be given consideration, although not as a sole controlling factor.

Candidates already members of the school staff shall be given preference over other candidates when other factors are equal.

Notification of such openings shall be posted in the schools.

Refer also to prevailing contract agreements.

Policy adopted:

*New material to review. (A "good practice" policy)*

## **Personnel -- Certified**

### **Evaluation**

It is universally accepted that good teaching is the most important element in a sound educational program. Student learning is directly affected by teacher competence; therefore, teacher evaluation shall be accomplished using a teacher evaluation plan which demonstrates a clear link between teacher evaluation, professional development and improved student learning.

Appraisal of teaching performance should serve three purposes:

1. To raise the quality of instruction and educational services to the children of our community resulting in improved student learning.
2. To raise the standards of the teaching profession as a whole.
3. To aid the individual teacher to grow professionally, linking district-wide teacher evaluation and professional development plans.

Evaluation of teacher performance must be a cooperative, continuing process designed to improve student learning and the quality of instruction. The Superintendent shall evaluate or cause to be evaluated all certified employees. The teacher shares with those who work with the teacher the responsibility for developing effective evaluation procedures and instruments and for the development and maintenance of professional standards and attitudes regarding the evaluation process.

The Board of Education directs the Superintendent and the teachers' and administrators' representatives to develop, in harmony with the latest Guidelines for Teacher Evaluation and Professional Development issued by the Connecticut Department of Education and such other guidelines as may be mutually agreed upon, a system-wide program for evaluating the instructional process and all certified personnel as one means to improve student learning and insure the quality of instruction. The evaluation plan shall include, but need not be limited to, strengths, areas needing improvement, strategies for improvement and multiple indicators of student academic growth.\* Further, claims of failure to follow such guidelines shall be subject to the grievance procedure in collective bargaining agreements negotiated subsequent to July 1, 2004.

The Superintendent and all employees whose administrative and supervisory duties equal at least 50% of their time shall include a minimum of fifteen hours of training in the evaluation of teachers pursuant to Section 10-151b, as part of the required professional development activity during each five year period for reissuance of their professional educator certificate.

*\*By July 1, 2012, the State Board of Education is required to adopt guidelines for a model teacher evaluation program which is to provide guidance on the use of multiple indicators of student academic growth in teacher evaluations.*

## Personnel -- Certified

### Evaluation (continued)

All teachers teaching in public schools at the elementary, middle and high school levels (including special education teachers) must be determined to be “highly qualified,” as defined in the No Child Left Behind Act. To be determined “highly qualified,” a teacher must use the HOUSSE plan if he or she has not passed a state subject-matter test, does not hold advanced certification (e.g., National Board Certification) in all of the core academic content areas that he or she teaches (see appendix “Questions and Answers” document for more detailed information). The reauthorized Individuals with Disabilities Act (IDEA) identifies special education teachers as teachers who must demonstrate competency (i.e., be highly qualified) in the core academic subjects that they teach.

Because the District’s teacher evaluation and professional development guidelines (1) were reviewed and critiqued using the State Department of Education’s peer review process and (2) include subject-matter knowledge assessment, Connecticut’s district teacher evaluation plans have been approved by the U.S. Department of Education as Connecticut’s official HOUSSE plan.

To ensure that this statewide HOUSSE is standardized across districts throughout the state, it is critical that the District evaluates a teacher’s subject-matter competency in the core academic content areas, based on the Common Core of Teaching (CCT), using both of the following:

- A. foundational skills and competencies; and
- B. the discipline-based professional standards.

The Superintendent is directed to develop appropriate regulations, based upon guidance promulgated by the State Department of Education, pertaining to the District’s HOUSSE plan.

(cf. 2400 - Evaluation of Administrators and Administration)  
 (cf. 4111/4211 - Recruitment and Selection)  
 (cf. 4131 - Staff Development)

Legal Reference: Connecticut General Statutes

10-145b Teaching certificates

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

10-151b Evaluation by superintendent of certain educational personnel. (amended by PA 04-137, An Act Concerning Teachers’ Evaluations and P.A. 10-111, An Act Concerning Education Reform in Connecticut.)

## Personnel -- Certified

### Evaluation (continued)

Legal Reference: Connecticut General Statutes (continued)

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

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

20 U.S.C. Section 1119 No Child Left Behind Act

34 C.F.R. 200.55 Federal Regulations

Circular Letter C-6, Series 2004-2005, Determining "Highly Qualified" Teachers

Circular Letter C-9, Series 2004-2005, "No Child Left Behind" and Districts' High Objective Uniform State Standard of Evaluation (HOUSSE) Plans.

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

### Policy adopted:

cps rev. 5/00  
cps rev. 6/04  
cps rev. 5/05  
cps rev 7/10  
cps rev 7/11

*A version of this policy prepared by the law firm of Sullivan, Schoen, Campana and Connon.*

## **Personnel -- Certified**

### **Evaluation**

#### **Coaches**

Any person holding a coaching permit who is employed by the Board to coach for a sport season shall be evaluated by his/her immediate supervisor on an annual basis. A copy of such evaluation shall be provided to the athletic coach.

#### **Appeal of Termination or Non-Renewal**

A decision to terminate or decline to renew the contract of an athletic coach who has served in the same coaching position for three or more consecutive years shall be communicated to such coach no later than ninety days after completion of the sport season covered by the contract. Such coach may appeal such decision in the following manner:

1. Within seven days of receiving the notice of termination or non-renewal, the coach may make a written request for a statement of the reasons for such decision. The coach shall be given a statement of reasons within the succeeding seven days.
2. The coach may request an opportunity to appeal such decision to the Board. This request must be made by the coach in writing within twenty days of receiving notice of the termination or non-renewal.

Nothing shall prohibit the Board from terminating a coaching contract at any time for reasons of moral misconduct, insubordination, violation of the rules of the Board or because a sport has been cancelled.

Legal Reference: Connecticut General Statutes

10-151b Evaluation by superintendent of certain educational personnel

10-220a In-service training

Public Act 04-243 An Act Concerning Termination of Coaches

Policy adopted:

cps 12/04

**COACHING APPEAL PROCEDURES**

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

- be an Athletic Coach holding a coaching permit who was hired by the Board for a sport season;
  - have served in the same coaching position for three or more consecutive school years.
1. Notice of non-renewal or termination shall be in writing. From receipt of notice of non-renewal or termination, the Coach shall have 15 (fifteen) calendar days in which to prepare and file a written appeal of the non-renewal or termination with the Board of Education by filing the written appeal with the Superintendent of Schools, who shall provide Board members with copies of the appeal;
  2. The appeal document shall contain all relevant information that the Coach wishes to place before the Board in connection with his/her appeal, including documents that the Coach feels relevant, which documents shall be attached to the appeal;
  3. The Coach’s written appeal documents shall be reviewed by Board Members, and action on the appeal shall be placed on the agenda of a regular or special Board meeting within 30 (thirty) calendar days from the date of filing, unless Board work load or scheduling difficulties require a longer period. At such meeting, the Board shall consider the appeal and vote to uphold or deny the appeal. The Superintendent shall advise the Coach of the Board’s decision in writing. Absent unusual circumstances, the Board’s decision shall be provided to the Coach not more than 50 (fifty) calendar days from the date the appeal is filed;
  4. A representative of the Administration may file a responsive statement with the Board at any time prior to the meeting at which the appeal will be decided, but such rebuttal statement shall not be required. A copy of any such statement shall be provided to the Coach;
  5. The Coach may appear at the Board meeting and shall be given an opportunity to advocate the appeal before the Board reaches a decision on the appeal. A representative of the Administration shall be afforded the same opportunity. The Board, Coach or the Administration may be represented by counsel or by another outside representative of their choosing;

**COACHING APPEAL PROCEDURES**

6. At the sole discretion of the Board, in extraordinary or unique cases, persons with first hand knowledge of the case may speak at the meeting when the Board reviews the appeal, and additional relevant documents may be introduced, also at the sole discretion of the Board. In all instances where the Coach or the Administration desire to request the right to have other persons address the Board or to submit additional documents not part of his/her appeal package or rebuttal, the other party and the Board must be advised in writing at least 48 hours in advance of the Board meeting at which review of the appeal is scheduled;
7. The decision of the Board on the appeal shall be final and binding upon the parties, and shall not be subject to any administrative challenge, including any grievance or arbitration claim.
8. Nothing in these Procedures shall prohibit the Board of Education from terminating a coach at any time for reasons of moral misconduct, insubordination, a violation of Board rules, or because a sport has been cancelled by the Board.

**COACHING EVALUATION FORM**

This form is to be used to evaluate the performance of athletic coaches employed in the \_\_\_\_\_ School System. Other written means of evaluation may be used if, in the judgment of the evaluator, they would be more effective.

- All athletic coaches and assistant coaches employed by the Board must be evaluated at the end of their sport season. Written evaluations must be submitted to the Superintendent's office not more than 30 days after the end of the sport season. Extensions may be granted by the Superintendent in appropriate cases.
- A copy of the evaluation must be given to the Coach.

Name of Coach: \_\_\_\_\_

Sport Coached : \_\_\_\_\_

Sport Season or Period  
Covered by Evaluation: \_\_\_\_\_

Name of Evaluator: \_\_\_\_\_

OVERALL EVALUATION OF COACH'S PERFORMANCE (check one):

Satisfactory: \_\_\_\_\_ Needs Improvement: \_\_\_\_\_ Unacceptable: \_\_\_\_\_

Recommended for Renewal or Rehiring (check one): Yes \_\_\_\_\_ No \_\_\_\_\_

ADDITIONAL COMMENTS (Optional — use additional page if necessary):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Signature of Evaluator: \_\_\_\_\_ Date: \_\_\_\_\_

*A sample regulation developed by Newington to consider/modify.*

## **Personnel -- Certified**

### **Evaluation**

#### **Coaches**

##### **Head Coaches and Assistants**

Comprehensive evaluations shall be completed annually by the assigned administrators for each staff member and/or head coach.

A minimum of one formal observation of games and/or practices including post conferences shall be scheduled for each appraisal.

Each head coach, will complete a preliminary appraisal of each assistant coach and submit this to the administrator for approval.

A number of additional visits and discussions shall take place between the administrator and coach in order to build a frame of reference for the supervision and appraisal responsibility.

##### **General Guidelines**

The evaluation process includes an obligation for supervisory assistance in the improvement of professional performance.

A cooperative plan of supervisory assistance will be developed and implemented for each person with one or more identified areas for planned improvement.

The administrator will discuss the appraisal procedures with staff members prior to the start of their sport's season to insure that they understand the form and process to be used.

### **Evaluation Instrument**

#### **Form I**

The primary evaluation instrument shall be the Evaluation of Coaching Performance, Form I. This form shall be completed by all members of the coaching staff. Worksheets shall be provided so that each staff member may complete a self-evaluation and each administrator may complete a worksheet evaluation prior to the final conference. The conference will result in the completion of the formal Evaluation of Coaching Performance Form. A copy of the Evaluation for Coaching Performance, Form I, is included in this bulletin.

Regulation approved: May 23, 2001

NEWINGTON PUBLIC SCHOOLS  
Newington, Connecticut

cps 6/04

\_\_\_\_\_  
\_\_\_\_\_, Connecticut

**PUBLIC SCHOOLS**

**APPRAISAL OF COACHING PERFORMANCE**

\_\_\_\_\_  
**Name**

\_\_\_\_\_  
**Sport**

\_\_\_\_\_  
**Administrator**

\_\_\_\_\_  
**Date**

**Directions:**

1. Each statement presented in this form has been worded to represent the expected performance of District's Athletic Coaches. Consistently performing as the statement indicates means that District Expectations are being met.

In completing the self-appraisal, staff members should be guided by the following:

- A. If you feel that you are consistently performing as the statement indicates, you should check "Meets District Expectations."
  - B. If you feel that the statement represents a particular strength for you, check "Strong Characteristics" where appropriate.
  - C. If you feel that the statement represents an area in which you plan to work toward improvement and/or more consistent performance, check "Areas for Concentration."
  - D. If you check a statement either "Strong Characteristics" or "Meets District Expectations" but also plan to concentrate on that area for additional improvement during the next school year, place a second check in the "Areas for Concentration" column.
2. In completing the administrative appraisal, the administrator shall appraise each individual in terms of the total staff for whom he/she has supervisory responsibility.
  3. Use of the comments section by both parties is voluntary but encouraged.

Name: \_\_\_\_\_

Additional sheets may be added if the available space for comments is insufficient.

**Administrator's Comments:**

or

**Head Coach's Comments:**

**Head Coach's Comments:**

or

**Assistant Coach's Comments:**

Head Coach's Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
*(When doing Asst. Coach Evaluation)*

Administrator's Signature \_\_\_\_\_ Date \_\_\_\_\_

I have read and discussed this report with the administrator/head coach responsible for my appraisal.

Head Coach's Signature: \_\_\_\_\_

Assistant Coach's Signature: \_\_\_\_\_









SELF-APPRAISAL			ADMINISTRATOR'S APPRAISAL		
Strong Characteristics	Meets District Expectations	Areas for Concentration	Strong Characteristics	Meets District Expectations	Areas for Concentration
		<b>V. PROFESSIONAL SKILLS</b>			
		A. Acts prudently and appropriately in the care and prevention of injuries			
		B. Understands and demonstrates knowledge and techniques of conditioning and rehabilitation.			
		C. Creates an atmosphere conducive to learning.			
		D. Disciplines in a fair and positive manner, striving toward the athlete's self control.			
		E. Seeks and uses the advice and assistance of supportive staff.			
		F. Guides the athlete toward effective use of practice time.			
		G. Develops and plans practice time and strategies that recognize developmental needs, skills and experience of athletes.			
		H. Maintains positive communication with athletes through regular discussion of individual and team achievement, for the purpose of improving individual and team results and continual analysis of athletes regarding development of their skills and techniques.			
		I. Provides opportunities for individual athletes to develop their leadership qualities.			
		J. Presents practice drills and situations in a clear, logical manner stressing the responsibility of each athlete.			
		K. Demonstrates knowledge of fundamentals, game, rules and strategies.			
		L. Maintains a competitive performance level.			
Comments:					

*A policy to consider.*

## **Personnel - Certified**

### **Probationary/Tenure Status**

All certified personnel may attain tenure as provided by law. (C.G.S. 10-151, as amended\*)

The Board of Education will expect thorough and competent evaluations of all personnel before they become candidates for tenure.

Procedures for continuation or termination of a contract, failure to renew a teacher's contract, or appeals thereof shall be in accordance with Connecticut General Statute 10-151, as amended.

#### **\*For "Priority School Districts:"**

*Any certified teacher or administrator employed by a priority school district Board of Education may attain tenure after ten months of employment in the district, if such certified teacher or administrator previously attained tenure with another Board of Education in Connecticut or in another state.*

### **Teachers Working Under Cooperative Arrangements**

Teachers working under cooperative arrangements recognized in statute retain their credited service toward tenure with a board of education if their service is transferred to a committee administering a cooperative arrangement and the District is part of the committee. Also permitted is allowing a teacher with tenure at a district to be considered as having continuous employment for tenure purposes if the teacher becomes employed under a cooperative arrangement in which the district participates.

(cf. 4115 - Evaluation/Supervision)

(cf. 4117.4 - Dismissal/Suspension)

Legal Reference: Connecticut General Statutes

10-151 Employment of teachers. Notice and hearing on termination of or failure to renew contract. Appeals as amended by P.A. 10-111, An Act Concerning Education Reform in Connecticut.

10-158a Cooperative arrangements among towns. School building projects. Student transportation.

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

Policy adopted:

cps 11/00

rev 7/10

*Suggested policy to consider.*

## **Personnel -- Certified**

### **Disciplinary Action/Suspension/Dismissal**

The Superintendent is directed to adhere to the following regulations and procedures for the dismissal, suspension or demotion of any employee for reasons of incompetence, willful neglect of duty, malfeasance, immoral or improper conduct, insubordination, behavior in violation of the policies and regulations of the district, mental and/or physical illness or disability and actions which are, in the opinion of the Board of Education, a hindrance to the district, the staff or the students. A notice of disciplinary action taken shall contain a statement in ordinary and concise language of the specific charges on which the disciplinary action is based. The notice shall contain specific action or behavior with which the employee is charged. Dismissal or demotion will be made only for just and reasonable cause, and only after written charges have been filed. The Board, acting through its Superintendent, will notify the employee in writing, stating the charges brought against him/her, and if necessary, arrange for a hearing to be held. Disciplinary sanction up to and including dismissal and referral for prosecution will be imposed on employees who violate the standards of conduct or commit a crime against State or Federal law.

Employees will be given a copy of the standards and the statement of disciplinary sanctions, as well as information about any drug and alcohol counseling and rehabilitation programs that are available to employees.

#### **Definitions:**

**"Suspension"** means temporary removal of an employee from a position with loss of pay, as a disciplinary measure, or removal from a position preliminary to a decision by the Board on charges leading to dismissal or demotion.

**"Demotion"** means reduction of an employee from a given class or group of similar positions combined under a common title to a class or group having a lower salary rate.

**"Dismissal"** means separation, discharge or permanent removal of an employee from service in the district for cause, in accordance with the policies and regulations of the district.

## **Personnel -- Certified**

### **Disciplinary Action/Suspension/Dismissal**

#### **Suspension of the Employee Pending Disciplinary Action by the Board**

Except where circumstances justify, disciplinary action shall follow this order: (a) verbal warning, (b) written warning-probation, (c) suspension and (d) demotion and/or dismissal.

In any case where the Superintendent or his/her designee deems it necessary or proper, the employee may be suspended until the Board of Education has determined what disciplinary action to take, if any, against the employee.

This suspension shall be without pay, except that if the Board of Education denies the recommendation of the Superintendent or designee, the employee shall be entitled to full pay for the suspension period. If the Board modifies the recommendation of the Superintendent, the Board shall determine as part of its action whether the suspension or any part of the suspension shall be without pay.

#### **Just Cause**

One or more of the following causes may be sufficient grounds for imposing a disciplinary measure:

1. Incompetency or inefficiency in the performance of the duties of the assigned position;
2. Insubordination (including, but not limited to, refusal to do assigned work);
3. Carelessness or negligence in the performance of duty or in the care or use of district property;
4. Discourteous or offensive or abusive language or conduct toward other employees, students or the public;
5. Dishonesty;
6. Drinking alcoholic beverages on the job, or reporting for work while intoxicated;
7. The unlawful possession, use, or distribution of illicit drugs or alcohol on school premises or as part of any of its activities;
8. Personal conduct unbecoming an employee of the district;
9. Engaging in political activities during assigned hours of employment or otherwise in violation of applicable policies or regulations of the district;

## **Personnel -- Certified**

### **Disciplinary Action/Suspension/Dismissal**

#### **Just Cause (continued)**

10. Conviction of any crime involving moral turpitude, including a sex offense;
11. Repeated and unexcused absences or tardiness;
12. Abuse of leave privileges;
13. Falsifying any information supplied to the school district, including but not limited to, information supplied on application forms, employment records or any other school district records;
14. Persistent violations of, or refusal to obey, safety rules and regulations made applicable to the public schools by the Board of Education, the Superintendent or by any appropriate state or governmental agency;
15. Offering anything of value or offering any service in exchange for special treatment in connection with the employee's job or to any member of the public;
16. Abandonment of position.

#### **Consequences for the Use, Sale or Possession of Controlled Substances or Alcohol**

Any employee using, possessing, or selling controlled substances on school premises or as part of any of its activities shall automatically be subject to the following actions:

**First Violation:** Any employee found to be in violation of the policy for the first time during his/her tenure in the \_\_\_\_\_ Public Schools will be referred by the Superintendent to an appropriate agency licensed to assess and treat drug/alcohol involved individuals. If the employee does not agree to be assessed and participate or agrees to participate and then fails to complete the program prescribed by the agency he/she will be dismissed.

Any employee convicted of selling or distributing a controlled substance will be dismissed. In cases of possession, law enforcement officials will be notified. The violator will also be subject to disciplinary action stipulated in this policy.

**Second Violation:** The law enforcement agency will be notified of all second violations involving a controlled substance. Employees who are convicted of workplace drug abuse will be dismissed.

**Personnel -- Certified**

**Disciplinary Action/Suspension/Dismissal**

Legal Reference: Connecticut General Statutes

10-154 (a) Professional communications between teacher or nurse and student. Surrender of physical evidence obtained from students.

21(a)-240 Definitions

Policy adopted:

cps 1/99

*An optional policy to consider.*

## **Personnel – Certified/Non-Certified**

### **Retirement**

### **Purchase of Health Insurance**

All full-time employees of the District who have retired from school service are eligible for health insurance at their sole cost through the school program until age 65, upon receipt of premium payment from retiree and/or TRB. Employees who are not eligible for Medicare may maintain health coverage through the Board of Education and not be terminated until the death of the employee and his/her surviving spouse. Employees who are not eligible for Medicare may remain in the same group with the same coverage after age 65 upon receipt of premium payments from the retiree and/or the State Teachers Retirement Board.

Legal Reference:      Connecticut General Statutes

10-183t Health Insurance

Policy adopted:

cps 2/06

*An optional policy to consider*

**Personnel -- Certified/Non-Certified**

**Acceptance of Resignations**

The Superintendent of Schools is authorized to accept resignations of all certified and non-certified personnel and report these resignations to the Board of Education at its next regularly scheduled meeting.

*Optional language to consider:*

**Resignation of a Teacher**

The teacher shall recognize the obligation faithfully to fulfill the terms of his/her contract until it is dissolved by mutual consent or by due process of law.

The teacher shall have the right to resign for good reason by submitting at least thirty (30) days written notice at any time except during the month of August, during which month only extreme emergencies shall permit withdrawal.

The teacher shall not resign to accept a new position elsewhere during a school year until the teacher is assured that a suitable replacement is available or until every reasonable opportunity has been given for the Superintendent receiving the teacher's resignation to secure a suitable replacement.

The Superintendent and the Board of Education shall recognize the obligation to release a teacher from the terms of a contract when an opportunity is offered for significant professional advancement.

A teacher intending to resign shall submit a written resignation to the Superintendent of Schools, who is authorized to accept such resignation and such resignation shall be effective upon its submission to the Superintendent. The Board of Education shall be informed of any such teacher resignation at the next regularly scheduled meeting of the Board.

Policy adopted:

cps 2/06

*An optional policy and regulation to consider, developed originally by Old Saybrook.*

## **Personnel -- Certified**

### **Return to Work**

#### **Responsibility**

Every employee of the Board of Education has a responsibility to minimize loss exposure as a factor in the work place by participating in quality improvement programs and strictly observing safety and standard operating policies and procedures. The term "loss exposure," as applied to the workplace, is defined as the potential for accidents, which result in illness or injury.

#### **Policy**

Employees of the Board of Education who are, or could be, on leave of absence from their duties as a result of a work related illness or injury may be eligible for the Return-To-Work Program upon written certification of a medical care provider. The medical care provider must certify that the employee may return to work with restrictions on physical requirements of the job in questions, and that those restrictions are not expected to last for more than 30 days.

A restriction identifies a physical condition, which prevents an employee from performing the full scope of his/her job duties as outlined in their job description. There are two types of restrictions: temporary and permanent. Temporary restrictions are defined as those limitations placed on an injured employee by a physician, which are of a relatively short duration (i.e., the employee is expected to fully recover and to return to normal working conditions.)

Permanent restrictions are defined as those limitations placed on an employee by a physician which is expected to be long term (more than 180 days) or from which recovery is not expected. Those employees who fall in this category are not eligible for participation in the Return-To-Work Program. They may elect to seek alternative employment, or file for a "reasonable accommodation" under the Americans with Disabilities Act.

When an employee is approved for participation in the Return to Work Program, primary consideration will be given to job placement within the employee's department and normal job duties. A secondary consideration will be alternative placement into another department or another assignment, which is within the same bargaining unit. A critical consideration is to place the injured employee in a position to perform productive work that is both useful to the school district and achievable within the limits of the restrictions placed on the employee. Employee must be able to perform the duties established under the applicable job description.

Alternative placement will not be used to avoid the filling of vacancies within the department in question.

**Personnel -- Certified****Return to Work (continued)**

An employee participating in the Return-To-Work Program is subject to all rules, regulations, contractual memoranda of understanding, standards, policies and procedures of the Board of Education.

Each situation will stand on its own merits. An Employee Return-To-Work form, completed by a physician, noting an employee's restrictions, will be evaluated by the appropriate school personnel in order to determine whether or not an employee is able to return to his/her assigned position. A final determination will be made by the Superintendent or designee.

If an employee is approved for the Return-To-Work Program, he/she shall be provided tasks, which fall within the physical restrictions identified by the treating physician. In no case will an employee authorized to participate in the Return-To-Work Program be placed in an area that will pose a health or safety risk to the Board of Education, other staff or themselves. An employee shall not be returned to work to any job that is punitive in nature.

Reference: American with Disabilities Act (ADA)

Policy adopted: September 21, 2004

OLD SAYBROOK PUBLIC SCHOOLS  
Old Saybrook, Connecticut

cps 9/04

*A sample regulation to consider.*

## **Personnel -- Certified**

### **Return to Work**

The following criteria may be used to initiate Return-To-Work procedures.

Employee suffers a catastrophic injury that will prevent that person from performing the essential functions of the position they hold.

Employee has reached maximum medical improvement with restrictions that prevent the employee from performing essential functions of the job.

There is a medical opinion that the employees' permanent medical restrictions prevent performance of the essential functions of the job, even though maximum medical improvement has not been achieved.

The Superintendent or designee will determine if any of the department's workers compensation claims meet one or more of the above mentioned criteria. This notice will be sent to the Superintendent or designee. The Superintendent or designee will evaluate, on a case-by-case basis, work accommodations in compliance with the provisions of the American with Disabilities Act (ADA,) and collective bargaining agreements.

After this evaluation, the Superintendent or designee will make a recommendation to either accommodate the employee in their current position or an alternate position, or to initiate the separation of the employees' service with the Board of Education. This may be accomplished by, but not limited to, service retirement, disability retirement or unvested separation.

The comprehensive Return-To-Work Program has been designed in order to minimize losses and produce better outcomes for both the employee and the Board of Education in case of a work related injury or illness. By fulfilling their roles in the process, participants will insure that the district and its employees realize the goals of reduced costs for work related injuries and illnesses and a more healthy and productive work force.

Regulation issued: September 21, 2004

**OLD SAYBROOK PUBLIC SCHOOLS**  
Old Saybrook, Connecticut

cps 11/04

*A version from Old Saybrook, revised to reflect new legislation*

## **Personnel -- Certified**

### **Administrative Leave/Suspension/Dismissal**

#### **Dismissal**

##### **1. Nontenured Teachers**

The contract for employment of a teacher who has not attained tenure may be terminated at any time for any of the reasons enumerated below:

- a. Inefficiency or incompetence
- b. Insubordination against reasonable rules of the Board of Education
- c. Moral misconduct
- d. Disability, as shown by competent medical evidence in accordance with A.D.A.
- e. Elimination of the position to which the teacher was appointed or loss of a position to another teacher, in accordance with C.G.S 10-151(d)(5)
- f. Other due and sufficient cause

Otherwise, the contract of such teacher shall be continued into the next school year unless such teacher receives a written notice by May 1st in one school year that such contract will not be renewed for the following year. A teacher may request a statement of reason(s) therefore and the district will furnish such a statement within seven (7) days of the receipt of the request. The teacher is entitled to a hearing upon written request filed with the Board within twenty (20) days after receipt of notice. The hearing shall be conducted before the Board, or if indicated in such request and if designated by the Board, before an impartial hearing panel established and conducted in accordance with law or if the parties agree, before a single impartial hearing officer. The hearing shall commence within fifteen (15) days of such request unless the parties mutually agree to an extension.

A teacher who has not attained tenure and whose contract is terminated for any of the reasons under 1(a-d), above, shall have the right to appeal in accordance with the provisions of subsection (e) of C.G.S. 10-151. No right of appeal shall exist if the reason for such non-renewal is either elimination of position or loss of position to another teacher.

## **Personnel -- Certified**

### **Administrative Leave/Suspension/Dismissal**

#### **Dismissal (continued)**

#### **2. Tenured Teachers**

The contract for employment of a teacher who has attained tenure shall be continued from school year to school year, except that it may be terminated at any time for one or more of the following reasons:

- a. Inefficiency or incompetence
- b. Insubordination against reasonable rules of the Board of Education
- c. Moral misconduct
- d. Disability, as shown by competent medical evidence in accordance with A.D.A.
- e. Elimination of the position to which the teacher was appointed or loss of a position to another teacher, in accordance with C.G.S 10-151(d)(5)
- f. Other due and sufficient cause

Prior to terminating a contract the Board of Education shall vote to give the teacher concerned a written notice that termination of such teacher is under consideration and, upon written request filed by such teacher with such Board within seven days after receipt of written notice by the Board of Education that contract termination is under consideration, such teacher may file with such Board a written request for a hearing. Such hearing shall commence within fifteen days after receipt of such request, unless the parties mutually agree to an extension not to exceed fifteen days, before the Board of Education or, if indicated in such request or if designated by the Board before an impartial hearing panel, or if the parties mutually agree, before a single impartial hearing officer chosen by both parties. If the parties are unable to agree upon the choice of a hearing officer within five (5) days after their decision to use a hearing officer, the hearing shall be held before the Board or panel, as the case may be.

Within ninety (90) days after receipt of the request for a hearing, the impartial hearing panel, or hearing officer, unless the parties mutually agree to an extension, shall submit findings and recommendation to the Board of Education as to the disposition of the charges against the teacher, and shall send a copy of such findings and recommendation to the teacher. The Board of Education shall give the teacher concerned its written decision within fifteen (15) days of receipt of the written recommendation. If the hearing is before the Board of Education, the Board shall render its decision within fifteen (15) days after the close of such hearing, and shall send a copy of its decision to the teacher.

Any teacher aggrieved by the decision may appeal within thirty (30) days of such decision to the Superior Court.

## Personnel -- Certified

### Administrative Leave/Suspension/Dismissal

#### Suspension

The Superintendent may place an employee on Administrative Leave with pay or suspend an employee without pay in accordance with Policy 4117. The Superintendent may further bring a recommendation to the Board for action when, in the opinion of the Superintendent, continuation of the employee in the position presents a clear danger to the students, staff, or property of the school system.

(cf. 4117 – Administrative Leave and Disciplinary Action/Suspension/Dismissal)

Legal Reference: Connecticut General Statutes

10-151(c) Employment of teachers. (as amended by PA 11-136)

PA 95-58 An Act Concerning Teacher Evaluations, Tenure and Dismissal.

PA 97-247 An Act Concerning Revisions to the Education Statutes.

*Shanbrom v. Orange Board of Education*, 2 Conn. L. Rpts. 396, 398 (1990)

Americans with Disabilities Act

Policy adopted:

OLD SAYBROOK PUBLIC SCHOOLS  
Old Saybrook, Connecticut

cps 5/04

rev 7/11

*A sample policy to consider.*

## **Personnel -- Certified**

### **Suspension**

It is the policy of the Board to use due process and comply with relevant portions of the collective bargaining agreement when disciplining and/or dismissing employees.

#### **A. Progressive Discipline**

Staff members will be disciplined according to the severity and frequency of the conduct at issue. Discipline may be in the form of verbal reprimand, written reprimand, plan of assistance or suspension depending on the circumstances of each case.

##### **1. Verbal Reprimand:**

The administrator will hold a conference with the employee. He/she will outline the nature of the problem and listen to any comments from the employee. The administrator will indicate compliance with specified procedures or cessation of certain conduct is required and future consequences if directive are ignored.

##### **2. Written Reprimand:**

The administrator will hold a conference with the employee. The employee may have a representative present. The administrator will outline the nature of the problem and listen to any comments from the employee or his/her representative. The administrator will indicate compliance with specified procedures or cessation of certain conduct is required and future consequences if directives are ignored. A "letter of reprimand" shall be written and placed in the employee's personnel file pursuant to provisions in Board policy or the collective bargaining agreement. Legal counsel is to be attained prior to the issuance of any written reprimand.

##### **3. Plan of Assistance:**

Performance deficiencies may require a written plan of assistance to aid improvement. The plan of assistance will incorporate the following elements:

- a. A written description of the problem or problems to be corrected;
- b. The method of methods which will be used to correct the problem;
- c. The length of time during which improvement or correction must occur;  
and
- d. Frequency and type of supervision to be provided.

The administrator will hold a conference with the employee to discuss the plan. The employee may have a representative present. The administrator will explain the plan of assistance and listen to any comments from the employee or his/her representative. The plan of assistance will be implemented as written or modified and implemented as modified.

## Personnel -- Certified

### Suspension (continued)

#### 4. **Suspension:**

Employees may be suspended, without pay, as a disciplinary measure for up to 10 employment days for misconduct detrimental to the school district as defined in Board policy 4117.41.

Before invoking a suspension without pay, the Superintendent (and/or the Board) will conduct a hearing to determine whether the facts warrant such a suspension. The employee may have a representative present at the hearing.

Following are examples of actions that are considered misconduct. This list is representative only and not be considered inclusive.

- possessing, using, manufacturing, distribution, or dispensing any illegal drugs or alcohol while on duty on or off district property;
- interfering with other employees in the discharge of their duties;
- fighting or deliberately harming another;
- disregard for the safety of a fellow employee;
- being absent without approval;
- refusing to follow a supervisors instructions and directions; (insubordination)
- destroying school property intentionally;
- using obscene language which is unsuitable in the school setting,
- possessing weapons on school property without proper authorization, and
- behaving in any inappropriate manner to the extent of adversely affecting the employees ability to perform his/her work.

#### **B. Suspension With Pay**

The Board authorizes the Superintendent to suspend a teacher with pay during an investigation into allegations of disobedience or misconduct whenever the employee's continued presence in his or her position would not be in the best interests of the School District or pending a Board hearing to suspend a teacher without pay.

The Superintendent shall meet with the teacher to present the allegations, and give the teacher an opportunity to refute the charges. The teacher will be told the dates and times the suspension will begin and the conditions under which it will end.

The requirement of policy 5141.4 pertaining to allegations of child abuse by a school employee will be followed as it relates to suspension.

An employee may be suspended pending the outcome of the dismissal hearing.

Policy adopted:

rev 3/98

*Optional.*

## **Personnel -- Certified**

### **Termination of Employment**

The Board of Education is greatly concerned about former employees of school districts who have resigned their positions pursuant to settlement agreements after having been served with disciplinary charges or told they would be subjected to disciplinary action. Such termination or settlement agreements often prohibit the disclosure of their terms to prospective employers, thus preventing prospective employers from becoming fully apprised of the reason(s) the individuals left their former positions and taking appropriate action.

No school personnel or Board member, with the exception of the Superintendent of Schools and/or his or her designee, will make any statement concerning the reason(s) that an individual has left employment with the district. The Superintendent and his or her designee will seek legal counsel concerning the nature of statements which are permissible in the particular case.

The district will also report any serious misconduct to the appropriate authorities, including, but not limited to, the State Department of Education and local authorities.

Policy adopted:

*A sample policy to consider.*

## **Personnel -- Certified**

### **Rights, Responsibilities and Duties**

The Board of Education recognizes that teachers are entitled to regular time and work schedules on which they can rely in the regular course and which will be maintained fairly and evenly throughout the school system.

The duties of teachers, as part of a normal working day, shall include, but not be limited to, the following:

1. Instructional duties
2. Supervisory duties
3. Curriculum activity
4. Parent conferences
5. Staff meetings
6. Filling-in in emergency situations
7. Other duties required by the school program

The teacher is directly responsible to the Building Administrator and, through the Building Administrator, to the Superintendent of Schools. The teacher shall discharge all duties in accordance with the policies and the rules and regulations of the Board of Education, shall comply with the rules and instructions of the Superintendent and the Building Administrator, and in keeping with provisions of the bargaining unit agreement.

Policy adopted:

cps 4/11

*A sample policy to consider.*

## **Personnel -- Certified/Non-Certified**

### **Nondiscrimination**

In compliance with regulations of Title VII of the Civil Rights Act 1964, Title IX of the Education Amendments of 1972 and Section 504 of the Rehabilitation Act of 1973, the Civil Rights Act of 1987 and the American With Disabilities Act, the \_\_\_\_\_ Board of Education adopts the following Equal Employment Opportunity and Equal Education Opportunity Policies.

### **Equal Employment Opportunity**

Both federal and state law prohibits discriminatory practices in hiring and employment. The Board of Education prohibits discriminatory acts in all district matters dealing with employees and applicants for positions and requires equal employment opportunities for all employees and applicants. As an equal opportunity employer, the \_\_\_\_\_ Board of Education does not discriminate on the basis of race, color, religious creed, age, marital status, national origin, ancestry, sex, sexual orientation, gender identity or expression, pregnancy, physical disability or any classification protected by law, past or present history of mental disorder, intellectual disability, learning disability, regarding any individual who can perform the essential functions of the job with or without reasonable accommodations physical disability (including blindness) or other disability (except in the case of a bona fide occupational qualification or need.)

### **Alternate Language:**

*The Board of Education shall not exclude or otherwise deny equal jobs or job benefits to a qualified individual because of the known disability of an individual with whom the qualified individual is known to have a relationship or association. Further, the District shall make reasonable accommodations for the known physical or mental limitations of an otherwise qualified individual with a disability who is an applicant or employee, unless the accommodation would impose undue hardship on the operations of the District.*

### **Equal Education Opportunity**

Pursuant to the IDEA, Americans With Disabilities Act (ADA) and Section 504 of the Rehabilitation Act of 1973, no otherwise qualified individual with handicaps shall, solely by reason of such handicap, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program of the \_\_\_\_\_ Board of Education.

Every student has the right to participate fully in classroom instruction and extracurricular activities and shall not be abridged or impaired because of age, sex, race, religion, national origin, pregnancy, parenthood, marriage, or for any reason not related to his/her individual capabilities.

The Civil Rights Coordinators for the \_\_\_\_\_ Board of Education have the responsibility to monitor the compliance of this policy. The names and location of the Civil Rights Coordinators are set forth below. Further compliance with policy is a responsibility of all district administrators in accordance with the procedures set forth in the attached regulations.

## **Personnel -- Certified/Non-Certified**

### **Nondiscrimination**

#### **Equal Education Opportunity (continued)**

Students shall not be discriminated against, including but not limited to, in the areas of:

- Admission
- Use of School Facilities
- Vocational Education
- Competitive Athletics
- Student Rules, Regulations and Benefits
- Financial Assistance
- School-sponsored Extracurricular Activities
- Enrollment in Courses
- Counseling and Guidance
- Physical Education
- Graduation Requirements
- Treatment as a Married and/or Pregnant Student
- Health Services
- Most Other Aid, Benefits or Services

Employee/or applicants shall not be discriminated against, including but not limited to, the areas of:

- Hiring and Promotion
- Compensation
- Job Assignments
- Leaves of Absence
- Fringe Benefits
- Labor Organization
- Contracts or Professional Agreements

Sexual harassment has been established as a form of sexual discrimination and is defined as follows:

"Any **unwelcome** sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature, when (1) submission to such conduct is made either explicitly or implicitly a term or condition of employment or participation in an educational function (2) submission or rejection of such conduct by an individual is used as the basis for employment or educational decisions affecting the individual or (3) such conduct has the purpose or effect of unreasonably interfering with an individual's work or educational performance or creating an intimidating, hostile or offensive working environment."

## **Personnel -- Certified/Non-Certified**

### **Nondiscrimination**

#### **Equal Education Opportunity (continued)**

Examples of specific behaviors (that are unwanted and sexual in nature) that could constitute sexual harassment include, but not be limited to:

Inappropriate Touching	Sexually explicit comments
Sexual name calling	Sexual rumors
Inappropriate public display of affections	Overly personal a conversation
Gestures	Corner/blocking
Sexually explicit jokes/cartoons/pictures	Leers
Pulling at clothes	Attempted rape/rape
	Harassing telephone calls

If an employee believes that he or she has been discriminated against in regard to either of the preceding policies, a grievance may be filed charging that the employee's personal rights have been denied or violated.

Employees wishing to discuss these regulations or rights under this policy, the need for a reasonable accommodation, or wish to discuss or file a grievance, should contact \_\_\_\_\_, the District's Civil Rights Coordinators, or an administrator.

Forms are available in our Guidance Office or from our Civil Rights Coordinators. Contact with the Civil Rights Coordinators should take place within forty (40) calendar days of the alleged occurrence.

### **Discrimination Grievance Procedure**

The purpose of this procedure is to secure, at the lowest possible administrative level, equitable solutions to problems which may arise concerning claims of discrimination. Evidence of reprisal against a complainant or witness shall be viewed as a violation of this policy.

Any person who wishes to inquire or to register a complaint concerning alleged discrimination in the \_\_\_\_\_ Public Schools shall have an opportunity to bring such concerns to the attention of the Civil Rights Officers or Superintendent, who has the authority to resolve such complaints. The following grievance procedure shall be utilized by any student, parent or employee in making a complaint or inquiry. Officials shall be governed by this procedure.

## Personnel -- Certified/Non-Certified

### Nondiscrimination

#### Discrimination Grievance Procedure (continued)

**Level I:** The complainant shall discuss the alleged discriminatory act or practice with the Civil Rights Officers or the individual closest to the daily decision-making level. This will normally be a Principal, teacher, counselor, Department Chairperson, Head Custodian, or Cafeteria Manager. If satisfaction cannot be achieved through informal discussion, the following procedure must be initiated.

**Level II:** The complainant shall, within forty (40) calendar days of the alleged incident, on forms provided, put the complaint in writing and file it with either of the Civil Rights Officers. Within five (5) working days a conference must be held. Within five (5) working days following the conference, the complaint must be resolved to the satisfaction of both parties or referred to the Superintendent of Schools. Within five (5) working days, the Civil Rights Officer shall notify the Superintendent and must notify the complainant of this notification. The Board will be apprised by the Superintendent of any grievance reaching Level II.

**Level III:** Within ten (10) working days after receipt of such complaint, the Superintendent must hold a hearing; and within five (5) working days of the hearing, resolve the complaint, negotiate a long-term solution or refer the matter to the Board of Education for consideration.

**Level IV:** The Board of Education, Superintendent and the Civil Rights Officers shall proceed in accordance with appropriate laws or regulations.

**Legal Reference:** Connecticut General Statutes  
10-153 Discrimination on account of marital status.  
46a-60 Discriminatory employment practices prohibited.  
P.A. 11-55 An Act Concerning Discrimination  
Federal Law  
Title VII of the Civil Rights Act 1964  
Section 504 and the Federal Vocational Rehabilitation Act of 1973, 20  
U.S.C. 706(7)(b).  
American Disability Act of 1989, as amended by the ADA Amendments Act  
of 2008  
*Chalk v. The United States District Court of Central California.*  
Title IX of the Education Amendments of 1972.  
Civil Rights Act of 1987.

**Policy adopted:**

rev. 1/09

rev 4/09

rev 7/11

rev 9/11

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**Discrimination Grievance Form**

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

\_\_\_\_\_ at \_\_\_\_\_ or \_\_\_\_\_ at \_\_\_\_\_

Name of Presenter/Complainant: \_\_\_\_\_

Employee \_\_\_\_\_ Employment Applicant \_\_\_\_\_ Student \_\_\_\_\_ Parent/Guardian \_\_\_\_\_

Home address \_\_\_\_\_

Phone \_\_\_\_\_ Date of Claim \_\_\_\_\_ Date of Incident \_\_\_\_\_

1. Statement of Incident/Issue (include all pertinent information: who, how, where, when, how often, feelings, witness).
2. Please attach any additional information/documentation as necessary.

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Signature of Presenter: \_\_\_\_\_

Signature of Civil Rights Coordinator: \_\_\_\_\_

Date Received: \_\_\_\_\_

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

*New Fairfield's regulation to consider/modify, updated to reflect new legislation.*

## **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, age, sex, marital status, sexual orientation, gender identity or expression, national origin, ancestry, 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.

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).

## **Personnel - Certified/Non-Certified**

### **Nondiscrimination**

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  
8<sup>th</sup> 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:

NEW FAIRFIELD PUBLIC SCHOOLS  
New Fairfield, Connecticut

cps 11/10

rev 7/11

*Existing policy, number 4118.112 adopted 12/12/01, appropriate as renumbered, except for update to legal reference. A sample follows for comparison and consideration.*

## **Personnel -- Certified/Non-Certified**

### **Sexual Harassment**

#### **Sexual Harassment/Intimidation**

The Woodbridge School District is committed to preserving a positive and productive working and learning environment free of discrimination. The Woodbridge School District prohibits sexual harassment or intimidation of its employees or students whether by supervisory or non-supervisory personnel, by individuals under contract, by volunteers subject to the control of the Board, or by students. Sexual harassment/intimidation in the workplace by employees will result in disciplinary action up to and including dismissal. Students engaged in sexual harassment/intimidation will also be subject to disciplinary action.

Sexual harassment/intimidation is defined as unwelcome conduct of a sexual nature, whether verbal or physical, including, but not limited to, insulting or degrading sexual remarks or conduct; threats or suggestions that an employee's or student's submission to or rejection of unwelcome conduct will in any way influence an employment or education decision regarding that employee or student or conduct of a sexual nature which substantially interferes with an employee's work performance, or student's educational performance or creates an intimidating, hostile or offensive work or school environment, such as the display in the workplace or school of sexually suggestive objects or pictures.

The Woodbridge School District Board of Education encourages victims of sexual harassment to report such incidents. Employees are encouraged to promptly report complaints of sexual harassment/intimidation to the Director of Special Services. Students are encouraged to promptly report complaints of sexual harassment/intimidation to the Principal. Complaints will be investigated promptly and corrective action will be taken when allegations are verified. Confidentiality will be maintained by all persons involved in the investigation and no reprisals or retaliation will be allowed to occur as a result of the good faith reporting of charges of sexual harassment.

**Legal Reference:** Connecticut General Statutes  
46a-54 (15) Definitions. Posting requirement for employers having three or more employees. Where to post. When to post. Posting and training requirements for employers having fifty or more employees. Effect of prior training. Trainers. Recordkeeping.  
*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)

Policy adopted:

WOODBIDGE PUBLIC SCHOOLS  
Woodbridge, Connecticut

*A sample policy to consider.*

## **Personnel -- Certified/Non-Certified**

### **Sexual Harassment**

The \_\_\_\_\_ Board of Education is committed to safeguarding the right of all employees within the school district to a work environment that is free from all forms of sexual harassment. Therefore, the Board condemns all unwelcome behavior of a sexual nature which is either designed to extort sexual favors from an employee as a term or condition of employment, or which has the purpose or effect of creating an intimidating, hostile, or offensive working environment. The Board also strongly opposes any retaliatory behavior against complainants or any witnesses.

Any employee who believes that he or she has been subjected to sexual harassment should report the alleged misconduct immediately so that appropriate corrective action may be taken at once. In the absence of a victim's complaint, the Board, upon learning of, or having reason to suspect, the occurrence of any sexual misconduct, will ensure that an investigation is promptly commenced by appropriate individuals.

The Superintendent of Schools is directed to develop and implement specific procedures on reporting, investigating and remedying allegations of sexual harassment.

A copy of this policy and its accompanying regulation are to be distributed to all supervisory and non-supervisory personnel and posted in appropriate places.

Legal References:      Civil Rights Act of 1964, Title VII, 42 U.S.C. S2000-e2(a)  
                                 Equal Employment Opportunity Commission Policy Guidance (N-915.035)  
                                 on Current Issues of Sexual Harassment, Effective 10/15/88  
                                 *Meritor Savings Bank, FSB v. Vinson* 477 US.57 (1986)  
                                 29 CFR Para. 1604.11 (EEOC)  
                                 *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)  
                                 Connecticut General Statutes  
                                 46a-60 Discriminatory employment practices prohibited.

Policy adopted:

*A sample regulation to consider.*

## **Personnel -- Certified/Non-Certified**

### **Sexual Harassment**

#### **Definitions**

**"Employee"** shall mean all teaching, administrative and support personnel.

**"Immediate supervisor"** shall mean the person to whom the employee is directly responsible (e.g., Department Head, Building Principal)

**"Sexual harassment"** is defined as unwelcome conduct of a sexual nature, whether verbal or physical, including, but not limited to, insulting or degrading sexual remarks or conduct; threats or suggestions that an employee's submission to or rejection of unwelcome conduct will in any way influence an employment decision regarding that employee, or conduct of a sexual nature which substantially interferes with an employee's work performance, or creates an intimidating, hostile or offensive work environment, such as the display in the workplace of sexually suggestive objects or pictures.

#### **Procedures**

Employees who believe they have been subjected to sexual harassment are to report the incident to their immediate supervisor. Should the immediate supervisor be the alleged harasser, the report shall be made to the next level of management. Incidents of sexual harassment may be reported informally or through the filing of a formal complaint.

All reports of sexual harassment will be held in confidence subject to all applicable laws.

Consistent with federal and state law, the following procedures shall be employed in handling any report, investigation and remedial action concerning allegations of sexual harassment.

#### **Informal Complaints**

Employees who believe they have been subjected to sexual harassment may request that an informal meeting be held between themselves and the appropriate supervisor. The purpose of such a meeting will be to discuss the allegations and remedial steps available. The supervisor will then promptly discuss the complaint with the alleged harasser. Should the harasser admit the allegations, the supervisor is to obtain a written assurance that the unwelcome behavior will stop. Depending on the severity of the charges, the supervisor may recommend that further disciplinary action be taken. Thereafter, the supervisor is to prepare a written report of the incident and inform the complainant of the resolution. The complainant is to indicate on the supervisor's report whether or not he/she is satisfied with the resolution.

## **Personnel -- Certified/Non-Certified**

### **Sexual Harassment (continued)**

If the complainant is satisfied with the resolution, the incident will be deemed closed. However, the complaint may be reopened for investigation if a recurrence of sexual harassment is reported. The supervisor is to inform the complainant to report any recurrence of the harassment or any retaliatory action that might occur.

If during the supervisor's informal attempt to resolve the complaint, the alleged harasser admits the allegations but refuses to give assurance that he/she will refrain from the unwelcome behavior, the supervisor is to file a report with the next appropriate level of management. The report is to indicate the nature of the complaint, a description of what occurred when the supervisor informed the alleged harasser of the allegations against him/her, the harasser's response to the allegations, and a recommendation that stronger corrective measures be taken. This report should be accompanied by a formal complaint.

Should the alleged harasser deny the allegations, the supervisor is to inform the complainant of the denial and state that a formal written complaint will be required for further formal investigation. The supervisor will file a report with the next level of management on what has transpired to date. If the complainant submits a formal complaint, a copy of it should accompany the supervisor's report with a recommendation for further action.

### **Formal Complaints**

Formal complaints may be submitted either to initially report any incidence of sexual harassment, or as a follow-up to an unsatisfactory resolution of an informal attempt to resolve a complaint. In the latter case, the formal written complaint is to be submitted to the supervisor originally consulted, who will then forward it to the next appropriate level of management, e.g., the district's Business Official, the Superintendent, for appropriate action.

The formal written complaint will consist of any appropriate forms and a copy of any applicable supervisor reports. The appropriate forms solicit the specific of the complaint, e.g. date and place of incident, description of sexual misconduct, names of any witnesses, and any previous action taken to resolve the matter.

### **Investigating a Complaint**

Upon receipt of a formal or informal complaint, a prompt, thorough and impartial investigation of the allegations must follow. This investigation is to be conducted diligently. Complainants are to be notified of the outcome of the investigation.

## **Personnel -- Certified/Non-Certified**

### **Sexual Harassment (continued)**

#### **Remedial Action**

If the investigation reveals that sexual harassment has occurred, appropriate sanctions will be imposed in a manner consistent with any applicable law. Depending on the gravity of the misconduct, these may range from a reprimand up to and including dismissal from employment.

Anyone subjecting complainants or witnesses to any form of retaliation will also be subject to disciplinary action in the manner prescribed by law.

If the investigation reveals that no sexual harassment has occurred, or if the complainant is not satisfied with the remedial action taken after a finding of sexual harassment, the complainant may appeal to the next appropriate level of management, e.g., the School Business Official, the Superintendent, or the Board of Education. The appeal must include a copy of the original complaint, all relevant reports, the specific action being appealed, and an explanation of why the complainant is appealing.

#### **Post Remedial Action**

Following a finding of sexual harassment, victims will be periodically interviewed by the appropriate supervisory personnel to ensure that the harassment has not resumed and that no retaliatory action has occurred. These follow-up interviews will continue for an appropriate period of time. A report will be made of any victim's response.

#### **Complaint Records**

Complainants should receive a copy of any resolution reports filed by the supervisor concerning his/her complaint. Copies should also be filed with the employment records of both the complainant and the alleged harasser.

#### **Investigation in the Absence of a Complaint**

The Board, in the absence of a victim's complaint, must ensure that an investigation is commenced by the appropriate individuals, upon learning of, or having reason to suspect, the occurrence of any sexual misconduct.

## Personnel -- Certified/Non-Certified

### Sexual Harassment (continued)

#### Training

Each year, or more frequently if the Board deems it appropriate, employees will receive training regarding sexual harassment and related matters pursuant to CGS 46a-54 (15). Such training may include a review of this policy and regulation, discussion, films or other activities.

Legal References: Connecticut General Statutes

46a-54 (15) Definitions. Posting requirement for employers having three or more employees. Where to post. When to post. Posting and training requirements for employers having fifty or more employees. Effect of prior training. Trainers. Recordkeeping.

*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)

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

Regulation approved:

rev 7/98

## SEXUAL HARASSMENT FORMAL COMPLAINT FORM

Name and position of complainant: \_\_\_\_\_

Date of complaint: \_\_\_\_\_

Name of alleged sexual harasser: \_\_\_\_\_

Date and place of incident: \_\_\_\_\_

\_\_\_\_\_

Description of misconduct: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Name of witnesses (if any): \_\_\_\_\_

\_\_\_\_\_

Has the incident been reported before? \_\_\_\_\_

If yes, when? \_\_\_\_\_

To whom was it reported? \_\_\_\_\_

What was the resolution? \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Reasons for dissatisfaction:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

## SEXUAL HARASSMENT COMPLAINT - APPEAL FORM

Name and position of complainant: \_\_\_\_\_

Date of appeal: \_\_\_\_\_

Date of original complaint: \_\_\_\_\_

Have there been any prior appeals? \_\_\_\_\_

If yes, when? \_\_\_\_\_

\_\_\_\_\_

To whom? \_\_\_\_\_

\_\_\_\_\_

--

Description of decision being appealed: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Why is the decision being appealed? \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**[To be posted in a conspicuous place readily available for viewing by employees]**

**SEXUAL HARASSMENT IS ILLEGAL  
AND IS PROHIBITED  
BY  
THE CONNECTICUT DISCRIMINATORY EMPLOYMENT PRACTICES ACT  
(Section 46a-60 of the Connecticut General Statutes)  
AND  
TITLE VII OF THE CIVIL RIGHTS ACT OF 1964  
(42 United States Code Section 2000e et seq.)**

**SEXUAL HARASSMENT MEANS ANY UNWELCOME SEXUAL ADVANCES OR REQUESTS FOR SEXUAL FAVORS OR ANY CONDUCT OF A SEXUAL NATURE WHEN:**

- 1. SUBMISSION TO SUCH CONDUCT IS MADE EITHER EXPLICITLY OR IMPLICITLY A TERM OR CONDITION OF AN INDIVIDUAL'S EMPLOYMENT;**
- 2. SUBMISSION TO OR REJECTION OF SUCH CONDUCT BY AN INDIVIDUAL IS USED AS THE BASIS FOR EMPLOYMENT DECISIONS AFFECTING SUCH INDIVIDUAL; OR**
- 3. SUCH CONDUCT HAS THE PURPOSE OR EFFECT OF SUBSTANTIALLY INTERFERING WITH AN INDIVIDUAL'S WORK PERFORMANCE OR CREATING AN INTIMIDATING, HOSTILE, OR OFFENSIVE WORKING ENVIRONMENT.**

**EXAMPLES OF SEXUAL HARASSMENT INCLUDE:**

**UNWELCOME SEXUAL ADVANCES  
SUGGESTIVE OR LEWD REMARKS  
UNWANTED HUGS, TOUCHES, KISSES  
REQUESTS FOR SEXUAL FAVORS  
DEROGATORY OR PORNOGRAPHIC POSTERS, CARTOONS, OR DRAWINGS.**

**REMEDIES FOR SEXUAL HARASSMENT MAY INCLUDE:**

**CEASE AND DESIST ORDERS  
BACK PAY  
COMPENSATORY DAMAGES  
HIRING, PROMOTION, OR REINSTATEMENT**

**RETALIATION AGAINST ANY EMPLOYEE FOR COMPLAINING ABOUT SEXUAL HARASSMENT IS PROHIBITED UNDER THIS POLICY AND ILLEGAL.**

**VIOLATION OF THIS POLICY IS GROUNDS FOR DISCIPLINE, INCLUDING DISCHARGE.**

**INDIVIDUALS WHO ENGAGE IN ACTS OF SEXUAL HARASSMENT MAY ALSO BE SUBJECT TO CIVIL AND CRIMINAL PENALTIES.**

**AN INFRACTION OF THIS POLICY BY SUPERVISORS OR CO-WORKERS SHOULD BE REPORTED IMMEDIATELY TO THE DIRECTOR OF MANAGEMENT SERVICES, OR SUPERINTENDENT IF THE TITLE IX COORDINATOR IS THE SUBJECT OF THE COMPLAINT. CONFIDENTIALITY WILL BE MAINTAINED TO THE EXTENT POSSIBLE.**

**4118.112**  
**4218.112**  
**NOTICE**  
(continued)

**ANY EMPLOYEE WHO BELIEVES THAT HE OR SHE HAS BEEN HARASSED OR DISCRIMINATED AGAINST IN THE WORKPLACE IN VIOLATION OF THIS POLICY MAY ALSO CONTACT:**

**THE CONNECTICUT COMMISSION ON HUMAN RIGHTS AND OPPORTUNITIES  
SOUTHWEST REGION OFFICE  
350 FAIRFIELD AVENUE  
BRIDGEPORT, CT 06604  
PHONE (203) 579-6246**

**[REGIONAL OFFICES AND THEIR ADDRESSES CAN BE FOUND ON THE CHRO WEBSITE,  
[HTTP://WWW.STATE.CT.US/CHRO/](http://www.state.ct.us/chro/)]**

**AND/OR:**

**THE EQUAL EMPLOYMENT OPPORTUNITY COMMISSION  
BOSTON AREA OFFICE  
475 GOVERNMENT CENTER  
BOSTON, MA 02203  
PHONE (617) 565-3200  
(800) 669-4000**

**CONNECTICUT LAW REQUIRES THAT A FORMAL WRITTEN COMPLAINT BE FILED WITH THE COMMISSION ON HUMAN RIGHTS AND OPPORTUNITIES WITHIN ONE HUNDRED AND EIGHTY (180) DAYS OF THE DATE WHEN THE ALLEGED HARASSMENT/ DISCRIMINATION OCCURRED.**

*Existing policy, presently numbered 4117 adopted 21/23/04, appropriate as renumbered, except for update to legal reference. Samples follow for comparison and consideration.*

## **Personnel - Certified/Non-Certified**

### **Harassment - Staff**

The Board of Education believes that all employees and those who have a relationship or involvement with the school district should treat one another with respect for the individual's dignity. It is the policy of the Board of Education that all employees have a right to work in an environment free of discrimination, which includes freedom from all forms of harassment. The Board of Education in support of this belief prohibits all forms of harassment of employees by supervisors, fellow employees, students, agents of outside vendors, contracted services providers and community members.

Harassment of employees will not be tolerated. Any form of harassment related to an employee's race, color, sex, sexual orientation, religion, national origin, age, disability (physical or mental), marital, or veteran status will be considered a violation of this policy and will be treated as a disciplinary matter.

Harassment is a repeated or persistent form of inappropriate and deliberate conduct intended to annoy and/or undermine the employee relationship. It also includes unwelcome sexual advances and other forms of sexual harassment as addressed separately in policies of the Woodbridge Board of Education.

If an employee feels that he/she is being harassed by a supervisor, any other employee, vendor, visitor, parent or other individual who has cause to be associated with the school district, the employee should, if possible, first let the harassing person know of their objections. If the employee finds it difficult to do so or that their first objections do not produce results, the problem characterized as harassment is to be reported immediately to the employee's direct supervisor. If the supervisor is the source of the harassment, the individual making a complaint shall report it to the Director of Special Services or the Superintendent.

To the extent practical, the employee's confidentiality and that of any witnesses and the alleged harasser will be protected against unnecessary disclosure. When the investigation is completed, the employee will be informed of the outcome of the investigation.

This policy prohibits retaliation against any employee who rejects, protests, or complains about harassment. The Superintendent will develop regulations detailing procedures for reporting and processing complaints in relation to harassment.

The Director of Special Services or another individual designated by the Superintendent will investigate every complaint of harassment, without bias or premature judgment. An investigation shall include interviews with the individual filing the complaint, the subject of the complaint, co-workers, and others who may have knowledge of the situation.

## Personnel - Certified/Non-Certified

### Harassment - Staff (continued)

Retaliation against any employee who is the subject of harassing behavior or any witnesses is strictly forbidden and will result in disciplinary action.

Supervisors are required to investigate and report all incidents of harassment or suspected harassment brought to their attention. The failure to do so may be grounds for disciplinary action. Likewise, it is the obligation of non-supervisory employees to report any incidents of harassment or suspected harassment that may be brought to their attention to an appropriate supervisor.

The investigator will make every reasonable attempt to rationally and objectively resolve any questions of credibility between the complaining and the accused employee or individuals. Information obtained during the course of an investigation of harassment will be maintained in confidence and released only to individuals who have a need to know.

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.  
*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)  
Connecticut General Statutes  
46 a-60 Discriminatory employment practices prohibited.  
10-153 Discrimination on account of marital status.  
17a-101 Protection of children from abuse.

Policy adopted:

WOODBIDGE PUBLIC SCHOOLS  
Woodbridge, Connecticut

*An optional revised sample policy to consider. A related version of this policy should also be placed in the 5000 series – Students.*

## **Personnel -- Certified/Non-Certified**

### **Harassment**

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

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

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

1. is sufficiently severe, persistent or pervasive that it affects an individual's ability to participate in or benefit from an educational program or activity or creates an intimidating, threatening or abuse education environment;
2. has the purpose or effect of substantially or unreasonably interfering with an individual's work performance;
3. otherwise adversely affects an individual's employment opportunities;

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

- verbal, physical, or written intimidation or abuse;
- repeated remarks of a demeaning or condescending nature;
- repeated demeaning jokes, stories, or activities directed at the individual;

## Personnel -- Certified/Non-Certified

### Harassment (continued)

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

1. acceptance of such conduct is made, either explicitly or implicitly, a term or condition of an individual's continued employment;
2. submission to or rejection of such conduct by an individual is used as the basis for decisions affecting the individual; and
3. such conduct is sufficiently severe, persistent or pervasive that it has the purpose or effect of substantially interfering with the employee's job performance or creating an intimidating, hostile or offensive working environment.

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

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

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

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

- { } Superintendent
- { } Assistant Superintendent
- { } Business Manager
- { } Personnel Director
- { } Director of Special Education/Services

as the District's Compliance Officer.

## Personnel -- Certified/Non-Certified

### Harassment (continued)

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

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

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

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

(cf. 5145.52 – Harassment)

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

29 CFR 1604.11, EEOC Guidelines on Sex Discrimination.

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

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

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

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

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

## Personnel - Certified/Non-Certified

### Harassment (continued)

Legal References: (continued)

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

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

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

Connecticut General Statutes

46a-60 Discriminatory employment practices prohibited.

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

10-153 Discrimination on account of marital status.

17a-101 Protection of children from abuse.

Policy adopted:

rev. 11/01

rev. 4/02

rev 11/10

*Existing regulation, #4117.1, date of issuance unknown, recodified, is appropriate as written. A sample follows for comparison and consideration.*

## **Personnel - Certified/Non-Certified**

### **Harassment/Intimidation**

The Board of Education endeavors to provide all staff with a school environment that is free from all forms of harassment. Harassment does not only depend upon the person's intention but also upon how the person who is the subject of the behavior reasonably perceives the behavior and is affected by it. Harassment will not be tolerated by, among, or against employees of the school district. The Board recognizes that harassing behavior can originate from a person of either sex against a member of either the opposite or same sex. All members of our school community are required to adhere to a standard of conduct that is respectful and courteous to students, district employees and the general public.

The Board of Education condemns and prohibits all harassment. Unwelcome behavior is harassment, if submission to or rejection of it is made implicitly or explicitly, a term or condition of instruction or participation in an educational activity or the basis of evaluation or an academic decision, or if it has the purpose or effect of creating a hostile, intimidating or offensive work environment. Examples of such behavior include unwanted touching, insulting or degrading comments and the display of explicitly or suggestive gestures, objects, words or practices.

It is the express policy of the Board of Education to encourage victims of harassment to report such claims. Employees should promptly report complaints of harassment to the appropriate supervising personnel or the building principal or his/her designee. The Superintendent is directed to develop and implement specific procedures on reporting, investigating and remedying allegations of harassment. The right to confidentiality of the complainant and the accused will be respected consistent with the Board's legal obligations and with the necessity to investigate allegations of misconduct and take corrective action when such conduct has occurred. There shall be no retaliation whatsoever against an individual filing a complaint of harassment made in good faith.

In accordance with employee organization agreements, the law and Board policy, a substantiated charge of harassment against a staff member of the Board shall subject such staff member to appropriate corrective action, which may include discipline up to and including suspension or termination.

In an effort to provide a learning environment that is free of harassment, the Board directs the administration to educate students and staff about harassment, emphasizing the areas of awareness and prevention. In addition, the Woodbridge School District will provide staff development for administrators and supervisory personnel and will annually inform staff of this policy.

## **Personnel - Certified/Non-Certified**

### **Harassment/Intimidation (continued)**

#### **Procedure**

Any employee who believes that he or she has reason to complain about harassment should report the alleged misconduct immediately to a supervisor, Special Services Director, the building principal or the Superintendent. The building principal, or if the building principal's conduct is in question, the Superintendent, will conduct a prompt, full and impartial investigation of any complaint of harassment and, if harassment is determined to have occurred, will design and implement prompt corrective action. Reprisals or retaliation against anyone making a good faith report of possible harassment will not be permitted.

All complaints of harassment will be treated with all appropriate confidentiality and in accordance with Complaint Levels 1, 2 and 3 as set forth below, consistent with applicable state and federal statutes and regulations.

#### **Remedial Action**

Employees who are determined to have engaged in harassment will be subject to appropriate corrective action, including disciplinary action up to and including suspension and/or termination.

#### **False Complaint**

If it is determined that a complaint of harassment was not made in good faith or was deliberately false, the complainant may be subject to appropriate corrective action, which may include suspension and/or termination, consistent with personnel policy.

#### **Investigation in the Absence of a Complaint**

The Board of Education may, in the absence of a victim's complaint, initiate an investigation upon learning of possibly harassing conduct.

#### **Staff Responsibilities**

Any staff member who is made aware of a complaint of possible harassment must immediately report the complaint to the school principal. The school principal will verbally inform the Superintendent of Schools of the situation and the Superintendent or designee will assure the complaint is given proper consideration, and at the same time, protect the rights of the individuals involved.

## **Personnel - Certified/Non-Certified**

### **Harassment/Intimidation (continued)**

#### **Confidentiality**

The right to confidentiality of the complainant and the accused will be respected consistent with the Board's legal obligations and with the necessity to investigate allegations of misconduct and take corrective action when such conduct has occurred.

#### **Level 1 Complaint**

Employees who believe they have reason to complain about harassment may request that an informal meeting be held between themselves and the appropriate member of administration. The purpose of such a meeting will be to discuss the allegations and remedial steps available. If an alleged incident of harassment is articulated in the meeting, the administrator will promptly discuss the complaint with the alleged harasser(s). Should the harasser(s) admit engaging in harassment, the administration will implement or initiate corrective action as appropriate, including if possible, obtaining the harasser(s) written assurances that the unwelcome behavior will stop and depending upon the severity of the charges, the implementation or recommendation of disciplinary or corrective action up to and including discharge. The administrator will prepare a written report of the incident and submit a copy to the Superintendent of Schools for inclusion in the perpetrator's file, as appropriate. All other documents shall be maintained in a separate, secure investigatory file.

If the charges are substantiated, the complainant will be so informed and that appropriate action has occurred to remedy the situation. In addition, the complainant is to be informed that any recurrence of harassing behavior or any retaliatory behavior, either by the original harasser or others, should be promptly reported.

Should the alleged harasser deny engaging in harassment or should the administrator conclude that any incident did not constitute harassment, the administrator is to so inform the complainant and invite him or her to submit a Level 2 Complaint. The administrator will file a report with the Superintendent of Schools, as appropriate, on the complaint and the actions taken to date. If the complainant does submit a Level 2 Complaint, a copy of it will accompany the administrator's report. If administration deems it appropriate, investigation may continue even absent a Level 2 Written Complaint by the complainant.

#### **Level 2 Complaint**

Level 2 Complaints may be submitted either initially to report any incidents of possible harassment or as a follow-up to an unsatisfactory resolution of a Level 1 attempt to resolve a harassment complaint. In the latter case, the Level 1 complaint is to be submitted to or by the administrator originally consulted, who will then forward it to the Superintendent of Schools, as appropriate, for action.

## **Personnel - Certified/Non-Certified**

### **Harassment/Intimidation (continued)**

The Level 2 Complaint will be made on appropriate forms and be accompanied by copies of any applicable supervisory reports. The appropriate forms will solicit the specifics of the complaint including the names of the complainants, name(s) of the alleged harasser(s), date(s) and place(s) of the incidents, description(s) of the speech or behavior, names of any witness(es), any additional relevant information concerning the allegations and information concerning any previous action taken to resolve this matter.

### **Appeal Procedure – Level 3**

The complainant(s) or the accused harasser(s) may appeal to the next supervisory level or finally to the Board of Education if there is dissatisfaction with a formal investigation's conclusion as to whether harassment has occurred or with any remedial action taken. The appeal must include reference to the original complaint and a statement of the reason for the appeal. The Superintendent of Schools or the Board of Education will be provided copies of all relevant reports concerning the specific action being appealed along with the appeal document.

Legal References:      Civil Rights Act of 1964, Title VII, 42 U.S.C. 2000-e2(a);  
                                 Equal Employment Opportunity Commission Policy Guidance (N915.035)  
                                 on Current Issues of Sexual Harassment, effective 3/19/90.  
                                 Title IX of the Education Amendments of 1972, 34 CFR Section 106.  
                                 *Meritor Savings Bank, FSB vs. Vinson, 477 U.S. 57 (1986).*  
                                 Connecticut General Statutes:  
                                 46a-60 Discriminatory Employment Practices Prohibited;  
                                 Constitution of the State of Connecticut, Article I, Section 20;  
                                 EEOC Policy Guidance, N-915.035  
                                 Family Educational Rights and Privacy Act 20 U.S.C. 1232 g et. seg.

Regulation approved:

WOODBRIAGE PUBLIC SCHOOLS  
Woodbridge, Connecticut

**WOODBRIIDGE SCHOOL DISTRICT  
HARASSMENT COMPLAINT REPORT**

**LEVEL 1**

**Employee:** Please detail the nature of the complaint, setting forth names and dates, as appropriate.

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**Administrator:** Please detail the nature of the complaint, setting forth names and dates, as appropriate: and the response of the individual against who the complaint is made.

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**Finding and Action Taken:** \_\_\_\_\_

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**Signature of Administrator:** \_\_\_\_\_

**Date:** \_\_\_\_\_

**Reports of harassment shall be treated with all appropriate confidentiality.**

**WOODBRIAGE SCHOOL DISTRICT  
HARRASSMENT COMPLAINT REPORT**

**LEVEL 2**

Name of Complainant: \_\_\_\_\_

Home Address: \_\_\_\_\_

Telephone (Home) \_\_\_\_\_

Date of Incident: \_\_\_\_\_ Time of Incident: \_\_\_\_\_ Date Reported: \_\_\_\_\_

Location of Incident \_\_\_\_\_

Complaint Filed Against (Name/Position): \_\_\_\_\_

Witness: \_\_\_\_\_

Name/Position	Address	Telephone
_____	_____	_____
_____	_____	_____
_____	_____	_____

Details (description) of complaint: (Please attach any additional information/documentation as necessary)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Recommended Action/Action Taken: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Signatures (Acknowledgments):**

Complainant \_\_\_\_\_ Date: \_\_\_\_\_

Subject of Investigation \_\_\_\_\_ Date: \_\_\_\_\_

School Principal: \_\_\_\_\_ Date: \_\_\_\_\_

Superintendent of Schools: \_\_\_\_\_ Date: \_\_\_\_\_

**Reports of harassment shall be treated with all appropriate confidentiality.**

**WOODBIDGE SCHOOL DISTRICT  
HARASSMENT COMPLAINT APPEAL**

**Level 3**

Name(s) and Position(s) of Appeal Initiator: \_\_\_\_\_

\_\_\_\_\_

Names(s) and Positions(s) of Original Complainant: \_\_\_\_\_

\_\_\_\_\_

Date of Original Complaint: \_\_\_\_\_

Date of Appeal: \_\_\_\_\_

This appeal is being submitted to the:

Superintendent of Schools \_\_\_\_\_

Board of Education \_\_\_\_\_

What is/are the decisions(s) and/or remedial actions(s) being appealed?

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

What is/are the decision(s) and/or remedial actions(s) being appealed?

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Name of Appealing Party

\_\_\_\_\_  
Date

*Sample regulation to consider which contains the required complaint procedure.*

## **Personnel -- Certified/Non-Certified**

### **Harassment**

#### **Harassment Complaint Procedure**

If an individual believes that he/she is being or has been harassed, that person should immediately inform the harasser that his/her behavior is unwelcome, offensive, in poor taste, unprofessional, or highly inappropriate.

If the offensive behavior is **repeated** following a request to the harasser that it cease, the employee shall have the option of pursuing either an **informal** complaint procedure designed to educate the harasser and to eliminate the problem, or a formal complaint procedure that is defined below.

Any employee who makes an **informal** oral complaint of harassment to his or her supervisor, site administrator, or the Assistant Superintendent (*or Superintendent's designee in the absence of an Assistant Superintendent*), or Compliance Officer will be provided a copy of these regulations and will be encouraged to pursue the **formal** procedure should the **informal** investigation and intervention, if required, prove unsuccessful in eliminating the objectionable behavior. **HOWEVER, IT IS NOT NECESSARY FOR THE PERSON BEING HARASSED TO WAIT UNTIL THE OFFENSIVE BEHAVIOR IS REPEATED BEFORE FILING A COMPLAINT. OFFENSIVE BEHAVIOR OF AN EGREGIOUS NATURE WOULD WARRANT AN IMMEDIATE AND FORMAL COMPLAINT BE FILED.**

If, following requests to cease objectionable, harassing behavior, said behavior continues, and if the **informal** procedure has also proven unsatisfactory, or unacceptable, the employee may pursue the **formal** complaint procedure which involves submitting a written complaint to his or her supervisor, site administrator, or the Assistant Superintendent (*or Superintendent's designee in the absence of an Assistant Superintendent*) or Compliance Officer. The complaint should list the name of the complainant, the date of the complaint, the date of the alleged harassment, the name(s) of the harasser(s), where such harassment occurred, and a detailed statement of the circumstances constituting the alleged harassment.

All formal complaints and informal complaints involving staff are to be forwarded immediately to the Assistant Superintendent (*or the Superintendent's designee in the absence of an Assistant Superintendent*) unless that individual is the subject of the complaint, in which case the complaint should be forwarded directly to the Superintendent.

Upon receiving a formal complaint, the building level administrator in concert with the Assistant Superintendent (*or the Superintendent's designee in the absence of an Assistant Superintendent*), or Compliance Officer will, as soon as possible, commence an effective, thorough, objective and complete investigation of the complaint. The investigator shall consult with all individuals reasonably believed to have relevant information, including the complainant and the alleged harasser, any witnesses to the conduct, and victims of similar conduct that the investigator reasonably believes may exist.

## **Personnel -- Certified/Non-Certified**

### **Harassment**

#### **Harassment Complaint Procedure (continued)**

The investigation shall be free of stereotypical assumptions about either party. The investigation shall be carried on discreetly, maintaining confidentiality insofar as possible while still conducting an effective and thorough investigation. Throughout the entire investigative process, the due process rights of the alleged harasser will be upheld. The investigator shall make a written report summarizing the results of the investigation and proposed disposition of the matter, and shall provide copies to the complainant, the alleged harasser, and, as appropriate, to all others directly concerned.

If the complainant is dissatisfied with the result of the investigation, he or she may file a written appeal to the Superintendent, who shall review the investigator's written report, the information collected by the investigator together with the recommended disposition of the complaint to determine whether the alleged conduct constitutes harassment. The Superintendent may also conduct a reasonable investigation, including interviewing the complainant and alleged harasser and any witnesses with relevant information. After completing this review, the Superintendent shall respond to the complainant, in writing, as soon as possible.

If after a thorough investigation, there is reasonable cause to believe that harassment has occurred, the district shall take all reasonable actions to ensure that the harassment ceases and will not recur. Actions taken in response to situations of harassment may include reprimand, reassignment, transfer, suspension, expulsion, disciplinary action, or discharge from employment.

The harasser and any other involved individuals, if appropriate, will be informed that appropriate action shall be taken if further acts of harassment or retaliation occur. If further acts of harassment or retaliation do occur, appropriate action shall be taken.

All employees, and supervisors shall be provided copies of the Board of Education policy concerning harassment and the policy will be reproduced in all employee and student handbooks.

Regulation approved:

cps 11/01  
rev. 4/02



**REPORT FORM FOR COMPLAINTS OF DISCRIMINATION**

Complainant: \_\_\_\_\_  
Home Address: \_\_\_\_\_  
Home Phone: \_\_\_\_\_  
School building: \_\_\_\_\_  
Date of Alleged Incident(s): \_\_\_\_\_

Alleged harassment was based on: (Check all that apply.)

- Race
- Gender
- Ancestry
- Color
- Disability
- Age
- National Origin
- Religion
- Sexual Orientation
- Gender Identity or Expression

Name of person you believe violated the District's nondiscrimination policy: \_\_\_\_\_

If the alleged discrimination was directed against another person, identify the other person: \_\_\_\_\_

Describe the incident as clearly as possible, including any verbal statements (i.e., threats, derogatory remarks, demands, etc.) and any actions or activities. Attach additional pages if necessary:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

When and where incident occurred: \_\_\_\_\_

List any witnesses who were present: \_\_\_\_\_

This complaint is based on my honest belief that \_\_\_\_\_ has discriminated against me or another person. I certify that the information provided in this complaint is true, correct and complete to the best of my knowledge.

\_\_\_\_\_  
Complainant's Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Received By

\_\_\_\_\_  
Date

*Sample policy to consider.*

## **Personnel -- Certified/Non-Certified**

### **Travel; Reimbursement**

The Board of Education shall reimburse employees and officials of the district for actual and necessary expenses incurred while using private vehicles, or while attending authorized meetings or conferences.

Policy adopted:

*A new policy to consider.*

## **Personnel -- Certified/Non-Certified**

### **Use of Board of Education Vehicles or Privately Owned Vehicles**

Employees should use contracted transportation for all school sponsored events and activities to transport student. In the event of an emergency, an employee should call 911 or police services. The use of privately owned vehicles for District business shall be kept to a minimum, and such vehicles should only be used when absolutely necessary. In the event that contracted transportation is unavailable, an employee may only use a Board of Education vehicle or a privately owned vehicle (when a Board of Education vehicle is unavailable) if the following requirements are satisfied:

1. The employee applies in writing and receives the advanced written permission of the Superintendent or his/her designee;
2. The employee possesses an automobile insurance policy with liability coverage of at least \$300,000 and provides a copy of such policy to the Superintendent or his/her designee at the time he/she applies in writing;
3. In accordance with Connecticut laws, the employee possesses a valid Connecticut driver's license, commercial or class D, with the appropriate endorsements and provides a copy of such license to the Superintendent or his/her designee at the time he/she applies in writing; when driving a Board vehicle or private vehicle which is not the result of an incidental, unplanned or emergency situation;
4. The employee agrees to maintain his/her privately owned vehicle in a safe operating condition;
5. The employee agrees to follow all federal and state laws and regulations regarding the operation of motor vehicles;
6. The employee agrees to follow all Board of Education rules for motor vehicle safety, including use of seatbelts and codes of conduct;
7. The employee agrees to defend, indemnify, and hold harmless the Board of Education and their agents, servants or employees from any and all claims, suits or demands by anyone arising from said participant's use of their personal auto for District business.

Employees who do not satisfy the above requirements are prohibited from transporting students to and/or from school sponsored events and activities in Board of Education vehicles or privately owned vehicles.

## **Personnel -- Certified/Non-Certified**

### **Use of Board of Education Vehicles or Privately Owned Vehicles (continued)**

(cf. 3541.22 – Drivers)

(cf. 3541.44 – Use of Private Automobiles on School Trips (by school employees))

Legal Reference: Connecticut General Statutes

14-1(i) Motor vehicles: definitions.

14-212 (8) Definitions - “Student transportation vehicle.”

14-212 (2) Definitions - “Carrier.”

14-261b Drug and alcohol testing of drivers of certain vehicles, mechanics and forklift operators.

14-276 to 14-279 re: school bus operators et. al.

PA 07-224 An Act Concerning Operator’s Licenses Bearing a School Bus Endorsement.

Declaratory Ruling, Nov. 16, 2007- Robert M. Ward, Commissioner, DMV

2717 Alcohol and controlled substances testing (Omnibus Transportation Employee Testing Act of 1991)

Policy adopted:

cps 4/08

\_\_\_\_\_ PUBLIC SCHOOLS  
\_\_\_\_\_, Connecticut

**REQUEST AND APPROVAL FORM FOR USE OF  
BOARD OF EDUCATION VEHICLE OR PRIVATELY OWNED VEHICLE**

School: \_\_\_\_\_

I, \_\_\_\_\_, request permission to:

- Use a Board of Education vehicle; or  
 My privately owned vehicle for the transportation of students

For the following school sponsored event or activity \_\_\_\_\_  
\_\_\_\_\_.

By signing below, I, \_\_\_\_\_, agree as follows:

1. I have an automobile insurance policy with liability coverage of at least \$300,000, a copy of which is attached to this request;
2. I have a valid Connecticut driver's license, commercial or class D, with the appropriate endorsements, a copy of which is attached to this request;
3. My vehicle is in safe operating condition and equipped with seat belts that will be used by each passenger;
4. I will follow all federal and state laws and regulations regarding the operation of motor vehicles;
5. I will follow all Board of Education rules for motor vehicle safety, including codes of conduct; and
6. The employee agrees to defend, indemnify, and hold harmless the \_\_\_\_\_ Board of Education and their agents, servants or employees from any and all claims, suits or demands by anyone arising from said participant's use of their personal auto for district business.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

**APPROVAL**

The Superintendent of Schools or his/her designee hereby authorizes \_\_\_\_\_ to use a Board of Education vehicle or his/her privately owned vehicle (circle applicable) to transport students as requested above.

\_\_\_\_\_  
Superintendent

\_\_\_\_\_  
Date

*Existing policy number 4134 adopted 10/21/02, appropriate as written except for update to legal reference.*

## **Personnel - Certified**

### **Tutoring**

The Board of Education believes that by maintaining a high quality instructional staff providing a comprehensive curriculum, the educational needs of all students can be met. It is expected that every effort will be made by the school administrators and teacher(s) to address and resolve learning problems of a student at school. The provision of individual tutoring outside of school is a decision, which should be made by parents for their child.

In the case of Special Education students, no staff member, unless specifically authorized by a properly convened Planning and Placement Team (PPT), Superintendent, or designated administrator, is authorized to make recommendations regarding tutoring or any other services, which might be considered a part of a student's educational program.

A teacher or staff member may not solicit or accept fees involving the tutoring of a child with an Individual Education Program (IEP) which prescribes tutoring services for the student. The teacher of a student may not, for a fee or remuneration, tutor, coach, or otherwise instruct any student in an educational activity if the student is or will be instructed by the teacher within the school year in which the tutoring is sought by the parents.

This policy shall not apply to instances of tutoring, coaching, homework assistance and other educational activities provided as part of a board sponsored program or activity for which a fee would normally be required and when a program or activity is not a mandatory or formal part of the school curriculum. Tutoring situations other than those under the auspices of the Board of Education are not permitted on school grounds.

The Principals are directed by the Board of Education to annually develop and maintain a list of faculty or qualified school personnel who would be interested in tutoring a child should the parent(s) of a child specifically request assistance in obtaining a tutor.

The process of private testing by staff or outside agencies shall take place off school premises.

**Legal Reference:** Connecticut General Statutes

53-392a - 53-392e All related to academic crimes.

53-392b Preparation of assignments for students attending educational institutions prohibited.

Policy adopted:

WOODBRIIDGE PUBLIC SCHOOLS  
Woodbridge, Connecticut

*Optional policy to consider.*

## **Personnel -- Certified/Non-Certified**

### **Grievances/Complaints**

#### **Resolution of Employee Problems or Complaints (Employees not included in a Collective Bargaining Agreement)**

The Board recognizes that employee problems and/or complaints will arise from time to time. Each employee is entitled to have such concerns dealt with by his/her immediate supervisor in a reasonable manner and to have the right to appeal a supervisor's decision when he/she feels they are unreasonable.

In an effort to quickly and informally resolve a problem or complaint, the employee shall first discuss the matter with his/her immediate supervisor. If he/she is not satisfied with the supervisor's disposition of the matter, he/she should discuss the matter with the Superintendent.

If after completing the informal procedure, the employee is not satisfied with the disposition of the matter, he/she may submit, within five (5) business days after the meeting with the Superintendent, the problem or complaint in writing to the Superintendent.

The Superintendent shall review the written complaint or problem, and render a decision and the reasons therefore in writing within five (5) business days to the employee.

If the employee is not satisfied with the decision of the Superintendent, he/she may submit an appeal in writing to the Board of Education.

The Board of Education, at its next scheduled meeting after receiving the appeal, will meet with the employee in an attempt to resolve the problem. The Board shall provide the employee a written decision addressing the problem or complaint within ten (10) business days following the meeting.

Policy adopted:

*Good practice policy.*

## **Personnel -- Certified/Non-Certified**

### **Non-School Employment**

Personnel of the schools may receive compensation for outside activities as long as these activities do not interfere with the proper discharge of their assigned duties, do not constitute a conflict of interest, or do not cause poor public relations within the community. It is expected that any outside activity should be carried on in a business-like and ethical manner.

#### ***Another version to consider:***

School personnel may receive compensation for outside employment or similar activities provided such employment or activities do not interfere with the proper discharge of their assigned duties in the school district, do not constitute a conflict of interest, and/or do not cause poor public relations within the community. It is expected that any outside activity performed by school personnel will be carried on in a business-like and ethical manner. School personnel shall not endorse any outside academic, athletic or other educationally-related program in a manner that states, suggests or implies that the \_\_\_\_\_ Public Schools will provide a benefit of any kind to a student who participates in that outside program. Moreover, no endorsement shall state, suggest or imply that the \_\_\_\_\_ Public Schools endorses the outside program(s) in which the school personnel participate.

It shall be considered a conflict of interest for school personnel to receive compensation to privately tutor, otherwise provide educational services to or otherwise employ students in their classes or on their caseload.

In addition, school personnel shall not receive any compensation or material gain from individuals outside the school system for school materials, property provided by the school system or for services rendered while performing their jobs, unless they receive prior written approval from the Superintendent or his/her designee. Furthermore, school personnel shall not use any school materials as part of their outside employment or activities unless they receive prior written approval from the Superintendent or his/her designee.

This policy shall not preclude school personnel from providing homebound instruction to children at the direction of the Board of Education or Administration.

Policy adopted:

cps 6/10

*Another version of this policy to consider.*

## **Personnel -- Certified/Non-Certified**

### **Non-School Employment**

Outside employment of District employees may have the potential to materially affect the business operations of the District. Accordingly, it is the policy of the Board that outside employment not interfere with any employee's ability to perform the duties of his or her job with the School District. Accordingly, employees of the School District may engage in outside employment only under the following conditions:

- A. The outside employment must not conflict with the employee's work schedules, duties or responsibilities or create a detrimental effect on the employee's work performance.
- B. The outside employment must not create a conflict of interest with the employee's job in the School District.
- C. The employment must not involve conducting any business during any hours of employment with the School District.
- D. Self-employment is considered outside employment and is subject to the same conditions set forth for other outside employment.

Policy adopted:

cps 6/10

*A policy pertaining to non-bargaining unit employees.*

## **Personnel -- Certified/Non-Certified**

### **Compensation and Related Benefits for Non-Bargaining Unit Employees (excluding Superintendent, Assistant Superintendent, and Directors)**

The Superintendent and his/her designee will develop guidelines, in the form of administrative regulations, concerning the compensation and benefits of non-bargaining unit employees (excluding the Superintendent, Assistant Superintendent, and Directors). The compensation and benefits of such employees will be reviewed and determined, annually, by the Board prior to the new fiscal year.

Policy adopted:

cps 11/07

*Suggested policy to consider.*

## **Personnel — Certified/Non-Certified**

### **Employee Safety**

#### **General**

Employees are entitled to work under safe conditions and shall be provided necessary training in safety techniques and precautions. The Superintendent of Schools and administrative staff shall maintain safe and healthy work places in each school and district facility with safe equipment and proper materials; safe methods and practices shall be developed and practiced by staff and students.

#### **Use of Physical Force**

Employees may use reasonable physical force as necessary to protect themselves from attack, to protect another person or property, to quiet a disturbance which threatens physical injury to others, or to obtain possession of weapons or other dangerous objects.

#### **Physical Assaults on Teachers, Administrators, Other School Personnel, and Students**

Employees shall report, as soon as possible, assaults on them in connection with their employment to their Principal or other immediate supervisor who shall further report such assault to the local police. The Principals or supervisor shall notify the Superintendent of the incident.

The employee may also, in his/her discretion, file a complaint with the local police.

The Superintendent shall maintain records of any assaults for required reports to the Commissioner of Education.

#### **Legal Protection of Employer**

As required by the general statutes, the Board of Education shall indemnify Board members and employees.

(cf.4113/4213 Provisions of Negotiated Agreements)

Legal Reference: Connecticut General Statutes  
10-233g Boards to report school violence. Reports of principals to police authority.  
10-235 Indemnification of teachers, board members and employees in damage suits; expenses of litigation.  
10-236a Indemnification of educational personnel assaulted in the line of duty.  
53a-18 Use of reasonable physical force...

Policy adopted:

*Please review this policy and regulation regarding bloodborne pathogens.*

## **Personnel - Certified/Non-Certified**

### **Occupational Exposure to Bloodborne Pathogens**

In accordance with the United States Department of Labor Occupational Safety, and Health Administration regulations dealing with "Safe Workplace" standards related to exposure to Bloodborne Pathogens, the Board has developed and will implement procedures to protect at risk employees. These procedures, contained in the Board of Education Exposure Control Plan (the "procedures") are designed to comply in full with applicable federal and state law regulations. The procedures will be overseen by the Superintendent or his/her designee, who shall also be responsible for periodically reviewing and updating them. Copies of the procedures will be kept in the Nurse's Office at each school and in Central Office. The procedures will be monitored by the Connecticut Department of Labor.

It is the policy of the Board of Education, through these procedures, to take all necessary actions to protect its employees from infectious disease, and in particular, HIV and Hepatitis B Virus, a life threatening bloodborne pathogen.

The Board will further provide training and protective equipment to those persons who, by virtue of the performance of job duties, are at risk to come in contact with infectious disease. Finally, all at risk employees of the Board, as defined in the procedures, will be offered the vaccine for Hepatitis B Virus, a life threatening bloodborne pathogen.

Training, needed protective equipment and vaccination, as provided in the procedures, will be at no cost to the personnel and are provided as a precaution for personnel safety.

Legal Reference: 29 CFR Part 1910.1030 *Occupational Exposure to Bloodborne Pathogens*; Final Rule.

Connecticut State Agencies Regulations Section 31-372-101-1910.1030.

Connecticut General Statutes 31-372 Adoption of federal and state standards. Variance.

Policy adopted:

*Sample regulation.*

## **Personnel -- Certified/Non-Certified**

### **Occupational Exposure to Bloodborne Pathogens**

#### **Exposure Control Plan Regulation**

This regulation is designed to assist the \_\_\_\_\_ in the event of exposure to bloodborne pathogens. It identifies the tasks, types of procedures and job classifications where exposure to blood and other infectious materials may occur. It also sets forth a procedure to follow to evaluate the circumstances surrounding exposure incidents.

The following categorizes employees and the tasks a person may perform as part of their job where exposure to blood or other infectious materials may occur.

#### **1. Category I**

##### **A. Tasks:**

That involve exposure to blood, body fluids, or tissue. All procedures or other job related tasks that involve an inherent potential of mucous membrane or skin contact with blood, body fluids, or tissues, or a potential for spills or splashes of them, are Category I tasks. Use of appropriate protective measures will be required for every employee engaged in Category I tasks.

##### **B. Employees:**

- (1) Nurses
- (2) Custodians
- (3) Coaches

#### **2. Category II**

##### **A. Tasks:**

That involve no exposure to blood, body fluids, or tissues, but employment may require performing unplanned Category I tasks. The normal work routine involves no exposure to blood, body fluids, or tissues, but exposure or potential exposure may be required as a condition of employment. Appropriate protective measures should be readily available to every employee engaged in Category II tasks.

##### **B. Employees:**

- (1) Administrators
- (2) Teachers
- (3) Teacher Aides

## **Personnel -- Certified/Non-Certified**

### **Occupational Exposure to Bloodborne Pathogens**

#### **Exposure Control Regulation (continued)**

#### **3. Category III**

##### **A. Tasks:**

That involve no exposure to blood, body fluids, or tissues, and Category I tasks are not a condition of employment. The normal work routine involves no exposure to blood, body fluids, or tissues. Persons who perform these duties are not called upon as part of their employment to perform or assist in emergency medical care or first aid, but could be potentially exposed in some other way.

##### **B. Employees**

- (1) Office Workers
- (2) Secretaries
- (3) Cafeteria Workers

#### **Employee Exposure**

The following is a list by Category and job; the types of exposure to infectious materials an employee may come into contact with.

#### **1. Category I Employees**

##### **A. Nurses**

- (1) Blood
- (2) Vomitus
- (3) Urine
- (4) Feces
- (5) Respiratory Secretions
- (6) Saliva
- (7) Tears
- (8) Drainage from scrapes and cuts

## **Personnel -- Certified/Non-Certified**

### **Occupational Exposure to Bloodborne Pathogens**

#### **Employee Exposure**

#### **1. Category I Employees (continued)**

##### **B. Custodians**

- (1) Blood
- (2) Vomitus
- (3) Urine
- (4) Feces

##### **C. Coaches**

- (1) Blood
- (2) Vomitus
- (3) Tears
- (4) Saliva
- (5) Drainage from scrapes and cuts

#### **2. Category II Employees**

##### **A. Administrators**

- (1) Blood
- (2) Vomitus
- (3) Tears

##### **B. Teachers**

- (1) Blood
- (2) Vomitus
- (3) Tears
- (4) Respiratory Secretions

##### **C. Teacher Aides**

- (1) Blood
- (2) Vomitus
- (3) Tears
- (4) Respiratory Secretions

## **Personnel -- Certified/Non-Certified**

### **Occupational Exposure to Bloodborne Pathogens**

#### **Potential Extent and Routes of Exposure**

1. **Category I Employees** - Nurses, custodians and coaches will be exposed.
2. **Category II Employees** - Teachers and teacher aides will most probably be exposed.
3. **Category III Employees** - Administrators are likely to be exposed.

The most likely route of exposure in all cases will be a break in the skin integrity.

#### **Exposure Protection for Employees**

#### **Guidelines for Handling Body Fluids in School**

The following guidelines are meant to provide simple and effective precautions against transmission of disease for all persons, including pregnant women, potentially exposed to the blood or body fluids of any student. No distinction is made between body fluids from students with a known disease or those from students without symptoms or with an undiagnosed disease.

1. The body fluids of all persons should be considered to contain potentially infectious agents (germs). The term "body fluids" includes:
  - Blood, semen, drainage from scrapes and cuts, feces, urine, vomitus, respiratory secretions (e.g., nasal discharge) and saliva. Contact with body fluids presents a risk of infection with a variety of germs. In general, however, the risk is very low and dependent on a variety of factors including the type of fluid with which contact is made and the type of contact made with it.
2. It must be emphasized that with the exception of blood, which is normally sterile, the body fluids with which one may come in contact usually contain many organisms, some of which may cause disease. Furthermore, many germs may be carried by individuals who have no symptoms of illness. These individuals may be at various stages of infection: incubating disease, mildly infected without symptoms, or chronic carriers of certain infectious agents including the AIDS and hepatitis viruses. In fact, transmission of communicable diseases is more likely to occur from contact with infected body fluids of unrecognized carriers than from contact with fluids from recognized carriers because simple precautions are not always carried out.

## Personnel -- Certified/Non-Certified

### Occupational Exposure to Bloodborne Pathogens

#### Transmission Concerns in the School Setting

<b>Body Fluid-Source</b>	<b>Organism of Concern</b>	<b>Transmission Concern</b>
<b>Blood</b> - cuts/abrasions - nosebleeds - menses - contaminated needle	Hepatitis B virus AIDS virus Cytomegalovirus	Blood stream inoculation through cuts and abrasions on hands Direct blood inoculation
<b>Feces</b> - incontinence	Salmonella bacteria Shigella bacteria Rotovirus Hepatitis A virus Giardia	Oral inoculation from contaminated hands
<b>Urine</b> - incontinence	Cytomegalovirus	Bloodstream and oral inoculation From contaminated hands
<b>Respiratory Secretions</b> - saliva - nasal discharge	Mononucleosis virus Common cold virus Influenza virus	Oral inoculation From contaminated hands
<b>*Vomit</b>	Gastrointestinal Viruses (e.g., Norwalk agent Rotovirus)	Oral inoculation From contaminated hands
<b>Semen</b>	Hepatitis B virus AIDS virus Gonorrhea	Sexual contact (intercourse)

\*Possible transmission of AIDS and Hepatitis B is of little concern from these sources unless blood or inflammation is present.

## **Personnel -- Certified/Non-Certified**

### **Occupational Exposure to Bloodborne Pathogens**

#### **Methods of Protection**

**1. What should be done to avoid contact with body fluids?**

When possible, direct skin contact with body fluids should be avoided. Disposable gloves should be available in at least the office of the custodian, nurse, or Principal. Gloves are recommended when direct contact with body fluids is anticipated (e.g., treating bloody noses, handling clothes soiled by incontinence, cleaning small spills by hand). If extensive contact is made with body fluids, hands should be washed afterwards. Gloves used for this purpose should be put in a plastic bag or lined trash can, secured, and disposed of daily.

**2. What should be done if direct skin contact occurs?**

In many instances, unanticipated skin contact with body fluid may occur in situations where gloves may be immediately unavailable (e.g. when wiping a runny nose, applying pressure to a bleeding injury outside the classroom, helping a child in the bathroom). In these instances, hands and other affected skin areas of all exposed persons should be routinely washed with soap and water after direct contact has ceased. Clothing and other non-disposable items that are soaked through with body fluids should be rinsed and placed in plastic bags. If presoaking is required to remove stains such as blood and feces, use gloves to rinse or soak the item in cold water prior to bagging. Clothing should be sent home for washing with appropriate directions to parents (see laundry instructions for clothing soiled with body fluids). Contaminated disposable items such as tissues, paper towels, diapers, should be handled as with disposable gloves.

**3. How should spilled body fluids be removed from the environment?**

The standard procedure of applying sanitary absorbent agents specifically intended for cleaning body fluid spills should be followed. Disposable gloves should be worn when using these agents. The dry material is applied to the area, left for a few minutes to absorb the fluid, and then vacuumed or swept up. The vacuum bag or sweepings should be disposed of in a plastic bag. Broom and dustpan should be rinsed in a disinfectant. No special handling is required for vacuuming equipment.

## **Personnel -- Certified/Non-Certified**

### **Occupational Exposure to Bloodborne Pathogens**

#### **Methods of Protection (continued)**

#### **4. Hand-washing Procedures**

Proper hand-washing requires the use of soap and water and vigorous washing under a stream of running water for approximately 10 seconds. Soap suspends easily removable soil and microorganisms, allowing them to be washed off. Running water is necessary to carry away dirt and debris. Rinse under running water. Use paper towels to thoroughly dry hands.

#### **5. Disinfectants**

An intermediate level disinfectant should be used to clean surfaces contaminated with body fluids. Such disinfectants will kill vegetative bacteria, fungi, tubercle bacillus and viruses. The disinfectant should be registered by the U.S. Environmental Protection Agency (EPA) for use as a disinfectant in medical facilities and hospitals.

Various classes of disinfectants are listed below. Hypochlorite bleach is recommended for anything that will be put in the mouth.

- A. Ethyl isopropyl alcohol (70%)
- B. Phenolic germicidal detergent in a 1% aqueous solution (Lysol)
- C. Sodium hypochlorite with at least 100 ppm available chlorine (1/2 cup household bleach in 1 gallon water, needs to be freshly prepared each time it is used).
- D. Quaternary ammonium germicidal detergent in 2% solution.
- E. Iodophor germicidal detergent with 500 ppm available iodine.
- F. Hibiclens disinfectant soap.

#### **6. Disinfection of Hard Surfaces and Care of Equipment**

After removing the soil, a disinfectant is applied. Mops should be soaked in the disinfectant after use and washed thoroughly or washed in a hot water cycle before rinse. Disposable cleaning equipment and water should be placed in a toilet or plastic bag as appropriate. Non-disposable cleaning equipment (dust pans, buckets) should be thoroughly rinsed in the disinfectant. The disinfectant solution should be promptly disposed down a drain pipe. Remove gloves and discard in appropriate receptacles.

## **Personnel -- Certified/Non-Certified**

### **Occupational Exposure to Bloodborne Pathogens**

#### **Methods of Protection (continued)**

##### **7. Disinfection of Rugs**

Apply sanitary absorbent agent, let dry and vacuum. If necessary, mechanically remove with dust pan and broom, then apply rug shampoo (a germicidal detergent) with a brush and a vacuum. Rinse dust pan and broom in disinfectant. If necessary, wash brush with soap and water. Dispose of nonreusable cleaning equipment as noted above.

##### **8. Laundry Instructions for Clothing Soiled with Body Fluids**

The most important factor in laundering clothing contaminated in the school setting is elimination of potentially infectious agents by soap and water. Addition of bleach will further reduce the number of potentially infectious agents. Clothing soaked with body fluids should be washed separately from other items. Presoaking may be required for heavily soiled clothing. Otherwise, wash and dry as usual. If the material is bleachable add 1/2 cup household bleach to the wash cycle. If the material is not color fast, add 1/2 cup nonchlorox bleach to the wash cycle.

#### **Communication of Hazards to Employees**

##### **1. Labels and signs**

- A. Labels will be affixed to containers of regulated waste.
- B. Red bags or containers may be substituted for labels.

#### **Information and Training**

- 1. Training sessions will be mandated for all new employees. These will be carried out on a Regional level.
- 2. Annual review training sessions will be held either at a faculty meeting or as part of the In-Service training in \_\_\_\_\_. Annual reviews could be carried-out on a building level.
- 3. Notices will be posted, attendance taken, indicating who is present and who is offering the training session, and minutes or some other record of what is discussed will be kept.

## **Personnel -- Certified/Non-Certified**

### **Occupational Exposure to Bloodborne Pathogens**

#### **Information and Training (continued)**

#### **4. Training elements will include:**

- A. An explanation of the contents of the regulatory standard.
- B. A general explanation of the epidemiology and symptoms of bloodborne diseases.
- C. An explanation of the modes of transmission of bloodborne pathogens.
- D. An explanation of the employer's exposure control plan.
- E. An explanation of appropriate methods of recognizing tasks and other activities that may involve exposure to blood and other potentially infectious materials.
- F. An explanation of the use and limitations of methods that will prevent or reduce exposure (hand-washing, gloving, universal precautions).
- G. Information on the types, proper use, location, removal, handling, decontamination and disposal of personal protective equipment.
- H. Information on the appropriate actions to take and persons to contact in an emergency involving blood or other potentially infectious materials.
- I. An explanation of the procedure to follow if an exposure incident occurs including the method of reporting the incident and the follow-up that will be made available.
- J. Information on the post-exposure evaluation and follow-up that the employer is required to provide for the employee following an exposure incident.
- K. An opportunity for interactive questions and answers with the person conducting the training session.
- L. Copies of the regulation will be available upon request.

- 5. Information on the Hepatitis B vaccine, including information on its efficacy, safety, method of administration, the benefits of being vaccinated and that the vaccine and vaccination will be offered free of charge, will be given to all new Category I employees at the time of employment.

## **Personnel -- Certified/Non-Certified**

### **Occupational Exposure to Bloodborne Pathogens**

#### **Universal Precautions**

Universal precautions are intended to prevent occupational exposure to a bloodborne infectious agent through contact with blood and other potentially infectious materials. Since blood is the single most important source of a bloodborne infectious agent (such as HIV OR HBV) in the occupational setting, one should assume that all blood, or body fluids containing visible blood, may carry an infectious agent. Universal precautions require that gloves be used for touching blood, or body fluids that contain visible blood, whenever possible. Gowns or protective clothing should be used if soiling of clothing with blood or blood-containing body fluids is likely. Protective eyewear or face shields may be needed when there is risk of spattering or splashing blood, or body fluids containing blood, into the eyes, mouth or nose during certain procedures.

Disposable gloves (non-sterile or sterile), either latex or vinyl, provide barrier protection for both the student and the hands of the caregiver during performance of tasks when contact with blood, or body fluids containing blood, is likely. These gloves must never be washed or cleaned with the intent to reuse. Soaps and disinfectants can cause deterioration or increase permeability of disposable gloves. Clean disposable gloves must be used for each task, removed as soon as the task is completed and disposed of appropriately. This activity should be immediately followed by routine hand-washing.

General purpose utility gloves (rubber gloves) for housekeeping chores which involve potential contact with blood or body fluids may be decontaminated after contact and reused but should be discarded if there are any signs of deterioration such as: holes, peeling, cracking or discoloration.

Universal precautions do not apply to saliva. General infection control practices do recommend the use of gloves for examination of the mucous membranes, endotracheal suctioning, or when caregiver's hand(s) must enter a student's mouth to perform a specific treatment. Gloves need not be worn when feeding or wiping saliva or nasal discharge with a tissue.

Universal precautions do not apply to urine, feces, nasal secretions, sputum, sweat, tears or vomitus unless visible blood is present. However, general infection control practices (for the prevention of transmission of other types of infectious agents) do recommend the use of gloves when diapering, assisting with toileting, changing a dressing on a draining wound, or cleaning soiled articles of clothing.

## **Personnel -- Certified/Non-Certified**

### **Occupational Exposure to Bloodborne Pathogens**

#### **Work Practice Controls**

The following work practice controls are in place in \_\_\_\_\_:

1. **HANDWASHING** is required and employees have been instructed in this procedure, and know where facilities are located.
2. **RECAPPING OF SHARPS** and bending and breaking of needles is prohibited. Employees have been trained in these procedures.
3. **DISPOSAL OF SHARPS** - after use, all sharps are placed in appropriate receptacles for reprocessing or disposal. the containers meet the requirements as outlined by OSHA Regulations for Engineering Controls. Employees have been trained in these procedures and have been instructed not to overfill containers.
4. **EATING, DRINKING, SMOKING, APPLYING COSMETICS AND HANDLING CONTACT LENSES** is prohibited in work areas where there is any risk of occupational exposure. Employees have been informed of this rule.
5. **STORAGE OF FOOD AND DRINK** is prohibited in places where potentially infectious materials are kept. This applies to refrigerators, freezers, shelves, cabinets, countertops and benchtops. Employees have been informed of this rule.
6. **SHARP CONTAINERS** are puncture and leak-proof. Staff has been instructed to close the containers when they are moved to prevent spillage.
7. **CLOSABLE, LEAKPROOF CONTAINERS** with the appropriate color coding are available for all other regulated waste such as disposable gloves or bloodied bandages.

#### **Personal Protective Equipment**

1. **DISPOSABLE GLOVES** - in appropriate sizes, are available in the Health Office for all employees at-risk for exposure, for use at their discretion.
2. **UTILITY GLOVES** - are available for all housekeeping and other staff, from the custodian. They are checked for cracks before each use and replaced as necessary.
3. **FACE PROTECTION** - is available in the Health Office in the form of goggles.

## **Personnel -- Certified/Non-Certified**

### **Occupational Exposure to Bloodborne Pathogens**

#### **Personal Protective Equipment (continued)**

4. **GOWNS AND APRONS** - are sent to the schools as needed.

#### **Housekeeping**

1. Employees are responsible for ensuring that equipment or surfaces are cleaned with appropriate disinfectant and decontaminated immediately after a spill or leakage occurs and at the end of the work shift.
2. Staff has been instructed never to pick up by hand any **BROKEN GLASSWARE** that may be contaminated. A brush, dust pan, forceps and/or tongs will be available for this purpose. The implements used for these purposes are cleaned and decontaminated if the glass container held any material.
3. Sharps containers are closable and puncture and leak-proof. Staff has been instructed not to overfill the containers. Staff has been instructed to close the container when it is moved to prevent spillage.

#### **Hepatitis B Vaccine**

All employees identified as having exposure to blood or other potentially infectious materials will be offered the Hepatitis B vaccine, at no cost to the employee. The vaccine will be offered within 10 working days of their initial assignment to work involving the potential for occupational exposure to blood or other potentially infectious materials, unless the employee has previously had the vaccine or wishes to submit to antibody testing which shows the employee to have sufficient immunity.

Employees who decline the Hepatitis B vaccine but who later wish to have it may then have the vaccine provided at no cost.

It will be the responsibility of the school nurses and/or the Principals to assure that the vaccine is offered to the employee. It will also be the responsibility of these persons to obtain a waiver from the employee in the case of refusal of the vaccine by the employee.

The vaccine will be administered by a duly licensed representative of the district. (i.e., a physician or nurse)

## **Personnel -- Certified/Non-Certified**

### **Occupational Exposure to Bloodborne Pathogens**

#### **Exposure Incident Reporting**

When an exposure incident occurs, the involved employee will report the incident to the school Principal. The Principal then directs the employee to the school nurse in that building. The Principal provides the nurse with a copy of the OSHA standard and the employee's job description. The nurse prepares an incident report, detailing the source, route, and circumstance of the exposure, the source individual's HBV/HIV status (if known) and the exposed employee's Hepatitis B vaccine status and other relevant medical information. The events are also documented on the OSHA 200 and 101 forms, if applicable.

STRICTLY ON A CONFIDENTIAL BASIS, the school nurse then evaluates the exposure incident and arranges for testing of source individual and exposed employee by either Region #14 physicians or the employee's private physicians, if permission for testing can be obtained. The Region #14 physician or the employee's private physicians notify the source individual and the exposed employee of the results of all testing, if permission is obtained to do so. The school nurse acts as a resource person in providing counseling and post-exposure prophylaxis for the exposed employee. The school nurse reports any illnesses of the exposed employee to the attending physician.

The attending physician then sends only his/her written opinion of the exposure to the Superintendent, documenting that the employee was notified of the evaluation results, where permission was given to do so, the need for any further follow-up and whether Hepatitis B vaccine is indicated and if it was received.

The Superintendent then provides a copy of the attending physician's written opinion to the employee within 15 days of the completed evaluation.

The exposed employee has the right to refuse blood collection and/or testing. If the exposed employee gives consent for blood collection but not for HIV testing, the blood is kept for 90 days, during which time the employee can choose to have the sample tested.

All evaluations, medical follow-ups, counseling and evaluations of reported illnesses are provided at no cost to the exposed employee.

All required laboratory tests are done by an accredited laboratory at no cost to the exposed employee.

If the source individual is known to be infected with HIV OR HBV, blood testing is not required of that individual.

## **Personnel -- Certified/Non-Certified**

### **Occupational Exposure to Bloodborne Pathogens**

#### **Exposure Incident Reporting (continued)**

When at all possible, the exposed employee is informed of the results of the source individual's blood testing and the applicable laws governing disclosure of this information.

#### **The Written Opinion of the Health Care Professionals**

Written opinions will be obtained in the following instances:

1. When the employee is sent to obtain the Hepatitis B Vaccine post-exposure.
2. Whenever the employee is sent to a health care professional following an exposure incident.

#### **Health Care Professionals Shall be Instructed to Limit their Opinions to:**

1. Whether the Hepatitis B Vaccine is indicated and if the employee has received the vaccine, or if evaluation is needed following an incident.
2. The employee has been informed of the results of the evaluation, and
3. The employee has been told about any medical conditions resulting from exposure to blood or other potentially infectious materials.

NOTE THAT THE WRITTEN OPINION TO THE EMPLOYER IS NOT TO REFERENCE ANY PERSONAL MEDICAL INFORMATION.

#### **Recordkeeping**

Confidential medical records are kept for all employees with occupational exposure. They include:

1. Employee's name and social security number;
2. Hepatitis B vaccination status (including dates of vaccination, records relating to employee's ability to receive the vaccination, and signed declination form, where applicable);

## **Personnel -- Certified/Non-Certified**

### **Occupational Exposure to Bloodborne Pathogens**

#### **Recordkeeping (continued)**

3. All information given to evaluating health care professional in the event of an exposure incident; and
4. A copy of the evaluator's written opinion.

The confidential medical records are kept for at least thirty (30) years after the person leaves employment. Written permission from the employee is required for access to these records. Employee medical records are available upon request to the Assistant Secretary and the Director of OSHA. If the facility closes, it is understood that the employer must inform the Director at least three months before disposing of the records. The confidential medical records will be kept in the health offices in the schools.

#### **Plan for Evaluation of Exposure Incidents**

The contact persons for exposure incidents will be the building Principals and the school nurses.

The facility evaluators for exposure incidents will be the school physicians, the school nurses and the building Principals.

The following procedure for evaluation of exposure incidents is used in the Region:

1. Written documentation is required for every exposure incident in the Region. The documentation includes:
  - A. Name of individual exposed;
  - B. Name of source of exposure;
  - C. Description of how the incident occurred;
  - D. Date and time of incident; and written evaluation of exposure incident

## **Personnel -- Certified/Non-Certified**

### **Occupational Exposure to Bloodborne Pathogens**

#### **Plan for Evaluation of Exposure Incidents (continued)**

2. Written evaluation of exposure incidents include:
  - A. Suggestions for changes in facility procedures;
  - B. A record of how these changes are implemented for each incident.
3. A copy of the exposure incident is placed in the exposed employee's medical record.

A copy of this exposure control plan will be made accessible to all employees of \_\_\_\_\_.

This exposure control plan will be reviewed and updated by the Superintendent's representative at least annually.

Regulation approved:

REGIONAL SCHOOL DISTRICT NO. 4

*Job Classification and Tasks*

The exposure control plan discussed in this manual states that an occupational exposure determination has been made based upon an employee's tasks which may put that person at risk for an occupational exposure to blood or other infectious materials. The list below contains those job classifications and a list of tasks employees may perform as part of their regular duties that have the potential for occupational exposure to bloodborne pathogens.

**Employer:** \_\_\_\_\_ **Date:** \_\_\_\_\_

Job Classification: \_\_\_\_\_  
Tasks: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Job Classification: \_\_\_\_\_  
Tasks: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Job Classification: \_\_\_\_\_  
Tasks: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Job Classification: \_\_\_\_\_  
Tasks: \_\_\_\_\_  
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Job Classification: \_\_\_\_\_  
Tasks: \_\_\_\_\_  
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\_\_\_\_\_

Job Classification: \_\_\_\_\_  
Tasks: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Job Classification: \_\_\_\_\_  
Tasks: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

REGIONAL SCHOOL DISTRICT NO. 4

*Hepatitis B Vaccination Program Record*

Employer Name: \_\_\_\_\_

Employee Name:	
Social Security Number:	
Initial Date of Employment: ___/___/___	
<b>Hepatitis B Vaccine Offered:</b>	
_____ Accepted	
Date of vaccinations:	Administered by:
Immunization #1 ___/___/___	_____
Immunization #2 ___/___/___	_____
Immunization #3 ___/___/___	_____
_____ Declined	
Reasons:	
_____ Chooses not to accept vaccine - see attached Hepatitis B Vaccine Declination form.	
_____ Previously vaccinated, laboratory documentation or physician's report provided.	
_____ Contraindicated - allergic to synthetic vaccine preparation.	
_____ Previously vaccinated - non-responder, physician's report attached or see Hepatitis B Declination form.	

**REGIONAL SCHOOL DISTRICT NO. 4**

**WAIVER FORM**

**HEPATITIS B VACCINATION**

**(IF THERE IS A POSSIBILITY OF PREGNANCY, DO NOT RECEIVE VACCINATION)**

**NAME:** \_\_\_\_\_

**AGE:** \_\_\_\_\_

**CIRCLE THE APPROPRIATE RESPONSE AND SIGN BELOW:**

**YES** I understand the risks and benefits of immunization with the Hepatitis B vaccine. I have had the opportunity to read the attached package and ask questions. I understand the benefits and risks of the vaccination. However, as with all medical treatments, there is no guarantee that I will become immune or that I will not experience an adverse side effect from the vaccine. I request that it be given to me.

**NO** I understand that due to my occupational exposure to blood or other potentially infectious materials I may be at risk of acquiring Hepatitis B virus (HBV) infection. I have been given the opportunity to be vaccinated with Hepatitis B vaccine at no charge to myself. However, I decline Hepatitis B vaccination at this time. I understand that by declining this vaccine, I continue to be at risk of acquiring Hepatitis B, a serious disease. If in the future I continue to have occupational exposure to blood or other potentially infectious materials and I want to be vaccinated with Hepatitis B vaccine, I can receive the vaccination series at no charge to me.

**SIGNATURE OF EMPLOYEE:** \_\_\_\_\_ **DATE:** \_\_\_\_\_

**SIGNATURE OF WITNESS:** \_\_\_\_\_ **DATE:** \_\_\_\_\_

**REGIONAL SCHOOL DISTRICT NO. 4**

**Hepatitis B Vaccine Declination**

I understand that due to my occupational exposure to blood or other potentially infectious materials I may be at risk of acquiring Hepatitis B virus (HBV) infection. I have been given the opportunity to be vaccinated with Hepatitis B vaccine, at no charge to me. I decline Hepatitis B vaccination at this time. I understand that by declining this vaccine, I continue to be at risk of acquiring Hepatitis B a serious disease. If in the future I continue to have occupational exposure to blood or other potentially infectious materials and I want to be vaccinated with Hepatitis B vaccine, I can receive the vaccination series at no charge to me.

---

Employee's Name (Print)

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Employee's Name (Signature)

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Date

---

Employer Name/Company

Reference: "Occupational Exposure to Bloodborne Pathogens - Final Rule, CFR Part 1910.1030," Federal Register, volume 56 (No. 235): Appendix - p. 64182.

(File in employee's record)

**Exposure Incident Reporting - Evaluation of Exposure Incident**

INSTRUCTIONS. This worksheet will be used to assist in documenting the routes of exposure and how an exposure incident has occurred. This worksheet should be completed in conjunction with Form IIa (Report to Health Care Professional).

1. Employee Name: \_\_\_\_\_
  2. Date of Incident: \_\_\_\_\_
  3. Description of employee's duties during the exposure incident: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
  4. The route of exposure was:
    - a. needlestick with contaminated needle to \_\_\_\_\_
    - b. piercing of skin with contaminated sharp to \_\_\_\_\_
    - c. splashing/spraying of blood or other potentially infectious material to \_\_\_\_\_
    - d. other: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
  5. Describe the circumstances under which the exposure incident occurred:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
  6. If identification of source individual is not prohibited by law, name of source individual:  
\_\_\_\_\_
  7. Can repetition of the exposure incident be minimized by instituting a new engineering or work practice control:  
Yes \_\_\_\_\_ No \_\_\_\_\_
  8. If the answer to Item 7 is yes, describe the remedial action which should be taken in the future: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
- Date this action was instituted: \_\_\_\_\_

**Exposure Incident Reporting - Report to Health Care Professional**

**INSTRUCTIONS:** This worksheet will be used to assist in preparing a postexposure evaluation of an employee who has had an exposure incident. A completed copy of this form would be given to the Health Care Professional responsible for the employee's postexposure medical follow-up. This worksheet should be completed in conjunction with Form 3 (Evaluation of Exposure Incident).

1. Employee Name: \_\_\_\_\_
2. Date of Incident: \_\_\_\_\_
3. Name of Health Care Professional responsible for postexposure follow-up:  
\_\_\_\_\_  
\_\_\_\_\_
4. Date of Evaluation: \_\_\_\_\_
5. Employee previously vaccinated against HBV infection: Yes \_\_\_ Date: \_\_\_ No \_\_\_
6. Description of employee's duties during the exposure incident:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
7. The route of exposure was:
  - a. needlestick with contaminated needle to \_\_\_\_\_
  - b. piercing of skin with contaminated sharp to \_\_\_\_\_
  - c. splashing/spraying of blood or other potentially infectious material to \_\_\_\_\_
  - d. other: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
8. Describe the circumstances under which the exposure incident occurred:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
9. The source of individual is: known \_\_\_\_\_ unknown \_\_\_\_\_
  - a. if known, is known to be infected with HBV \_\_\_ HIV \_\_\_
  - b. in accordance with state and local laws, consent is required for blood testing:  
Yes \_\_\_ No \_\_\_
  - c. if no consent obtained, specify why consent could not be obtained:
  - d. if yes, specimen obtained and tested: Yes \_\_\_ No \_\_\_
  - e. if yes, results are: \_\_\_\_\_
  - f. if consent not required, specimen available and tested: Yes \_\_\_ No \_\_\_
  - g. if yes, results are: \_\_\_\_\_
10. The exposed employee's medical records were given to the Health Care Professional responsible for the employee's medical follow-up on the following date: \_\_\_\_\_
11. A copy of the OSHA standard was given to the Health Care Professional responsible for the employee's medical follow-up on the following date: \_\_\_\_\_

**Recordkeeping - Employee Medical Record Checklist**

**INSTRUCTIONS:** This worksheet will be used to assist in maintaining medical records of all employees who may be exposed to bloodborne pathogens. Attach a copy of the employee's medical records to this worksheet.

1. Employee Name: \_\_\_\_\_
2. Social Security Number: \_\_\_\_\_ - \_\_\_\_\_ - \_\_\_\_\_
3. Employment Termination Date: \_\_\_\_\_
4. Was the employee given HBV vaccination: Yes \_\_\_\_\_ Date(s): \_\_\_\_\_  
No\* \_\_\_\_\_ Date(s) \_\_\_\_\_declined: \_\_\_\_\_

\*(a copy of the employee's declination form should be attached to this sheet)

- a. Name of Health Care Professional responsible for employees HBV vaccination:  
\_\_\_\_\_
- b. Date copy of OSHA regulations given to Health Care Professional: \_\_\_\_\_
- c. Date written report received from Health Care Professional: \_\_\_\_\_
5. If the employee has an exposure incident, complete this section regarding the post-exposure evaluation and follow-up of the employee:
  - a. Name of Health Care Professional responsible for follow-up examination:  
\_\_\_\_\_
  - b. Dates following information given to Health Care Professional:
    1. copy of OSHA regulations \_\_\_\_\_
    2. copy of Worksheet 5 (Report to Health Care Professional)  
\_\_\_\_\_
    3. other \_\_\_\_\_
    4. other \_\_\_\_\_
  - c. Date written report received from Health Care Professional: \_\_\_\_\_
  - d. Date copy of Health Care Professionals report given to employee: \_\_\_\_\_
  - e. Date employee received source individuals test results, information about applicable disclosure laws concerning the source individuals identity and status:  
\_\_\_\_\_

**Record Keeping - Training Record**

**INSTRUCTIONS:** This worksheet will be used to assist in maintaining a record of all training sessions held for employees who are or may be exposed to bloodborne pathogens.

1. Trainer's Name \_\_\_\_\_ Location: \_\_\_\_\_

2. Trainer's Qualifications: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

3. Date of Training Session: \_\_\_\_\_

4. Attendees (attach additional attendance sheet):

**Name**

**Job Classification**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
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5. Summarize the content of the training session:

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## Universal Precautions

Universal precautions are intended to prevent occupational exposure to a bloodborne infectious agent through contact with blood and other potentially infectious materials. Since blood is the single most important source of a bloodborne infectious agent (such as HIV or HBV) in the occupational setting, one should assume that all blood, or body fluids containing visible blood, may carry an infectious agent. Universal precautions also apply to semen and vaginal secretions and non-excretory body fluids, such as cerebrospinal fluid, but these are not considered a source of transmission in the school setting.

Universal precautions require that gloves be used for touching blood, or body fluids that contain visible blood, whenever possible. Gowns or protective clothing should be used if soiling of clothing with blood or blood-containing body fluids is likely. Protective eyewear or face shields may be needed when there is risk of splattering or splashing blood or body fluids containing blood in the eyes, mouth or nose during certain procedures.

Disposable gloves (nonsterile or sterile), either latex or vinyl, provide barrier protection for both the student and the hands of the caregiver during performance of tasks when contact with blood, or body fluids with visible blood, is likely. These gloves must never be washed or cleaned with the intent to reuse. Soaps and disinfectants can cause deterioration or increase permeability of disposable gloves. Clean disposable gloves must be used for each task, removed as soon as the task is completed and disposed of appropriately. This activity should be immediately followed by routine hand-washing.

General purpose utility gloves (rubber gloves) for housekeeping chores which involve potential contact with blood or body fluids may be decontaminated after contact and reused but should be discarded if there are any signs of deterioration such as: holes, peeling, cracking, or discoloration.

Universal precautions do not apply to saliva. General infection control practices do recommend the use of gloves for examination of mucous membranes, endotracheal suctioning or when the caregiver's hand(s) must enter a student's mouth to perform a specific treatment. Gloves need not be worn when feeding or wiping saliva or nasal discharge from the skin with a tissue.

Universal precautions do not apply to urine, feces, nasal secretions, sputum, sweat, tears, or vomitus unless visible blood is present. However, general infection control practices (for the prevention of transmission of other types of infectious agents) do recommend the use of gloves when performing such tasks as diapering, assisting with toileting, changing a dressing on a draining wound, or cleaning soiled articles of clothing.

*A recommended policy to consider.*

## **Personnel -- Certified/Non-Certified**

### **Employee Protection**

An employee may use reasonable force as is necessary to protect himself/herself from attack, to protect another person or property, to quell a disturbance threatening physical injury to others, or to obtain possession of weapons or other dangerous objects upon the person or in the control of a student.

Employees shall immediately report cases of assault suffered by them in connection with their employment to their Principal or other immediate superior, and to local law enforcement agencies. Such notification shall be forwarded immediately to the Superintendent who shall comply with any reasonable request from the employee for information in the possession of the Superintendent relating to the incident or the persons involved, and shall act as liaison between the employee, the police and the courts.

No school administrator shall interfere with the right of a teacher or other school employee to file a complaint with the local police authority in cases of threats of physical violence or actual physical violence against such teacher or employee.

As required by law, the Board of Education will file a report annually with the State Board of Education indicating the number of threats and physical assaults made by students upon teachers, administrators and other school personnel, and the number of physical assaults involving dangerous weapons made by students upon other students.

If criminal or civil proceedings are brought against an employee alleging that the employee committed an assault in connection with his/her employment, such employee may request the Board of Education to furnish legal counsel to defend the employee in any civil action or proceeding brought against the employee, within the limits set by law.

The Board of Education shall reimburse an employee for the cost of medical, surgical or hospital services (less the amount of any insurance reimbursement) incurred as the result of any injury sustained in the course of his/her employment.

Section 52-557b of the General Statutes grants immunity from liability for emergency medical assistance to a person in need of it when the assistance is given by a teacher or other school personnel on the school grounds, in a school building, or at a school function, provided that the teacher or other staff member has completed a course in first aid offered by the American Red Cross, the American Heart Association, the State Department of Health Services, or any municipal health department, as certified by that agency, has such immunity that extends to civil damages for any personal injuries which result from acts or omissions by the person giving the emergency care or first aid, which might constitute ordinary negligence. Such immunity does not apply to acts or omissions constituting gross, willful or wanton negligence.

## Personnel -- Certified/Non-Certified

### Employee Protection (continued)

Legal Reference:	Connecticut General Statutes
	10-233b Removal of pupils from class.
	10-233c Suspension of pupils.
	10-233g Boards to report school violence. Reports of principals to police authority.
	10-235 Indemnification of teachers, board and commission members and employees in damage suits; expenses of litigation.
	10-236 Liability insurance.
	10-236a Indemnification of educational personnel assaulted in the line of duty.
	52-557b Immunity from liability for emergency medical assistance, first aid or medication by injection. School personnel not required to administer or render.
	53a-18 Use of reasonable physical force or deadly physical force generally.
	53a-19 Use of physical force in defense of person.

Policy adopted:

*Sample policy.*

## **Personnel — Certified and Non-Certified**

### **Employee Safety**

#### **General**

Employees are entitled to work under safe conditions and shall be provided necessary training in safety techniques and precautions. The Superintendent of Schools and administrative staff shall maintain safe and healthy work places in each school and district facility with safe equipment and proper materials; safe methods and practices shall be developed and practiced by staff and students.

#### **Use of Physical Force**

Employees may use reasonable physical force as necessary to protect themselves from attack, to protect another person or property, to quiet a disturbance which threatens physical injury to others, or to obtain possession of weapons or other dangerous objects.

#### **Physical Assaults on Teachers, Administrators, Other School Personnel, and Students**

Employees shall report, as soon as possible, assaults on them in connection with their employment to their Principal or other immediate supervisor who shall further report such assault to the local police. The Principals or supervisor shall notify the Superintendent of the incident.

The employee may also, in his/her discretion, file a complaint with the local police.

The Superintendent shall maintain records of any assaults for required reports to the Commissioner of Education.

#### **Legal Protection of Employer**

As required by the general statutes, the Board of Education shall indemnify Board members and employees.

(cf.4113/4213 Provisions of Negotiated Agreements)

Legal Reference: Connecticut General Statutes  
10-233g Boards to report school violence. Reports of principals to police authority.  
10-235 Indemnification of teachers, board members and employees in damage suits; expenses of litigation.  
10-236a Indemnification of educational personnel assaulted in the line of duty.  
53a-18 Use of reasonable physical force.

Policy adopted:

*A sample regulation to consider.*

## **Personnel -- Certified/Non-Certified**

### **Employee Safety**

#### **Safety Committee**

##### **PURPOSE:**

To establish a Safety Committee and to give the Chairman and Committee the specific and general authority to advise and act in designated matters relating to the on-the-job safety to the employees of the school district.

##### **A. Committee Membership:**

The Committee shall be composed of one member from each bargaining unit, the Director of Maintenance and the Business Manager.

##### **B. Committee Responsibilities:**

The Safety Committee shall be responsible for the following matters:

- 1) To develop safe employee work habits and safe attitudes.
- 2) To focus employee attention on specific causes of employee accidents.
- 3) To develop components for the employee safety training program.
- 4) To give employees an opportunity to participate in accident prevention activities.
- 5) To provide a channel of communication between employees and management.
- 6) To improve employee and public relations.
- 7) To implement employee safety procedures and programs.
- 8) To comply with OSHA and other Federal or State-mandated safety policies.
- 9) To develop and recommend to appropriate management personnel, procedures and policies which further the purposes of this Committee.

##### **C. District Policy:**

It is the policy of the Board of Education that every employee is entitled to work under safe working conditions.

To this end, every reasonable effort will be made to prevent accidents and to preserve employee health on the job.

## **Personnel -- Certified/Non-Certified**

### **Employee Safety**

#### **Safety Committee**

##### **C. District Policy: (continued)**

Management personnel are responsible for ensuring that safety procedures established by the Committee, special rules issued by administration and any other applicable safety instructions are consistently enforced. In addition, they are responsible for providing adequate safety instruction and job training to every employee under their supervision.

All employees are responsible for promptly reporting to their supervisor any hazardous condition or procedure that affects them, their fellow workers, students or the general public.

All employees are responsible for assisting in the conduct of accident investigations and for performing job safety analysis to identify and correct hazardous conditions in order to prevent accidents.

All employees are encouraged to submit written suggestions on improving safe working conditions and work procedures. Suggested improvements will be evaluated by the Committee and, if adopted, will be included in revised procedures which will be referred to the respective management personnel for implementation.

Employees shall identify unsafe conditions and unsafe procedures, so they can be corrected.

Employees are responsible for immediately reporting unsafe conditions to their supervisor.

All accidents must be reported to the supervisor immediately, whether or not a personal injury or property damage is involved.

##### **D. Committee Meetings:**

The Safety Committee will meet on a quarterly basis on the call of the Chairperson. Meeting dates will be posted in all work locations.

The Safety Committee is NOT a grievance committee.

All suggestions, or recommendations to improve on-the-job safety, may be submitted to supervisors or to any Committee member for consideration.

Regulation approved:

*A sample policy to consider.*

## **Personnel -- Certified/Non-Certified**

### **Employee Safety**

#### **Employee Identification Badge System**

To help ensure the protection of staff and students and reduce the possibilities of theft, vandalism and loss of District property, all District employees shall be issued and wear identification badges when on District property.

The District's photo identification badge system will serve as an instant identification system for security purposes and will assist parents and other visitors to school locations in identifying school employees. Employees will display the identification card at all times in the performance of their duties on District property.

A badge system, with appropriate designation but without photograph, shall be used for visitors to schools during regular school hours and for substitutes and/or temporary employees.

The Superintendent is directed to develop administrative regulations as necessary to implement this policy.

Policy adopted:  
cps 3/04

*A sample regulation to consider.*

## **Personnel -- Certified/Non-Certified**

### **Employee Safety**

#### **Employee Identification Badge System**

Staff members issued an identification badge will be subject to the following requirements:

1. Identification badges are the property of the District for use by employees. Any employee who duplicates or lends his/her identification badge will be subject to disciplinary action;
2. All identification badges are to be worn in plain sight when the employee is engaged in the performance of District duties while on District property;
3. A report of a lost or stolen badge must be made to the appropriate administrator immediately;
4. An identification card lost, stolen or damaged due to circumstances beyond the employee's control will be replaced by the District at no cost to the employee. Other replacement costs will be charged to the employee;
5. Identification badge requests must be made directly to the Superintendent's office;
6. The appropriate administrator will be responsible for collecting staff identification badges at the end of the assigned work shift in the event of employee resignation, non-renewal, non-extension or termination;
7. The District will not disclose the identification badge or card of an employee without the written consent of the employee if;
  - a. The badge or card contains the photograph of the employee;
  - b. The badge or card was prepared solely for internal use by the District to identify employees.

The District will not disclose a duplicate of the photograph used on the badge or card.

Regulation approved:

cps 3/04

*An optional policy to consider.*

## **Personnel -- Certified**

### **Emergency/Personal**

#### **Leave for Family Violence Victims**

Domestic violence is recognized as an issue with profound implications for our society. The Board of Education understands that domestic violence is not a private matter and that it affects the community, workplace and schools.

At times an employee may need to be absent from work due to family violence, and the length of time should be determined by the individual's situation. The time period shall be determined through collaboration/cooperation/discussion with the employee.

#### **Definitions**

**"Family violence"** means an incident resulting in physical harm, bodily injury or assault, or an act of threatened violence that constitutes fear of imminent physical harm, bodily injury or assault between family or household members. Verbal abuse or argument shall not constitute family violence unless there is present danger and the likelihood that physical violence will occur.

**"Leave"** includes paid or unpaid leave which may include, but is not limited to, compensatory time, vacation time, personal days off or other time off.

The Board of Education shall allow family violence victims to take paid or unpaid leave (including compensatory time, vacation time, personal days, or other time off) during any calendar year in which the leave is reasonably necessary to:

1. seek medical care or psychological or other counseling for physical or psychological injury or disability,
2. obtain services from a victim services organization,
3. relocate due to the family violence, or
4. participate in any civil or criminal proceeding related to or resulting from such family violence.

Unpaid leave, for the reasons cited above, shall be limited to 12 days per calendar year. However, leave for any of the four reasons cited above, shall not be affected by any other leave provided under state or federal law.

## **Personnel -- Certified**

### **Emergency/Personal**

#### **Leave for Family Violence Victims**

In providing leave to family violence victims, the following guidelines are to be followed:

1. The employee seeking leave shall provide up to seven days notice to the District/Superintendent or his/her designee when the need to use leave is foreseeable and as soon as practicable when it is not.
2. The employee shall provide the District with a signed written statement certifying that the leave is for a purpose authorized under P.A. 10-144.
3. The District may request that the employee provide:
  - a. police or court record related to the family violence, or
  - b. signed written statement that the employee is a victim of family violence from the employee or an agent of a victim services organization, an attorney, an employee of the Judicial Branch's Office of Victim Services or the Office of the Victim Advocate, licensed medical professional, or other licensed professional from whom the employee has sought assistance with respect to the family violence.
4. The District/Superintendent or his/her designee shall keep any such written statement or police or court record confidential.
5. The District/Superintendent or his/her designee will not further disclose the information except as required by law or as necessary to protect the employee's safety in the workplace, but in these situations the employee must be given notice before the disclosure.
6. The District/Superintendent or his/her designee may provide, if it so chooses, more leave than required by P.A. 10-144.
7. The rights of the employee under the terms of the employee's employment or collective bargaining agreement, in effect on October 1, 2010, shall not be diminished or preempted.

In addition, in compliance with P.A. 10-144, the District is not required to provide paid leave if:

1. the employee is not entitled to paid leave pursuant to the terms and conditions of his or her employment, or
2. the paid leave exceeds the maximum amount of leave due the employee during any calendar year. However, the Act requires the employer to provide unpaid leave if paid leave is exhausted or not provided.

## **Personnel -- Certified**

### **Emergency/Personal**

#### **Leave for Family Violence Victims**

Legal Reference: Connecticut General Statutes

46b-15. Relief from physical abuse by family or household member or person in dating relationship. Application. Court orders. Duration. Copies. Expedited hearing for violation of order. Other remedies.

46b-38a. Family violence prevention and response: Definitions

54-85b. Employment protection for witnesses and victims of crime. Penalty. Action for damages and reinstatement.

P.A. 10-144 An Act Concerning the Recommendations of the Speaker of the House of Representatives' Task Force on Domestic Violence.

Policy adopted:

cps 9/10

*A policy to consider if not covered by contract language.*

## **Personnel – Certified/Non-Certified**

### **Military Leave**

1. Any employee of the Board of Education who is a duly qualified member of the Reserve components of the Armed Forces will receive, in addition to his/her normal vacation if applicable, a leave of absence with pay not to exceed 15 consecutive calendar days in any one calendar year in order to receive military training with the Armed Forces of the United States under the following conditions:
  - a. He/she shall give evidence defining the date of departure and date of return for purposes of military training 30 days prior to the date of departure.
  - b. He/she shall give evidence of satisfactory completion of such training immediately upon his/her return.
2. In time of war or state of national emergency, any employee of the Board of Education ordered to active duty in the Armed Services of the United States shall, upon application, be granted a specific leave of absence. The Board will pay said employee's salary for one month.\* The remainder of the leave will be without pay. (*Alternate option: The Board will pay said employee's salary for the duration of the call-up to active duty minus the employee's military salary during the period of active service.*) This leave shall continue for the duration of the period of actual military service and for up to 90 days immediately following the discharge of the employee or up to one year if said employee is hospitalized due to injuries sustained on active duty.
3. Within 90 days following discharge, each person desiring reinstatement shall so notify the Board in writing and shall furnish evidence of physical fitness and mental competence for the type of work in which he/she was engaged at the time leave was granted or such other work as may be available.
4. Reinstatement of such employee shall be made to his/her former position, if available, or to another available position for which he/she is qualified within 90 days after the receipt of the written notice that said employee desires to be reinstated.
5. All employees on military leave shall be given the benefit of any increments and benefits which would have been credited to them had they remained in active service with the Board of Education including uninterrupted seniority.
6. The Board reserves the right to extend a leave to those remaining in military service beyond the compulsory service period.

## Personnel – Certified/Non-Certified

### Military Leave (continued)

7. The Board of Education employees called to active duty may maintain their insurance benefits during their absence at their own expense pursuant to COBRA regulations.
8. The Board recognizes that for strategic and security reasons, upon receipt of military orders, the employee may be required to leave immediately before granting due notice to the Board.
9. The District shall post a notice to persons entitled to rights and benefits under USERRA, of the rights, benefits, or obligations of such persons and the District. Such notice shall be posted where the District customarily places notice for its employees.
- \* The number of working days within the 30 day calendar period commencing with the first day of the leave.

Legal Reference: The Uniformed Services Employment Reemployment Rights Act (USERRA, 1994 as amended)

Veterans Benefits Improvement Act of 2004, P.L. 108-454 §201, 203

20 CFR Part 1002, Notice of Rights and Duties Under the Uniformed Services Employment and Reemployment Rights Act; Interim Final Rule

Policy adopted:

cps 5/99  
rev 4/02  
rev 1/05  
rev. 4/05

*A sample regulation to consider.*

## **Personnel – Certified/Non-Certified**

### **Military Leave**

The Board of Education shall provide leave to qualified employees who are members of any component of the Armed Forces of the United States (Army, Navy, Marine Corps, Air Force, Coast Guard) including any employee who is a duly qualified member of the Reserve components of the Armed Forces, when the employee meets the requirements set forth below and the Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA). A leave of absence for the period of active service shall be without loss of status and pay during the first 30 days of such leave. The remainder of the leave will be without pay. (*Alternate option: The Board will pay said employee's salary for the duration of the call-up to active duty minus the employee's military salary during the period of active service.*)

### **Reemployment Rights:**

In order to qualify for reemployment rights, the employee must be or must have been employed on a regular basis. Temporary employees are not eligible. In order to qualify for reemployment rights, employees must be qualified as set forth in these regulations and in The Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA).

Employees must provide advance notice of military service unless military necessity prevents such notice or unless notice is otherwise impossible or unreasonable. Such oral or written notice must be provided by the employee or by an appropriate officer of the service branch. In order to qualify for reemployment, the employee cannot be absent for a period greater than five years unless the employee qualifies for an exception as set forth below. The employee must be or have been separated from the service under honorable conditions.

If the service is less than 31 days or is for the purpose of taking a fitness-for-duty examination, the employee must report for reemployment at the beginning of the first regularly scheduled working period on the first calendar day following completion of service plus additional time for safe travel back to the employee's residence plus eight hours.

If the service is for a period greater than 31 days but less than 181 days, the employee must submit an application for reemployment no later than 14 days following completion of service.

If the service is for a period greater than 181 days, the employee must submit an application for reemployment no later than 90 days following completion of the service.

These time limits may be extended up to two years if the employee is hospitalized or is convalescing from an injury or illness caused by the military service. The two-year extension may be further extended if reporting is impossible or unreasonable due to circumstances beyond the employee's control.

## **Personnel – Certified/Non-Certified**

### **Military Leave**

#### **Reemployment Rights (continued)**

An employee with less than 91 days of service will be immediately re-employed in the position the employee would have attained had the employee not been absent if all qualifications for the position are met. If the employee is not or cannot reasonably become qualified for the advance position, reemployment will be offered in the same position held prior to military service if qualified. If the employee is not and cannot become reasonably qualified for the same position, a position of lesser status and pay will be offered.

An employee who is absent for more than 91 days will be offered reemployment under the same conditions as above except that a different position with equivalent pay, status, and seniority may be offered.

Refresher training or “update” training will be provided if appropriate and necessary.

If a qualified employee applies for reemployment and has a service-related disability, reasonable accommodations will be made if possible. If reasonable accommodations cannot be made, a position providing equivalent seniority, pay and status will be offered. If neither of these options is possible because of the disability, a position as nearly equivalent as possible in seniority, pay and status will be offered.

Employees who are reemployed under these circumstances are entitled to participate in any benefits available to employees on nonmilitary leaves of absence but must pay any employee participation costs that other employees pay.

An employee who is reemployed under these regulations will not be considered as having a break in service for purposes of any applicable pension plan and the military service time will be considered for benefit vesting and accrual consistent with state regulations and law.

#### **Health Insurance Coverage:**

If requested, the District will maintain health insurance coverage on the employee, spouse, and family for the first 30 days of military service regardless of whether the employee is called to active duty for more or less than 30 days. However, the employee must pay any employee participation costs that other employees pay. If the employee is called to active duty for more than 30 days, the military medical benefit will provide coverage. If the employee wishes to maintain the District-provided health benefits, the employee must pay the full cost of the premium, for a period not to exceed twenty-four (24)\* months. *(In situations of more than 30 days service, the employee may be required to pay up to 102% of the premium for such continued coverage. Also, check any existing policy language or bargaining unit agreements for any additional obligations.)*

## Personnel – Certified/Non-Certified

### Military Leave

#### Health Insurance Coverage (continued)

The employee (and the employee's spouse and family) may choose to go back on the District health plan immediately upon return to District employment. There will be no waiting period and no exclusion of pre-existing conditions, other than for VA-determined service-connected conditions.

#### Other Conditions:

The District will provide to employees covered by this policy and regulation:

1. Other rights and benefits that are generally provided to individuals of similar status that are on leave of absence;
2. All seniority, rights and benefits upon return to work as if the employee had remained continuously employed;
3. Protection from discharge upon return to work except for cause for a period of time depending on the length of military service.
4. A five (5) year cumulative service limit on the amount of voluntary military leave or call-up to military duty an employee can use and still retain reemployment rights; *(The 5-year total does not include inactive training drills, annual training, involuntary recall to active duty, or additional training requirements determined and certified in writing by the Service Secretary, and considered necessary for professional development or for completion of skill training or retraining.)*
5. The District shall post a notice to persons entitled to rights and benefits under USERRA, of the rights, benefits, or obligations of such persons and the District. Such notice shall be posted where the District customarily places notice for its employees.

\*Applies to elections made on or after December 10, 2004.

Legal Reference: The Uniformed Services Employment Reemployment Rights Act (USERRA, 1994 as amended)  
Veterans Benefits Improvement Act of 2004, P.L. 108-454 §201, 203  
20 CFR Part 1002, Notice of Rights and Duties Under the Uniformed Services Employment and Reemployment Rights Act; Interim Final Rule

Regulation approved:

cps 4/02  
rev 1/05  
rev 4/05

# YOUR RIGHTS UNDER USERRA THE UNIFORMED SERVICES EMPLOYMENT AND REEMPLOYMENT RIGHTS ACT

(Publication date – December 2005)

**USERRA protects the job rights of individuals who voluntarily or involuntarily leave employment positions to undertake military service or certain types of service in the National Disaster Medical System. USERRA also prohibits employers from discriminating against past and present members of the uniformed services and applicants to the uniformed services.**

## REEMPLOYMENT RIGHTS

You have the right to be reemployed in your civilian job if you leave that job to perform service in the uniformed service and:

- ❖ you ensure that your employer receives advance written or verbal notice of your service;
- ❖ you have five years or less of cumulative service in the uniformed services while with that particular employer;
- ❖ you return to work or apply for reemployment in a timely manner after conclusion of service; and
- ❖ you have not been separated from service with a disqualifying discharge or under other than honorable condition.

If you are eligible to be reemployed, you must be restored to the job and benefits you would have attained if you had not been absent due to military service or, in some cases, a comparable job.

## RIGHT TO BE FREE FROM DISCRIMINATION AND RETALIATION

If you:

- ❖ are a past or present member of the uniformed service;
- ❖ have applied for membership in the uniformed service; or
- ❖ are obligated to serve in the uniformed service;

then an employer may not deny you any of the following because of this status:

- ❖ initial employment;
- ❖ reemployment;
- ❖ retention in employment;
- ❖ promotion; or
- ❖ any benefit of employment, because of this status.

In addition, an employer may not retaliate against anyone assisting in the enforcement of USERRA rights, including testifying or making a statement, in connection with a proceeding under USERRA, even if that person has no service connection.

## HEALTH INSURANCE PROTECTION

- ❖ If you leave your job to perform military service, you have the right to elect to continue your existing employer-based health plan coverage for you and your dependents for up to 24 months while in the military.
- ❖ Even if you don't elect to continue coverage during your military service, you have the right to be reinstated in your employer's health plan when you are reemployed, generally without any waiting periods or exclusions (e.g., pre-existing condition exclusions) except for service-connected illnesses or injuries.

## ENFORCEMENT

- ❖ The U.S. Department of Labor, Veterans Employment and Training Service (VETS) is authorized to investigate and resolve complaints of USERRA violations.
- ❖ For assistance in filing a complaint, or for any other information on USERRA, contact VETS at **1-866-4-USA-DOL** or visit its website at <http://www.dol.gov/elaws/userra.htm>.
- ❖ If you file a complaint with VETS and VETS is unable to resolve it, you may request that your case be referred to the Department of Justice for representation.
- ❖ You may also bypass the VETS process and bring a civil action against an employer for violations of USERRA.

The rights listed here may vary depending on the circumstances. This notice was prepared by VETS, and may be viewed on the internet at this address: <http://www.dol.gov/vets/programs/userra/poster.htm>. Federal law requires employers to notify employees of their rights under USERRA, and employers may meet this requirement by displaying this notice where they customarily place notices for employees.

**U.S. DEPARTMENT OF LABOR 1-866-487-2365**

**EMPLOYER SUPPORT OF THE GUARD AND  
RESERVE (ESGR) 1-800-366-4590**

*A recommended and revised policy pertaining to the Family and Medical Leave Act.*

## **Personnel -- Certified/Non-Certified**

### **Personal Leaves**

#### **Family and Medical Leave Act**

The Board will provide leave to eligible employees consistent with the Family and Medical Leave Act of 1993 (FMLA) as amended and the Family Medical Leave Act as part of the National Defense Authorization Acts of 2008 and for Fiscal Year 2010 (which expanded certain leave to military families and veterans for specific circumstances). Eligible employees (employment for at least one-year and at least 1,250 hours actually worked in the twelve month period immediately preceding the commencement of the leave) are entitled to up to 12 work weeks of unpaid family and medical leave in any 12-month period. The District will continue to pay the District's share of the employee's health benefits during the leave. In addition, the District will restore the employee to the same or an equivalent position with equivalent benefits, pay and other conditions of employment after the termination of the leave in accordance with Board policy and collective bargaining agreements.

Eligible employees are entitled to take unpaid leave for a covered family member's service in the Armed Forces, for any one or for a combination of the following reasons:

- A "qualifying exigency" as defined by Department of Labor regulations arising out of a covered family member's covered active duty or call to covered active duty in the Armed Forces including deployment to a foreign country;
- To care for a covered family member who has incurred an injury or illness in the line of duty while on covered active duty in the Armed Forces provided that such duty or illness may render the family member medically unfit to perform duties of the member's office, grade, rank or rating; and/or
- To care for a covered family member who is a veteran suffering a service related illness or injury that was incurred or aggravated while on active duty, within five years after a veteran leaves service.

When leave is due to a "qualifying exigency" of a service member, an eligible employee may take up to 12 work weeks of leave during any 12 month period. When such leave is to care for an injured or ill service member, an eligible employee may take up to 26 work weeks of leave during a single 12 month period to care for the service member. Leave to care for an injured or ill service member, when combined with other FMLA-qualifying leave, may not exceed 26 weeks in a single 12 month period. Employees will not be deprived of any employment benefits accrued before taking FMLA leave.

## **Personnel -- Certified/Non-Certified**

### **Personal Leaves**

#### **Family and Medical Leave Act (continued)**

The District will maintain health insurance benefits at the same basis as is provided to other similarly situated employees. Conversely, employees on FMLA leave are not entitled to accrue any seniority or benefits during the leave unless determined otherwise due to a collective bargaining agreement. When an employee returns from FMLA leave, benefits will be resumed in the same manner as provided prior to taking the leave, subject to any changes in benefit levels that may have occurred during the FMLA leave period and which affect the entire work force. Leave available for eligible employees under FMLA is not intended to supplement leave otherwise provided to such employees. The District may require the eligible employee substitute any accrued vacation or sick leave for any part of the twelve week period that may be taken for the serious health condition of a spouse, child or parent, or for the employee's own serious health condition.

In complying with the FMLA, the District will adhere to the requirements of the Americans with Disabilities Act as well as other applicable federal and state laws.

The Board, in compliance with state statute, shall provide to its employees who are a party to a civil union with the same family and medical leave benefits under the federal Family Medical Leave Act (FMLA) as are provided to employees who are party to a marriage. In addition, the Board shall allow its employees leave time under this policy to serve as organ or bone marrow donors.

The District, in compliance with FMLA's regulations, will post and keep posted on its premises, in conspicuous places where employees are employed, a notice explaining the provisions of the FMLA and providing information concerning the procedures for filing complaints of violations of the Act. Electronic posting may be utilized.

(cf. 4118.14 - Disabilities)

(cf. 4151.2 - Family Illness)

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

## **Personnel -- Certified/Non-Certified**

### **Personal Leaves**

#### **Family and Medical Leave Act**

**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.

#### **Policy adopted:**

rev. 7/07  
rev. 4/08  
rev. 4/09  
rev. 4/10

*CABE's revised and suggested recommendation for a regulation.*

## **Personnel -- Certified/Non-Certified**

### **Personal Leaves**

### **Family and Medical Leave Act**

The following administrative regulations apply only to the Family and Medical Leave Act (FMLA).

#### **Eligibility**

An employee who has worked for the District for at least 12 months is eligible for 12 work weeks of FMLA leave during a 12-month period provided the employee worked at least 1,250 hours in the 12 months preceding the beginning of the leave. The 12 months of employment need not be consecutive months. Hours worked includes all hours, including overtime, an employee works but does not include paid leave time such as vacations, sick or personal leave, holidays etc. Full time professional instructional employees who are exempt from the wage and hour law may be presumed to have worked the minimum hour requirement. Pursuant to USERRA, an employee returning from fulfilling his/her National Guard or Reserve military obligation shall be credited with the hours of service that would have been performed but for the period of military service in determining whether he/she worked the 1,250 hours of service in the District. (§825.110)

For purposes of FMLA leave a 12-month period is the district's fiscal year, July 1 through June 30. (*Note: the district has the option of designating another 12-month period based on calendar year or other criteria set out in the act. The other options include calendar year; the 12-month period measured forward from the date of an employee's first FMLA leave date; 12 month period measured backward from the date the employee takes any FMLA leave.*) The 12 months of employment need not be consecutive months.

#### **Serious Health Condition**

A "serious health condition" that would entitle an employee to FMLA leave is one involving continuing treatment by a health care provider that results in a period of incapacity of more than three consecutive calendar days and involves either treatment two or more times by a health care provider or treatment by a health care provider on at least one occasion followed by a regimen of continuing treatment under the supervision of the health care provider.

Over the counter medication, bed rest, taking of fluids, exercise and other activities that can be initiated without a visit to a health care provider do not constitute continuing treatment.

## **Personnel -- Certified/Non-Certified**

### **Personal Leaves**

#### **Family and Medical Leave Act (continued)**

Chronic conditions such as asthma and diabetes are considered a serious health condition even if individual episodes of incapacity do not last more than three days. Furthermore, conditions need not be chronic or long term when the condition is one which is not ordinarily incapacitating but for which multiple treatments are given because the condition would likely result in a period of incapacity of more than three calendar days in the absence of medical intervention. Regarding long-term chronic conditions, the condition need not be incurable. The condition may involve a permanent or long-term incapacity and be one for which treatment may not be effective. (29 C.F.R. 825.114.)

#### **Health Care Provider**

The definition of “health care provider” includes any health care provider recognized by the employer or accepted by the group health plan of the employer. It also includes clinical social workers. (29 C.F.R. 825.118.)

#### **Types of Leave**

An eligible employee may take FMLA leave for: (§825.200)

- the birth and first-year care of a child; (§825.120)
- the adoption or foster placement of a child; (§825.121)
- the serious illness of an employee’s spouse, parent or child; (§825.113, §825.122)
- the employee’s own serious health condition that keeps the employee from performing the essential functions of his/her job; (§825.113, §825.123)
- to care for an eligible member\* of the Armed Forces who is undergoing medical treatment, recuperation, or therapy, or is otherwise on the temporary disability list for a serious injury or illness; (§825.122, §825.123)
- a qualifying exigency as defined by Department of Labor regulations of a spouse, child, or parent of the employee who is on covered active duty in the Armed Forces or has been notified of an impending call or order to active duty in the Armed Forces including deployment to a foreign country; and
- a veteran suffering a service related illness or injury that was incurred or aggravated while on active duty within five years after a veteran leaves service.

\*spouse, son, daughter, parent or next of kin

## **Personnel -- Certified/Non-Certified**

### **Personal Leaves**

#### **Types of Leave (continued)**

An employee may elect, or the District may require, an employee to use accrued paid vacation, personal or family leave for purposes of a family leave. An employee may elect, or the District may require, an employee to use accrued vacation, personal or medical/sick leave for purposes of a medical leave. An employee cannot compel the District to permit the employee to use accrued medical/sick leave in any situation which the leave could not normally be used.

All FMLA absences for the same qualifying reason are considered a single leave and the employee maintains eligibility as to that reason for leave throughout the applicable 12-month period.

An eligible employee for FMLA leave must receive at the time of their eligibility notice a written notice of "Rights and Responsibilities" detailing their specific expectations and obligations and explaining the consequences of their failure to meet these obligations. This notice shall include any requirement to provide medical certification, the right to substitute paid leave, payment for benefits and job restoration rights upon expiration of the leave.

#### **Spouses Employed by the School District**

If a husband and wife eligible for leave are employed by this school district, their combined amount of leave for birth, adoption, foster care placement and parental illness may be limited to 12 weeks. An employee may not take FMLA leave to care for a parent-in-law.

#### **Unforeseeable, Continuous, Intermittent and Reduced Leave**

Unforeseeable leave involves situations such as emergency medical treatment or premature birth.

Continuous leave is taken for a set number of days or weeks.

Intermittent leave is leave taken in separate blocks of time due to a single illness or injury rather than one continuous period of time.

Reduced leave is a leave schedule that reduces employee's usual number of hours per work week, or hours per work day.

## **Personnel -- Certified/Non-Certified**

### **Personal Leaves**

#### **Unforeseeable, Continuous, Intermittent and Reduced Leave (continued)**

Intermittent or reduced leave is available only for the employee's own serious health condition or to care for a seriously ill spouse, child or parent. Such leave may not be used for the birth or adoption/placement of a child or to care for a newborn or recently adopted child. In the case of foreseeable intermittent or reduced leave, the employee must schedule the leave to minimize disruption to the district's operation.

The employee who wishes to use intermittent or reduced leave shall, whenever possible, give prior notification to the District. Although the District and employee may agree to an intermittent or reduced leave plan, the employee who uses family leave is not automatically entitled to use such leave on an intermittent basis or on a reduced leave schedule. The district may provide such leave for medical leave but the district may transfer the employee to a position which is equivalent, but more suitable for intermittent periods of leave provided said leave amounts to more than twenty (20) percent of the total number of working days in the period during which the leave would extend. The employee must furnish the District with the expected dates of the planned medical treatment and the duration of the treatment. The Superintendent must authorize such leave in writing.

#### **Employee Entitlement to Service Member FMLA**

The federal FMLA entitles eligible employees to take leave for a covered family member's service in the Armed Forces. Except as listed in this section, an employee's rights and obligations to service member FMLA leave are governed by existing FMLA policy and regulations.

Service member FMLA provides eligible employees unpaid leave for a covered family member's service in the Armed Forces, for any one or for a combination of the following reasons:

- A "qualifying exigency" arising out of a covered family member's active duty or call to covered active duty in the Armed Forces including deployment to a foreign country;
- To care for a covered family member who has incurred a serious injury or illness in the line of duty while on covered active duty in the Armed Forces including a member of the National Guard or Reserves, provided that such duty or illness may render the family member medically unfit to perform duties of the member's office, grade, rank or rating; and/or

## **Personnel -- Certified/Non-Certified**

### **Personal Leaves**

#### **Employee Entitlement to Service Member FMLA (continued)**

- To care for a veteran suffering a service related illness or injury, as long as the veteran was a member of the Armed Forces, National Guard, or Reserves within five years of requiring care.

When leave is due to a “qualifying exigency” of a service member, an eligible employee may take up to 12 work weeks of leave during any 12 month period. Eligible employees can take more than one period of leave if the leave is to care for different covered service members or to care for the same service member with a subsequent serious injury or illness, except that no more than 26 work weeks of leave may be taken within any single 12-month period.

Leave that qualifies both as leave to care for a covered service member and leave taken to care for a family member with a serious health condition during the “single 12-month period” cannot be designated and counted as both leave to care for a covered service member and leave to care for a family member with a serious health condition.

Employees are not obligated to provide notice to the District when they first become aware of a covered family member’s active duty or call to active duty status. An employee’s obligation to provide notice of leave due to a qualifying exigency is triggered when the employee first seeks to take such leave. Where this leave is foreseeable, eligible employees must provide notice to the District that is “reasonable and practicable.”

In compliance with the final FMLA rule, §825.310, separate certification requirements shall be utilized for military caregiver leave. The District shall use the DOL WH-385 form in obtaining medical certifications of Military Caregiver Leave.

When such leave is to care for an injured or ill service member, an eligible employee may take up to 26 work weeks of leave during a single 12-month period to care for the service member. Leave to care for an injured or ill service member, when combined with other FMLA-qualifying leave, may not exceed 26 weeks in a single 12-month period.

Service member FMLA runs concurrent with any other leave entitlements provided under federal, state or local law.

## **Personnel -- Certified/Non-Certified**

### **Personal Leaves**

#### **Definitions**

**Covered Service Member:** A member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness; or a veteran who is undergoing medical treatment, recuperation, or therapy for a serious injury or illness and who was a member of the Armed Forces, including a member of the National Guard or Reserves, at any time during the period five (5) years preceding the date on which the veteran undergoes that medical treatment, recuperation or therapy.

**Covered Active Duty:** In the case of a member of a regular component of the Armed Forces, duty during deployment of the member of the Armed Forces to a foreign country; and in the case of a reserve component of the Armed Forces, duty during the deployment of the member with the Armed forces to a foreign country under a call or order to active duty under a provision of law referred to in 10 U.S.C. §101(a)(13)(B).

**Next of Kin:** The nearest blood relative of an individual. (In this order: brother, sister, grandparents, aunts, uncles, first cousins) Excluded are the covered servicemember's spouse, parent, son or daughter, as they already are entitled to leave for this purpose. A covered service member may designate, in writing, another blood relative as his or her nearest blood relative for purposes of military caregiver FMLA leave. When no such designation is made, and there are multiple family members with the same level of relationship to the covered service member, all such family members shall be considered the covered service member's next of kin and may take FMLA leave to care for the covered service member either consecutively or simultaneously. When a designation has been made, the designated individual shall be deemed to be the covered service member's only next of kin.

## **Personnel -- Certified/Non-Certified**

### **Personal Leaves**

#### **Definitions (continued)**

**Outpatient Status:** With respect to a covered service member, this means the status of a member of the Armed Forces assigned to:

- (a) a military medical treatment facility as an outpatient; or
- (b) a unit established for the purpose of providing command and control of members of the Armed Forces receiving medical care as outpatients.

**Qualifying Exigency** The U.S. Department of Labor's definition of this term includes the following eight (8) situations: (1) short-notice deployment, (2) military events and related activities, (3) childcare and school activities, (4) financial and legal arrangements, (5) counseling, (6) rest and recuperation, (7) post deployment activities, and (8) additional activities to address other events which arise out of the covered military member's active duty or call to active duty status, provided the employer and employee agree that such leave shall qualify as an exigency and agree to both the timing and duration of such leave. (See form WH-384)

**"Single 12-Month Period"** The U. S. Department of Labor has determined that for purposes of military caretaker leave is a period that commences on the date an employee first takes leave to care for a covered service member with a serious injury or illness.

**Serious Injury or Illness:** In the case of a member of the Armed Services, including a member of the National Guard or Reserves, means an injury or illness incurred by the member in the line of duty on active duty in the Armed Forces or existed before the beginning of the member's active duty and was aggravated by service in line of duty on active duty in the Armed Forces and that may render the member medically unfit to perform the duties of the member's office, grade, rank or rating.

In the case of a veteran who was a member of the Armed Forces, including a member of the National Guard or Reserves, at any time during a period of five (5) years preceding the date on which the veteran undergoes medical treatment, recuperation, or therapy, means a qualifying (as defined by the Secretary of Labor) injury or illness that was incurred by the member in line of duty on active duty in the Armed Forces or existed before the member's active duty and was aggravated by service in line of duty on active duty in the Armed Forces and that manifested itself before or after the member became a veteran.

## **Personnel -- Certified/Non-Certified**

### **Personal Leaves (continued)**

#### **Leave to Care for a Covered Service Member**

If the necessity for leave is foreseeable based on planned medical treatment, the employee shall:

1. make a reasonable effort to schedule the treatment so as not to disrupt unduly the operations of the District; and
2. provide the District with at least 30 days' notice, before the date the leave is to begin, of the employee's intention to take leave. If the date of the treatment requires leave to begin in less than 30 days, the employee shall provide such notice as is practicable.

The Board of Education may require that a request for leave to care for a covered service member be supported by a certification issued by the health care provider of the person in need of care. The employee shall provide, in a timely manner, a copy of such certification to the District.

Certification will be sufficient if it states:

1. the date on which the serious health condition or serious injury or illness commenced;
2. the probable duration of the condition; and
3. the appropriate medical facts within the knowledge of the health care provider regarding the condition.

If leave is to be taken on an intermittent or reduced leave schedule for planned medical treatment, the certification must contain the dates on which such treatment is expected to be given and the duration of such treatment.

#### **Leave Related to Active Duty or a Call to Active Duty**

If the necessity for leave because of a qualifying exigency arising from the fact that a family member is on covered active duty or has been notified of an impending call to active duty is foreseeable, the employee shall give such notice to the District as is reasonable and practicable.

The Board may require that a request for leave because of a qualified exigency arising from the fact that the employee's spouse, son, daughter, or parent or covered service member is on covered active duty or has been notified of an impending call to covered active duty be supported by a certification issued in accordance with regulations issued by the Secretary of Labor. If the Secretary issues a regulation requiring such certification, the employee shall provide, in a timely manner, a copy of such certification to the school district.

## **Personnel -- Certified/Non-Certified**

### **Personal Leaves (continued)**

#### **Benefits**

The District will maintain the employee's health coverage under the District's group health insurance plan during the period of FMLA leave. The employee should make arrangements with the District to pay the employee's share of health insurance (e.g. family coverage) prior to the beginning of the FMLA leave.

The employee will not lose any other employment benefit accrued prior to the date on which leave began but is not entitled to accrue seniority or employment benefits during the leave period. Employment benefits could include group life insurance, sick leave, annual leave, educational benefits and pensions.

#### **Notice**

When the FMLA leave is foreseeable, the employee must notify the District in writing of his/her request for leave at least 30 days prior to the date when the leave is to begin. The employee must explain the reasons for the needed leave so as to allow the District to determine whether the leave qualifies under FMLA. Failure to give notice may result in the leave beginning thirty days after notice was received. If the leave is not foreseeable, the employee must give notice as early as is practical under the facts and circumstances of the particular case, but no later than one to two work days after learning that leave will be necessary. A spouse or family member or other responsible party may give the notice if the employee is unable to personally give notice. When the employee requests medical leave, the employee must make reasonable attempts to schedule treatment so as not to disrupt the District's operations.

The District, as required, will post and keep posted on its premises, a notice explaining the provisions of FMLA and with information concerning the procedures for filing complaints of violations of the Act. Electronic posting is sufficient to meet this posting requirement. The notice must be posted even if the District has no FMLA-eligible employees. The FMLA notice, in the absence of an employee handbook, shall be given to each employee when hired.

The District, when a request for FMLA leave is received, will provide the employee the following information, listing the employee's obligations and requirements:

1. A statement clarifying whether the leave qualifies as family and medical leave and will, therefore, be credited to the employee's annual 12-week entitlement.
2. A reminder that employees requesting family and medical leave for a serious health condition or for that of an immediate family member must furnish medical certification of the serious health condition and the consequences for failing to do so.

## **Personnel -- Certified/Non-Certified**

### **Personal Leaves**

#### **Notice (continued)**

3. An explanation of the employee's right to substitute paid leave for family and medical leave including a description of when the school district requires substitution of paid leave and the conditions related to the substitution.
4. A statement notifying employees for paying any premium or other payments to maintain health or other benefits.

(This notice may be accompanied by the FMLA medical certification form if the District requests its employees to complete such form. The notice of rights and responsibilities may be distributed electronically.)

The District must notify the employee, in writing, of his/her eligibility to take FMLA leave within five (5) business days of receiving said request, with medical certification(s) and any other required information, absent extenuating circumstances. The District may provide the "Eligibility" and "Designation" notices at the same time if there is sufficient information to do so.

In situations where the District has failed to provide timely notice and the delay does not cause the employee harm or injury, retroactive notice may be provided. In all cases where leave would qualify for FMLA leave protection, the District and the employee can mutually agree that the leave be retroactively designated as FMLA leave.

District failure to provide required notice can be considered "interference" with an employee's FMLA rights.

The District may deny the leave if the employee does not meet the notice requirements.

### **Certification**

The District shall require the employee to provide certification of the employee's serious health condition from a health care provider containing specific information required under the law if he/she requests a medical leave. If there is a question concerning the validity of such certification a second, and, if necessary, a third opinion can be required both at the expense of the District. The health care provider designated or approved by the District may not be employed by the school system on a regular basis. In the case of a third opinion, the opinion of the third health provider will be binding on both the school district and the employee. The District shall also require the employee to present medical certification of the family member's serious health condition and that it is medically necessary for the employee to take leave to care for the family member.

## **Personnel -- Certified/Non-Certified**

### **Personal Leaves**

#### **Certification (continued)**

If the leave was for reasons related to the employee's serious health condition, upon the employee's return to work, the District will require that the employee present a fitness statement from the employee's health care provider certifying that the employee is able to return to work.

The required certifications must be obtained from the health care provider who is treating the individual with the serious health condition.

Medical certification must be provided fifteen days after the request for medical certification unless it is impracticable to do so. Employees taking family and medical leave for the birth, adoption or foster care of a son or daughter are not required to obtain a medical certification. The District may request recertification every thirty days. Recertification must be submitted within fifteen days of the District's request.

The District will utilize separate medical certificates forms when employees request leave to care for a family member with a serious health condition and for those situations when the medical need for leave is prompted by the employee's own serious health condition.

The District will notify employees, in writing, of any additional information that is necessary to complete the medical certificate and allow employees seven (7) calendar days to provide said additional information. If the employee fails to submit a complete and sufficient certification despite the opportunity to cure the deficiency, the District may deny FMLA leave.

Family and medical leave requested for the serious health condition of the employee or to care for a family member with a serious health condition which is not supported by medical certification shall be denied until such certification is provided. The District requires sufficient FMLA certification in support of any request for FMLA leave for either the employee's own or a covered family member's serious health condition.

Verification must also be presented when requesting FMLA leave to care for the employee's spouse, son, daughter or parent with a serious health condition.

Upon request by the District, employees must provide FMLA certification even when substituting paid leave.

The District may request medical recertification for continuing, open-ended conditions, every six months. Medical recertification may be requested on a more frequent basis if there are other changed circumstances or for other reasons as outlined in the FMLA regulations.

## **Personnel -- Certified/Non-Certified**

### **Personal Leaves**

#### **Certification** (continued)

The District may require annual medical certifications in cases where serious health conditions extend beyond a single leave year. This does not apply to certificates to support a request for injured service member leave.

#### **Restoration**

An employee's right to return to the same or an equivalent position is contingent upon the employee's continued ability to perform all the essential functions of the position. The District may demand more than a "simple statement" of the ability to return to work. Fitness for duty certification for intermittent leave may be requested by the District if reasonable safety concerns exist.

When the employee returns from leave, the District will restore the employee to the same or an equivalent position with equivalent benefits, pay, terms and conditions of employment shift, and geographically proximate workplace in accordance with Board policy, practices and applicable collective bargaining unit agreements. Employees are entitled to any unconditional pay increase, such as cost of living increases, that occur during the period to their FMLA leave.

Under certain circumstances, the District may deny restoration to a key employee. The District will comply with the notice requirements of the FMLA in denying restoration. A key employee is one who is among the highest paid 10% of the employees and whose absence would cause the District to experience a substantial and grievous economic injury.

Further, the District may deny restoration to an employee if the District shows that the employee would not otherwise be employed at time of reinstatement for reasons such as layoff, shift or special project elimination. In addition, collective bargaining agreements between the Board and employee groups will not diminish the rights of the employee established by FMLA.

A returning employee cannot be restored to a position that requires additional licensure of certification.

Employees are not entitled to accrue seniority during any FMLA leave, but taking the leave may not result in the loss of any benefits that were accrued prior to the leave.

## **Personnel -- Certified/Non-Certified**

### **Personal Leaves (continued)**

#### **Instructional Employees**

Special rules apply to 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. This term includes teachers, athletic coaches, driving instructors and special education assistants such as signers for the hearing impaired. It does not include teacher assistants or aides who do not have as their principal job actual teaching or instructing, nor does it include auxiliary personnel such as counselors, psychologists or curriculum specialists. It also does not include cafeteria workers, maintenance workers or bus drivers.

Limitations apply to instructional employees who take intermittent or reduced leave. If the leave requested is:

1. to care for a family member, or
2. for the employees own serious health condition and is foreseeable based on planned medical treatment (i.e. chemotherapy, prenatal visits, physical therapy etc.) and
3. the employee would be on leave for more than 20% of the total number of working days over the period the leave would extend,

then the District may require the employee to choose either to:

1. take the leave for a period of a 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 which better accommodates recurring periods of leave than does the employee's regular position. However, an instructional employee cannot be transferred to an alternative position when the employee takes intermittent leave that amounts to twenty (20) percent or less of the total number of working days in the period during which the leave would extend.

Intermittent leave is not available to take care of a newborn or recently adopted child.

Limitations also apply to instructional employees who take leave near the end of a semester. When an instructional employee begins leave more than five weeks before the end of a semester the District may require the employee to continue taking leave until the end of the semester if:

1. the leave will last at least three weeks, and
2. the employee would return to work during the three-week period before the end of the semester.

## **Personnel -- Certified/Non-Certified**

### **Personal Leaves**

#### **Instructional Employees (continued)**

An instructional employee, required to extend his/her leave by the District, shall not have the "extra" leave counted against the employee's 12 work week entitlement unless the employee requests said additional leave be counted against the FMLA entitlement.

When 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 semester, the District may require the employee to continue taking leave until the end of the semester if:

- (1) the leave will last more than two weeks, and
- (2) the employee would return to work during the two-week period before the end of the semester.

When an 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 a semester, and the leave will last more than five working days, the district may require the employee to continue taking leave until the end of the semester.

Leave may not be counted against an employee during times (vacation periods) when they are not normally required to work.

When the employee is required to take leave until the end of the semester, only the time until the employee is "ready and able" to work shall be charged to FMLA leave.

### **Failure to Return**

The District is entitled to recover health care premiums paid during the leave if the employee fails to return from leave. However, recovery cannot occur if the employee fails to return because of the continuation, recurrence, or onset of a serious health condition or due to circumstances beyond the control of the employee.

### **Miscellaneous**

1. An employee's serious health condition may also be a disability within the meaning of the Americans with Disability Act (ADA) which may also trigger requests for paid leave or workers' compensation benefits. The District may follow procedures for requesting medical information under the ADA or paid leave or worker's compensation programs without violating the FMLA. The District may also consider any information received pursuant to such procedures or benefit programs in determining an employee's entitlement to FMLA-protected leave.

## **Personnel -- Certified/Non-Certified**

### **Personal Leaves**

#### **Miscellaneous (continued)**

2. When employees seek leave due to an FMLA-qualifying reason for which the District has previously provided FMLA protected leave, the employee must specifically reference the qualifying reason for leave or the need for FMLA leave.
3. The District requires employees to comply with all usual and customary notice and procedural requirements for requesting leave, absent unusual circumstances. The requirements include providing written notice of the reasons and anticipated start and duration of the leave or requirement that employees contact a specific individual of the District to request leave.
4. If there is a dispute between the District and an employee as to whether leave qualifies as FMLA leave, it shall be resolved through discussions between the District and the employee. The discussions and decisions must be documented in writing.

Regulation approved:

rev. 4/08  
rev. 4/09  
rev. 4/10

\_\_\_\_\_ PUBLIC SCHOOLS  
\_\_\_\_\_, Connecticut

**Request for Leave Under the  
Family and Medical Leave Act of 1993, as amended**

Employee Name: \_\_\_\_\_ Date of Request: \_\_\_\_\_  
School/Department: \_\_\_\_\_ Position/Title: \_\_\_\_\_  
Hire Date: \_\_\_\_\_ Date of Request: \_\_\_\_\_

(An employee wishing to request leave may make such request by filling out the information contained in this box at the top of this form. Use of this form by the employee is not mandatory.)

Employee requesting FMLA leave: \_\_\_\_\_  
(Employee's name)

Please be advised that as of \_\_\_\_\_, I give you notice of my need to take family/medical  
(today's date)

leave due to:

- Birth of a child, or the placement of a child for adoption or foster care.
- Serious health condition for which I need care and makes it unable for me to perform the functions of my position.
- Serious health condition affecting my  spouse,  child,  parent, for which I am needed to provide care.
- "Qualifying exigency" arising from my  spouse,  child,  parent, being on active duty or ordered to active duty in the Armed Forces.
- Need to care for a wounded service member affecting  spouse,  child,  parent,  myself or  next-of-kin.

If the duration of my family/medical leave does not exceed twelve (12) weeks (26 weeks if leave is to care for an injured or ill service member) I will be returned to my same or equivalent position. I understand that if my family/medical leave should exceed twelve weeks (26 weeks if leave is to care for an injured or ill service member, I will be returned to my same or similar position, only if available in accordance with applicable laws. If the same or similar position is not available, I understand that I may be terminated.

I need this leave beginning on \_\_\_\_\_, and I expect the leave to continue until on  
or \_\_\_\_\_ (Date)  
about \_\_\_\_\_ (Date)

\_\_\_\_\_  
Employee Signature

\_\_\_\_\_  
Date

\_\_\_\_\_ PUBLIC SCHOOLS  
\_\_\_\_\_, Connecticut

**Response to Request for Leave Under the  
Family and Medical Leave Act of 1993, as amended**

To: \_\_\_\_\_ From: \_\_\_\_\_  
(Employee's Name) (Name of appropriate Employer representative)

On \_\_\_\_\_, you notified us of your need to take family/medical leave due to:  
(Date)

- The birth of a child, or the placement of a child for adoption or foster care.
- A serious health condition for which you need care that makes you unable to perform the functions of your position.
- A serious health condition affecting your  spouse,  child,  parent, for which you are needed to provide care.
- A "qualifying exigency" arising from my  spouse,  child,  parent, being on active duty or ordered to active duty in the Armed Forces, or
- The need to care for a wounded service member affecting  spouse,  child,  parent,  myself or  next-of-kin.

You notified us that you need this leave beginning on \_\_\_\_\_, and that you expect the leave to continue until on or about \_\_\_\_\_.  
(Date)

(\*This response should be used in all cases, even if notice has only been given verbally.)

Except as explained below, you have a right under the FMLA to receive up to 12 weeks of unpaid leave in a 12-month period for the reasons listed above (except leave for care of a covered service member is up to twenty-six weeks in a single 12 month period). Also, your health benefits must be maintained during any period of unpaid leave under the same conditions as if you continued to work, and you must be reinstated to the same or an equivalent job with the same pay, benefits, and terms and conditions of employment on your return from leave. If you do not return to work following FMLA leave for a reason other than: (1) the continuation, recurrence, or onset of a serious health condition which would entitle you to FMLA leave; or (2) other circumstances beyond your control, you may be required to reimburse us for our share of health insurance premiums paid on your behalf during your FMLA leave.

This is to inform you that: (check appropriate boxes; explain where indicated)

1. You are  eligible  not eligible for leave under the FMLA or Service Member FMLA.
2. The requested leave  will  will not be counted against your annual FMLA leave entitlement.

3. You  will  will not be required to furnish medical certification of a serious health condition. If required, you must furnish certification by \_\_\_\_\_ (*must be at least 15 days after you are notified of this requirement*) or we may delay the commencement of your leave until the certification is submitted.
4. You may elect to substitute accrued paid/unpaid leave for unpaid FMLA leave. We  will  will not require that you substitute accrued paid/unpaid leave for unpaid FMLA leave. If accrued leave will be used, the following conditions will apply: (*Explain which leave will be substituted, and any other relevant conditions.*) \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
5. If you normally pay a portion of the premiums for your health insurance, these payments will continue during the period of FMLA leave. Arrangements for payment have been discussed with you and it is agreed that you will make premium payments by the last business day of the month for coverage for the following month. You have a thirty (30) day grace period in which to make payment. If payment has not been made in a timely fashion, your group health insurance may be cancelled, or at our option, we may pay your share of the premium during FMLA leave and receive these payments from you upon your return to work.
6. You  will  will not be required to present a fitness-for-duty certificate prior to being restored to employment. If such certification is required but not received, your return to work may be delayed until such certification is provided.
7. You  will  will not be required to furnish us with periodic reports of your status and intent to return to work every 30 days while on FMLA leave.
8. You  will  will not be required to furnish recertification every 30 days relating to a serious health condition. (*Explain below, if necessary.*)
- 9a. You  are  are not an "instructional employee" as described in §825.600 of the FMLA regulations.
- 9b. We have determined that your leave request  will  will not be modified, as permitted by law regarding an instructional employee. If modified, the following conditions or alternatives apply:
- 10a. You \_\_\_are \_\_\_are not a "key employee" as described in §825.218 of the FMLA regulations. If you are a "key employee", restoration to employment may be denied following FMLA leave on the grounds that such restoration will cause substantial and grievous economic injury to us.
- 10b. We \_\_\_have \_\_\_have not determined that restoring you to employment at the conclusion of FMLA leave will cause substantial and grievous harm to us. (*Explain (a) and/or (b) below.*) \_\_\_\_\_.

## Special Provisions Concerning Instructional Employees

In addition to the general leave requirements summarized for the Family and Medical Leave Act, the Act contains special rules which govern the family and medical leave rights of instructional employees. Instructional employees are those employees whose principal function is to teach and instruct students in a class, small group or in an individual setting. This term includes teachers, athletic coaches, driving instructors and special education assistants such as signers for the hearing impaired. It does not include auxiliary personnel such as counselors, psychologists, curricular specialists, cafeteria workers, bus drivers or teacher aides who do not have as their principal job actual teaching or instruction. These special rules represent a Congressional effort to balance the educational needs of children with the family and medical leave needs of teachers.

The first special rule applies in cases where a teacher or other instructor needs to be out of the classroom intermittently or on a reduced schedule because of planned medical treatments for a serious health condition. If the teacher would be on leave for greater than 20 percent of the total number of working days during which the leave would extend, the Board may require the teacher to choose between (1) being temporarily transferred to a position outside of the classroom, which has equivalent pay and benefits and which better accommodates the teacher's need for recurring leave; or (2) taking continuous leave for the entire treatment period rather than a leave on an intermittent basis.

The second special rule applies in cases where a teacher or other instructor is scheduled to return from a family or medical leave near the end of a school term. A teacher may be required to extend the leave through the end of a term if he or she would otherwise have returned within the last two or three weeks of the term's end, depending on when the leave began and its duration. This special rule applies in three instances: (1) when a teacher begins a leave of at least 3 weeks duration more than 5 weeks before the end of the term, and the teacher is scheduled to return to school during the last 3 weeks of such term; (2) when a teacher begins a leave of at least 2 weeks duration within the 5-week period preceding the end of the term, and the teacher is scheduled to return to school during the last 2 weeks of such term; or (3) when a teacher begins a leave of at least 5 days duration within the 3-week period preceding the end of the term. In each of these instances, the Board of Education may require the teacher to extend his or her leave until the end of the semester in order to afford the teacher the needed leave without interrupting the educational process at a critical point in the school year. In such cases, the teacher possesses the same rights to reemployment and continuation of health insurance benefits as are provided under the Act's general provisions.

An instructional employee, when required by the District to extend his or her leave, shall not have the "extra" leave counted against the employees 12 work week entitlement unless the employee requests said additional leave be counted against the FMLA entitlement.

## **Summary of Family and Medical Leave Act (Sample District Provisions)**

The purpose of the Family and Medical Leave Act is to provide an unpaid leave of absence which enables employees to be absent from work for up to 12 work weeks without losing certain benefits. Such requests must be submitted in writing to the Superintendent. Such requests will be approved in accordance with the procedure outlined below and in compliance with the Family and Medical Leave Act.

### **Eligible Employees**

Employees are eligible for family and medical leave under the Family and Medical Leave Act of 1993 if these criteria are met:

1. The employee has worked for the District for at least twelve months or 52 weeks. (The months and weeks need not be consecutive.)
2. The employee has worked at least 1,250 hours within the previous year. Full time professional employees who are exempt from the wage and hour law may be presumed to have worked the minimum hour requirement.

### **Eligible Reasons for Family and Medical Leave**

1. Because of the birth of a son or daughter of the employee and in order to care for such son or daughter.
2. Because of the placement of a son or daughter with the employee for adoption or foster care.
3. In order to care for the spouse, or a son, daughter or parent of the employee if the spouse, son, daughter or parent has a serious health condition.
4. Because of a serious health condition that makes the employee unable to perform the functions of the position of such employee.
5. Because of any qualifying exigency arising out of the fact that the employee's spouse, son, daughter, or parent is a covered military member on active duty or has been notified of an impending call or order to active duty in support of a contingency operation.

### **Employee Obligations**

When an employee requests family and medical leave, the school District will provide the employee with information listing the employee's obligations and requirements. Such information will include:

1. A statement clarifying whether the leave qualifies as family and medical leave and will, therefore, be credited to the employee's annual 12-week entitlement.

**Summary of Family and Medical Leave Act**  
**(Sample District Provisions)**  
(continued)

**Employee Obligations** (continued)

2. A reminder that employees requesting family and medical leave for a serious health condition or for that of an immediate family member must furnish medical certification of the serious health condition and the consequences for failing to do so.
3. An explanation of the employee's right to substitute paid leave for family and medical leave including a description of when the school District requires substitution of paid leave and the conditions related to the substitution.
4. A statement notifying employees for paying any premium or other payments to maintain health or other benefits.

**Types of Leave**

**1. Foreseeable Family and Medical Leave**

- a. Definition – Leave is foreseeable for the expected birth or placement of a child or for planned medical treatment.
- b. The employee must give at least thirty days notice for foreseeable leave. Failure to give the notice may result in the leave beginning thirty days after notice was received.
- c. An employee must consult with the District prior to scheduling planned medical treatment to minimize disruption to the District. The scheduling of the planned medical treatment is subject to the approval of the health care provider.

**2. Unforeseeable Family and Medical Leave**

- a. Definition – Leave is unforeseeable in such situations as emergency medical treatment or premature birth.
- b. An employee must give notice as soon as possible but no later than one to two work days after learning that leave will be necessary.
- c. A spouse or family member may give the notice if the employee is unable to personally give notice.

**3. Continuous, Intermittent, and Reduced Leave**

- a. Continuous – Employee will not report to work for a set number of days or weeks.
- b. Intermittent – Employee requests family and medical leave for separate period of time.

**Summary of Family and Medical Leave Act  
(Sample District Provisions)**  
(continued)

**Types of Leave (continued)**

**3. Continuous, Intermittent, and Reduced Leave (continued)**

- c. Reduced – Employee’s usual number of working hours per work week or hours per day are reduced.
- d. Intermittent and Reduced Leave
  - (1) Intermittent leave is available for the serious health condition of the employee, spouse, parent or child when medically necessary, or to care for a covered service member with a serious illness or injury.
  - (2) In the case of foreseeable intermittent or reduced leave, the employee must schedule the leave to minimize disruption to the District’s operation.
  - (3) During the period of foreseeable intermittent or reduced leave, the District may temporarily move the employee to an alternative position with equivalent pay and benefits that would better accommodate recurring periods of leave, provided the leave amounts to more than twenty (20) percent of the total number of working days in the period during which the leave would extend.

**4. Service Member Family and Medical Leave**

The federal FMLA entitles eligible employees to take leave for a covered family member’s service in the Armed Forces. Except as listed in this section, an employee’s rights and obligations to service member FMLA leave are governed by existing FMLA policy and regulations.

Service member FMLA provides eligible employees unpaid leave for a covered family member’s service in the Armed Forces, for any one or for a combination of the following reasons:

- A “qualifying exigency” as defined by Department of Labor regulations arising out of a covered family member’s active duty or call to active duty in the Armed Forces in support of a contingency plan; and or
- To care for a covered family member who has incurred an injury or illness in the line of duty while on active duty in the Armed Forces provided that such duty or illness may render the family member medically unfit to perform duties of the member’s office, grade, rank or rating.

When leave is due to a “qualifying exigency” as defined by Department of Labor regulations of a service member, an eligible employee may take up to 12 work weeks of leave during any 12 month period. Such leave may be taken on an intermittent or reduced leave schedule basis.

## **Summary of Family and Medical Leave Act (Sample District Provisions)**

### **Types of Leave (continued)**

#### **4. Service Member Family and Medical Leave (continued)**

When such leave is to care for an injured or ill service member, an eligible employee (spouse, son, daughter, parent or next of kin) may take up to 26 work weeks of leave during a single 12 month period to care for the service member. Leave to care for an injured or ill service member, when combined with other FMLA-qualifying leave, may not exceed 26 weeks in a single 12 month period.

Service member FMLA runs concurrent with any other leave entitlements provided under federal, state or local law.

### **Use of Paid Leave**

Employees may be required to use paid leave and vacation days at the start of the leave. The remainder of the days will be unpaid. Employees may elect to substitute accrued paid leave for unpaid family and medical leave.

### **Medical Certification**

1. An employee shall be required to present medical certification of the employee's serious health condition and inability to perform the functions of the position of the employee.
2. An employee shall be required to present medical certification of the family member's serious health condition and that it is medically necessary for the employee to take leave to care for the family member.
3. An employee must obtain the certification from the health care provider who is treating the individual with the serious health condition.
4. The District may require the employee to obtain a second certification by a health care provider chosen by and paid for by the District if the District has reason to doubt the validity of the certification an employee submits. The second health care provider cannot, however, be employed by the District on a regular basis.
5. If the second health care provider disagrees with the first health care provider, then the District may require a third health care provider to certify the serious health condition. This health care provider must be mutually agreed upon by the employee and the school district and paid for by the school district. This certification or lack of certification is binding upon both the employee and the District.
6. Medical certification must be provided fifteen days after the request for medical certification unless it is impracticable to do so. Employees taking family and medical leave for the birth, adoption or foster care of a son or daughter are not required to obtain a medical certification. The District may request recertification every thirty days. Recertification must be submitted within fifteen days of the District's request.

**Summary of Family and Medical Leave Act  
(Sample District Provisions)**  
(continued)

**Medical Certification (continued)**

7. Family and medical leave requested for the serious health condition of the employee or to care for a family member with a serious health condition which is not supported by medical certification shall be denied until such certification is provided.
8. Any absence for illness for more than three (3) working days must be verified by a medical doctor. Verification must also be presented when requesting FMLA leave to care for the employee's spouse, son, daughter or parent with a serious health condition.

**Continuation of Benefits**

The employer must, if the employee elects to do so, maintain the employee's coverage under any group health plan on the same conditions as coverage would have been provided if the employee remained at work for the twelve week period. Accruals for vacation, sick and holiday pay will be suspended during the leave and will resume upon return to active employment. Should an employee fail to return from a leave taken pursuant to the Family and Medical Leave Policy, the District may recover any premiums it has paid for maintaining group insurance during the employee's leave unless the employee's failure to return is prevented by a continuation of the employee's serious health condition or that of an affected relative or circumstances beyond the employee's control.

**Employee and Spouse Both Employed by District**

If an employee and the employee's spouse are both employed by the District and a leave is taken for the birth, adoption or foster care of a son or daughter, or the care of a parent, the duration of the leave taken by both the employee and the spouse must not exceed 12 weeks in total.

**Position Upon Return to Work**

Upon return from leave, the employee will be restored to the employee's former position or an equivalent position with similar duties, hours and pay. The provisions of the Family and Medical Leave Policy are intended to comply with applicable law, including the Family and Medical Leave Act of 1993 ("FMLA") and applicable regulations. Any terms used from the FMLA will be defined by that Act and/or applicable regulations. To the extent that this Policy is ambiguous or contradicts applicable law, the language of the applicable law will prevail.

# NOTICE

## Military Family Leave

*On January 28, President Bush signed into law the National Defense Authorization Act for FY 2008 (NDAA), Public Law 110-181. Section 585(a) of the NDAA amended the FMLA to provide eligible employees working for covered employers two important new leave rights related to military service:*

- (1) New Qualifying Reason for Leave.** Eligible employees are entitled to up to 12 weeks of leave because of “any qualifying exigency” arising out of the fact that the spouse, son, daughter, or parent of the employee is on active duty, or has been notified of an impending call to active duty status, in support of a contingency operation. By the terms of the statute, this provision requires the Secretary of Labor to issue regulations defining “any qualifying exigency.” In the interim, employers are encouraged to provide this type of leave to qualifying employees.
  
- (2) New Leave Entitlement.** An eligible employee who is the spouse, son, daughter, parent, or next of kin of a covered servicemember who is recovering from a serious illness or injury sustained in the line of duty on active duty is entitled to up to 26 weeks of leave in a single 12-month period to care for the servicemember. This provision became effective immediately upon enactment. This military caregiver leave is available during “a single 12-month period” during which an eligible employee is entitled to a combined total of 26 weeks of all types of FMLA leave.

Additional information on the amendments and a version of Title I of the FMLA with the new statutory language incorporated is available on the FMLA amendments Web site at [http://www.dol.gov/esa/whd/fmla/NDAA\\_fmla.htm](http://www.dol.gov/esa/whd/fmla/NDAA_fmla.htm).



*CABE's suggested policy.*

## **Personnel -- Non-Certified**

### **Recruitment and Selection**

It is the responsibility of the Superintendent of Schools and of persons designated by the Superintendent to determine the personnel needs of the school district and to locate suitable candidates to recommend for employment to the Board of Education. An estimate of the cost of the recruitment and selection program will be made annually by the Superintendent and presented to the Board of Education for inclusion in the annual budget.

No inquiry in regard to an employee's race, color, religious creed, sex, sexual orientation or national origin shall be made of a person proposed for or seeking employment.

Prior to initial employment, a physician shall certify to the Superintendent of Schools that said employee is in good health and in fit condition for service. It shall be the duty of the Superintendent of Schools to see that persons nominated for employment shall meet all qualifications established by law and by the Board of Education for the type of position for which nomination is made.

(cf. 4111.1 - Affirmative Action).

Legal Reference: Connecticut General Statutes

46a-60 Discriminatory employment practices prohibited.

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

PA 91-58 An act concerning discrimination on the basis of sexual orientation.

Policy adopted:

*Policy to consider. A sample regulation follows.*

## **Personnel -- Non-Certified**

### **Affirmative Action: Recruitment and Selection**

The Board of Education will provide equal employment opportunities for all persons without regard to race, color, religious creed, age, marital status, national origin, sex, or sexual orientation or physical disability. The Board of Education directs the administration to set as a goal the recruitment, selection and employment of qualified people among racial and ethnic minority groups to the end that the school district's employees will proportionately mirror the racial and ethnic composition of this community.

The Board of Education requests an annual report from the Superintendent of Schools concerning the extent to which the above-mentioned affirmative action program goals are being achieved.

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

Legal Reference: Connecticut General Statutes

10-153 Discrimination on account of marital status

46a-60 Discriminatory Employment Practices Prohibited

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

Equal Pay Act of 1963, 29 U.S.C. 206(d).

Policy adopted:

*Sample regulation. Substitute for "Director of Personnel" the appropriate person in your district. This regulation is optional and can be modified to fit local situation.*

## **Personnel -- Non-Certified**

### **Affirmative Action: Recruitment and Selection**

The Director of Personnel and the Affirmative Action Committee will prepare an affirmative action plan, including the following components:

1. Materials for in-service workshops.
2. A tabulation of data regarding present staff composition with respect to race and sex for both professionals and non-professionals.
3. Data on staff turnover rates, expected retirement, opportunities for career advancement and projected staff needs.
4. An analysis of the community labor market for potential applicants for positions in the district.
5. A comparison of employment status with the demographic data on community labor market.
6. A program to establish and maintain relationships with placement officers around the country, who counsel and help place female and minority graduates.
7. Sound public relations program that welcomes minorities and females as professional staff members.
8. Updating of application forms to eliminate all discriminatory questions.
9. Goals and timetable for implementation of the affirmative action plan.

### **Evaluation and Monitoring of Affirmative Action Plan**

Evaluation and monitoring of the affirmative action plan will be accomplished on a continuing basis. The monitoring official will be the Director of Personnel who will work with the Affirmative Action Committee to make an ongoing review of the affirmative action effort in the district.

Under the direction of the Superintendent, internal audit procedures, plans for maintaining and updating the data base, and plans for maintaining records will be developed. Reports will be submitted to the Board of Education personnel committee for transmittal to the Board of Education annually.

Regulation approved:

*An optional policy to consider.*

## **Personnel - Non-Certified**

### **Physical Examinations**

#### **New Personnel**

All new non-certified personnel shall submit to the Office of the Superintendent of Schools evidence of a physical examination obtained no earlier than six months prior to the date of employment and no later than thirty days after the date of employment.

#### **Employed Personnel**

All employed non-certified personnel who are required by state regulation to have annual examinations shall submit, to the Office of the Superintendent of Schools, prior to the beginning of the school year, evidence of a physical examination obtained within the past six months.

#### **Contractors Serving the District**

All contractors serving the School District shall submit the Office of the Superintendent of Schools no later than October 1<sup>st</sup> of each school year, evidence of a physical examination for each of their employees who are in direct contact with children on a daily basis.

### **Specific Procedures**

1. Physical examination forms will be supplied by the Superintendent's office, and it is required that they be used in all instances.
2. Full and complete results of the physical examinations will be maintained in the administering doctor's office. Only a statement attesting to the individual's health and submitted by the examining doctor will be kept on file in the Superintendent's office.
3. Physical examinations may be administered by an individual's family physician and the District shall pay that portion of the cost which is equal to the cost of the examination administered by the District physician. The remainder of the cost will be borne by the individual.
4. Physical examinations, when required by Board Policy or state regulations, may be requested by an individual to be administered by the District physician and the expense shall be borne by the District. The request should be made to the Office of the Superintendent of Schools.
5. The cost of a physical examination required for an individual by the Superintendent of Schools under A & B above, shall be borne by the District.

Policy adopted:

*Regulation to consider.*

## **Personnel -- Non-Certified**

### **Health Examination**

#### **Chest X-Ray or Intradermal Test**

All employees upon initial employment shall present evidence of having submitted to examination (chest x-ray, skin test, or other tests designated as acceptable by the Health Department) to determine that they are free of active tuberculosis prior to commencing service and every four (4) years thereafter or more often if directed by the Board of Education upon recommendation of the local health officer.

The Superintendent may require a medical examination of any non-certified employee whenever the Superintendent has grounds to believe that the performance of the employee is adversely affected by illness of any kind.

(cf. 4118.14 - Communicable Diseases)

Regulation approved:

*A sample form from Stonington to consider.*

## Personnel -- Non-Certified

### Health Examinations

#### Cafeteria Workers

All individuals involved in food preparation must have an annual physical examination before the opening of school. The examination may be done by any licensed physician. However, the following items must be checked in the examination:

#### MEDICAL EXAMINATION AND RECOMMENDATIONS BY DOCTOR

CODES					
0 means no defect	1 means slight deviation	2 means under irremedial defect	3 means reportable defect requiring attention	TR means under treatment	C means corrected

Eyes \_\_\_\_\_

Ears \_\_\_\_\_

Lymph nodes \_\_\_\_\_

Thyroid \_\_\_\_\_

Nose & Throat \_\_\_\_\_

Teeth & Gums \_\_\_\_\_

Heart \_\_\_\_\_

Blood Pressure \_\_\_\_\_

Lungs \_\_\_\_\_

Orthopedic \_\_\_\_\_

Nervous System \_\_\_\_\_

Hernias \_\_\_\_\_

Skin \_\_\_\_\_

Nutrition \_\_\_\_\_

Speech \_\_\_\_\_

Urine \_\_\_\_\_

Chest x-ray or Skin test initial examination \_\_\_\_\_

Recommendations, additional information or any limitations:

After the examination has been done, the procedure is as follows:

1. The examining physician must send a report to the school authorities of the results of the examination. Blanks for this purpose will be furnished by the school department.
2. The contents of the examination will be reviewed by the medical staff of the school system before the individual examined will be certified for employment.
3. The cafeteria worker must agree that the school physician may consult with the examining physician if additional information is needed.
4. At any time the school authorities may demand a physical examination by the school physician.
5. A chest x-ray or skin test will be required every fourth year of all cafeteria workers.

Regulation approved:

STONINGTON PUBLIC SCHOOLS  
Stonington, Connecticut

*A required policy per federal mandate.*

## **Personnel -- Non-Certified**

### **Drug and Alcohol Testing For School Bus Drivers**

The \_\_\_\_\_ Public School district is committed to the establishment of a drug use and alcohol misuse prevention program that meets all applicable requirements of the Omnibus Transportation Employee Testing Act of 1991 (OTETA) and applicable state statutes pertaining to pre-employment and random drug testing of school bus drivers. The District shall adhere to federal and state law and regulations requiring a school bus driver's drug and alcohol testing program.

*Additional language to consider:*

*(School districts contracting with a private service provider must ensure the provider has a drug and alcohol testing program fulfilling federal regulations, and state law pertaining to a required pre-employment and random drug testing program for drivers of school buses and school transportation vehicles (STVs) that carry ten or fewer students.)*

#### **Alternate Version**

In a continuing effort to prevent accidents and injuries resulting from the use of drugs and misuse of alcohol by drivers of commercial motor vehicles, the District shall establish a drug and alcohol misuse prevention program.

The District's program shall meet the requirements of the Omnibus Transportation Employee Testing Act of 1991 and C.G.S.14-276a.

The Superintendent will develop administrative regulations as needed to implement the District's program including provisions for pre-employment, reasonable suspicion, random, post-accident, return-to-duty and follow-up testing as may be necessary. The regulations will also include training, education and other assistance to employees to promote a drug and alcohol-free environment.

Contracts for transportation approved by this District shall contain assurance that the contractor will establish a drug and alcohol-testing program that meets the requirements of federal regulations, state statutes and this policy and will actively enforce the regulations of this policy as well as federal and state requirements.

This policy applies to all drivers and applicants for driver positions for the District who must have a Commercial Drivers License (CDL) to operate school vehicles.

## Personnel -- Non-Certified

### Drug and Alcohol Testing For School Bus Drivers

Legal Reference: United States Code, Title 49

2717 Alcohol and controlled substances testing (Omnibus Transportation Employee Testing Act of 1991)

Code of Federal Regulations, Title 49

40 Procedures for Transportation Workplace Drug and Alcohol Testing Programs

382 Controlled Substance and Alcohol Use and Testing

395 Hours of Service Drivers

*Holiday v. City of Modesto* (1991) 229 Cal. App. 3d. 528, 540

*International Brotherhood of Teamsters v. Department of Transportation*

932 F. 2d 1292 (1991)

*American Trucking Association, Inc. v. Federal Highway Administration*, (1995) WL 136022 (4th circuit)

Connecticut General Statutes

14-261b Drug and alcohol testing of drivers of certain vehicles, mechanics and forklift operators

14-276a Regulations re school bus operators and operators of student transportation vehicles; qualifications; training. Pre-employment drug test required for operators

Policy adopted:

cps rev. 4/02

cps rev. 7/07

*A succinct version of this mandated policy to consider.*

## **Personnel -- Non-Certified**

### **Drug and Alcohol Testing For School Bus Drivers**

Contracts for transportation approved by this district shall contain assurance that the contractor will establish a drug and alcohol testing program that meets the requirements of federal regulations.

Legal Reference: United States Code, Title 49

2717 Alcohol and controlled substances testing (Omnibus Transportation Employee Testing Act of 1991)

Code of Federal Regulations, Title 49

40 Procedures for Transportation Workplace Drug and Alcohol Testing Programs

382 Controlled Substance and Alcohol Use and Testing

395 Hours of Service Drivers

*Holiday v. City of Modesto* (1991) 229 Cal. App. 3d. 528, 540.

*International Brotherhood of Teamsters v. Department of Transportation*  
932 F. 2d 1292 (1991)

*American Trucking Association, Inc. v. Federal Highway Administration,*  
(1995) WL 136022 (4th circuit)

Connecticut General Statutes

14-261b Drug and alcohol testing of drivers of certain vehicles, mechanics and forklift operators

Policy adopted:  
cps 4/09

*A recommended policy.*

## **Personnel -- Non-Certified**

### **Evaluation/Supervision**

The Board of Education endorses a continuous process of evaluation of all employees of the school district.

It is also the intention of the Board of Education that all employees receive supervision to insure that all aspects of their job assignments are properly and competently performed.

#### ***Another version:***

The Board of Education endorses an annual written and oral evaluation with all employees of the school system. To this end, the Board of Education directs the Superintendent of Schools to use employee evaluation to ensure a high quality of services by employees.

It is also the intention of the Board of Education that all employees receive supervision so all aspects of their assignments are performed properly and competently.

Policy adopted:

cps rev 5/04

*A sample version of this policy to consider.*

## **Personnel -- Non-Certified**

### **Dismissal/Suspension**

#### **Definitions**

**“Suspension”** means temporary removal of an employee from a position without loss of pay, as a disciplinary measure, or removal from a position preliminary to a decision by the Board on charges leading to dismissal or demotion.

**“Demotion”** means reduction of an employee from a given class or group of similar position combined under a common title to a class or group having a lower salary rate.

**“Dismissal”** means separation, discharge or permanent removal of an employee from service in the district for cause in accordance with the policies and regulations of the district.

#### **Notice of Disciplinary Action**

A notice of disciplinary action shall contain a statement in ordinary and concise language of the specific charges on which the disciplinary action is based. If violation of a policy or regulation of the district is alleged, the policy or regulation shall be set forth in the notice. The notice must contain the specific action or omission with which the employee is charged. A general charge will not serve this purpose.

A proceeding may be brought by, or on behalf of, the employee to restrain any further proceedings under any notice of disciplinary action violative of this provision.

#### **Suspension of the Employee Pending Disciplinary Action**

In any case where the Superintendent or designee deems it necessary or proper, the employee may be suspended until the Board of Education has determined what disciplinary action to take, if any, against the employee.

This suspension shall be without pay, except that if the Board of Education denies the recommendation of the Superintendent or designee the employee shall be entitled to full pay for the suspension period. If the Board modifies the recommendation of the Superintendent the Board shall determine as part of its action whether the suspension or any part of the suspension shall be without pay.

Legal Reference: Connecticut General Statutes

46a-60 Discriminatory employment practices prohibited

Policy adopted:

*Suggested regulation to consider.*

## **Personnel -- Non-Certified**

### **Dismissal/Suspension**

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Regulation approved:

*A suggested regulation to consider.*

## **Personnel -- Non-Certified**

### **Just Cause**

One or more of the following causes may be grounds for suspension, demotion or dismissal of any person employed in the non-certified service:

1. Incompetency or inefficiency in the performance of the duties of the assigned position.
2. Insubordination (including, but not limited to, refusal to do assigned work).
3. Carelessness or negligence in the performance of duty or in the care or use of district property.
4. Discourteous, offensive or abusive language or conduct toward other employees, students or the public.
5. Dishonesty.
6. Drinking alcoholic beverages on the job, or reporting for work while intoxicated.
7. Use and possession of harmful drugs on school grounds without medical supervision.
8. Personal conduct unbecoming an employee of the district.
9. Engaging in political activity during assigned hours of employment or otherwise in violation of applicable policies or regulations of the district.
10. Conviction of any crime involving moral turpitude, including a sex offense.
11. Repeated or unexcused absence or tardiness.
12. Abuse of leave privileges.
13. Falsifying any information supplied to the school district, including but not limited to, information supplied on application forms, employment records, or any other school district record.

**Personnel -- Non-Certified**

**Just Cause (continued)**

14. Persistent violation of or refusal to obey safety rules and regulations made applicable to public schools by the Board of Education, the Superintendent, or by any appropriate state or governmental agency.
15. Offering anything of value or offering any service in exchange for special treatment in connection with the employee's job or to any member of the public.
16. Abandonment of position.

Legal Reference: Connecticut General Statutes

10-151 Employment of teachers. Definitions. Notice and hearing on failure to renew or termination of contract. Appeal.

Regulation approved:

*A new policy to consider.*

## **Personnel -- Non-Certified**

### **Teacher Aides/Paraprofessionals**

All support staff positions in the school system shall be established initially by the Board.

All paraprofessionals who provide instructional support for students in Title I Schoolwide Programs and Targeted Assistance Programs shall meet the qualifications set forth in federal law and regulations.

Support staff employees, unless otherwise designated by contract, shall be considered “at will” employees who serve at the pleasure of the Board and shall have only those employment rights expressly established by Board policy. Support staff members shall be employed for such time as the district is in need of or desirous of the services of such employees.

In each case, the Board shall approve a statement of job requirements as presented by the Superintendent. This shall be in the form of a job description setting forth the qualifications for the job, a detailed list of performance responsibilities and any required physical capabilities.

Only the Board may abolish a position that it has created.

(cf. 6159.1 – Teacher Aides)

(cf. 4222.1 – Title I Paraprofessionals)

Legal Reference: 20 U.S.C. 1119(c), No Child Left Behind  
34 C.F.R. 200.58, 200.59 – Federal regulations concerning paraprofessional qualifications.

Policy adopted:

cps 5/03

*An optional policy to consider.*

## **Personnel -- Non-Certified**

### **Title I Paraprofessionals**

A Title I paraprofessional is an individual who provides instructional support for students in a Title I Schoolwide or Targeted Assistance Program, supported with Title I, Part A funds.

Title I paraprofessionals may perform the following instructional support duties:

- One-on-one tutoring for eligible students if the tutoring is scheduled at a time when the student would not ordinarily be receiving instruction from the regular teacher
- Assist in classroom management
- Conduct parent involvement activities
- Assist in computer instruction
- Provide instructional support in a library or media center
- Act as a translator
- Provide instructional support services under the direct supervision of qualified teachers

Title I paraprofessionals may assume limited non-instructional duties, even if they benefit non-Title I students, in the same proportion to their total work time as non-Title I paraprofessionals.

Title I paraprofessionals do not include individuals who have only non-instructional duties such as providing technical support for computers, providing personal care services or performing clerical duties.

### **Qualifications**

Title I paraprofessionals, regardless of hiring date, must have earned a secondary school diploma or its recognized equivalent (except for those who act as translators to enhance the participation of limited English proficient students or whose activities consist solely of conducting parent involvement activities.)

Title I paraprofessionals hired after January 8, 2002 must have:

1. Completed at least two years of study at an institution of higher education or obtained an associate's or higher degree; or
2. Demonstrated through a formal local academic assessment the knowledge of and ability to assist in instructing, as appropriate:
  - a. Reading/language arts, writing and mathematics; or
  - b. Reading readiness, writing readiness, and mathematics readiness

## Personnel -- Non-Certified

### Title I Paraprofessionals (continued)

Title I paraprofessionals hired on or before January 8, 2002 must meet the above qualifications no later than January 8, 2006. A paraprofessional who was initially hired on or before January 8, 2006, but who, because of the District's fiscal constraints, was laid off at the end of one school year is: *(choose one)*

- (1) considered an "existing" paraprofessional if the individual was rehired when the District recalled laid-off paraprofessionals such that the individual has continuous years of employment;
- (2) considered a "new" paraprofessional if the individual did not rejoin the District when it recalled laid-off paraprofessionals if and when the individual is rehired.

In addition, if it is determined that a new paraprofessional, to be hired by the District, has met the Title I qualification requirements in another school district, that individual will be considered to have met the requirements if hired by this District.

These qualifications do not apply to paraprofessionals working in Head Start programs unless said program is jointly funded with Title I, Part A funds and the paraprofessional's salary is paid with Title I, Part A funds.

### Notice to Parents

An annual written notice shall be provided to parents of students enrolled in a Title I Schoolwide or Targeted Assistance Program telling them they may request information about any paraprofessionals who provide instructional support for their child. The notice may be combined with a notice regarding Title I teacher qualifications.

(cf. 4222 – Teacher Aides/Paraprofessionals)  
(cf. 6159.1 – Teacher Aides)

Legal Reference: 42 U.S.C. 653(a) Personal Responsibilities and Work Opportunity Reconciliation Act  
15 U.S.C. et. seq., Fair Credit Reporting Act  
20 U.S.C. Section 1119(c), No Child Left Behind Act of 2001  
20 C.F.R. 200.59 Federal Regulations

**NOTE:** *The requirements outlined in this policy apply to all paraprofessionals who work in a school that qualifies as a Title I Schoolwide Program, whether or not their salaries are paid with Title I funds. For Targeted Assistance Programs, only those paraprofessionals who provide instructional support to students in the Title I Program are subject to the requirements.*

Policy adopted:

cps 5/03  
rev 3/04

\_\_\_\_\_ PUBLIC SCHOOLS  
\_\_\_\_\_, Connecticut

**Annual Notification to Parents Regarding Qualifications of  
Title I Teachers and Paraprofessionals**

**TO:** *[All parents of students enrolled in a Title I Schoolwide or Targeted Assistance Program]*

**FROM:** *[Principal]*

**Date:** *[insert date]*

As a parent of a student who is in a Title I Schoolwide or Targeted Assistance Program at \_\_\_\_\_ school, you have a right under federal law to request information about the professional qualifications of the teachers who instruct your child and the paraprofessionals, if any, who assist them. The No Child Left Behind Act of 2001 gives you the right to ask for the following information about each of your child's classroom teachers and their paraprofessional assistants, if any:

- Whether the State of Connecticut has licensed or qualified the teacher for the grades and subjects he or she teaches.
- Whether the teacher is teaching under an emergency license (letter of authorization) or other provisional status by which state licensing criteria have been waived.
- The teacher's college major, whether the teacher has any advanced degrees and, if so, the subject of the degrees.
- Whether any instructional aides or paraprofessionals provide services to your child and, if they do, their qualifications.

If you would like to receive any of this information, please contact me, at \_\_\_\_\_  
*insert phone number*

or by writing to my office at:

*(provide address)*

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_ PUBLIC SCHOOLS  
\_\_\_\_\_, Connecticut

**Sample Letter to Paraprofessionals Regarding Qualifications  
(Hired On or Before January 8, 2002)**

[date]

Dear \_\_\_\_\_:

The purpose of this letter is to notify you of a new federal law, The No Child Left Behind Act of 2001 (NCLB), that requires all paraprofessionals who currently work in Title I Schoolwide or Targeted Assistance Programs to have a high school diploma or its equivalent.

Pursuant to NCLB, Title I paraprofessionals who perform instructional duties must meet additional requirements by January 8, 2006. At that time, all Title I paraprofessionals must have completed two years of college or obtained at least an associate's degree or have passed an examination demonstrating knowledge and ability to assist in instructing reading, writing and mathematics.

The \_\_\_\_\_ School District would like to help you determine what, if anything, you may need to do to meet these requirements. Please call me at the phone number below to arrange a time to meet regarding your qualifications.

Sincerely,

Principal  
(*phone number*)  
\_\_\_\_\_ School