

**SIMSBURY BOARD OF EDUCATION
POLICY SERIES 4000, PERSONNEL**

Personnel Series 4000

- 4100 Personnel Organization
 - Organization Chart

- 4200 Personnel Employment
 - 4201 Appointment and Contracting of Staff
 - 4201.1 Superintendent of Schools
 - 4201.2 Asst. Superintendent/Director of Human Resources/
Business Manager
 - 4201.3 Hiring of Certified Staff
 - 4201.4 Hiring of Athletic Coaches
 - Administrative Regulation A 4201.4 Hiring Non-Certified Coaches
 - 4201.5 Hiring of Non-Certified Staff
 - 4201.6 Non-Discrimination
 - Administrative Regulation A 4201.6 Discrimination Complaints
 - Appendix A Discrimination Complaint Form
 - 4201.7 Administrative Personnel
 - 4201.8 Teachers' Contract
 - 4201.9 Non-Instructional Salary Agreements
 - Administrative Regulation A 4201.9 Coaching/Extra Curricular
Assignments

 - 4202 Suspension, Non-Renewal and Discharge
 - 4202.1 Termination by Mutual Consent
 - 4202.2 Resignations
 - 4202.3 Suspensions
 - 4202.4 Termination

 - 4203 Compensation and Performance
 - Administrative Regulation A 4203 Medical Insurance Coverage for
Termination, Non-Renewal of
Contract, Sabbatical, Guaranteed
and Non-Guaranteed Leave

 - 4204 Grievances

 - 4205 Negotiations

 - 4206 Conflicts of Interest

- 4207 Transfers
 - 4207.1 Definitions
 - 4207.2 Considerations

- 4208 Equal Employment Opportunity

- 4209 Sex Discrimination and Sexual Harassment in the Workplace
 - Administrative Regulation A 4209 Sex Discrimination and Sexual Harassment in the Workplace
 - Attachment B Complaint Form Regarding Sex Discrimination and Sexual Harassment (Personnel)

- 4210 Minority Teacher Recruitment Policy

- 4218 Social Networking

- 4250 Personnel File Procedures – Certified and Non-Certified
 - Administrative Regulation A 4250 Personnel File Procedures
 - 4250.1 Use and Disclosure of Employee Medical Information (HIPAA)

- 4260 Leaves of Absence for Certified Staff
 - 4260.1 Leaves Without Salary Continuation
 - 4260.2 Sabbatical Leave
 - 4260.3 Leaves of Absence Without Salary
 - 4260.4 Leaves of Absence Without Salary for Childrearing
 - 4260.5 Family and Medical Leaves of Absence – Certified Personnel

- 4300 Student Teachers
 - 4300.1 Authority to Accept
 - 4300.2 Limitations
 - Administrative Regulation A 4300 Assignment of Student Teachers

- 4350 Non-School Employment

- 4400 Teacher Exchange Program
 - 4400.1 Qualifications
 - 4400.2 Standards

- 4500 Alcohol and Drug-Free Workplace

- 4600 Employee Use of the District's Computer Systems
 - Administrative Regulation A 4600 Employee Use of District's Computer Systems

- 4700 Fingerprinting, Criminal History Records and Employment Reference Checks
 - 4701 Abuse and Neglect Registry Checks
- 4800 Prohibition on Recommendations for Psychotropic Drugs
- 4900 Reports of Suspected Abuse or Neglect of Children
 - 4900.1 Reports of Suspected Abuse or Neglect of Mentally Retarded Adults

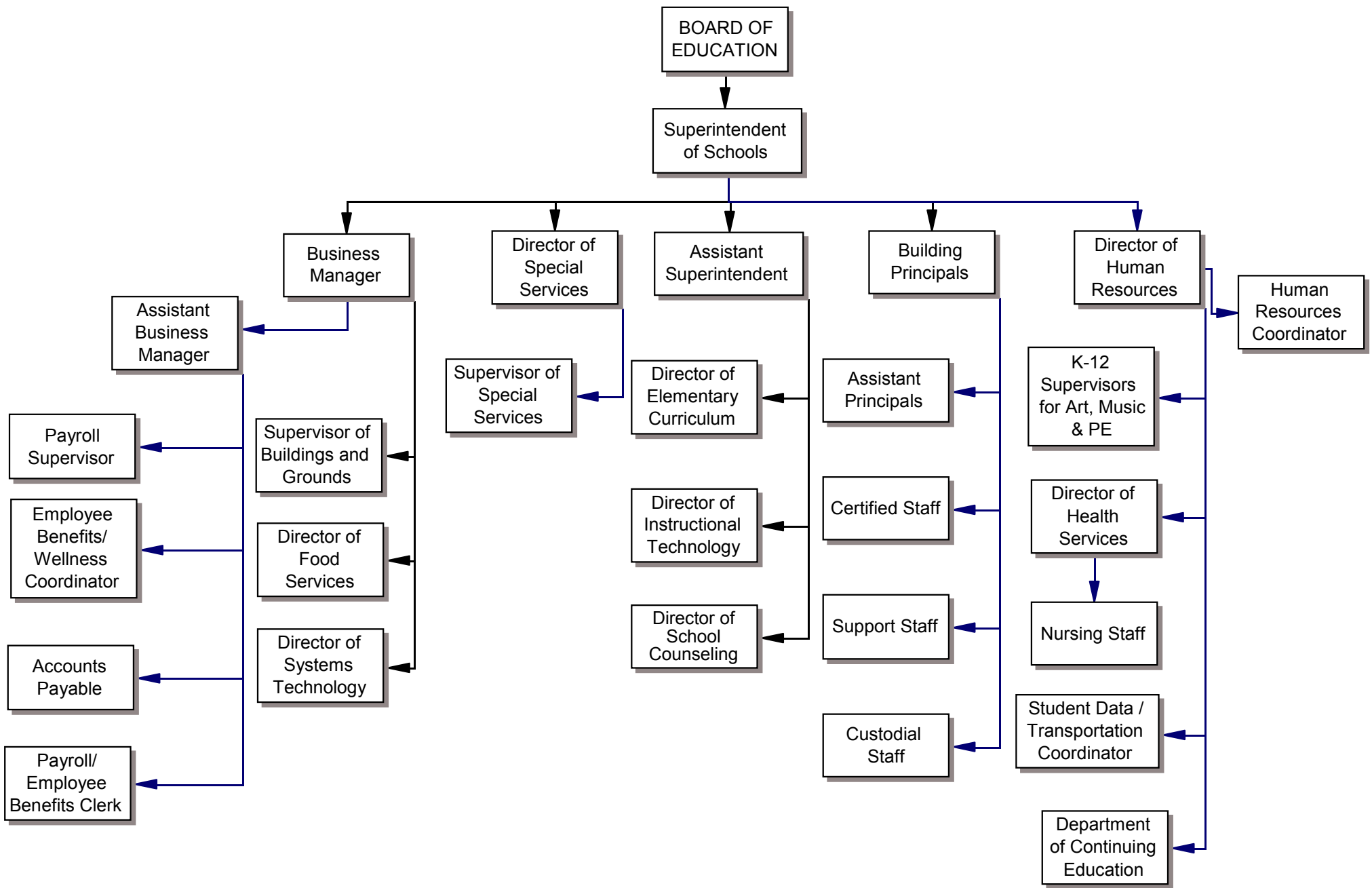
**SIMSBURY BOARD OF EDUCATION
POLICY SERIES 4000, PERSONNEL**

4100 PERSONNEL ORGANIZATION

All positions authorized by the Board of Education shall be identified in an organizational chart prepared by the Superintendent. A manual of job descriptions shall be prepared to identify the specific functions of all positions. Such manual will be available for inspection and located at the Central Office.

The Superintendent may recommend changes in personnel organization, and submit these changes to the Board for consideration and approval. All such recommendations must be identified on the organizational chart and shall be supported by written job descriptions.

Revised April 8, 2008



4200 PERSONNEL EMPLOYMENT

4201 APPOINTMENT AND CONTRACTING OF STAFF

The Superintendent is authorized to fill all position vacancies to comply with the table of organization.

EXCEPTION: For administrative positions, the Superintendent shall submit to the Board single nominations for all such position vacancies.

Revised April 8, 2008

4201.1 Superintendent of Schools

- A. A contract, specifying salary and other conditions of employment, shall be issued to the Superintendent of Schools. The Chairperson or Secretary of the Board of Education is authorized to sign the contract on behalf of the Board.
- B. The Board shall elect the Superintendent for the contract period, fix his/her salary and set his/her term of office which shall not exceed three years.
- C. During the contract period, the Board shall annually vote the Superintendent's salary, except that the salary so voted may not be for a sum less than that stated in the Superintendent's three-year contract. The Superintendent shall be issued an annual salary agreement, signed by the Chairperson or Secretary of the Board, during the contract period.

Revised April 8, 2008

4201.2 Assistant Superintendent/Director of Human Resources/ Business Manager

- A. An initial contract, specifying salary and other conditions of employment, shall be issued to the Assistant Superintendent of Schools, the Director of Human Resources, and the Business Manager.
- B. A continuing contract shall be issued to the Assistant Superintendent, the Director of Human Resources, and the Business Manager following three years of successful employment.
- C. A written salary agreement shall be issued annually to the Assistant Superintendent, the Director of Human Resources, and the Business Manager holding a continuing contract.

Revised April 8, 2008

4201.3 Hiring of Certified Staff

It is the policy of the Board of Education to appoint the most qualified applicants to positions of employment within the Public Schools. The Board of Education shall be responsible for the appointment of all building level and district-wide administrator positions. The Board of Education shall make such appointments in accordance with the procedures set forth in Section 10-151 of the Connecticut General Statutes, and in accordance with any applicable collective bargaining agreement.

The Superintendent of Schools shall be responsible for appointments to all other positions requiring a certificate issued by the State Board of Education. Permanent appointments to the certified staff shall be concluded by issuance of a contract between the Board and the appointee. The contract shall be executed by the Superintendent as agent for the Board.

The Superintendent shall report all certificated staff appointments at the Board meeting immediately following such appointment.

Legal Reference: Connecticut General Statutes §10-151

Revised April 8, 2008

4201.4 Hiring of Athletic Coaches

It is the policy of the Board of Education that an athletic coach employed by the Board shall:

- 1) adhere to all Board policies, rules and regulations;
- 2) shall conduct himself or herself in a professional manner;
- 3) serve as a role model for students; and
- 4) demonstrate competence and proficiency in his or her role as an athletic coach of a particular sport.
- 5) be recommended for hire only after participating in an interview with the High School Principal, the Director of Athletics, and the Director of Human Resources (applies only to head coaching positions at the varsity level)

For purposes of this policy, the term “**athletic coach**” means any person holding a coaching permit who is hired by the Board of Education to act as a coach for a sport season. This term “coach” under this policy shall include only coaches who have direct responsibility for one or more teams (including assistant coaches who

serve as coach to a team (e.g., JV)), and the term shall not include other assistant coaches and volunteer coaches.

I. Evaluations

Pursuant to state law, the Board requires that an athletic coach employed by the Board be evaluated on an annual basis by the coach's immediate supervisor. An athletic coach shall be provided with a copy of any such evaluation, and such evaluation will be completed immediately following the conclusion of the season. Other assistant and volunteer coaches may be evaluated as directed by the Superintendent of Schools or his/her designee.

II. Employment of an Athletic Coach

Athletic coaches serve at the discretion of the Superintendent, and their employment in their specific coaching positions (e.g., basketball, golf) may be non-renewed or terminated at any time except as follows.

If the athletic coach has served in the same coaching position for three or more consecutive school years, the following procedures shall apply. The Superintendent may non-renew the employment of any such athletic coach by providing written notification of that action within ninety (90) calendar days of the end of the season. The Superintendent may terminate the employment of any such athletic coach at any time for 1) for reasons of moral misconduct, insubordination, failure to comply with the Board's policies, rules and regulations; 2) because the sport has been canceled. If a decision to terminate a coach's employment is made during the athletic season, the Superintendent shall remove the coach from duty during the pendency of any hearing conducted pursuant to this policy.

III. Hearing Procedures:

An athletic coach who has served in the same coaching position for three or more consecutive years may appeal any such non-renewal or termination decision (except if such decision was due to cancellation of the sport) to the Board of Education in accordance with the following procedures:

- A. The athletic coach must file a written appeal with the Board within ten (10) calendar days of the Superintendent's written notification of non-renewal or termination. Such appeal shall set forth the basis on which the athletic coach seeks review of that decision, and a copy of said appeal shall be sent

to the Superintendent. Failure to submit a timely written appeal shall constitute a waiver of said appeal opportunity.

- B. Within a reasonable period of time of its receipt of a written appeal of the Superintendent's decision, the Board or a committee of the Board as designated by the Chairperson shall conduct a hearing to consider such appeal. Reasonable notice of the time and place for such hearing shall be issued to the athletic coach prior to the commencement of the hearing.
- C. At the hearing, the athletic coach shall have an opportunity to present facts and evidence in support of renewal and/or reinstatement, and the Superintendent shall have the opportunity (but shall not be obligated) to present facts and evidence in support of the decision of non-renewal and/or termination. For good cause shown, the athletic coach may call a limited number of witnesses to testify if there is a clear need for witnesses to present factual information (rather than simply expressing an opinion on the skill or competence of the athletic coach). In any event, cumulative or redundant testimony shall not be allowed.
- D. The decision of non-renewal or termination shall be affirmed unless the Board determines that the decision is arbitrary and capricious. The coach shall bear the burden of proof on this point.

Within a reasonable period of time following the hearing, the Board shall determine whether the Superintendent acted in an arbitrary and capricious manner in making his/her decision not to renew and/or to terminate, and shall provide a written decision to the coach. The decision of the Board shall be final.

Legal References: Conn. Gen. Stat. § 10-222e

Revised April 8, 2008

ADMINISTRATIVE REGULATION
HIRING NON-CERTIFIED COACHES

A 4201.4

- A. The administration of the Simsbury Public Schools recognizes that certified teachers are not always available for inter-scholastic and intramural coaching positions.
- B. Certified teachers will be given preference for coaching positions if all other factors, e.g., coaching experience in the sport, recommendations, reference checks, etc. are *equal*.
- C. The Director of Athletics may recommend for hiring a non-certified person when:
 - 1. The position has been posted and advertised within and outside the school system and there is no response from qualified candidates possessing teacher certification.
- D. Non-certified persons recommended for employment:
 - 1. Must possess a valid coaching permit issued by the State Department of Education as required by Section 10-149 of the Connecticut General Statutes.
 - 2. Must file a current certificate with the Department of Human Resources indicating successful completion of a standard first aid course within two years prior to the date of application.
 - 3. Should have prior experience in the sport and as a coach of school-age children.
- E. The Director of Athletics shall consult with the Director of Human Resources prior to the actual hiring of non-certified coaches.
- F. The Director of Athletics shall develop an individualized plan of professional development to increase the skill and knowledge of all non-certified coaches.
- G. Non-certified coaches shall be regularly supervised and evaluated and will be directly responsible to the certified Head Coach and/or Director of Athletics.

Revised April 8, 2008

4201.5 Hiring of Non-Certified Staff

It is the policy of the Board of Education to appoint the most qualified applicants to positions of employment within the Public Schools, subject to the provisions of any applicable collective bargaining agreement. The Superintendent of Schools or his/her designee shall be responsible for appointments to all positions of employment within the Public Schools which do not require a certificate issued by the State Board of Education. Permanent appointments to the non-certified staff shall be concluded by the issuance of an Agreement to Employ. The Agreement shall be executed by the Superintendent or his/her designee.

Legal Reference:

Connecticut General Statutes §10-220

Revised April 8, 2008

4201.6 Non-Discrimination

The Board of Education will not make employment decisions (including decisions related to hiring, assignment, compensation, promotion, demotion, disciplinary action and termination) on the basis of race, color, religion, age, sex, marital status, sexual orientation, gender identity or expression, national origin, ancestry, disability or genetic information, except in the case of a bona fide occupational qualification.

For the purposes of this policy, "genetic information" means the information about genes, gene products, or inherited characteristics that may derive from an individual or a family member.

Legal References:

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

Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e *et seq.*

Title IX of the Education Amendments of 1972, 20 USCS § 1681, *et seq.*

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

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

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

Connecticut Fair Employment Practices Act,

Connecticut General Statutes § 46a60

Connecticut General Statutes § 10-153. Discrimination on basis of marital status

Connecticut General Statutes § 46a-81a. Discrimination on basis of sexual orientation

Revised April 10, 2012

ADMINISTRATIVE REGULATION
DISCRIMINATION COMPLAINTS

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

Office of the Superintendent of Schools
933 Hopmeadow Street
Simsbury, CT 06070

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

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

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

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

If the complaint involves an allegation of discrimination based on disability or sex, the complainant should be referred to the Board's policies and procedures related

to Section 504 of the Rehabilitation Act (for claims of discrimination and/or harassment based on disability) and Sex Discrimination/Sexual Harassment (for claims of discrimination and/or harassment based on sex).

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

Boston Office
Office of Civil Rights
U.S. Department of Education
33 Arch Street, Suite 900
Boston, MA 02110-1491

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

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

DISCRIMINATION COMPLAINT FORM

(For Complaints Based on Race, Color, Religion, Age, Sex, Marital Status, Sexual Orientation, National Origin, Ancestry, Disability or Genetic Information)

Name of the complainant _____

Date of the complaint _____

Date of the alleged discrimination/harassment _____

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

Location where such discrimination/harassment occurred _____

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

Detailed statement of the circumstances constituting the alleged discrimination or harassment

4201.7 Administrative Personnel

A. Appointment

When a vacancy occurs, the Superintendent or his/her designee shall:

1. Post an announcement of such vacancy in all schools.
2. Appoint a Screening Committee charged with reviewing credentials and interviewing candidates. Such committee shall:
 - a. Have its membership constituted at the discretion of the Superintendent. It shall reflect broad representation, which may include citizens from the community, students, certified and non-certified staff, and organizational representatives. Representatives of the school or department to be served shall be represented on the Screening Committee.
 - b. Be made aware of and conform to the stated non-discrimination policy adopted by the Simsbury Board of Education on April 8, 2008, and administrative guidelines for implementation.
 - c. Review all credentials of candidates who meet the specifications of the position.
 - d. Interview all candidates within the school system who meet the specifications of the position.
 - e. Interview a reasonable number of candidates selected from those applicants whose credentials indicate that they may be the most highly qualified or suitable for the position and needs of the school system.
 - f. Submit to the Selection Committee the names of applicants who are the most highly qualified candidates.
3. Appoint a Selection Committee charged with reviewing credentials and interviewing candidates recommended by the Screening Committee. Such committee shall:

- a. Have its membership constituted at the discretion of the Superintendent. It may include central office administrators, certified school administrators and instructors, citizens from the community and representatives of the school and department to be served.
 - b. Be made aware of and must conform to the stated non-discrimination policy adopted by the Simsbury Board of Education on April 8, 2008, and administrative guidelines for implementation.
 - c. Review the credentials and interview the candidates recommended by the Screening Committee.
4. Accept or reject any of the nominations of the Selection Committee. If all nominations are rejected, the Superintendent shall institute a new search, repeating the screening and selection process.
 5. Forward any nominations from the Selection Committee to the Administrative Council, which will conduct interviews and provide the Superintendent with feedback.
 6. Present to the Board of Education a single nomination for the vacant position.

EXCEPTION:

An exception to the screening and selection committee process is permissible when, in the opinion of the Superintendent, a qualified internal candidate expresses interest in an administrative vacancy. Under such conditions, the following procedures shall be followed:

1. The Superintendent will meet with the Board in Executive Session and explain his/her rationale for requesting an exception to the screening and selection committee process.
2. The Superintendent will convene an Administrative Council and/or cabinet-level interview with the qualified candidate. Following a successful interview at this level, the candidate

- will be recommended to the Board.
3. Following Board approval to bypass the normal process, the Superintendent may recommend a qualified internal candidate to the Board for the administrative vacancy at a *subsequent* Board meeting.
 4. The Board will conduct an interview with the candidate in Executive Session, and vote in Public Session on the Superintendent's recommendation to appoint the candidate to the administrative vacancy.

B. Contracts

1. A contract specifying salary and conditions of employment shall be issued to all administrative personnel at the time of employment.
2. A written salary agreement shall be issued annually to all administrative personnel.

Revised April 8, 2008

4201.8 Teachers' Contract

- A. A contract specifying salary and conditions of employment shall be issued to all teachers at the time of employment.
- B. A written salary agreement shall be issued annually to all teachers.

Revised April 8, 2008

4201.9 Non-Instructional Salary Agreements

A written salary agreement shall be issued annually to all non-instructional personnel, specifying salary and type of employment. (See Administrative Regulation A 4201.9)

Revised April 8, 2008

ADMINISTRATIVE REGULATION
COACHING/EXTRA CURRICULAR ASSIGNMENTS

For all positions where extra compensation is provided, the following guidelines must be observed:

- I. The building administrator and/or department supervisor submits a request to the Department of Human Resources, in writing, that a position be advertised. The following information should be included:
 - A. Job Description
 - B. Specific training, skills and/or experience required
- II. The Department of Human Resources will be responsible for determining that a vacancy in an authorized position exists and will prepare the appropriate posting or advertising. Members of the staff will respond in writing to the Department of Human Resources.
- III. The vacancy notice will be distributed as follows:
 - A. Coaching or system-wide positions - all schools
 - B. Clubs, student council advisors, yearbook advisors, school newspaper advisors, intramurals, etc. - only within the building
- IV. The Department of Human Resources will forward all applications to the appropriate administrator/supervisor who will screen and conduct interviews based on the merits of each applicant.
- V. The administrator or department supervisor will then make a selection based upon the interviews, experience, training, skills and other criteria which have been established for the position and forward a written recommendation together with interview reports to the Department of Human Resources.
- VI. The Human Resources department will contract with the successful applicant and notify all other applicants that the vacancy has been filled.

In the event that a vacancy occurs after the activity or season has begun, it shall be the policy of the Simsbury Public Schools to fill such a vacancy with the best qualified substitute. However, said position will be considered vacant and the position will be re-advertised for the ensuing season or year. Substitutes must complete an application and file other information as required by the system payroll and insurance departments.

Revised April 8, 2008

4202 SUSPENSION, NON-RENEWAL AND DISCHARGE

- A. The Superintendent may, for cause, temporarily suspend from duty any certified staff member.
- B. Certified staff members may be non-renewed or discharged only through action of the Board. However, no certified staff member other than the Superintendent may be terminated without the recommendation of the Superintendent for such action.
- C. The Superintendent shall have the authority to suspend or discharge any non-certified staff member.

Revised April 8, 2008

4202.1 Termination by Mutual Consent

A contract or an Agreement to employ may be terminated by mutual consent at any time.

4202.2 Resignations

- A. A certified administrator may resign at any time by submitting at least a ninety (90) day written notice.
- B. A teacher may resign at any time by submitting at least a thirty (30) day written notice, except during the month of August.
- C. Non-certified employees may resign at any time by submitting at least a two (2) week notice.

4202.3 Suspensions

The Superintendent is authorized to temporarily suspend any staff member when, in his/her judgment:

- A. The staff member is not physically or emotionally fit to perform his/her duties.
- B. The effectiveness of the staff member's work has been seriously diminished by the circumstances.
- C. The staff member had failed to follow Board policies or directions of his/her supervisor.
- D. Other due and sufficient cause.

4202.4 Termination

- A. The Board may terminate the contract of any certified employee below the rank of Superintendent at any time, in accordance with the Connecticut General Statutes.
- B. The Superintendent may terminate the employment of a non-certified staff member if his/her performance level does not meet work standards as established by the administration.
- C. In the event of termination, salary shall be pro-rated to the effective date of such termination. Certified salaries shall be pro-rated on a 1/260, 1/193, 1/183 day work year.
Revised April 8, 2008

4203 COMPENSATION AND PERFORMANCE

The Board of Education shall approve salary schedules for certified and non-certified personnel.

All performance ratings shall be made by the administration, except in the case of the Superintendent, whose performance rating will be made by the Board.

Procedures pertaining to medical insurance coverage during sabbatical; guaranteed and non-guaranteed leaves; and non-renewal of contract or termination of contract are found in the Administrative Procedures (See A 4203).

Revised April 8, 2008

ADMINISTRATIVE REGULATION
MEDICAL INSURANCE COVERAGE FOR
TERMINATION, NON-RENEWAL OF CONTRACT,
SABBATICAL, GUARANTEED AND NON-GUARANTEED LEAVE

1. Teachers in their first year of employment are required to pay their portion of the insurance premiums for 12 months (effective with the beginning of the school year).
2. Teachers who are in continuous employment beyond the first year are required to pay their portion of the insurance premiums for 12 months (effective with the beginning of the school year).
3. Insurance premiums covered by the Board of Education cease on the effective date of termination. For those affected by contract non-renewal or non-guaranteed/guaranteed leaves of absence, insurance coverage paid by the Board of Education ceases on June 30.
4. Any teacher whose employment status has been terminated is eligible to participate in the medical insurance program for up to 18 months from the date of termination.
5. If an individual's employment is terminated and a refund is in order, the member's contributions are adjusted in the last paycheck unless the member elects continuation coverage, in which case the refund is credited toward the next payment or refunded.
6. Teachers on guaranteed/non-guaranteed leaves are eligible to participate in the medical insurance program for the duration of their leave at the level of the insurance program in effect at the time the leave is granted. Premiums must be paid according to the following schedule:
 - 1st premium - June 15th
 - 2nd premium - September 15th
 - 3rd premium - December 15th
 - 4th premium - March 15th

Failure to remit premium to the insurance department of the Business Office by the above dates will result in cancellation of the coverage.
7. Teachers who are on a sabbatical leave continue participation

in all insurance programs for a 12-month period (effective with the beginning of the school year) at the prevailing level of benefits in effect during that current year.

8. Persons who are out ill and whose accumulated sick leave expires will have their portion of the required insurance premium deducted from the last paycheck or will be required to make the proper payment directly to the business office.

Revised April 8, 2008

4204 GRIEVANCES

- A. Certified staff members should address potential grievances (as defined in the applicable collective bargaining agreement) with the school principal or the appropriate supervisor. If the grievance cannot be resolved at the school level, it should be referred to the Superintendent/designee. A grievance that cannot be resolved with the Superintendent should be referred, in writing, to the Board of Education.

- B. Certified staff members must submit grievances through their bargaining groups, as identified in their unit Agreements negotiated with the Board.

Revised April 8, 2008

4205 NEGOTIATIONS

The Chairperson of the Board shall appoint committees, consisting of not more than four members of the Board, for purposes of negotiating salaries and other conditions of employment, in accordance with Sections 10-153a through 10-153g of the General Statutes, with representatives of the organizations selected to be the exclusive bargaining agents of certified employees. The Superintendent or his/her designee shall serve as a member of the Board's negotiation committees.

The Board of Education shall appoint an Agent of the Board for purposes of negotiating with employees to whom Sections 7-467 through 7-477 of the General Statutes apply. The Chairperson shall appoint a committee, consisting of not more than four members of the Board and the Superintendent of Schools, to direct the agent in negotiations.

Any agreement reached by the negotiation committees, or the Board's agent, shall be subject to adoption by the Board at a regular or special Board meeting called for this purpose.

Revised April 8, 2008

4206 CONFLICTS OF INTEREST

- A. The Charter of the Town of Simsbury shall govern all employees of the Board of Education in questions relating to conflict of interest.

- B. The Board of Education shall not consider for employment any member of a Simsbury school administrator's immediate family (spouse or child).

4207 TRANSFERS

The Board, acting through the Superintendent, reserves the right to transfer any staff member within his/her job classification or certification when such transfer is judged to be in the best interest of the school system, subject to any language governing transfers in collective bargaining agreements.

Announcement of all vacancies and newly created positions during a school year are to be posted in a prominent location in each school.

Revised April 8, 2008

4207.1 Definitions

The term "transfer" is intended to include the following for both teaching and administrative personnel:

- A. Voluntary reassignment of personnel to a different site.
- B. Involuntary reassignment of personnel to a different site.

Revised April 8, 2008

4207.2 Considerations

- A. It is intended that this regulation will be consistent with contractual agreements in effect at the time of its implementation.
- B. Insofar as possible, the transfer of personnel is to be on a voluntary basis.
- C. If the extenuating circumstances necessitate involuntary transfer, the Superintendent/designee will provide the rationale for the transfer to the employee. Examples of such purposes might include the following:
 - 1. Initiation of new programs
 - 2. Vertical/horizontal articulation
 - 3. Improvement of public/personal relations
 - 4. Increase in productivity
 - 5. Modifications in behavior (attitudinal, motivational, etc.)

D. In addition to certification requirements, consideration should also be given to the following:

1. Areas of expertise of personnel
2. Particular differences/needs of individual schools
3. Effects on established teaching teams
4. Personalities of individuals
5. Administrative considerations expressed by the building principal

D. Announcement of all vacancies and newly created positions occurring during a school year are to be posted in a prominent location in each school so that transfers may be requested, if desired.

Revised April 8, 2008

4208 EQUAL EMPLOYMENT OPPORTUNITY

It is the policy of the Simsbury Public Schools that no individual shall be excluded from participation in, denied the benefits of, or subjected to discrimination under any school program, including employment, because of race, color, sex, religion, national origin, sexual orientation, marital status, disability or any other basis prohibited by local, state, and federal law.

Any student or other individual who feels he or she has been denied an equal opportunity in violation of this policy should immediately bring his or her complaint to the attention of the building principal, assistant principal, building Title IX coordinator, or Director of Human Resources. Contact information for the Title IX Coordinators is posted in each school and available in the Department of Human Resources. The Director of Human Resources, District Coordinator for Title IX, may be reached at 933 Hopmeadow Street, Simsbury, CT 06070. Phone: 860-651-3361.

Legal References:

20 U.S.C. 1681 (Title IX)

C.G.S. 10-15c (Discrimination in Public Schools prohibited)

Revised April 8, 2008

4209 SEX DISCRIMINATION AND SEXUAL HARASSMENT IN THE WORKPLACE

It is the policy of the board of education to maintain a working environment free from harassment, insults, or intimidation on the basis of an employee's sex and free from discrimination based on sex. Verbal or physical conduct by a supervisor or co-worker relating to an employee's sex which has the effect of creating an intimidating, hostile or offensive work environment, unreasonably interfering with the employee's work performance, or adversely affecting the employee's employment opportunities is prohibited.

Discrimination

Sex discrimination is defined as when an employer refuses to hire, disciplines or discharges any individual, or otherwise discriminates against an individual with respect to his or her compensation, terms, conditions, or privileges of employment on the basis of the individual's sex. Sex discrimination is also defined as when a person, because of his or her sex, is denied participation in, or the benefits of, a program that receives federal financial assistance.

Harassment

Sexual harassment is a form of sex discrimination. While it is difficult to define sexual harassment precisely, it does include any unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

1. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment;
2. Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or
3. Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive work environment.

Although not an exhaustive list, the following are examples of the type of conduct prohibited by the policy against sexual harassment:

1. Unwelcome sexual advances from a co-worker or supervisor, such as unwanted hugs, touches, or kisses;
2. Unwelcome attention of a sexual nature, such as degrading, suggestive or lewd remarks or noises;

3. Dirty jokes, derogatory or pornographic posters, cartoons or drawings; and
4. The threat or suggestion that continued employment advancement, assignment or earnings depend on whether or not the employee will submit to or tolerate harassment.

Any infraction of this policy by supervisors or co-workers should be reported immediately to the Title IX Coordinator, the Superintendent, or his/her designee in accordance with the district's sex discrimination and sexual harassment grievance procedure. Retaliation against any employee for complaining about sex discrimination or sexual harassment is prohibited under this policy and illegal under state and federal law. Violations of this policy will not be permitted and may result in discipline up to and including discharge from employment. Individuals who engage in acts of sex discrimination or sexual harassment may also be subject to civil and criminal penalties.

Legal References: United States Constitution, Article XIV

Civil Rights Act of 1964, Title VII, 42 U.S.C. 2000-e2(a).
Equal Employment Opportunity Commission Policy Guidance (N-915.035) on Current Issues of Sexual Harassment, effective 10/15/88.
Title IX of the Education Amendments of 1972, 20 USCS § 1681, *et seq.*
Title IX of the Education Amendments of 1972, 34 CFR § 106, *et seq.*
Meritor Savings Bank, FSB v. Vinson, 477 U.S. 57 (1986)
Connecticut General Statutes § 46a-60 Discriminatory employment practices prohibited.
Conn. Agencies Regs. §§ 46a-54-200 through § 46a-54-207
Constitution of the State of Connecticut, Article I, Section 20.

Revised April 8, 2008

ADMINISTRATIVE REGULATION
SEX DISCRIMINATION AND SEXUAL HARASSMENT IN THE WORKPLACE

Complaint Procedure

It is the express policy of the Board of Education to encourage victims of sexual discrimination or sexual harassment to promptly report such claims. Timely reporting of complaints facilitates the investigation and resolution of such complaints. Any employee who feels that he/she has been sexually harassed or otherwise discriminated against on the basis of sex should submit any such complaint to the Title IX Coordinator. If the Title IX Coordinator is the subject of the complaint, the complaint should be submitted to the Superintendent, who shall investigate or appoint a designee to do so.

Complaints will be investigated promptly and corrective action will be taken when allegations are verified. Confidentiality will be maintained by all persons involved in the investigation to the extent possible and reprisals or retaliation that occur as a result of the good faith reporting of charges of sex discrimination or sexual harassment will result in disciplinary action against the retaliator.

The school district will provide staff development for new district administrators and will publish its policy and grievance procedures to staff and employees in an effort to maintain an environment free of sex discrimination and sexual harassment.

Any employee who believes that he or she has been discriminated against or sexually harassed in the workplace in violation of this policy may also file a complaint with the Regional Office of the Connecticut Commission on Human Rights and Opportunities, 21 Grand Street, Hartford CT 06106, 860-541-3400 or 1-800-477-5737 and/or the Equal Employment Opportunity Commission, Boston Area Office, 475 Government Center, Boston, MA 02203 (617-565-3200). Connecticut law requires that a formal written complaint be filed with the Commission on Human Rights and Opportunities within 180 days of the date when the alleged discrimination/harassment occurred. Remedies for sex discrimination and sexual harassment include cease and desist orders, back pay, compensatory damages, hiring, promotion, or reinstatement.

Title IX Coordinator

The Title IX Coordinator for the Simsbury Board of Education is: Mark Zito, Director of Human Resources. The office of the Director of Human Resources is located at 933 Hopmeadow Street, Simsbury, CT 06070. The telephone number is 860-651-3361.

Revised April 8, 2008

COMPLAINT FORM REGARDING SEX DISCRIMINATION
AND SEXUAL HARASSMENT (PERSONNEL)

Name of the complainant: _____

Date of the complaint: _____

Date of the alleged discrimination/harassment _____

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

Location where such discrimination/harassment occurred:

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

Detailed statement of the circumstances constituting the alleged discrimination or Harassment:

4210 MINORITY TEACHER RECRUITMENT POLICY

In accordance with Sections 10-4a(3) and Section 10-220(a) of the Connecticut General Statutes, the Board of Education has developed the following written plan for minority staff recruitment:

1. All recruiting sources will be informed in writing of the Board's non-discrimination policy.
2. The Board will develop contacts with local training and educational institutions, including those with high minority enrollments, to publicize job openings within the school district and to solicit referrals of qualified minority candidates.
3. The Board will develop contacts with local minority community organizations to publicize job openings within the school district and to solicit referrals of qualified minority candidates.
4. The Board will maintain, or expand, as appropriate, its help-wanted advertising to include print and/or broadcast media that is targeted to minorities.
5. The Board will participate in local job fairs, including those that are sponsored by the minority community organizations or otherwise targeted toward minorities.
6. The Board, or its designee, will maintain records documenting all actions taken pursuant to this plan, including correspondence with recruitment agencies and other referral sources, job fair brochures and advertising copy.
7. The Board will review on an annual basis the effectiveness of this plan in increasing minority applicant flow and attracting qualified candidates for employment.

Legal References:

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

Revised April 8, 2008

4250 PERSONNEL FILE PROCEDURES -- Certified and Non-Certified

The administration shall maintain personnel files in accordance with state law and sound management practices. (See A 4250)

Personnel Records

Personnel records shall be maintained securely and confidentially in the central office for all current employees and shall include information customarily kept in personnel files. Files also shall be maintained for past employees, including years of employment, salaries, and such other basic and essential information as the Superintendent of Schools shall require.

There shall be only one official personnel file for each employee, and principals shall not maintain official employee files separate from the official employee file in the central office. Files containing medical information regarding an employee will be kept separate from other personnel files.

Requests for access to personnel files, except from an employee to see his or her own file, shall be referred to the Superintendent/designee who shall determine whether disclosure of such records would legally constitute invasion of employee privacy. If the Superintendent/designee believes disclosure is not an invasion of privacy, requested information shall be disclosed, but professional courtesy suggests the employee should be notified of such disclosure.

If the Superintendent/designee determines disclosure would invade employee privacy, the employee/s and collective bargaining representatives if any, shall be notified in writing of the request. If the Superintendent/designee does not receive a written objection, from the employee or bargaining representative, within seven business days from receipt of their notification, or if there is no evidence of receipt not later than nine business days from the date the notice was mailed, sent, posted, or otherwise given, requested records shall be disclosed. However, if an objection is received in a timely manner on the form prescribed, the Superintendent/designee shall not disclose requested information unless directed to do so by the Freedom of Information Commission. Notwithstanding an objection filed by an employee's bargaining representative, the employee may subsequently approve disclosure of records by filing a written notice with the Superintendent.

Employee or bargaining representative objections to disclosure of records shall be made in writing on a form developed by the Superintendent/designee including a signed statement by the employee or bargaining representative, under penalties of false statement, that to the best of respondent's knowledge, information, and belief, there is good grounds to support the objection and that the objection is not interposed for delay.

Records maintained or kept on file by the Board which are records of a teacher's personal misconduct shall be deemed to be public records, and subject to disclosure under the Freedom of Information Act. Disclosure of such records of a teacher's personal misconduct shall not require the

consent of the teacher.

Notwithstanding earlier provisions of this policy, personnel evaluations of certified employees, except the Superintendent, are not public records subject to disclosure — unless the employee consents in writing to the release of such records.

In accordance with federal law, the District shall release information regarding the professional qualifications and degrees of teachers and the qualifications of paraprofessionals to parents/guardians upon request for any teacher or paraprofessional who is employed at a school receiving Title I funds and who provides instruction to their child at that school.

Each employee's own file shall be available for his or her inspection at reasonable times, and, upon request, employees will be provided a copy of information contained in his or her file.

Legal Reference: Connecticut General Statutes

1-210(a) Access to public records. Exempt records.

1-213 Agency administration. Disclosure of personnel, birth and tax records.

1-214 Objection to disclosure of personnel or medical files.

1-215 Record of arrest as public record.

1-206 Denial of access to public records or meetings.

10-151a Access of teacher to supervisory records and reports in personnel file. (as amended by PA 02-138)

10-151c Records of teacher performance and evaluation not public records. (as amended by PA 02-138)

PL 107-110, No Child Left Behind Act, Sec. 1119.

The Americans with Disabilities Act

Revised April 8, 2008

ADMINISTRATIVE REGULATION
PERSONNEL FILE PROCEDURES

I. DEFINITIONS

- A. Personnel file procedures are established in accordance with Public Act 79-264.
- B. The official personnel file for any employee is that set of records and documents maintained by the Superintendent of Schools in the Central Office of the Simsbury Public Schools.
- C. The personnel file includes such information as:
1. certification status
 2. salary records
 3. attendance records
 4. performance evaluation (annual objectives, observation reports and evaluations)
 5. commendations
 6. criticisms and reprimands
 7. assignments
- D. The personnel file does not contain the following information which is filed separately:
1. medical records - dealing with insurance claims, hospitalization, physician's reports, etc., will be under the jurisdiction of the Department of Human Resources, but will be maintained in the files of the Business Department person designated to process health insurance and disability claims. These are available for review by the employee.
 2. confidential references - used for purposes of initial employment. These are not available for employee review.
 3. criminal records check information - used for purposes of initial employment. These are not available for public inspection.
- E. Building administrators will maintain "working files" which include copies of evaluation documents (objectives, observa-

tions, evaluations) and other materials necessary to perform supervisory functions.

II. ACCESS

Any employee shall have the opportunity to review the contents of his or her personnel file during regular business hours of the Department of Human Resources. This review may be arranged by making an appointment with the Director of Human Resources.

Revised April 8, 2008

4250.1 Use and Disclosure of Employee Medical Information (HIPAA)

The Board of Education directs the Superintendent or his/her designee to take the necessary steps to ensure compliance with the Health Insurance Portability Act of 1996 (HIPAA). Compliance activities shall include conducting an audit to determine applicability of HIPAA to District operations, recommending policies to the Board, implementation of administrative regulations, including record keeping procedures, preparation of necessary documents, employee training and all other activities necessary to ensure compliance.

Adopted April 8, 2008

4260 Leaves of Absence for Certified Staff

4260.1 Leaves Without Salary Continuation

Leave for professional improvement may be granted by the Board upon the recommendation of the Superintendent. The teacher seeking leave shall be assured of consideration for any unfilled position for which he/she holds certification and for which he/she is qualified at the termination of the leave. Leaves, for reasons other than professional improvement or sick leave of absence, may be granted at the discretion of the Board of Education. All such leaves shall terminate five calendar days before the first working day of the school year following the granting of the leave, with the exception of leaves granted between March 1 and the first working day of the next school year, which shall terminate five calendar days before the first working day of the subsequent school year. As in the case of the leave granted for professional improvement, consideration shall be given by the administration to return the teacher to his/her former position or an equivalent one.

Revised April 8, 2008

4260.2 Sabbatical Leave

Teachers with at least six (6) years of service in the Simsbury Schools may devote one (1) year to additional training upon approval of the Board of Education, where such training would be for the benefit of the Simsbury School System and the teacher, and where the teacher could be temporarily replaced without serious dislocation to the school system.

The Board of Education shall pay 100% of salary to the individual on leave. If the individual receives grant payments, which, added to the salary allowance exceeds 110 percent of salary, the Board's contribution shall be reduced to provide for

maximum earnings of 100 percent.

Application for sabbatical leave must be received by the Superintendent of Schools by December 1 of the year preceding the request. The number of certified teachers on sabbatical leave during any one year shall not exceed one percent of the total number of certified teachers covered by this Agreement.

Teachers granted such leaves shall be required to return to the Simsbury School System for three (3) years, with one-third (1/3) of the salary provided by Simsbury (during the period of sabbatical) being forgiven for each year of additional service. In the event that a teacher should not return to the Simsbury Public Schools following the sabbatical leave, or complete three (3) years of service, any unforgiven salary must be returned to the Simsbury Public Schools within thirty (30) calendar days. In the event of death or disability which renders the teacher to be incapable of performing his/her duties, the Board of Education shall release him/her and his/her estate from these obligations.

Revised April 8, 2008

4260.3 Leaves of Absence Without Salary

Leaves of absence without salary may be granted to certified staff members by the Board of Education upon the recommendation of the Superintendent of Schools, subject to the following:

- A. Employees who have completed five full years of service in the Simsbury Public Schools may apply for a school year's leave of absence (terminating five calendar days before the first working day of the subsequent school year).
- B. Leaves of absence under this policy may not exceed one school year.
- C. No employee will be granted a school year leave of absence without pay more than once in any five-year period, with the exception of a leave of absence for child-rearing purposes.
- D. Applications must be submitted in writing to the Superintendent of Schools prior to February 1 of the year in which the school year leave would begin.

- E. Leaves of absence without salary may be recommended by the Superintendent upon his/her determination of which applications are in the best interest of the Simsbury Public Schools.
- F. Employees granted a school year's leave of absence without salary will be permitted to continue insurance benefits to which they are entitled at the time of application. Employees must assume 100% of the costs of these benefits and prepay such costs on a quarterly basis. Employees on leave may make voluntary contributions to the retirement plan in accordance with state law.
- G. Any employee on leave of absence without salary shall inform the Superintendent of Schools in writing (by registered mail) no later than February 1 of the year of the leave of his/her intention to return with respect to the following school year. Failure to comply with this condition shall be considered as due and sufficient cause to terminate employment.
- H. Salary scale credit for the year of absence is at the discretion of the Superintendent of Schools.
- I. While on leave of absence, an employee is subject to the same reduction in force possibilities and provisions as though he/she were on active service.
- J. Upon returning to service, an employee shall be entitled to a position for which he/she is certified and qualified as determined by the Superintendent of Schools.
- K. Upon returning to service, an employee shall be entitled to restoration of sick leave accumulation in effect at the time of the beginning of the leave of absence.

4260.4 Leaves of Absence Without Salary for Childrearing

Leaves of absence for childrearing purposes may be granted to certified staff members by the Board of Education upon the recommendation of the Superintendent of Schools, subject to the following conditions:

- A. Application for a leave of absence for childrearing

purposes must be submitted to the Superintendent of Schools thirty days prior to the date the leave is requested to begin.

- B. For purposes of determining the beginning date of any leaves of absence granted by the Board under this policy, the first day of leave of absence without salary for childrearing purposes will normally be considered the 43rd calendar day following the birth of the child.
- C. Leaves of absence for childrearing purposes, which begin between the 1st and 90th day of the school year, may be granted for the remainder of the current school year.
- D. Leaves of absence for childrearing purposes which begin on the 91st or subsequent day of the school year may be granted for either the remainder of the current school year; or the remainder of the school year and the following school year. The request for an additional year must be made at the time of initial request.
- E. Any employee on leave of absence for childrearing purposes for only the remainder of a school year must inform the Superintendent of Schools, in writing, by registered mail no later than March 1st of intent to return as of the beginning of the following school year. If birth of child is after March 1st, notice must be received in writing by June 1st of intent to return as of the beginning of the following school year. Employees granted a leave of absence for childrearing purposes for either the remainder of a school year and the following school year or for one full school year shall inform the Superintendent of Schools, in writing, by registered mail no later than February 1st of the year of the leave of intent to return as of the beginning of the following school year.

Failure to comply with this condition shall be considered as due and sufficient cause to terminate employment.

- F. Employees must have completed three full years of service in the Simsbury Public Schools prior to the effective date of a leave of absence for childrearing purposes.
- G. No employee will be granted a leave of absence for childrearing purposes or any other purposes more than

once in any two-year period. An employee granted a childrearing leave must complete two full school years of service before becoming eligible for an additional childrearing leave.

- H. Employees granted a leave of absence for childrearing purposes will receive no salary during the period of leave, but shall be permitted to continue insurance benefits to which they are entitled at the time of application. Employees must assume 100 percent of the costs of these benefits and prepay such costs on a quarterly basis. Employees on leave may make voluntary contributions to the retirement plan in accordance with state law.
- I. While on leave of absence, an employee is subject to the same reduction in force possibilities and provisions as though he/she were on active service.
- J. Upon returning to service, an employee shall be entitled to a position for which he/she is certified and qualified as determined by the Superintendent of Schools.
- K. Upon returning to service, an employee shall be entitled to restoration of sick leave accumulation in effect at the time of the beginning of the leave of absence.
- L. Employees who adopt a child are not eligible for a leave of absence for child rearing purposes; however, such employees who adopt a child under the age of five (5) years may be granted up to fifteen (15) days of personal/sick time at the discretion of the Superintendent/designee for situations involving mitigating or unusual circumstances.

Revised April 8, 2008

4260.5 Family and Medical Leaves of Absence - Certified Personnel

The purpose of this policy is to establish guidelines for leaves taken by employees of the Board under the Federal Family and Medical Leave Act of 1993.

ELIGIBILITY - Employees who have worked for the Board for at least twelve (12) months, and who have worked at least 1,250 actual work hours during the twelve (12) months immediately preceding the start of a leave, are eligible for unpaid leave

under the FMLA.

REASONS FOR LEAVE - Leaves under the FMLA may be taken for the following reasons:

- the birth and/or care of the employee's newborn child; or
- the placement of a child with the employee by adoption or for foster care; or
- to care for the employee's spouse, child or parent who has a serious health condition; or
- to care for the employee's own serious health condition that renders the employee unable to perform the functions of his or her position.

LENGTH OF LEAVE - If a leave is requested for one of the aforementioned reasons, each eligible employee may take up to a total of twelve (12) weeks unpaid family or medical leave in any 12-month entitlement period.

TYPES OF LEAVE AND CONDITIONS:

Full-time unpaid leave may be taken for any of the reasons permitted by the FMLA. Full-time leave excuses the employee from work for a continuous period of time.

Intermittent leave means leave taken in separate periods of time rather than for one continuous period of time. Examples of intermittent leave include: leave taken one day per week over a period of a few months; or leave taken on an occasional/as-needed basis for medical appointments.

Reduced schedule leave is leave that reduces the employee's usual number of work hours per day for some period of time. For example, an employee may request half-time work for a number of weeks so the employee can assist in the care of a seriously ill parent.

An employee may take full-time, intermittent or reduced schedule leave whenever it is medically necessary for a serious health condition of the eligible employee, his or her spouse, child or parent. Intermittent leave or reduced schedule leave for other reasons will be permitted only with the approval of the Superintendent or his/her designee.

If intermittent or reduced schedule leave is medically required, the Board may, in its sole discretion, temporarily transfer the employee to another job with equivalent pay and benefits that better accommodates the type of leave requested. Also, special arrangements may be required of an instructional employee who needs to take intermittent or reduced-schedule leave which will involve absence for more than twenty (20) percent of the work days in the period over which the leave will extend (for example, more than five days over a five-week period).

Both Spouses Working for the Same Employer

If both spouses are employees of the Board and request leave for the birth, placement of a child by adoption or for foster care, or to care for a seriously ill parent, they only will be entitled to a maximum combined total leave equal to twelve (12) weeks in any 12-month entitlement period. If either spouse (or both) uses a portion of the total 12-week entitlement for one of the purposes in the preceding sentence, each is entitled to the difference between the amount he or she has taken individually and the 12 weeks for FMLA leave for their own or their spouse's serious health condition in the 12-month entitlement periods.

Leave Taken Near the End of an Academic Term

If a leave taken by an instructional employee for any reason begins more than five (5) weeks before the end of an academic term, the Board may require that employee to continue the leave until the end of the term if the leave will last at least three (3) weeks and the employee would return to work during the three-week period before the end of the term.

If the employee begins a leave during the five-week period preceding the end of an academic term for a reason other than the employee's own serious health condition, the Board may require the employee to continue taking leave until the end of the term if the leave will last more than two (2) weeks and the employee would return to work during the two-week period before the end of the term.

If the employee begins a leave during the three-week period preceding the end of an academic term for a reason other than the employee's own serious health condition, the Board may require the employee to continue taking leave until the end of

the term if the leave will last more than five (5) working days.

REQUESTS FOR LEAVE

Requests for a family or medical leave must be submitted to the Department of Human Resources at least thirty (30) days before the leave is to commence, if possible. If thirty (30) days notice is not possible, requests must be submitted as soon as practicable under the circumstances.

For leaves taken because of the employee's or a family member's serious health condition, the employee must submit a completed "Physician or Practitioner Certification" form before the leave begins if possible. This form may be obtained from the Department of Human Resources. If such advance certification is not possible, the medical certification must be provided by the employee within fifteen (15) calendar days of the employer's request for the medical certification.

If an employee takes leave to care for his or her own serious health condition, immediately upon return to work the employee must provide medical certification that the health condition which created the need for the leave no longer renders the employee unable to perform the functions of the job. This certification must be submitted to the Department of Human Resources.

USE OF PAID LEAVE

Accrued paid personal leave and accrued paid vacation will be substituted (in that order) for any unpaid portions of family or medical leave taken for any reason. However, where the leave is for the employee's own serious health condition, accrued paid sick leave shall be substituted for unpaid portions of family or medical leave prior to the substitution of accrued paid personal and accrued paid vacation leave. The amount of unpaid family or medical leave entitlement is reduced by the amount of paid leave that is substituted.

MEDICAL INSURANCE AND OTHER BENEFITS

During approved family or medical leaves of absence, the Board will continue to pay its portion of medical insurance premiums for the period of unpaid family or medical leave. The employee must continue to pay his/her share of the premium, and failure to do so may result in loss of coverage. If the employee does not return to work after expiration of the leave, the employee will be required to reimburse the Board for payment of medical insurance premiums during the family or medical leave, unless the employee does not return because of a serious health condition or circumstances beyond the employee's control.

During an FMLA leave, an employee may accrue illness time. However, unused employment benefits accrued by the employee up to the day on which the leave begins will not be lost upon return to work. Leave taken under this policy does not constitute an absence under Board's attendance policy.

REINSTATEMENT

Except for circumstances unrelated to the taking of a family or medical leave, an employee who returns to work following the expiration of a family or medical leave is entitled to return to the job held prior to the leave or to an equivalent position with equivalent pay and benefits.

ADDITIONAL INFORMATION

Questions regarding family or medical leave may be directed to the Superintendent or his/her designee.

Legal References:

Connecticut General Statutes:
(Not applicable)

United States Code:
29 U.S.C. Section 2601 et seq.

Revised April 8, 2008

4300 STUDENT TEACHERS

The Board of Education shall cooperate with teacher training institutions by accepting qualified student teachers. (See A 4300)

4300.1 Authority to Accept

The Superintendent of Schools, assisted by the Director of Human Resources, may accept qualified student teachers from accredited teacher training institutions for limited practice teaching periods.

4300.2 Limitations

As a general rule, no supervising teacher shall be assigned more than one student teacher per year, with the exception of teachers of physical education, art, and music.

Revised April 8, 2008

ADMINISTRATIVE REGULATION
ASSIGNMENT OF STUDENT TEACHERS

It shall be the goal of the Simsbury School System to provide an opportunity for student teachers to participate in practice teaching programs under competent training teachers, who, with school administrators, shall be responsible for the protection of the interests of the pupils, the schools, and the community. This program shall provide additional avenues for the betterment of the educational process through improved preparation of the prospective professional and through the observation, appraisal, and possible adoption of teaching methods currently being developed.

A. Admission into Program

A student from an accredited institution, interested in doing his/her student teaching in the Simsbury School System, shall gain admission as follows:

1. make initial application through the preparing institution and provide an interest and experience profile, to the office of the Director of Human Resources
2. file an official transcript of his/her college record to date
3. submit to interviews by the Director of Human Resources and principal at the elementary level, or the principal and department supervisor at the secondary level
4. gain acceptance into the program contingent upon the agreement of the training teacher, following a minimum of four weeks' advance notification (if possible) to the training teacher
5. visit and become acquainted with his/her assigned school upon admission to that program
6. submit to the same background check required of all individuals working in the Simsbury Public Schools

B. Duties and Responsibilities of Student Teachers

Student teachers shall:

1. assume all duties and responsibilities of a professional staff member
2. spend sufficient time orienting himself/herself with the school, and its policies, procedures, and philosophy
3. prepare lessons and provide plans in accordance with the directions of the training teacher
4. attend staff meetings, extra-curricular activities, and perform other duties as required
5. comply with accepted professional ethics with special attention to professional use of confidential records
6. familiarize himself/herself with the community

C. Duties and Responsibilities of the Training Teacher

The training teacher shall:

1. orient the student teacher to the school, its faculty, and its facilities
2. assure adequate preparation of the student teacher during the training period
3. hold frequent conferences to evaluate performance
4. report regularly to his/her department supervisor, coordinator, or principal on the progress of the student teacher
5. grade the student teacher and provide constructive feedback to the student teacher
6. when the student teacher assume responsibility for the class, utilize released time for the betterment of the system by becoming involved in educational activities appropriate to his/her assignment

Revised April 8, 2008

4400 TEACHER EXCHANGE PROGRAM

The Board of Education recognizes that teacher exchange programs may provide an excellent means of bringing about cultural exchange and understanding. Decisions to participate in such programs should be considered in terms of the educational welfare of Simsbury residents.

4400.1 Qualifications

Teachers desiring to participate in a teacher exchange program must:

- A. Be tenured in Simsbury
- B. Obtain the approval of the Superintendent
- C. Request, in writing, permission from the Board of Education to participate in the teacher exchange program. The approval of the Board will be granted only upon the recommendation of the Superintendent of Schools.

4400.2 Standards

In the event that the exchange teacher does not fulfill acceptable teaching standards, as established by the Board of Education, the Superintendent has the authority to terminate the services of the individual concerned. It shall be the responsibility of the Superintendent or his/her designee to inform all exchange teachers of the terms of this policy.

Revised April 8, 2008

4500 ALCOHOL AND DRUG-FREE WORKPLACE

PURPOSE

The purpose of this policy is to establish a workplace which is free of the effects of alcohol and free from drug abuse. By accomplishing this purpose, the Board also seeks to ensure a safe, healthy working environment for all employees and to reduce absenteeism, tardiness, and other job performance problems which may be caused by alcohol and/or drug abuse. This policy is adopted in accordance with the Drug Free Workplace Act.

STATEMENT OF POLICY

Employees shall not be involved with the unlawful manufacture, distribution, possession, or use of an illegal drug, controlled substance or alcohol and shall not be under the influence of such substances while on Board

premises or while conducting Board business on or off Board premises. Any employee who discovers illegal drugs or alcohol on Board premises shall notify the Superintendent or his/her designee who shall investigate the matter.

An employee must report any conviction under a criminal drug statute for violations occurring on or off Board premises while on Board business, to the Superintendent or his/her designee within five (5) days after the conviction. The Board will notify any agency awarding a grant to the Board of such conviction, within ten (10) days thereafter.

Employees shall only use prescription drugs on Board premises which have been prescribed by a licensed medical practitioner, and such drugs shall be used only as prescribed.

Violations of this policy may result in disciplinary action, up to and including possible termination of employment.

EMPLOYEE ASSISTANCE

In appropriate circumstances, the Board shall provide an employee with an opportunity for rehabilitation in overcoming addiction to, dependence upon, or other problem with alcohol or drugs.

An employee who feels he or she has developed an addiction to, dependence upon, or other problem with alcohol or drugs, is encouraged to seek assistance. Certain benefits for alcoholism or drug addiction are provided under the Board's group medical insurance plan. An employee may be given an opportunity to participate in a rehabilitation program which requires absence from work for bona fide treatment. Such absence may be charged to the employee's accrued and unused sick leave, subject to the provisions of the employee's collective bargaining agreement and/or any applicable Board policies and regulations.

Any request for assistance with a drug or alcohol problem will be treated as confidential and only those persons "needing to know" will be made aware of such request.

Legal References:

Connecticut General Statutes:

(Not applicable)

United States Code:

Safe and Drug-Free Schools and Community Act, 41 U.S.C. Section 7101 et seq.

Adopted April 8, 2008

4600 EMPLOYEE USE OF THE DISTRICT'S COMPUTER SYSTEMS

Computers, computer networks, Internet access, and e-mail are effective and important technological resources in today's educational environment. The Board of Education has installed computers, a computer network, including Internet access and an e-mail system (referred to collectively as "the computer systems"), in order to enhance both the educational opportunities for our students and the business operations of the district.

These computer systems are business and educational tools. As such, they are made available to Board employees for business and education related uses. The Administration shall develop regulations setting forth procedures to be used by the Administration in an effort to ensure that such computer systems are used for appropriate business and education related purposes. Incidental personal use of the computer systems may be permitted solely for the purpose of e-mail transmissions and access to the Internet on a limited, occasional basis. Such incidental personal use of the computer systems, however, is subject to all rules, including monitoring of all such use, as the Superintendent may establish through regulation. Moreover, any such incidental personal use shall not interfere in any manner with work responsibilities.

Legal References:

Conn. Gen. Stat. § 31-48d
Conn. Gen. Stat. §§ 53a-182; 53a-183; 53a-250
Electronic Communication Privacy Act, 28 U.S.C. §§ 2510 through 2520

Adopted April 8, 2008

ADMINISTRATIVE REGULATION
EMPLOYEE USE OF THE DISTRICT'S COMPUTER SYSTEMS

Computers, computer networks, Internet access, and electronic mail (popularly known as "e-mail") are effective and important technological resources in today's educational environment. The Board of Education has installed computers, a computer network, including Internet access and an e-mail system, to enhance the educational and business operations of the district. In this regulation, the computers, computer network, Internet access and e-mail system are referred to collectively as "the computer systems."

These computer systems are business and educational tools. As such, they are being made available to employees of the district for district-related educational and business purposes. All users of the computer systems must restrict themselves to appropriate district-related educational and business purposes. Incidental personal use of the computer systems may be permitted solely for the purpose of e-mail transmissions and access to the Internet on a limited, occasional basis. Such incidental personal use of the computer systems is subject to all rules, including monitoring of all such use, set out in these regulations. Moreover, any such incidental personal use shall not interfere in any manner with work responsibilities.

These computer systems are expensive to install, own, and maintain. Unfortunately, these computer systems can be misused in a variety of ways, some of which are innocent and others deliberate. Therefore, in order to maximize the benefits of these technologies to the district, our employees, and all of our students, this regulation shall govern *all* use of these computer systems.

Monitoring

It is important for all users of these computer systems to understand that the Board of Education, as the owner of the computer systems, reserves the right to monitor the use of the computer systems to ensure that they are being used in accordance with these regulations. The Board of Education intends to monitor in a limited fashion, but will do so as needed to ensure that the systems are being used appropriately for district-related educational and business purposes and to maximize utilization of the systems for such business and educational purposes. The Superintendent reserves the right to eliminate personal use of the district's computer systems by any or all employees at any time.

Why Monitor?

The computer systems are expensive for the Board to install, operate and maintain. For that reason alone it is necessary to prevent misuse of the computer systems. However, there are other equally important reasons why the Board intends to monitor the use of these computer systems, reasons that support its efforts to maintain a comfortable and pleasant work environment for all employees.

These computer systems can be used for improper, and even illegal, purposes. Experience by other operators of such computer systems has shown that they can be used for such wrongful purposes as sexual harassment, intimidation of co-workers, threatening of co-workers, breaches of confidentiality, copyright infringement and the like.

Monitoring will also allow the Board to continually reassess the utility of the computer systems, and whenever appropriate, make such changes to the computer systems as it deems fit. Thus, the Board monitoring should serve to increase the value of the system to the district on an ongoing basis.

Privacy Issues

Employees must understand that the Board has reserved the right to conduct monitoring of these computer systems 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 computer systems, including any incidental personal use permitted in accordance with these regulations.

Prohibited Uses

Inappropriate use of district computer systems is expressly prohibited, including, but not limited to, the following:

- ◆ Sending any form of solicitation not directly related to the business of the Board of Education;
- ◆ Sending any form of slanderous, harassing, threatening, or intimidating message, at any time, to any person (such communications *may* also be a *crime*);
- ◆ Gaining or seeking to gain unauthorized access to computer systems;
- ◆ Downloading or modifying computer software of the district in violation of the district's licensure agreement(s) and/or without authorization from supervisory personnel;
- ◆ Sending any message that breaches the Board of Education's confidentiality requirements, including the confidentiality rights of students;
- ◆ Sending any copyrighted material over the system;
- ◆ Sending messages for any purpose prohibited by law;
- ◆ Transmission or solicited receipt of inappropriate e-mail communications or accessing inappropriate information on the Internet, including vulgar, lewd or obscene words or pictures;
- ◆ Using computer systems for any purposes, or in any manner, other than those permitted under these regulations.

In addition, if a particular behavior or activity is generally prohibited by law and/or Board of Education policy, use of these computer systems for the purpose of carrying out such activity and/or behavior is also prohibited.

Disciplinary Action

Misuse of these computer systems will not be tolerated and will result in disciplinary action up to and including termination of employment. Because no two situations are identical, the Board reserves the right to determine the appropriate discipline for any particular set of circumstances.

Complaints of Problems or Misuse

Anyone who is aware of problems with, or misuse of these computer systems, or has a question regarding the appropriate use of the computer systems, should report this to his or her supervisor or to the Director of Systems Technology.

Most importantly, the Board urges *any* employee who receives *any* harassing, threatening, intimidating or other improper message through the computer systems to report this immediately. It is the Board's policy that no employee should be required to tolerate such treatment, regardless of the identity of the sender of the message. *Please report these events!*

Implementation

This regulation is effective as of April 8, 2008.

Adopted April 8, 2008

4700 FINGERPRINTING, CRIMINAL HISTORY RECORDS AND EMPLOYMENT REFERENCE CHECKS

Each applicant for a position with the district shall be asked whether he/she has ever been convicted of a crime and whether there are any criminal charges pending against him/her at the time of application. Employees shall not be required to disclose any arrest, criminal charge or conviction that has been erased.

Prior to hiring any person, the district shall make a documented good faith effort to contact previous employers of the person in order to obtain information and recommendations that may be relevant to the person's fitness for employment.

A. Criminal Records Check Procedure

Each person hired by the district shall be required to submit to state and national criminal record checks within thirty (30) days from the date of employment. Each worker placed within a school under a public assistance employment program, or employed by a provider of supplemental services pursuant to the No Child Left Behind Act, who performs a service involving direct student contact shall also be required to submit to state and national criminal record checks within thirty (30) days from the date such worker begins to perform such service. Record checks will be processed according to the following procedure:

- 1) No later than ten (10) calendar days after the Superintendent or his/her designee has notified a job applicant of a decision to hire the applicant, or as soon thereafter as practicable, the Superintendent will supply the applicant with a packet containing all documents and materials necessary for the applicant to be fingerprinted. This packet shall also contain all documents and materials necessary for the police department to submit the completed fingerprints to the State Police Bureau of Identification for the processing of state and national criminal record checks.
- 2) No later than ten (10) calendar days after the Superintendent has provided the successful job applicant with the fingerprinting packet, the applicant must arrange to be fingerprinted. Failure of the applicant to have his/her fingerprints taken within such ten-day period, without good cause, will be grounds for the withdrawal of the offer of employment.
- 3) Any person for whom criminal records checks are required to be

performed pursuant to this policy must pay all fees and costs associated with the fingerprinting process and/or the submission or processing of the requests for criminal record checks.

- 4) Upon receipt of a criminal record check indicating a previously undisclosed conviction, the Superintendent or his/her designee will notify the affected applicant/employee in writing of the results of the record check and will provide an opportunity for the affected applicant/employee to respond to the results of the criminal record check.
- 5) Decisions regarding the effect of a conviction upon an applicant/employee, whether disclosed or undisclosed by the applicant/employee, will be made on a case-by-case basis. Notwithstanding the foregoing, the falsification or omission of any information on a job application or in a job interview, including but not limited to information concerning criminal convictions or pending criminal charges, shall be grounds for disqualification from consideration for employment or discharge from employment.

B. Notice of Conviction

If, at any time, the Board of Education receives notice of a conviction of a crime by 1) a person holding a certificate, authorization or permit issued by the State Board of Education, or 2) a person employed by a provider of supplemental services, the Board shall send such notice to the State Board of Education.

C. School Nurses

School nurses or nurse practitioners appointed by, or under contract with, the Board of Education shall also be required to submit to a criminal history records check in accordance with the procedures outlined above.

D. Substitute Teachers

A substitute teacher who is hired by the district must submit to state and national criminal history record checks according to the procedures outlined above, subject to the following:

- 1) If the state and national criminal history record checks for a substitute teacher have been completed within one year prior to the date the district hired the substitute teacher, and if the substitute teacher arranged for such prior criminal history record checks to be forwarded

to the Superintendent, then the substitute teacher will not be required to submit to another criminal history record check at the time of such hire.

- 2) If a substitute teacher submitted to state and national criminal history record checks upon being hired by the district, then the substitute teacher will not be required to submit to another criminal history record check so long as the substitute teacher is continuously employed by the district, that is, employed for at least one day of each school year, by the district.

E. Policy Inapplicable to Operators of School Transportation Vehicles and Students Employed by the School District

- 1) This policy shall not apply to an operator of a school transportation vehicle who is already required to submit to a criminal history records check pursuant to Connecticut General Statutes § 14-44 (d).
- 2) This policy shall also not apply to a student employed by the local or regional school district in which the student attends school.

Legal References:

Conn. Gen. Stat. § 10-221d.

Criminal history records checks of school personnel. Fingerprinting. Termination or dismissal.

Adopted April 8, 2008

4800 PROHIBITION ON RECOMMENDATIONS FOR PSYCHOTROPIC DRUGS

In accordance with Conn. Gen. Stat. § 10-212b, the Board of Education prohibits school personnel from recommending the use of psychotropic drugs for any child. Moreover, personnel may not require that a child obtain a prescription for a controlled substance (as defined in the Controlled Substances Act, 21 USC 801 et seq.) in order for the child to: 1) attend school; 2) receive an initial evaluation or reevaluation to determine a child's eligibility for special education; or 3) receive special education and related services. Notwithstanding the foregoing, school health or mental health personnel may recommend that a child be evaluated by an appropriate medical practitioner and school personnel may consult with such practitioner with the consent of the parents or guardian of such child, in accordance with the procedures outlined below.

I. Definitions

For purposes of this policy, the following definitions apply:

- A. Psychotropic drugs means prescription medications for behavioral or social-emotional concerns, such as attention deficits, impulsivity, anxiety, depression and thought disorders, and includes, but is not limited to, stimulant medication and antidepressants.
- B. Recommend means to directly or indirectly suggest that a child should use psychotropic drugs.
- C. School health or mental health personnel means:
 - 1. school nurses or nurse practitioners appointed pursuant to Conn. Gen. Stat. § 10-212;
 - 2. school medical advisors appointed pursuant to Conn. Gen. Stat. § 10-205;
 - 3. school psychologists;
 - 4. school social workers;
 - 5. school counselors;
 - 6. school administrators;
 - 7. other school personnel (such as a teacher designated as a child's Case Manager) who have been identified by a Planning and Placement Team, Section 504 team, Student Assistance Team or similar group of district professionals as the person responsible for communication with a parent or guardian about a child's need for medical evaluation;
 - 8. a school professional staff member designated by the Superintendent to communicate with a child's parent or guardian about a child's need for medical evaluation.

II. Procedures

- A. A school health or mental health personnel, as defined above, may communicate with other school personnel about a child who may require a recommendation for a medical evaluation, provided that 1) there is a legitimate educational interest in sharing such information; and 2) such communication shall remain confidential, to the extent required by law.

- B. A school health or mental health personnel, as defined above, may communicate a recommendation to a parent or guardian that a child be evaluated by a medical practitioner provided that 1) based on such person's professional experience, objective factors indicate that a medical evaluation may be necessary to address concerns relating to the child's education and overall mental health; and 2) any communication includes the basis for the recommendation.
- C. If a parent or guardian determines that it is necessary to share medical information, including results of any medical evaluation, with school personnel, he or she may do so at any time. School personnel who receive such information directly from a parent must maintain the confidentiality of such information, to the extent required by law.
- D. Any school personnel with a legitimate educational interest in obtaining information from a child's medical practitioner outside the school who is not a school employee must obtain prior, written consent from the child's parent or guardian to communicate with such outside medical practitioners. Any school health or mental health personnel, as defined above, may request written consent from the parent or guardian. To be valid, the written consent must: 1) be signed by the child's parent or guardian; 2) be dated; 3) provide the child's name; 4) provide the name of the medical practitioner and relevant contact information, to the extent known; and 5) indicate the scope of the consent.

Nothing in this policy shall be construed to prevent school personnel from consulting with a medical practitioner who has information concerning a child, as long as the school district has obtained consent from the parent(s) or guardian(s) of the child, in accordance with the Section II.D., above. Nothing in this policy shall prevent a planning and placement team from recommending a medical evaluation as part of an initial evaluation or reevaluation, as needed to determine a child's (i) eligibility for special education and related services, or (ii) educational needs for an individualized education program.

Legal References:

Conn. Gen. Stat. § 10-212b

Public Act 06-18, An Act Concerning Special Education

34 C.F.R. § 300.174 Prohibition on mandatory medication.

Adopted April 8, 2008

4900 REPORTS OF SUSPECTED ABUSE OR NEGLECT OF CHILDREN

Conn. Gen. Stat. Section 17a-101 et seq. requires certain educational personnel (school teachers, school administrators, school guidance counselors, school coaches and paraprofessionals) as well as registered and licensed practical nurses, psychologists, social workers, mental health professionals, and certain professional counselors who have reasonable cause to suspect or believe that a child has been abused or neglected to report such abuse and/or neglect. In furtherance of this statute and its purpose, it is the policy of the Board of Education to require ALL EMPLOYEES of the Board of Education to report suspected abuse and/or neglect, in accordance with the procedures set forth below.

1. Scope of Policy

This policy applies not only to employees who are required by law to report suspected child abuse and/or neglect, but to ALL EMPLOYEES of the Board of Education.

2. Definitions

For the purposes of this policy:

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

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

"Statutory mandated reporter" means an individual required by Conn. Gen. Stat. Section 17a-101 to report suspected abuse and/or neglect of children. In the public school context, the term "statutory mandated reporter" includes teachers, school administrators, school guidance counselors, school coaches, paraprofessionals, registered and licensed practical nurses, psychologists, social workers, mental health professionals, certified alcohol and drug counselors and any other licensed professional counselor.

3. What Must Be Reported

A report must be made when any employee of the Board of Education in the ordinary course of such person's employment or profession has reasonable cause to suspect or believe that a child under the age of eighteen:

- a) has been abused or neglected;
- b) has had non-accidental physical injury, or injury which is at variance with the history given for such injury, inflicted upon him/her; or
- c) is placed at imminent risk of serious harm.

4. Reporting Procedures for Statutory Mandated Reporters

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

When an employee of the Board of Education who is a statutory mandated reporter and who, in the ordinary course of the person's employment, has reasonable cause to suspect or believe that a child has been abused or neglected or placed at imminent risk of serious harm, the following steps shall be taken.

- (1) The employee shall make an oral report as soon as practicable, but not later than twelve hours after having reasonable cause to suspect or believe that a child has been abused or neglected or placed at imminent risk of serious harm. Such oral report shall be made by telephone or in person to the Commissioner of Children and Families or the local law enforcement agency.
- (2) The employee shall also make an oral report as soon as practicable to the Superintendent or the Superintendent's designee.
- (3) In cases involving suspected or believed abuse or neglect by a school employee, the Superintendent or his/her designee shall immediately notify the child's parent or guardian that such a report has been made.
- (4) Within 48 hours of making an oral report the employee shall submit a written report to the Commissioner of Children and Families or his/her representative containing all of the required information.

- (5) The employee shall immediately submit a copy of the written report to the Superintendent or the Superintendent's designee.
- (6) If the report concerns suspected abuse or neglect by a school employee holding a certificate, authorization or permit issued by the State Department of Education, the Superintendent shall submit a copy of the written report to the Commissioner of Education or his/her representative.

5. Reporting Procedures for Employees Other Than Statutory Mandated Reporters

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

- a) When an employee who is not a statutory mandated reporter and who, in the ordinary course of the person's employment or profession, has reasonable cause to suspect or believe that a child has been abused or neglected or placed at imminent risk of serious harm, the following steps shall be taken.
 - (1) The employee shall make an oral report as soon as practicable, but not later than twelve hours after the employee has reasonable cause to suspect or believe that a child has been abused or neglected or placed at imminent risk of serious harm. Such oral report shall be made by telephone or in person to the Superintendent of Schools or his/her designee, to be followed by an immediate written report to the Superintendent or his/her designee.
 - (2) If the Superintendent or his/her designee determines that there is reasonable cause to suspect or believe that a child has been abused or neglected or placed at imminent risk of serious harm, he/she shall cause reports to be made in accordance with the procedures set forth for statutory mandated reporters, set forth above.
- b) Nothing in this policy shall be construed to preclude an employee reporting suspected child abuse and/or neglect from reporting the same directly to the Commissioner of Children and Families.

6. Contents of Reports

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

- a) The names and addresses of the child and his/her parents or other person responsible for his/her care;
- b) the age of the child;
- c) the gender of the child;
- d) the nature and extent of the child's injury or injuries, maltreatment or neglect;
- e) the approximate date and time the injury or injuries, maltreatment or neglect occurred;
- f) information concerning any previous injury or injuries to, or maltreatment or neglect of the child or his/her siblings;
- g) the circumstances in which the injury or injuries, maltreatment or neglect came to be known to the reporter;
- h) the name of the person or persons suspected to be responsible for causing such injury or injuries, maltreatment or neglect; and
- i) whatever action, if any, was taken to treat, provide shelter or otherwise assist the child.

7. Investigation of the Report

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

interfere with its investigation.

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

a) Evidence of Abuse by a School Employee Holding a Certificate, Authorization or Permit Issued by the State Department of Education

If, upon completion of the investigation by the Commissioner of Children and Families (“Commissioner”), the Superintendent has received a report from the Commissioner that he or she has reasonable cause to believe that a child has been abused by a school employee who holds a certificate, permit, or authorization issued by the State Department of Education, and that the Commissioner has recommended that such employee be placed on the child abuse and neglect registry, the Superintendent shall make a written request to the Commissioner that he or she provide all records, whether or not created by DCF, concerning such investigation to the Superintendent. In addition, the Superintendent shall suspend the employee, if not previously suspended, with pay and without diminution or termination of benefits.

Within seventy-two (72) hours after such suspension the Superintendent shall notify the Board of Education and the Commissioner of Education, or his or her representative, of the reasons for and the conditions of the suspension. The Superintendent shall disclose records received from DCF to the Commissioner of Education and the Board of Education or its attorney for purposes of review of employment status or the status of such employee's certificate, permit or authorization. For certified personnel, such suspension shall remain in effect until the Board of Education acts pursuant to the provisions of Conn. Gen. Stat. Section 10-151.

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

issued by the State Department of Education.

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

b) Evidence of Abuse by Other School Staff

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

8. Delegation of Authority by Superintendent

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

9. Disciplinary Action for Failure to Follow Policy

Except as provided in Section 10 below, any employee who fails to comply with the requirements of this policy shall be subject to discipline, up to and including termination of employment.

10. Non-discrimination Policy

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

Legal References:

Connecticut General Statutes:

Section 10-151

Section 17a-101 et seq.

Section 17a-103

Adopted April 8, 2008

4900.1 REPORTS OF SUSPECTED ABUSE OR NEGLECT OF MENTALLY RETARDED ADULTS

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

1. Scope of Policy

This policy applies not only to employees who are required by law to report suspected abuse and/or neglect of mentally retarded adults, but also to ALL EMPLOYEES of the Board of Education.

2. Definitions

For the purposes of this policy:

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

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

"Statutory Mandated Reporter" means an individual required by Conn. Gen. Stat. Section 46a-11b to report suspected abuse and/or neglect of mentally retarded adults. In the public school context, the term "statutory mandated reporter" includes teachers, school administrators, school guidance counselors, paraprofessionals, registered or licensed practical nurses, psychologists, social workers, licensed or certified substance abuse counselors, mental health professionals, physical therapists, occupational therapists, dental hygienists, speech pathologists and licensed professional counselors.

3. Reporting Procedures for Statutory Mandated Reporters

If a statutory mandated reporter has reasonable cause to suspect that any mentally retarded person between eighteen (18) and sixty (60) years of age has been abused or neglected, he/she shall, as soon as practicable, but not later than seventy-two (72) hours after having reasonable cause to suspect abuse or neglect, make an oral report to the Director of the Office of Protection and Advocacy for Persons with Disabilities. The statutory mandated reporter shall also immediately notify the Superintendent.

Such initial oral report shall be followed by a written report to the Director of the Office of Protection and Advocacy for Persons with Disabilities not later than five calendar days after the initial oral report was made, and a copy of any written report shall be given to the Superintendent.

4. Reporting Procedures for Non-Statutory Mandated Reporters

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

- a) If an employee who is not a statutory mandated reporter has reasonable cause to suspect that any mentally retarded person between eighteen (18) and sixty (60) years of age has been abused or neglected, the following steps shall be taken.
 - (1) The employee shall as soon as practicable, but not later than seventy-two (72) hours after having reasonable cause to suspect abuse or neglect, make an oral report by telephone or in person to the Superintendent of Schools or his/her designee, to be followed by an immediate written report to the Superintendent or his/her designee.
 - (2) If the Superintendent or his/her designee determines that there is reasonable cause to suspect or believe that a mentally retarded person between eighteen (18) and sixty (60) years has been abused or neglected, he/she shall cause reports to be made in accordance with the procedures set forth for statutory mandated reporters, set forth above.
- b) Nothing in this policy shall be construed to preclude an employee from reporting suspected abuse and/or neglect of mentally retarded adults directly to the Office of Protection and Advocacy for Persons with Disabilities.

5. Contents of Report

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

- a) the name and address of the allegedly abused or neglected person;
- b) a statement from the reporter indicating a belief that the person is mentally retarded, together with information indicating that the person is unable to protect himself or herself from abuse or neglect;
- c) information concerning the nature and extent of the abuse or neglect; and,
- d) any additional information which the reporter believes would be helpful in investigating the report or in protecting the mentally retarded person.

6. Investigation of the Report

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

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

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

7. Delegation of Authority by Superintendent

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

8. Disciplinary Action for Failure to Follow Policy

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

9. Non-discrimination Policy

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

Legal References:

Connecticut General Statutes:

Section 46a-11a

Section 46a-11b et seq.

Adopted April 8, 2008