

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

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

4100 PERSONNEL ORGANIZATION

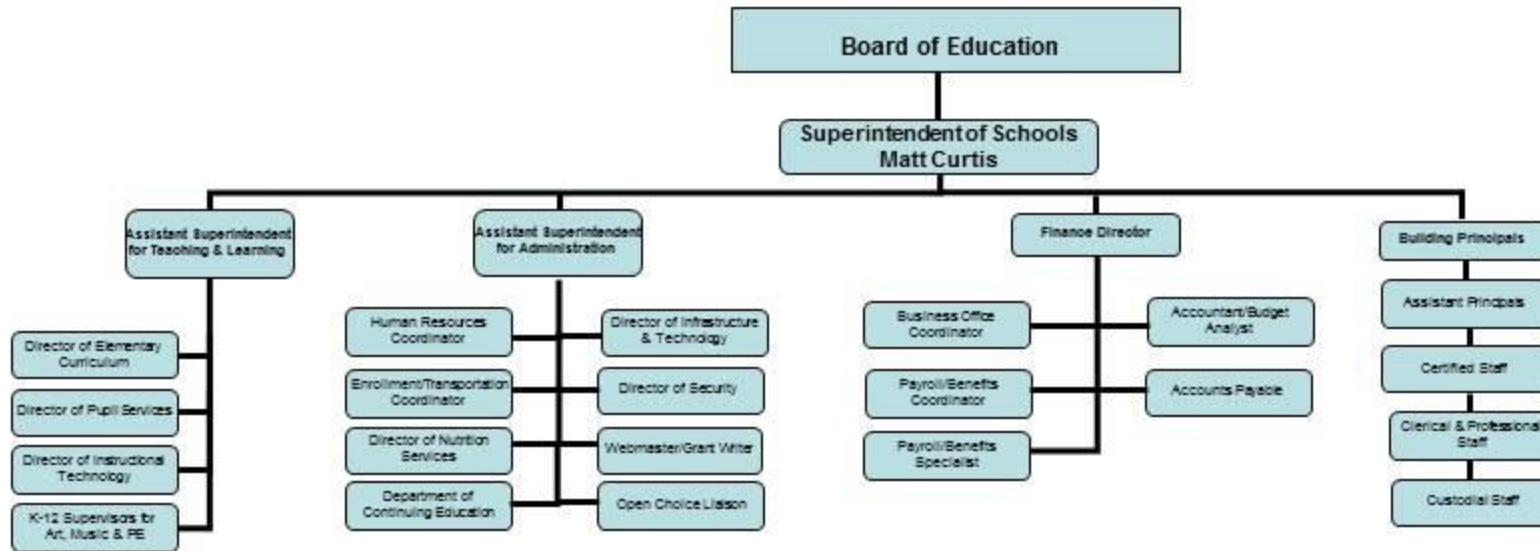
All positions authorized by the Board of Education shall be identified in an organizational chart prepared by the Superintendent. A manual of job descriptions shall be prepared to identify the specific functions of all positions. Such manual will be available for inspection and located at the Central 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 March 23, 2021

Simsbury Public Schools

January 2021



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 for Teaching & Learning/Assistant Superintendent for Administration/ Business Manager

- A. An initial contract, specifying salary and other conditions of employment, shall be issued to the Assistant Superintendent for Teaching & Learning of Schools, the Assistant Superintendent for Administration, and the Business Manager.
- B. A continuing contract shall be issued to the Assistant Superintendent for Teaching & Learning, the Assistant Superintendent for Administration, and the Business Manager following three years of successful employment.
- C. A written salary agreement shall be issued annually to the Assistant Superintendent for Teaching & Learning, the Assistant Superintendent for Administration, 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 Assistant Superintendent for Administration (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
4201.4
HIRING NON-CERTIFIED COACHES

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- 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 Assistant Superintendent for Administration 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, pregnancy or genetic information, except in the case of a bona fide occupational qualification.

It is the policy of the Board of Education that any form of discrimination or harassment on the basis of race, religion, color, national origin, sex, sexual orientation, marital status, age, disability, pregnancy, genetic information, gender identity or expression, or any other basis prohibited by state or federal law is prohibited, whether by students, Board employees or third parties subject to the control of the Board. The Board's prohibition of discrimination or harassment in its educational programs or activities expressly extends to academic, nonacademic and extracurricular activities, including athletics. It is also the policy of the 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, sexual orientation, marital status, national origin, disability (including pregnancy), or gender identity or expression.

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. “Genetic information” may also include an individual’s family medical history, the results of an individual’s or family member’s genetic tests, the fact that an individual or an individual’s family member sought or received genetic services, and genetic information of a fetus carried by an individual or an individual’s family member or an embryo lawfully held by an individual or family member receiving assistive reproductive services.

For the purposes of this policy, "gender identity or expression" means a person's gender-related identity, appearance or behavior, whether or not that gender-related identity, appearance or behavior is different from that traditionally associated with the person's physiology or assigned sex at birth, which gender-related identity can be shown by providing evidence including, but not limited to, medical history, care or treatment of the gender-related identity, consistent and uniform assertion of the gender-related identity or any other evidence that the gender-related identity is sincerely held, part of a person's core identity or not being asserted for an improper purpose.

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

Title II of the Genetic Information Nondiscrimination Act of 2008, Pub.L.110 233, 42 USC 2000ff; 34 CFR 1635

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

Connecticut General Statutes § 46a-81c Sexual orientation discrimination: Employment

Public Act 11-55, An Act Concerning Discrimination.

Revised June 14, 2016

ADMINISTRATIVE REGULATION DISCRIMINATION COMPLAINTS

It is the policy of the Simsbury Board of Education that any form of discrimination or harassment on the basis of protected characteristics such as race, color, religion, age, sex, sexual orientation, marital status, national origin, disability (including pregnancy), or gender identity or expression is forbidden, whether by students, Board employees or third parties subject to the control of the Board. Students, Board employees and third parties are expected to adhere to a standard of conduct that is respectful of the rights of students.

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 (including pregnancy), genetic information or gender identify or expression. 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 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/Americans with Disabilities 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 the complaint procedure, the complainant has the right to file formal complaints regarding such matters with

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

If a complaint is filed with the Office for 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).

Revised June 14, 2016

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DISCRIMINATION COMPLAINT FORM
(For Complaints Based on Race, Color, Religion, Age, Sex, Marital Status,
Sexual Orientation, National Origin, Ancestry, Disability (including Pregnancy) or
Genetic Information, or Gender Identity or Expression)

Name of the complainant _____

Date of the complaint _____

Date of the alleged discrimination/harassment _____

Name of 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 Assistant Superintendent for Administration. Contact information for the Title IX Coordinators is posted in each school and available in the Department of Human Resources. The Assistant Superintendent for Administration, 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 Simsbury Board of Education (the "Board") for the Simsbury Public Schools that any form of sex discrimination or sexual harassment is prohibited in the Board's education programs and activities, whether by students, Board employees or third parties subject to substantial control by the Board. It is

the policy of the Board 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.

The Board does not discriminate on the basis of sex in the education programs or activities that it operates and the Board is required by Title IX of the Education Amendments of 1972 and its implementing regulations ("Title IX"), Title VII of the Civil Rights Act of 1964 ("Title VII"), and Connecticut law not to discriminate in such a manner. Students, Board employees and third parties are required to adhere to a standard of conduct that is respectful of the rights of all parties. Any employee or student who engages in conduct prohibited by this policy shall be subject to disciplinary action, up to and including termination or expulsion, respectively. Third parties who engage in conduct prohibited by this policy shall be subject to other sanctions, which may include exclusion from Board property and/or activities. Individuals who engage in acts of sex discrimination or sexual harassment may also be subject to civil and criminal penalties.

For conduct to violate Title IX, the conduct must have occurred in an education program or activity of the Board; the conduct must have occurred within the United States of America; and the complainant must be participating in or attempting to participate in the education program or activity of the Board. Conduct that does not meet these requirements still may constitute a violation of Title VII, Connecticut law, and/or another Board policy.

The Superintendent of Schools shall develop Administrative Regulations implementing this policy and in accordance with Title IX, Title VII, and Connecticut law (the "Administrative Regulations").

Sex Discrimination

Sex discrimination occurs 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 also occurs when a person, because of the person's sex, is denied participation in or the benefits of any education program or activity receiving federal financial assistance.

Sexual Harassment Under Title IX

Sexual harassment under Title IX means conduct on the basis of sex that satisfies one or more of the following:

- (1) An employee of the Board conditioning the provision of an aid, benefit, or service of the Board on an individual's participation in unwelcome sexual conduct (*i.e.*, *quid pro quo*);

(2) Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the Board's education programs or activities; or

(3) "Sexual assault" as defined in 20 U.S.C. 1092(f)(6)(A)(v), "dating violence" as defined in 34 U.S.C. 12291(a)(10), "domestic violence" as defined in 34 U.S.C. 12291(a)(8), or "stalking" as defined in 34 U.S.C. 12291(a)(30).

Sexual harassment under Title VII and Connecticut Law

Sexual harassment under Title VII and Connecticut law means 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 working environment.

Reporting Sex Discrimination or Sexual Harassment

It is the express policy of the Board to encourage victims of sex discrimination and/or sexual harassment to report such claims. Employees are encouraged to report complaints of sex discrimination and/or sexual harassment promptly in accordance with the appropriate process set forth in the Administrative Regulations. The Board directs its employees to respond to such complaints in a prompt and equitable manner.

Violations of this policy by employees 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. Retaliation against any employee for complaining about sex discrimination or sexual harassment is prohibited under this policy and illegal under state and federal law.

Any Board employee with notice of sex discrimination and/or sexual harassment allegations shall immediately report such information to the building principal and/or the Title IX Coordinator, or if the employee does not work in a school building, to the Title IX Coordinator.

The Simsbury Public Schools Administration (the "Administration") shall provide training to Title IX Coordinator(s), investigators, decision-makers, and any person

who facilitates an informal resolution process (as set forth in the Administrative Regulations), which training shall include, but need not be limited to, the definition of sex discrimination and sexual harassment, the scope of the Board's education program and activity, how to conduct an investigation and implement the grievance process, and how to serve impartially, including by avoiding prejudice of the facts at issue, conflicts of interest, and bias. The Administration shall make the training materials used to provide these trainings publicly available on the Board's website. The Administration shall also periodically provide training to all Board employees on the topic of sex discrimination and sexual harassment under Title IX, Title VII, and Connecticut law, which shall include but not be limited to when reports of sex discrimination and/or sexual harassment must be made. The Administration shall distribute this Policy and the Administrative Regulations to employees, union representatives, students, parents and legal guardians and make the Policy and the Administrative Regulations available on the Board's website to promote an environment free of sex discrimination and sexual harassment.

The Board's Title IX Coordinator is the Assistant Superintendent for Administration. Any individual may make a report of sex discrimination and/or sexual harassment directly to the Title IX Coordinator using any one, or multiple, of the following points of contact:

Neil Sullivan
Assistant Superintendent for Administration
Simsbury Public Schools
933 Hopmeadow Street
Simsbury, CT 06060
nsullivan@simsburyschools.net
860-651-3361

Any individual may also make a report of sexual harassment and/or sex discrimination to the U.S. Department of Education: Office for Civil Rights, Boston Office, U.S. Department of Education, 8th Floor, 5 Post Office Square, Boston, MA 02109-3921 (Telephone: 617-289-0111).

Employees may also make a report of sexual harassment and/or sex discrimination to the Connecticut Commission on Human Rights and Opportunities, 450 Columbus Boulevard, Hartford, CT 06103-1835 (Telephone: 860-514-3400).

Legal References:

Civil Rights Act of 1964, Title VII, 42 U.S.C. § 2000e-2(a).
Equal Employment Opportunity Commission Policy
Guidance on Current Issues of Sexual Harassment (N-

915.050), March 19, 1990.
Title IX of the Education Amendments of 1972, 20 U.S.C. §
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)
Conn. Gen. Stat. § 46a-54 - Commission powers
Connecticut
Conn. Gen. Stat. § 46a-60 - Discriminatory employment
practices prohibited.
Conn. Gen. Stat. § 46a-81c - **Sexual orientation
discrimination: Employment**
Conn. Gen. Stat. § 10-153 - Discrimination on the basis of
sex, gender identity or expression or marital status
prohibited
Conn. Agencies Regs. §§ 46a-54-200 through § 46a-54-207

Revised March 23, 2021

ADMINISTRATIVE REGULATIONS REGARDING THE PROHIBITION OF SEX DISCRIMINATION AND SEXUAL HARASSMENT

It is the policy of the Simsbury Board of Education (the "Board") for the Simsbury Public Schools that any form of sex discrimination or sexual harassment is prohibited in the Board's education programs and activities, whether by students, Board employees or third parties subject to substantial control by the Board. Students, district employees and third parties are expected to adhere to a standard of conduct that is respectful of the rights of students, district employees, and third parties. It is the policy of the Board 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 that 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.

Any employee or student who engages in conduct prohibited by the Board's policy regarding the Prohibition of Sex Discrimination and Sexual Harassment (Personnel) shall be subject to disciplinary action. Any third party who engages in conduct prohibited by the Board's policy regarding the Prohibition of Sex Discrimination and Sexual Harassment shall be subject to remedial measures, which may include exclusion from school property.

Sex Discrimination

Sex discrimination occurs when a person, because of the person's sex, is denied participation in or the benefits of any education program or activity receiving federal financial assistance.

Sexual Harassment Under Title IX

Sexual harassment under Title IX means conduct on the basis of sex that satisfies one or more of the following:

- (1) An employee of the Board conditioning the provision of an aid, benefit, or service of the Board on an individual's participation in unwelcome sexual conduct (i.e., *quid pro quo*);
- (2) Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the District's education programs or activities; or
- (3) "Sexual assault" as defined in 20 U.S.C. 1092(f)(6)(A)(v), "dating violence" as

defined in 34 U.S.C. 12291(a)(10), “domestic violence” as defined in 34 U.S.C. 12291(a)(8), or “stalking” as defined in 34 U.S.C. 12291(a)(30). These definitions can be found in Appendix A of these Administrative Regulations.

Sexual Harassment Under Title VII and Connecticut Law

Sexual harassment under Title VII and Connecticut law means 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 working environment.

Although not an exhaustive list, the following are other examples of conduct prohibited by the Board's policy regarding the Prohibition of Sex Discrimination and 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;
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;
5. Circulating, showing, or exchanging emails, text messages, digital images or websites of a sexual nature;
6. Using computer systems, including email, instant messaging, text messaging, blogging or the use of social networking websites, or other forms of electronic communications, to engage in any conduct prohibited by the Board's policy regarding the Prohibition of Sex Discrimination and Sexual Harassment.

NOTICE OF THE TITLE IX COORDINATOR

The District's Title IX Coordinator is the Assistant Superintendent for Administration. Any individual may make a report of sex discrimination and/or sexual harassment directly to the Title IX Coordinator using any one, or multiple, of the following points of contact:

Neil Sullivan
Assistant Superintendent for Administration
Simsbury Public Schools
933 Hopmeadow Street
Simsbury, CT 06060
nsullivan@simsburyschools.net
860-651-3361

The Title IX Coordinator manages the district's compliance with Title IX, Title VII and Connecticut law with respect to sexual harassment and/or sex discrimination and is an available resource to anyone seeking information or wishing to file a formal complaint of same. When a student, district employee, or other participant in the district's programs and activities feels that such person has been subjected to discrimination on the basis of sex in any district program or activity, including without limitation being subjected to sexual harassment, such person may contact the Title IX Coordinator or utilize the Title IX, Title VII and Connecticut law grievance systems set forth herein to bring concerns forward for the purpose of obtaining a prompt and equitable resolution.

EXPLANATION OF COMPLAINT PROCESS AND PROCEDURE

The federal regulations implementing Title IX require the adoption and publication of two separate grievance systems: a grievance process for complaints of sex discrimination involving allegations of sexual harassment and grievance procedures for complaints of sex discrimination that are not sexual harassment. Accordingly, the Administration will process any complaints of sex discrimination involving allegations of sexual harassment, as defined above, pursuant to the grievance process set forth in Section I of these regulations. The Administration will process any complaints of sex discrimination that are not sexual harassment pursuant to the grievance procedures set forth in Section II of these regulations.

The district will keep confidential the identity of any individual who has made a report or complaint of sex discrimination, including any individual who has made a report or filed a formal complaint of sexual harassment, any complainant, any individual who has been reported to be the perpetrator of sex discrimination, any respondent, and any witness, except as may be permitted by the Family Educational Rights and Privacy Act (FERPA), or as required by law, or to carry out the purposes of these Administrative Regulations, including the conduct of any investigation, hearing, or judicial proceeding arising from these Administrative Regulations.

The obligation to comply with Title IX is not obviated or alleviated by the FERPA.

SECTION I. GRIEVANCE PROCESS FOR COMPLAINTS OF SEXUAL HARASSMENT

A. Definitions

- Bias occurs when it is proven that the Title IX Coordinator, investigator(s), and/or decision-maker(s) demonstrate actual bias, rather than the appearance of bias. Actual bias includes, but is not limited to, demonstrated personal animus against the respondent or the complainant and/or prejudgment of the facts at issue in the investigation.
- Complainant means an individual who is alleged to be the victim of conduct that could constitute sexual harassment.
- A conflict of interest occurs when it is proven that the Title IX Coordinator, investigator(s), and/or decision-maker(s) have personal, financial and/or familial interests that affected the outcome of the investigation.
- For purposes of investigations and complaints of sexual harassment, education program or activity includes locations, events, or circumstances over which the Board exercises substantial control over both the respondent and the context in which the sexual harassment occurs.
- Employee means (A) a teacher, substitute teacher, school administrator, school superintendent, guidance counselor, school counselor, psychologist, social worker, nurse, physician, school paraprofessional or coach employed by the Board or working in a public elementary, middle or high school; or (B) any other individual who, in the performance of his or her duties, has regular contact with students and who provides services to or on behalf of students enrolled in a public elementary, middle or high school, pursuant to a contract with the Board.
- Formal complaint means a document filed by a complainant or signed by the Title IX Coordinator alleging sexual harassment against a respondent and requesting that the Administration investigate the allegation of sexual harassment. A “document filed by a complainant” means a document or electronic submission that contains the complainant’s physical or digital signature, or otherwise indicates that the complainant is the person filing the formal complaint.
- Respondent means an individual who has been alleged to be the perpetrator of conduct that could constitute sexual harassment.
- Supportive measures means non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the complainant or the respondent before or after the filing of a formal complaint or where no formal complaint has been filed. Such measures are designed to restore or preserve equal access to the district’s

education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the district's educational environment, or deter sexual harassment. Supportive measures may include counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, mutual restrictions on contact between the parties, increased security and monitoring, and other similar measures.

B. Reporting Sexual Harassment

1. It is the express policy of the Board to encourage victims of sexual harassment to report such claims. Any person may report sexual harassment (whether or not the person reporting is the person alleged to be the victim of conduct that could constitute sexual harassment), in person, by mail, by telephone, or by electronic mail, using the contact information listed for the Title IX Coordinator. If the district receives notice of sexual harassment or alleged sexual harassment against a person in the district's education program or activity, the Title IX Coordinator or designee will promptly contact the complainant to discuss the availability of supportive measures, whether or not the complainant has filed a formal complaint, and will consider the complainant's wishes with respect to such measures. If the complainant has yet to file a formal complaint, the Title IX Coordinator or designee will explain to the complainant the process for doing so.
2. The district will treat complainants and respondents equitably. A respondent is presumed not responsible for the alleged conduct and a determination regarding responsibility will be made at the conclusion of the grievance process if a formal complaint is filed. Nothing in these Administrative Regulations shall preclude the district from placing an employee respondent on administrative leave during the pendency of the grievance process. Further, nothing in these Administrative Regulations shall limit or preclude the district from removing a respondent from the district's education program or activity on an emergency basis, provided that the district undertakes an individualized safety and risk analysis, and determines that an immediate threat to the physical health or safety of any student or other individual arising from the allegations of sexual harassment justifies removal. If a respondent is removed on an emergency basis, the district shall provide the respondent with notice and an opportunity to challenge the decision immediately following the removal.

C. Formal Complaint and Grievance Process

1. A formal complaint may be filed with the Title IX Coordinator in person, by mail, or by electronic mail, by using the contact information listed for

the Title IX Coordinator. At the time of filing a formal complaint, a complainant must be participating in or attempting to participate in the district's education programs or activity. A formal complaint may be signed by the Title IX Coordinator. If the complaint being filed is against the Title IX Coordinator, the formal complaint should be filed with the Superintendent. If the formal complaint being filed is against the Superintendent, the formal complaint should be filed with the Board Chairperson, who will then retain an independent investigator to investigate the matter.

2. The district may consolidate formal complaints as to allegations of sexual harassment against more than one respondent, or by more than one complainant against one or more respondents, or by one party against the other party, where the allegations of sexual harassment arise out of the same facts or circumstances. If possible, formal complaints should be filed within ten (10) school days of the alleged occurrence in order to facilitate the prompt and equitable resolution of such claims. The district will attempt to complete the formal grievance process within ninety (90) school days of receiving a complaint. This timeframe may be temporarily delayed or extended in accordance with Subsection G of this section.
3. Upon receipt of a formal complaint, if the Title IX Coordinator or designee has not already discussed the availability of supportive measures with the complainant, the Title IX Coordinator or designee will promptly contact the complainant to discuss the availability of such measures and consider the complainant's wishes with respect to them. The Title IX Coordinator or designee may also contact the respondent, separately from the complainant, to discuss the availability of supportive measures for the respondent. The district will maintain as confidential any supportive measures provided to the complainant or respondent, to the extent that maintaining such confidentiality would not impair the ability of the district to provide supportive measures.
4. Within ten (10) school days of receiving a formal complaint, the district will provide the known parties with written notice of the allegations potentially constituting sexual harassment and a copy of this grievance process. The written notice must also include the following:
 - i. The identities of the parties involved in the incident, if known;
 - ii. The conduct allegedly constituting sexual harassment as defined above;
 - iii. The date and the location of the alleged incident, if known;
 - iv. A statement that the respondent is presumed not responsible for the alleged conduct and that a determination regarding

responsibility is made at the conclusion of the grievance process;

- v. A statement that the parties may have an advisor of their choice, who may be, but is not required to be, an attorney, and may inspect and review evidence; and
- vi. A statement of any provision in the district's policies that prohibits knowingly making false statements or knowingly submitting false information during the grievance process.

If, in the course of an investigation, the district decides to investigate allegations about the complainant or respondent that are not included in the written notice, the district must provide notice of the additional allegations to the parties whose identities are known.

5. The parties may have an advisor of their choice accompany them during any grievance proceeding at which the party's attendance is required. The district may, in its discretion, establish certain restrictions regarding the extent to which an advisor may participate in the proceedings. If any such restrictions are established, they will be applied equally to all parties.
6. The Title IX Coordinator will, as applicable, promptly commence an investigation of the formal complaint, designate a school administrator to promptly investigate the formal complaint, or dismiss the formal complaint in accordance with Subsection F of this section. The standard of evidence to be used to determine responsibility is the preponderance of the evidence standard (i.e., more likely than not). The burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility rest on the district and not on the parties.
7. The parties will be given an equal opportunity to discuss the allegations under investigation with the investigator(s) and are permitted to gather and present relevant evidence. This opportunity includes presenting witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence. Credibility determinations will not be based on a person's status as a complainant, respondent, or witness. The district will provide to a party whose participation is invited or expected (including a witness) written notice of the date, time, location, participants, and purpose of all hearings (if applicable), investigative interviews, or other meetings, with sufficient time for the party to prepare to participate.
8. Both parties will be given an equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in the formal complaint, including the evidence upon which the district does not intend to rely in reaching a determination regarding responsibility and inculpatory or exculpatory evidence whether

obtained from a party or other source, so that each party can meaningfully respond to the evidence prior to the conclusion of the investigation. Prior to completion of the investigative report, the district will send to each party and the party's advisor, if any, the evidence subject to inspection and review in an electronic format or a hard copy, and the parties will have ten (10) school days to submit a written response, which the investigator(s) will consider prior to completion of the investigative report, as described in paragraph 9 of this section.

9. The investigator(s) will create an investigative report that fairly summarizes relevant evidence. The investigator(s) will send the investigative report, in an electronic format or hard copy, to each party and to each party's advisor for their review and written response at least ten (10) school days prior to the time a determination regarding responsibility is made.
10. The Superintendent will appoint a decision-maker(s), who shall be a district employee or third-party contractor and who shall be someone other than the Title IX Coordinator or investigator(s). If the complaint filed is against the Superintendent, the Board Chair shall appoint the decision-maker, who shall be someone other than the Title IX Coordinator or investigator(s). The investigator(s) and the decision-maker(s) shall not discuss the investigation's facts and/or determination while the complaint is pending. The decision-maker(s) will afford each party the opportunity to submit written, relevant questions that a party wants asked of any party or witness, provide each party with the answers, and allow for additional, limited follow-up questions from each party. Questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence about the complainant's prior sexual behavior are offered to prove that someone other than the respondent committed the conduct alleged by the complainant, or if the questions and evidence concern specific incidents of the complainant's prior sexual behavior with respect to the respondent and are offered to prove consent. The decision-maker(s) will explain to the party proposing the questions any decisions to exclude a question as not relevant.
11. The decision-maker(s) will issue a written determination regarding responsibility. The written determination will include: (1) identification of the allegations potentially constituting sexual harassment; (2) a description of the procedural steps taken from the receipt of the formal complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and hearings held; (3) findings of fact supporting the determination; (4) conclusions regarding the application of the district's code of conduct to the facts; (5) a statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions

the district will impose on the respondent, and whether remedies designed to restore or preserve equal access to the district's education program or activity will be provided by the district to the complainant; and (6) the district's procedures and permissible bases for the complainant and respondent to appeal. If the respondent is found responsible for violating the Board's policy regarding the Prohibition of Sex Discrimination and Sexual Harassment, the written determination shall indicate whether the respondent engaged in sexual harassment as defined by the Board's policy and these Administrative Regulations. The written determination will be provided to both parties simultaneously.

12. Student respondents found responsible for violating the Board's policy regarding the Prohibition of Sex Discrimination and Sexual Harassment may be subject to discipline up to and including expulsion. Employee respondents found responsible for violating the Board's policy regarding the Prohibition of Sex Discrimination and Sexual Harassment may be subject to discipline up to and including termination of employment. Other respondents may be subject to exclusion from the district's programs, activities and/or property. In appropriate circumstances, the district may make a criminal referral. Remedies will be designed to restore or preserve equal access to the district's education programs or activities.

13. After receiving notification of the decision-maker(s)' decision, or after receiving notification that the district dismissed a formal complaint or any allegation therein, both complainant and respondent may avail themselves of the appeal process set forth in Section E of this regulation.

D. Informal Resolution

At any time prior to reaching a determination regarding responsibility, but only after the filing of a formal complaint, the district may suggest to the parties the possibility of facilitating an informal resolution process, such as mediation, to resolve the formal complaint without the need for a full investigation and adjudication. If it is determined that an informal resolution may be appropriate, the Title IX Coordinator or designee will consult with the parties.

Prior to facilitating an informal resolution to a formal complaint, the Title IX Coordinator or designee will provide the parties with written notice disclosing the sexual harassment allegations, the requirements of an informal resolution process, and any consequences from participating in the informal resolution process. Upon receipt of this document, complainants and respondents have five (5) school days to determine whether they consent to participation in the informal resolution. The district must obtain voluntary, written consent to the informal resolution process from both parties.

Prior to agreeing to any resolution, any party has the right to withdraw from the informal resolution process and resume the grievance process with respect to the formal complaint. If a satisfactory resolution is reached through this informal process, the matter will be considered resolved. If these efforts are unsuccessful, the formal grievance process will continue.

Nothing in this section precludes an employee from filing a complaint of retaliation for matters related to an informal resolution, nor does it preclude either party from filing complaints based on conduct that is alleged to occur following the district's facilitation of the informal resolution.

An informal resolution is not permitted to resolve allegations that an employee sexually harassed a student.

E. Appeal Process

After receiving notification of the decision-maker(s)' decision, or after receiving notification that the district dismissed a formal complaint or any allegation therein, both complainant and respondent have five (5) school days to submit a formal letter of appeal to the Title IX Coordinator specifying the grounds upon which the appeal is based.

Appeals will be appropriate only in the following circumstances:

- new evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter;
- procedural irregularity that affected the outcome of the matter;
- the Title IX Coordinator, investigator(s), and/or decision-maker(s) had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that affected the outcome of the matter. A conflict of interest or bias does not exist solely because the Title IX Coordinator, investigators(s), and/or decision-maker(s) previously worked with or disciplined the complainant or respondent.

The district will provide the other party with written notice of such appeal. Both parties will then have an opportunity to submit a written statement in support of, or challenging, the outcome. Such written statement must be submitted ten (10) school days after receiving written notice of the appeal. Upon receipt of an appeal, the Superintendent shall appoint a decision-maker(s) for the appeal, who shall be someone other than the Title IX Coordinator, investigator(s), or initial decision-maker(s). The decision-maker(s) for the appeal, in their discretion, will determine the appropriate procedure for the appeal. After considering the parties' written statements, the decision-maker(s) for the appeal will provide a written decision. If it is found that one of the bases for appeal exists, the decision-maker(s) for the appeal will issue an appropriate remedy.

Supportive measures for either or both parties may be continued throughout the appeal process.

F. Dismissal of a Formal Complaint

The Title IX Coordinator shall dismiss any formal complaint that, under Title IX, 1) would not constitute sexual harassment as defined under Title IX even if proved, 2) did not occur in the district's education program or activity, or 3) did not occur against a person in the United States. Such dismissal does not preclude action under another Board policy.

The district may dismiss a formal complaint or any allegations therein, if at any time during the investigation or hearing a complainant notifies the Title IX Coordinator in writing that 1) the complainant would like to withdraw the formal complaint or any allegations therein; 2) the respondent is no longer enrolled or employed in the district; or 3) specific circumstances prevent the district from gathering evidence sufficient to reach a determination as to the formal complaint or allegations therein.

Upon a dismissal, the district will promptly and simultaneously send written notice of the dismissal and reason(s) therefor to each party. Either party can appeal from the district's dismissal of a formal complaint or any allegations therein using the appeals procedure.

In the event a formal complaint is dismissed prior to the issuance of a decision under Title IX, the Title IX Coordinator shall determine if the allegations of sexual harassment shall proceed through the grievance procedures identified in Section II of these Administrative Regulations for claims of sex discrimination for consideration as to whether the allegations constitute sexual harassment under Title VII or Connecticut law.

A dismissal pursuant to this section does not preclude action by the district under the Student Discipline policy, Code of Conduct for students/or and employees, or any other applicable rule, policy, and/or collective bargaining agreement.

G. Miscellaneous

1. Any timeframe set forth in these Administrative Regulations may be temporarily delayed or extended for good cause. Good cause may include, but is not limited to, considerations such as the absence of a party, a party's advisor, or a witness; concurrent law enforcement activity; concurrent activity by the Department of Children and Families; or the need for language assistance or accommodation of disabilities. If any timeframe is altered on a showing of good cause, written notice will be provided to each party with the reasons for the action.

2. If a sexual harassment complaint raises a concern about discrimination or harassment on the basis of any other legally protected classification (such as race, religion, color, national origin, age, or disability), the Title IX Coordinator or designee shall make a referral to other appropriate personnel within the District (e.g. Section 504 Coordinator, etc.), so as to ensure that any such investigation complies with the requirements of policies regarding nondiscrimination.
3. If the sexual harassment complaint results in reasonable cause to suspect or believe that a child has been abused or neglected, has had a nonaccidental physical injury, or injury which is at variance with the history given of such injury, is placed at imminent risk of serious harm, or that a student has been sexually assaulted by a school employee, then, the person to whom the complaint is given or who receives such information shall report such matters in accordance with the Board's policy on the Reports of Suspected Child Abuse or Neglect of Children.
4. Retaliation against any individual who complains pursuant to the Board's policy regarding the Prohibition of Sex Discrimination and Sexual Harassment and these Administrative Regulations is strictly prohibited. The district will take actions designed to prevent retaliation as a result of filing a complaint. Complaints alleging retaliation may be filed according to the grievance procedures for sex discrimination described herein.
5. The district will maintain for a period of seven (7) years records of:
 - i. Each sexual harassment investigation including any determination regarding responsibility, any disciplinary sanctions imposed on the respondent, and any remedies provided to the complainant designed to restore or preserve equal access to the Board's education program or activity;
 - ii. Any appeal and the result therefrom;
 - iii. Any informal resolution and the result therefrom; and
 - iv. All material used to train Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process. The Board will make these training materials publicly available on its website.

If the district has actual knowledge of sexual harassment in an education program or activity of the Board, and for any report or formal complaint of sexual harassment, the district will create and maintain for a period of seven (7) years, records of any actions, including any supportive measures, taken in response to a report or formal complaint of sexual harassment. The district will document the basis for its conclusion that its response was not deliberately indifferent, and document that it has taken measures

designed to restore or preserve equal access to the Board's education program or activity. If the district does not provide a complainant with supportive measures, then the district will document the reasons why such a response was not clearly unreasonable in light of the known circumstances.

SECTION II. GRIEVANCE PROCEDURES FOR CLAIMS OF SEX DISCRIMINATION (OTHER THAN SEXUAL HARASSMENT UNDER TITLE IX)

A. Definitions

- Complainant means an individual who is alleged to be the victim of conduct that could constitute sex discrimination.
- Respondent means an individual who has been reported to be the perpetrator of conduct that could constitute sex discrimination.

B. Reporting Sex Discrimination Other than Sexual Harassment under Title IX

It is the express policy of the Board to encourage victims of sex discrimination to report such claims. Any person may report sex discrimination (whether or not the person reporting is the person alleged to be the victim of conduct that could constitute sex discrimination), in person, by mail, by telephone, or by electronic mail, using the contact information listed for the Title IX Coordinator. If the district receives notice of sex discrimination or alleged sex discrimination against a person in the district's education program or activity, the Title IX Coordinator or designee will promptly notify the complainant of the grievance process. The district will treat complainants and respondents equitably during the grievance process. Sexual harassment is a form of sex discrimination, and any incident of sexual harassment under Title IX, as defined above, shall be handled pursuant to Section I of these Administrative Regulations. Any allegations of sexual harassment under Title VII or Connecticut law, as defined above, shall be handled pursuant to this Section II of these Administrative Regulations.

C. Grievance Procedures

1. As soon as an employee feels that he or she has been subjected to sex discrimination other than sexual harassment as defined under Title IX (including, without limitation, sexual harassment under Title VII or Connecticut law), he/she should make a written complaint to the Title IX Coordinator or to the building principal, or his/her designee. The employee will be provided a copy of the Board's policy and Administrative Regulations and made aware of his or her rights. Preferably, complaints should be filed

within ten (10) school days of the alleged occurrence. Timely reporting of complaints facilitates the investigation and resolution of such complaints.

2. The complaint should state the:
 - i. Name of the complainant;
 - ii. Date of the complaint;
 - iii. Date(s) of the alleged discrimination;
 - iv. Name(s) of the discriminator(s);
 - v. Location where such discrimination occurred;
 - vi. Names of any witness(es) to the discrimination;
 - vii. Detailed statement of the circumstances constituting the alleged discrimination; and
 - viii. Remedy requested.
3. Any employee who makes an oral complaint of sex discrimination to any of the above-mentioned personnel will be provided a copy of these Administrative Regulations and will be requested to make a written complaint pursuant to the above procedure.
4. All complaints are to be forwarded immediately to the building principal or designee unless that individual is the subject of the complaint, in which case the complaint should be forwarded directly to the Superintendent of Schools or his/her designee. In addition, a copy of any complaint filed under this policy shall be forwarded to the Title IX Coordinator. If the complaint being filed is against the Title IX Coordinator, the complaint should be filed with the Superintendent. If the complaint being filed is against the Superintendent, the complaint should be filed with the Board Chair, who will then retain an independent investigator to investigate the matter.
5. The Title IX Coordinator or designee shall investigate all complaints of sex discrimination against an employee, regardless of whether the conduct occurred on or off-school grounds. Complaints will be investigated promptly within the timeframes identified below. Timeframes may be extended as needed given the complexity of the investigation, availability of individuals with relevant information, and other extenuating circumstances. The investigation shall be conducted discreetly, maintaining confidentiality insofar as possible while still conducting an effective and thorough investigation.
6. Any employee who makes a complaint shall be notified of the district's intent to investigate the complaint. In the event the employee requests confidentiality or that an investigation not be conducted, the district will take reasonable steps to investigate and respond to the complaint to the extent possible, given the request for confidentiality or that the district not investigate the complaint. If the employee insists that his/her information not be shared with the alleged discriminator(s), the employee will be

informed that the district's ability to investigate and/or take corrective action may be limited.

7. Upon receipt of a sex discrimination complaint, the Title IX Coordinator shall either promptly commence an investigation of the complaint, or shall designate a school administrator to promptly investigate the complaint. The Title IX Coordinator or designee shall:
 - i. offer to meet with the complainant and respondent (if applicable) separately within ten (10) school days to discuss the nature of the complaint, identify individuals the complainant and respondent (if applicable) believe have relevant information, and obtain any relevant documents the complainant and respondent may have;
 - ii. provide the complainant and respondent (if applicable) with a copy of the Board's sex discrimination policy and accompanying regulations;
 - iii. consider whether any interim measures may be appropriate to protect the complainant or respondent (if applicable), pending the outcome of the investigation;
 - iv. conduct an investigation that is adequate, reliable, and impartial. Investigate the factual basis of the complaint, including, as applicable, conducting interviews with individuals deemed relevant to the complaint;
 - v. consider whether alleged sex discrimination has created a hostile work environment, including consideration of the effects of off-campus conduct on the school;
 - vi. communicate the outcome of the investigation in writing to the complainant, to the respondent, and to any individual properly identified as a party to the complaint (to the extent permitted by state and federal confidentiality requirements), within ninety (90) school days from the date the complaint was received by the Superintendent's office. The investigator may extend this deadline for no more than fifteen (15) additional school days if needed to complete the investigation. The complainant and respondent (if applicable) shall be notified of such extension. The written notice shall include a finding whether the complaint was substantiated and if so, shall identify, to the extent possible, how the district will remedy the discrimination, adhering to the requirements of state and federal law; and
 - vii. when sex discrimination has been found, take steps that are reasonably calculated to end the discrimination, take corrective

and/or disciplinary action aimed at preventing the recurrence of the discrimination, as deemed appropriate by the Superintendent or his/her designee, and take steps to remedy the effects of the sex discrimination.

8. If a complaint is made during summer recess, the complaint will be reviewed and addressed as quickly as possible given the availability of staff and/or other individuals who may have information relevant to the complaint. If fixed timeframes cannot be met, the complainant and respondent will receive notice and interim measures may be implemented as necessary.
9. If the complainant or respondent (if applicable) is dissatisfied with the findings of the investigation, he or she may file a written appeal within five (5) school days to the Title IX Coordinator, or, if he/she conducted the investigation, to the Superintendent of Schools, who shall review the Title IX Coordinator or designee's written report, the information collected by the Title IX Coordinator or designee together with the recommended disposition of the complaint to determine whether the alleged conduct constitutes sex discrimination. The Title IX Coordinator or Superintendent of Schools may determine if further action and/or investigation is warranted. After completing this review, the Title IX Coordinator or Superintendent of Schools shall respond to the complainant and respondent (if applicable), in writing, within fifteen (15) school days following the receipt of the written request for review.

D. Miscellaneous

1. If a sex discrimination complaint raises a concern about discrimination or harassment on the basis of any other legally protected classification (such as race, religion, color, national origin, age, or disability), the Title IX Coordinator or designee shall make a referral to other appropriate personnel within the district (e.g. Section 504 Coordinator, etc.), so as to ensure that any such investigation complies with the requirements of policies regarding nondiscrimination.
2. If the sex discrimination complaint results in reasonable cause to suspect or believe that a child has been abused or neglected, has had a nonaccidental physical injury, or injury which is at variance with the history given of such injury, is placed at imminent risk of serious harm, or that a student has been sexually assaulted by a school employee, then, the person to whom the complaint is given or who receives such information shall report such matters in accordance with the Board's policy on the Reports of Suspected Child Abuse or Neglect of Children.

3. Retaliation against any individual who complains pursuant to the Board's policy regarding the Prohibition of Sex Discrimination and Sexual Harassment and these Administrative Regulations is strictly prohibited. The district will take actions designed to prevent retaliation as a result of filing a complaint. Complaints alleging retaliation may be filed according to the grievance procedures for sex discrimination described herein.

Section III. Further Reporting

At any time, a complainant alleging sex discrimination or sexual harassment may also file a formal complaint with the Office for Civil Rights, Boston Office, U.S. Department of Education, 8th Floor, 5 Post Office Square, Boston, MA 02109-3921 (Telephone (617) 289-0111).

Employees may also make a report of sexual harassment and/or sex discrimination to the Connecticut Commission on Human Rights and Opportunities, 450 Columbus Boulevard, Hartford, CT 06103-1835 (Telephone: 860-514-3400).

Copies of these Administrative Regulations will be distributed to all employees.

Appendix A

Sexual Assault: An offense classified as forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation.

Rape—(Except Statutory Rape) The carnal knowledge of a person, without the consent of the victim, including instances where the victim is incapable of giving consent because of the person's age or because of the person's temporary or permanent mental or physical incapacity.

Sodomy—Oral or anal sexual intercourse with another person, without the consent of the victim, including instances where the victim is incapable of giving consent because of the person's age or because of the person's temporary or permanent mental or physical incapacity.

Sexual Assault With An Object—To use an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, without the consent of the victim, including instances where the victim is incapable of giving consent because of the person's age or because of the person's temporary or permanent mental or physical incapacity.

Fondling—The touching of the private body parts of another person for the purpose of sexual gratification without the consent of the victim, including instances where the victim is incapable of giving consent because of the person's age or because of the person's temporary or permanent mental or physical incapacity.

Incest—Nonforcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

Statutory Rape—Nonforcible sexual intercourse with a person who is under the statutory age of consent.

Dating Violence: Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim; and where the existence of such a relationship shall be determined based on a consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.

Domestic Violence: Includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence

laws of the jurisdiction receiving grant monies, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction.

Stalking: Engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for the person's safety or the safety of others; or suffer substantial emotional distress.

Affirmative Consent means an active, clear and voluntary agreement by a person to engage in sexual activity with another person.

For the purposes of an investigation conducted pursuant to these Administrative Regulations, the following principles shall be applied in determining whether consent for sexual activity was given and/or sustained:

- A. Affirmative consent is the standard used in determining whether consent to engage in sexual activity was given by all persons who engaged in the sexual activity.
- B. Affirmative consent may be revoked at any time during the sexual activity by any person engaged in the sexual activity.
- C. It is the responsibility of each person to ensure that he or she has the affirmative consent of all persons engaged in the sexual activity to engage in the sexual activity and that the affirmative consent is sustained throughout the sexual activity.
- D. It shall not be a valid excuse to an alleged lack of affirmative consent that the respondent to the alleged violation believed that the complainant consented to the sexual activity:
 - (i) because the respondent was intoxicated or reckless or failed to take
 - (ii) reasonable steps to ascertain whether the complainant affirmatively consented, or
 - (iii) if the respondent knew or should have known that the complainant was unable to consent because such individual was unconscious, asleep, unable to communicate due to a mental or physical condition, unable to consent due to the age of the individual or the age difference between the individual and the respondent, or incapacitated due to the influence of drugs, alcohol or medication.
- F. The existence of a past or current dating or sexual relationship between the complainant and the respondent, in and of itself, shall not be determinative of a finding of affirmative consent.

COMPLAINT FORM REGARDING SEXUAL HARASSMENT UNDER TITLE IX

This complaint form should be used for complaints of sexual harassment as defined on page 1 of the Board's Administrative Regulations regarding the Prohibition of Sex Discrimination and Sexual Harassment

Name of the complainant _____

Date of the complaint _____

Date of the alleged sexual harassment _____

Name or names of the sexual harasser(s) _____

Location where such sexual harassment occurred _____

Name(s) of any witness(es) to the sexual harassment _____

Detailed statement of the circumstances constituting the alleged sexual harassment _____

Remedy requested _____

Signature of Complainant or Title IX Coordinator:

COMPLAINT FORM REGARDING SEX DISCRIMINATION (OTHER THAN
SEXUAL HARASSMENT UNDER TITLE IX)

This complaint form should be used for complaints of sex discrimination as defined on page 1 of the Board's Administrative Regulations regarding the Prohibition of Sex Discrimination and Sexual Harassment

Name of the complainant _____

Date of the complaint _____

Date of the alleged sex discrimination _____

Name or names of the sex discriminator(s) _____

Location where such sex discrimination occurred _____

Name(s) of any witness(es) to the sex discrimination

Detailed statement of the circumstances constituting the alleged sex discrimination

Remedy requested _____

Signature: _____

*SAMPLE WRITTEN NOTICE FOR FORMAL COMPLAINTS OF SEXUAL
HARASSMENT*

NOTICE OF SEXUAL HARASSMENT ALLEGATIONS UNDER TITLE IX

In accordance with the Board's policy and Administrative Regulations regarding the Prohibition of Sex Discrimination and Sexual Harassment, a formal complaint of sexual harassment has been filed with the Title IX Coordinator.

Identities of the parties involved, if known:

_____ (Complainant(s))
_____ (Respondent(s))

The conduct allegedly constituting sexual harassment: _____

The date and the location of the alleged incident, if known: _____

The Title IX Coordinator or designee will contact the parties regarding the next step in the grievance process. Questions can be directed to the Title IX Coordinator: Neil Sullivan, Assistant Superintendent for Administration.

The respondent is presumed not responsible for the alleged conduct. A determination regarding responsibility is made at the conclusion of the grievance process.

All parties involved may have an advisor of their choice who may be, but it not required to be, an attorney. This advisor may inspect and review evidence as permitted by the Board's Administrative Regulations regarding the Prohibition of Sex Discrimination and Sexual Harassment.

Any employee who knowingly makes false statements or knowingly submits false information during this grievance process is subject to discipline, up to and including termination. Additionally, it is a violation of the Board's Student Discipline Policy to lie to school officials or otherwise engage in dishonest behavior, which includes knowingly making false statements or knowingly submitting false information during the grievance process. Any student who knowingly makes false statements or knowingly submits false information during this grievance process will be subject to sanctions pursuant to the Board's Student Discipline Policy.

A copy of the Board's Policy and Administrative Regulations regarding the Prohibition of Sex Discrimination and Sexual Harassment is included with this notice.

*SAMPLE WRITTEN NOTICE FOR THE INFORMAL RESOLUTION
PROCESS FOR SEXUAL HARASSMENT COMPLAINTS*

NOTICE OF INFORMAL RESOLUTION PROCESS FOR SEXUAL
HARASSMENT COMPLAINTS UNDER TITLE IX

In accordance with the Board's policy and Administrative Regulations regarding the Prohibition of Sex Discrimination and Sexual Harassment, a formal complaint of sexual harassment has been filed with the Title IX Coordinator. The Board has an informal resolution process to promptly and equitably resolve such complaints using mediation or alternatively, could be restorative justice. This informal resolution process will only be utilized if both the complainant and respondent agree to do so.

The conduct allegedly constituting sexual harassment: _____

If both parties agree to the informal resolution process, it shall preclude the parties from resuming a formal complaint arising out of the same allegations. However, either party may withdraw from the informal resolution process at any time before agreeing to a resolution and resume the grievance process for formal complaints of sexual harassment.

If both parties agree to a resolution, that resolution is binding upon both parties and cannot be changed or appealed.

The district will maintain for a period of seven (7) years records of the informal resolution process and results therefrom.

I voluntarily consent to the informal resolution process:

Complainant

Date

Respondent

Date

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, or its designee, 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, or its designee, 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, or its designee, 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, or its designee, 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 Assistant Superintendent for Administration will participate in CREC's Minority Teacher Recruitment Consortium.
8. 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)

4218 SOCIAL NETWORKING

Simsbury Public Schools recognizes the importance of social media for its employees, and acknowledges that its employees have the right under the First Amendment, in certain circumstances, to speak out on matters of public concern. However, Simsbury Public Schools will regulate the use of social media by employees, including employees' personal use of social media, when such use:

- 1) interferes with the work of the District;
- 2) is used to harass coworkers or other members of the community;
- 3) creates a hostile work environment;
- 4) breaches confidentiality obligations of employees,
- 5) disrupts the work of the District;
- 6) harms the goodwill and reputation of the District in the community; or
- 7) violates the law, policies and/or other school rules and regulations.

Staff members are advised to be concerned and aware such conduct deemed inappropriate may include, but is not limited to, communications and/or publications using emails, text-messaging, social networking sites, or any other forms of electronic communication that is directed and/or available to students or for public display or publications (see definition below).

While the Board respects the right of staff members to use social networking sites, staff members should recognize they are held to a higher standard than the general public with regard to standards of conduct and ethics. It is important that a staff member's use of these sites does not damage the reputation of the school district, employees, students, or their families. Staff members who utilize, post or publish images, photographs, or comments on social networking sites, blogs, or other forms of electronic communication outside their professional responsibilities shall ensure their use, postings, or publications are done with an appropriate level of professionalism and are appropriate conduct for a school staff member. Staff members should exercise care in setting appropriate boundaries between their personal and public online behavior, understanding that what is private in the digital world often has the possibility of becoming public even without their knowledge or consent.

The school district strongly encourages all staff members to carefully and periodically review the privacy settings on social networking sites they use and exercise care and good judgment when positing content and information on such sites.

Simsbury Public Schools therefore adopts the following guidelines for the use of social media by Simsbury Public Schools' employees.

Definitions:

Social media includes a variety of online tools and services that allow users to publish content and interact with their audiences. These tools include but are not limited to the following types of websites or applications:

Social-networking (e.g. Facebook, LinkedIn, Google+);

Blogs and micro-blogs (e.g. Twitter, Tumblr);

Content-sharing (e.g. SlideShare); Imagesharing, videosharing or livestreaming (e.g. Snapchat, Periscope, Flickr, YouTube, Instagram, Pinterest);

Other sharing sites or apps such as by sound, location, news, or messaging, etc. (e.g. Reddit, WhatsApp).

Simsbury includes all names, logos, buildings, images and entities under the authority of the Simsbury Board of Education.

Rules Concerning Personal Social Media Activity

1. An employee may not mention, discuss or reference Simsbury Public Schools or its individual schools, programs or teams on personal social networking sites, unless the employee also states that the post is the personal communication of the Simsbury Public Schools employee and that the views posted are the employee's alone and do not represent the views of Simsbury Public Schools.
2. Employees must refrain from mentioning other Simsbury Public Schools employees or other members of the school community (e.g., parents or others) on personal social networking sites, without such individuals' express consent unless the employee is addressing an issue of public concern and the employee's speech falls under applicable constitutional protections pertaining to same.
3. Employees are required to maintain appropriate professional boundaries with students, parents, and colleagues. It is not appropriate for a teacher or administrator to "friend" a student or his/her parent or guardian or otherwise establish special relationships with selected students through personal social media, and it is not appropriate for an employee to give students or parents access to personal postings unrelated to school.
4. Employees are required to use appropriately respectful speech in their personal social media posts; and to refrain from harassing, defamatory, abusive, discriminatory, threatening or other inappropriate communications. Such posts can reflect poorly on

the Simsbury Public Schools, can affect the educational process and may substantially and materially interfere with an employee's ability to fulfill his/her professional responsibilities.

5. Employees are individually responsible for their personal posts on social media. Employees may be sued by other employees, parents or others, and any individual that views an employee's social media posts as defamatory, pornographic, proprietary, harassing, libelous or creating a hostile work environment. As such activities are outside the scope of employment, employees may be personally liable for such claims.
6. Employees are required to comply with all Simsbury Board of Education policies and procedures with respect to the use of computer equipment, networks or electronic devices when accessing social media sites. Any access to personal social media activities while on school property or using school district equipment must comply with those policies, and may not interfere with an employee's duties at work.
7. Simsbury Public Schools reserves the right to monitor all employee use of district computers and other electronic devices, including employee blogging and social networking activity. An employee should have no expectation of personal privacy in any personal communication or post made through social media while using district computers, district cellular telephones or other district electronic data devices.
8. All posts on personal social media must comply with Simsbury Public Schools' policies concerning confidentiality, including the confidentiality of student information. If an employee is unsure about the confidential nature of information the employee is considering posting, the employee shall consult with his/her supervisor prior to making the post.
9. An employee may not link a personal social media site or webpage to Simsbury Public School's website or the websites of individual schools, programs or teams; or post Simsbury Public School's material on a social media site or webpage without written permission of his/her supervisor.

Employees may not post updates to their status on any social networking sites during normal working hours including posting of statements or comments on the social networking sites of others during school time unless it involves a school project.

10. All Simsbury Board of Education policies that regulate off-duty conduct apply to social media activity including, but not limited to, policies related to public trust, illegal harassment, code of conduct, and protecting confidential information.

Rules Concerning Simsbury Public Schools Sponsored Social Media Activity

1. If an employee seeks to use social media sites as an educational tool or in relation to extracurricular activities or programs of the school district, the employee must seek and obtain the permission of his/her supervisor prior to setting up the site.

2. If an employee wishes to use Facebook or other similar social media sites to communicate meetings, activities, games, responsibilities, announcements etc., for a school-based club or a school-based activity or an official school-based organization, or an official sports team, the employee must also comply with the following rules:

- The employee must set up the club, etc. as a group list which will be "closed and moderated."
- Members will not be established as "friends," but as members of the group list.
- Anyone who has access to the communications conveyed through the site may only gain access by the permission of the employee (e.g. teacher, administrator, supervisor or coach). Persons desiring to access the page may join only after the employee invites them and allows them to join.
- Parents shall be permitted to access any site that their child has been invited to join.
- Access to the site may only be permitted for educational purposes related to the club, activity, organization or team.
- The employee responsible for the site will monitor and update it regularly.
- The employee's supervisor shall be permitted access to any site established by the employee for a school-related purpose.
- Employees are required to maintain appropriate professional boundaries in the establishment and maintenance of all such district-sponsored social media activity.

3. Employees are required to use appropriately respectful speech in their social media posts on district-sponsored sites; and to refrain from harassing, defamatory, abusive, discriminatory, threatening or other inappropriate communications.

4. Employees are required to comply with all Simsbury Board of Education policies and procedures and all applicable laws with respect to the use of computer equipment, networks or devices when accessing district-sponsored social media sites.

5. Simsbury Public Schools reserves the right to monitor all employee use of district computers and other electronic devices, including employee blogging and social networking activity. An employee should have no expectation of personal

privacy in any communication or post made through school/district sponsored social media

6. All posts on district-sponsored social media must comply with Simsbury Public School's policies concerning confidentiality, including the confidentiality of student information. If an employee is unsure about the confidential nature of information the employee is considering posting, the employee shall consult with his/her supervisor prior to making the post.

7. An employee may not link a district-sponsored social media site or webpage to any personal social media sites or sites not sponsored by Simsbury Public Schools.

8. An employee may not use Simsbury Public Schools sponsored social media communications for private financial gain, political, commercial, advertisement, proselytizing or solicitation purpose.

9. An employee may not use district-sponsored social media communications in a manner that misrepresents personal views as those of Simsbury Public Schools or of individual schools or programs, or in a manner that could be construed as such.

Disciplinary Consequences

Violation of this policy may lead to discipline up to and including the termination of employment consistent with state and federal law.

Revised May 9, 2017

4220 USE OF FACE COVERINGS IN SCHOOL

The Simsbury Board of Education (the "Board") recognizes the importance of protecting the health and safety of students, staff, and the community during the COVID-19 pandemic. As such, and in accordance with requirements and guidelines issued by the Connecticut State Department of Education ("SDE"), the Board requires that all individuals entering a school building, a Simsbury Public Schools ("district") facility, or a district transportation vehicle wear an appropriate face covering. An appropriate face covering shall consist of a cloth mask or disposable procedure-style mask that completely covers the individual's nose and mouth. An appropriate face covering shall not include bandanas or exhalation valve masks. Any individual who presents for entrance into a school building, district facility or district transportation vehicle who is not wearing an appropriate face covering shall be provided an appropriate face covering by the district.

Compliance with this policy shall be mandatory for all individuals while in a school building, district facility and/or district transportation vehicle, unless an applicable exception applies. Any individual who refuses to wear an appropriate face covering at all times while in a school building, district facility or district transportation vehicle shall be denied admission and/or required to leave the

premises, unless an applicable exception applies. In addition, failure to comply with this policy may lead to disciplinary action for students and staff, and exclusion from school property for members of the community, in accordance with applicable laws, rules, regulations, and/or Board policies.

All individuals participating in or attending any school-sponsored activities must wear an appropriate face covering, whether or not those activities occur in a school building, district facility or district transportation vehicle, unless an applicable exception applies or the administration, in consultation with the local health department, determines that face coverings are not required for athletes participating in certain athletic activities.

The Board authorizes the Superintendent or designee to develop administrative regulations and/or protocols to implement this policy. Such administrative regulations and/or protocols shall outline authorized exceptions to the requirement that all individuals wear an appropriate face covering in the school buildings, district facilities and district transportation vehicles and may identify additional face covering rules as related to the safe operation of the school community.

Legal References:

Connecticut General Statutes § 10-221

Adapt, Advance, Achieve: Connecticut's Plan to Learn and Grow Together, Connecticut State Department of Education, as amended by Addendums 1-11 (June 29, 2020 through August 31, 2020).

Adopted October 13, 2020

ADMINISTRATIVE REGULATIONS USE OF FACE COVERINGS IN SCHOOL

In accordance with requirements and guidelines issued by the Connecticut State Department of Education (“SDE”), the Simsbury Public Schools (“district”) requires that all individuals entering a school building, a district facility, or a district transportation vehicle wear an appropriate face covering. An appropriate face covering shall consist of a cloth mask or disposable procedure-style mask that completely covers the individual’s nose and mouth. An appropriate face covering shall not include bandanas or exhalation valve masks. Any individual who presents for entrance into a school building, district facility or district transportation vehicle who is not wearing an appropriate face covering shall be provided an appropriate face covering by the district.

Compliance with these protocols shall be mandatory for all individuals while in a school building, district facility and/or district transportation vehicle, unless an applicable exception applies. Any individual who refuses to wear an appropriate face covering at all times while in a school building, district facility or district transportation vehicle shall be denied admission and/or required to leave the premises, unless an applicable exception applies. In addition, failure to comply with these protocols may lead to disciplinary action for students and staff, and exclusion from school property for members of the community, in accordance with applicable laws, rules, regulations, and/or Board policies.

All individuals participating in or attending any school-sponsored activities must wear an appropriate face covering, whether or not those activities occur in a school building, District facility or District transportation vehicle, unless an applicable exception applies or the Administration, in consultation with the local health department, determines that face coverings are not required for athletes participating in certain athletic activities.

- Students and all individuals being transported on district transportation vehicles are required to wear appropriate face coverings (face coverings must be worn prior to boarding and while exiting the vehicle), in accordance with the district’s transportation protocols. Please see below for additional procedures for face covering exemption requirements.
- Students, staff and all individuals inside school buildings and district facilities are required to wear appropriate face coverings except if: (i) the individual cannot wear the face covering because the individual has difficulty breathing, is unconscious, or incapacitated; (ii) the individual cannot remove the face covering without assistance; (iii) the individual has a documented medical reason making it unsafe to wear a mask; or (iv) the individual has a disability that causes the individual to be unable to wear a face covering.

Important Note: The need for a medical exemption for the wearing of face coverings of the styles recommended for use in schools for source control is rare. Medical contraindications to the wearing of cloth or other similar loose fitting masks generally are limited to individuals suffering from severe chronic obstructive pulmonary disease (COPD) such as might be seen with cystic fibrosis, severe emphysema, heart failure, or significant facial burns that would cause extreme pain or interfere with the healing of a skin graft. These severe medical conditions will be rare in students or staff capable of presenting to the school for work or instruction (in most cases these individuals would not be able to move about freely without significant assistance). In addition, for anyone suffering from any of these underlying conditions, the strong recommendation would be for that person to remain at home and engage in fully virtual learning due to their risk of developing severe complications if they did become infected with COVID-19. Mild or intermittent respiratory or other common conditions such as asthma, cardiovascular diseases, kidney disease, or other similar conditions generally are not considered contraindications to the wearing of loose-fitting face coverings.

- Face coverings may only be removed within the school building for the following reasons: (i) eating/drinking; (ii) on school grounds with appropriate social distancing implemented; and (iii) educational or medical activities requiring removal of masks (speech and language, evaluations, etc.) ONLY under circumstances when the school has implemented appropriate and district-approved mitigating measures (such as gowns, face shields, additional social distancing, physical barriers for district employees and/or students).
- If a student claims a medical or disability-related exemption from wearing a face covering, the parent or guardian and the student's treating physician must complete the Face Covering Exemption Request Form. If the district determines the request is based on disability (skill deficit), the district shall promptly convene a Planning and Placement Team ("PPT") meeting or Section 504 Team meeting as appropriate to discuss and consider necessary programming revisions, accommodations, modifications, etc.
- If a staff member claims a medical or disability-related exemption from wearing a face covering, the district shall comply with all applicable laws, rules, regulations, and requirements regarding the evaluation of, and response to, any such claim.
- Students shall be offered face covering breaks during the school day as determined appropriate by the administration. A face covering break consists of the student removing the face covering from the student's own nose and mouth for a short period of time. School district personnel supervising students shall only permit a face covering break when individuals who are indoors are a minimum of 6 feet apart or other district-approved mitigating measures (such as physical barriers). When practicable, school district personnel supervising students shall schedule mask breaks outdoors.



SIMSBUURY PUBLIC SCHOOLS

FACE COVERING MEDICAL/HEALTH EXEMPTION FORM

COVID-19 is a highly contagious virus that spreads by respiratory droplets released when individuals talk, cough or sneeze. Many individuals infected with COVID-19 are asymptomatic and contagious. Federal and state public health agencies, including the United States Centers for Disease Control and Prevention (CDC), recommend that individuals wear a face covering to limit the spread of COVID-19.

The Connecticut State Department of Education and Simsbury Public Schools require ALL students, beginning in Pre-K, to wear face coverings during the school day. Any student seeking a medical exemption to the face covering requirement must have the student's treating physician complete the below Medical/Health Exemption Form. As noted below, Simsbury Public Schools will consult with the student's treating physician to determine what reasonable accommodations, if any, would allow the student to wear a face covering during the school day. In light of the significant public health and safety requirements, the Simsbury Public Schools require that any request for medical exemption be completed and submitted to Sue Beardsley, Director of Health Services at sbeardsley@simsburyschools.net. Students submitting requests for medical exemption are subject to COVID-19 containment strategies pending the completion of the exemption review process. COVID-19 containment strategies may include assignment to home-based remote learning to mitigate the possibility of infection to the student or others in the physical school building.

Name of Child: _____ Date of Birth: _____

Address of Child: _____

Name of Parent(s): _____

Address of Parent(s): _____
(if different from child)

Contact Information for Treating Physician

Name: _____

Address: _____

Phone: _____ Fax: _____

Email: _____

THE SIMSBURY PUBLIC SCHOOLS RESERVES THE RIGHT TO DENY MASK EXEMPTION REQUESTS WITHOUT SUFFICIENT INFORMATION TO DETERMINE THE HEALTH-RELATED NECESSITY OF SUCH REQUEST.

I HEREBY CONSENT TO SCHOOL OFFICIALS OF THE SIMSBURY PUBLIC SCHOOLS CONSULTING WITH THE ABOVE-NAMED TREATING PHYSICIAN IN CONNECTION WITH THE REQUEST FOR A MEDICAL EXEMPTION FROM WEARING A FACE COVERING DURING THE COVID-19 PANDEMIC. I UNDERSTAND THAT MY CHILD'S TREATING PHYSICIAN IS AUTHORIZED TO EXCHANGE HEALTH/MEDICAL AND EDUCATIONAL INFORMATION RELATED TO THE FACE COVERING MEDICAL EXEMPTION REQUEST SUBMITTED ON BEHALF OF MY CHILD, _____ [NAME OF STUDENT], WITH THE SIMSBURY PUBLIC SCHOOLS . I UNDERSTAND THAT THE PURPOSE OF THE EXCHANGE OF SUCH INFORMATION IS TO DETERMINE WHETHER A MEDICAL EXEMPTION IS NECESSARY AND/OR WHETHER THERE ARE ANY REASONABLE ACCOMMODATIONS THAT SHOULD BE CONSIDERED IN CONNECTION WITH THE FACE COVERING EXEMPTION REQUEST. I UNDERSTAND THAT THIS AUTHORIZATION WILL EXPIRE ON JUNE 30, 2022, UNLESS I REVOKE THIS AUTHORIZATION AT AN EARLER TIME BY SUBMITTING WRITTEN NOTICE OF THE WITHDRAWAL OF CONSENT. I ACKNOWLEDGE THAT HEALTH/MEDICAL RECORDS, ONCE SHARED WITH THE SIMSBURY PUBLIC SCHOOLS, WILL BE EDUCATION RECORDS UNDER FEDERAL EDUCATION RECORD LAWS (FERPA) AND MAY NOT BE PROTECTED BY THE HIPAA PRIVACY RULE. I ALSO UNDERSTAND THAT REFUSAL TO CONSENT TO THE EXCHANGE OF INFORMATION DESCRIBED ABOVE WILL NOT AFFECT ACCESS TO HEALTHCARE.

PRINT NAME
PARENT/GUARDIAN

DATE

SIGNATURE
PARENT/GUARDIAN

The section below must be completed by the student's treating physician to verify a health or medical reason that prohibits the student from wearing a face covering in the school building and/or on school grounds or to identify possible accommodations for the student to wear a face covering within the school building or on school grounds. Upon completion, this form must be provided by the treating physician directly to the Simsbury Public Schools, c/o Sue Beardsley, Director of Health, Simsbury High School, 34 Farms Village Road, Simsbury, CT, 06070.

The treating physician **MUST** consult with school health supervisory personnel prior to completing this form. The contact information for the school health supervisory personnel for this matter is Sue Beardsley (860) 658-0451 x712.

Medical Verification

Yes No

 I have consulted with school health supervisory personnel regarding the student's ability to wear a face covering due to a verified medical or health reason.

 After consultation with school health supervisory personnel, I have determined that reasonable accommodations would permit the student to wear a face covering for parts or all of the school day. If yes, to the above question:

 I have determined that the following reasonable accommodations would permit the student to wear a face covering during the school day (examples include, without limitation, face covering breaks at specified intervals, use of face shield when a face covering is contraindicated, use of bandana or looser fitting face covering):

 After consultation with school health supervisory personnel, I have determined that the student cannot wear a face covering during the entire school day due to a verified medical or health reason.

The student has been diagnosed with the following medical condition(s) that prevent the student from wearing a face covering at all times during the school day:

* Documentation supporting the above diagnosis MUST be submitted to the
Simsbury Public Schools along with this Medical Verification Form.

By signing below, I verify that the above information is accurate to the best of my
professional knowledge.

Signature of Treating Physician

Date

Print Name of Treating Physician

CT License No.

COVID-19 VACCINATION REGULATIONS IN COMPLIANCE WITH EXECUTIVE ORDER No. 13D

BACKGROUND

On August 19, 2021, Governor Lamont issued Executive Order 13D (“Protection of Public Health and Safety During COVID-19 Pandemic — Vaccinations Required for State Employees, School Employees and Childcare Facility Staff”) (“Order 13D”) requiring covered workers in a public or non-public pre-K to grade 12 school to be vaccinated against COVID-19 or, if not vaccinated, to submit to weekly COVID-19 testing. On August 25, 2021, the Connecticut State Department of Education issued “Frequently Asked Questions Regarding Vaccinations for Covered Workers in Schools” (the “CSDE FAQ”) to provide clarification regarding the application of Order 13D in Connecticut schools. These regulations are issued to ensure compliance by the Simsbury Public Schools (the “District”) with all applicable laws and regulations, including, but not limited to Order 13 and the CSDE FAQ.

DEFINITIONS

For purposes of these regulations, the following definitions shall apply:

“Covered worker” refers to all employees, both full and part-time, contractors, providers, assistants, substitutes, and other individuals working in the District, including individuals providing operational or custodial services or administrative support or any person whose job duties require them to make regular or frequent visits to District schools. Covered worker does not include a contractor or employee of an outside vendor who visits a District school only to provide one-time or limited-duration repairs, services, or construction, or a volunteer.

“Employee” refers to individuals who are on the District’s payroll and excludes independent contractors or employees of an outside contractor or vendor.

“Contractor” refers to outside contractors, outside vendors, and individual workers (e.g., independent contractors) who are not on the District’s payroll, excluding a contractor who visits a District school only to provide one-time or limited-duration repairs, services, or construction, or a volunteer.

“Contractor employees” refers to the employees of contractors, excluding employees of contractors who visit a District school only to provide one-time or limited-duration repairs, services, or construction, or a volunteer.

“Fully vaccinated” means at least 14 days have elapsed since a person has received the final dose of a vaccine approved for use against COVID-19 by the U.S. Food and Drug Administration, or as otherwise defined by the Centers for Disease Control.

COVID-19 VACCINATION REQUIRED

Subject to exemptions allowed by law as described below, COVID-19 vaccines shall be required as provided below.

1. **On or before September 27, 2021**, the District will, prior to extending an offer of employment to, or entering into a contract for the in-person services of, a covered worker or an entity that employs a covered worker, require that any covered worker (a) is fully vaccinated against COVID-19, (b) has received the first dose and has either received a second dose or has an appointment for the second dose in a two-dose series vaccination, such as Pfizer or Moderna vaccines, or has received a single-dose vaccine, such as Johnson & Johnson's Janssen vaccine, (c) is exempt from this requirement because a physician, physician's assistant, or advanced practice registered nurse determined that the administration of COVID-19 vaccine is likely to be detrimental to the covered worker's health, or the covered worker objects to vaccination on the basis of a sincerely held religious or spiritual belief, and the covered worker is able to perform their essential job functions with a reasonable accommodation that is not an undue burden on the District; provided that any employee claiming such exemption shall apply for an exemption due to medical conditions or sincerely held religious or spiritual beliefs. Each employee request for an exemption will be considered on an individualized, case-by-case basis. Employees who have applied for an exemption must provide appropriate supporting documentation upon request.
2. **After September 27, 2021**, the District will not employ, or maintain a contract for the provision of in-person services of, any covered worker or an entity that employs a covered worker, unless such covered worker (a) is fully vaccinated against COVID-19, (b) has received the first dose and has either received a second dose or has an appointment for the second dose in a two-dose series vaccination, such as Pfizer or Moderna vaccines, or has received a single-dose vaccine, such as Johnson & Johnson's Janssen vaccine, or (c) is exempt from this requirement because a physician, physician's assistant, or advanced practice registered nurse determined that the administration of COVID-19 vaccine is likely to be detrimental to the covered worker's health, or the individual objects to vaccination on the basis of a sincerely held religious or spiritual belief, and the covered worker is able to perform their essential job functions with a reasonable accommodation that is not an undue burden on the District; provided that any employee claiming such exemption shall apply for an exemption due to medical conditions or sincerely held religious or spiritual beliefs. Each employee request for an exemption will be considered on an individualized, case-by-case basis. Employees who have applied for an exemption must

provide appropriate supporting documentation upon request.

3. **After September 27, 2021**, unless otherwise permitted by law or under these regulations, the District will not employ, or contract for the provision of services from, any covered worker or entity that employs a covered worker subject to paragraphs (1) or (2) above and is not exempt who has received the first dose of a two-dose series vaccination but fails to receive the second dose on the appropriate date as recommended by CDC or at the scheduled appointment without good cause.

PROOF OF COVID-19 VACCINATION REQUIRED

Subject to exemptions allowed by law and unless otherwise permitted by law or under these regulations as described below, proof of COVID-19 vaccination status shall be required as provided below.

1. The District will authenticate, or where applicable require that the contractor providing the services of a covered worker authenticate, the vaccination status of covered workers, maintain documentation of vaccination or exemption of such covered workers, and report compliance with Order 13D in a form and manner directed by the Department of Public Health without adoption of such requirements by regulation in accordance with Chapter 54 of the Connecticut General Statutes.
2. To comply with paragraph (1) above, all employees who are fully vaccinated are required to submit proof of COVID-19 vaccination to:

Neil Sullivan
Assistant Superintendent for Administration
860-651-3361
nsullivan@simsburyschools.net

3. Proof of COVID-19 vaccination status may be provided by emailing such proof to nsullivan@simsburyschools.net. Other methods of delivering proof of vaccination status are available upon request.

Acceptable forms vaccination proof include:

- A CDC COVID-19 Vaccination Record Card, or photo of the Card.
- Documentation from a health care provider or electronic health care record.
- A State Immunization Information record.

Personal attestations are not acceptable as proof of vaccination status.

Employees must not include any additional medical or genetic information with proof of vaccination.

4. The District reserves the right to authenticate a Vaccination Record Card in manner consistent with any binding standards issued by the Commissioner of Public Health for authentication of a Vaccination Record Card.

EXEMPTIONS FROM THE COVID-19 VACCINATION REQUIREMENT

Exemptions from the COVID-19 vaccination requirement under Order 13D may be permitted as provided below.

1. **Medical Exemptions** - Employees may be granted an exemption because a physician, physician's assistant, or advanced practice registered nurse determined that the administration of the COVID-19 vaccine is likely to be detrimental to the employee's health, and the employee is able to perform their essential job functions with a reasonable accommodation that is not an undue burden on the District. Any employee claiming such exemption must apply for an exemption due to medical conditions. Each employee request for an exemption will be considered on an individualized, case by case basis. Employees who have applied for an exemption must provide appropriate supporting documentation upon request.
2. **Religious/Spiritual Belief Exemptions** - Employees may be granted an exemption because the employee objects to vaccination on the basis of a sincerely held religious or spiritual belief, and the employee is able to perform their essential job functions with a reasonable accommodation that is not an undue burden on the District. Any employee claiming such exemption shall apply for an exemption due to sincerely held religious or spiritual beliefs. Each employee request for an exemption will be considered on an individualized, case by case basis. Employees who have applied for an exemption must provide appropriate supporting documentation upon request.

EXEMPTION REQUEST PROCESS

Exemptions from the COVID-19 vaccination requirement under Order 13D will be processed as described below.

1. Employees wishing to request an exemption from the COVID-19 vaccination requirement under Order 13D must complete one of the request forms noted below by **September 10, 2021**. The District will promptly review any such request to determine whether additional supporting documentation is needed and the availability of any reasonable accommodations.

2. Employees providing in-person services after September 27, 2021 will be notified of these regulations in conjunction with receiving an offer of employment and must comply with these regulations. Employees must submit any request for exemption upon acceptance of the employment offer. Employees who fail to meet these deadlines may be subject to an unpaid leave of absence or termination of employment.
3. **Medical Exemptions** - Employees seeking an exemption due to medical conditions must complete the form entitled, **“Request for Accommodation: Medical Exemption from Vaccination,”** and submit it via email to:

Neil Sullivan
Assistant Superintendent for Administration
860-651-3361
nsullivan@simsburyschools.net

Religious/Spiritual Belief Exemptions - Employees seeking an exemption on the basis of a sincerely held religious or spiritual belief must complete the form entitled, **“Request for Accommodation: Religious/Spiritual Belief Exemption from Vaccination,”** and submit it via email to:

Neil Sullivan
Assistant Superintendent for Administration
860-651-3361
nsullivan@simsburyschools.net

4. Any employee claiming an exemption must apply for an exemption. Each request for an exemption will be considered on an individualized, case-by-case basis. Employees who have applied for an exemption must provide appropriate supporting documentation upon request. The District is not required to provide accommodations, including but not limited to an exemption from the COVID-19 vaccination requirement, if doing so would pose a direct threat to the health or safety of others in the workplace and/or the requesting employee or would create an undue burden on the District.
5. Employees who submit a request for exemption and accommodation will be contacted by the appropriate District administrator (the “Administration”) to engage in an interactive process to determine eligibility for vaccination exemption and accommodation and discuss the availability of reasonable accommodations that may permit the employee to perform their essential job functions without posing a direct threat to the health or safety of others in the workplace and/or to the requesting employee, and without creating an undue burden on the District. The Administration will communicate directly

with the requesting employee regarding any additional information that may be necessary in order for the Administration to make such determinations.

REFUSAL TO RECEIVE A COVID-19 VACCINATION

1. Employees who refuse to receive a COVID-19 vaccination and who either do not seek or do not receive a medical or religious/spiritual belief exemption from the COVID-19 vaccination requirement under Order 13D must so notify the Administration by **September 10, 2021** by sending an email to:

Neil Sullivan
Assistant Superintendent for Administration
860-651-3361
nsullivan@simsburyschools.net

2. Employees who submit notification of a refusal to receive a COVID-19 vaccination will be contacted by the Administration with information regarding District requirements for employees refusing vaccination. Such requirements will include weekly COVID-19 testing, as described below, and may include, but are not limited to, the following: wearing a face mask regardless of whether there is a state- or municipal -imposed mask mandate, working at a social distance from coworkers and students, working a modified shift, accepting a reassignment, participating in contact tracing, quarantining, and/or abiding by restricted access to facilities.

WEEKLY COVID-19 TESTING OF EMPLOYEES WHO ARE NOT FULLY VACCINATED REQUIRED

Weekly COVID-19 testing status shall be required as provided below.

1. **Beginning on September 27, 2021**, the following employees must submit to COVID-19 testing one time per week on an ongoing basis and provide adequate proof of the test results on a weekly basis to the District:
 - a. Employees who have not demonstrated proof of full vaccination, **until such time as proof of full vaccination is provided.**
 - b. Employees who have received only the first dose of a two-dose series vaccination, such as Pfizer or Moderna vaccines, **until such time as the employee is fully vaccinated and provides proof of such full vaccination.**
 - c. Employees who are granted a medical or religious/spiritual belief exemption from the COVID-19 vaccination requirement under Order 13D.
 - d. Employees who refuse to receive a COVID-19 vaccination.

2. Proof of COVID-19 test results must be provided via email to:

Cindi Freilinger
Human Resources Coordinator
860-323-8144
cfreilinger@simsburyschools.net

Other methods of delivering COVID-19 test results are available upon request.

3. Weekly COVID-19 testing is required for all unvaccinated employees. In addition to such testing requirement, the District may require unvaccinated employees entering the workplace to follow certain health and safety precautions as communicated to the employee by the District, and to take certain other measures as a reasonable accommodation, subject to the requirements of the interactive process, which may include, but are not limited to, the following: wearing a face mask regardless of whether there is a state- or municipal-imposed mask mandate, working at a social distance from coworkers and students, working a modified shift, accepting a reassignment, participating in contact tracing, quarantining, and/or abiding by restricted access to facilities.

CONFIDENTIALITY

Information pertaining to COVID-19 vaccination status, exemptions from the COVID-19 vaccination requirement under Order 13D, any reasonable accommodations in place, and COVID-19 test results will be restricted to personnel at the District with a need to know.

Medical information maintained by the District will be maintained confidentially in a location separate from personnel files.

REQUIREMENTS PERTAINING TO CONTRACTORS AND CONTRACTOR EMPLOYEES

Contractors must comply with these regulations as provided below.

1. Contractors must comply, and must cause contractor employees to comply (as applicable), with these regulations.
2. Contractors shall have sole responsibility for ensuring compliance with these regulations by contractor employees, including, but not limited to, responsibility for collecting proof of COVID-19 vaccination status, authenticating such proof as necessary and/or required, processing requests for medical and religious/spiritual belief exemptions from the COVID-19 vaccination requirement under Order 13D, and collecting COVID-19 test results, as applicable.

3. Contractors and contractor employees who refuse to receive a COVID-19 vaccination without a medical or religious/spiritual belief exemption from the COVID-19 vaccination requirement under Order 13D shall be considered non-compliant with these regulations and subject to the penalties described in Paragraph 5 below.
4. Contractors must certify compliance with these regulations in a manner prescribed by the District.
5. Failure of any contractor or contractor employee to comply with these regulations may result in exclusion from District facilities and/or school premises and/or termination or suspension of contracts for services.

ADMINISTRATION OF THESE REGULATIONS

Questions

For questions about the implementation of these regulations, please direct your inquiries to Neil Sullivan, Assistant Superintendent for Administrations, nsullivan@simsburyschools.net, 860-651-3361.

Violations of these Regulations

Employees who fail to comply with these regulations will be subject to disciplinary action, up to and including termination of employment.

Employees who are exempt from vaccination who do not abide by the reasonable accommodations and safety protocols established for unvaccinated individuals, including, but not limited to, the weekly COVID-19 testing requirement, will be subject to discipline, up to and including termination of employment, and will not be allowed in District facilities or on school premises.

Covered workers other than employees who fail to comply with these regulations may be excluded from District facilities and/or school premises, and/or may have contracts for services suspended or terminated.

Modification of these Regulations

Government and public health laws/regulations (including, but not limited to, Order 13D), guidelines, restrictions, and practices regarding COVID-19 are changing rapidly as new information becomes available. The District reserves the right to modify and/or repeal these regulations at any time to adapt to changing laws, regulations, circumstances, and/or District needs, consistent with all applicable laws, regulations, and collective bargaining obligations.

Non-Retaliation

The District prohibits any form of discipline, reprisal, intimidation, or retaliation for reporting a violation of these regulations or any other health and safety concern, or for requesting and/or receiving an exemption to the COVID-19 vaccination requirement under Order 13D and reasonable accommodations pursuant to these regulations.

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, observations, 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 Assistant Superintendent for Administration.

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

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 and subsequent amendments.

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, or in the case of school paraprofessionals in an educational setting who have worked at least 950 actual hours of work, are eligible for unpaid leave under the FMLA. Pursuant to Public Act 12-43, no hours worked by a school paraprofessional prior to May 12, 2014, the effective date of Department of Labor regulations implementing PA 12-43 and the 950 hour rule, shall count toward the 950 hours; only hours worked after May 12, 2014 will be counted.

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.
- to serve as an organ or bone marrow donor.
- to care for an injured or ill service member (see below – Length of Leave – for further information);
- a qualifying exigency arising out of a family member's military service, including one or more of the following reasons (note – more detailed information on the following categories is available from [e.g. the Human Resources office]):
 - short notice deployment;
 - military events and related activities;
 - childcare and school activities;
 - financial and legal arrangements;
 - counseling;
 - rest and recuperation;
 - post-deployment activities;
 - parental care leave for military member's parent who is incapable of self-care and care is necessitated by the member's covered active duty;
 - additional activities that arise out of the active duty or call to active duty status of a covered military member, provided that the Board and the employee agree that such leave qualifies as an exigency, and agree to both the timing and the duration of such leave.

(a) Basic FMLA Leave Entitlement:

If a leave is requested for one of the above-listed 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.

The 12-month entitlement period for family or medical leave is measured on the basis of a "rolling" 12-month period measured backward from the date an employee uses any FMLA leave.

(b) Leave to care for an Injured or Ill Service Member or Covered Veteran:

In addition to the reasons for leave listed above, an eligible employee may take up to 26 workweeks of FMLA leave during a 12-month period to care for (i) an injured or ill service member who is the employee's spouse, parent, child or next of kin and who incurred the injury or illness in the line of duty and while on active duty in the Armed Forces, or had a preexisting injury or illness prior to beginning active duty that was aggravated by service in the line of duty on active duty in the Armed Forces; or, (ii) an injured or ill covered veteran who is the employee's spouse, parent, child or next of kin.

For service members, the injury or illness must render the service member medically unable to perform the duties of his or her office, grade, rank or rating. This provision applies to service members who are undergoing medical treatment, recuperation, or therapy, or are in outpatient status or are on the temporary disability retired list, for a serious injury or illness.

For covered veterans, the veteran must be undergoing medical treatment, recuperation or therapy for a serious injury or illness and s/he (1) was a member of the Armed Forces (including the National Guard or Reserves); (2) was discharged or released under conditions other than dishonorable; and (3) was discharged within the five-year period before the eligible employee first takes FMLA military caregiver leave to care for the veteran¹.

For covered veterans, serious injury or illness means any of the following:

(i) a continuation of a serious injury or illness that was incurred or aggravated when the covered veteran was a member of the Armed Forces and rendered the servicemember unable to perform the duties of the servicemember's office, grade, rank, or rating; or

(ii) a physical or mental condition for which the covered veteran has received a U.S. Department of Veterans Affairs Service-Related Disability Rating (VASRD) of 50 percent or greater, and such VASRD rating is based, in whole or in part, on the condition precipitating the need for military caregiver leave; or

¹ The employee's first date of leave must be within the five year period. However, the employee may continue to take leave throughout the single 12 month period even if the leave extends past the five year period. Note - special rules may apply to calculating the five year period for veterans discharged between October 28, 2009 and March 8, 2013. This period will effectively be excluded from the five year calculation.

(iii) a physical or mental condition that substantially impairs the covered veteran's ability to secure or follow a substantially gainful occupation by reason of a disability or disabilities related to military service, or would do so absent treatment; or

(iv) an injury, including a psychological injury, on the basis of which the covered veteran has been enrolled in the Department of Veterans Affairs Program of Comprehensive Assistance for Family Caregivers.

When combined with any other type of FMLA qualifying leave, total leave time may not exceed 26 weeks in a single 12 month period. Standard FMLA leave procedures described below apply to all requests for and designation of leave for this purpose. *However*, in the case of leave to care for an injured or ill servicemember, the 12 month period begins on the day such leave actually commences.

Leave for a “qualifying exigency” arising out of a family member’s service:

FMLA eligible employees may also request leave due to a qualifying exigency arising out of a family member’s active duty status or call up/notification of impending active duty service, for up to 12 workweeks during a 12 month period. Such leave applies to an employee whose spouse, child or parent is on active duty or has been notified of an impending call or order to active duty. Please see the list of qualifying exigencies above, at “Reasons for Leave.”

When combined with any other type of FMLA qualifying leave, total leave time may not exceed 12 weeks in a single 12 month 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 foreseeable based on planned medical treatment for the employee, a family member, or a covered service member, 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. The Board reserves the right to require that the fitness for duty certification specifically address the employee's ability to perform the essential functions of his or her job. In such case the Board will provide the employee with a list of the essential functions of the employee's job at the time the Board issues a Designation Notice for FMLA leave, and the Board will indicate in the Designation Notice that the fitness for duty certification must address the employee's essential functions. 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 June 10, 2014

SUPPLEMENTAL INFORMATION REGARDING ADMINISTERING FAMILY AND MEDICAL LEAVE:

A. Eligibility Period:

1. The 12-month entitlement period for family or medical leave is measured on the basis of a “rolling” 12-month period measured backward from the date an employee uses any FMLA leave.

2. The eligibility period for requesting a leave of absence for childrearing purposes is limited to the 12 month period following the birth, placement for adoption or foster care of a child. Leaves taken for these reasons must be taken concurrently, that is, not intermittently or on a reduced leave schedule, unless agreed to by the Superintendent of Schools or designee and the employee.

3. Leave taken in order to care for an employee's spouse, son, daughter or parent who has a serious health condition or because of an employee's own serious health condition may be taken intermittently or on a reduced leave schedule only if each leave is medically necessary and if agreed to by the Superintendent of Schools or designee and the employee. A reduced leave schedule is one that reduces an employee's usual number of hours.

B. Collective Bargaining Agreements/Family and Medical Leave. In those instances where collective bargaining agreements provide for personal illness leave, personal leave and vacation time, the following applications of such leave shall apply in conjunction with Family and Medical Leave.

- ❖ eligible employees may elect, or the Simsbury Board of Education may require the employee, to substitute any personal leave and vacation leave of the employee for leave provided for the care of a dependent.
- ❖ accrued or available sick leave shall be substituted for any part or all of a 12 week period taken for the serious health condition of the employee. Pregnancy and childbirth are considered serious health conditions. Leave taken prior to the birth of a child due to a pregnancy related disability and for 42 calendar days (6 weeks) following the birth of a child will be considered a paid leave subject to the availability of accrued sick leave. Should a longer period of recovery be required in an instance where surgery is necessary or other complications develop, paid leave shall continue, subject to the availability of accrued sick leave, for the duration of the leave. The Board shall continue its share of the cost of the medical benefits under the same conditions as if the employee had continued in active employment for the duration of the leave or up to twelve weeks whichever shall occur first.

- ❖ After 42 days or at such time the employee is no longer disabled due to a pregnancy and birth, paid sick leave will cease.
- ❖ Should the employee apply for a non-salaried child-rearing leave following a pregnancy and birth, such leave will normally become effective on the 43rd calendar day following the birth of a child or at such time the employee is no longer disabled. During the remainder of the 12 weeks of leave for childrearing purposes, the Board will continue its share of the cost of the medical benefits of the employee under the same conditions as if the employee had continued in active employment.
- ❖ The Board will continue for 12 weeks its share of the cost of the medical benefits of an employee granted child-rearing leave for purposes of adoption or foster care of a child. Upon conclusion of this 12 week period, the employee will be granted the option of continuing medical benefits by assuming 100% of the cost of these benefits, for the remainder of the leave, at the group rate available to Simsbury Board of Education employees.
- ❖ Any hours of leave taken intermittently are deducted on an hour by hour basis from the aggregate 12 week entitlement.

C. Special Rules For Certified Staff

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

1. The leave will last at least three weeks, and
2. The employee would return to work during the three week period before the end of the term.
3. If a certified employee begins leave for a purpose other than the employee's own serious health condition during the five-week period before the end of the term, the Board may require the employee to continue taking leave until the end of the term if:
 - (a) The leave will last more than two weeks, and
 - (b) The employee would return to work during the two-week period before the end of the term.
4. If the certified employee begins leave for a purpose other than the employee's

own serious health condition, during the three week period before the end of the term, and the leave will last more than five working days, the Board may require the employee to continue taking leave until the end of the term.

D. Notification

Where leave is foreseeable, the employee must provide 30 days notice of his or her intent to take leave to the Superintendent of Schools or designee. Where this is not possible, the employee must provide such notice as practicable. If the leave is taken for foreseeable medical treatment, the employee must make an attempt to schedule the treatment so as not to unduly upset school system operations.

E. Medical Certification

Upon written request of the Board, medical certification issued by a health care provider will be required of employees requesting a leave of absence under Family and Medical Leave in the following circumstances:

- ❖ For the employee's own serious health condition;
- ❖ For the serious health condition of employee's family member; and
- ❖ For the serious health condition of a military service member.

Medical Certification should be provided on the forms provided to the employee by the Human Resources Office and should be completed in their entirety.

Typically, leave requests for the employee's own serious health condition require that the employee be out three or more consecutive days of incapacity. Additionally the employee must have two in-person doctor visits within the first 30 days of incapacity, the first visit within the first 7 days, unless extenuating circumstances exist. If the leave is based on a chronic condition that requires periodic visits to a healthcare provider, then the employee must have at least two such visits per year. Leave for pregnancy or prenatal care for an eligible employee is available for any period of incapacity.

F. Second and Third Medical Opinion: The Simsbury Board of Education may require, at its own expense, that the employee obtain a second opinion by a health care provider, which it designates, concerning any information in the original certification. If second medical opinion differs from the initial opinion, the Simsbury Board of Education may require, at the expense of the Board, that the employee obtain the opinion of a third health care provider designated or approved jointly by the Board and the employee.

G. Periodic Recertification: Employees who are on leave due to personal ill health or the ill health of a family member must provide the Superintendent of Schools or designee a recertification from a health care provider attesting to the need for the employee's continued absence and expected date of return to work. Typically, this will be no more often than every thirty (30) days and in connection

with the employee's absence. However, the Board reserves the right to seek recertification more frequently in circumstances permitted by the federal FMLA regulations. For conditions that may result in intermittent or reduced schedule leave for a period longer than six (6) months, the Board will require recertification at least every six (6) months.

H. Spouses with Same Employer: When both husband and wife are employed by the Simsbury Board of Education, a total of 12 weeks leave is available to the couple in the first year care of a child if the leave is taken for birth, foster care, adoption of a child or for the serious health condition of a parent. The 12 week limitation does not apply in the case of leave for other reasons. In those cases each employee is entitled to 12 weeks of leave.

I. Continuation of Health Insurance: During any period that an eligible employee takes leave under the provision of Family and Medical Leave, the Simsbury Board of Education will maintain its share of the cost of the employee's coverage under the group health plan of the Simsbury Public Schools for the duration of the leave at the same level and under the same conditions as if the employee had continued in active employment. The employee will be expected to reimburse the Board of Education for any premiums that the Board paid for maintaining the employees insurance coverage during any period of family and medical leave if the employee fails to return from the leave upon its expiration. The only exception to such recovery of premiums would be if the employee failed to return because of a serious health condition or circumstances beyond the employee's control.

J. Continuation of Pension and Retirement Payments: Certified employees may continue to participate in the Connecticut State Teacher's Retirement Program during a leave under the provisions of Family and Medical Leave. However, such contributory participation will be at 100% employee expense.

K. Return to Work: Under Family and Medical Leave, an employee returning to work following such leave is entitled to return to the position he or she held when the leave began or to an equivalent position with equivalent benefits. Reinstatement may only be denied for key employees who are designated as the highest paid 10% of the workforce and whose leave of absence would result in substantial and grievous harm to the Board of Education. In such case, the Superintendent or designee must notify the employee of its intent to deny restoration at the time the Board of Education determines that such harm would occur. After a leave has commenced, restoration may be denied when the employee elects not to return to work after receiving such notice. Employees are not entitled to other benefits during the period of leave.

L. Qualifying Exigency Arising out of a Family Member's Military Service:

- (1) short notice deployment;

- (2) military events and related activities;
- (3) childcare and school activities;
- (4) financial and legal arrangements;
- (5) counseling
- (6) rest and recuperation
- (7) post-deployment activities; and,
- (8) additional activities where the employer and employee agree to the leave

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 Assistant Superintendent for Administration, 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 Assistant Superintendent for Administration
2. file an official transcript of his/her college record to date
3. submit to interviews by the Assistant Superintendent for Administration 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

4350 NON-SCHOOL EMPLOYMENT

School personnel may receive compensation for outside employment or similar activities/services provided such employment or activities/services do not interfere with the proper discharge of their assigned duties in the school district, do not constitute a conflict of interest, and/or do not cause poor public relations within the community. It is expected that any outside activity performed by school personnel will be carried on in a business-like and ethical manner.

1. It shall be considered a conflict of interest for school personnel to receive compensation to privately tutor or otherwise provide educational services to students in their classes or on their caseload during the academic year.
2. Private tutoring/related services by staff members shall not take place on the property of the Simsbury Public Schools except when approved by the Superintendent. The Superintendent is directed to establish such rules as will protect both the school system and the staff members from charges of conflict of interest or legal liability.
3. School personnel shall not receive any compensation or material gain from individuals outside the school system for district owned materials, property provided by the school system, or for services rendered while performing their jobs, unless they receive prior written approval from the Superintendent or his/her designee.

This policy shall not preclude school personnel from providing homebound instruction or programs through Simsbury Continuing Education to children at the direction of the Board of Education or Administration.

Effective July 1, 2011
Adopted January 25, 2011

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 provides computers, a computer network, including Internet access and an e-mail system and other electronic devices that access the network such as wireless mobile devices that can be used for document creation, wireless Internet access, image capture and recording, sound recording, information transmitting and/or receiving, storing, etc.(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. The Board of Education reserves the right to monitor the use of the computer systems to ensure that they are being used in accordance with all regulations. 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 May 9, 2017

ADMINISTRATIVE REGULATION
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 provides computers, a computer network, including Internet access and an e-mail system and other electronic devices that access the network such as wireless mobile devices that can be used for document creation, wireless Internet access, image capture and recording, sound recording, information transmitting and/or receiving, storing, etc.(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 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 or posting 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, including bypassing filter;
- ◆ 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 or posting information that breaches the Board of Education's confidentiality requirements, including the confidentiality rights of students;
- ◆ Using the system for transmission/publication of material in violation of the copyright law.
- ◆ 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;
 - Using social networking sites in a manner that violates the Board's Social Networking policy.

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.

Electronic Communications

The Board expects that all employees will comply with all applicable Board policies and standards of professional conduct when engaging in any form of electronic communication, including texting, using the district's computer system, or through the use of any electronic device or mobile owned, leased, or used by the Board. As with any form of communicate, the Board expects district personnel to exercise caution and appropriate judgment when using electronic communications with students, colleagues and other individuals in the context of fulfilling an employee's job-related responsibilities.

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 revised regulation is effective as of May 9, 2017

4600.1 Electronic Monitoring – Employees

In accordance with Section 31-48 of the Connecticut General Statutes, the Simsbury Public Schools is required to give notice to all of its employees of the potential use of electronic monitoring in its workplace and while using its vehicles, facilities or equipment. The District reserves the right to use electronic monitoring when it determines it is appropriate, in its discretion, provided the monitoring is not prohibited by state or federal law. The district will post in a conspicuous place which is readily available for viewing by employees a notice concerning the types of electronic monitoring which the Simsbury Public Schools may engage in.

“Electronic monitoring,” as defined by Connecticut General Statutes 31-48d, means the collection of information on the District’s premises, or while using the District’ vehicles, facilities or equipment, concerning employees’ activities or communications, by any means other than direct observation of the employees. Electronic monitoring includes the use of computer, telephone, wire, radio, camera, electro-magnetic, global positioning, photo-electronic or photo-optical systems.

The following are examples of the types of electronic monitoring that may be used in this workplace:

- Monitoring of email, internet access, and other components of the computer system and/or of use of employer provided cell phones and pagers.
- Video and/or audio surveillance of parking areas, grounds, and common areas of buildings.
- Telephone or voice mail monitoring.
- Monitoring of any electromagnetic card access or timekeeping system.
- Tracking or recording of travel and location of an employer provided vehicle.

The District may also use electronic monitoring without prior notice when it has reasonable grounds to believe an employee is engaged in conduct that (i) violates the law, or (ii) violates the legal rights of the municipality or other employees, or (iii) creates a hostile work environment.

Questions about electronic monitoring in the workplace should be directed to Neil Sullivan, Assistant Superintendent for Administration, who may be reached at nsullivan@simsbury.k12.ct.us or (860) 651-3361.

Adopted May 9, 2017

NOTICE TO EMPLOYEES OF ELECTRONIC MONITORING

In accordance with Section 31-48 of the Connecticut General Statutes, the Simsbury Public Schools (“the District”) gives notice to all its employees of the potential use of electronic monitoring in its workplace and while using its vehicles, facilities or equipment. The District reserves the right to use electronic monitoring when it determines it is appropriate, in its discretion, provided the monitoring is not prohibited by state or federal law.

“Electronic monitoring,” as defined by Connecticut General Statutes 31-48d, means the collection of information on the District’s premises, or while using the District’ vehicles, facilities or equipment, concerning employees’ activities or communications, by any means other than direct observation of the employees. Electronic monitoring includes the use of computer, telephone, wire, radio, camera, electro-magnetic, global positioning, photo-electronic or photo-optical systems.

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Questions about electronic monitoring in the workplace should be directed to Neil Sullivan, Assistant Superintendent for Administration, who may be reached at nsullivan@simsbury.k12.ct.us or (860) 651-3361.

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

4701 ABUSE AND NEGLECT REGISTRY CHECKS

A. Abuse and Neglect Registry of the Connecticut Department of Children and Families

Prior to hiring any person for a position requiring a certificate, authorization or permit issued by the State Board of Education, the district shall require the applicant to submit to a records check of information maintained on the Abuse and Neglect Registry of the Connecticut Department of Children and Families (“DCF”) (the “Registry”).

Prior to hiring any person for any other position, if the district does not have access to the information on the Registry without the

consent of the applicant, the district shall request that the applicant provide the district with authorization to access information maintained on the Registry concerning the applicant. Refusal to permit the district to access such information shall be considered grounds for rejecting any applicant for employment and/or terminating the applicant's employment if he or she has already commenced working for the district.

On and after July 1, 2012, prior to hiring any person for any position, including one that does not require a certificate, authorization or permit issued by the State Board of Education, the district shall require such applicant to submit to a records check of information maintained on the Registry concerning the applicant.

The district shall request information from the Registry promptly and in any case no later than thirty (30) days from the date of employment. Registry 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 offer employment to the applicant, or as soon thereafter as practicable, the Superintendent or designee will either obtain the information from the Registry or, if the applicant's consent is required to access the information, will supply the applicant with the release form utilized by DCF for obtaining information from the Registry.
- 2) If consent is required to access the Registry, no later than ten (10) calendar days after the Superintendent or his/her designee has provided the successful job applicant with the form, the applicant must submit the signed form to DCF, with a copy to the Superintendent or his/her designee. Failure of the applicant to submit the signed form to DCF within such ten-day period, without good cause, will be grounds for the withdrawal of the offer of employment and/or terminating the applicant's employment if he or she has already commenced working for the district.
- 3) Upon receipt of Registry information indicating previously undisclosed information concerning abuse or neglect investigations concerning the successful job applicant/employee, the Superintendent or his/her designee will notify the affected applicant/employee in writing of the results of the Registry check and will provide an opportunity

for the affected applicant/employee to respond to the results of the Registry check. After receiving such response, the Superintendent or designee may withdraw the offer of employment or terminate the applicant's employment if he or she has already commenced working for the district.

- 4) If notification is received by the Superintendent or designee that the applicant is listed as a perpetrator of abuse or neglect on the Registry, the Superintendent or designee shall provide the applicant with an opportunity to be heard regarding the results of the Registry check. If warranted by the results of the Registry check and any additional information provided by the applicant, the Superintendent or designee shall revoke the offer of employment and/or terminate the applicant's employment if he or she has already commenced working for the district.

Adopted December 13, 2011

4701.1 Criminal History Record Information (CHRI) Proper
Access, Use and Dissemination

Purpose

The intent of the following policy is to ensure the protection of the Criminal Justice Information (CJI) and its subset of Criminal History Record Information (CHRI) until such time as the information is purged or destroyed in accordance with applicable record retention rules.

The following policy was developed using the FBI's Criminal Justice Information Services (CJIS) Security Policy. The Simsbury Public Schools may complement this policy with a local policy; however, the CJIS Security Policy shall always be the minimum standard. The local policy may augment, or increase the standards, but shall not detract from the CJIS Security Policy standards.

Scope

The scope of this policy applies to any electronic or physical media containing FBI CJI while being stored, accessed, or physically moved from a secure location from the Simsbury Public Schools. In addition, this policy applies to any authorized person who accesses, stores, and/or transports electronic or physical media.

Criminal Justice Information (CJI) and Criminal History Record Information (CHRI)

CJI is the term used to refer to all of the FBI CJIS provided data necessary for law enforcement and civil agencies to perform their missions including, but not limited to biometric, identity history, biographic, property, and case/incident history data.

CHRI, is a subset of CJI and for the purposes of this document is considered interchangeable. Due to its comparatively sensitive nature, additional controls are required for the access, use and dissemination of CHRI. In addition to the dissemination restrictions outlined below, Title 28, Part 20, Code of Federal Regulations (CFR), defines CHRI and provides the regulatory guidance for dissemination of CHRI.

Proper Access, Use, and Dissemination of CHRI

Information obtained from the Interstate Identification Index (III) is considered CHRI. Rules governing the access, use, and dissemination of CHRI are found in Title 28, Part 20, CFR. The III shall be accessed only for an authorized purpose. Further, CHRI shall only be used for an authorized purpose consistent with the purpose for which III was accessed.

Dissemination to another agency is authorized if (a) the other agency is an Authorized Recipient of such information and is being serviced by the accessing agency, or (b) the other agency is performing noncriminal justice administrative functions on behalf of the authorized recipient and the outsourcing of said functions has been approved by appropriate CJIS Systems Agency (CSA) or State Identification Bureau (SIB) officials with applicable agreements in place.

Personnel Security Screening

Access to CJI and/or CHRI is restricted to authorized personnel. Authorized personnel is defined as an individual, or group of individuals, who have been appropriately vetted through a national fingerprint-based record check and have been granted access to CJI data. Agencies located within states having passed legislation authorizing or requiring civil fingerprint-based background checks for personnel with access to CHRI for the purposes of licensing or employment shall submit fingerprint-based record check within 30 days of employment or assignment on all personnel with who have direct access to CJI, those who have direct responsibility to configure and maintain computer systems and networks with direct access to CJI, and any persons with access to physically secure locations or controlled areas containing CJI. Agencies located within states without this authorization or requirement are exempted from the fingerprint-based background check requirement until such time as appropriate legislation has been written into law.

Security Awareness Training

Basic security awareness training shall be required within six months of initial assignment, and biennially thereafter, for all personnel who have access to CJI.

Physical Security

A physically secure location is a facility or an area, a room, or a group of rooms within a facility with both the physical and personnel security controls sufficient to protect the FBI CJI and associated information systems. The perimeter of the physically secure location shall be prominently posted and separated from non-secure locations by physical controls.

Only authorized personnel will have access to physically secure non-public locations. The Simsbury Public Schools will maintain and keep current a list of authorized personnel. All physical access points into the agency's secure areas will be authorized before granting access. The agency will implement access controls and monitoring of physically secure areas for protecting all transmission and display mediums of CJI. Authorized personnel will take necessary steps to prevent and protect the agency from physical, logical and electronic breaches.

Media Protection

Controls shall be in place to protect electronic and physical media containing CJI while at rest, stored, or actively being accessed. "Electronic media" includes memory devices in laptops and computers (hard drives) and any removable, transportable digital memory media, such as magnetic tape or disk, backup medium, optical disk, flash drives, external hard drives, or digital memory card. "Physical media" includes printed documents and imagery that contain CJI.

The agency shall securely store electronic and physical media within physically secure locations or controlled areas. The agency shall restrict access to electronic and physical media to authorized individuals. If physical and personnel restrictions are not feasible then the data shall be encrypted per Section 5.10.1.2.

Media Transport

Controls shall be in place to protect electronic and physical media containing CJI while in transport (physically moved from one location to another) to prevent inadvertent or inappropriate disclosure and use. The agency shall protect and control electronic and physical media during transport outside of controlled areas and restrict the activities associated with transport of such media to authorized personnel.

Media Sanitization and Disposal

When no longer usable, hard drives, diskettes, tape cartridges, CDs, ribbons, hard copies, print-outs, and other similar items used to process, store and/or transmit FBI CJI shall be properly disposed of in accordance with measures established by Simsbury Public Schools.

Physical media (print-outs and other physical media) shall be disposed of by one of the following methods:

1. shredding using Simsbury Public Schools issued shredders.

Electronic media (hard-drives, tape cartridge, CDs, printer ribbons, flash drives, printer and copier hard-drives, etc.) shall be disposed of by one of the Simsbury Public Schools methods:

1. Overwriting (at least 3 times) - an effective method of clearing data from magnetic media. As the name implies, overwriting uses a program to write (1s, 0s, or a combination of both) onto the location of the media where the file to be sanitized is located.
2. Degaussing - a method to magnetically erase data from magnetic media. Two types of degaussing exist: strong magnets and electric degausses. Note that common magnets (e.g., those used to hang a picture on a wall) are fairly weak and cannot effectively degauss magnetic media.
3. Destruction – a method of destroying magnetic media. As the name implies, destruction of magnetic media is to physically dismantle by methods of crushing, disassembling, etc., ensuring that the platters have been physically destroyed so that no data can be pulled.

IT systems that have been used to process, store, or transmit FBI CJI and/or sensitive and classified information shall not be released from Simsbury Public Schools' control until the equipment has been sanitized and all stored information has been cleared using one of the above methods.

Account Management

The agency shall manage information system accounts, including establishing, activating, modifying, reviewing, disabling, and removing accounts. The agency shall validate information system accounts at least annually and shall document the validation process.

All accounts shall be reviewed at least annually by the designated CJIS point of contact (POC) or his/her designee to ensure that access and

account privileges commensurate with job functions, need-to-know, and employment status on systems that contain Criminal Justice Information. The POC may also conduct periodic reviews.

Remote Access

The Simsbury Public Schools shall authorize, monitor, and control all methods of remote access to the information systems that can access, process, transmit, and/or store FBI CJI. Remote access is any temporary access to an agency's information system by a user (or an information system) communicating temporarily through an external, non-agency controlled network (e.g., the Internet).

The Simsbury Public Schools shall employ automated mechanisms to facilitate the monitoring and control of remote access methods. The Simsbury Public Schools shall control all remote accesses through managed access control points. The Simsbury Public Schools may permit remote access for privileged functions only for compelling operational needs but shall document the rationale for such access in the security plan for the information system.

Utilizing publicly accessible computers to access, process, store or transmit CJI is prohibited. Publicly accessible computers include but are not limited to: hotel business center computers, convention center computers, public library computers, public kiosk computers, etc.

Personally Owned Information Systems

A personally owned information system shall not be authorized to access, process, store or transmit CJI unless the agency has established and documented the specific terms and conditions for personally owned information system usage. A personal device includes any portable technology like camera, USB flash drives, USB thumb drives, DVDs, CDs, air cards and mobile wireless devices such as Androids, Blackberry OS, Apple iOS, Windows Mobile, Symbian, tablets, laptops or any personal desktop computer. When bring your own devices (BYOD) are authorized, they shall be controlled using the requirements in Section 5.13 of the CJIS Security Policy.

Reporting Information Security Events

The agency shall promptly report incident information to appropriate authorities to include the state CSA or SIB's Information Security Officer (ISO). Information security events and weaknesses associated with information systems shall be communicated in a manner allowing timely corrective action to be taken. Formal event reporting and escalation procedures shall be in place. Wherever feasible, the agency shall employ automated mechanisms to assist in the reporting of security incidents. All

employees, contractors and third party users shall be made aware of the procedures for reporting the different types of event and weakness that might have an impact on the security of agency assets and are required to report any information security events and weaknesses as quickly as possible to the designated point of contact.

Policy Violation/Misuse Notification

Violation of any of the requirements contained in the CJIS Security Policy or Title 28, Part 20, CFR, by any authorized personnel will result in suitable disciplinary action, up to and including loss of access privileges, civil and criminal prosecution and/or termination.

Likewise, violation of any of the requirements contained in the CJIS Security Policy or Title 28, Part 20, CFR, by any visitor can result in similar disciplinary action against the sponsoring employee, and can also result in termination of services with any associated consulting organization or prosecution in the case of criminal activity.

Adopted May 9, 2017

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 school employees 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 school 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.

"School employee" (A) A teacher, substitute teacher, school administrator, school superintendent, school counselor, psychologist, social worker, nurse, physician, school para-professional or coach employed by the Board or who is working in a Board elementary, middle or high school; or (B) any other person who, in the performance of his or her duties, has regular contact with students and who provides services to or on behalf of students enrolled in the Simsbury Public Schools, pursuant to a contract with the Board.

"Sexual assault" means for the purposes of mandatory reporting laws and this policy; a violation of Sections 53a-70a, 53a-71, 53a-72a, 53a-72b or 53a-73a of the Connecticut General Statutes.

"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" is all school employees as defined above.

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;
- c) is placed at imminent risk of serious harm, or
- d) is a victim of sexual assault and the perpetrator is a school employee.

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) Not later than 48 hours after making an oral report, the employee shall submit a written report to the Commissioner of Children and Families the Commissioner's designee 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 Commissioner of Children and Families (or his/her designee) shall submit a copy of the written report to the Commissioner of Education or his/her designee.

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

- a) The Superintendent or his/her designee shall thoroughly investigate reports of suspected abuse and neglect if/when such report involves an employee of the Board of Education or other individual under the control of the Board, provided such investigation does not impede an investigation by the Department of Children and Families ("DCF"). In all other cases, the Department of Children and Families ("DCF") shall be responsible for conducting the investigation with the cooperation and collaboration of the Board, as appropriate.
- b) Recognizing that DCF is the lead agency for the investigation of child abuse and neglect reports, the Superintendent's investigation shall permit and give priority to any investigation conducted by the Commissioner of Children and Families or the appropriate local law enforcement agency. The Superintendent shall conduct the district's investigation and take any disciplinary action, consistent with state law, upon notice from the Commissioner of Children and Families or the appropriate local law enforcement agency that the district's investigation will not interfere with the investigation of the Commissioner of Children and Families or the local law enforcement agency.
- c) The Superintendent shall coordinate investigatory activities in order to minimize the number of interviews of any child and share information with other persons authorized to conduct an investigation of child abuse or neglect, as appropriate.
- d) Any person reporting child abuse or neglect, or having any information relevant to alleged abuse or neglect, shall provide the Superintendent with all information related to the investigation that is in the possession or control of such person, except as expressly prohibited by state or federal law.

- e) When the school district is conducting an investigation involving suspected abuse or neglect by an employee of the Board or other individual under the control of the Board, the Superintendent's investigation shall include an opportunity for the individual suspected of abuse or neglect to be heard with respect to the allegations contained within the report. During the course of such investigation, the Superintendent may suspend a Board employee with pay or may place the employee on administrative leave with pay, pending the outcome of the investigation. If the individual is one who provides services to or on behalf of students enrolled in the Simsbury Public Schools, pursuant to a contract with the Board of Education, the Superintendent may suspend the provision of such services, and direct the individual to refrain from any contact with students enrolled in the Simsbury Public Schools, pending the outcome of the investigation.

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

- a) 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 or neglected by a school employee, as defined above, who has been entrusted with the care of a child and who holds a certificate, permit or authorization issued by the State Board of Education; or has recommended that such employee be placed on the Department of Children and Families child abuse and neglect registry, the Superintendent shall request (and the law provides) that DCF notify the Superintendent not later than five (5) working days after such finding, and provide the Superintendent with records, whether or not created by DCF, concerning such investigation. The Superintendent shall suspend such school employee. Such suspension shall be with pay and shall not result in the diminution or termination of benefits to such employee.
- b) Not later than seventy-two (72) hours after such suspension, the Superintendent shall notify the Board of Education and the Commissioner of Education, or the Commissioner of Education's representative, of the reasons for and conditions of the suspension. The Superintendent shall disclose such records 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.
- c) The suspension of a school employee employed in a position requiring a certificate shall remain in effect until the Superintendent

and/or Board of Education acts pursuant to the provisions of Conn. Gen. Stat. §10-151. If the contract of employment of such certified school employee is terminated, or such certified school employee resigns such employment, the Superintendent shall notify the Commissioner of Education, or the Commissioner of Education's representative, within seventy-two hours after such termination or resignation.

- d) The suspension of a school employee employed in a position requiring an authorization or permit shall remain in effect until the Superintendent and/or Board of Education acts pursuant to any applicable termination provisions. If the contract of employment of a school employee holding an authorization or permit from the State Department of Education is terminated, or such school employee resigns such employment, the Superintendent shall notify the Commissioner of Education, or the Commissioner of Education's representative, within seventy-two hours after such termination or resignation.
- e) 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 or neglected by a school employee.

9. Evidence of Abuse or Neglect by Any Other Employee or Independent Contractor of the Board of Education

- a) If the investigation by the Superintendent and/or the Commissioner of Children and Families produces evidence that a child has been abused or neglected by any school employee, as defined above, or any other employee of the Board of Education or individual under the control of the Board, the Superintendent and/or the Board, as appropriate, may take disciplinary action, up to and including termination of employment.
- b) If the individual is one who provides services to or on behalf of students enrolled in the Simsbury Public Schools, pursuant to a contract with the Board of Education, the Superintendent shall permanently suspend the provision of such services, and direct the individual to refrain from any contact with students enrolled in the Simsbury Public Schools.
- c) Regardless of the outcome of any investigation by the Commissioner of Children and Families and/or the local law enforcement agency, 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 or neglected by any employee of the Board of Education.

10. Confidential Rapid Response Team

The District shall establish, not later than January 1, 2016, a confidential rapid response team to coordinate with DCF to (!) ensure prompt reporting of suspected child abuse or neglect; or 1st, 2nd, 3rd, or 4th degree sexual assault; 1st degree aggravated sexual assault, or 3rd degree sexual assault with a firearm of a student not enrolled in adult education by a school employee; and (2) provide immediate access to information and individual's relevant to DCF's investigation of such cases.

The confidential rapid response team consists of a local teacher, the Superintendent, a local police officer, and any other person the Board of Education deems appropriate.

DCF, along with a multidisciplinary team, is required to take immediate action to investigate and address each report of child abuse, neglect or sexual abuse in any school.

11. 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.

12. Disciplinary Action for Failure to Follow Policy

Except as provided in Section 12 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.

13. Non-discrimination Policy/Prohibition Against Retaliation

The Board of Education expressly prohibits retaliation against individuals reporting child abuse or neglect and 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.

14. Distribution of Policy

This policy shall be distributed annually to all school employees employed by the Board. The Board shall document that all such school employees have received this written policy and completed the training and refresher training programs required by in Section 14, below.

15. Training

- a) All school employees, as defined above, hired by the Board on or after July 1, 2011, shall be required to complete an educational training program for the accurate and prompt identification and reporting of child abuse and neglect. Such training program shall be developed and approved by the Commissioner of Children and Families.
- b) On or before July 1, 2012, all school employees, as defined above, hired by the Board before July 1, 2011, shall complete the refresher training program developed and approved by the Commissioner of Children and Families.
- c) All school employees, as defined above, shall retake a refresher training course developed and approved by the Commissioner of Children and Families at least once every three years.

16. Records

- a) The Board shall maintain in a central location all records of allegations, investigations and reports that a child has been abused or neglected by a school employee, as defined above, employed by the Board, and conducted in accordance with this policy. Such records shall include any reports made to the Department of Children and Families. The State Department of Education shall have access to such records upon request.
- b) Notwithstanding the provisions of Conn. Gen. Stat. §10-151c, the Board shall provide the Commissioner of Children and Families, upon request and for the purposes of an investigation by the Commissioner of Children and Families of suspected child abuse or neglect by a teacher employed by the Board, any records maintained or kept on file by the Board. Such records shall include, but not be limited to, supervisory records, reports of competence, personal character and efficiency maintained in such teacher's personnel file with reference to evaluation of performance as a professional employee of the Board, and records of the personal misconduct of such teacher. For purposes of this section, "teacher" includes each certified professional employee below the rank of superintendent employed by the Board in a position requiring a certificate issued by the State Board of Education.

Legal References:

Connecticut General Statutes:

Section 10-151

Section 17a-101 et seq.

Section 17a-103

Section 53a-65

Public Act 11-93, *An Act Concerning the Response of School Districts and the Departments of Children and Families to Reports of Child Abuse and Neglect and the Identification of Foster Children within a District*

Revised June 11, 2019

4900.1 REPORTS OF SUSPECTED ABUSE OR NEGLECT OF INTELLECTUALLY DISABLED PERSONS

Section 46a-11b of the Connecticut General Statutes requires that certain school personnel (including teachers, school administrators, school 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 intellectually disabled persons , 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 school 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 intellectually disabled 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 intellectually disabled 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.

Revised June 11, 2019

4950 WHISTLEBLOWER

The Simsbury Board of Education is committed to assuring that its members and its employees discharge their public responsibilities ethically and in full compliance with the spirit and the letter of all applicable laws, rules and regulations.

If any employee has a reasonable belief that any district employee has engaged in any action that violates any applicable law or regulation, the employee should immediately report such information to the Assistant Superintendent for Administration, who shall document and follow up on the report. If the employee does not feel comfortable reporting the information to the Assistant Superintendent for Administration, he or she is expected to report the information to the Superintendent or the Chairperson of the Board of Education, who shall document and follow up on the report.

All reports will be followed up promptly. An investigation will be conducted when warranted, and the due process rights and reputational interests of any accused persons will be considered and respected in any such investigation. Good faith reporting, however, is expected, and any person who knowingly or maliciously makes a false report will be subject to disciplinary action (up to and including termination).

Retaliation is strictly prohibited by any district employee or official against an employee or other member of the school community who: (a) reports to a supervisor, to the Assistant Superintendent for Administration, the Superintendent or the Board of Education or to a federal, state or local agency what the employee believes in good faith to be a violation of the law; or (b) participates in good faith in any resulting investigation or proceeding, or (c) exercises his or her rights under any state or federal law(s) or regulation(s) to pursue a claim or take legal action to protect the employee's rights. Any such retaliation is a violation of this policy, and the Superintendent may take disciplinary action (up to and including termination) against an employee who has engaged in any such retaliatory conduct.

Adopted May 9, 2017