

Woodbridge Board of Education WBOE
Policy Committee
Thursday, September 27, 2012 6:00 PM

WBOE Policy Committee September 27, 2012
6:00 PM District Office Conference Room 40
Beecher Road School South

Agenda

- I. **Call to Order**
- II. **Continue Review of 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 facilities, 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, culture¹, 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.

¹ 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 dilemmas². 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.

² 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

Families³ 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.

³ 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

_____, 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, 1st 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 21st 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

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

Body Fluid-Source	Organism of Concern	Transmission Concern
Blood - cuts/abrasions - nosebleeds - menses - contaminated needle	Hepatitis B virus AIDS virus Cytomegalovirus	Blood stream inoculation through cuts and abrasions on hands Direct blood inoculation
Feces - incontinence	Salmonella bacteria Shigella bacteria Rotovirus Hepatitis A virus Giardia	Oral inoculation from contaminated hands
Urine - incontinence	Cytomegalovirus	Bloodstream and oral inoculation From contaminated hands
Respiratory Secretions - saliva - nasal discharge	Mononucleosis virus Common cold virus Influenza virus	Oral inoculation From contaminated hands
*Vomit	Gastrointestinal Viruses (e.g., Norwalk agent Rotovirus)	Oral inoculation From contaminated hands
Semen	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: _____

Job Classification: _____
Tasks: _____

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: ___/___/___	
Hepatitis B Vaccine Offered:	
_____ 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)

Employee's Name (Signature)

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

5. Summarize the content of the training session:

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.



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 1st 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

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.

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

Cabe Recommended

4111.3

Personnel — Certified

Minority Recruitment Plan

The Board of Education recognizes that the increasing diversity of individuals and cultures is a growing characteristic of our state and nation which should have a significant bearing on the activities of the school district. Further, the State of Connecticut has determined that the educational interests of the state require efforts by each school district to provide educational opportunities for its students to interact with teachers from other racial, ethnic and economic backgrounds in order to reduce racial, ethnic and economic isolation.

To this end, the Board of Education believes that the importance of diversity of individuals and cultures should be recognized in the recruitment and assignment of personnel in order to help promote an intellectually and culturally dynamic environment that enables all students to gain an increased awareness and appreciation of the diverse world in which all are connected.

Accordingly, the Superintendent of Schools shall develop and maintain a written plan for minority staff recruitment as approved by the Board and shall report to the Board annually on implementation of the plan. Consistent with the Board's policies on Affirmative Action (4111.1) and Nondiscrimination (4118.11), said plan for minority staff recruitment shall provide for an energetic effort to attract talented minority educators and other minority personnel to serve in available positions within the District with the long range goal of achieving staffing of the school district and of each school which is broadly representative of the populations of the regional and state communities of which the District is a part.

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)

[46a-60](#) Discriminatory employment practices prohibited.

Policy adopted:

4111.1/4211.1

Personnel — Certified and Non-Certified**Equal Employment Opportunity**

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, or physical disability. The Board 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.

No advertisement of employment opportunities may be 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:

4111.1/4211.1

Personnel — Certified and Non-Certified**Equal Employment Opportunity****Affirmative Action Plan**

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 in 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 district applicants.
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. A 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 Superintendent of Schools or designee 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 or designee, internal audit procedures, plans for maintaining and updating the database, and plans for maintaining records will be developed. Reports will be submitted to the Board of Education annually.

In addition, the Superintendent will furnish the Board of Education the following information for each recommended appointment for all positions:

1. Whenever possible, a tabulation of race and sex of all candidates who make formal written application for the position.
2. List of contacts outside normal employment channels.
3. If the recruitment of minorities and/or women is unsuccessful, an analysis will be made to determine why recruitment failed to produce a competitive minority applicant for the position (e.g., no applicants were obtained from pertinent agencies contacted).

Administrators and supervisors with responsibility for hiring and promoting shall be evaluated, as part of regular performance evaluation (or in consideration for promotion), on their achievements in meeting the district's commitment to affirmative action.

Employment and Placement

Procedures relating to employment and placement will be reviewed and amended as necessary to ensure non-discrimination:

1. Qualifications needed for a job and job descriptions will be reviewed by the affirmative action committee to ensure that they are realistic and do not involve inadvertent discrimination.
2. Application forms will be reviewed and revised as necessary by the affirmative action committee.
3. A removable section for each interviewer's comments will become part of the application form. This section will be removed when the application form is forwarded to another interviewer. This is an effort to ensure that subsequent interviewers are not influenced by opinions of earlier interviewers.
4. Any testing procedures which might be used in the future for selection and/or placement will be validated for job-relatedness.
5. Personnel policies will comply with federal and state fair employment regulations.

Administrator's and Supervisor's Roles in Equal Employment Opportunity: Interviewing and Hiring

This section provides guidelines to help in interviewing and selecting candidates for positions with this school district. Each guideline is followed by a brief explanation of the reasons certain actions or basis for decisions may be considered discriminatory. One of the most important factors in any hiring decision is that the applicant be able to do the job for which he/she is applying:

1. Educational requirements.

Guideline: An employer must be prepared to demonstrate why a job requires the employee to have a specified level of education.

Explanation: In geographic areas where there are significant differences in the average educational levels of minorities and non-minorities, the employer who requires a specific level of education automatically eliminates from consideration a disproportionate percentage of minorities.

Consequently, unless the employer can demonstrate why the educational requirement is needed, the EEOC is likely to find it unlawful. The EEOC and the courts will accept evidence from an employer that a specified level of education is necessary for satisfactory job performance or that there is a clear and close relationship between educational level and performance on the job.

2. Family status: pregnancy and dependents.

Guideline: Applicants should not be questioned by interviewing supervisors about their dependents, family plans, or a condition of pregnancy.

Explanation: The Supreme Court has held that women with children must be hired on the same basis as men with small children unless the employer can show that this practice would seriously affect the operation. Employers may not presume that child care is the responsibility of the woman and that a working mother's reliability will be more affected by child care problems than a working father's.

The EEOC has held that any written or unwritten employment policy or practice which discriminates against applicants because of pregnancy is in violation of Title VII. The EEOC also has held that a company policy of refusing to hire unwed parents discriminates against women as a class. Even if the illegitimacy standard were applied equally to males and females, the policy would have a disparate effect on women since it would be easier for an employer to know that a female applicant had a child out of wedlock than it would be to know that a male applicant has fathered an illegitimate child.

3. Arrest and conviction records.

Guideline: An employer may not automatically disqualify an applicant from employment consideration because the applicant has a police record.

Explanation: There is ample evidence that blacks as a class are arrested and convicted much more frequently than whites. Therefore, to use an applicant's police record as a rigid standard of employment eligibility would automatically disqualify a disproportionate percentage of blacks. For this reason, the EEOC, with court approval, considers such policies in violation of Title VII, unless an employer can demonstrate "business necessity" for retaining the policy. The EEOC suggests that employers handle the matter of an applicant's police record on a case-by-case basis, considering the type of charge, how long ago the incident occurred, the applicant's age at the time of the incident, whether the charge resulted in a conviction, and the applicant's subsequent behavior.

Authority to make this kind of determination rests with the Superintendent of Schools or designee. Prospective employees should not be questioned about police records except by authorized personnel representatives.

4. Accommodation to religious beliefs.

Guideline: Supervisors are expected to make reasonable accommodation to the religious needs of applicants when this will not have a serious effect on operations.

Explanation: Under Title VII, employers are obligated to make "reasonable accommodations to the religious needs" of their employees, where such accommodations do not force a serious hardship on the employer.

It is up to the employer to prove that such religious accommodations cause a serious hardship to his/her business. The "religious need" of employees could include a required mode of dress, time off for Sabbath observance or inability to work on certain prescribed days for religious reasons. Supervisors should not, however, make employment decisions based on applicants' religious needs without first consulting the Superintendent of Schools or designee.

5. Citizenship.

Guideline: If the applicant is not a United States citizen, he/she must possess a permanent visa to be eligible for employment.

Explanation: The courts have held that it is not unlawful under Title VII for an employer to require U.S. citizenship as a condition of employment if the requirement is established for sufficient reason (e.g., security) and is not intended to restrict the employment of minorities.

U.S. citizenship or a permanent visa is required as a condition of employment. Supervisory personnel may, therefore, use an applicant's citizenship status as an eligibility standard. The Director of Personnel may request, however, that as a condition of employment alien applicants provide proof of permanent residence in the United States.

6. Manner of Speaking

Guideline: It is unlawful to reject an applicant because of the applicant's foreign accent or lack of fluency in English unless either condition will affect satisfactory job performance.

Explanation: The EEOC will find unlawful the rejection of an applicant because of his/her manner of speaking if the manner of speech is peculiar to the applicant's race or national origin. This guideline is applied most often when applicants speak with a foreign accent. However, it also applies to applicants who have difficulty with English and to jobs for which fluency in English is a factor in satisfactory performance.

The final decision regarding an applicant whose manner of speaking has been questioned will be made by the Superintendent of Schools or designee.

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

[46a-60](#) Discriminatory employment practices prohibited.

Executive Order 11246, 42 U.S.C. 2000e note.

Equal Pay Act of 1963, 29 U.S.C. 206 (d).

Regulation approved:

Cabe Recommended

4111

4211

Personnel — Certified/Non-Certified

Recruitment and Selection

The Board desires the Superintendent to develop and maintain a recruitment program designed to attract and hold the best possible personnel who are highly qualified as defined by federal law in the District's schools. All District teachers teaching in a core academic subject area, as defined in the No Child Left Behind Act, must be determined to be "highly qualified."

The school district recognizes the heterogeneity of the people who live in the school district and believes that this characteristic should have an important bearing on all aspects of the school district's activities.

The Board of Education believes it is especially important that this heterogeneity of population be recognized in the recruitment and assignment of personnel.

To this end, the Board of Education shall develop and implement a written plan for minority staff recruitment. The administration is directed to make a serious effort to see that the recruitment procedures of the district produce a total staff representative of the total population of the district and that the assignment procedures of the district bring to each school staff members representative of the population represented by the student membership in each local school.

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

The Superintendent shall insure that the District is in compliance with the provisions of Title I, the No Child Left Behind Act. Manuals and handbooks shall comply with federal law as to the qualifications for instructional personnel. Notice of professional qualifications shall be provided to parents/guardians of students in Title I schools and staffing pattern reviews as required by law shall be conducted annually.

Hiring of Retired Teachers

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

The salary of such teacher shall be fixed at an amount at least equal to that paid other teachers in the District with similar training and experience for the same type of service. Upon Board approval of such employment, the retired teacher shall be eligible for the same health insurance benefits provided to active teachers employed by the District. No retirement benefits shall be paid during this period of reemployment.

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.

The Board of Education authorizes the Superintendent to employ teachers. (A Superintendent not authorized to employ teachers will submit to the Board of Education nominations for individuals to be hired by Board action. Boards shall accept or reject such nominations not later than thirty-five (35) calendar days from such submission.)

Legal Reference: Connecticut General Statutes

10-151 Employment of teachers. Notice and hearing on termination of contract. (as amended by P.A. 12-16 An Act Concerning Educational Reform)

10-153 Discrimination on account of marital status.

10-183v Reemployment of teachers, as amended by PA 10-111, An Act Concerning Education Reform in Connecticut

10-220 Duties of Boards of Education. (as amended by PA 98-252)

46a-60 Discriminatory employment practices prohibited.

20 U.S.C. Section 1119 N 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’ **H**igh **O**bjective **U**niform **S**tate **S**tandard of **E**valuation (HOUSSE) Plans.

Circular Letter C-9, Series 2007-2008, “Discontinued Use of Districts’ **H**igh **O**bjective **U**niform **S**tate **S**tandard of **E**valuation (HOUSSE) Plans.”

Circular Letter C-13, Series 2007-2008, “Construction of HOUSSE Plans for Highly Qualifying Veteran Teachers”

Policy adopted:

4111

4211

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.

Determining "Highly Qualified" Teachers

Beginning in school year 2006-2007, 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; or
 - Has successfully demonstrated competency in the core academic subject area(s) using the district's High Objective Uniform State Standard of Evaluation (HOUSSE).

- 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.

Teachers who teach one or more core academic subject area(s) who have not successfully passed the CONNECT or Praxis II exam, must demonstrate competency in the core academic subject area(s) that they teach through one of the three remaining options provided under NCLB (e.g. hold a major in the core academic subject area(s), hold a master's degree in the core academic subject area(s) or demonstrate competency through the district's HOUSSE process).

Teachers who do not hold either a major or a master's degree in the core academic subject area(s) they teach, must demonstrate competency in the core academic subject area(s) they teach through the District's HOUSSE process. This applies to teachers who have not successfully passed a state approved teacher assessment, or who do not hold a major or master's degree, or its equivalent, in all of the core academic content area(s) that they teach. These teachers can demonstrate subject matter competency in all core academic subjects that they teach to become "highly qualified" through the "High Objective Uniform State Standard of Evaluation (HOUSSE) process. HOUSSE is accomplished through the District's teacher evaluation plan.

(cf. 4115 – Evaluation)

Legal Reference: Connecticut General Statutes

[10-145](#) Certificate necessary to employment.

[10-151](#) Employment of teachers.

[10-153a](#) to [10-153n](#); Rights concerning professional organization and negotiations.

20 USCA §6311(h)(6)(A) – 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' **H**igh **O**bjective **U**niform **S**tate **S**tandard of **E**valuation (HOUSSE) Plans.

Circular Letter C-9, Series 2007-2008, "Discontinued Use of Districts' **H**igh **O**bjective **U**niform **S**tate **S**tandard of **E**valuation (HOUSSE) Plans."

Circular Letter C-13, Series 2007-2008, "Construction of HOUSSE Plans for Highly Qualifying Veteran Teachers"

Regulation approved:

Personnel – Certified/Non-Certified

Recruitment and Selection of Administrative Staff

Administrative and supervisory positions will be filled in the following manner:

1. Positions of Building Principal

The Superintendent shall present at least one candidate to the Board of Education for each of these positions.

2. Positions of Central Office Directors

The Superintendent shall recommend one candidate to the Board for these positions.

3. Other Administrative and Supervisory Positions

The Superintendent shall recommend one candidate for each of these positions to the Board of Education.

If the Board does not act favorably upon the Superintendent's recommendation, in any position, 1-3, the Superintendent shall recommend single alternative candidates until the recommendation is approved.

Legal Reference: Connecticut General Statutes

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

45 1-60 Discriminatory employment practices prohibited.

Policy adopted: January 10, 2005
Policy amended: April 10, 2006

AMITY REGIONAL SCHOOL DISTRICT NO. 5
Woodbridge, Connecticut

Personnel – Certified/Non-Certified

Recruitment and Selection of Principals

When positions become available either through attrition or by creation of a new position, the following steps will be taken in an effort to ensure the highest quality candidate is selected.

Positions will be posted according to contractual provisions.

Positions will be advertised if it is determined that a sufficient pool of qualified candidates does not exist among existing employees.

Application packets will be reviewed by the Superintendent to determine suitability of qualifications for the open position. From this review, a pool of applicants will be formed.

An interview committee consisting of appropriate administrators, including the Superintendent, teachers, parents and students (where applicable) will be formed. This committee will create a series of questions and an interview format. The task of this committee will be to recommend a maximum of three candidates (finalists) to the Superintendent.

Finalists will be scheduled for interactions with faculty, students, parents, BOE members and the community. The Superintendent will collect feedback from each group about their views of each candidate.

The Superintendent will conduct a 1:1 interview with each finalist.

The Superintendent will contact references for each finalist.

The Superintendent will recommend one finalist to the Board of Education for appointment.

Administrative and supervisory positions will be filled in the following manner:

1. Positions of Building Administration

The Superintendent shall present one (1) candidate to the Board of Education for these positions. If the Board of Education does not act favorably upon the Superintendent's recommendation he/she shall recommend single alternate candidates until the recommendation is approved.

2. Positions of Central Office Directors

The Superintendent shall recommend one (1) candidate to the Board for these positions. If the Board of Education does not act favorably upon the Superintendent's recommendation he/she shall recommend single alternate candidates until the recommendation is approved.

Personnel – Certified/Non-Certified

Recruitment and Selection of Principals

3. Other Administrative Positions

The Superintendent shall recommend one candidate to the Board of Education. If the Board does not act favorably upon the Superintendent's recommendation, he/she shall recommend single alternative candidates until the recommendation is approved.

If the qualifications of applicants are substantially equivalent, preference shall be given to a qualified applicant employed by the district.

Legal Reference: Connecticut General Statutes

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

451-60 Discriminatory employment practices prohibited

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, marital status, national origin, sex, 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.

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.

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

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

Policy adopted: April 10, 2006

AMITY REGIONAL SCHOOL DISTRICT NO. 5
Woodbridge, Connecticut

Personnel – Certified/Non-Certified

Appointment and Conditions of Employment

The Amity Board of Education delegates to the Superintendent the authority to hire certified (except administration), and supplementary positions. In the case of administrative 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; notification shall include a brief description of each newly hired teacher.

The Superintendent shall make it an object of paramount interest to secure highly qualified 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: April 10, 2006 AMITY REGIONAL SCHOOL DISTRICT NO. 5
Woodbridge, Connecticut

Branford

4111

4211

Personnel – Certified/Non-Certified

Recruitment and Selection

The Superintendent of Schools shall be responsible for the selection and assignment of all personnel in the Branford Public 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. Personnel shall be considered on the basis of his/her effectiveness without discrimination as defined by law.

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 Branford Public Schools will provide an equivalence among all schools with the same grade levels in teachers, administrators and auxiliary personnel.

(cf. [4111.1/4211.1](#) - Affirmative Action in Recruitment and Selection)

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.

[10-155f](#) Residency requirement prohibited.

[31-126](#) Unfair Employment Practices (as amended by P.A. 80-285)

Title IX - Equal Employment Opportunity

Americans With Disabilities Act (ADA)

Family Medical Leave Act (FMLA)

Policy adopted: November 15, 2000

Branford

4111.2

Personnel -- Certified

Vacancies

Teachers within the system will be notified by a posting in the Central Office and in school buildings of all staff vacancies.

(cf. Employee Agreement Between Board of Education and Branford Education Association)

(cf. Employee Agreement Between Board of Education and Branford Administrators Organization)

Legal Reference: Connecticut General Statutes

[10-151](#) Employment of teachers.

[10-153](#) Discrimination on account of marital status

[46a-60](#) Discriminatory employment practices prohibited

Title IX, Equal Employment Act of 1972

Policy adopted: November 15, 2000

4111

Personnel -- Certified**Recruitment and Selection**

The Board directs the superintendent to develop and maintain a recruitment program designed to attract and maintain the best possible personnel in the Cheshire schools.

The recruiting and hiring of all personnel shall be accomplished with strict adherence to the Board's affirmative action plan and be in keeping with the laws governing equal opportunity employment.

New Position Announcement

All openings for new certified positions and promotions shall be posted in the Cheshire Public Schools. Notice of vacancies shall be given well in advance of the appointment. All professional staff members shall be given an opportunity to make applications for any such positions.

Interviews and Screening

The Superintendent and the administrative staff are responsible for the screening and initial interviews of candidates for professional staff positions. The Superintendent shall invite Board of Education members to participate in interview committees for administrative positions.

The administration shall be responsible for establishing recruitment, selection and appointment procedures.

Recommendations and Hiring

The Superintendent of Schools is authorized to hire all certified and classified staff except for certified administrators. The Superintendent shall recommend certified administrators to the Board for election to available positions.

All persons hired by the Superintendent, and those recommended to the Board for appointment shall meet the requirements established by the Board and the Connecticut State Department of Education for the position to which recommendation is made.

Appointments and Resignations

Appointment to administrative positions shall be made by the Board of Education after receiving the recommendation of the Superintendent of Schools of a suitable candidate.

Resignations of certified staff shall be brought to Board of Education for acknowledgement.

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

[46a-60](#) Discrimination employment practices prohibited

Policy adopted: February 20, 1997

Selection of Certified Staff

In the employment of teachers and other certified personnel, special consideration is given to professional training,

teaching and other work experience, and personal characteristics desirable in good teachers.

Prior to appointment 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, three letters of reference, and other work experience to the personnel office.
4. Appear for a personal interview.
5. Submit to fingerprinting requirements as specified by law.

Proposed starting salary will be based on the Superintendent's review of teaching certification and acceptable years of experience.

Legal Reference: Connecticut General Statutes

[10-145](#) Certificate necessary to employment.

[10-151](#) Employment of teachers.

[10-153a](#) to [10-153n](#); Rights concerning professional organization and negotiations.

[10-221d](#) Criminal history record checks of school personnel. Fingerprinting. Termination or dismissal.

Regulation approved: February 20, 1997

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Cheshire

4111.1

4211.1

Personnel -- Certified/Non-Certified**Commitment to Equal Employment Opportunity**

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, 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 from among diverse racial and ethnic backgrounds.

The Board of Education as a part of the annual staffing report shall hear information about the extent to which this goal has been met.

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.

PA 91-58 An act concerning discrimination on the basis of sexual orientation.

Policy adopted: February 20, 1997

Cheshire

4111.11

4211.11

Personnel -- Certificated/Non-Certificated**Affirmative Action in Recruitment and Selection**

The objective of this policy is to attract and promote individuals who are qualified or trainable for available positions by virtue of job related experience, education, training, personal experience or qualifications.

The specific purposes of this Affirmative Action Plan are:

1. To ensure equal opportunity in all personnel practices and collective bargaining agreements through the identification and elimination of practices or policies that discriminate.
2. To increase the employment of qualified minorities at all levels of employment.
3. To assess, report and modify, as needed, procedures for the evaluation of the plan.
4. To develop employee training programs designed to assist employees, particularly those with the responsibility for recruitment, hiring, assigning, training, promoting to ensure compliance with the policy and plan.
5. To provide for the publication and dissemination, internally and externally, of the Affirmation Action Policy and Plan and to ensure its availability to interested citizens and groups.

The Superintendent of Schools is directed by the Board of Education to implement and monitor the policy and plan.

Legal Reference: Connecticut General Statutes

[10-153](#) Discrimination on account of marital status

[46a-60](#) Discriminatory employment practices prohibited

Title VII, Civil Rights Act as amended by Title IX, Equal Employment Opportunity Act, 1972

Policy adopted: February 20, 1997

- GPS Home
- Administrative Staff List
- Adult and Continuing Education
- Business Office
- Choice Program
- Communications
- Directory of Schools
- District Mission/Strategic Plan
- Donations
- Employment
- Environmental Health and Safety
- Facilities/Community Use
- Food Services
- Newsletters
- Non-Discrimination Policy**
- Registration
- Reports and Profiles
- Special Education and Pupil Services
- SRBI
- Technology and Information Services
- Transportation

Non Discrimination and Equal Opportunity Policy and Procedures

The Glastonbury Public Schools as a matter of policy provides educational opportunities without regard to race, creed, color, national origin, religion, gender, sexual orientation, gender identity or expression, marital status, disability, or age. In addition, the Glastonbury Board of Education does not permit or condone discrimination based on race, creed, color, national origin, religion, marital status, gender, sexual orientation, gender identity or expression, physical disability, or age in employment matters or assignment in programs or services provided. The Civil Rights compliance officers for the Glastonbury Public Schools have the responsibility to monitor compliance with this policy.

Glastonbury Compliance Officers are:

Title VI (Civil Rights Act of 1964) & Title IX (Equal Opportunity)– Ann Marie Colebrook, Director of Health and Physical Education, Glastonbury High School, 330 Hubbard Street, Glastonbury, CT 06033
 Telephone: 860-652-7200 x2105 Email: colebrook@glastonburyus.org
Section 504 (Rehabilitation Act)–Dr. Linda Roberts, Administrator for Pupil Services, Gideon Welles School, 1029 Neipsic Rd., Glastonbury, CT 06033 Telephone: 860-652-7971 Email: roberts@glastonburyus.org
ADA (Americans with Disabilities Act)–Kathleen Murphy, Principal, Hopewell Elem. School, 1068 Chestnut Hill Road, S. Glastonbury, CT 06073 Telephone: 860-652-7897 Email: murphyka@glastonburyus.org
Safety/OSHA–Dr. Kenneth Roy, Director of Environmental Health & Safety, Glastonbury High School, 330 Hubbard St., Glastonbury, CT 06033 Telephone: 860-652-7200 ext. 2002 Email: royk@glastonburyus.org

If you wish to discuss the regulations governing these policies, or wish to discuss a concern or file a grievance, please contact the appropriate Civil Rights compliance officer. Forms can be obtained directly from the Civil Rights compliance officers. The purpose of the grievance procedure is to secure, at the lowest possible administrative level, equitable solutions to problems that may arise concerning claims of discrimination. If you have additional questions, please feel free to contact any of the Civil Rights compliance officers. If you have a safety question or concern, contact your direct supervisor and the Safety Director.

GRIEVANCE PROCEDURE:

Any student, parent/guardian, employee or employment applicant who feels that he/she has been discriminated against on the basis of race, creed, color, age, national origin, religion, gender, sexual orientation, gender identity or expression, marital status, disability, or marital status may discuss and/or file a grievance with the appropriate compliance officer (Title VI, Title IX, ADA, and Section 504) of the Glastonbury Public Schools. Reporting should take place, in writing, within forty (40) calendar days of the alleged discrimination.

A student or parent/guardian of a student who has a question or concerns may choose to seek the help of the building administrator or another adult with whom they trust, such as a teacher, counselor, nurse, psychologist. If satisfaction cannot be achieved through this discussion, the adult sought by the student should assist the student in reporting the incident, in writing, to the appropriate compliance officer. The goal is to resolve the problem at the lowest possible administrative level with an equitable solution.

The compliance officer will commence an effective, thorough, objective and complete investigation of the complaint within ten (10) working days after receipt of the complaint. The compliance officer will consult with all individuals reasonably believed to have relevant information, including the complainant and the alleged violator, any witnesses to the conduct, and victims of similar conduct that the investigator reasonably believes may exist. 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 investigation process, due process rights will be upheld. No reprisals will be taken or permitted for truthfully asserting a complaint.

The compliance officer 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 violator, and, as appropriate, to all others directly concerned within fifteen (15) working days after receiving the complaint.

If the complainant is not satisfied with the decision of the compliance officer, an appeal in writing may be made to the Glastonbury Board of Education within ten (10) days of receipt of the decision.

The Glastonbury Board of Education, within thirty (30) working days, will investigate the complaint and may conduct a hearing to gather additional information. The Glastonbury Board of Education will give a written response within ten (10) working days following completion of the hearing.

web site page

Staff Planning/Creation of Positions/Recruitment, Screening, & Selection/
Initial Compensation and Benefits/ Bonuses and Increments

Staff Planning – As part of annual budget development, the superintendent/designee shall review certified staffing along with recommendations for new positions or for staff reductions with the Board of Education. Before a new position is established the superintendent will present, for Board review, a job description for the new position which specifies necessary qualifications and performance responsibilities.

Creation of Positions – All certified staff positions are created or reduced only by the Board of Education which has the sole responsibility to create or establish positions necessary to accomplish the school system’s goals and objectives.

Recruitment, Screening, and Selection – The superintendent/designee shall maintain an effective recruitment program to attract, secure, and retain high quality personnel for all certified and non-certified support staff positions. The recruitment program shall seek candidates who will devote themselves to the education and welfare of children in the public schools of the district.

In screening candidates for employment, the superintendent/designee shall involve, as appropriate, administrators, teachers, parents, students, support staff, and others. This involvement is advisory to the superintendent and the superintendent shall explain participant’s roles and limits prior to their participation in the screening process.

The superintendent/designee shall ensure that all certified personnel employed or recommended to the Board meet all state requirements for the position

Initial Compensation and Benefits – Compensation and benefits will be determined in accordance with the appropriate collective bargaining agreement. For non-contracted positions, compensation and benefits will be determined by the Superintendent or designee and reported to the Board of Education.

Bonuses and Increments – Bonuses and increments will be awarded in accordance with the appropriate collective bargaining agreement. For non-contracted positions, bonuses and increments recommended by the Superintendent may only be awarded upon approval by the Board of Education.

(cf. 4124, 4224 Non Discrimination)

(cf. 4117 and 4217 Assignment/Transfer/Reassignment)

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.

Public Act 94-221 An Act Concerning School Discipline and Security

Policy

Adopted: November 14, 2005

Revised: April 11, 2011

Personnel – Certified/Classified	Policy	4111.1
		4211.1
	Revised	

Equal Employment Opportunities

It is the policy of the Glastonbury Board of Education that no discrimination on the basis of race, color, religion, gender, sexual orientation, gender identity or expression, age, marital status, physical disability or national origin will exist in the school district with regard to employment, screening candidates for employment or in retention and promotion of employees. Applicants for employment shall be considered only on the basis of their qualifications for the position.

The Board of Education recognizes the heterogeneity of the people who live in the school district and the nation as a whole and believes that this characteristic should have an important bearing on all aspects of the school district's activities including recruitment and assignment of personnel.

The Board of Education directs the superintendent/designee to develop and implement a written plan for minority staff recruitment. The administration is directed to make a serious effort to see that the recruitment procedures of the district produce a total staff representative of the total population of the district and that the assignment procedures of the district bring to each school staff members representative of the population represented by the student membership in each local school.

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

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.

46a-60 Discriminatory employment practices prohibited.

Title VI, 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: October, 1981

Revised: November 14, 2005

Revised: June 25, 2012

Equal Employment Opportunities

Minority Staffing Plan

I. Board of Education

A. Statement of Commitments/Beliefs to Minority Recruitment

The Glastonbury school system/district recognizes the need to provide students with an opportunity to interact with students and staff from difference racial, ethnic and economic backgrounds.

B. Policy Statement

The Glastonbury school system/district has developed and implemented a plan for minority teacher recruitment. This plan includes but is not limited to long and short term goals, objectives, recruitment, hiring and retention procedures.

In accordance with Sections 10-4a(3) and Section 10-220(a) of the Connecticut General Statutes, the Board of Education has approved 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. 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 will be developed.
3. Contacts with local minority community organizations to publicize job openings within the school district and to solicit referrals of qualified minority candidates will be established.
4. Help-wanted advertising will include print and/or broadcast media that is targeted to minorities.
5. Recruitment efforts will include participation in local job fairs, including those that are sponsored by the minority community organizations or otherwise targeted toward minorities.

Personnel – Certified/Non Certified

Regulation 4111.1(a)
4211.1
Revised

Equal Employment Opportunities (continued)

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 References:

Connecticut General Statutes §10-4a (3)
Connecticut General Statutes §10-220(a)

Regulation
Adopted: October, 1981
Revised: November 14, 2005
Revised: June 25, 2012

4111

4211

Personnel -- Certified/Non-Certified

Recruitment and Selection

The Board of Education recognizes the diversity of the people who live in this school district and believes that this diversity should have an important bearing on all aspects of the school system's activities.

The Board of Education believes it is especially important that this diversity of population be recognized in the recruitment, hiring, promotion and assignment of personnel.

The Board of Education will implement an affirmative action plan and actively seek minority applicant for all open positions in the District.

The schools shall engage in fair and sound personnel practices in the appointment of all school system employees. The administration shall be responsible for establishing recruitment, selection and appointment procedures. No advertisement of employment opportunities may by intent or design restrict employment based upon discrimination as defined by law.

The Superintendent of Schools shall be responsible for developing specific recruiting procedures and appropriate interviewing and evaluation instruments to implement the Board's policy. All such procedures and instruments shall comply with federal and state requirements.

(cf. [0521](#) – Affirmative Action/Nondiscrimination)

(cf. [4111.1/4211.1](#) – Affirmative Action)

Legal Reference: Connecticut General Statutes

[10-151](#) Employment of teachers. Notice and hearing on termination of or failure to renew contract. Appeal. Definitions.

[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 Act, 1972.

Policy adopted: October 18, 2004

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.

Legal Reference: Connecticut General Statutes

[10-145](#) Certificate necessary to employment.

[10-151](#) Employment of teachers.

[10-153a](#) to [10-153n](#); Rights concerning professional organization and negotiations.

P.A. 94-221 An Act Concerning School Discipline and Security.

20 USCA §6311(h)(6)(A) – No Child Left Behind Act

Regulation approved: October 18, 2004

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4111.1

4211.1

**Personnel -- Certified/Non-Certified****Recruitment and Selection****Affirmative Action**

The Board of Education will provide equal employment opportunities for all persons without regard to race, color, national origin, religion, age, sex, marital status, sexual orientation, or disability. The Board 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.

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.

[46a-81a](#) Discrimination on the basis of sexual orientation

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

Policy adopted: October 18, 2004

4111

Personnel -- Certified**Recruitment and Selection**

All professional full-time and part-time employees of the Seymour Public School System must be appointed by the Board of Education only upon the recommendation of the Superintendent of Schools. Should a person be nominated by the Superintendent and rejected by the Board, it shall be the duty of the Superintendent to make another nomination.

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.

[46a-60](#) Discriminatory employment practices prohibited.

Policy adopted: April 19, 2004

Personnel -- Certified/Non-Certified**Recruitment and Selection**

The Board desires the Superintendent to develop and maintain a recruitment program designed to attract and hold the best possible personnel who are highly qualified as defined by federal law in the District's schools.

The school district recognizes the heterogeneity of the people who live in the school district and believes that this characteristic should have an important bearing on all aspects of the school district's activities.

The Board of Education believes it is especially important that this heterogeneity of population be recognized in the recruitment and assignment of personnel.

To this end, the Board of Education shall develop and implement a written plan for minority staff recruitment. The administration is directed to make a serious effort to see that the recruitment procedures of the district produce a total staff representative of the total population of the district and that the assignment procedures of the district bring to each school staff members representative of the population represented by the student membership in each local school.

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

The Superintendent shall insure that the District is in compliance with the provisions of Title I, the No Child Left Behind Act. Manuals and handbooks shall comply with federal law as to the qualifications for instructional personnel. Notice of professional qualifications shall be provided to parents/guardians of students in Title I schools and staffing pattern reviews as required by law shall be conducted annually.

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)

[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

Policy adopted: April 19, 2004

Personnel -- Certified

Recruitment and Selection

It shall be the duty of the Superintendent of Schools to see that persons nominated for employment meet all certifications and qualifications established by law and by the Board of Education for the type of position for which the nomination is made.

The administration will follow the most recent Connecticut Laws concerning certification in selecting professional candidates.

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.

Initial contact with prospective candidates for full-time, part-time or substitute positions may be made at any time. Staff and administration will be encouraged to suggest outstanding candidates.

All letters of application, all application blanks and placement office credentials should come into the school system through the Superintendent and Assistant Superintendents' offices.

Each selected candidate will be interviewed by the principal and the Superintendent or designee selected by the Superintendent (Assistant Superintendent, Director Special Education, Department Head, Head Custodian, Cafeteria Director).

The Superintendent shall make the final selection for recommendation to the Board in cooperation with designated personnel.

Legal Reference: Connecticut General Statutes

10-145 Certificate necessary to employment.

10-151 Employment of teachers.

10-153a to 10-153n; Rights concerning professional organization and negotiations.

Regulation approved: April 19, 2004

Personnel -- Certified/Non-Certified

*Seymour***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.

Legal Reference: Connecticut General Statutes

[10-145](#) Certificate necessary to employment.

[10-151](#) Employment of teachers.

[10-153a](#) to [10-153n](#); Rights concerning professional organization and negotiations.

P.A. 94-221 An Act Concerning School Discipline and Security.

20 USCA §6311(h)(6)(A) – No Child Left Behind Act

Regulation approved: April 19, 2004

4111.1

4211.1

Personnel -- Certified/Non-Certified**Recruitment and Selection****Equal Employment Opportunity****Nondiscriminatory**

The Seymour Board of Education recognizes its responsibility to the principles of affirmative action and equal employment opportunity and is committed to ensuring that these principles are carried out as provided by applicable law.

Equal employment opportunity means showing neutrality with regard to the race, color, sex, sexual orientation, national origin, ancestry, religion, age or other legally protected class of individuals as provided by applicable state and federal law in an employment decision or context.

This policy statement is based on both the spirit and the letter of the state and federal anti-discrimination laws, regulations and executive orders.

The Superintendent will appoint a staff designee as the Equity Officer who, in cooperation with all staff members, will execute this policy.

The Equity Officer monitors all activity undertaken in these areas and takes reasonable action in relation to any problems disclosed.

Legal Reference: Connecticut General Statutes

[10-153](#) Discrimination on account of marital status.

[46a-60](#) Discriminatory employment practices prohibited.

[46a-81](#) Discrimination on the basis of sexual orientation.

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

Policy adopted: April 19, 2004

Personnel -- Certified/Non-Certified**Recruitment and Selection****Affirmative Action Plan****Grievance Procedure for Discrimination on Bases of Race, Sex, or Handicap**

Any student, parent/guardian, staff member or applicant to a program who feels that he/she has been discriminated against on the basis of race, color, national origin, sex, sexual orientation, or disability may file a grievance against the school or program, based on the provisions of Title VII of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, and Section 504 of the Rehabilitation Act of 1973.

I. Informal Level

A. Any student, parent/guardian, staff member or applicant to a program who feels that he/she has been discriminated against on the basis of race, color, national origin, sex sexual orientation or disability shall contact the designated Compliance Coordinator within 40 calendar days of the alleged occurrence to discuss the nature of the complaint.

The Compliance Coordinator shall maintain a written record which shall contain the following:

1. Full name and address of complainant.
2. Full name and position of person(s) who allegedly discriminated against the complainant.
3. A concise statement of the facts constituting the alleged discrimination.
4. Dates of the alleged discrimination.

B. At the time of the alleged discrimination complaint is filed, the Compliance Coordinator shall review and explain the grievance procedure with the complainant and answer any questions. The Compliance Coordinator shall begin investigating the complaint as soon as practical, but in no case more than ten (10) working days from the time the complaint was received. Within this time limit the Compliance Coordinator shall meet informally with the complainant and the individual(s) against whom the complaint was lodged, and shall provide confidential counseling where advisable and shall finally seek informal agreement between the parties concerned. Every attempt shall be made to seek a solution and resolve the alleged discrimination complaint at this level.

II. Formal Level

A. If the complainant is not satisfied with these initial informal procedures and within twenty (20) school days from the date of the original discussion with the Compliance Coordinator, more formal procedures may be initiated by the complainant to further explore and resolve the problem internally.

B. The Compliance Coordinator shall present the written alleged discrimination complaint to the Principal of the building who may resolve the complaint alone or may take the complaint to the Civil Compliance Panel.

C. The Principal shall inform all parties of the date, time, and place of the scheduled grievance panel hearing and of their right to present witnesses or representatives, if desired. The Compliance Coordinator shall provide assistance to the complainant in understanding the grievance panel process. A written record of all panel hearings shall be kept.

The panel shall hear and fully review the case within fifteen (15) days of the hearing and shall send its recommendations in writing to the Principal within five (5) working days of the hearing.

The Principal shall review the recommendations, reach a decision regarding the case and communicate his/her decision in writing to the parties concerned and to the Superintendent of Schools within five (5) days.

D. If the complainant is not satisfied with the Principal's decision he/she may submit a written appeal to the Superintendent of Schools within ten (10) days.

The Superintendent shall review all aspects of the case and within ten (10) days shall decide for or against the recommendation of the Principal.

E. If the complainant is not willing to abide by the Superintendent's recommendation he/she may submit a written appeal to the local Board of Education within fifteen (15) days of the Superintendent's decision.

With at least five (5) days notice given prior to the hearing, the Board of Education shall inform all parties involved of the date, time and place of the hearing and the right to present witness(es) and to legal counseling or other representation, if desired. The Board of Education shall hear all aspects of the appeal and shall reach

a decision within twenty (20) days of receipt of the written appeal. The decision shall be presented in writing to the complainant at its next regularly scheduled meeting. The Secretary of the Board of Education shall inform the parties of the Board's action within five (5) working days of the Board's meeting.

Any person may also file a complaint of illegal discrimination with the Office for Civil Rights, Washington, D.C., at the same time he/she files the grievance during or after use of the grievance process, or without using the grievance process at all. If a complaint is filed with the Office for Civil Rights, it must be filed in writing no later than 80 days after the occurrence of the possible discrimination.

Inquiries concerning the application of non-discriminatory policy to the practices and policies of the Seymour School System may be addressed to:

Assistant Superintendent

Seymour Board of Education

98 Bank Street

Seymour, CT 06483

Civil Rights Compliance Panel:

High School Assistant Principal

Three Classroom Teachers (Selected by Staff)

Students (President of Student Council, plus two (2) members chosen from group)

The Seymour Board of Education is an Equal Opportunity Employer.

Regulation approved: April 19, 2004

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4111.1

4211.1

Personnel --Certified/Non-Certified**Equal Employment Opportunity****Affirmative Action**

The Westport Public Schools shall comply with all federal and state laws and regulations related to equal employment opportunities and prohibition of discrimination.

The Westport Board of Education shall insure that there is equal employment opportunity within the Westport School district. No person shall, on the basis of:

- a) age
- b) ancestry
- c) color
- d) creed
- e) disability
- f) marital status
- g) national origin
- h) race
- i) religion
- j) sex or sexual orientation

Be excluded from, denied benefits of, or be discriminated against under any program, activity, or service of the Board of Education.

The Assistant Superintendent for Personnel and General Administration has been designated as the employee responsible for coordinating the Westport Schools' efforts to implement this non-discriminatory policy.

Complaint Procedures

1. File complaint with Principal; copy to Coordinator (see below).
2. If not satisfied with Principal's resolution, you may appeal to Coordinator.
3. Next level appeal is to Superintendent of Schools.
4. Next level appeal is to Board of Education

Title VI and 504 Coordinator: Director of Pupil Services

Location: PPS Office, Staples High School

Title IX Coordinator: Assistant Superintendent for Personnel

Location: Town School Office, Town Hall Room 305

Superintendent of Schools

Location: Town School Office, Town Hall Room 306

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.

PA 91-58 An act concerning discrimination on the basis of sexual orientation.

Policy adopted: October 1976

Policy amended: December 1978

Policy amended: March 2005

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4111.3

4211.3

Personnel --Certified/Non-Certified**Minority Recruitment Plan****Commitment Statement**

A key goal of the Westport schools is to develop students who “believe in and value greater cooperation among different people and cultures in an increasingly interrelated world.” In pursuit of that goal, the Westport Public School System believes it is worthwhile to have a staff that is not only highly qualified, but also that reflects the diversity existing in our state and nation. Such diversity can provide students with learning opportunities and breadth of experience not otherwise accessible. This belief should be recognized in the recruitment, hiring, assignment and promotion, of all qualified personnel, both certified and non-certified. To that end, and in compliance with PA 98-252, we have developed the following minority recruitment plan.

Action Plan

All postings and advertising will continue to bear the statement: “Minorities are encouraged to apply.”

In addition to customary state, local and national media, recruitment advertising will be placed in media that are likely to be read by minority populations.

Recruitment material will continue to be sent to schools and colleges that are likely to have significant percentages of minority students. In addition, personal contacts will be established with the placement offices of these schools.

Recruitment flyers and brochures will be sent to the leadership of organizations in our area that are likely to have minority membership.

Through in-person recruitment by administrators and managers, we will make known our active interest in diversity.

We will inform our staff, parents and members of the general community of our interest in diversity and ask them to assist in our recruitment efforts through personal contacts.

The district will participate in area minority recruitment fairs whenever possible.

All recruitment, interviewing, hiring and assignment procedures shall comply with all Board policies and with state and federal non-discrimination regulations.

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)

[46a-60](#) Discriminatory employment practices prohibited.

Policy adopted: March 29, 1999