

4000 Personnel

## **4000 Series – PERSONNEL**

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

### **Students**

#### **Title IX**

The Board of Education (Board) policy is to maintain a learning and working environment free from any form of sex discrimination or sexual harassment. The Board agrees to comply with Title IX of the Education Amendments of 1972 and the Regulations as amended in the Final Rule promulgated pursuant thereto.

The Board, as required, shall respond whenever any employee has notice of sexual harassment, including allegations of sexual harassment. Title IX applies to persons in this District because its education programs or activities receive Federal financial assistance. This policy applies to all of the District's programs or activities, whether such programs or activities occur on or off campus.

The District's response shall be triggered by notice to a Title IX Coordinator, or to an official with authority to institute corrective measures on the recipient's behalf, which charges a school with actual knowledge.

The Board has chosen to use as the District's standard of evidence as preponderance of evidence standard (*previous existing standard*).

(cf. 0521 – Nondiscrimination)

(cf. 0521.1 – Grievance Procedure for Section 504, Title IX, and Title VII)

(cf. 4118.11/4218.11 – Nondiscrimination)

(cf. 4118.112/4218.112 – Sex Discrimination and Sexual Harassment in the Workplace)

(cf. 5131.911 – Bullying/Safe School Climate Plan)

(cf. 5145.5 – Sexual Harassment)

(cf. 5145.51 – Peer Sexual Harassment)

#### **Legal Reference:**

- United States Constitution, Article XIV
- Civil Rights Act of 1964, Title VII, 42 U.S.C. §2000-e2(a)
- Equal Employment Opportunity Commission Policy Guidance (N-915.035) on Current Issues of Sexual Harassment, Effective 10/15/88.
- Title IX of the Education Amendments of 1972, 20 USCS §1681, et seq.
- Title IX of the Education Amendments of 1972, 34 CFR §106, et seq.
- Title IX Final Rule, 34 CFR §106.45, et seq., May 6, 2020
- 34 CFR Section 106.8(b), OCR Guidelines for Title IX.
- Definitions, OCR Guidelines on Sexual Harassment, Fed. Reg. Vol 62, #49, 29 CFR Sec. 1606.8 (a) 62 Fed Reg. 12033 (March 13, 1997) and 66 Fed. Reg. 5512 (January 19, 2001)
- The Clery Act, 20 U.S.C. §1092(f)
- The Violence Against Women Act, 34 U.S.C. §12291(a)
- *Mentor Savings Bank, FSB v. Vinson*, 477 U.S. 57 (1986)
- *Faragher v. City of Boca Raton*, No. 97-282 (U.S. Supreme Court, June 26, 1998)
- *Burlington Industries, Inc. v. Ellerth*, No. 97-569, (U.S. Supreme Court, June 26, 1998)
- *Gebbs v. Lago Vista Indiana School District*, No. 99-1866, (U.S. Supreme Court, June 26, 1998)



- *Davis v. Monro County Board of Education*, No. 97-843, (U.S. Supreme Court, May 24, 1999.)
- Connecticut General Statutes
- 46a-60 Discriminatory employment practices prohibited.
- Conn. Agencies Regs. §46a-54-200 through §46a-54-207
- Constitution of the State of Connecticut, Article I, Section 20.
- P.A. 19-16 An Act Combatting Sexual Assault and Sexual Harassment

**Policy Adopted:**

September 27, 2016  
October 26, 2021

**Policy Amended:**

October 12, 2021

## Personnel Certified/Non-Certified

## Students

## Definitions

**Sex discrimination** for purposes of this Title IX policy occurs when an individual, because of their sex, is denied participation in or the benefits of any program or activity receiving federal financial assistance. It includes when the District, as an employer, refuses to hire, disciplines or discharges any individual, or otherwise discriminates against an individual with respect to such individual's compensation, terms, conditions or privileges of employment on the basis of the individual's sex.

**Sexual harassment** for purposes of this Title IX policy includes any of the three types of misconduct on the basis of sex, all of which jeopardize the equal access to education that Title IX is designed to protect:

1. Any instance of *quid pro quo* harassment by a school's employee;
2. Any unwelcome conduct that a reasonable person would find so severe, pervasive, and objectively offensive that it denies a person's equal access to the District's educational programs or activities; or
3. Any instance of sexual assault (as defined in 20 U.S.C.1092 (f)(6)(A)(v)), dating violence (as defined in 34U.S.C. 12291(a)(10)), domestic violence (as defined in 34U.S.C.12291(a)(8)), or stalking, (as defined in 34 U.S.C. 12291(a)(30).

(This definition does not make sexual harassment dependent on the method by which the harassment is carried out.)

**Program or activity** includes those locations, events, or circumstances over which the District exercises substantial control over both the alleged harasser (respondent) and the context in which the sexual harassment occurred.

**Actual knowledge** means notice of sexual harassment or allegations of sexual harassment to the District's Title IX Coordinator or to any employee of the school district.

**Title IX Coordinator** is the individual designated and authorized by the Board to coordinate the District's Title IX compliance efforts.

**Deliberately indifferent** means a response to a Title IX sexual harassment report that is not clearly unreasonable in light of the known circumstances.

**Complainant** is the individual who is alleged to be the victim of conduct that could constitute sexual harassment.

**Respondent** is the individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment.

**Formal complaint** is the document filed by a complainant or signed by the Title IX Coordinator alleging sexual harassment against a respondent and requesting that the District investigate the allegation of sexual harassment.

**Document filed by a complainant** is 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.

**Supportive measures** are individualized services reasonably available that are non-punitive, non-disciplinary and not unreasonably burdensome to the other party while designed to ensure equal educational access, protect safety, or deter sexual harassment. These measures are without charge to a complainant or a respondent and may be offered before or after the filing of a formal complaint or when no complaint has been filed.

## Notifications

The District shall notify all students, employees, applicants for admission and employment, parents or legal guardians of students, and all unions/bargaining units of the Title IX Coordinator's contact information. Such

information shall include the name or title, office address, e-mail address, and telephone number of the Title IX Coordinator. The required contact information shall also be prominently displayed on District and school websites.

### **District/School's Mandatory Response Obligations**

The District and its schools recognize its mandatory obligations to respond promptly to Title IX sexual harassment in a manner that is not deliberately indifferent, as defined. The following mandatory response obligations will be fulfilled:

1. Supportive measures shall be offered to the person alleged to be the victim ("complainant"). A respondent will not be disciplined without the District first following the Title IX grievance process, which includes investigating formal complaints of sexual harassment.
2. The Title IX Coordinator to discuss promptly with the complainant the availability of supportive measures, consider the complainant's wishes with respect to such measures, inform the complainant of the availability of such measures with or without filing of a formal complaint, and explain to the complainant the process for filing a formal complaint.
3. Follow a grievance procedure that complies with the Title IX Final Rule before the imposition of any disciplinary sanctions or other actions that are not supportive measures, against a respondent.
4. The rights protected under the U.S. Constitution, including the First Amendment, Fifth Amendment and Fourteenth Amendment shall not be restricted when complying with Title IX.
5. Sexual harassment allegations in any formal complaint will be investigated. The formal complaint can be filed by a complainant or signed by the Title IX Coordinator.
6. The complainant's wishes regarding whether the District/school investigates shall be respected unless the Title IX Coordinator determines that signing a formal complaint to initiate an investigation over the wishes of the complainant is not clearly unreasonable in light of the known circumstances.
7. Compliance efforts, where applicable, to be coordinated with special education staff members.

If the allegations in a formal complaint do not meet the definition of sexual harassment contained within this policy, or did not occur in the District's educational; program or activity against a person in the United States, the District will, as required, dismiss such allegations for purposes of Title IX but may still address the allegations in any manner deemed appropriate by the District.

### **Notice of Allegation to the Parties**

The District shall provide notice to the parties upon receipt of a formal complaint and on an ongoing basis if the District decides to include additional allegations during the course of the investigation.

The notice shall inform the parties of the allegations that potentially constitute sexual harassment as defined in this policy and include the identities of the parties involved in the incident, sufficient details about the allegations, including the identities of the parties if known, the conduct allegedly constituting sexual harassment, and the date and location of the alleged incident, if known.

The written notice shall also include notice of the applicable grievance process, and advise the parties that they may have an advisor of their choice and that the parties may inspect and review evidence obtained in the investigation.

The notice shall also inform the parties of any provisions in the District's code of conduct that prohibits knowingly making false statements or knowingly submitting false information during the grievance process.

### **Grievance Process**

The District, as required, will utilize a consistent, transparent grievance process for resolving formal complaints of sexual discrimination and/or sexual harassment. Such process, as detailed in the administrative regulations, applies to all District schools equally.

A presumption that the respondent is not responsible for the alleged conduct shall be maintained until a determination is made regarding responsibility at the conclusion of the grievance process.

## **Investigations**

Allegations contained in any formal complaint will be investigated. Written notice shall be sent to both the complainant(s) and respondent(s) of the allegations upon receipt of the formal complaint.

During the grievance process and when investigating:

1. The burden of gathering evidence and burden of proof remains with the District.
2. The parties will be provided equal opportunity to present fact and expert witnesses and evidence.
3. The ability of the parties to discuss the allegations or gather evidence shall not be restricted.
4. The parties shall have the same opportunity to select an advisor of their choice, who may be, but need not be, an attorney.
5. The District shall send written notice of any investigative interviews or meetings.
6. The District shall send the parties, and their advisors, evidence directly related to the allegations, electronically or hard copy, with at least 10 days for the parties to inspect, review and respond to the evidence.
7. The District shall send the parties, and their advisors, an investigative report, electronically or hard copy, that summarizes relevant information with at least 10 days for the parties to respond.
8. After the District has sent the investigative report to the parties and before reaching a determination regarding responsibility, the decision maker(s) shall afford each party an 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.

**Note:** The final Title IX regulations specify that the decision-maker(s) in the investigation and adjudications of formal complaints cannot be the same person as the Title IX Coordinator or investigator(s).

The District shall dismiss allegations of sexual harassment that do not meet the definition contained in this policy or if such conduct did not occur in a District educational program or activity against a person in the United States. Such dismissal is for Title IX purposes.

The District, in its discretion, may dismiss a formal complaint or allegations therein if the Title IX Coordinator is informed by the complainant in writing to withdraw the formal complaint or allegations therein, if the respondent is no longer enrolled or employed by the District, or if specific circumstances prevent the District from gathering sufficient evidence to reach a determination.

The District shall give the parties written notice of a dismissal, mandatory or discretionary, and the reasons for such dismissal.

The District, in its discretion, may consolidate formal complaints where the allegations arise out of the same facts.

The privacy of an individual's medical, psychological, and similar treatment records will be protected. Such records will not be accessed by the District unless the party's voluntary, written consent is obtained. [The District cannot access, consider, disclose, or otherwise use a party's records that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or para professional acting in their recognized capacity or assisting in that capacity, and which are made and maintained in connection with the provision of treatment to the party, unless the district obtains that party's voluntary, written consent to do so.]

Questions and evidence about the complainant's sexual predisposition or prior sexual behavior, per the Title IX Final Rule, are considered irrelevant, 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 offered to prove consent.

## **Standard of Evidence and Written Determination**

The District's Grievance Process, as required by the Title IX Final Rule, shall state whether the standard of evidence to determine responsibility is the preponderance of evidence standard or the clear and convincing evidence standard. The District shall provide the same standard of evidence to all formal complaints of sexual harassment whether the respondent is a student or an employee, including a faculty member.

The Board has chosen to use as the District's standard of evidence the preponderance of evidence standard. *(previous existing standard)*

The decision maker, who cannot be the Title IX Coordinator or the investigator, shall issue a written determination regarding responsibility with findings of fact, conclusions about whether the alleged conduct occurred, rationale for the result as to each allegation, any disciplinary sanctions imposed on the respondent, and whether remedies will be provided to the complainant.

Such written determination shall be sent simultaneously to the parties and include information about how to file an appeal.

### **Appeals**

The District shall offer both parties an appeal from a determination regarding responsibility and from the District's dismissal of a formal complaint or any allegations therein, based on the following:

1. Procedural irregularity that affected the outcome of the matter;
2. Newly discovered evidence that could affect the outcome of the matter; and/or
3. Title IX personnel (Title IX Coordinator, investigator(s), or decision maker(s)) that had a conflict of interest or bias, that affected the outcome of the matter.
4. Additional reasons identified by the District and offered equally to both parties.

The District shall provide both parties a reasonable opportunity to submit a written statement in support of, or challenging the outcome. The appeal decision-maker shall issue simultaneously to the parties, a written decision describing the appeal result and the rationale for the result. *(The appeal decision-maker may not be the same person as the decision-maker(s) that reached the determination of responsibility or dismissal, the investigator(s) or the Title IX Coordinator.)*

### **Informal Resolution Process**

The District may exercise the option to offer and to facilitate an informal resolution option, such as, but not limited to, mediation or restorative justice, provided both parties give voluntary, informed, written consent to attempt informal resolution.

The Board shall not require as a condition of enrollment or continuing enrollment, or employment or continuing employment, or enjoyment of any other right, the waiver of the right to a formal investigation and adjudication of formal complaints of sexual harassment. The District will not require the parties to participate in an informal resolution process and will not offer such process unless a formal complaint is filed.

At any time prior to agreeing to a resolution, the Board recognizes the right of any party to withdraw from the informal resolution process and to resume the grievance/investigative process with respect to the formal complaint.

The Board specifically prohibits the offering or facilitating of an informal resolution process to resolve any allegation that an employee sexually harassed a student.

### **Record Keeping**

The District shall maintain for a period of seven years the records of each sexual harassment investigation, any disciplinary sanctions imposed on the respondent or remedies provided to the complainant; any appeal and the results of the appeal; informal resolution, if any, and the results of informal resolution; and the materials used to train coordinators, investigators, decision-makers and facilitators of informal resolution.

The District shall also create and maintain for a period of seven years records of any actions, including any supportive measures, taken in response to a report or formal complaint of sexual harassment. In each instance, it shall be documented the basis or the conclusion reached and the measures taken to restore or preserve access to the District's educational program or activity. Reasons must be cited when supportive measures are not provided to a complainant.

### **Retaliation**

The District shall maintain confidentiality regarding the identity of complainants, respondents, and witnesses, except as may be permitted by the Family Educational Rights and Privacy Act (FERPA), as required by law, or as necessary to carry out a Title IX proceeding.

The District expressly prohibits retaliation against any individual for exercising Title IX rights

No school or person may intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by Title IX, or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in a Title IX investigation or proceeding.

Complaints alleging retaliation may be filed according to the grievance procedures pertaining to sex discrimination.

The Board recognizes that the following does not constitute retaliation:

1. The exercise of rights protected under the First Amendment of the U.S. Constitution.
2. The charging of an individual with a code of conduct violation for making a materially false statement in bad faith in the course of a grievance proceeding, provided, however, that a determination regarding responsibility, alone, is not sufficient to conclude that any party made a bad faith materially false statement.

The charges against an individual for code of conduct violations that do not involve sex discrimination or sexual harassment, but arise out of the same facts or circumstances as a report or complaint of sex discrimination, or a report or formal complaint of sexual harassment, for the purpose of interfering with any right or privilege secured by Title IX, constitutes retaliation.

### **Training**

The Board shall provide and/or make available training for any person designated as a Title IX coordinator, investigator, and decision maker and any person designated to facilitate an informal resolution process. Such training shall include:

- The definition of sexual harassment under the new Final Rule
- The scope of the District's education programs and activities;
- The manner in which to conduct an investigation and grievance process, including appeals, hearings and informal resolution process, as applicable;
- How to serve impartially, including the avoidance of prejudgment of the facts at issue, conflicts of interest, and bias;
- The promotion of impartial investigations and adjudications of sexual harassment;
- A presumption that the respondent is not responsible for the alleged conduct until a determination is made regarding responsibility at the conclusion of the grievance process;
- Description of the range or list of the possible remedies the district may provide a complainant and disciplinary sanctions that can be imposed on a respondent, following determinations of responsibility;
- The utilization of the preponderance of evidence standard or the clear and convincing evidence standard;
- Issues of relevance of questions and evidence; and
- The creation of the investigative report to fairly summarize relevant evidence.

The District shall, as required, retain its training materials for a period of seven years and to make such materials available on its website (or upon request if the district does not maintain a website).

### **Nondiscrimination Notice**

The Board of Education, in compliance with federal and state law, affirms its policy of equal educational opportunity for all students and equal employment opportunity for all persons. The Board shall not discriminate on the basis of sex in the education programs or activities it operates. This policy of nondiscrimination in the education program or activity also extends to employment and admission.

Notice of the Board's nondiscrimination policy and grievance procedure, including how to file or report sexual harassment and how the District will respond shall be provided to applicants for admission and employment; students; parents or legal guardians; and unions or professional organizations holding agreements with the District.

This notice of nondiscrimination shall be posted on district and school websites and placed in any handbooks provided to the above cited groups.

### **Title IX: Grievance Procedure/Complaint Process**

#### **Filing of a Formal Complaint**

The Board of Education (Board) encourages all victims of sexual discrimination based on the Title IX policy, whether students or employees, to promptly report such claims. Timely reporting of complaints facilitates the investigation and resolution of such complaints. Any person may report sex discrimination, including sexual harassment, whether or not the person reporting is the person alleged to be the victim of conduct that would constitute sex discrimination or sexual harassment.

Such report may be made in person, by mail, by telephone, or by e-mail, using the contact information listed for the Title IX Coordinator, or by any other means that results in the Title IX Coordinator receiving the person's verbal or written report.

Such report may be made at any time, including during non-business hours, by using the Title IX Coordinator's listed telephone number, e-mail address or by mail to the office address. Any third party as well as the complainant may report sexual harassment. This includes parents and guardians of students.

Any employee who believes that they have been sexually harassed or otherwise discriminated against on the basis of sex should submit a complaint to the Title IX Coordinator. If the Title IX Coordinator is the subject of the complaint, the written complaint should be submitted to the Superintendent of Schools.

A student who believes that they have been subjected to sex discrimination or sexual harassment, should make a written complaint to The Title IX Coordinator, or to the building principal, or their designee. A student may also notify any employee of any school in the District who shall bring the allegation to the attention of the Title IX Coordinator.

The complaint should state the:

1. Name of the complainant,
2. Date of the complaint,
3. Date(s) of the alleged harassment/discrimination,
4. Name(s) of the harasser(s) or discriminator(s),
5. Location/manner where such harassment/discrimination occurred,
6. Names of any witness(es) to the harassment/discrimination,
7. Detailed statement of the circumstances constituting the alleged harassment/discrimination, and
8. Remedy requested

At the time of filing a formal complaint, the complainant must be participating in or attempting to participate in

the education program or activity of the District with which the formal complaint is filed.

This grievance/investigative procedure shall be followed before the imposition of any disciplinary sanctions or other actions that are not supportive measures, against a respondent.

Sexual harassment allegations in any formal complaint will be investigated. The formal complaint can be filed by a complainant or signed by the Title IX Coordinator.

The complainant's wishes regarding whether the District/school investigates shall be respected unless the Title IX Coordinator determines that signing a formal complaint to initiate an investigation over the wishes of the complainant is not clearly unreasonable in light of the known circumstances.

If the allegations contained in a formal complaint do not meet the definition of sexual harassment contained within the policy, or did not occur in the District's educational; program or activity against a person in the United States, the District will, as required, dismiss such allegations for purposes of Title IX but may still address the allegations in any manner deemed appropriate by the District.

The District shall keep confidential the identity of any individual who has made a report or complaint of sex discrimination, including any individual who made a report or filed a formal complaint of sexual harassment, including any complainant, any individual who has been reported to be the perpetrator of sex discrimination, any respondent, and any witness except as permitted by the Family Educational Rights and Privacy Act (FERPA) or required by law or to conduct any investigations or judicial proceeding under the final sexual harassment regulations.

Any student or employee making a complaint shall be provided a copy of the Title IX policy and administrative regulation (4000.1/5145.44)

### **Grievance/Investigative Process**

The following investigative procedure will be utilized upon the receipt of a written formal complaint or when knowledge of a sexual harassment allegation is made available to an employee of the District. The District personnel involved in the implementation of this process shall operate under the presumption that the respondent is not responsible (a presumption of innocence) so that the District bears the burden of proof and the standard of evidence is correctly applied.

#### **Step 1: Notification of the Involved Parties**

The Title IX Coordinator will notify the involved parties that a complaint exists, and also on an ongoing basis if the District decides to include additional allegations during the course of the investigation, and that an investigation will promptly begin.

The notice shall contain information about the grievance/investigation process, including information about any informal resolution process, and sufficient details about the allegations at hand, the conduct allegedly constituting sexual harassment, and the date and location of the alleged incident, if known, and include the identities of the parties involved in the incident, the complainant's and respondent's rights, the policy that the alleged behavior violates, and the contact information for the investigator.

The notice shall contain a statement that the respondent is presumed not responsible for the alleged conduct and that responsibility will be determined at the conclusion of the grievance/investigation process.

The written notice shall also advise the parties that they may have an advisor of their choice, who may be, but does not need to be, an attorney, and that they may inspect and review evidence obtained in the investigation, throughout the investigation.

The notice shall also inform the parties of any provisions in the District's code of conduct that prohibits knowingly making false statements or knowingly submitting false information during the grievance process.

The notice can also be used to schedule an intake meeting, either in person or electronically, to discuss basic information about the allegations and to determine the next steps of the investigation.



The District's response shall include refraining from disciplining a respondent without following the Title IX grievance/investigative process, which includes investigating the formal complaint of sexual harassment.

The Title IX Coordinator shall discuss promptly with the alleged victim (complainant) the availability of supportive measures and consider the complainant's wishes with respect to such measures. The complainant shall be offered such measures with or without the filing of a formal complaint. The process for filing a formal complaint will be explained to the complainant.

A complaint may be dismissed if the complainant notifies the Title IX Coordinator at any time that they wish to withdraw the complaint or allegation. The complaint shall also be dismissed if the respondent's enrollment or employment in the District ends, or if specific circumstances prevent the District from gathering evidence sufficient to reach a determination about the complaint.

The District may choose to remove a respondent from its education program or activity on an emergency basis after the District has conducted a safety and risk analysis and determined that such emergency removal is necessary to protect a student or other individual from an immediate threat to physical health or safety.

The District may also, as applicable, place an employee-respondent on administrative leave during the pendency of the grievance/investigative process.

## **Step 2: Fact Gathering**

If the complainant decides to proceed with the investigative process, information is to be gathered related to the allegations. This process shall include, but not be limited to, the collection of documents, audio and video recordings, social media posts, and cell phone records.

The complainant and the respondent are to be interviewed, asking them to explain their side of the occurrence(s) and their relationship with the other party. The names of potential witnesses and any other details that may be pertinent to the investigation shall be sought.

A party's written consent shall be required before using the party's medical, psychological, or similar treatment records during the grievance/investigative process. The District shall not access, consider, disclose, or otherwise use a party's records that are maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in such individual's capacity, unless the District obtains that party's voluntary written consent.

All questioning shall exclude evidence about the complainant's sexual predisposition or prior sexual behavior unless such questions and evidence are offered to prove someone other than the respondent committed the conduct alleged by the complainant or if the questions or evidence are offered to prove consent.

The District recognizes that during the time frame needed to promptly conclude the grievance/investigative process there may be temporary delays based on good causes, including but not limited to, law enforcement involvement, absence of a party, witness or advisor, or translation or accommodation needs. Notice of such delays will be provided by the investigator explaining any reasons for the delay.

## **Step 3: Review and Analysis of Information**

The trained Title IX investigator, after collecting as much relevant information as possible, shall evaluate such evidence without prejudgment of the facts at issue and free from conflicts of interest or bias for or against either party.

The investigator shall provide both the complainant and the respondent at least ten days to review the collected and provided information before any determination is reached regarding responsibility. Such review period is to allow for any additional information from either party or the opportunity to address a discrepancy. The decision-maker(s) shall 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.

The investigator will then review, weigh, analyze, and compare the information to see if there is sufficient information to determine whether a violation occurred.

#### **Step 4: Determine a Violation (Determinations of Responsibility)**

A separate decision-maker will determine if a violation has occurred. (The decision -maker is not the same person as the investigator or the Title IX Coordinator.) The District will apply its chosen standard of evidence to determine responsibility. The District shall provide the same standard of evidence to all formal complaints of sexual harassment whether the respondent is a student or an employee, including a faculty member.

The Board has chosen to use as the District's standard of evidence the preponderance of evidence standard. (*previous existing standard*)

The **preponderance of evidence standard** of proof means that the information gathered concludes that the allegations are "more likely than not" to be true, or more than 50 percent likely. This standard requires more convincing proof than "probable cause" and less than "beyond a reasonable doubt."

#### **Step 5: Written Report and Notification of Outcome to the Parties**

After a determination has been made, the final investigative report shall be prepared. The report shall contain the initial allegations, the policy violated, the parties involved, the evidence gathered, a summary of the interviews and any other relevant information, an explanation of how and why the decision-maker reached the conclusions. The written determination shall also include a statement of and rationale for result as to each allegation including a determination of responsibility, any disciplinary sanctions, and whether remedies to restore or preserve equal access to the educational program or activity will be provided.

A copy of the final report shall be sent to each party at least ten days before it is finalized in order to give the respective parties the opportunity to respond.

After the outcome is finalized, a written determination of the outcome shall be sent to both parties. This notice shall include information about the outcome, reasons supporting the determination and, depending on the conclusion, the next steps in the Title IX process.

The District shall implement remedies for a complainant if a respondent is found responsible for sexual harassment. Such remedies should be reasonably calculated to end the discrimination, and appropriate corrective action and/or disciplinary action aimed at preventing the recurrence of the harassment or discrimination, as deemed appropriate by the Superintendent or their designee.

Remedies offered may include the same actions described as supportive measures, but remedies need not avoid punishing or burdening the respondent.

#### **Step 6: Appeal Process**

After notification to the complainant and respondent of the outcome, either or both parties may appeal the decision in writing, within ten days, to the Superintendent of Schools or his/her designee to request an administrative review. An appeal can be filed on the basis of procedural irregularity that affected the outcome, newly discovered evidence that was not reasonably available at the time of determination and could affect the outcome, and/or conflict of interest or bias of the Title IX personnel (Title IX Coordinator, investigator, or decision maker) that affected or could affect the outcome of the matter. The District reserves its right to offer additional bases for an appeal which shall be offered equally to both parties.

Such written appeal shall be filed within thirty calendar days to the Superintendent of Schools, who shall review the decision maker's written report, the information collected by the Title IX Coordinator and the investigator(s). The Superintendent will determine if further action and/or investigation is warranted. The Superintendent shall respond to the party(s) requesting the appeal within fifteen school days following the receipt of the written appeal request.

**Note:** The decision maker for an appeal may not be the Title IX Coordinator, investigator, or initial decision

maker. The appeal decision maker must have also received the training previously described.

*(An alternate appeal process: - Appeal to the BOE who shall hold a hearing within 15 days of receipt of such written request to decide the appeal and respond within 10 days of its decision. Employees to use the grievance procedure set forth in the applicable collective bargaining contract. The BOE would also need to receive the training if this option is utilized)*

### **Step 7: Informal Resolution Process**

The District shall offer and facilitate an informal resolution option, such as, but not limited to, mediation or restorative justice, provided both parties, complainant and respondent, give voluntary, informed, written consent to attempt an informal resolution to the complaint.

The Board shall not require as a condition of enrollment or continuing enrollment, or employment or continuing employment, or enjoyment of any other right, the waiver of the right to a formal investigation and adjudication of formal complaints of sexual harassment. The District does not require the parties to participate in an informal resolution process and will not offer such process unless a formal complaint is filed.

At any time prior to agreeing to a resolution, the Board recognizes the right of any party to withdraw from the informal resolution process and to resume the grievance/investigative process with respect to the formal complaint.

The Board will not offer or facilitate an informal resolution process to resolve allegations that an employee sexually harassed a student.

### **Other Provisions**

If a sex discrimination complaint raises a concern about bullying behavior, the Title IX Coordinator shall notify the Safe School Climate Specialist or designee who shall coordinate any bullying investigation with the Title IX Coordinator in order to ensure that any such bullying investigation complies with the requirements of applicable Board policies.

Retaliation against any individual who complains pursuant to the Board's policy is strictly forbidden. The District will take the necessary actions to prevent retaliation as a result of filing a complaint or the involvement of any individual in the grievance/investigative process.

The District shall create and maintain for a period of seven years records of any actions, including any supportive measures, taken in response to a report or formal complaint of sexual harassment as detailed in the Title IX policy.

The District, in responding to any claim of sexual discrimination under Title IX, shall never deprive any individual of their rights guaranteed under the U.S. constitution.

At any time, a complainant alleging sex discrimination or sexual harassment may 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 (1-617-289-0111)

The Title IX Coordinator for the District is \_\_\_\_\_, whose office is located at \_\_\_\_\_ and whose telephone number is \_\_\_\_\_, and whose email address is \_\_\_\_\_.

### **Legal Reference:** United States Constitution, Article XIV

Civil Rights Act of 1964, Title VII, 42 U.S.C. §2000 e2(a).

Equal Employment Opportunity Commission Policy Guidance (N 915.035) on Current Issues of Sexual Harassment, Effective 10/15/88.

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

Title IX of the Education Amendments of 1972, 34 CFR §106, et seq.

Title IX Final Rule, 34 CFR 106.45 et seq., May 6, 2020

34 CFR Section 106.8(b), OCR Guidelines for Title IX.

Definitions, OCR Guidelines on Sexual Harassment, Fed. Reg. Vol 62, #49, 29 CFR Sec. 1606.8 (a) 62 Fed Reg. 12033 (March 13, 1997) and 66 Fed. Reg. 5512 (January 19, 2001)

The Clery Act, 20 U.S.C. §1092(f)

The Violence Against Women Act, 34 U.S.C. §12291(a)

Mentor Savings Bank, FSB v. Vinson 477 US.57 (1986)

Faragher v. City of Boca Raton, No. 97-282 (U.S. Supreme Court, June 26, 1998)

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

Gebbs v. Lago Vista Indiana School District, No. 99-1866, (U.S. Supreme Court, June 26, 1998)

Davis v. Monroe County Board of Education, No. 97-843, (U.S. Supreme Court, May 24, 1999.)

Connecticut General Statutes

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

Conn. Agencies Regs. §46a-54-200 through §46a-54-207

Constitution of the State of Connecticut, Article I, Section 20.

P.A. 19-16 An Act Combating Sexual Assault and Sexual Harassment

**Regulation approved:**

October 26, 2021

## Stamford Public Schools

**Complaint Form Regarding Sex Discrimination and Sexual Harassment**

<b>Name of the Complainant</b>	
<b>Complainant's Contact Information</b>	
<b>Date of the complaint</b>	
<b>Date of the alleged discrimination/harassment</b>	
<b>Name(s) of the discriminator(s) or harasser(s)</b>	
<b>Location where such discrimination/harassment occurred</b>	
<b>Name(s) of any witness(es) to the discrimination/harassment</b>	
<b>Detailed statement of the circumstances constituting the alleged discrimination or harassment</b>	
<b>Remedy Requested</b>	

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 Signature of Complainant

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 Date

## **Personnel**

### **Staff Development**

The Board supports staff development as a means to improve instruction and student learning.

All staff should have the opportunity to participate in programs designed by the Superintendent to enhance their professional development.

The Superintendent shall also attempt to make staff development opportunities available to contractor employees (employees of third parties who work in the schools as part of the educational program).

#### **Policy Adopted:**

May 6, 1988

#### **Policy Amended:**

July 24, 2001

## **PUBLIC TRUST EMPLOYEES**

The Board of Education considers all employees, to be "public trust employees." **The** job effectiveness of such employees depends on the members of the community maintaining respect and confidence in such employees in regards to both their on-duty and off-duty conduct. Accordingly, the Board directs such employees to refrain from engaging in any conduct on or off school property which could damage the public's trust and confidence in such employees. Such conduct includes, but is not limited to, acts of moral misconduct (i.e. criminal conviction, such as commission of a felony) or conviction of any crime.

The Board considers any off-duty misconduct tending to damage the public's trust and confidence committed by such employees to have occurred in the course of employment. Accordingly, such misconduct, even if it occurs off school property or during off-duty time, can be the subject of disciplinary action by the Board up to and including termination of employment. Acceptance of an offer of employment by a Board of Education employee means that the person accepting the offer understands and accepts that acts tending to damage the public's trust and confidence, even if committed off school property or during off-duty time, will be considered willful misconduct, and may subject the employee to disciplinary action.

### **Legal References:**

- Regulations of Conn. State Agencies, Section 31-236-26c(c)(I)(2)
- Title VII, Civil Rights Act of 1964, as amended, 42 U.S.C. §§ 2000d and 2000e
- Section 504, Rehabilitation Act of 1973 as amended, 29 U.S.C. § 794
- Americans with Disabilities Act of 1990, as amended 42 U.S.C. § 12102, *et seq.*
- Age Discrimination in Employment Act, as amended, 29 U.S.C. § 621 *et seq.*
- Equal Pay Act, 29 U.S.C. § 206(d)
- Federal Regulations, 29 C.F.R. Parts 1604 through 1608, inclusive
- Connecticut General Statutes Sections 10-153, 10-220(a), 31-75, 46a-60(a)(I) *et seq.*, 46a-81c

### **ADOPTED:**

July 22, 2003

### **REVISED:**

335378 v.OI SI

**Personnel****Family and Medical Leave**

It is the policy of the Stamford Board of Education to comply with the Family and Medical Leave Act of 1993, as amended ("FMLA") in its employment practices. This policy is implemented through the accompanying administrative regulations, which will be reviewed and revised periodically by the Executive Director of Human Resources as needed and approved by the Superintendent of Schools.

**Legal References:**

- P.L. 103-3 and 29 CFR Part 825 – The Family and Medical Leave Act of 1993, as amended by H.R. 4986, the national Defense Authorization Act for Fiscal Year 2008, Section 585. 29 U.S.C. §2601 et seq. and the National Defense Authorization Act for Fiscal Year 2010, Public Law 111-84, section 565, Title V.
- Final Rule – published in Federal Register, Vol. 60, Nov. 4, Friday, January 6, 1995, as amended on February 3, 1995, March 30, 1995, and on November 17, 2008. Rules and Regulations (29 CFR Part 825).
- Connecticut General Statutes
- 46b-3800 Applicability of statutes to civil unions and parties to a civil union.
- PA 07-245 An Act Concerning Family and Medical Leave for Municipal Employees.

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**Policy Adopted:**

October 26, 2004

**Revised:**

September 27, 2016



## **Family and Medical Leave**

### **I. PURPOSE**

The purpose of these procedures is to establish guidelines for leaves taken by employees of the Stamford Public School District under the Federal Family and Medical Leave Act of 1993 (FMLA).

This Regulation describes the family and medical leave benefits available to eligible employees under the FMLA and the terms and conditions of such leave, and establishes consistent procedures by which administrators shall evaluate and process requests for family and medical leaves of absence.

### **II. ELIGIBILITY**

Employees who have worked for the District for a total of at least twelve (12) months, and who have worked at least 1,250 actual work hours during the twelve (12) months immediately preceding the start of a leave, are eligible for unpaid leave under the FMLA.

*Note: Full-time teachers are deemed to meet the J, 25D-hour test.*

### **III. REASON FOR LEAVE**

Leaves under the FMLA may be taken for the following reasons:

- Because of the birth and/or care of the employee's newborn child (including prenatal care);
- Because of the placement of a child with the employee by adoption or foster care;
- In order to care for the employee's spouse, child or parent who has a serious health condition;
- Because of the employee's own serious health condition that makes the employee unable to perform the functions of his or her current position.

### **IV. LENGTH OF LEAVE**

If a leave is requested for one of the above reasons, each eligible employee may take up to a maximum 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 determined from July 1 of each year.

### **V. TYPES OF LEAVE AND CONDITIONS**

#### **A. Full-Time, Intermittent .And Reduced Schedule Leave**

1. Full-time 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.
2. 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 other than routine medical appointments.
3. 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.
4. 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, or his or her spouse, child or parent.

#### **B. Foreseeable Planned Medical Treatment**

When planning medical treatment, an employee must consult with his or her supervisor and make a reasonable effort to schedule the leave so as not to disrupt unduly the district's operations, subject to the approval of the health care provider. Employees are ordinarily expected to consult with their supervisor prior to the scheduling of treatment in order to work out a treatment schedule which best suits the needs of the district and the employee. The district may, for justifiable cause, require an employee to attempt to reschedule treatment, subject to the ability of the health care provider to reschedule the treatment and the approval of the health care provider as to any modification of the treatment schedule.

If foreseeable intermittent or reduced schedule leave is medically required based upon planned medical treatment of the employee or a family member, the District 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 any 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).

#### **C. Both Spouses Working For The District**

If both spouses are employees of the District 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 still entitled to the difference between the amount he or she has taken individually and the 12 weeks for FMLA leave for their own, their spouse's, or their child's serious health condition in the 12-month entitlement periods.

#### **D. Leave Taken By Instructional Employees Near the End Of A Student Year**

1. If a leave taken by an instructional employee (i.e., an employee whose principal function is to teach and instruct students) begins more than five (5) weeks before the end of a student year, the District may require that employee to continue the leave until the end of the student year 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 student year.

2. If the employee begins a leave during the five-week period preceding the end of a student year for a reason other than the employee's own serious health condition, the District may require the employee to continue taking leave until the end of the student year 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 student year.

3. If the employee begins a leave during the three-week period preceding the end of a student year for a reason other than the employee's own serious health condition, the District may require the employee to continue taking leave until the end of the student year if the leave will last more than five (5) working days.

#### **E. Requests For Leave**

An employee must inform his or her supervisor of the need for a family or medical leave at least thirty (30) days before the leave is to commence, if practicable. The employee must provide sufficient information to make the supervisor aware that the employee needs FMLA-qualifying leave, and must inform the supervisor of the start date of the requested leave and the anticipated duration of the leave. If such notice is not practicable, the request should be submitted as soon as practicable under the circumstances. The supervisor must promptly notify the human resources department on the "*Notice of Potential FMLA Leave*" form that an employee has requested leave that may qualify under FMLA. The human resources department will coordinate the processing of all FMLA leave paperwork.

If an employee returns to work from an absence that may qualify as FMLA leave, but that has not been so designated by the District, the employee must notify his or her supervisor of the reason for the leave within two days of returning to work.

#### **F. Medical Certifications Required**

1. For leaves taken because of the employee's or a family member's serious health condition, the employee must submit a completed "*Certification of Physician or Practitioner*" form before the leave begins if possible. If such advance certification is not possible, the medical certification must be provided by the employee within fifteen (15) calendar days of the Human Resources Department's request for the medical certification.
2. If an employee takes leave (except on an intermittent basis) for his or her own serious health condition, in order to return to work the employee may be required to provide a completed "*Medical Examiner's Certification*" form, which certifies that the health condition which created the need for the leave no longer renders the employee unable to perform the essential functions of the job. If such certification is required but not received, the employee's return to work may be delayed until the certification is provided.

#### **G. Substitution of Paid Leave**

An employee must substitute any accrued paid sick leave for any (otherwise) unpaid portion of medical leave taken for employee's own serious health condition (including child-bearing). In addition, an employee must substitute accrued paid personal, compensatory and vacation leave (in that order) for any unpaid portions of family or medical leave taken for any reason. Where the leave is for the employee's own serious health condition, accrued paid sick leave will be substituted for unpaid portions of family or medical leave prior to the substitution of accrued paid personal, compensatory or vacation leave. Where the leave is for the serious health condition of a family member, accrued paid sick leave that is available for substitution for that purpose must be substituted prior to the substitution of accrued paid personal, compensatory or vacation leave. The amount of family or medical leave entitlement that is unpaid is reduced by the amount of paid leave that is substituted.

#### **H. Medical Insurance and Other Benefits**

During approved family or medical leaves of absence, the employee will be entitled to all job-related benefits during any portion of such leave for which the employee is utilizing available paid leave. The District 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 the loss of coverage. If the employee does not return to work after the expiration of the leave, the employee will be required to reimburse the District 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 other circumstances beyond the employee's control

During any period of unpaid family or medical leave, employees will continue to accrue service credit for seniority and longevity pay. However, employees will not accrue service credit for retirement benefits. Unused employment benefits accrued by the employee up to the day on which the leave begins will not be lost upon return to work.

#### **I. Reinstatement**

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. .

### **VI. ADDITIONAL INFORMATION**

Questions regarding family or medical leave may be directed to the Human Resources Department.

**Policy Adopted:**  
October 26, 2004

## **4011.1 - Employee**

## **5141.1 - Students**

### **Communicable Diseases**

The Board recognizes its obligation to provide all students an appropriate educational program in the least restrictive environment and protect the health and welfare of all members of the school community.

Students, employees, or contractor employees whose participation in the regular school program poses a significant danger to their own health or the health of others by reason of a communicable disease shall be excluded from Stamford Public School facilities on the recommendation of the School Medical Advisor and/or the Director of Health for the City of Stamford. Any student so excluded shall be provided an appropriate alternate educational program.

The School Medical Advisor shall inform him or herself of any case of a communicable disease that poses a significant danger to the health of the individual or of others and promptly report such case to the Superintendent and the Board President with His/her recommendation. The Board, acting through the Superintendent, may require the School Medical Advisor to secure additional expert advice.

The School Medical Advisor shall promptly report his/her disposition of the case to the Superintendent.

#### **Policy Adopted:**

April 22, 1986

#### **Policy Amended:**

July 24, 2001

**Personnel**

**Communicable Diseases**

1. Employees or contractor employees whose participation in the regular school program poses a significant danger to their own health or to the health of others by reason of a communicable disease shall be excluded from Stamford Public School facilities on the recommendation of the School Medical Advisor and/or the Director of Health for the City of Stamford.
2. The School Medical Advisor shall notify the Superintendent or his/her designee of any employee or contractor employee diagnosed as having such a communicable disease.
3. Any employee or contractor employee with such a communicable disease shall be suspended from service in accordance with Board policies and applicable law.
4. The right of privacy of an employee or contractor employee and of his/her family shall be respected. Knowledge of the employee or contractor employee's condition shall be provided only to personnel with a need to know, e.g. those involved in the direct supervision of the individual

**Regulation Adopted:**

April 22, 1986

**Regulation Amended:**

July 24, 2001

**Personnel****Gifts and Gratuities**

No teacher shall receive gifts of more than a de minimus nature [(value of not more than \$25.00 in any year)] from a pupil under his or her charge except under administrative regulations promulgated by his/her principal or the Superintendent.

No custodian shall receive or accept any gratuity or gift for work performed or action connected with the operation of school property.

No employee of the public school system of Stamford shall accept any gift or gratuity, whether in the form of service, loan, thing or promise or in any other form, from any person, firm or corporation which to his/her knowledge is interested directly or indirectly in business dealings with the school system and over which business dealings he/she has power either to take action or to influence action.

Employees are bound by, and shall comply with, the provisions of the Code of Ethics enacted by the City of Stamford; as such Code may be amended from time to time.

Note: This also appears as policy 1313.

**Policy Adopted:**

Nov. 12, 1985

**Policy Amended:**

July 24, 2001

**Policy Amended:**

September 27, 2016

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**4033**

**5132**

## **Personnel**

### **Computer Software**

The Stamford Public Schools use computer software for instructional and other purposes. Such software is usually licensed from a vendor and copyrighted by the vendor. Although license agreements vary widely, they usually prohibit copying the software except for back-up purposes, and limit the use of the software to one machine at a time.

Copying or using software other than as permitted in the license agreement not only is a breach of contract but also violates United States copyright laws, constitutes criminal theft of property, and is unethical.

No one in the Stamford Public Schools, staff or students, shall violate copyright laws or license agreements. If doubt exists, written approval must be secured from the Superintendent or designee acting with the advice of legal counsel.

No one in the Stamford Public Schools, staff or students, shall use any device to intimidate, threaten, or harass, or to violate any other provision of law.

#### **Policy Adopted:**

May 6, 1986

#### **Policy Readopted:**

July 24, 2011

#### **Policy Readopted:**

July 24, 2012

**Personnel****Copyright**

The United States copyright laws apply to many kinds of materials used within the Stamford Public Schools, including, but not limited to, books, magazines, tests, videotapes, and computer software.

Inasmuch as students learn good citizenship in school, including respect for the law, honesty, and integrity, personnel within the Stamford Public Schools have a special obligation to comply with copyright laws as with all laws.

No member of the staff shall violate copyright laws or knowingly permit students to violate copyright laws.

**Policy Adopted:**

May 6, 1986

**Policy Amended:**

July 24, 2001

**Policy Amended:**

September 27, 2016

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## Personnel

### **Solicitation By Board Employees**

The Board recognizes the importance of an educational environment devoted to learning and free from unnecessary distractions. Consequently, no staff member may, on school property or during school activities, solicit students or offer services to students for non-school sponsored activities for personal gain.

#### **Policy Adopted:**

February 24, 1987

#### **Policy Amended:**

July 24, 2001

## **Personnel**

### **Solicitation By Board Employees**

#### **A. Purpose:**

Students should be free to learn in an atmosphere free of distraction or subtle coercion. Educators stand in a particular relationship with their students, and should not utilize that relationship for personal gain. Moreover, in discharging their professional responsibilities as educators, staff should avoid even the appearance of a conflict of interest between discharging those professional responsibilities and their own personal interests.

#### **B. Scope:**

"Solicitation" may be generally defined as asking students to expend money or otherwise participate in activities that lead to the financial gain by staff members. While it is not possible to define all forms of solicitation of students, the following examples illustrate the basic principles:

1. Solicitation of students to participate in non-school sponsored trips.
2. The offering of services for pay directly to students in the school setting.
3. Solicitation of students to participate in any activity, in which such participation by students leads to the financial gain of staff members.

Solicitation of students shall relate to direct personal appeals, whether made orally or in writing, but shall not include the placing of general interest advertisements in the school or newspapers or the posting of notices outside of any of the school buildings of the Stamford Public Schools. In no event shall teachers or other employees conduct business for personal gain on school property.

#### **C. Conflicts of Interest Prohibited:**

It is essential that staff avoid even the appearance of a conflict of interest. Consequently, no employee may offer, provide, or refer to private tutorial or other educational services for personal compensation to any student for whom that employee has any direct instructional/service responsibility.

#### **Regulation Adopted:**

March 10, 1987

#### **Regulation Amended:**

July 24, 2001

#### **Regulation Amended:**

September 27, 2016

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

### **Recruitment and Selection**

The Board desires the Superintendent to develop and maintain a recruitment program designed to attract and hold the best possible personnel who are "highly qualified" as defined by federal law in the District's schools. All District teachers teaching a core academic subject area must be determined to be "highly qualified."

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

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

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

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

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

(cf. 4115 - Evaluation)

### **Legal Reference:**

- Connecticut General Statutes
- 10-151 Employment of Teachers. Notice and hearing on termination of contract.
- 10-153 Discrimination on account of marital status.
- 10-220 Duties of Boards of Education.
- Connecticut General Statutes (continued)

- 31-126 Unfair Employment Practices
- 46a-60 Discriminatory employment practices prohibited.
- Title IV Equal Employment Opportunities
- 20 U.S.C. Section 1119 No Child Left Behind Act
- 34 C.F.R. 200.55 Federal Regulations
- Circular Letter C-6, Series 2004-2005, Determining "Highly Qualified" Teachers
- Circular Letter C-9, Series 2004-2005, "No Child Left Behind" and Districts' High Objective Uniform State Standard of Evaluation (HOUSSE) Plans.

**Policy Adopted:**

June 24, 2008

**Policy Revised:**

September 27, 2016

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

### **Affirmative Action/Non-discrimination**

The Stamford Board of Education supports the principles of non-discrimination and equal employment opportunity in all of its employment policies and practices, including recruitment, hiring, training, compensation, benefits, transfers, promotions, and all other terms and conditions of employment. The Board requires that all its employment policies and practices be administered without discrimination on the basis of race, color, national origin, ancestry, citizenship status, age, sex, disability, present or past history of mental disability, religion, sexual orientation, gender identity or expression, parental status, marital status, genetic information, past or present service in the uniformed services of the United States, or any other basis prohibited by law.

The Board recognizes that a policy of non-discrimination and equal employment opportunity is not, by itself, sufficient to rectify any existing under-representation of certain identifiable groups within the school District's workforce. Accordingly, in addition to monitoring activities aimed at the elimination of discriminatory barriers to employment and advancement, the Board of Education will undertake positive measures to ensure equal opportunity and to seek out potential candidates in those groups that are underrepresented in any job categories that exist in the school District. The protected groups include African Americans, Hispanics, Asians, Native Americans or Native Alaskans, women, individuals with disabilities, and veterans. The long-term goal is to have the representation of affected group members in all job categories be comparable to qualified members of such groups in the relevant labor market, while maintaining high standards for employee selection criteria.

In order to implement this policy, the Superintendent will develop an affirmative action plan for all school District job positions and a plan for minority staff recruitment in accordance with federal and state law, as such laws may be amended from time to time. The Board will review on an annual basis the effectiveness of these plans in increasing minority applicant flow and attracting and retaining qualified candidates for employment.

### **Legal Reference:**

- 4a-60 Nondiscrimination and affirmative action provisions in contracts of the state and political subdivisions rather than municipalities.
- 4a-60 Contracts of the state and political subdivisions, other than municipalities, to contain provisions re nondiscrimination on the basis of sexual orientation.
- 10-153 Discrimination on account of marital status.
- 46a-60 Discriminatory employment practices prohibited.
- 46a-81a Discrimination on the basis of sexual orientation.
- Title VII, Civil rights Act U.S.C. 2000e, et. seq.
- The Vietnam Era Veterans' Readjustment Assistance Act of 1974, as amended, 38 U.S.C. §4212.
- Title II of the Genetic Information Nondiscrimination Act of 2008.

### **Policy Adopted:**

June 24, 2008

### **Amended:**

June 25, 2013

### **Amended:**

September 27, 2016

## **Personnel -- Certified**

### **Minority Teacher Recruitment**

The Board of Education realizes the importance of providing students with opportunities to interact with students and staff from different racial, ethnic, and economic backgrounds. The Board of Education supports programs which provide integrated learning experiences for our students. Included in the district's efforts in this regard is the active recruitment of minority teachers. The District will continue to recruit, hire, and retain minority staff as important steps in the District's overall commitment to attract and hire the most qualified people to provide the best possible educational experiences and learning opportunities for all students.

The following actions will be implemented with regard to minority teacher recruitment:

#### **Recruitment**

1. Attend Minority Teacher Recruitment Fairs.
2. Utilize the Capitol Region Education Council (CREC) website and applications made available by the CREC Minority Teacher Recruitment Program and other minority teacher recruitment websites.
3. Identify and use programs/websites of various colleges and universities known to have high percentages of minority students.
4. Expand and utilize pool of nontraditional advertising sources such as the internet, minority publications, media, and organizations.
5. Identify and encourage potential teacher candidates from among the current minority student population and other employee groups.
6. Actively seek changes to the state certification/retirement provisions to enhance out of state recruitment.

#### **Legal Reference:**

- Connecticut General Statutes
- PA 98-252, section 13. Requirement for Boards of Education to adopt a minority teacher recruitment plan.
- 10-151 Employment of teachers. Notice and hearing on termination of contract.
- 10-153 Discrimination on account of marital status.
- 10-220 Duties of Boards of Education. (as amended by PA 98-252)
- 46a-60 Discriminatory employment practices prohibited.

#### **Policy Adopted:**

June 24, 2008

#### **Revised:**

September 27, 2016



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

### **Appointment and Conditions of Employment**

The Stamford Board of Education delegates to the Superintendent the authority to hire certified (except administration), and supplementary positions. In the case of administrative or supervisory personnel, the Superintendent shall nominate a candidate to the Board.

The Superintendent has the authority to hire non-certified personnel, On a monthly basis at a minimum, the Superintendent shall notify the Board of those individuals who have been hired.

The Superintendent shall make it an object of paramount interest to secure employees for the schools. For each vacancy, the Superintendent shall select the most able and best qualified candidate available. The Superintendent shall ensure that all certified personnel to be employed meet state requirements for the position.

The Superintendent shall conduct an annual review of supplemental pay positions to determine their continued need.

The following guidelines shall be observed in hiring personnel:

1. Residence shall not be a factor.
2. No member of the immediate family of any member of the Board of Education shall be employed in any continuing capacity by the Board. This is not to be construed as requiring the resignation of any employee should a member of his/her immediate family be elected to the Board of Education.
3. Relatives of professional administrative or supervisory personnel shall not serve under the supervision of the administrator or supervisor to whom they are related. This is not to be construed as requiring the resignation of any person already in the employ of the Board of Education.
4. Temporary appointments of a relative as described in paragraphs 2) and 3) above may be made.

### **Legal Reference:**

- Connecticut General Statutes
- 10-151 Employment of teachers. Definitions. Notice and hearing on failure to renew or termination of contract. Appeal.
- 10-153 Discrimination on account of marital status.
- 10-155 f Residency requirement prohibited. 46a-60 Discriminatory employment practices prohibited.
- Title VII, Civil Rights Act as amended by Title IX, Equal Employment Opportunity

### **Policy adopted:**

June 24, 2008

### **Revised:**

September 27, 2016

## **Personnel – Certified**

### **Certification (New)**

Every instructional employee shall be certified according to the provisions of applicable state law.

It is the responsibility of the employee to submit proof of appropriate certification to the school system prior to the commencement of employment with the Stamford Public Schools. The school system will maintain a record of the employee's credentials as required by law.

It shall be the sole responsibility of the certified employee to see that his/her credentials for certification are completed before the date of expiration and to file the completed certification with the school system.

In the event of a lapse in certification, employee's status shall be immediately changed to "Substitute" (per diem) with no benefits, and his/her salary will be reduced to the current rate of pay for substitutes. If the employee fails to obtain appropriate certification within 40 days s/he may be subject to termination of employment. If, within a reasonable period of time following a lapse in certification, the employee provides evidence of appropriate certification, the employee's salary and benefits shall be reinstated, retroactive to the effective date of certification.

### **Legal Reference:**

- Connecticut General Statutes
- 10-145b Teaching certificate (as amended by P.A. 12-116 An Act Concerning Educational Reform)
- 10-145d State board regulations for teacher certificates et. al. (as amended by P.A. 12-116, An Act Concerning Educational Reform)
- 10-145o Teacher education and mentoring program (as amended by P.A. 12-116, An Act Concerning Educational Reform)
- 20 U.S.C. 1119 – No Child Left Behind Act of 2001
- 34 C.F.R. 200.55 – Federal Regulations Regarding Highly Qualified Teachers

Policy Adopted: September 27, 2016

4112.4

4212.4

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

### **Health Examinations for School Employees**

The Superintendent may require any school employee to have a health examination by the employee's choice of one from a panel of three specialists, designated by the school Medical Advisor in accordance with law. The expense of such examination will be borne by the Board. The specialist shall advise the Superintendent of the employee's fitness to carry on his/her assignment.

#### **Legal Reference:**

- Connecticut General Statutes
- 10-207(c) Duties of medical advisers
- Americans with Disabilities Act of 1990

#### **Policy Adopted:**

June 24, 2008

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

### **Security Check/Fingerprinting (New)**

In order to create a safe and orderly environment for students, all offers of employment will be conditional upon the successful outcome of a criminal record check. In addition, any person applying for employment with the Board shall submit to a record check of the Department of Children and Families Child Abuse and Neglect Registry before the person may be hired.

District employees shall within 30 days after they are hired submit to state and national criminal checks. District students employed by the school system are exempted from this requirement. Workers placed in a school under a public assistance employment program shall also submit to the criminal check if such individuals will have direct contact with students.

School nurses and nurse practitioners appointed by the Board or under contract with the Board shall also submit to a criminal history check pursuant to C.G.S. 29-17a.

Student teachers placed in District schools as part of completing preparation requirements for the issuance of an educator certificate shall also be required to undergo the same criminal background checks already required for school employees.

#### **Legal Reference:**

- Connecticut General Statutes
- 10-221d Criminal history records checks of school personnel. Fingerprinting. Termination or dismissed. (as amended by PA 01-173, PA 04-181 and June 19 Special Session, Public Act No. 09-1 and PA 11-93)
- 29-17a Criminal history checks. Procedure. Fees.

**Policy Adopted:** September 27, 2016

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

### **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, 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 by the Regional Service Center. 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.

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**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 Reference: Connecticut General Statutes

10-221d Criminal history records checks of school personnel. Fingerprinting.

Termination or dismissed. (as amended by PA 01-173, PA 04-181 and June 19 Special Session, Public Act No. 09-1)

29-17a Criminal history checks. Procedure. Fees.

10-212 School nurses and nurse practitioners (as amended by Public Act 04-181).

No Child Left Behind Act of 2001, Public Law 107-110

Regulation approved: September 27, 2016

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### CRIMINAL HISTORY RECORD CHECK

Connecticut requires that any person (teacher, administrator, special service staff member, teacher's aide, custodian, cafeteria employee, etc.) who is hired by a local or regional board of education submit to a state and national criminal history record check within the first 30 days of the date of employment. The process includes the checking of fingerprints by the State Police Bureau of Identification and the F.B.I. The results of the criminal history record checks (both state and federal) are reported to the employing school district. If the district receives notice of a conviction of a crime by a person holding a certificate, authorization or permit issued by the State Board of Education, the district shall notify the Bureau Educator Standards and Certification.

<b>Locations Offering Fingerprinting Services</b>	
<b>Area Cooperative Educational Services (ACES)</b> 350 State Street North Haven, CT 06473-3108 (203) 498-6800 <a href="http://www.aces.org">http://www.aces.org</a>	<b>Capitol Region Education Council (CREC)</b> 111 Charter Oak Avenue Hartford, CT 06106 (860) 524-4003 <a href="http://www.crec.org/fp/fingerprinting.php">http://www.crec.org/fp/fingerprinting.php</a>
<b>Cooperative Educational Services (CES)</b> 40 Lindeman Drive Trumbull, CT (203) 365-8831 <a href="http://www.ces.k12.ct.us/page.cfm?p=2523">http://www.ces.k12.ct.us/page.cfm?p=2523</a>	<b>EASTCONN</b> 376 Hartford Turnpike Hampton, CT 06247 (860) 455-0707 <a href="http://www.eastconn.org">www.eastconn.org</a>
<b>Education Connection</b> 355 Goshen Road PO Box 909 Litchfield, CT 06759-0909 (860) 567-0863 <a href="http://www.educationconnection.org/">http://www.educationconnection.org/</a>	<b>LEARN</b> 44 Hatchetts Hill Road Old Lyme, CT 06371 (860) 434-4800 <a href="http://www.learn.k12.ct.us">http://www.learn.k12.ct.us</a>

An appointment may be necessary for fingerprinting services offered by the RESCs. We suggest that you call the RESCs for specific details.



**FREQUENTLY ASKED QUESTIONS**

**1. Who needs to be fingerprinted?**

*In accordance with current statute, any person who is employed by a local board of education (teacher, administrator, special service staff member, teacher's aide, custodian, cafeteria employee, etc.) must submit to a state and national criminal history record check within the first 30 days of the date of employment. The only exception is that teachers of adult education, who are not required to hold certification for their positions (non-mandated, general interest programs only), are not required to submit to the criminal history record check unless directed by the employing district.*

**2. How do I request a criminal history record check?**

*A person may obtain fingerprint packets (including fingerprint cards) and have their fingerprints taken at a local board of education, a Regional Educational Service Center (RESC), or the State Police Bureau of Identification.*

**3. If I am fingerprinted at a RESC, can my fingerprints be shared with other districts?**

*Yes. Individuals fingerprinted at a RESC, may have their fingerprint results shared with local or regional boards of education. The individual must provide a written request to the RESC indicating where the results should be sent.*

**4. If I am fingerprinted by a local school district, police department or by the State Police Bureau of Identification, can my results be shared with other districts?**

*No.*

**5. A criminal history record check (fingerprinting) was done last year for school district X. I served in that district for the entire year. Do I need to be fingerprinted again if I am applying to work in another district?**

*Yes, within the first 30 days of your date of employment.*

**6. I served as a substitute teacher in district X for two weeks last year. Do I need to have a criminal history record check (fingerprinting) done again, if I am employed by the same district for the coming school year?**

*No, continuous employment for substitute teachers is equal to one day of service each school year.*

**7. I was fingerprinted by a RESC last year, but was never employed by a board of education. Now that I have been hired, do I need to submit to a new criminal history record check (fingerprinting)?**

*Yes, within the first 30 days of your employment date.*

**8. Are school volunteers required to have a criminal history record check (fingerprinting)?**

*No, the statute does not require that volunteers submit to the criminal history record check. However, school districts are entitled to establish additional policies concerning criminal history record checks.*

**CONNECTICUT STATE DEPARTMENT OF EDUCATION  
Bureau of Educator Standards and Certification  
Hartford, Connecticut**

**Notice of Conviction  
Candidates Enrolled in Educator Preparation Programs**

Section 10-221d of the Connecticut General Statutes as amended by Public Act 09-01, Section 8, requires that each local or regional board of education shall require each worker... "on and after July 1, 2010, in a non-paid, non-certified position completing preparation requirements for the issuance of an educator certificate pursuant to chapter 166... who performs a service directly involving student contact must submit to state and national criminal history background checks within 30 days from the date that the worker begins to perform such service."

In addition, if the local or regional board of education receives notice of a conviction of a crime by a person in a non-paid, non-certified position completing preparation requirements for the issuance of an educator certificate, the local or regional board of education shall send such notice to the State Board of Education.

The background checks must be completed in accordance with Sec. 29-17a of the Connecticut General Statutes through the Connecticut Department of Public Safety. Background checks completed by private companies do not fulfill the requirements of the statute.

Please forward this notification sheet **with a copy of the conviction notice** to:

Bureau of Educator Standards and Certification  
P.O. Box 150471, Room 243  
Hartford, CT 06115-0471

Candidate's Name: \_\_\_\_\_

Institution where candidate is enrolled: \_\_\_\_\_

Reporting RESC/School District: \_\_\_\_\_

RESC/District Contact Person: \_\_\_\_\_

Phone Number: \_\_\_\_\_

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

### **Conflict of Interest & Nepotism**

All school employees must avoid any situations leading to or likely to lead to a conflict of interest. For example:

1. Employees shall not be assigned to supervise or evaluate other employees to whom they are related by blood, marriage or law.
2. Employees whose job duties include responsibility for payroll, accounting, auditing or personnel matters shall take no part in any decision or action that involves other employees to whom they are related by blood, marriage or law.
3. No employee shall, either directly or indirectly, use his or her position to attempt to affect the employment (including but not limited to compensation) of a person to whom he/she is related by blood, marriage or law.
4. Employees shall not participate in the hiring of individuals to whom they are related by blood or marriage.

**See Policy 4118.22/4218.22 – Code of Ethics**

#### **Legal Reference:**

- Connecticut General Statutes
- 7-479 Conflicts of Interest
- 46b-38nn Equality of benefits, protections and responsibilities (civil unions)
- 46b-38oo applicability of statutes to civil unions and parties to a civil union.
- 10-153a et seq. Teacher Negotiation Act
- 7-467 et seq. Municipal employees relations Act
- *United States v. Windsor*, U.S. 133 S. Ct. 2675 (2013)

#### **Policy Adopted:**

June 24, 2008

#### **Amended:**

December 3, 2013

#### **Revised:**

September 27, 2016

**4112.51**

**4212.51**

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

### **Reference Checks**

The Board of Education believes that it is critical that references on applicants be checked prior to an offer of employment. The administration, therefore, is directed to make a documented good faith effort to contact an applicant's former employer(s) for recommendations and information about the person's fitness for employment prior to an offer of employment. References should be checked with prior employers listed on the application, even if those references are not specifically listed on the "references" section of the employment application.

The Superintendent of Schools or his/her designee is directed to develop guidelines pertaining to the checking of applicant references.

(cf. 5125 - Student Records)

Legal References:

- Connecticut General Statutes
- 1-200 through 1-241 of the Freedom of Information Act
- 5-193 through 5-269 -State Personnel Act
- 10-151 c Records of teacher performance and evaluation not public records.
- Federal Family Educational Rights and Privacy Act of 1974 (section 438 of the General Education Provisions Act, as amended, added by section 513 of P.L. 93-568, codified at 20 U.S.C. 1232g.).
- Dept. of Educ. 34 C.F.R. Part 99 (May 9, 1980 45 FR 30802) regs. implementing FERP A enacted as part of 438 of General Educ. provisions act (20 U.S.C. 1232g)-parent and student privacy and other rights with respect to educational records, as amended 11/21 /96.
- PA 01-173 An Act Concerning Revisions to the Education Statutes.

**Policy Adopted:**

June 24, 2008

**4112.61**

**4212.61**

**Personnel-Certified/Non-Certified**

**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 (HIP AA). 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.

Legal Reference:

- 42 U.S.C. 1320d-1320d-8, P.L. 104-191, Health Insurance Portability and Accountability Act of 1996 (HIPAA)
- 65 Fed. Reg. 50312-50372
- 65 Fed. Reg. 92462-82829
- 63 Fed. Reg. 43242-43280 67 Fed. Reg. 53182-53273

**Policy Adopted:**

June 24, 2008

4112.8

4212.8

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

### **Conflict of Interest & Nepotism**

All school employees must avoid any situations leading to or likely to lead to a conflict of interest. For example:

1. Employees shall not be assigned to supervise or evaluate other employees to whom they are related by blood or marriage.
2. Employees whose job duties include responsibility for payroll, accounting, auditing or personnel matters shall take no part in any decision or action that involves other employees to whom they are related by blood or marriage.
3. No employee shall, either directly or indirectly, use his or her position to attempt to affect the employment of a person to whom he/she is related by blood or marriage.
4. Employees shall not participate in the hiring of individuals to whom they are related by blood or marriage.

**See Policy 4118.22/4218.22 – Code of Ethics**

#### **Policy Adopted:**

June 24, 2008

#### **Amended:**

December 3, 2013

**Personnel****Child Abuse/Neglect**

The Stamford Public School District shall comply with the Connecticut General Statutes regarding child abuse and neglect by requiring all school employees who have reasonable cause to suspect or believe that a child has been abused or neglected to report any suspected child abuse or neglect, whether by a family member, caretaker, school employee, or other person, to the designated authority.

**Policy Adopted:**

July 10, 1990

**Amended:**

August 17, 1993

February 25, 1997

**Policy Amended:**

July 24, 2001

**Personnel****Reports of Suspected Abuse or Neglect of Children****A. Purpose:**

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

**B. Scope of Policy**

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

**C. 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" means (a) A teacher, substitute teacher, school administrator, school superintendent, guidance counselor, psychologist, social worker, nurse, physician, school paraprofessional or coach employed by the Board of Education; 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 Stamford Public Schools, pursuant to a contract with the Board of Education.



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

#### **D. 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:

1. Has been abused or neglected;
2. Has had non-accidental physical injury, or injury which is at variance with the history given for such injury, inflicted upon him/her; or
3. Is placed at imminent risk of serious harm.

#### **E. 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.

- a. 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.
- b. The employee shall also make an oral report as soon as practicable to the Superintendent or the Superintendent's designee.
- c. 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.
- d. Within 48 hours of making an oral report the employee shall submit a written report to the Commissioner of Children and Families or his/her representative containing all of the required information.
- e. The employee shall immediately submit a copy of the written report to the Superintendent or the Superintendent's designee.

f. If the report concerns suspected abuse or neglect by a school employee holding a certificate, authorization or permit issued by the State Department of Education, the Superintendent shall submit a copy of the written report to the Commissioner of Education or his/her representative.

#### **F. 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.

1. 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.

a. 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.

b. 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.

2. 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.

#### **G. Contents of Reports**

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

1. The names and addresses of the child and his/her parents or other person responsible for his/her care;
2. the age of the child;
3. the gender of the child;
4. the nature and extent of the child's injury or injuries, maltreatment or neglect;
5. the approximate date and time the injury or injuries, maltreatment or neglect occurred;
6. information concerning any previous injury or injuries to, or maltreatment or neglect of the child or his/her siblings;
7. the circumstances in which the injury or injuries, maltreatment or neglect came to be known to the reporter;

8. the name of the person or persons suspected to be responsible for causing such injury or injuries, maltreatment or neglect; and
9. whatever action, if any, was taken to treat, provide shelter or otherwise assist the child.

## **H. Investigation of the Report**

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

The investigation shall include an opportunity for the suspected abuser to be heard with respect to the allegations contained within the report. During the course of an investigation of suspected abuse by a school employee, the Superintendent may suspend the employee with pay or may place the employee on administrative leave with pay, pending the outcome of the investigation. If the employee is an individual who provides services to or on behalf of students enrolled in the Stamford Public Schools, pursuant to a contract with the Board of Education, the Superintendent may suspend the provision of such services, and direct the employee to refrain from any contact with students enrolled in the Stamford Public Schools, pending the outcome of the investigation.

### **1. Evidence of Abuse by a School Employee Holding a Certificate, Authorization or Permit Issued by the State Department of Education**

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

Within seventy-two (72) hours after such suspension the Superintendent shall notify the Board of Education and the Commissioner of Education, or his or her representative, of the reasons for and the conditions of the suspension. The Superintendent shall disclose records received from DCF to the Commissioner of Education and the Board of

Education or its attorney for purposes of review of employment status or the status of such employee's certificate, permit or authorization. For certified personnel, such suspension shall remain in effect until the Board of Education acts pursuant to the provisions of Conn. Gen. Stat. Section 10-151.

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

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

## **2. Evidence of Abuse by Other School Staff**

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

### **I. 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.

### **J. Disciplinary Action for Failure to Follow Policy**

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

### **K. Non-discrimination Policy**

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

### **Legal References:**

- Connecticut General Statutes:
- Section 10-151
- Section 17a-IOI et seq.
- Section 17a-I03

- Public Act 09-242, "An Act Concerning Sexual Activity between School
- Workers and Students and Including School Superintendents as Mandated
- Reporters of Child Abuse or Neglect"

**Regulation Adopted:**

August 10, 1990

**Regulation Amended:**

August 17, 1993

February 25, 1997

July 24, 2001

March 8, 2011

**Personnel -- Certified****Transfer/Reassignment**

The Superintendent shall have responsibility for all transfers. Such transfers shall be made in compliance with the current collective bargaining agreement, if any such provision applies. There shall be no transfer/reassignment of pre-tenured teachers from one school to another except under unusual circumstances.

**Policy Adopted:**

June 24, 2008

## **Personnel - Certified**

### **Evaluation and Support Program**

It is universally accepted that good teaching is the most important element in a sound educational program. Student learning is directly affected by teacher competence; therefore, teacher evaluation shall be accomplished using a teacher evaluation plan which demonstrates a clear link between teacher evaluation, professional development and improved student learning. (The educator evaluation and support plan or revisions must be approved annually by the State Department of Education prior to District implementation.)

The submission of the District's evaluation plans for SDE review and approval, including flexibility requests, shall take place no later than the annual deadline set by the State Department of Education.

Appraisal of teaching performance should serve three purposes:

1. To raise the quality of instruction and educational services to the children of our community resulting in improved student learning.
2. To raise the standards of the teaching profession as a whole.
3. To aid the individual teacher to grow professionally, linking district-wide teacher evaluation and professional development plans.

Evaluation of teacher performance must be a cooperative, continuing process designed to improve student learning and the quality of instruction. The Superintendent shall annually evaluate or cause to be evaluated all certified employees in accordance with the teacher evaluation and support program, developed through mutual agreement with the professional development and evaluation committee for the District. The teacher shares with those who work with the teacher the responsibility for developing effective evaluation procedures and instruments and for the development and maintenance of professional standards and attitudes regarding the evaluation process.

The Board of Education shall adopt and implement a teacher evaluation and support program. Such teacher evaluation and support program shall be developed through mutual agreement with the District's Professional Development and Evaluation Committee. If unable to attain mutual agreement, the Board and the Professional Development and Evaluation Committee shall consider adopting by mutual agreement the State Board of Education (SBE) adopted model teacher evaluation and support program without any modification. Further, if the Board and the Professional Development and Evaluation Committee fail to agree on the SBE model, the Board, will use its statutory authority to adopt and implement a teacher evaluation program of its choice, provided such program is consistent with the SBE adopted guidelines.

The system-wide program for evaluating the instructional process and all certified personnel is viewed as one means to improve student learning and insure the quality of instruction. The evaluation plan shall include, but need not be limited to, strengths, areas needing improvement, strategies for improvement and multiple indicators of student academic growth. \*Further, claims of failure to follow the established procedures of such teacher evaluation and support program shall be subject to the grievance procedure in collective bargaining agreements negotiated subsequent to July 1, 2004.

The Superintendent and all employees whose administrative and supervisory duties equal at least 50% of their time shall include a minimum of fifteen hours of training in the evaluation of teachers pursuant to Section 10-151b, as part of the required professional development activity during each five year period for reissuance of their professional educator certificate.

The Superintendent shall annually evaluate or cause to be evaluated each teacher and administrator in accordance with the teacher evaluation and support program and may conduct additional formative evaluations toward producing an annual summative evaluation.

In the event that a teacher or an administrator does not receive a summative evaluation during the school year, such individual shall receive a rating of "not rated" for that year.

The Superintendent shall report to the Board annually on the status of the evaluations. In addition, annually, by dates determined by the State Department of Education, the Superintendent shall report to the Commissioner of Education on the implementation of the teacher evaluation and support program, including the frequency of evaluations, aggregate evaluation ratings, the number of teachers and administrators not evaluated, and other requirements as determined by the State Department of Education.

### **Improvement and Remediation Plans**

Teachers rated "below standard" or "developing" shall have a well-articulated improvement and remediation plan that:

1. is developed in consultation with the teacher and his/her union representative is differentiated by the level of identified need and/or stage of development;
2. identifies resources, support, and other methods to address documented deficiencies;
3. contains a timeline for implementing such measures in the same school year as the plan is issued; and
4. provides success indicators that include a minimum overall rating of "proficient" at the end of the improvement and remediation plan.

The Board, prior to any evaluation conducted under the teacher evaluation and support program, shall conduct training programs for all evaluators and orientation for all District teachers regarding the District's teacher evaluation and support program. Such training shall provide instruction to evaluators regarding how to conduct proper performance evaluations prior to conducting an evaluation under the teacher evaluation and support program. The orientation for each teacher shall be completed before a teacher receives an evaluation under the teacher evaluation and support program.

### **Implementation Plan**



The Board of Education recognizes that the State Board of Education (SBE) has adopted a flexible plan for the implementation of Connecticut's Educator Evaluation and Support System.

The submission of the District's evaluation plans for State Department of Education's review and approval, including flexibility requests, shall take place by annual deadlines set by the State Department of Education.

### **Complementary Observers**

The primary evaluator for most teachers will be the school principal or assistant principal who will be responsible for the overall evaluation process, including assigning summative ratings. The District may also decide to use complementary observers to assist the primary evaluator. Complementary observers are certified educators, who may have specific content knowledge, such as department heads or curriculum coordinators. Complementary observers shall be fully trained as evaluators in order to be authorized to serve in this role.

Complementary observers may assist primary evaluators by conducting observations, including pre- and post-conferences, collecting additional evidence, reviewing student learning objectives (SLOs) and providing additional feedback. A complementary observer shall share his/her feedback with the primary evaluator as it is collected and shared with teachers.

Primary evaluators will have sole responsibility for assigning final summative ratings. Both primary evaluators and complementary observers must demonstrate proficiency in conducting standards-based observations.

### **Dispute-Resolution Process**

In accordance with the requirement in the "Connecticut Guidelines for Teacher Evaluation and Professional Development," in establishing or amending the local teacher evaluation plan, the Board of Education shall include a process for resolving disputes in cases where the evaluator and teacher cannot agree on goals/objectives, the evaluation period, feedback or the professional development plan.

### **Data Management**

The District's Professional Development and Evaluation Committee will review and report to the Board the user experiences and efficiency of the District's data management system/platform to be used by teachers and administrators to manage the evaluation plans.

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Evaluation plans shall consider guidance pertaining to the entry of data into the District's data management system/platform needed to manage the evaluation plan. Such guidance shall address items to be entered, prohibitions pertaining to the sharing and transference of individual teacher data to another district or entity without consent of the teacher or administrator, limits on the access to teacher and administrator data and a process for recording authorized individuals' access to information.

### **Audit**

Will participate as required.

(cf. 2400 - Evaluation of Administrators and Administration)

(cf. 4111/4211 - Recruitment and Selection)

(cf. 4131 - Staff Development)

**Legal Reference:** Connecticut General Statutes  
10-145b Teaching certificates.  
10-151a Access of teacher to supervisory records and reports in personnel file.  
10-151b Evaluation by superintendent of certain educational personnel. (amended by PA 04-137, An Act Concerning Teachers' Evaluations, P.A. 10-111, An Act Concerning Education Reform in Connecticut, and P.A. 12-116 An Act Concerning Educational Reform.)  
10-151c Records of teacher performance and evaluation not public records.  
10-220a(b) In-service training. Professional development. Institutes for educators. Cooperative and beginning teacher programs, regulations.  
Circular Letter C-6, Series 2004-2005, Determining "Highly Qualified" Teachers.  
Circular Letter C-9, Series 2004-2005, "No Child Left Behind" and Districts' High Objective Uniform State Standard of Evaluation (HOUSSE) Plans.  
PA 11-135 An Act Concerning Implementation Dates for Secondary School Reform.  
PA 12-116 An Act Concerning Education Reform (as amended by PA 13-145 An Act Concerning Revisions to the Reform Act of 2012.)  
Connecticut Guidelines for Educator Evaluation, adopted by the State Board of Education, June 27, 2012.  
Connecticut's System for Educator Evaluation and Development (SEED) state model evaluation system.  
"Flexibility to Guidelines for Educator Evaluation" adopted by Connecticut State Board of Education, February 6, 2014  
20 U.S.C. Section 1119 No Child Left Behind Act.  
34 C.F.R. 200.55 Federal Regulations.

**Policy Adopted:**  
June 24, 2008

**Policy Amended:**  
September 27, 2016

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**Personnel -- Certified**

**Evaluation**

**Coaches**

It is the policy of the Stamford Board of Education (the "Board") 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; and
- 3) serve as a role model for students;
- 4) demonstrate competence and proficiency in his or her role as an athletic coach of a particular sport.

For purposes of this policy, the term "**athletic coach**" means any person holding a coaching permit who is hired by a local or regional 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. 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; or 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.
- E. 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 Reference:**

- Connecticut General Statutes
- 10-151 b Evaluation by superintendent of certain educational personnel
- 10-220a In-service training
- Public Act 04-243 An Act Concerning Termination of Coaches Policy

**Policy Adopted:**

June 24, 2008

**Personnel****POLICY ON CONCUSSION AND HEAD INJURY AWARENESS AND PREVENTION**

The Board recognizes that concussions and head injuries are commonly reported injuries in children and adolescents who participate in sports and recreational activities and can have serious consequences if not managed carefully. The Board understands that the proper education of coaches, physical educators, other school personnel, parent/guardians, and student athletes is essential not only to preventing head injuries, but also in recognizing the related symptoms in order to seek treatment. The Board also recognizes that concussions can impact the academic ability of students during rehabilitation and management of the injury.

**Legal Reference:**

- Connecticut General Statute Sec. 10-149b. Training courses for coaches re concussions and head injuries.
- Connecticut General Statute Sec. 10-149c. Student athletes and concussions. Removal from athletic activities.

**Policy Adopted:**

December 3, 2013

**Revised:**

September 27, 2016

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## **Personnel**

### **REGULATIONS REGARDING CONCUSSION AND HEAD INJURY AWARENESS AND PREVENTION**

#### **Definitions:**

**Concussion:** a concussion, as defined by the Center for Disease Control (CDC), is a type of traumatic brain injury caused by a bump, blow, or jolt to the head that can change the way the brain functions. Athletes and individuals who sustain a concussion and participate in a sports or recreational activity prior to the injury fully healing place themselves at a greater risk of acquiring a second injury (i.e., Second Impact Syndrome), experiencing prolonged symptoms, incurring permanent cognitive impairments or even death.

**Student-athlete:** a student participating in any tryout, practice, or competition of a school team.

**Licensed health care professional:** a physician licensed pursuant to chapter 370 of the Connecticut General Statutes, a physician assistant licensed pursuant to chapter 370 of the Connecticut General Statutes, an advanced practice registered nurse licensed pursuant to chapter 378 of the Connecticut General Statutes, or an athletic trainer licensed pursuant to chapter 375a of the Connecticut General Statutes.

**Coach:** a “coach” means any person who holds or is issued a coaching permit by the Connecticut State Department of Education and who is hired by the Stamford Board of Education to coach intramural or interscholastic athletics.

#### **Student Athlete and Parent Informed Consent of Concussions and Head Injuries**

Each year, every student athlete and a parent or guardian must verify in writing that they have received information on concussions and head injuries and sign a statement acknowledging receipt of the information. The informational sheet<sup>1</sup> will describe:

- a. The nature and risk of a concussion or head injury
- b. The criteria for removal from play and return to play
- c. The risks of not reporting injury and continuing to play

The informational sheet and consent form shall be signed and returned by the student athlete and the student athlete’s parent/guardian prior to the student initiating practice or competition. In addition, every student athlete must view the Connecticut Concussion Task Force video<sup>2</sup> prior to the student initiating practice or competition.

#### **Mandatory Training Concerning Concussions**

1. Any coach of intramural or interscholastic athletics, who holds or is issued a coaching permit, must, before commencing his/her coaching assignment for the season, complete an initial training

course concerning concussions and head injuries. This training course must be approved by the State Department of Education.

2. Coaches must provide proof of initial course completion to the Athletic Director or his/her designee prior to commencing their coaching assignments for the season in which they coach.

3. One year after receiving an initial training, and every year thereafter, coaches must review current and relevant information regarding concussions and head injuries prior to commencing their coaching assignments for the season. This current and relevant information shall be that approved by the State Department of Education. Coaches need not review this information in the year they are required to take a refresher course, as discussed below.

4. Beginning with the July 1, 2015, school year and each year thereafter, coaches must complete a refresher course concerning concussions and head injuries not later than five (5) years after receiving their initial training course, and once every five (5) years thereafter. Coaches must provide proof of refresher course completion to the Athletic Director or his/her designee prior to commencing their coaching assignments for the season in which they coach.

## **Management of Concussions and Head Injuries**

### **A. Removal from Play for a Suspected Concussion**

1. Any coach of any intramural or interscholastic athletics shall immediately remove a student athlete from participating in any intramural or interscholastic athletic activity who:

- a. is observed to exhibit signs, symptoms, or behaviors consistent with a concussion following an observed or suspected blow to the head or body; or
- b. is diagnosed with a concussion, regardless of when such concussion or head injury may have occurred.

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

3. If confusion, unusual behavior or responsiveness, deteriorating condition, loss of consciousness, or concern about neck and spine injury exists, the student athlete should be referred at once for emergency care.

### **B. Return to Play After a Concussion or Head Injury**

1. Following receipt of clearance, the coach shall not permit such student athlete to participate in any full, unrestricted supervised team activities without limitations on contact or physical exertion, including, but not limited to, practices, games, or competitions, until such student athlete:

- a. no longer exhibits signs, symptoms, or behaviors consistent with a concussion at rest or with exertion; and

b. receives written clearance to participate in such full, unrestricted supervised team activities from a licensed health care professional trained in the evaluation and management of concussions.

**Miscellaneous**

1. For purposes of these administrative regulations, “licensed health care professional” means a physician licensed pursuant to Chapter 370 of the Connecticut General Statutes, a physical assistant licensed pursuant to Chapter 370 of the Connecticut General Statutes, an advanced practice registered nurse licensed pursuant to Chapter 378 of the Connecticut General Statutes, or an athletic trainer licensed pursuant to Chapter 375a of the Connecticut General Statutes.
2. Should a coach fail to adhere to the requirements of these administrative regulations, the coach may be subject to discipline up to and including termination, as well as permit revocation by the State Board of Education.

**Regulation Adopted:**

December 3, 2013



**Personnel -- Certified**  
**Probationary/Tenure Status**

The Board and the Superintendent shall be in compliance with the State Teacher Tenure Act, Section 10-151, Connecticut General Statutes.

**Legal Reference:**

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

**Policy Adopted:**

June 24, 2008

## **Personnel - Certified**

### **Dismissal/Suspension/Disciplinary Action**

#### **Dismissal**

All dismissals of certified staff shall be in accordance with Section 10-151 of the Connecticut General Statutes, as it may be amended from time to time. All dismissals of non-certified staff shall be in accordance with the applicable collective bargaining agreement or, if the staff member is not a member of a bargaining unit, for just cause as determined by the Superintendent.

#### **Suspension**

The Superintendent may suspend an employee with pay and benefits and without prejudice pending Board action on a proposed dismissal when the Superintendent has reason to believe that the employee poses a danger to student, staff; property, or the operation of the educational program. The Superintendent may also suspend an employee with pay and benefits and without prejudice pending investigation of allegations against the employee of serious misconduct. The Superintendent shall provide the Board of Education with periodic updates on the status of any such investigation that continues for more than six months. After notice and an opportunity for a hearing as described below, a staff member may also be suspended from duty in cases in which the Superintendent or the Board, respectively, determines that suspension, rather than dismissal, is a warranted sanction.

Except as provided below, disciplinary action against staff members is the responsibility of the Superintendent or his/her designee. The affected staff member may seek review of any such disciplinary action in accordance with the contractual grievance procedure, or if the staff member is not a member of a bargaining unit, by filing a written request for review by the Personnel Committee within five days of the action.

#### **Disciplinary Suspension Up to Five Days**

The Superintendent may suspend employees without pay for up to five days, provided however that the employee shall be given copies of all documents used, the names of all witnesses interviewed by the administration when it made its decision, and afforded an opportunity for an informal hearing before the Superintendent or his/her designee prior to any suspension without pay. Suspension decisions shall be subject to review upon the request of the employee through the contractual grievance procedure, commencing at the Board of Education level, or if the staff member is not a member of a bargaining unit, by filing a written request for review by the Personnel Committee within five days of the action, the decision of which shall be final.

#### **Disciplinary Suspension in Excess of Five Days**

Implementation of a proposed suspension in excess of five days shall be subject to review upon the request of the employee by the Personnel Committee of the Board of Education. The affected employee shall be given copies of all documents used, the names of all witnesses interviewed by

the administration when it made its decision, and afforded an opportunity for an informal hearing before the Personnel Committee prior to the implementation of the suspension. The decision of the Personnel Committee shall be final, except that in cases where in the staff member is a member of a bargaining unit, this decision shall be subject to review upon the request of the employee through the contractual grievance procedure, commencing at the Board of Education level.

**Legal Reference:**

- Connecticut General Statutes
- 10-154 (a) Professional communications between teacher or nurse and student. Surrender of physical evidence obtained from students.
- 21 (a)-240 Definitions

**Policy Adopted:**

June 24, 2008

## **Personnel - Certified**

### **Retirement**

Any employee serving in a position requiring a state certificate may retire under provisions of any applicable pension or retirement plan or system provided for state or municipal employees or for teachers in the public schools of the state at the option of the employee.

#### **Legal Reference:**

- Connecticut General Statutes
- 10-IS3f(a) Normal retirement
- 10-IS3f (b) Pro-ratable retirement
- 10-IS3f (c) Early retirement
- 10-183f(d) Deferred vested retirement
- 10-183w Retirement at age seventy. Exception
- 10-183aa Disability allowance
- Public Law 95-256 Age Discrimination in Employment Act  
- amendments of 1978

#### **Policy Adopted:**

June 24, 2008

**Personnel - Certified**

**Resignations**

The Superintendent or designee shall have the authority to accept resignations on behalf of the Board and without further consideration by the Board. Such resignations shall be effective upon acceptance. The Superintendent shall keep the Board informed of all resignations

A teacher shall give at least 30 days written notice of resignation to the Superintendent and to his/her immediate supervisor. The Superintendent or designee shall have discretion to accept or reject a resignation which is tendered less than 30 days before the proposed termination date.

**Policy Adopted:**

June 24, 2008

**Personnel - Certified****Responsibilities**

Teachers are responsible to the Principal of the school to which they are assigned and to such other administrative personnel as the Board may designate to lead particular programs or activities.

The responsibilities of teachers shall include the following:

- I. Instruct and guide students in accordance with the established curricula and the individual needs and abilities of the students.
2. Conduct the classes to which they are assigned in such a way as to encourage and foster the ethical, intellectual, physical, emotional, and social development of each student, and to provide the students with training in citizenship.
3. Make themselves available for individual conferences with students and their parents.
4. Assist the Principal in interpreting to the parents and community the purposes and program of the school.
5. Perform such other duties as may be reasonably directed by the Principal.
6. Report to school and remain at school for the time necessary to perform the aforementioned responsibilities. It is understood that a teacher's day cannot be regulated by the clock and that many professionally necessary and desirable activities will take place beyond the designated minimum limits.
7. Comply with Board policies and administrative regulations.

**Policy Adopted:**

June 24, 2008

**Personnel - Certified****Liability Protection for Employees**

As provided by law, the Board shall protect and save harmless any member of the Board and any teacher and other employee (as defined in Connecticut General Statute Section 10-235) and any member of its supervisory or administrative staff, from financial loss and expense arising out of any claim, demand, suit, or judgment by reason of alleged negligence or other act resulting in accidental bodily injury to or death of any person, or in accidental damage to or destruction of property, within or without the school building, or any other acts, including infringement of any person's civil rights, resulting in any injury, provided such teacher, member or employee, at the time of the accident resulting in such injury, damage or destruction, was acting in the discharge of his/her duties or within the scope of his/her employment or under the direction of the Board. This protection shall extend to volunteers approved by the Board of Education to carry out a duty prescribed by the Board and under the direction of a certified staff member and to volunteer school bus safety monitors as prescribed by the Board. This protection shall not apply to any acts that are wanton, reckless or malicious.

**Legal Reference:**

- Connecticut General Statutes
- 10-235 Indemnification of teachers, board members, employees and certain volunteers and students in damage suits; expenses of litigation.

**Policy Adopted:**

June 24, 2008

**Revised:**

September 27, 2016

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**Personnel – Certified/Non-Certified**

**Nondiscrimination/ Affirmative Action**

The Stamford Board of Education supports the principles of non-discrimination and equal employment opportunity in all of its employment policies and practices, including recruitment, hiring, training, compensation, benefits, transfers, promotions, and all other terms and conditions of employment. The Stamford Board of Education requires that all its employment policies and practices be administered without discrimination on the basis of race, color, national origin, ancestry, citizenship status, age, sex, disability, present or past history of mental disability, religion, sexual orientation, parental status, marital status, genetic information, past or present service in the uniformed services of the United States, or any other basis prohibited by law.

The Stamford Board of Education recognizes that a policy of non-discrimination and equal employment opportunity is not, by itself, sufficient to rectify any existing under-representation of certain identifiable groups within the school district's workforce. Accordingly, in addition to monitoring activities aimed at the elimination of discriminatory barriers to employment and advancement, the Board of Education will undertake positive measures to ensure equal opportunity and to seek out potential candidates in those groups that are underrepresented in any job categories that exist in the school district. The protected groups include African Americans, Hispanics, Asians, Native Americans or Native Alaskans, women, individuals with disabilities, and veterans. The long-term goal is to have the representation of affected group members in all job categories be comparable to qualified members of such groups in the relevant labor market, while maintaining high standards of employee selection criteria.

In order to implement this policy, the Superintendent will develop an affirmative action plan for all school district job positions, and a plan for minority teacher recruitment in accordance with federal and state law, as such laws may be amended from time to time. The Board will review on an annual basis the effectiveness of this plan in increasing minority applicant flow and attracting and re-training qualified candidates for employment.

Legal Reference:

- Connecticut General Statutes
- 10-153 Discrimination on account of marital status.
- 46a-60 Discriminatory employment practices prohibited.
- Federal Law
- Title VII of the Civil Rights Act 1964
- Section 504 and the Federal Vocational Rehabilitation Act of 1973, 20 U.S.C. 706(7)(b).
- American Disability Act of 1989.
- Chalk v. The United States District Court a/Central California.



- Title IX of the Education Amendments of 1972.
- Civil Rights Act of 1987.

**Policy Adopted:**

June 24, 2008

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

### **Nondiscrimination on the Basis of Disabilities (New)**

The Board of Education (Board) is committed to providing and promoting equal opportunities in all of its activities and services. This commitment includes following the mandates of the Americans with Disabilities Act of 1990 (ADA) as amended. This federal law makes it unlawful to discriminate against a qualified person with a disability in all aspects of the employment process and in the provision of services and benefits. The Board also observes all Connecticut laws and regulations that apply to individuals with disabilities.

The Board strictly prohibits discrimination on the basis of disability. Further, it is the policy of Board not to exclude persons with a disability from participation in any program or activity. Accordingly, it is the policy of the Board to provide access to all of its programs, services and facilities to persons with disabilities in accordance with Title II of the Americans with Disabilities Act.

Under the ADA, an individual with a disability is any person who (1) has a physical or mental impairment that substantially limits one or more major life activities; (2) has a record of such impairment; or (3) is regarded as having such an impairment.

The Board will reasonably accommodate the known physical or mental limitations of an otherwise qualified individual with a disability, unless the accommodation would impose an undue burden. Every reasonable effort will be made by the Board to determine and provide the appropriate reasonable accommodation to a qualified individual upon request. The Board, in its discretion, may require the individual to provide additional information about his or her disability or limitations and the need for an accommodation.

The ADA does not require the Board to take any action that would fundamentally alter the nature of its programs or services, or impose an undue financial or administrative burden.

Qualified employees or applicants with disabilities may request accommodations in order to perform the essential functions of their jobs or to gain access to the hiring process. Such requests should be made to the employee's supervisor or to a member of the administration.

Qualified individuals with a disability who require an auxiliary aid or service for effective communication or a modification of policies or procedures to participate in a program, service, or activity of the Board should contact the Board's ADA Coordinator, the Executive Director of Human Resources for assistance in coordinating the request for accommodation. The individual should be prepared to provide a description of his or her specific needs.

Complaints that a request for accommodation has been denied or that a Board program, service, or activity is not accessible to persons with disabilities should be filed in writing with the Board's ADA Coordinator, (Dr. Stephen Falcone, 888 Washington Boulevard, Stamford, CT 06907, [sfalcone@stamfordct.gov](mailto:sfalcone@stamfordct.gov).)

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

The Board strictly forbids retaliation against individuals who request an accommodation or otherwise exercise their rights under the ADA or Connecticut law. Agents of the Board shall not retaliate against, coerce, intimidate, threaten, harass, or interfere with any individual exercising or enjoying his or her rights under the ADA or Connecticut law or because an individual aided or encouraged any other individual in the exercise of rights granted or protected by the ADA or Connecticut.

(cf. 0521 – Nondiscrimination)

(cf. 4112.4/4212.4 – Health Examinations)

### **Legal Reference:**

- Connecticut General Statutes
- 10-209 Records not to be public.
- 19-581 AIDS testing and medical information.
- 46a-60 Discriminatory employment practices prohibited.
- Federal Law
- Section 504 and the Federal Vocational Rehabilitation Act of 1973, 20 U.S.C. 706(7)(b).
- American Disability Act of 1989, 42 U.S.C. 12101 et. seq., as amended by the ADA Amendments Act of 2008
- 29 CFR, Part 1630, Regulations to Implement the Equal Employment Provisions of the Americans with Disabilities Act, as amended, published in the Federal Register, Vo. 76, No. 58, 3/25/11
- *Chalk v. The United States District Court of Central California.*

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Policy Adopted: September 27, 2016

**Personnel – Certified/Non certified****Staff/Student Non-Fraternization**

The Board of Education requires all employees to conduct themselves at all times in a professional manner which will maintain the authority and respect necessary in the educational setting. Therefore, any dating relationships or other social or personal relationships which may reasonably be perceived to be dating (or anything other than a professional relationship) between any staff member and any student of this school district, regardless of the student's age, is expressly prohibited. Employees shall not entertain students or socialize with students in such a manner as to reasonably create to students, parents, or the public that a dating or other nonprofessional relationship exists. While the Board encourages employees to be supporting of students, personnel may not allow students to regard them as peers.

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

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

It is the responsibility of the administration of each school to emphasize the requirements of this policy and to provide follow-up on any complaint or evidence of failure to follow the policy. As mandated reporters under Connecticut law, all school staff members have the responsibility to report any suspicion or knowledge of inappropriate conduct between a student and a staff member.

(cf. 4118.112/4218.112 - Sexual Harassment)

(cf. 4118.23/4218.23 - Conduct)

(cf. 5141.4 - Child Abuse/Neglect)

**Legal Reference:**

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

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

**Policy Adopted:**

June 24, 2008

**Revised:**

September 27, 2016

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

### **Sexual Harassment**

It is the policy of the Stamford Board of Education to provide a school environment free of sexual harassment by employees and to provide a process to address relevant complaints students, employees or others may have. An employee found to have engaged in sexual harassment will be subject to immediate disciplinary action, up to and including termination. This policy similarly applies to non-employee volunteers who work subject to the control of school authorities.

**Definition of sexual harassment:** Unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature may constitute sexual harassment where:

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

Any employee, student, or other person, who believes he or she has been subjected to sexual harassment by an employee, in the school environment, should report the incident immediately, either orally or in a written complaint, to an administrator. All such incidents will be promptly investigated by the Superintendent or his/her designee. If it is found that sexual harassment has occurred, immediate and appropriate corrective action will be taken which may include appropriate disciplinary action.

#### Legal Reference:

- Civil Rights Act of 1964,
- Title VII, 42 U.S. §2000-e2(a)
- Equal Employment Opportunity Commission Policy Guidance (N-915.035) on Current Issues of Sexual Harassment, Effective 10/1 5/88
- Meritor Savings Bank, FSB v. Vinson 477 US.57 (1986)
- 29 CFR Para. 1604.11 (EEOC)
- Faragher v. City of Boca Raton, No. 97-282 (U.S. Supreme Court, June 26,1998) Burlington Industries, Inc. v. Ellerth, No. 97-569, (U.S. Supreme Court, June 26,1998)
- Gebbser v. Lago Vista Indiana School District, No. 99-1866, (U.S. Supreme Court, June 26,1998)
- Connecticut General Statute's 46a-60
- Discriminatory employment practices prohibited.

#### **Policy Adopted:**

June 24, 2008

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

### **Sex Discrimination and Sexual Harassment**

#### **Complaint Procedure**

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

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

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

Any employee who believes that he or she has been discriminated against or sexually harassed in the workplace in violation of this policy may also file a complaint with the Southwest Region Office of the Connecticut Commission on Human Rights and Opportunities, 350 Fairfield Avenue, Bridgeport, CT 06604 (telephone number 203-579-6246). (Your regional CHRO office can be found by accessing <http://www.state.ct.us/chro/index.html>) and/or the Equal Employment Opportunity Commission, Boston Area Office, 475 Government Center, Boston, MA 02203 (telephone number 617-565-3200). Connecticut law requires that a formal written complaint be filed with the Commission on Human Rights and Opportunities within 180 days of the date when the alleged discrimination/harassment occurred. Remedies for sex discrimination and sexual harassment include cease and desist orders, back pay, compensatory damages, hiring, promotion or reinstatement.

#### **Title IX Coordinators**

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The Title IX Coordinators for the Stamford Board of Education is:

Stephen Falcone  
Executive Director of Human Resources

#### **Regulation approved:**

February 7, 2002

#### **Regulation revised:**

August 19, 2010

#### **Revised:**

September 27, 2016

## Personnel -- Certified/Non-Certified

### Harassment (New)

The Board strives to provide a safe, positive working climate for its employees. Therefore, harassment, in any form, will not be tolerated in this District. This policy applies to all students, staff members, Board members, parents, vendors, contracted individuals, volunteers, other employees and other visitors -- who are on District grounds or property or on property within the jurisdiction of the District; on buses operated by or for the District; while attending or engaged in District activities; and while away from District grounds if the misconduct directly affects the good order, efficient management, and welfare of the District.

Employees, students, and others are expected to adhere to a standard of conduct that is respectful and courteous to all. The principle of freedom of expression that might otherwise protect the most offensive public speech does not protect or encompass a right to threaten the dignity and privacy of an individual. Such personally directed behavior will not be tolerated. It is contrary to academic values, debilitates its victims, compromises the offenders, and undermines the District's fundamental commitment to individual freedom and respect for all its members. Furthermore, acts of intolerance may destroy the very atmosphere in which freedom of expression is otherwise tolerated and cherished.

For purposes of this policy, **harassment** consists of verbal, written, graphic, or physical conduct relating to an individual's race, color, religion, sex, national origin/ethnicity, physical attributes or disability, parental or marital status, sexual orientation, (including gender identity/expression) or age when such conduct/harassment:

1. is sufficiently severe, persistent or pervasive that it affects an individual's ability to participate in or benefit from an educational program or activity or creates an intimidating, threatening or abuse education environment;
2. has the purpose or effect of substantially or unreasonably interfering with an individual's work performance;
3. otherwise adversely affects an individual's employment opportunities;

Harassment as set forth above may include, but is not limited to:

- verbal, physical, or written intimidation or abuse;
- repeated remarks of a demeaning or condescending nature;
- repeated demeaning jokes, stories, or activities directed at the individual;

For purposes of this policy, **sexual harassment** shall consist of unwelcome sexual advances; requests for sexual favors; and other inappropriate verbal, written, graphic or physical conduct of a sexual nature when:

1. acceptance of such conduct is made, either explicitly or implicitly, a term or condition of an individual's continued employment;



2. submission to or rejection of such conduct by an individual is used as the basis for decisions affecting the individual; and
3. such conduct is sufficiently severe, persistent or pervasive that it has the purpose or effect of substantially interfering with the employee's job performance or creating an intimidating, hostile or offensive working environment.

Examples of conduct that may constitute sexual harassment include, but are not limited to sexual flirtations, advances, touching or propositions; verbal abuse of a sexual nature; graphic or suggestive comments about an individual's dress or body; sexually degrading words to describe an individual; jokes; pin-ups; calendars; objects; graffiti; vulgar statements; abusive language; innuendos; references to sexual activities; overt sexual conduct; or any conduct that has the effect of unreasonably interfering with an employee's ability to work or creates an intimidating, hostile or offensive working environment.

Each staff member shall be responsible to maintain an educational environment free from all forms of unlawful harassment.

Should harassment be alleged, it is the policy of this Board that it shall be thoroughly investigated, that there shall be no retaliation against the victim of the alleged harassment, and that the problem/concern shall be appropriately addressed.

In order to maintain a work environment that discourages and prohibits unlawful harassment, the Board designates the Executive Director of Human Resources as the District's Compliance Officer.

The Compliance Officer shall publish and disseminate this policy and the complaint procedure annually to students, parents, employees, independent contractors, vendors and the public. The publication shall include the position, office address and telephone number of the District's Compliance Officer.

The Board directs that complaints of harassment shall be investigated promptly and corrective action be taken when allegations are substantiated. Confidentiality of all parties shall be maintained consistent with the District's legal and investigative obligations.

The Building Principal or his/her designee shall be responsible to complete the following duties when receiving a complaint of unlawful harassment:

1. Inform the employee or third party of the right to file a complaint and the complaint procedure.
2. Notify the complainant and the accused of the progress at appropriate stages of the procedure.
3. Refer the complainant to the Compliance Officer if the Building Principal is the subject of the complaint.

(cf. 5145.52 – Harassment)

Legal Reference:

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

- 29 CFR 1604.11, EEOC Guidelines on Sex Discrimination.
- Title IX of the Educational Amendments of 1972, 20 U.S.C. 1681 et seq.
- 34 CFR Section 106.8(b), OCR Guidelines for Title IX.
- Definitions, OCR Guidelines on Sexual Harassment, Fed. Reg. Vol 62, #49, 29 CFR Sec. 1606.8 (a0 62 Fed. Reg. 12033 (March 13, 1977) and 66 Fed. Reg. 5512 (January 19, 2001)
- *Meritor Savings Bank, FSB v. Vinson*, 477 U.S. 57 (1986)
- *Faragher v. City of Boca Raton*, No. 97-282 (U.S. Supreme Court, June 26,1998)
- *Burlington Industries, Inc. v. Ellerth*, No. 97-569, (U.S. Supreme Court, June 26,1998)
- *Gebbs v. Lago Vista Indiana School District*, No. 99-1866, (U.S. Supreme Court, June 26,1998)
- *Davis v. Monro County Board of Education*, No. 97-843, (U.S. Supreme Court, May 24, 1999.)
- Connecticut General Statutes
- 46a-60 Discriminatory employment practices prohibited.
- 10-15c Discrimination in public schools prohibited. School attendance by five-year olds. (Amended by P.A. 97-247 to include "sexual orientation)
- 10-153 Discrimination on account of marital status.
- 17a-101 Protection of children from abuse.

Policy Adopted: September 27, 2016

## Personnel -- Certified/Non-Certified

### Harassment

#### Harassment Complaint Procedure

If an individual believes that he/she is being or has been harassed, that person should immediately inform the harasser that his/her behavior is unwelcome, offensive, in poor taste, unprofessional, or highly inappropriate.

If the offensive behavior is **repeated** following a request to the harasser that it cease, the employee shall have the option of pursuing either an **informal** complaint procedure designed to educate the harasser and to eliminate the problem, or a formal complaint procedure that is defined below.

Any employee who makes an **informal** oral complaint of harassment to his or her supervisor, site administrator, or the Assistant Superintendent or Compliance Officer will be provided a copy of these regulations and will be encouraged to pursue the **formal** procedure should the **informal** investigation and intervention, if required, prove unsuccessful in eliminating the objectionable behavior. **HOWEVER, IT IS NOT NECESSARY FOR THE PERSON BEING HARASSED TO WAIT UNTIL THE OFFENSIVE BEHAVIOR IS REPEATED BEFORE FILING A COMPLAINT. OFFENSIVE BEHAVIOR OF AN EGREGIOUS NATURE WOULD WARRANT AN IMMEDIATE AND FORMAL COMPLAINT BE FILED.**

If, following requests to cease objectionable, harassing behavior, said behavior continues, and if the **informal** procedure has also proven unsatisfactory, or unacceptable, the employee may pursue the **formal** complaint procedure which involves submitting a written complaint to his or her supervisor, site administrator, or the Assistant Superintendent or Compliance Officer. The complaint should list the name of the complainant, the date of the complaint, the date of the alleged harassment, the name(s) of the harasser(s), where such harassment occurred, and a detailed statement of the circumstances constituting the alleged harassment.

All formal complaints and informal complaints involving staff are to be forwarded immediately to the Assistant Superintendent or Compliance Officer unless that individual is the subject of the complaint, in which case the complaint should be forwarded directly to the Superintendent.

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Upon receiving a formal complaint, the building level administrator in concert with the Assistant Superintendent or Compliance Officer will, as soon as possible, commence an effective, thorough, objective and complete investigation of the complaint. The investigator shall consult with all individuals reasonably believed to have relevant information, including the complainant and the alleged harasser, any witnesses to the conduct, and victims of similar conduct that the investigator reasonably believes may exist.

The investigation shall be free of stereotypical assumptions about either party. The investigation shall be carried on discreetly, maintaining confidentiality insofar as possible while still conducting an effective and thorough investigation. Throughout the entire investigative process, the due process rights of the alleged harasser will be upheld. The investigator shall make a written report summarizing the results of the investigation and proposed disposition of the matter, and shall

provide copies to the complainant, the alleged harasser, and, as appropriate, to all others directly concerned.

If the complainant is dissatisfied with the result of the investigation, he or she may file a written appeal to the Superintendent, who shall review the investigators written report, the information collected by the investigator together with the recommended disposition of the complaint to determine whether the alleged conduct constitutes harassment. The Superintendent may also conduct a reasonable investigation, including interviewing the complainant and alleged harasser and any witnesses with relevant information. After completing this review, the Superintendent shall respond to the complainant, in writing, as soon as possible.

If after a thorough investigation, there is reasonable cause to believe that harassment has occurred, the district shall take all reasonable actions to ensure that the harassment ceases and will not recur. Actions taken in response to situations of harassment may include reprimand, reassignment, transfer, suspension, expulsion, disciplinary action, or discharge from employment.

The harasser and any other involved individuals, if appropriate, will be informed that appropriate action shall be taken if further acts of harassment or retaliation occur. If further acts of harassment or retaliation do occur, appropriate action shall be taken.

All employees, and supervisors shall be provided copies of the Board of Education policy concerning harassment and the policy will be reproduced in all employee and student handbooks.

Regulation approved: September 27, 2016

**REPORT FORM FOR COMPLAINTS OF DISCRIMINATION**

Complainant: \_\_\_\_\_  
Home Address: \_\_\_\_\_  
Home Phone: \_\_\_\_\_  
School building: \_\_\_\_\_  
Date of Alleged Incident(s): \_\_\_\_\_

Alleged harassment was based on: (Check all that apply.)

<input type="checkbox"/> Race	<input type="checkbox"/> Color	<input type="checkbox"/> National Origin	<input type="checkbox"/> Gender Identity or Expression
<input type="checkbox"/> Gender	<input type="checkbox"/> Disability	<input type="checkbox"/> Religion	<input type="checkbox"/> Other
<input type="checkbox"/> Ancestry	<input type="checkbox"/> Age	<input type="checkbox"/> Sexual Orientation	

Name of person you believe violated the District's nondiscrimination policy: \_\_\_\_\_

If the alleged discrimination was directed against another person, identify the other person: \_\_\_\_\_

Describe the incident as clearly as possible, including any verbal statements (i.e., threats, derogatory remarks, demands, etc.) and any actions or activities. Attach additional pages if necessary:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

When and where incident occurred: \_\_\_\_\_

List any witnesses who were present: \_\_\_\_\_

This complaint is based on my honest belief that \_\_\_\_\_ has discriminated against me or another person. I certify that the information provided in this complaint is true, correct and complete to the best of my knowledge.

\_\_\_\_\_  
Complainant's Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Received By

\_\_\_\_\_  
Date

4118.22

4218.22

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

### **Code of Ethics**

The Board recognizes that its responsibility to the community and to the students whom it serves requires a commitment to the highest ethical standards.

Therefore:

- I. The Board will ensure that its employment practices strive toward the highest degree of professional competence, consistent with ethical and fair labor practices.
2. Neither the Board nor any employee shall engage in, or have a financial interest, directly or indirectly, in any activity that conflicts, or raises a reasonable question of conflict, with their respective duties and responsibilities.

Any employee of the Board should refer any question concerning the above to his/her immediate supervisor.

### **Conflict of Interest**

The Board of Education wishes to avoid any conflict of interest on the part of its employees regarding their personal interests and the interests of the school district in dealing with suppliers, contractors and all organizations or individuals doing or seeking to do business with the school district. For this reason, the Board of Education prohibits employees from directly or indirectly soliciting any gift; or accepting or receiving any gift having a value of twenty-five dollars (\$25) or more, whether in the form of money, services, loan, travel, entertainment, hospitality, thing or promise, or any other form, under circumstances in which it could be reasonably inferred that the gift was intended to influence the Board member or employee in the performance of his/her official duties or was intended as a reward for any official action on his/her part.

### **Policy Adopted:**

June 24, 2008

## **Personnel- Certified/Non-Certified Smoke-Free Environment**

The Board recognizes that tobacco and tobacco alternatives are not conducive to good health. Therefore, the District should provide both effective educational programs and a positive example to students concerning the use of tobacco and tobacco alternatives referred to as vaping or Electronic Nicotine Delivery Systems (ENDS).

Recognizing the negative impact on nonsmokers by others smoking, the Board declares all school-sponsored events and areas operated by the Board to be officially designated smoke and tobacco-free. Smoke and tobacco-free areas include all school buildings and grounds and all school buses.

For purposes of this policy, use of tobacco/tobacco alternatives/smoke or smoking shall mean all uses of tobacco, and tobacco alternatives including but not limited to, cigarettes, e-cigarettes, vapes, ENDS, cigars, snuff, blunts, pipes, chewing tobacco, or any other substance that contains tobacco or nicotine and all other forms of smokeless tobacco, rolling papers and any other items containing or reasonably resembling tobacco, tobacco products, or tobacco alternatives.

### **Legal Reference:**

- Drug-Free Workplace Act. 102 Stat. 4305-4308.
- Drug-Free Schools and Community Act, P.L. 99-570, as amended by P.L. 101-226 (1991).
- 21 U.S. C. 812, Controlled Substances Act, I through V, 202.
- 21 C.F.R. 1300.4 through 1300.15 regulation.
- 54 Fed. Reg. 4946 (1989) · Connecticut General Statutes
- 1-21 b Smoking prohibited in certain places.
- PA 93-304 An Act Prohibiting Smoking in Public Buildings.

### **Policy Adopted:**

June 24, 2008

### **Amended:**

September 27, 2016

June 25, 2019

**Personnel – Certified/Non-Certified**

**Substance Abuse**

The Stamford Public Schools recognize that employees should be drug free and alcohol-free so that the most positive learning experiences for students may take place. This policy is an integral part of the Stamford Public Schools' Drug, Alcohol, and Tobacco Prevention Program, and represents one component of a district-wide effort to respond to problems caused by the unauthorized use of controlled drugs or alcohol abuse.

Any Stamford Board of Education employee is in violation of this policy if on a school bus, during a school session, or at a school sponsored activity such individual is under the influence of alcohol or a controlled drug (except for current prescribed medication(s). Additionally, any employee is in violation of this policy if, on or off school grounds, such individual unlawfully possesses, uses, manufactures, dispenses, distributes, sells, or aids in the procurement of controlled drugs, drug paraphernalia, or alcohol. Such employee shall be subject to discipline up to and including termination, referral for prosecution, and intervention pursuant to the provisions and procedures outlined in the Administrative Regulations.

The foregoing standards of conduct and sanctions shall be provided to all students, parents, and employees.

Drug and alcohol awareness, education, and prevention programs for students and employees shall be adopted and maintained, and shall teach that the use of controlled drugs and the unlawful possession and use of alcohol are wrong and potentially harmful. The employee program shall include information about the dangers of drug and alcohol abuse in the workplace, the Board's policy on maintaining a drug-free and alcohol-free workplace, and the availability of any drug and alcohol counseling, rehabilitation, and employee assistance programs. The program will also explain the penalties that may be imposed on employees for drug and alcohol-abuse violations occurring on or off school grounds. Counseling and rehabilitation programs will be offered to employees as described In the administrative regulations.

As a condition of employment, employees shall abide by the terms of this policy and shall notify the Board of Education of any criminal drug statute conviction within five days of the conviction. The Federal agency(ies) which grant(s) funds to the Board of Education will be notified of the conviction within ten days, and appropriate personnel action will be taken against the employee within thirty days as set forth in the administrative regulations.

The Board will review its program biennially to determine its effectiveness, to implement changes to the program when needed, and to ensure that the sanctions set forth in the administrative regulations are consistently enforced.



**Legal Reference:**

- Connecticut General Statutes
- Controlled Substances Act, 21 U.S.C. §812; 21 C.F.R. 1308.11 - 1308.15
- Drug-Free Workplace Act of 1988, 41 U.S.C. §701 et. seq.
- Drug-Free Schools and Community Act, P.L. 99-570, as amended by P.L. 101-226 (199)
- Safe and Drug-Free School and Communities Act of 1994, 20 U.S.C. §7101 et. seq. Drug-Free Workplace Act, 30 ILCS 580/1 et. seq.

**Policy Adopted:**

June 24, 2008

**Personnel – Certified/Non-Certified**

**Weapons and/or Threats on School Property**

The Stamford Board of Education finds that the presence of weapons poses a risk to all persons, and it prohibits weapons from school property and school-sponsored activities, except as may be required as a condition of employment, such as for peace officers. The Board therefore has adopted the following rules concerning weapons on school property:

- I. No employee or other person shall bring onto any school property or to any school sponsored activities any weapon or dangerous instrument as defined herein.
2. No employee or other person shall use, attempt to use, or threaten to use any such weapon or dangerous instrument on school property or at any school-sponsored activity.
3. No employee or other person shall cause or threaten to cause death or physical injury to any individual on school property or at any school-sponsored activity.

Violation of the above rules shall subject the employee to disciplinary action up to and including discharge and may result in criminal charges against the employee or other person who possesses a weapon on school property without authorization. This prohibition shall not apply to a peace officer engaged in this performance of his or her official duties.

Any weapon or dangerous instrument on school property or at a school-sponsored activity will be confiscated, and there is no reasonable expectation of privacy with respect to such items in the workplace.

**Definitions**

**"Weapon"** means any firearm, including a BB gun, whether loaded or unloaded, any knife (excluding a small pen or pocket knife), including a switchblade or other knife having an automatic spring release device, a stiletto, any police baton or nightstick or any martial arts weapon or electronic defense weapon.

**"Dangerous instrument"** means any instrument, article, or substance that, under the circumstances, is capable of causing death or serious physical injury.

**"School property"** means the land and all temporary and permanent structures comprising the District's elementary and secondary schools, and administrative office buildings. Such property includes, but is not limited to, the following: classrooms, hallways, storage facilities, theatres, gymnasiums, fields and parking lots.

**"School-sponsored activity"** means any activity sponsored, recognized or authorized by the Board of Education and includes activities conducted on or off school property.

**"Peace officer"** means a state police officer, a member of the local police department, an inspector in the state Division of Criminal Justice, a sheriff, deputy sheriff or special deputy sheriff, a conservation officer or special conservation officer, a constable who performs criminal law enforcement duties, a special policeman, an adult probation officer, a Department of Correction official authorized by the Commissioner of Correction to make arrests in a correctional institution or facility, an investigator in the investigations unit of the Office of the State Treasurer, or any special agent of the federal government. Connecticut General Statutes §53a-3 (9).

**Legal Reference:**

- Connecticut General Statutes
- 10-221 Board of Education to prescribe rules.

**Policy Adopted:**

June 24, 2008

**4118.233 (a) (b) (c)**  
**4218.233**

**Personnel – Certified/Non-Certified**

**Weapons and/or Threats on School Property**

**Purpose**

Policy 4118.233 and this regulation are intended to:

- I. Reduce the potential for violence in and around the workplace;
- II. Encourage and foster a work environment that is characterized by respect and healthy conflict resolution; and
- III. Mitigate the negative consequences for employees who experience or encounter violence in their work lives.

**Scope of the Policy and Regulation:**

The word "**violence**" in Policy 4118.233 and this regulation shall mean an act or behavior that includes one or more of the following:

- I. Is physically assaultive;
2. A reasonable person would perceive as obsessively directed, e .g. intensely focused on a grudge, grievance, or romantic interest in another person, and reasonably likely to result in harm or threats of harm to persons or property;
3. Consists of a communicated or reasonably perceived threat to harm another individual or in any way endanger the safety of an individual;
4. Would be interpreted by a reasonable person as conveying potential harm to the individual;
5. Is a behavior, or action, that a reasonable person would perceive as menacing;
6. Involves carrying or displaying weapons, destroying property, or throwing objects in a manner reasonably perceived to be threatening; or
7. Consists of a communicated or reasonably perceived threat to destroy property.

Specific examples of conduct that may be considered threats or acts of violence under this policy include, but are not limited to, the following:

- I. Hitting or shoving an individual.
2. Threatening to harm an individual or his/her family, friends, associates, or their property.
3. The intentional destruction or threat of destruction of property owned, operated, or controlled by the City of Stamford or Stamford Board of Education.
4. Making harassing or threatening telephone calls, letters or other forms of written or electronic communications.
5. Intimidating or attempting to coerce an employee to do wrongful acts that would affect the business interests of the City and/or Board of Education.

6. Harassing surveillance, also known as "stalking", the willful, malicious and repeated following of another person and making a credible threat with intent to place the other person in reasonable fear of his or her safety.
7. Making a suggestion of harm or intimidation or stating that an act to injure persons or property is "appropriate".
8. Unauthorized possession or inappropriate use of firearms, weapons, or any other dangerous devices on City/Board property, or in the course of City/Board business.

While under rare circumstances employees of the Board may be required as a condition of their work assignment to possess firearms, weapons or other dangerous devices, or permitted to carry them as authorized by law, such employees are to use them only in accordance with Board operating procedures and all applicable State and Federal laws.

### **Citizen, Client and Vendor Interaction**

Employees of the Board interact with citizens, clients and/or vendors who are distressed and who may make threats or commit acts of violence. The Board will provide support and guidance as deemed appropriate, to employees so that threats of violence can be recognized and addressed and potentially prevented.

Citizen violence may be difficult to control and some employee exposure may be a result of working with special populations. The handling of some citizen violence situations may be the function of local law enforcement agencies. The Board will not tolerate violent acts or threats of violence by clients, vendors or other members of the public towards or against its employees.

### **Family Members or Acquaintances**

If the workplace is affected by a violent act or threat of violence by an employee's family member or acquaintance, the Board will provide access to support and guidance for the victim and any other affected co-workers. The Board will not tolerate violent acts or threats of violence by family members or acquaintances of Board employees toward employees.

### **Employees**

The Board will not tolerate violent acts or threats of violence, verbal or implied, by employees. In such cases the Board will impose immediate and definitive use of the disciplinary process, up to and including termination of employment. If appropriate, criminal prosecution will also be pursued in addition to the disciplinary process.

### **Employee Assistance Program (EAP)**

The Board has established an Employee Assistance Program (EAP). Any troubled employee may request and will be entitled to receive guidance and, if necessary, professional help from the Employee Assistance Program (EAP). By working with employees with personal problems, the EAP may assist in addressing potential violence before it occurs. Employees are encouraged to access the EAP in accordance with the conditions under which it operates.

### **Reporting Violations**

Any employee who experiences or witnesses an act or threat of violence is directed to immediately report such policy violation to his/her immediate supervisor or the Personnel Department.

Administrators and supervisors are responsible for ensuring that Board policy as set forth in the Regulation is implemented in their respective areas of responsibility. Employee safety and the safety of the public must be the highest concern of all Board employees. When made aware of a real or perceived threat of violence, administrators, regardless of their level, must immediately contact the Human Resources Division at (203) 977-4070 or the Personnel Department at (203) 977-4097. Human Resources and/or the Personnel Director will initiate an immediate and thorough investigation, provide support for employees and supervisors and take specific actions to prevent acts of violence from occurring.

If necessary, in circumstances that so require, administrators, teachers and other employees should not hesitate to contact the Stamford Police Department directly at #91 1.

**Legal Reference:**

- Connecticut General Statutes
- 10-221 Board of Education to prescribe rules.

**Regulation Adopted:**

June 24, 2008

**Personnel – Certified/Non-Certified**

**Weapons and/or Threats on School Property**

**Purpose**

Policy 4118.233 and this regulation are intended to:

- I. Reduce the potential for violence in and around the workplace;
- II. Encourage and foster a work environment that is characterized by respect and healthy conflict resolution; and
- III. Mitigate the negative consequences for employees who experience or encounter violence in their work lives.

**Scope of the Policy and Regulation:**

The word "**violence**" in Policy 4118.233 and this regulation shall mean an act or behavior that includes one or more of the following:

1. Is physically assaultive;
2. A reasonable person would perceive as obsessively directed, e.g. intensely focused on a grudge, grievance, or romantic interest in another person, and reasonably likely to result in harm or threats of harm to persons or property;
3. Consists of a communicated or reasonably perceived threat to harm another individual or in any way endanger the safety of an individual;
4. Would be interpreted by a reasonable person as conveying potential harm to the individual;
5. Is a behavior, or action, that a reasonable person would perceive as menacing;
6. Involves carrying or displaying weapons, destroying property, or throwing objects in a manner reasonably perceived to be threatening; or
7. Consists of a communicated or reasonably perceived threat to destroy property.

Specific examples of conduct that may be considered threats or acts of violence under this policy include, but are not limited to, the following:

1. Hitting, shoving or other form of physical aggression towards an individual.
2. Threatening to harm an individual or his/her family, friends, associates, or their property.
3. The intentional destruction or threat of destruction of property owned, operated, or controlled by the City or Board.
4. Making harassing or threatening telephone calls, letters or other forms of written or electronic communications.
5. Intimidating or attempting to coerce an employee to do wrongful acts that would affect the business interests of the City and/or Board.
6. Harassing surveillance, also known as "stalking", the willful, malicious and repeated following of another person and making a credible threat with intent to place the other person in reasonable fear of his or her safety.

7. Making a suggestion of harm or intimidation or stating that an act to injure persons or property is "appropriate".

8. Unauthorized possession or inappropriate use of firearms, weapons, or any other dangerous devices on City/Board property, or in the course of City/Board business.

While under rare circumstances employees of the Board may be required as a condition of their work assignment to possess firearms, weapons or other dangerous devices, or permitted to carry them as authorized by law, such employees are to use them only in accordance with Board operating procedures and all applicable State and Federal laws.

### **Citizen, Client and Vendor Interaction**

Employees of the Board interact with citizens, clients and/or vendors who are distressed and who may make threats or commit acts of violence. The Board will provide support and guidance as deemed appropriate, to employees so that threats of violence can be recognized and addressed and potentially prevented.

Citizen violence may be difficult to control and some employee exposure may be a result of working with special populations. The handling of some citizen violence situations may be the function of local law enforcement agencies. The Board will not tolerate violent acts or threats of violence by clients, vendors or other members of the public towards or against its employees.

### **Family Members or Acquaintances**

If the workplace is affected by a violent act or threat of violence by an employee's family member or acquaintance, the Board will provide access to support and guidance for the victim and any other affected co-workers. The Board will not tolerate violent acts or threats of violence by family members or acquaintances of Board employees toward employees.

### **Employees**

The Board will not tolerate violent acts or threats of violence, verbal or implied, by employees. In such cases the Board will impose immediate and definitive use of the disciplinary process, up to and including termination of employment. If appropriate, criminal prosecution will also be pursued in addition to the disciplinary process.

### **Employee Assistance Program (EAP)**

The Board has established an Employee Assistance Program (EAP). Any troubled employee may request and will be entitled to receive guidance and, if necessary, professional help from the Employee Assistance Program (EAP). By working with employees with personal problems, the EAP may assist in addressing potential violence before it occurs. Employees are encouraged to access the EAP in accordance with the conditions under which it operates.

### **Reporting Violations**

Any employee who experiences or witnesses an act or threat of violence is directed to immediately report such policy violation to his/her immediate supervisor or the Personnel Department.



Administrators and supervisors are responsible for ensuring that Board policy as set forth in the Regulation is implemented in their respective areas of responsibility. Employee safety and the safety of the public must be the highest concern of all Board employees. When made aware of a real or perceived threat of violence, administrators, regardless of their level, must immediately contact the Human Resources Division at (203) 977-4070 or the Personnel Department at (203) 977-4097. Human Resources and/or the Personnel Director will initiate an immediate and thorough investigation, provide support for employees and supervisors and take specific actions to prevent acts of violence from occurring.

If necessary, in circumstances that so require, administrators, teachers and other employees should not hesitate to contact the Stamford Police Department directly at #911.

**Legal Reference:**

- Connecticut General Statutes
- 10-221 Board of Education to prescribe rules.
- 53a-3 Definitions
- 53a-217b Possession of a weapon on school grounds

**Regulation Adopted:**

June 24, 2008

**Revised:**

September 27, 2016

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**Personnel – Certified**

**Prohibition on Recommendations for Psychotropic Drugs**

The Board of Education prohibits school personnel from recommending the use of psychotropic drugs for any child. For the purposes of this policy, the term "recommend" shall mean to directly or indirectly suggest that a child should use psychotropic drugs.

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

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

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

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

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

**Legal Reference:**

- Connecticut General Statutes
- 10-212b Policies prohibiting the recommendation of psychotropic drugs by school personnel. (as amended by PA 03-211)
- 46b-120. Definitions 10-76a Definitions. (as amended by PA 00-48).
- 10-76b State supervision of special education programs and services. 10-76d Duties and powers of boards of education to provide special

education programs and services. (as amended by P A 97-114 and P A 00-48)

- 10-76h Special education hearing and review procedure. Mediation of disputes. (as amended by P A 00-48)
- State Board of Education Regulations.
- 34 C.P.R. 3000 Assistance to States for Education for Handicapped Children.
- American with Disabilities Act, 42 U.S.C. §12101 et seq.
- Individuals with Disabilities Education Act, 20 U.S.C. § 1400 et seq.
- Rehabilitation Act of 1973, Section 504, 29 U.S.C. § 794.

**Policy Adopted:**

June 24, 2008

03/01/2022: Policy suspended effective immediately (under suspension of the rules). Superintendent authorized to temporarily reinstate policy, in whole or part, subject to Board approval. See minutes 03/01/2022.

4118.237

4218.237

5141.8

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

### **Students**

#### **Face Masks/Coverings**

This policy pertains to students, faculty, staff, and visitors. It has been developed to fulfill the guiding principles contained in the Framework for Connecticut Schools, specifically to safeguard the health and safety of students and staff and to allow all students the opportunity to return into classrooms. Evidence shows that the proper wearing of facial masks or coverings helps stop the spread of the virus.

The Board of Education (Board) is implementing this masking requirement to promote the safest possible learning, teaching and work environment for students, faculty, staff and visitors during the COVID-19 pandemic. The first priority of the Board is the health and well-being of students and staff as the District prepares for and implements the safe reopening of schools. The Center for Disease Control and Prevention (CDC) and the Connecticut Department of Public Health (CTDPH) and the Connecticut State Department of Education, as outlined in Adapt, Advance, Achieve: Connecticut's Plan to Learn and Grow Together requires the wearing of face coverings for all students and staff when they are inside school buildings and while riding school transportation vehicles, with certain exceptions.

In consultation with the CTDPH, upon the recommendation of the Department of Health for the City of Stamford that masks are required, the following policy shall apply.

The Superintendent shall have the authority to limit access to public school grounds and district buildings.

Additionally, in consultation with the Department of Health for the City of Stamford, the Superintendent may suspend or modify this policy to alter, reduce, eliminate, or otherwise modify the requirements contained herein.

### **Definitions**

**Mask** – A cloth, paper, or disposable face covering that covers the nose and mouth. It may or may not be medical grade. Masks that have an exhalation valve or vent are prohibited. This definition is subject to change if necessary in order to conform with future guidance issued by the CDC and CTDPH.

**Face shield** – a clear, plastic shield that covers the forehead, extends below the chin and wraps around the sides of the face, protecting the eyes, nose and mouth from contamination from respiratory droplets, which may be used along with masks or respirators.

**Clear plastic barrier** – a clear plastic or solid surface that can be cleaned and sanitized often.

## **Transportation**

All persons riding transportation provided by the district, including student passengers, are required to wear a face mask that completely covers the nose and mouth during transit. The individual's mask must be in place prior to boarding the vehicle and must be kept in place until they are completely off the vehicle. The Board shall provide back-up masks if students do not have masks when boarding school transportation. These requirements are also applicable to the drivers of the vehicle, monitors (if any), and any other individual on the vehicle.

## **School Buildings and Grounds**

All students, staff, and visitors are required to use a mask that completely covers the nose and mouth, when they are inside the school building, even when social distancing is maintained. Specific to outdoor settings, masks are not required, but students and staff will continue to wear masks in situations where students and/or staff are outdoors and in close contact while stationary (e.g., sitting/standing together in a group). Where students are actively moving around during recess or physical education activities, masks can be removed. Masks will also be on when going out of the building to recess and back into the building afterward. Good hand hygiene will be emphasized before and after outdoor activities.

Mask breaks may be provided throughout the day, subject to this policy and associated regulations.

Transparent (clear) masks may be used by teachers in situations where it is important for students to see how a teacher pronounces words (e.g. reading instruction, English learners, early childhood, foreign language, deaf or hard of hearing students, etc.) and a separating distance of six feet is consistently maintained.

Parents/guardians may not excuse their child from the requirement to wear a mask by signing a waiver. If an individual has a medical condition that makes it contrary to their health or safety to wear a mask, that individual may request a medical exemption from the requirement to wear a mask. A written notification from a physician is required in order for the Board to permit a medical exemption. The physician's note must state the medical reason for the requested exemption, and must comply with the requirements contained in associated regulation. Requests for exemption shall be made on the District's form and be in accordance with the regulation associated with this policy.

The Board shall provide to any student, staff member or visitor a face mask if such individual does not have one. Training shall be provided as necessary regarding the proper use of face coverings. Information shall be provided to staff, students and students' families regarding the proper use, removal and washing of cloth face coverings.

## **Limited Exceptions to Use of Masks – Eating and Drinking**

Masks are required in all dining areas while entering and leaving or getting food and drinks.

Subject to the provisions of this policy and associated regulation, when other and appropriate mitigating practices are in place, such as maintaining a separating distance of six (6) feet to the greatest extent possible, students will not be required to wear face masks while eating or drinking.

### **Mask Breaks**

Subject to the provisions of this policy and associated regulation, breaks from wearing masks shall be scheduled throughout the school day, by the teacher, provided that a separating distance of at least six (6) feet to the greatest extent possible is maintained and limitations are enforced regarding student and staff mobility. Members of staff may participate in any or all scheduled mask breaks.

Mask use will not be required by staff when they are alone in private offices. However, they are required to mask when anyone enters a private office space and are required to wear a mask if their office space is physically shared with others and does not allow for 6 feet of physical distancing or if the work area is frequented by others (such as a reception area). Additionally, in consultation with the Department of Health for the City of Stamford, the Superintendent may suspend or modify this restriction so as to excuse staff that has been fully inoculated from the restrictions of this paragraph.

### **Violations of this Policy**

Violations of this policy, whether by students or staff, shall be handled in the same manner as other violations of applicable Board policy.

For the health and safety of students and staff, students who refuse to wear a mask without an approved exemption will be subject to appropriate disciplinary action which may include a required period of remote learning. In the event such student refuses to wear a mask after having been prompted to do so, the student shall be sent to a designated location and the parent/guardian shall be contacted to rectify the situation, school personnel to explain the options available regarding schooling and for the possible removal of the child from the in person school setting.

If a visitor refuses to wear a face covering and has not been granted a medical exemption, entry to the school/district facility may be denied.

Teachers or schools may provide incentives for compliance with the face mask requirement.

### **Community Outreach**

The District shall engage in community education programs including signage, mass and targeted communication, and positive reinforcement that will actively promote mask use consistent with CDC, DDH, CSDE and OSHA guidance. Community members will be reminded that mask use does not replace the need for social distancing, washing of hands and other preventative practices recommended by all appropriate authorities.

Until further notice the Board will require the wearing of masks as prescribed in this policy. The Board reserves the right to interpret the provisions of this policy and to modify any or all matters contained in this policy at any time, subject to applicable law.

(cf. 5141.1 – Communicable/Infectious Diseases) (cf. 6110 – Emergency Closings)  
(cf. 6110 – Emergency Closings)

**Legal Reference:**

Connecticut General Statutes

10-154a Professional communications between teacher or nurse and student.

10-207 Duties of medical advisors.

10-221 Boards of education to prescribe rules.

19a-221 Quarantine of certain persons.

52-557b Immunity from liability for emergency medical assistance, first aid or medication by injection. School personnel not required to administer or render.

The Family Educational Rights and Privacy Act of 1974, (FERPA), 20 U.S.C. 1232g, 45 C.F.R. 99.

Adapt, Advance, Achieve: Connecticut's Plan to Learn and Grow Together

Connecticut LEA School Reopening Template

CDC Considerations for Schools

CDC Symptoms of Coronavirus

CDC Quarantine & Isolation

CDC Use of Cloth Face Coverings to Help Slow the Spread of COVID-19

CDC Interim Guidance for Administrators of US K-12 Schools and Child Care Programs

CDC Schools Decision Tree for Schools Reopening

**Policy Adopted:**

September 01, 2020 (Effective immediately under suspension of rules)

**Revised:**

03/23/2021 (Effective immediately under suspension of rules)

06/01/2021 (Effective immediately under suspension of rules)

**Suspended:**

03/01/2022 (Effective immediately under suspension of rules)

Superintendent authorized to temporarily reinstate policy, in whole or part, subject to Board approval. See minutes 03/01/2022.

03/01/2022: Policy suspended effective immediately (under suspension of the rules). Superintendent authorized to temporarily reinstate policy, in whole or part, subject to Board approval. See minutes 03/01/2022.

4118.237 R  
4218.237 R  
5141.8 R

## Personnel – Certified / Non-Certified Students

### Facemasks/Coverings

## REGULATION

### Exemption from requirement to wear a mask

In an emergent situation, if an individual is having trouble breathing; is unconscious; is incapacitated; or cannot remove the mask without assistance, that individual may be temporarily excused from the requirement to wear a mask without formally requesting an exemption.

An exemption from the requirement to wear a mask when in a district building may be granted for anyone who has a medical condition, behavioral condition or disability that makes wearing a mask contrary to their health or safety. To request a medical exemption, a written notification from a Practitioner (as defined below) is required (the “Physician’s Notification”).

A “Practitioner” means a licensed physician, or an advanced practice registered nurse licensed by the State of Connecticut (“APRN”), or a physician assistant licensed by the State of Connecticut (“PA”), a licensed or certified medical provider, psychologist, marriage and family therapist, professional counselor, social worker, or behavior analyst, the Department of Developmental Services or other state agency that provides or supports services for people with emotional, intellectual or physical disabilities, or a person authorized by any such agency.

A Physician’s Notification must be provided by a Practitioner, must be on the Practitioner’s letterhead, signed, dated, and contain the Practitioner’s printed name and contact information. It must be no more than three (3) months old. It must certify the person is qualified for the exemption and must state it would be medically contraindicated (contrary to the individual’s health or safety) for the individual to wear a mask because of a medical condition, behavioral condition or disability.

Requests for exemption from the requirement to wear a mask in a district building shall be submitted in advance. If the request for exemption is for a member of staff, the request must be delivered to the Director of Human Resources for the District (this includes any interim or acting Director of Human Resources, if applicable). If the request is for a building visitor, the request must be delivered in advance to the building principal. If the request is for a student, the request must be delivered to the school nurse, and must include a completed *Student Medical Exemption Certification Statement – Mask or Face Covering* form. Submission of a request for exemption is not a guarantee that an exemption will be granted. The requestor must comply with all requirements to wear a mask until they have been notified that their request for exemption was granted. Once granted, an exemption may be conditioned, modified or revoked as may be necessary and appropriate.

Any individual that is granted an exemption from the requirement to wear a mask is expected to



behave appropriately. Inappropriate behavior or failure to follow any conditions associated with an exemption will subject the individual to appropriate disciplinary action. The names of individuals who are granted an exemption from the requirement to wear a mask shall be provided to the principal who will disseminate this information to those who have a need to know ie: classroom teacher, etc.

For the purposes of this Regulation, “Fully vaccinated” means at least fourteen days have elapsed since a person has received the second dose of the Pfizer or Moderna vaccine, or the single dose of the Johnson & Johnson vaccine, or as otherwise defined by the Centers for Disease Control (“CDC”).

### Teacher Removal of Mask During Active Instruction

In an effort to balance the risks of SARS-CoV-2 transmission in a classroom and instructional needs, teachers who are fully vaccinated may choose to remove their masks when they are engaged in active instruction at the front of the classroom in which students are seated and masked provided that a separating distance of at least six (6) feet to the greatest extent possible is maintained. Mask removal may not occur in cases where a fully vaccinated teacher is a close contact of a known case and, in lieu of quarantine, is instructed to wear a mask until they receive a negative test.

### Mask Breaks

Mask breaks may be allowed at the teacher’s discretion provided a separating distance of six (6) feet is maintained to the greatest extent possible, limitations are enforced regarding student and staff mobility are enforced, appropriate additional mitigating measures are followed, and any additional guidelines that may be set by the administration are followed.

### Violation of this Policy

- Minor violations – will ideally be addressed in the moment by an active bystander (e.g., offering a forgetful student a mask) and/or through an educational discussion (e.g., student meeting with staff). We encourage peer engagement and bystander intervention by staff, consistent with our broader social norming campaign.
- Serious violations – will be handled through the typical process within each building. Through this administrative process, the administration may administer appropriate discipline, including suspending a student from in-person learning/activities (i.e., allow them to continue with remote learning). The definition of what is a “serious” violation will be fact-bound. Factors to consider include, but are not limited to, repeated violations by the same individual, actions that constitute a refusal to comply when warned or encouraged, and large events in plain, intentional disregard of size and distance limitations.

If an employee fails to comply with requirements of this policy, it may result in disciplinary action, up to and including termination, in accordance with relevant laws, policies and procedures.

### **Regulation Adopted:**

September 01, 2020

**Amended:** March 23, 2021

August 17, 2021

August 30, 2021

**Suspended:**

03/01/2022 (Effective immediately under suspension of rules)

Superintendent authorized to temporarily reinstate policy, in whole or part, subject to Board approval. See minutes 03/01/2022.

**Student Medical Exemption Certification Statement – Mask or Face Covering**

The Center for Disease Control and Prevention (CDC) and the Connecticut Department of Health (CTDPH) and the Connecticut State Department of Education, as outlined in Adapt, Advance, Achieve: Connecticut's Plan to Learn and Grow Together requires the wearing of face coverings for all students and staff when they are inside school buildings and while riding school transportation vehicles, with certain exceptions.

Parents or guardians claiming a medical exemption on the basis that a wearing a mask or face covering is medically contraindicated (contrary to the health and safety of the student) for their child must complete the following statement and attach a letter (the "Physician's Notification") signed by a Practitioner (as defined below) licensed to practice medicine stating that in the Practitioner's opinion, wearing a mask or face covering is medically contraindicated (contrary to the health and safety of the student) and that the person qualifies for the exemption, and return it to the school nurse.

A "Practitioner" means a licensed physician, or an advanced practice registered nurse licensed by the State of Connecticut ("APRN"), or a physician assistant licensed by the State of Connecticut ("PA"), a licensed or certified medical provider, psychologist, marriage and family therapist, professional counselor, social worker, or behavior analyst, the Department of Developmental Services or other state agency that provides or supports services for people with emotional, intellectual or physical disabilities, or a person authorized by any such agency.

The Physician's Notification must be dated, not more than three (3) months old, include the child's name and, birth date, the Practitioner's name, contact information and signature, state that a medical condition, behavioral condition or disability contraindicates the wearing of a mask or face covering, and certify the person is qualified for the exemption.

To Whom It May Concern:

As the parent(s)/guardian(s) of \_\_\_\_\_, (Name of student)

I/we are submitting the enclosed documentation from a Practitioner stating that for this child wearing a mask or face covering is medically contraindicated and would be contrary to the child's health and safety, and that the child qualifies for an exemption from the requirement to wear a mask.

I/we understand the need for an exemption for wearing a face covering is rare. As stated in Addendum 11 Adapt, Advance, Achieve: Connecticut's Plan to Learn and Grow Together, Connecticut State Department of Education, Interim Guidance for the Use of Face Coverings in Schools during COVID-19,

“Medical contraindications to the wearing of cloth or other similar loose fitting masks are generally 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 are generally not considered contraindications to the wearing of loose-fitting face coverings.”

I/we have read the Stamford Public Schools mask and face covering policy and associated regulation and agree to be bound by same.

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Signature of Parent(s)/Guardian(s)

Date:

Address:

Telephone #:

School:

**Revised:**

August 17, 2021

**4118.24**

**4218.24**

## **Personnel – Certified/Non certified**

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

The Board of Education requires all employees to conduct themselves in a manner which will maintain the authority and respect necessary in the educational setting. Therefore, any dating relationships or other social relationships which may reasonably be perceived to be dating between any staff member and any student of this school district is expressly prohibited.

Employees shall not entertain students or socialize with students in such a manner as to reasonably create to students, parents, or the public that a dating relationship exists. While the Board encourages employees to be warm and supporting of students, personnel may not allow students to regard them as peers.

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

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

(cf. 4118.112/4218.112 - Sexual Harassment)

(cf. 4118.23/4218.23 - Conduct)

(cf. 5141.4 - Child Abuse/Neglect)

#### **Legal Reference:**

- Connecticut General Statutes
- 10-53a-71 Sexual assault in the second degree: Class C or B felony.
- 10-151 Employment of teachers. Definitions. Notice and hearing on failure to renew or termination of contract. Appeal

#### **Policy Adopted:**

June 24, 2008

**Personnel – Certified/Non certified****Acceptable Use of the Internet and Other Electronic Systems**

The Board of Education believes that the internet and other methods of electronic communication should be used in school to educate and inform. Resource sharing and communication for both students and teachers have increased with access to telecommunications and the internet. It is imperative that members of the school community conduct themselves in a responsible manner consistent with Board policy as well as federal and state law at all times while utilizing the internet and any other electronic information retrieval or telecommunications systems.

The Board believes that staff members have a professional responsibility to teach students to understand that the internet, similar to other information sources, requires the intellectual skills to discriminate among information sources, to identify information appropriate to their age and developmental levels, and to evaluate, use and communicate information to meet their educational goals.

These electronic telecommunications and 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 only used for appropriate business and education related purposes.

It is the responsibility of the student, parent, teachers and administrators to ensure that access to telecommunication networks and computers provided by the school system is not abused.

The Superintendent of Schools will appoint one administrator to serve as the Board's "Internet Administrator," who will be responsible for implementing this policy, establishing procedures, and supervising access privileges.

**Legal Reference:**

- Connecticut General Statutes
- The Freedom of Information Act
- 53A-182B Harassment in the first degree.
- P.A. 98-142 An Act Requiring Notice to Employees of Electronic Monitoring by Employers.

**Policy Adopted:**

June 24, 2008

**Revised:**

September 27, 2016

## **Personnel – Certified/Non certified**

## **Rights, Responsibilities and Duties**

### **Acceptable Use of the Internet and Other Electronic Systems**

#### **Introduction**

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

The 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 should use district computer systems for appropriate District-related educational and business purposes. Incidental personal use of computer systems is permitted provided that it does not interfere with job responsibilities. In addition, any such use is subject to the provisions of this regulation concerning prohibited uses and monitoring.

The computer systems are expensive to install, own and maintain. Unfortunately, the computer systems can be misused in a variety of ways. Therefore, in order to maximize the benefits of these technologies of the District, our employees and all our students, this regulation shall govern all use of the 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, intends to monitor the use of the computer systems to ensure that they are being used for appropriate business and education purposes. The Board of Education intends to monitor 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.

#### **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. However, there are other equally important reasons why the Board intends to monitor the use of the computer systems, reasons that support

its efforts to maintain a comfortable and pleasant work environment for all employees and learning environment for students.

The 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 the 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, in addition to the prohibitions found below, employees must be aware that they should not have any expectation of personal privacy in the use of these computer systems.

### **Prohibited Uses**

Certain specific types of system misuse are expressly prohibited, including but not limited to the following:

1. Sending any form of solicitation not directly related to the business of the Board of Education;
2. Sending any form of slanderous, harassing, threatening, or intimidating message, at any time, to any person (such communications may also be crime, pursuant to Public Act 95- 143, and other laws);
3. Gaining or seeking to gain unauthorized access to computer systems;
4. Sending any message that breaches the Board of Education's confidentiality requirements, including the confidentiality rights of students;
5. Sending any copyrighted material over the system;
6. Sending messages for any purpose prohibited by law.
7. 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.
8. Sending material of a pornographic nature.



**Disciplinary Action**

Misuse of these computer systems 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, should report this to his or her supervisor.

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.

**Legal Reference:**

- Connecticut General Statutes
- The Freedom of Information Act
- 53A-182B Harassment in the first degree.
- P.A. 98-142 An Act Requiring Notice to Employees of Electronic Monitoring by Employers.

**Regulation Adopted:**

June 24, 2008

**Revised:**

September 27, 2016

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4118.6

4218.6

## **Personnel – Certified/Non certified**

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

The Board recognizes that the use of cellular telephones and other communication devices may be appropriate to provide for the effective and efficient operation of the District and to help ensure safety and security of District property, staff and others while on District property or engaged in District-sponsored activities. To this end, the Board authorizes the purchase and employee use of cellular telephones, as deemed appropriate by the Superintendent.

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

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

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

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

#### **Policy Adopted:**

June 24, 2008

4118.7

4218.7

## **Personnel – Certified/Non certified**

### **Social Networking**

The Board of Education 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, the Board 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 school district;
- 2) is used to harass coworkers or other members of the school community;
- 3) creates a hostile work environment;
- 4) breaches confidentiality obligations of school district employees,
- 5) disrupts the educational process;
- 6) harms the goodwill and reputation of the school district in the community; or
- 7) violates the law, board policies and/or other school rules and regulations
- 8) uses social media to enter into inappropriate contacts with students, their families or guardians.

The Board of Education, through its Superintendent, will adopt and maintain administrative regulations to implement this policy.

### **Legal References:**

- U.S. Constitution, Amend. I
- Conn. Constitution, Article I, Sections 3, 4, 14
- Conn. Gen. Stat. § 31-48d Conn. Gen. Stat. § 31-51q
- Conn. Gen. Stat. §§ 53a-182; 53a-183; 53a-250
- Electronic Communication Privacy Act, 28 U.S.C. §§ 2510 through 2520

### **Adopted:**

May 22, 2012

## **Personnel – Certified/Non certified**

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- 7) violates the law, board policies and/or other school rules and regulations 8) uses social media to enter into inappropriate contacts with students, their families or guardians.

#### **Definitions:**

Social media includes, but is not limited to, social networking sites, such as Twitter, Facebook, LinkedIn, You Tube, MySpace and services designed for mass communication of content.

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

#### **Rules Concerning Personal Social Media Activity**

1. An employee may not mention, discuss or reference the Board of Education, the school district 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 employee of the school district and that the views posted are the employee's alone and do not represent the views of the school district or the Board of Education.
2. Employees must refrain from mentioning other Board of Education 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. I ) )
3. Employees are required to maintain appropriate professional boundaries with students, parents, and colleagues. For example, it is not appropriate for a teacher or administrator to "mend" 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. Unless given written consent, employees may not use the Board of Education's logo or trademarks on their personal posts. Please note that this prohibition extends to the use of logos or trademarks associated with individual schools, programs or teams of the school district.

5. 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 reflect poorly on the school district's reputation, can affect the educational process and may substantially and materially interfere with an employee's ability to fulfill his/her professional responsibilities.

6. 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. Employees may be personally liable for such claims.

7. Employees are required to comply with all 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, using school district equipment, or using any other Board of Education's provided services, must comply with those policies, and may not interfere with an employee's duties at work.

8. The Board of Education reserves the right to monitor all employee use of district computers and other electronic devices, including employee blogging and social networking activity, the identification of employee geographic location and all internet usage. An employee should have no expectation of personal privacy in any personal communication or post made through social media while using district computers, cellular telephones, other electronic data devices or network connections wireless or otherwise.

9. All posts on personal social media must comply with the Board of Education'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.

101. An employee may not link a personal social media site or webpage to the Board of Education's website or the websites of individual schools, programs or teams; or post Board of Education material on a social media site or webpage without written permission of his/her supervisor.

II. All 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, cyber-bullying, code of conduct, and protecting confidential information.

### **Rules Concerning District-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 preparing the site for student use.
2. If an employee wishes to use Facebook or other similar social media site to communicate meetings, activities, games, responsibilities, announcements etc., for a school-based club or an school-based activity or an official school-based organization, or an official sports team, the employee must also comply with the following rules:
3. The employee must set up the club, etc. as a group list which will be "closed" (e.g. membership in the group is limited to students, parents and appropriate school personnel, and "monitored" (e.g. the employee had the ability to access and supervise communications on the social media site).
4. When Facebook is used as the social media site, members will not be established as "friends," but as members of the group list. When other social media sites are used, the employee will establish a similar parameter on the basis of the functionality if the social media site utilized.
5. Anyone who has access to the communications conveyed through the site may only gain access by the permission of the coordinator (e.g. teacher, administrator, supervisor or coach). Persons desiring to access the page may join only after the coordinator invites them and allows them to join.
6. Parents shall be permitted to access any site that their child has been invited to join.
7. Access to the site may only be permitted for educational purposes related to the club, activity, organization or team.
8. The coordinator's responsible for the site will monitor it regularly.
9. The coordinator's supervisor shall be permitted access to any site established by the employee for a school-related purpose.
10. Employees are required to maintain appropriate professional boundaries in the establishment and maintenance of all such district-sponsored social media activity.
11. 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 to protect the institutional voice.
12. Employees are required to comply with all Board of Education policies and procedures and all applicable laws with respect to the use of the Board of Education domains, computer equipment, networks or devices when accessing district-sponsored social media sites.
13. The Board of Education 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 social media while using district computers, cellular telephones or other data devices.
14. All posts on district-sponsored social media must comply with the Board of Education'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.

15. An employee may not link a district-sponsored social media site or webpage to any personal social media sites or sites not sponsored by the school district.

16. An employee may not use district-sponsored social media communications for private financial gain, political, commercial, advertisement, proselytizing or solicitation purpose.

17. An employee may not use district-sponsored social media communications in a manner that misrepresents personal views as those of the Board of Education, individual school or school district, or in a manner that could be construed as such.

### **Disciplinary Consequences**

Violation of the Board's policy concerning the use of social media or these administrative regulations may lead to discipline up to and including the termination of employment consistent with state and federal law.

### **Legal References:**

- U.S. Constitution, Amend. I
- Conn. Constitution, Article I, Sections 3, 4, 14
- Conn. Gen. Stat. § 31-48d Conn. Gen. Stat. § 31-51q
- Conn. Gen. Stat. §§ 53a-182; 53a-183; 53a-250
- Electronic Communication Privacy Act, 28 U.S.C. §§ 2510 through 2520

### **Adopted:**

September 28, 2012

**Superintendent's Reasonable Interpretation**  
**Social Networking Policy**  
**8-23-12**

**Provision One: The Board will regulate the use of social media by employees when such use interferes with the work of the school district.**

Superintendent's Reasonable Interpretation:

1. The administration will monitor and report instances of inappropriate use of social media by employees.
2. The mission and goals of the Stamford Public Schools should not be compromised or damaged by the use of social media by employees.

Evidence of Compliance:

1. A record of reports will be kept by the Superintendent of Schools or his/her designee.
2. A record of responses to violations will be kept.
3. A summary report will be completed annually.

**Provision Two: The Board will regulate the use of social media by employees when such use is used to harass co-workers or other members of the school community.**

Superintendent's Reasonable Interpretation:

1. The Human Resources Office will provide for employees a process for reporting harassing behaviors.
2. The Human Resources Office will investigate all claims of harassment by and between employees of the Stamford Public Schools.

Evidence of Compliance:

1. A record of reports regarding harassment through the use of social media will be kept by the Superintendent or his/her designee.

**Provision Three: The Board will regulate the use of social media by employees when such use creates a hostile work environment.**

Superintendent's Reasonable interpretation:

1. The Human Resources Office will provide for employees a process for reporting claims of a hostile work environment based on the use of social media.
2. The Human Resources Office will investigate all claims of a hostile work environment based on the use of social media.

Evidence of Compliance:

1. A record of reports regarding investigations of hostile work environment based on the use of social media will be kept by the Superintendent or his/her designee.,

**Provision Four: The Board will regulate the use of social media by employees when such use breaches confidentiality obligations of school district employees.**



Superintendent's Reasonable Interpretation:

1. Students have a right by law to privacy of educational and health records.
2. The administration requires that employees secure information regarding student records and testing.
3. The administration will monitor the use of social media to assure the privacy rights of students and employees.
4. Employees have a reasonable expectation that information regarding their health and personal well-being will be kept confidential.

Evidence of Compliance:

1. A record of reports regarding investigations of alleged breaches of confidentiality will be kept by the Superintendent or his/her designee.

**Provision Five: The Board will regulate the use of social media by employees when such use disrupts the educational process.**

Superintendent's Reasonable Interpretation:

1. Employees must safeguard the instructional process for students.
2. The administration will intercede and act to restrain any use of social media that disrupts the educational process.
3. The administration will hold employees responsible for protecting and environment in which students can work safely and productively.

Evidence of Compliance:

1. A record of reports regarding investigations of disruptions to the education process will be kept by the Superintendent or his/her designee.

**Provision Six: The Board will regulate the use of social media by employees when such use harms the goodwill and reputation of the school district in the community.**

Superintendent's Reasonable Interpretation:

1. The behavior of employees on and off duty has an impact on the reputation of the school district.
2. Employees have a responsibility to recognize the influence that their employment carries in the community as representatives of the Stamford Public Schools.
3. The administration will intercede and act to restrain any use of social media that impairs reputation of the school district.

Evidence of Compliance:

1. A record of reports regarding investigations of harm to the good will and reputation of the school district will be kept by the Superintendent or his/her designee .

**Provision Seven: The Board will regulate the use of social media by employees when such use violates the law, board policies and/or other school rules and regulations.**

Superintendent's Reasonable Interpretation:

1. Employees must adhere to board of education policies and regulations.
2. All use of social media must comply with all laws.
3. The administration will monitor the use of social media, enforce all governing laws, policies, rules and regulations.

Evidence of Compliance:

1. A record of reports regarding investigations of violations of law, board policies and/or other school rules and regulations will be kept by the Superintendent or his/her designee.

**Provision Eight: The Board will regulate the use of social media when an employee uses social media to enter into inappropriate contacts with students, their families or guardians.**

Superintendent's Reasonable Interpretation:

1. Employees are to recognize the line between personal and professional communication when dealing with students, parents and other employees.
2. Employees are to recognize that social media is not to be used to conduct personal business or express personal opinions

Evidence of Compliance:

1. A record of reports regarding investigations of harm to the goodwill and reputation of the school district will be kept by the Superintendent or his/her designee.

Summary: All violations of the social media policy and/or regulations will be investigated. The administration will take appropriate action if employees misuse social media. The administration will keep records of all reported misuse of social media and outcomes if such violations are found.

## Personnel - Certified/Non-Certified

### Nondiscrimination

It is the intent of the Board of Education to provide a fair employment setting for all persons and to comply with state and federal law. The conditions or privileges of employment in the school district, including the wages, hours, terms and benefits, shall be applied without regard to race, color, religious creed, age, veteran's status, genetic information, marital status, national origin, sex, sexual orientation, gender identity or expression, ancestry, present or past history of mental disorder, intellectual disability, pregnancy, physical disability or other status protected by law.

The District shall not discriminate against qualified individuals with disabilities because of the disabilities of such individuals in regard to job application procedures, hiring, advancement, discharge, compensation, job training and other terms, conditions and privileges of employment.

The District shall not engage in contractual or other arrangements that have the effect of subjecting its qualified applicants or employees with disabilities to discrimination on the basis of disability. The District shall not exclude or otherwise deny equal jobs or job benefits to a qualified individual because of the known disability of an individual with whom the qualified individual is known to have a relationship or association.

Further, the District shall make reasonable accommodations for the known physical or mental limitations of an otherwise qualified individual with a disability who is an applicant or employee, unless the accommodation would impose undue hardship on the operation of the business of the District.

Any job applicant or employee wishing to discuss the need for a reasonable accommodation, or other matters related to a disability or the enforcement and application of this policy, should contact the District's ADA/Section 504 Coordinator. The District's coordinator is the *Executive Director of Human Resources*.

(cf. 4111 - Recruitment and Selection)

(cf. 4118.14/4218.14 – Disabilities)

Legal Reference: Connecticut General Statutes

4a-60 Nondiscrimination and affirmative action provisions in contracts of the state and political subdivisions rather than municipalities

4a-60a Contracts of the state and political subdivisions, other than municipalities, to contain provisions re nondiscrimination on the basis of sexual orientation

10-153 Discrimination on account of marital status.

46a-60 Discriminatory employment practices prohibited.

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

P.A. 11-55 An Act Concerning Discrimination

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

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

Title II of the Genetic Information Nondiscrimination Act of  
2008

**Policy adopted:**  
June 24, 2008

**Revised:**  
September 27, 2016

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**Personnel – Certified/Non certified****Staff Conduct****Public Trust Employees**

The Board of Education considers all employees, to be "public trust employees." The job effectiveness of such employees depends on the members of the community maintaining respect and confidence in such employees in regards to both their on-duty and off-duty conduct. Accordingly, the Board directs such employees to refrain from engaging in any conduct on or off school property which could damage the public's trust and confidence in such employees. Such conduct includes, but is not limited to, acts of moral misconduct (i.e. criminal conviction, such as commission of a felony) or conviction of any crime.

The Board considers any off-duty misconduct tending to damage the public's trust and confidence committed by such employees to have occurred in the course of employment. Accordingly, such misconduct, even if it occurs off school property or during off-duty time, can be the subject of disciplinary action by the Board up to and including termination of employment. Acceptance of an offer of employment by a Board of Education employee means that the person accepting the offer understands and accepts that acts tending to damage the public's trust and confidence, even if committed off school property or during off-duty time, will be considered willful misconduct, and may subject the employee to disciplinary action.

**Federal Compliance**

All employees will be provided with an explanation of both their responsibilities and their rights under law in terms of the actions they may take to maintain order, discipline, and an appropriate educational environment. Training will be provided that defines approved actions, and informs employees that they may be liable for harm when they engage in criminal, grossly negligent or reckless conduct, or act with flagrant indifference to the rights and safety of another person who suffers harm as a result. The Superintendent will develop rules that prescribe the circumstances under which the District administration and/or parents/guardians are to be notified of actions taken, any written documentation of actions taken that is necessary, and other appropriate procedures including staff training.

**Legal References:**

- 20 USCA - No Child Left Behind

**Policy Adopted:**

June 24, 2008

**Personnel – Certified****Substitute Teachers**

Substitute teachers shall be employed on either a short-term or continuing basis, and shall be contacted from a list of qualified substitutes, approved by the Superintendent or designee. The Board encourages the use of innovative means of recruiting and employing qualified persons to maintain current lists.

**Legal References:**

- Connecticut General Statutes
- 10-183v Reemployment of teachers.
- 10-14Sa Certificates of qualification for teachers.
- June 19 Special Session, Public Act No. 09-1  
An Act Implementing the Provisions of the Budget Concerning Education, Authorizing State Grant Commitments for School building Projects and Making Changes to the Statutes Concerning School building Projects and Other Education Statutes. (Section 48) Public Act No. 09-6 September Special Session.

**Policy Adopted:**

June 24, 2008

**Revised:**

September 27, 2016

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**Personnel – Certified**

**Substitute Teachers - Regulation**

The Stamford Public Schools will seek to employ certified substitute teachers. Prior to being given assignments through the SubFinder system, substitute teachers will need to complete an application, Interview, fingerprints to be taken upon submission of application, cross check of the sexual offender registry, and induction program. Applicants for substitute teacher positions will be required to pay for fingerprints to be submitted to the Connecticut State Police and FBI. In the event that a charge, indictment or guilty verdict is discovered, the Executive Director of Human Capital Development shall review the matter taking into consideration the charge, disposition, and date of the disposition of the case. Any applicant with a charge or verdict for a crime of moral turpitude shall not be employed as a substitute teacher. For all charges, the Executive Director will look at the totality of the circumstances when making such a decision.

Substitutes shall be paid at one of the following rates: A. B. or C as noted below and receive no benefits. Substitutes shall not be paid retroactively at the long term assignment rate of pay but shall be paid on a forward moving basis as noted below.

**A. Short Term Assignments**

\$90.00 per day for up to the first 30 consecutive days in the same teacher's assignment.

**B. Long Term Assignments**

\$90.00 per day for the first 30 consecutive days in the same teacher's assignment, then \$155.00 per day beginning on the 31" day, and each day thereafter.

**C. Long Term Assignments for Connecticut Certified Substitutes Teaching within Their Area of Certification**

\$90.00 per day for the first 30 consecutive days in the same teacher's assignment then \$155.00 per day beginning on the 31" day and each day thereafter until the 60th day. If the substitute is covering for a teacher on unpaid leave and an interim contract will not otherwise create financial duplicity in this position, then on the 61" consecutive day in the assignment the substitute certified for that grade or subject shall be given an interim teaching contract and paid at the Bachelor Step L or Master degree. Step I salary until a date no later than the last day of the school year or another date as determined by the Executive Director. Such decision to place the substitute on the interim contract will be the sole decision of the Superintendent or designees.

Substitutes who are certified in COIIIlecticut but are not in an assignment within their certificate area shall not be covered by section C. but will be paid under section B.

Substitute teachers are required to apply for and obtain substitute teacher certification when assigned to the same class for 40 consecutive days. The substitute shall bear the burden and pay all expenses in the application for long term substitute teacher. Applications are available at [www.ct.gov/sde](http://www.ct.gov/sde) See

application: ED175 APPLICATION FOR EXTENSION OF SUBSTITUTE TEACHER  
AUTHORIZATION BEYOND THE 40-DAY LIMIT

**Regulation Adopted:**

December 4, 2010



**Personnel – Certified****Student Teachers**

It shall be the policy of the Board to accept student teachers to teach in Stamford classrooms under the supervision of a regular classroom teacher. The feasibility of having a student teacher will be based on the quality and experience of the training teacher available, number of other student teachers already arranged for, agreement of the cooperating teacher, and any other pertinent factors.

**Policy Adopted:**

June 24, 2008

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

### **Use of Board of Education Vehicles or Privately Owned Vehicles (New)**

Employees should use contracted transportation for all school sponsored events and activities to transport students. In the event of an emergency, an employee should call 911 or police services. The use of privately owned vehicles for District business shall be kept to a minimum. Use of personal vehicles should only be used when absolutely necessary and not for the transportation of students. In the event that contracted transportation is unavailable, an employee may only use a Board of Education vehicle or a privately owned vehicle (when a Board of Education vehicle is unavailable and not for the transportation of students) if the following requirements are satisfied:

1. The employee applies in writing and receives the advanced written permission of the Superintendent or his/her designee;
2. The employee possesses an automobile insurance policy with liability coverage of at least \$300,000 and provides a copy of such policy to the Superintendent or his/her designee at the time he/she applies in writing;
3. In accordance with Connecticut laws, the employee possesses a valid Connecticut driver's license, commercial or class D, with the appropriate endorsements and provides a copy of such license to the Superintendent or his/her designee at the time he/she applies in writing; when driving a Board vehicle or private vehicle which is not the result of an incidental, unplanned or emergency situation;
4. The employee agrees to maintain his/her privately owned vehicle in a safe operating condition;
5. The employee agrees to follow all federal and state laws and regulations regarding the operation of motor vehicles;
6. The employee agrees to follow all Board of Education rules for motor vehicle safety, including use of seatbelts and codes of conduct;
7. The employee agrees to defend, indemnify, and hold harmless the Board of Education and their agents, servants or employees from any and all claims, suits or demands by anyone arising from said participant's use of their personal auto for District business.

Employees who do not satisfy the above requirements are prohibited from transporting students to and/or from school sponsored events and activities in Board of Education vehicles or using privately owned vehicles for Board business.

(cf. 3541.22 – Drivers)

(cf. 3541.44 – Use of Private Automobiles on School Trips (by school employees))

Legal Reference:

- Connecticut General Statutes
- 14-1(i) Motor vehicles: definitions.
- 14-212 (8) Definitions - "Student transportation vehicle."
- 14-212 (2) Definitions - "Carrier."
- 14-261b Drug and alcohol testing of drivers of certain vehicles, mechanics and forklift operators.
- 14-276 to 14-279 re: school bus operators et. al.
- PA 07-224 An Act Concerning Operator's Licenses Bearing a School Bus Endorsement.
- Declaratory Ruling, Nov. 16, 2007- Robert M. Ward, Commissioner, DMV
- 2717 Alcohol and controlled substances testing (Omnibus Transportation Employee Testing Act of 1991)

Policy Adopted: September 27, 2016

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**Personnel – Certified****Maternity Disability and Child Care Leave****A. Disability**

(1) For any period of time as to which a teacher presents a statement by her physician that she is disabled from performing the duties of her job because of pregnancy or conditions attendant thereto, she shall be entitled to all job-related benefits provided in cases of any other temporary disability including the right to sick leave, continuation of health insurance, pension contributions and retirement credit.

(2) A teacher wishing to return to duty after such a period of disability resulting from pregnancy or any condition attendant thereto must present a written statement from her physician that she is physically able to resume the duties of her employment.

**B. Child Care Leave**

Child care leave may be granted to teachers upon the birth or adoption of a child if the following conditions are met:

(1) A request in writing must be made by the teacher to the Personnel Office at least thirty (30) days before commencement of leave.

(2) Leave will normally be for the remainder of the year in which the leave commences, plus the entire following year. A teacher may request one additional year. The maximum length of child care leave is two full years plus the fraction of the year in which the leave commenced.

(3) A teacher on child care leave will be guaranteed a return to duty only by the first day of the school year following the termination of his or her leave.

(4) A teacher will be returned to service on the step of the salary schedule to which he or she was entitled at the time of leave plus any seniority earned during such time as the teacher is receiving sick pay and other disability benefits under Section AI.

(5) A teacher must make application, in writing, to return to duty or to extend a child care leave at least sixty (60) days prior to the termination of that leave. Failure to do so will be considered an automatic resignation.

(6) Child care leave will be granted to teachers on tenure only, and only one spouse, if both are employed by the Stamford School System, will be granted child care leave at a time.

**Policy Adopted:**

Nov. 12, 1985

**Policy Readopted:**

July 24, 2001

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

### **Employee Protection**

An employee may use reasonable force as is necessary to protect himself/herself from attack, to protect another person or property, to quell a disturbance threatening physical injury to others, or to obtain possession of weapons or other dangerous objects upon the person or in the control of a student.

Employees shall immediately report cases of assault suffered by them in connection with their employment to their Principal or other immediate superior, and may be reported to local law enforcement agencies. Such notification shall be forwarded immediately to the Superintendent who shall comply with any reasonable request from the employee for information in the possession of the Superintendent relating to the incident or the persons involved, and shall act as liaison between the employee, the police and the courts.

No school administrator shall interfere with the right of a teacher or other school employee to file a complaint with the local police authority in cases of threats of physical violence or actual physical violence against such teacher or employee.

As required by law, the Board of Education will file a report annually with the State Board of Education indicating the number of threats and physical assaults made by students upon teachers, administrators and other school personnel, and the number of physical assaults involving dangerous weapons made by students upon other students.

If criminal or civil proceedings are brought against an employee alleging that the employee committed an assault in connection with his/her employment, such employee may request the Board of Education to furnish legal counsel to defend the employee in any civil action or proceeding brought against the employee, within the limits set by law.

The Board of Education shall reimburse an employee for the cost of medical, surgical or hospital services (less the amount of any insurance reimbursement) incurred as the result of any injury sustained in the course of his/her employment.

Section 52-557b of the General Statutes grants immunity from liability for emergency medical assistance to a person in need of it when the assistance is given by a teacher or other school personnel on the school grounds, in a school building, or at a school function, provided that the teacher or other staff member has completed a course in first aid offered by the American Red Cross, the American Heart Association, the State Department of Health Services, or any municipal health department, as certified by that agency, has such immunity that extends to civil damages for any personal injuries which result from acts or omissions by the person giving the emergency care or first aid, which might

constitute ordinary negligence. Such immunity does not apply to acts or omissions constituting gross, willful or wanton negligence.

**Legal Reference:**

- Connecticut General Statutes
- 10-233b Removal of pupils from class.
- 10-233c Suspension of pupils.
- 10-233g Boards to report school violence. Reports of principals to police authority.
- 10-235 Indemnification of teachers, board and commission members and employees in damage suits; expenses of litigation.
- 10-236 Liability insurance.
- 10-236a Indemnification of educational personnel assaulted in the line of duty.
- 52-557b Immunity from liability for emergency medical assistance, first aid or medication by injection. School personnel not required to administer or render.
- 53a-18 Use of reasonable physical force or deadly physical force generally.
- 53a-19 Use of physical force in defense of person.

**Policy Adopted:**

June 24, 2008

**Personnel – Certified/Non-Certified****Employee Safety****General**

Employees are entitled to work under safe conditions and shall be provided necessary training in safety techniques and precautions. The Superintendent of Schools and administrative staff shall maintain safe and healthy work places in each school and district facility with safe equipment and proper materials; safe methods and practices shall be developed and practiced by staff and students.

**Use of Physical Force**

Employees may use reasonable physical force as necessary to protect themselves from attack, to protect another person or property, to quiet a disturbance which threatens physical injury to others, or to obtain possession of weapons or other dangerous objects.

**Physical Assaults on Teachers, Administrators, Other School Personnel, and Students**

Employees shall report, as soon as possible, assaults on them in connection with their employment to their Principal or other immediate supervisor who may further report such assault to the local police. The Principals or supervisor shall notify the Superintendent of the incident.

The employee may also, in his/her discretion, file a complaint with the local police.

The Superintendent shall maintain records of any assaults for required reports to the Commissioner of Education. Legal Protection of Employer As required by the general statutes, the Board of Education shall indemnify Board members and employees. (cf. 4113/4213 Provisions of Negotiated Agreements)

**Legal Reference:**

- Connecticut General Statutes
- 10-233g Boards to report school violence. Reports of principals to police authority.
- 10-235 Indemnification of teachers, board members and employees in damage suits; expenses of litigation.
- 10-236a Indemnification of educational personnel assaulted in the line of duty.
- 53a-18 Use of reasonable physical force.
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**Policy Adopted:**

June 24, 2008

**4148.2**

**4248.2**

**Personnel – Certified/Non-Certified**

**Employee Safety**

**Employee Identification Badge System**

To help ensure the protection of staff and students and reduce the possibilities of theft, vandalism and loss of District property, all District employees shall be issued and wear identification badges when on District property.

A badge system, with appropriate designation but without photograph, shall be used for visitors to schools during regular school hours and for substitutes and/or temporary employees.

**Policy Adopted:**

June 24, 2008



**4151.9/4152.4 (a)**  
**4251.9/4252.4**

**Personnel – Certified/Non-Certified**

**Military Leave**

**Benefits to Personnel Entering the Armed Forces**

The benefits that apply to persons on military leave of absence shall be as provided in state and federal law.

Legal Reference:

- The Uniformed Services Employment Reemployment Rights Act (USERRA, 1994 as amended)
- Veterans Benefits Improvement Act of 2004, P.L. 108-454 §201, 203
- 20 CFR Part 1002, Notice of Rights and Duties Under the Uniformed Services Employment and Reemployment Rights Act; Interim Final Rule

**Policy Adopted:**

June 24, 2008

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

It is the responsibility of the Superintendent of Schools and of persons designated by the Superintendent to determine the personnel needs of the school district and to locate suitable candidates to recommend for employment to the Board of Education. An estimate of the cost of the recruitment and selection program will be made annually by the Superintendent and presented to the Board of Education for inclusion in the annual budget.

No inquiry in regard to an employee's race, color, national origin, ancestry, citizenship status, age, sex, disability, present or past history of mental disability, religion, sexual orientation, gender identity or expression, parental status, marital status, genetic information, past or present service in the uniformed services of the United States, or any other basis prohibited by law, shall be made of a person proposed for or seeking employment.

Prior to initial employment, a physician shall certify to the Superintendent of Schools that said employee is in good health and in fit condition for service. It shall be the duty of the Superintendent of Schools to see that persons nominated for employment shall meet all qualifications established by law and by the Board of Education for the type of position for which nomination is made.

(cf. 4111.1 - Affirmative Action).

**Legal Reference:**

- Applicable Connecticut anti-discrimination in employment statutes, including but not limited to CGS Section 46a-60, and implementing regulations
- Applicable federal anti-discrimination in employment statutes, including but not limited to Title VII of the 1964 Civil Rights Act, 42 USC Section 2000e, et seq., and implementing regulations

**Policy Adopted:**

September 10, 1963

**Amended:**

June 25, 2013

## **Personnel –Non-Certified**

### **Drug and Alcohol Testing For School Bus drivers**

The Stamford Public School district is committed to the establishment of a drug use and alcohol misuse prevention program that meets all applicable requirements of the Omnibus Transportation Employee Testing Act of 1991 (OTETA). The District shall adhere to federal law and regulations requiring a school bus driver's drug and alcohol testing program.

Contracts for transportation approved by this District shall contain assurance that the contractor will establish a drug and alcohol-testing program that meets the requirements of federal regulations and this policy and will actively enforce the regulations of this policy as well as federal requirements.

#### Legal Reference:

- United States Code, Title 49
- 2717 Alcohol and controlled substances testing (Omnibus Transportation Employee Testing Act of 1991)
- Code of Federal Regulations, Title 49
- 40 Procedures for Transportation Workplace Drug and Alcohol Testing Programs
- 382 Controlled Substance and Alcohol Use and Testing
- 395 Hours of Service Drivers
- Holiday v. City of Modesto (1991) 229 Cal. App. 3d. 528, 540.
- International Brotherhood of Teamsters v. Department of Transportation
- 932 F. 2d 1292 (1991)
- American Trucking Association. Inc. v. Federal Highway Administration, (1995) WL 136022 (4th circuit) Connecticut General Statutes
- PA 95-140 An Act Authorizing Drug Testing of Drivers of Certain Commercial Motor Vehicle

#### **Policy Adopted:**

June 24, 2008

**Personnel - Certified/Non-Certified****Nondiscrimination**

It is the express 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, religious creed, age, veteran's status, genetic information, marital status, national origin, sex, sexual orientation, gender identity or expression, ancestry, present or past history of mental disorder, intellectual disability, pregnancy, physical disability or other status protected by law. 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:

***Executive Director of Human Resources  
888 Washington Boulevard  
Stamford, CT 06907***

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

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

Specifically, upon receipt of a written complaint of discrimination, the ***Executive Director of Human Resources*** and/or his or her designee should:

1. offer to meet with the complainant to discuss the nature of the 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 ***Executive Director of Human Resources*** and/or his or her designee.

If the complaint involves an allegation of discrimination based on disability or sex, the complainant should be referred to the Board's policies and procedures related to Section 504 of the Rehabilitation Act (for claims of discrimination and/or harassment based on disability) and Sex Discrimination/Sexual Harassment. (for claims of discrimination and/or harassment based on sex).

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

### **Nondiscrimination**

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

Boston Office  
Office of Civil Rights  
U.S. Department of Education  
8<sup>th</sup> Floor  
5 Post Office Square  
Boston, MA 02109-3921  
Tel. (617) 289-0111

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

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

(cf. 4118.112 – Sexual Harassment)  
(cf. 5145.4 – Nondiscrimination on the Basis of Disability)  
(cf. 5145.5 – Exploitation: Sexual Harassment)

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**Regulation approved:**  
June 24, 2008

**Revised:**  
September 27, 2016

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### Discrimination Complaint Form

Any employee or employment applicant who feels that he/she has been discriminated against on the basis race, color, religious creed, age, veteran's status, genetic information, marital status, national origin, sex, sexual orientation, gender identity or expression, ancestry, present or past history of mental disorder, intellectual disability, pregnancy, physical disability or other status protected by law may discuss and/or file a complaint with either of the Civil Rights Coordinators of the Stamford Public Schools. Reporting should take place within 30 calendar days of the alleged discrimination. Civil Rights Coordinators:

\_\_\_\_\_ at \_\_\_\_\_ or \_\_\_\_\_ at \_\_\_\_\_

Name of Presenter/Complainant: \_\_\_\_\_

Employee \_\_\_\_ Employment Applicant \_\_\_\_ Student/Parent/Guardian \_\_\_\_\_

Home address \_\_\_\_\_

Phone \_\_\_\_\_ Date of Claim \_\_\_\_\_ Date of Incident \_\_\_\_\_

1. Statement of Incident/Issue (include all pertinent information: who, how, where, when, how often, feelings, witness).
2. Please attach any additional information/documentation as necessary.

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Signature of Presenter: \_\_\_\_\_

Signature of Civil Rights Coordinator: \_\_\_\_\_

Date Received: \_\_\_\_\_

*Forms are available from either of the Civil Rights Coordinators or  
District Administrators.*

**Personnel – Discretionary**

Upon employment and annually thereafter, each discretionary employee shall be notified of the salary and benefits applicable to his/her position. The notification will include the available medical coverage, insurance, sick leave, vacation, legal holidays and retirement benefits. The Superintendent shall annually recommend to the Board the salaries and benefits for each position unaffiliated with a collective bargaining unit for the next fiscal year. The Board will review the recommendations of the Superintendent and then determine the salaries and benefits for such positions. The Board's action based on the Superintendent's recommendation shall not create a contract of employment.

**Policy Adopted:**

Nov. 12, 1985

**Policy Readopted:**

July 24, 2001

**Revised:**

September 27, 2016