

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

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

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

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

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

First Reading
Connecticut Association of Boards of Education
Check-Off List of Required and Good Practice Policies
Sharon Public Schools

Policies You Must Have

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

1.	Reduction in Force for Certified Staff Sec. 10-151 relates to policy 4117.3	Covered in Teacher Agreement
2.	Wages and Benefits Sec. 31-71f relates to policies 4141, 4142, 4143, 4144, 4145	Covered in Teacher Agreement
3.	Nondiscrimination, Title IX of the Education Amendments of 1972. Establish school Board policies related to Title IX compliance, including approval of a nondiscrimination policy statement and grievance procedures for students and employees. The implementing regulations for Title IX, published in 1975, require that the policy must be well-publicized and in direct written communication to the students, parents and employees on at least a yearly basis. Schools must carry a statement of nondiscrimination on the basis on sex in bulletins, handbooks, announcements, applications forms, and any material which is used to recruit (86.9).	Covered in 4118.11/4218.11.
4.	Affirmative Action Sec. 10-15c, 46a-60	4111/4211 4111.1/4211.1
5.	Drugs and Alcohol <i>The Drug-Free Schools and Community Act and the Drug-Free Workplace prohibit the use, consumption, manufacture, distribution of alcohol and drugs in the workplace. All employees need to be informed of the standard of conduct, the consequences if they do not adhere to the standard, and alcohol and drug counseling and rehabilitation programs in the area. To meet this notification requirement, some districts notify employees through the employee handbook while other districts have developed a policy and regulation which is given to employees upon employment. A policy and regulation is not required by either Act.</i>	4118.231/4218.231
6.	Drug and Alcohol Testing for Bus Drivers	4212.42

First Reading
Connecticut Association of Boards of Education
Check-Off List of Required and Good Practice Policies
Sharon Public Schools

Good Practice Policies or Policies You May Need

1.	Personnel Policies for Staff not Represented by a Union	4100s/4200s
2.	Health Examinations	4112.4/4212.4
3.	Access to Employee Records Sec. 10-151a & 10-151c	4112.6/4212.6
4.	Nepotism	4112.8/4212.8
5.	Transfer/Reassignment	4114/4214, mentioned in most agreements also
6.	Evaluation Guidelines for Certified Staff Sec. 10-151b	4115
7.	Non-renewal/Suspension for Certified Staff	4117.4
8.	Dismissal/Suspension for Non-Certified Staff	4217.4
9.	Sexual Harassment	4118.112/4218.112
10.	Disabilities <i>Advised to have a policy/regulation concerning this pursuant to the Americans with Disabilities Act</i>	4118.14/4218.14
11.	Smoking and Non-Smoking Areas Sec. 31-40q <i>Smoking is prohibited, as of October 1, 1993 in all school buildings.</i>	1331, 4118.231, 4218.231, 5131.6
12.	Childbearing Leave Sec. 46a-60	4152.3/4252.3 Covered in some contracts
13.	Staff Development	4131/4231
14.	Travel; Reimbursement	4133/4211 and in some contracts
15.	Organizations/Units	4135/4235

First Reading
Connecticut Association of Boards of Education
Check-Off List of Required and Good Practice Policies
Sharon Public Schools

Good Practice Policies or Policies You May Need (continued)

16.	Employee Protection	4148/4248
17.	Leaves (Short-Term/Long-Term)	Covered by contracts.
18.	Holidays and Vacations	Covered by contracts.
19.	Family and Medical Leave Act	4152.6/4252.6 (See included materials)

First Reading

**SHARON PUBLIC SCHOOLS
PERSONNEL -- CERTIFIED & NON-CERTIFIED**

SERIES 4000

**Contract
Policy or Supersedes
Number Regulation Policy**

0.	Concept and Roles in Personnel	4000	P	
A.	Title IX.....	4000.1	P	
1.	Certified Personnel.....	4100	P	
A.	Permanent Personnel	4110	P	
(1)	*Recruitment and Selection.....	4111	P	
(a)	*Affirmative Action:			
	Equal Employment Opportunity	4111.1	P	
(b)	Vacancies	4111.2	P	
(c)	Minority Recruitment Plan	4111.3	P/R	
(2)	Appointment and Conditions of Employment			
(a)	Health Examinations.....	4112.4	P	
(b)	Security/Credit Check	4112.5	P	
(c)	Reference Checks.....	4112.51	P	
(d)	Security Check	4112.52	P	
(e)	Personnel Records.....	4112.6	P	
(f)	Orientation.....	4112.7	P/R	
(g)	Nepotism; Employment of Relatives.....	4112.8	P	
(3)	Assignment	4113		F
(a)	Load/Scheduling/Hours of Employment.....	4113.1		F
(b)	Non-Teaching Duties	4113.11	P	
(c)	Work Year	4113.3		F
(d)	Job-Sharing	4113.4	P	
(4)	Transfer/Reassignment.....	4114	P	F
(5)	Evaluation Supervision.....	4115	P	F
(6)	Probationary/Tenure Status	4116	P	
(7)	Separation/Disciplinary Action	4117	P	
(a)	Retirement	4117.1	P	
(b)	**Personnel Reduction	4117.3		F
(c)	Non-renewal/Suspension	4117.4	P	
(i)	Just Cause.....	4117.41	P	
(d)	Termination of Employment.....	4117.5	P	
(8)	Rights, Responsibilities and Duties.....	4118	P	
(a)	Civil and Legal Rights	4118.1	P*	
(i)	Nondiscrimination.....	4118.11	P	
(a)	Grievance Procedure Title IX	4118.111		R
(b)	Sexual Harassment.....	4118.112	P	
(ii)	Harassment.....	4118.113	P	

First Reading

***Bolded line indicates policies which boards of education must have due to federal or state law**

****Needed if not covered in negotiated agreements**

	(iii)	Freedom of Speech.....	4118.12	P	
	(iv)	Conflict of Interest	4118.13	P	
	(v)	Disabilities.....	4118.14	P	
	(vi)	Workplace Bullying	4118.15	P\R	
	(b)	Professional Responsibilities	4118.2	P	
	(i)	Academic Freedom	4118.21	P\R	
	(ii)	Retaliation and Whistle Blowing	4118.211	P	
	(iii)	Code of Ethics	4118.22	P	
	(iv)	Conduct and Dress	4118.23	P	
	(a)	*Alcohol, Drugs and Tobacco	4118.231	P\R	
	(b)	Weapons and Dangerous Instruments	4118.233	P	
	(c)	Medical (Palliative) Use Of Marijuana	4118.236	P	
	(v)	Staff/Student Relations	4118.24	P\R	
	(c)	Duties	4118.3	P	
	(d)	Electronic Monitoring	4118.4	P	
	(e)	Employee Online Privacy	4118.41	P	
	(f)	Acceptable Computer Network Use	4118.5	P\R	
	(g)	Social Networking.....	4118.51	P\R	
	(h)	Use of New Web Tools (Blogging/Podcasting)	4118.52	P\R	
	(i)	Cellular Telephones	4118.6	P	
B.		Temporary and Part-Time Personnel	4120	P	
	(1)	Substitute Teachers.....	4121	P	F
	(2)	Consultants	4126	P	F
C.		Activities			
	(1)	Staff Development.....	4131	P\R	
	(2)	Publication or Creation of Materials	4132	P	
	(a)	Copyrights and Patents.....	4132.1	P	
	(3)	Travel; Reimbursement	4133	P	
	(a)	Use of Board of Education Vehicles or Privately Owned	4133.1	P\R	F
	(4)	Tutoring	4134	P	
	(5)	Organizations/Units	4135		F
	(a)	Agreement	4135.1	P	F
	(i)	Recognition	4135.11	F	
	(ii)	Personnel Covered	4135.12		F
	(iii)	Board/School System Rights	4135.13	F	
	(iv)	Savings Clause	4135.15		F
	(b)	Negotiations/Consultation.....	4135.3	P	F
	(c)	Grievances/Complaints.....	4135.4	P	F
	(6)	Meetings	4136	P	F
	(7)	Non-School Employment.....	4138	P	
	(a)	Consulting	4138.1	P	

First Reading

D.	Compensation and Related Benefits	4140		F
	(a) Non-Bargaining Unit Employees	4140.2	P	
	(1) **Salary Guides	4141	P	F
	(2) **Salary Checks and Deductions	4142		F
	(3) **Extra Pay for Extra Work	4143		F
	(4) **Insurance/Health & Welfare Benefits	4144		F
	(5) **Retirement Compensation	4145		F
	(6) Employee-Related Accommodations			
	(a) Employee Amenities (Tuition Reimbursement)	4146.3		F
	(7) Employee Safety	4147	P	
	(a) Occupational Exposure to Bloodborne Pathogens	4147.1	P	
	(b) Fifth Disease.....	4147.21	P/R	
	(8) Employee Protection	4148	P	F
	(a) Employee Safety	4148.1	P/R	
	(b) Employee Identification Badge System.....	4148.2	P	
E.	Leaves and Vacations	4150	P	F
	(1) Short-Term Leaves	4151		F
	(a) Personal Illness and Injury	4151.1		F
	(i) Worker's Compensation	4151.11		F
	(b) Family Illness/Quarantine.....	4151.2		F
	(c) Bereavement.....	4151.3		F
	(d) Professional Purposes	4151.4		F
	(e) Legal and Civic Duties.....	4151.5	F	
	(f) Religious Observance	4151.6		F
	(g) Emergency/Personal	4151.7		F
	(h) Family Violence Victims	4151.71	P	
	(i) Military.....	4151.9	P/R	
	(2) Long-Term Leaves	4152		F
	(a) Sabbatical	4152.1		F
	(b) Professional	4152.2	P	F
	(c) Maternity; Adoptive; Child Care/ Paternity	4152.3		F
	(d) Military.....	4152.4	P/R	
	(e) Personal/Family and Medical Leave	4152.6	P/R	
	(3) Jury Duty	4158		F
2.	Non-Certificated Personnel.....	4200	P	
	A. Permanent Personnel	4210	P*	
	(1) *Recruitment and Selection	4211	P*	
	(a) *Affirmative Action: Equal Employment Opportunity	4211.1	P*	
	(b) Minority Recruitment Plan	4211.3	P/R*	
	(2) Appointment and Conditions of Employment			
	(a) Health Examinations	4212.4	P*	
	(i) *Drug and Alcohol Testing for School Bus Drivers	4212.42	P	

First Reading

	(ii) Pre-Employment Drug Screening				
	Test	4212.421	P		
	(b) Security/Credit Check	4212.5	P*		
	(c) Reference Checks.....	4212.51	P*		

***Bolded line indicates policies which boards of education must have due to federal or state law**

****Needed if not covered in negotiated agreements**

	(d) Security Check				
	(e) Personnel Records.....	4212.6	P*		
	(f) Nepotism; Employment of Relatives.....	4212.8	P*		
(3)	Assignment	4213	P		
(4)	Transfer/Reassignment.....	4214	P*		
(5)	Evaluation Supervision.....	4215	P		
(6)	Separation/Disciplinary Action				
	(a) Layoff/Rehire	4217.3	P		
	(b) Dismissal/Suspension	4217.4	P		
	(i) Just Cause.....	4217.41	P		
(7)	Rights, Responsibilities and Duties				
	(a) Civil and Legal Rights				
	(i) *Nondiscrimination.....	4218.11	P*		
	(a) Sexual Harassment.....	4218.112	P*		
	(ii) Freedom of Speech.....	4218.12	P*		
	(iii) Conflict of Interest	4218.13	P*		
	(iv) Harassment.....	4218.113	P*		
	(v) Disabilities.....	4218.14	P*		
	(vi) Workplace Bullying	4218.15	P/R*		
	(b) Professional Responsibilities	4218.2	P		
	(i) Retaliation & Whistle Blowing.....	4218.211	P		
	(ii) Conduct and Dress	4218.23	P*		
	(a) *Alcohol, Drugs and Tobacco	4218.231	P/R*		
	(iii) Weapons.....	4218.233	P*		
	(iv) Medical Use of Marijuana	4218.236	P*		
	(v) Staff/Student Relations	4218.24	P/R*		
(c)	Duties	4218.3	P		
	(i) Electronic Monitoring.....	4218.4	P*		
	(ii) Employee Online Privacy	4218.41	P*		
	(iii) Computer Use	4218.5	P/R*		
	(d) Social Networking.....	4218.51	P/R*		
	(e) Use of New Web Tools (Blogging/Podcasting)	4218.52	P/R*		
	(f) Cellular Telephones	4218.6	P/R*		
B.	Temporary and Part-Time Personnel	4220	P		
	(a) Athletic Coaches	4220.1	P		
(1)	Teacher Aides/Paraprofessionals	4222	P/R		
	(a) Title I Paraprofessionals.....	4222.1	P		
C.	Activities				
(1)	Travel; Reimbursement	4233	P		

First Reading

(2)	Use of Board/Private Vehicle.....	4233.1	P*
(3)	Organizations/Units		
	(a) Agreement.....	4234.1	P
	(b) Grievances/Complaints.....	4234.4	P*
(4)	Non-School Employment.....	4238	P*

***Bolded line indicates policies which boards of education must have due to federal or state law**

D.	Compensation and Related Benefits		
(1)	Consulting.....	4240.2	P
(2)	Employment-Related Accommodations		
	(a) Board Recognition of Serious Illness/Death in the Immediate Family	4246.5	P
(3)	Employee Safety.....	4247	P*
	(a) Occupational Exposure to Bloodborne Pathogens	4247.1	P*
	(b) Fifth Disease.....	4247.21	P*
(4)	Employee Protection	4248	P/R
	(a) Employee Safety	4248.1	R*
	(b) Employee Identification Badge System.....	4248.2	P*
E.	Leaves and Vacations	4250	P
(1)	Short-Term Leaves		
	(a) Military.....	4251.9	P*
(2)	Long-Term Leaves		
	(a) Military.....	4252.4	P/R*
	(b) Personal/Family and Medical Leave	4252.6	P/R*
(3)	Vacations/Holidays.....	4253	P

***Bolded line indicates policies which boards of education must have due to federal or state law**

LEGEND

P/R Policy/Regulation

*** The policy and/or regulation is the same for Certified and Non-Certified Personnel. Refer to the Certified Personnel section of this manual for the policy or regulation covering this issue.**

F Agreement between the Sharon Board of Education and the Sharon Faculty Association.

Existing policy, number 4000 adopted 4/17/17, appropriate as written.

Personnel -- Certified/Non-Certified

Concepts and Roles in Personnel

The personnel policies of a school system are an essential part of the program of public education in a community. The philosophy of a school system and the community is generally reflected in such policies.

Through its personnel policies, the Board of Education wishes to establish conditions that will attract and hold the highest qualified personnel for all positions who will devote themselves to the education and welfare of our students.

Policy development must be approached with attitudes of mutual faith and good will. Cooperation and participation of the employees' organizations, administration and the Board of Education are essentials in the formulation of personnel policies. If the predominant values and standards are based upon a democratic philosophy, the personnel policies and procedures will add to the dignity of each individual.

The long-range goals on which these policies will be based are:

1. To recruit, select, and employ the highly qualified personnel to staff the district's schools.
2. To provide staff compensation and benefit programs sufficient to attract and retain qualified employees.
3. To provide a professional learning experience for all employees to improve their performance.
4. To conduct an employee evaluation program that will contribute to the continuous improvement of staff performance.
5. To assign personnel to ensure that they are used effectively so as to best service the children attending Sharon Center School.
6. To develop the quality of human relationships necessary to obtain maximum staff performance and satisfaction.

Provisions for the implementation of adopted personnel policies should include channels of communication and procedures for the handling of professional and ethical problems, through which all persons or groups affected may voice their opinions.

To keep its personnel policies and the corresponding administrative regulations in the highest state of effectiveness to achieve the above purposes, the Superintendent of Schools or designee is directed to establish the procedures needed.

Sample policy to consider.

Personnel -- Certified

Certified Personnel

All certified staff positions are created only with the approval of the Board. It is the Board's intent to activate and maintain a sufficient number of positions to accomplish the school system's goals and objectives.

Before any new position is established, the ~~Superintendent~~ **Principal** will present for the Boards' approval a job description for the position which specifies the necessary job qualifications, the job's performance responsibilities, and the method by which the performance of these responsibilities will be evaluated.

The ~~Superintendent~~ **Principal shall will** maintain a comprehensive and up-to-date set of job descriptions of all positions in the school ~~system~~ in a separate manual.

(cf. 2130 - Job Descriptions)

(cf. 4118.3 - Duties of Personnel)

Policy adopted:

cps 9/03

First Reading

P.A. 16-91 An Act Making Changes to The Teachers' Retirement System to Allow Retention of the Plan D Co-Participant Option After Divorce and to Cease Crediting Interest on Certain Inactive, Non-vested Members, and Eliminating Certain Obsolete Language

(Background Information for Policy Review Committee)

This Act allows a Teachers' Retirement System (TRS) member to retain the co-participant option upon divorce so the co-participant may retain the benefit for his or her lifetime.

The legislation allows the Teachers' Retirement System to cease crediting interest on inactive non-vested member contributions after ten years of inactivity rather than the current 25 years. The Act also deletes a reference to an obsolete pension reserve account.

The Teachers' Retirement System (TRS) offers a retirement payment option called a co-participant option. This option provides the retired member with a reduced benefit in the event the member dies prior to the co-participant. The co-participant would then receive a benefit for his or her life. In Connecticut, the portion of the pension benefit earned during a marriage is considered to be a marital asset subject to division upon a divorce. Under current laws governing the TRS the co-participant option is terminated upon divorce.

The legislation also has language pertaining to the hiring of retired certified educators and clarifies, to a degree, the 45% rule in such instances pertaining to salary and benefits. This is particularly germane to the hiring of previously retired superintendents.

This legislation is effective July 1, 2016.

Policy Implications

Policy #4111/4211, "Recruitment and Selection," contains language pertaining to the hiring of retired teachers. Retired teachers covers all certified educator positions. That sample has been revised to include the new language pertaining to the 45% rule.

The other portions in the legislation do not require policy language.

A sample policy revised to be compliant with PA 16-91 to consider, as replacement for existing policy, number 4111 adopted 4/17/17, which does not reflect legislative modifications.

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 “effective teachers” as defined by federal law in **Region 1 Schools**. ~~the District’s schools~~. All ~~District~~ teachers must meet applicable state certification and licensure requirements, including any requirements for certification obtained through alternate routes to certification.

~~The school district~~ **Region 1 School District** recognizes the heterogeneity of the people who live in the school district and believes that this characteristic should have an important bearing on all aspects of the school district’s activities.

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

To this end, **Region 1 School District** ~~the Board of Education shall~~ **will** develop and implement a written plan for minority staff recruitment. The administration is directed to make a serious effort to see that the recruitment procedures of the district produce a total staff representative of the total population of the district and that the assignment procedures of the district bring to each school staff members representative of the population represented by the student membership in each local school.

~~The schools shall~~ **Sharon Center School will** engage in fair and sound personnel practices in the appointment of all ~~district~~ employees. The ~~administration~~ **Superintendent shall will** be responsible for establishing recruitment, selection and appointment procedures.

The Superintendent ~~shall will ensure~~ **insure** that the District is in compliance with the provisions of Title I and the Every Student Succeeds Act. Manuals and handbooks ~~shall will~~ comply with federal law as to the qualifications for instructional personnel. Parents/guardians of students in Title I schools ~~shall will~~ be informed annually, at the beginning of each school year, of their right to request information about whether their child’s teacher has met state qualifications and licensing criteria for the grade levels and subject areas in which the teacher provides instruction; is teaching under emergency or other provisional status through which state qualifications or licensing criteria have been waived; and is teaching in the field of discipline of the certification of the teacher. The qualifications of services provided by paraprofessionals ~~shall will~~ also be provided. Timely notices ~~shall will~~ also be provided to parents/guardians that the student has been assigned, or has been taught in a Title I school for 4 or more consecutive weeks by a teacher who does not meet applicable state certification or licensure requirements at the grade level and subject area in which the teacher has been assigned.

Personnel -- Certified/Non-Certified

Recruitment and Selection (continued)

Hiring of Retired Teachers

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

The salary of such teacher ~~shall~~ **will** be fixed at an amount at least equal to that paid other teachers in the ~~District~~ **School** with similar training and experience for the same type of service.

Except as indicated below, and in the first paragraph in this section, a certified educator receiving retirement benefits from the Teachers Retirement System (TRS) may not be employed in a certified position receiving compensation paid out of public money appropriated for school purposes except that such educator may be employed in such a position and receive no more than forty-five percent of the maximum salary level for the assigned position. Any certified educator who receives in excess of such amount ~~shall~~ **will** reimburse the Board for the amount of such excess.

~~Commencing July 1, 2016, to June 30, 2020, the exemption from the limitation on the compensation of a reemployed certified educator apply to an educator who (A) is receiving retirement benefits from TRS based on thirty four or more years of credited service, (B) is reemployed in a district designated as an alliance district (pursuant to C.G.S. 10-262u), and (C) was serving in the district on July 1, 2015.~~

~~On and after July 1, 2016,~~ **A** certified educator receiving retirement benefits from the system may be employed and receive compensation, health insurance benefits, and other employment benefits provided to active teachers employed by such school system provided such teacher does not receive a retirement income during such employment. Payment of such teacher's retirement income shall resume on the first day of the month following the termination of such employment.

<p>Note: <i>TRB has indicated that a six month break in service is required before a retired teacher, who has retired before age 62 or normal retirement (20 years of service and age 60 or 35 years of service) can be reemployed by any Connecticut school district.</i></p>

Personnel -- Certified/Non-Certified

Recruitment and Selection (continued)

Optional language to consider:

The Board wishes to avoid the appearance of cronyism in its hiring practices. “Cronyism” is defined as “the giving of special treatment, preference, jobs, political appointments, or contracts to people who are friends, donors, or political cohorts rather than to people based on their abilities or qualifications.”

On the application form, an applicant for any position in the school district ~~shall~~ **will** disclose any previous relationship with the Superintendent, the **School Principal**, or any Board member. Previous relationships will include any business, financial, personal, political or family connections. This will also include school relationships such as knowing the individual in high school, college, or graduate school.

The Superintendent ~~shall~~ **will** provide the Board with full disclosure of any prior knowledge or relationship with any candidate recommended for employment.

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

(cf. 4115 – Evaluation)

Legal Reference: Connecticut General Statutes
10-151 Employment of teachers. Notice and hearing on termination of contract (as amended by P.A. 12-116 An Act Concerning Educational Reform)
10-153 Discrimination on account of marital status.
10-183v Reemployment of teachers, as amended by P.A. 10-111, An Act Concerning Education Reform in Connecticut, P.A. 16-91, An Act Making Changes to the Teachers’ Retirement System, and PA 17-173 An Act Concerning Minor Revisions and Additions to the Education Statutes and PA 18-42 An Act Concerning a Provision Concerning Reemployment of Certain Teachers.
10-220 Duties of Boards of Education.
31-126 Unfair Employment Practices.
46a-60 Discriminatory employment practices prohibited.
Title IV Equal Employment Opportunities.
34 C.F.R. 200.55 Federal Regulations.
P.L. 114-95 Every Student Succeeds Act, S.1177-55, 56

Policy adopted:
rev 6/17 rev 6/18

First Reading

**P4111.1(a)
4211.1**

Existing policy, number 4111.1/4211.1 adopted 4/17/17, modified.

Personnel -- Certified/Non-Certified

Equal Employment Opportunity

Affirmative Action

It has always been the policy and will continue to be the strong commitment of Sharon Center School and all contractors and subcontractors who do business with Sharon Center School to provide equal opportunities in employment to all qualified persons solely on the basis of job-related skills, ability and merit.

Sharon Center School will continue to take affirmative action to ensure that no persons are discriminated against with regard to their race, color, sex, sexual orientation, gender identity or expression or disability, national origin, ancestry, religion, age, Veteran status, genetic information, physical disability, mental retardation, marital status, present or past history of mental disorder, learning disability or criminal record. Such action includes, but is not limited to, employment, upgrading, demotion or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation and selection for training including apprenticeship. Sharon Center School will continue to make good faith efforts to comply with all federal and state laws and policies which speak to Equal Employment Opportunity and Affirmative Action.

Equal Employment Opportunity is essential, but is not enough to guarantee the full and fair employment of minorities, women or other protected classes. Affirmative Action is used to address and overcome the present effects of past discrimination.

Sexual Harassment, another form of sex discrimination, will not be tolerated in the work place. Therefore, engaging in acts of sexual harassment or any other forms of unlawful discrimination will constitute grounds for disciplinary action.

This Policy Statement is based on both the spirit and the letter of state and federal anti-discrimination laws, regulations and executive orders. Accordingly, care is taken to ensure that no person ~~shall~~ **will** be excluded from participation in, be denied the benefits of, or otherwise be unlawfully discriminated against. Further, Sharon Center School will not knowingly use the services of, patronize or otherwise deal with any business, contractor, subcontractor or agency that engages in acts of unlawful discrimination.

This Affirmative Action Policy Statement re-affirms ~~our personal~~ **the Board's** commitment to the principles of Equal Employment Opportunity and Affirmative Action.

Personnel -- Certified/Non-Certified

Equal Employment Opportunity

Affirmative Action

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.

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

46a-81a An Act Concerning Discrimination on the Basis of Sexual Orientation.

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:

SHARON PUBLIC SCHOOLS
Sharon, Connecticut

First Reading

P4111.2

Existing policy, number 4111.2 adopted 6/10/02, appropriate as written and addition of legal reference.

Personnel -- Certified

Replacement Teachers

Vacancies occurring during the school year and requiring the appointment of replacements for the remainder of the year will be handled under the procedures of Policy 4111 on recruitment, selection and appointment.

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.
Title VII, Civil Rights Act U.S.C. 2000e, et. seq.
46a-81a An act concerning discrimination on the basis of sexual orientation.

Policy adopted:

SHARON PUBLIC SCHOOLS
Sharon, Connecticut

First Reading

**P4111.3(a)
4211.3**

Existing policy, number 4111.3/4211.3 adopted 4/17/17, appropriate as written.

Personnel - Certified/Non-Certified

District ~~Minority~~ Recruitment Plan

Statement of Belief and Commitment to ~~Minority~~ Inclusive Teacher Recruiting

The Sharon Center School is committed to the principles and goals of equal employment opportunity. It is the policy of the system to afford equal employment opportunities to all employees and applicants for positions available within the school system. As defined by Connecticut General Statutes 10-220 as amended by Public Act 98-252, the Sharon Center School support this act and will implement plans to assure compliance.

Affirmative Action Policy Statement

It has always been the policy and will continue to be the strong commitment of Sharon Center School to provide equal opportunities in employment to all qualified persons solely on the basis of job-related skills, ability and merit.

Sharon Center School will continue to take affirmative action to ensure that no persons are discriminated against with regard to their race, color, sexual orientation, gender identity, national origin, ancestry, religion, age, physical disability, intellectual disability, marital status, present or past history of mental disorder, learning disability, or criminal record. Such action includes, but is not limited to, employment, upgrading, demotion or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training including apprenticeship. Sharon Center School will continue to make good faith efforts to comply with all federal and state laws and policies which speak to equal employment opportunity and affirmative action.

Equal employment opportunity is essential, but is not enough to guarantee the full and fair employment of minorities, women or other protected classes. Therefore, affirmative action is necessary. Affirmative action consists of results-oriented programs used to address and overcome the present effects of past discrimination.

Sexual harassment, another form of sex discrimination, will not be tolerated in the work place. Therefore, engaging in acts of sexual harassment or any other form of unlawful discrimination will constitute grounds for disciplinary action.

This policy statement is based on both the spirit and the letter of state and federal anti-discrimination laws, regulations and executive orders. Accordingly, care is taken to ensure that no person shall ~~shall~~ **will** be excluded from participation in, be denied the benefits of, or otherwise be unlawfully discriminated against. Further, Sharon Center School will not knowingly use the services of, patronize, or otherwise deal with any business, contractor, subcontractor, or agency that engages in acts of unlawful discrimination.

Personnel - Certified/Non-Certified

District ~~Minority~~ Recruitment Plan

Affirmative Action Policy Statement (continued)

The Sharon Board of Education recognizes the diversity of the people who live in the school district and believes that diversity should have an important bearing on all aspects of the school system's activities. The Board believes it is especially important that all efforts be made to recruit, hire, promote and assign persons who represent the diversity of this population. In keeping with the principle of affirmative action, the Board will actively seek minority applicants for all open positions within the district.

For the purpose of affirmative action and the District's Minority Recruitment Plan, the term "minorities" ~~shall~~ **will** mean African Americans, Native Americans, Asian Americans, Hispanics, women, and individuals with disabilities. Every level of supervision ~~shall~~ **will** be responsible for complying with this policy.

Action Plan

Identification

- A. Use traditional and non-traditional methods for the recruitment of minority candidates.
- B. Integrate multiculturalism/diversity within the curriculum.
- C. Participate in inter-district diversity grant programs.
- D. Encourage and provide assistance for minority students to consider a career in teaching.

Recruitment

- A. Attend minority teacher recruitment fairs at the state and regional level.
- B. Advertise in minority publications and with organizations such as the NAACP and Urban League.
- C. Train interviewer to be culturally sensitive when communicating in interviews and telephone conversations.
- D. Advertise utilizing local, statewide, and national media areas with large minority populations.
- E. Recruit from the Alternate Route program (ARC).
- F. Post positions at colleges and universities with large minority enrollments and optimize use of the Internet.

Personnel - Certified/Non-Certified

District **Minority** Recruitment Plan (continued)

Support and Retention

- A. Develop a strong district induction program in concert with the state mandated Teacher Education and Mentoring Program (TEAM).
- B. Assist new hires in acclimation to the community, including housing information, social activities, town services, churches, banks, etc.
- C. Provide, especially in the first year, opportunities for new employees to network with other **minority** employees within the district, locally and regionally.

Equal Employment Opportunity

All personnel policies and practices of the Board of Education will be in accord with equal employment opportunity practices as determined by state and federal legislation. A job description and required qualifications for a position to be filled will be made available to all applicants. Equal employment opportunity means that equal employment possibilities are available to all protected groups and that no individual will be discriminated against because of race, gender, gender identity, color, religion, national origin, age, sex, sexual orientation, disability, or unrelated abilities to perform the duties of the position.

Legal Reference: Connecticut General Statutes
10-153 Discrimination on account of marital status
10-220 Duties of boards of education (as amended by PA 18-34)
Connecticut Constitution Article I, Section 20: Amendment
V Equal Rights Protection Amendment
46a-51(8), (17), (18) Discriminatory practices
46a-58(a) Deprivation of rights
46a-60 Discriminatory employment practices prohibited
46a-79 State policy re: employment of criminal offenders
46a-80 Denial of employment based on prior conviction of
crime
PA 91-58 An Act Concerning Discrimination on the Basis
of Sexual Orientation.

Policy adopted:

SHARON PUBLIC SCHOOLS
Sharon, Connecticut

Suggested replacement for existing policy, number 4112.2 adopted 6/10/02, which does not reflect legislative modifications.

Personnel -- Certified

Certification

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

It is the responsibility of the employee to submit proof of appropriate certification to the school system prior to the commencement of employment with **Sharon Center School**. ~~the _____ Public Schools.~~ The **Regional School Service Center** ~~school system~~ will maintain a record of the employee's credential as required by law.

It ~~shall~~ **will** be the sole responsibility of the certified employee to see that ~~their~~ **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~~ **will** be immediately changed to "Substitute" (per diem) with no benefits, and ~~his/her~~ **their** salary will be reduced to the current rate of pay for substitutes. If employee fails to obtain appropriate certification within 40 days ~~they~~ **she** may be subject to termination of employment. If, within a reasonable period of time following a lapse in certification, employee provides evidence of appropriate certification, the employee's salary and benefits shall be reinstated, retroactive to the effective date of certification.

Note: ~~On or July 1, 2018, To qualify for a professional educator certificate, an individual with a provisional educator certificate must hold a master's degree in an appropriate subject matter area, as determined by the State Board of Education, related to the teacher's certification endorsement area.~~

Optional language:

Upon application, a teacher from another state who has taught under an appropriate certificate in such other state, U.S. possessions or territories of the District of Columbia or the Commonwealth of Puerto Rico for two or more years in the past ten years, is nationally board certified, and satisfies the requirements of the appropriate interstate agreement shall be issued a teaching certification by the State Board of Education as permitted by statute. Such teacher shall be exempt from completing the beginning educator program based on such teaching experience upon a showing of effectiveness as a teacher, as determined by the State Board of Education, which may include, but not be limited to, a demonstrated record of improving student achievement.

Also, upon application, a teacher from an approved Connecticut private school shall be subject to the same provisions as listed above.

~~Distinguished Educator Designation~~

~~The Board of Education encourages certified staff to aspire and to achieve the designation of "Distinguished Educator."~~

Personnel -- Certified

Certification

~~Distinguished Educator Designation~~ (continued)

~~To achieve this designation, the individual must hold a professional educator certificate, have taught successfully for at least five years, have advanced education in addition to a master's degree, that can include training in mentorship or coaching teachers, and meets the performance requirements established by the State Board of Education. Teachers, so designated, will be considered eligible to serve as mentors for the District's teacher education and mentoring program.~~

Legal Reference: Connecticut General Statutes

10-145b Teaching certificate (as amended by P.A. 12-116 An Act Concerning Educational Reform, P.A. 15-108 An Act Concerning Teacher Certification Requirements for Shortage Areas, Interstate Agreements for Teacher Certification Reciprocity, Minority Teacher Recruitment and Retention and Cultural Competency Instruction and PA 17-173 An Act Concerning Minor Revisions and Additions to the Education Statutes and PA 17-68, An Act Concerning Various Revisions and Additions to the Education Statutes)

10-146c Interstate agreements to facilitate educator certification (as amended by P.A. 15-108)

10-145d State board regulations for teacher certificates et. al. (as amended by P.A. 12-116, An Act Concerning Educational Reform and P.A. 15-108)

10-145o Teacher education and mentoring program (as amended by P.A. 12-116, An Act Concerning Educational Reform)

34 C.F.R. 200.55 – Federal Regulations Regarding Highly Qualified Teachers

Policy adopted:

rev 12/09
rev 5/12
rev 7/15
rev 6/17

A new recommended policy to consider, which replaces previous versions due to new legislation.

Personnel -- Certified/Non-Certified

Employment/Reference Checks

The Board of Education (Board) believes that it is critical that references on an application be checked prior to an offer of employment. Also, 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~~ **will** submit to a record check of the Department of Children and Families Child Abuse and Neglect Registry before the person may be hired.

Requirements for Applicants

The Board ~~shall~~ **will** not offer employment to an applicant for a position, including any position which is contracted for, if such applicant would have direct student contact, prior to the Board requiring of such applicant to provide:

1. Contact information for current and former employers if they were education employers or the employment otherwise involved contact with children. The contact information must include the name, address and telephone number of each current or former employer.
2. Written authorization that consents to and authorizes such former employers to disclose information and related records about him or her that is requested on the State Department of Education (SDE) designated standardized form that interviewing employers send. The authorization also must consent to and authorize SDE to disclose information and related records to the District upon request and release such former employees and the SDE from any liability that may arise as a result of such disclosure or release.

“Former employer” means any person, firm, business, educational institution, nonprofit agency, corporation, limited liability company, the state, any political subdivision of the state, any governmental agency, or any other entity that such applicant was employed by during any of the previous twenty (20) years prior to applying for a position with the Board of Education, governing council of a state or local charter school or inter-district magnet school operator.

3. To provide a written statement of whether he or she:
 - a. was the subject of an abuse or neglect or sexual misconduct investigation by any employer, state agency or municipal police department, unless the investigation resulted in a finding that all allegations were unsubstantiated;
 - b. was disciplined or asked to resign from employment or resigned from or otherwise separated from any employment while an allegation of abuse or neglect was pending or under investigation by the Department of Children and Families (DCF), or an allegation of sexual misconduct was pending or under investigation or due to an allegation substantiated by DCF of abuse or neglect, or of sexual misconduct or a conviction for abuse or neglect or sexual misconduct; or

Personnel -- Certified/Non-Certified

Employment/Reference Checks (continued)

- c. has ever had a professional or occupational license or certificate suspended or revoked or has ever surrendered one while an allegation of abuse or neglect was pending or under investigation by DCF, or an investigation of sexual misconduct was pending or under investigation, or because an allegation substantiated by DCF of abuse or neglect or of sexual misconduct or a conviction for abuse or neglect or sexual misconduct.

Reference Checking Procedures

The District ~~shall~~ **will** conduct a review of the applicant's employment history by contacting those employers listed in the required information provided by the applicant. Such review ~~shall~~ **will** be conducted using the SDE form that requests:

1. the dates of employment of the applicant;
2. a statement as to whether the employer has knowledge that the applicant was the subject of an allegation of abuse or neglect or sexual misconduct for which there is an investigation pending with any employer, state agency or municipal police department or which has been substantiated; was disciplined or asked to resign from employment or resigned from or otherwise separated from any employment while an allegation of abuse or neglect or sexual misconduct was pending or under investigation, or due to a substantiation of abuse or neglect or sexual misconduct; or has ever had a professional or occupational license, certificate, authorization or permit suspended or revoked or has ever surrendered such a license, certificate, authorization or permit while an allegation of abuse or neglect or sexual misconduct was pending or under investigation, or due to a substantiation of abuse or neglect or sexual misconduct.

Such review may be conducted by telephone or through written communication, not later than five business days after any such current or former employer of the applicant receives a request for such information, and responds with such information. The Board may request more information concerning any response made by a current or former employer. Such employer ~~shall~~ **will** respond not later than five business days after receiving such request; and

The District ~~shall~~ **will** also request information from SDE concerning:

1. the eligibility status for employment of any applicant for a position requiring a certificate, authorization or permit;
2. whether SDE has knowledge that a finding has been substantiated by the Department of Children and Families of abuse or neglect or of sexual misconduct against the applicant and any information concerning such a finding;
3. whether SDE has received notification that the applicant has been convicted of a crime or of criminal charges pending against the applicant and any information concerning such charges.

Personnel -- Certified/Non-Certified

Employment/Reference Checks

Reference Checking Procedures (continued)

The Board ~~shall~~ **will** notify SDE if it receives information that an applicant for a position with the District or a current employee has been disciplined for a finding of abuse or neglect or sexual misconduct.

The Board will not employ an applicant for a position involving direct student contact who does not comply with the provisions of this policy.

Temporary Hires

The Board may employ or contract with an applicant on a temporary basis for a period not to exceed ninety days, pending the Board's review of the required and submitted applicant information provided:

1. The applicant has submitted to the District the three required disclosures;
2. The Board, has no knowledge of information pertaining to the applicant that would disqualify him/her from employment; and
3. The applicant affirms that he or she is not disqualified from employment with the Board.

Employment Agreements

The Board ~~shall~~ **will** not enter into any collective bargaining agreement, employment contract, resignation or termination agreement, severance agreement or any other contract or agreement or take any action that:

1. Has the effect of suppressing information relating to an investigation of a report of suspected abuse or neglect or sexual misconduct by a current or former employee;
2. Affects the ability of the local or regional Board of Education, council or operator to report suspected abuse or neglect or sexual misconduct to appropriate authorities; or
3. Requires the Board, to expunge information about an allegation or a finding of suspected abuse or neglect or sexual misconduct from any documents maintained by the Board, unless after investigation such allegation is dismissed or found to be false.

Substitute Teachers

The Board ~~shall~~ **Regional School Service Center will** only hire applicants for substitute teaching positions who comply with this policy and who fulfill the disclosure requirements and after requesting information from the applicant's prior employers and SDE. The Board ~~shall~~ **Regional School Service Center will** determine which such persons are employable as substitute teachers and maintain a list of such persons. The Board ~~shall~~ **will hire employ** only substitutes who are on such list.

Personnel -- Certified/Non-Certified

Employment/Reference Checks

Substitute Teachers (continued)

Approved substitutes shall remain on such list as long as ~~he or she is~~ **they are** continuously employed by the Board as a substitute teacher, provided the Board does not have any knowledge of a reason that such person should be removed from the list.

~~Adult Education Teachers~~

~~Persons employed by the Board as a teacher for a non-credit adult class or adult education activity, as defined in C.G.S. 10-67, who is not required to hold a teaching certificate for his/her position shall/shall not undergo state and national criminal history records checks. (Board is permitted to determine)~~

Contractors and Their Employees

~~In the case of an applicant who is **an education** contractor, the contractor **and anyone in their organization having student contact** shall **will** require any employee with such contractor who would be in a position involving direct student contact to supply to the contractor all information required of any applicant for a position in the district as previously described in this policy. The contractor shall **will** contact any current or former employer of such employee that was a Board of Education, council or operator or if such employment caused the employee to have contact with children, and request, either by telephone or through written communication, any information concerning whether there was a finding of abuse or neglect or sexual misconduct against such employee.~~

Any education contractor will supply (for themselves and for any of their employees) all information required of applicants for a position in Region 1 or the school as previously described in this policy.

~~Such employer shall report to the contractor any such finding, either by telephone or through written communication. If the contractor receives any information indicating such a finding or otherwise has knowledge of such a finding, the contractor **will shall**, immediately forward such information to the Board of Education with which the contractor is under contract, either by telephone or through written communication.~~

Any Board of Education that receives such information ~~shall~~ **will** determine whether such employee may work in a position involving direct student contact at any school under the Board's jurisdiction. ~~No determination by a Board of Education that any such employee shall **will** not work under any such contract in any such position shall **will** constitute a breach of such contract.~~

It will not constitute a breach of contract if the Board determines any contractor or their employee does not meet the above criteria and may not work under these contracts.

First Reading

Falsification of Records/Information

Any applicant who knowingly provides false information or knowingly fails to disclose information required by this policy in compliance with applicable statutes ~~shall~~ **will** be subject to discipline by the Board. Such discipline may include denial of employment, or termination of the contract of a certified employee.

It is understood that any employer and SDE who provide information to the Board and in accordance with this policy ~~shall~~ **will** be immune from criminal and civil liability, provided the employer or SDE did not knowingly supply false information.

Personnel -- Certified/Non-Certified

Employment/Reference Checks (continued)

Communication

The District, as required, ~~shall~~ will communicate with other education employers and also between an education employer and SDE, about findings of abuse or sexual misconduct by applicants or employees. The Board will notify SDE when it receives information that applicants or employees have been disciplined for a finding of abuse or sexual misconduct. In addition, the Board will provide, upon request, to any other education employer or to the Commissioner of Education, information it may have about a finding of abuse or sexual misconduct for someone being vetted for hire as a direct employee of an education employer or a contractor's employee.

Definitions

“Sexual misconduct” means any verbal, nonverbal, written or electronic communication, or any other act directed toward or with a student that is designed to establish a sexual relationship with the student, including a sexual invitation, dating or soliciting a date, engaging in sexual dialog, making sexually suggestive comments, self-disclosure or physical exposure of a sexual or erotic nature and any other sexual, indecent or erotic contact with a student;

“Abuse of a child or youth” is defined as (a) inflicting physical injury or non-accidental injuries; (b) inflicting injuries that do not match the story associated with their origin; or (c) maltreatment, including malnutrition, sexual molestation or exploitation, deprivation of necessities, emotional maltreatment, or cruel punishment; and

“Neglect of a child or youth” is defined as (a) abandonment; (b) denial of proper care and attention physically, educationally, emotionally, or morally; or (c) allowing the child to live under conditions, circumstances, or associations injurious to the child's well-being.

“Abuse and neglect” also includes sexual assault as defined in the statutes. (C.G.S. 46b-120, and includes any violation of section 53a-70, 53a-70a, 53a-71, 53a-72a, 53a-72b or 53a-73a).

“Former employer” means any person, firm, business, educational institution, nonprofit agency, corporation, limited liability company, the state, any political subdivision of the state, any governmental agency, or any other entity that such applicant was employed by during any of the previous twenty (20) years prior to applying for a position with the Board of Education, governing council of a state or local charter school or inter-district magnet school operator.

Offer of Employment

Prior to offering employment to an applicant, the Board ~~shall~~ will make a documented good faith effort to contact each current and any former employer ~~that was a Board of Education, council or operator or if such employment otherwise caused the applicant to have contact with children of the applicant~~ in order to obtain information and recommendations which may be relevant to the applicant's fitness for employment, **provided such effort shall not be construed to require more than three telephone requests made on three separate days.**

Personnel -- Certified/Non-Certified

Employment/Reference Checks

Offer of Employment (continued)

The Board shall not offer employment to any applicant who had any previous employment contract terminated by a Board, council or operator or who resigned from such employment, if such person has been convicted of abuse or neglect or sexual misconduct.

Sex Offender Registry Checks

The Board requires school district personnel to cross-reference the Connecticut Department of Public Safety's Sexual Offender Registry prior to hiring any new employee. Registration as a sexual offender constitutes grounds for denial of employment opportunities.

Employment Assistance Prohibited

Pursuant to the federal Every Student Succeeds Act (ESSA), the Board prohibits the Board, individual Board members, and any individual or entity who is a District employee, contractor or agent of the District from assisting a District employee, contractor, or agent in obtaining a new job/position if the Board, individual, or entity knows, or has probable cause to believe, that such District employee, contractor, or agent engaged in sexual misconduct regarding a minor or student in violation of the law. Routine transmission of an administrative file does not violate this prohibition.

This prohibition does not apply under certain conditions specified by ESSA such as:

1. The matter has been reported to law enforcement authorities and it has been officially closed or the school officials have been notified by the prosecutor or police after an investigation that there is insufficient information to establish ~~probably~~ **probable** cause, or;
2. The individual has been acquitted or otherwise cleared of the alleged misconduct, or;
3. The case remains open without charges for more than four (4) years after the information was reported to a law enforcement agency.

~~This policy shall not apply to a student employed by the Board.~~

Credit Checks

The District may ask an applicant for a credit report for certain district positions, where the receipt of such report is substantially related to the employee's potential position. Substantially related means "the information contained in the credit report is related to the position for which the applicant who is the subject of the report is being evaluated." A credit report will be requested if the position is (1) a managerial position which involves setting the direction or control of the district; (2) involves access to employees' personal or financial information; (3) involves a fiduciary responsibility to the District, including, but not limited to, the authority to issue payments, collect debts, transfer money or enter into contracts; (4) provides an expense account or

First Reading

District debit or credit card; or (5) involves access to the District's nonfinancial assets valued at two thousand five hundred dollars or more.

Personnel -- Certified/Non-Certified

Employment/Reference Checks

Credit Checks (continued)

In requesting a credit report as part of the employment process, written notification will be provided to the prospective employee regarding the use of credit checks. That notification must be provided in a document separate from the employment application. The notification must state that the District may use the information in the consumer credit report to make decisions related to the individual's employment.

Consent will be obtained prior to performing the credit checks. When an action adverse to a potential employee based on the credit report is taken, the District will provide the applicant with a copy of the report which the District used in making the adverse decision, as well as a copy of "A Summary of Your Rights Under the Fair Credit Reporting Act," provided by the company that submits the results of the credit check. The District will notify the prospective employee the adverse action was taken based on the information in the consumer report. That notice will include the name, address and phone number of the consumer reporting company that supplied the credit report; a statement that the company that supplied the report did not make the decision to take the unfavorable action and cannot provide specific reasons for the District's actions; and a notice of the person's right to dispute the accuracy or completeness of any information the consumer reporting company furnished, and to get an additional free report from the company if the person asks for it within sixty (60) calendar days.

(cf. 4112.5 – Security Check/Fingerprinting)
(cf. 4121 – Substitute Teachers)

Legal References: Connecticut General Statutes
 1-200 through 1-241 of the Freedom of Information Act.
 5-193 through 5-269 State Personnel Act
 10-151c Records of teacher performance and evaluation not public records.
 10-221d Criminal history records checks of school personnel.
 Fingerprinting. Termination or dismissal.
 10-222c Hiring policy. (as amended by PA 16-67 and PA 17-220)
 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)

Personnel -- Certified/Non-Certified

Employment/Reference Checks

Legal References: (continued)

Dept. of Educ. 34 C.F.R. Part 99 (May 9, 1980 45 FR 30802) regs. implementing FERPA 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.

Elementary and Secondary Education Act, reauthorized as the Every Student Succeeds Act (ESSA), P.L. 114-95 codified as U.S.C. §1001 et seq.

PA 16-67 An Act Concerning the Disclosure of Certain Educational Personnel Records

20 U.S.C. 7926 Prohibition on aiding and abetting sexual abuse

P.A. 17-220 An Act Concerning Mandate Relief

Policy adopted:

rev 6/17

rev 3/18

First Reading

4112.51
4212.51
Form 1

**STATE OF CONNECTICUT
Contractor Verification
(in accordance with Public Act 16-67)**

Directions to Contractor: Connecticut law requires that any contractor applying or bidding for a contract (including individuals who are independent contractors) with a local or regional board of education, a governing council of a state or local charter school, or interdistrict magnet school operator require any employee with the contractor who would be in a position involving direct student contact to supply the contractor with the information provided in this form. Information may be collected either through a written communication or telephonically.

In addition, pursuant to Connecticut General Statutes (C.G.S.) § 10-233c, the contractor is required to contact — either telephonically or through written communication — any current or former employer of an employee if such employer was a local or regional board of education, a governing council of a state or local charter school, or interdistrict magnet school operator or if the employment caused the employee to have contact with children, to request any information concerning whether there was a finding of abuse or neglect or sexual misconduct against the employee. If the contractor receives any information indicating such a finding, or otherwise has knowledge of such a condition, the contractor must immediately forward such information to any local or regional board of education with which the contractor is under contract.

Directions to Employee of Contractor: Pursuant to Connecticut state law, employees of a contractor who would be in a position involving direct student contact must supply all of the information provided in Section 2 of this form.

Section 1 - To be completed by Contractor

Name	
Street Address	
City, State, Zip Code	
Contact person	
Telephone number/email address	

Section 2 — To be completed by Employee of Contractor

Part A. On a separate sheet of paper, please list the name, address and telephone number of each current or former employer, if such current or former employer was a local or regional board of education, a governing council of a state or local charter school, or interdistrict magnet school operator, or if such employment otherwise caused you to have contact with children.

First Reading

4112.51
4212.51
Form 1
(continued)

Part B. Please complete the questions below in their entirety.

Have you ever:

Y **N**
 Been the subject of an abuse or neglect or sexual misconduct investigation by any employer, state agency or municipal police department (answer “no” if the investigation resulted in a finding that all allegations were unsubstantiated)?

Y **N**
 Been disciplined or asked to resign from employment or resigned from or otherwise separated from any employment while an allegation of abuse or neglect was pending or under investigation by the Department of Children and Families (the “department”), or an allegation of sexual misconduct was pending or under investigation or due to an allegation substantiated pursuant to section 17a-10lg of abuse or neglect, or of sexual misconduct or a conviction for abuse or neglect or sexual misconduct?

Y **N**
 Been disciplined or asked to resign from employment or resigned from or otherwise separated from any employment while an allegation of abuse or neglect was pending or under investigation by the Department of Children and Families (the “department”), or an allegation of sexual misconduct was pending or under investigation or due to an allegation substantiated pursuant to section 17a-10lg of abuse or neglect, or of sexual misconduct or a conviction for abuse or neglect or sexual misconduct?

Y **N**
 Had a professional or occupational license or certificate suspended or revoked or ever surrendered such a license or certificate while an allegation of abuse or neglect was pending or under investigation by the department or an investigation of sexual misconduct was pending or under investigation, or due to an allegation substantiated by the department of abuse or neglect or of sexual misconduct or a conviction for abuse or neglect or sexual misconduct?

Part C - Written Consent and Disclosure Authorization. I hereby authorize the entities I have listed in Section 2 of this form to release to the entity listed in Section 1 of this form the information required to be released by my previous employer pursuant to (C.G.S.) §10-222c along with any related records. I hereby consent to and authorize disclosure by the State Department of Education of the information requested pursuant to C.G.S. §10-222c, as amended by Public Act 16-67, and I hereby authorize the release by the State Department of Education of any related records. I further hereby release the above-named employer(s) and the State Department of Education from any and all liability of any kind that may arise from the disclosure or release of records requested pursuant to C.G.S. §10-222c, as amended by Public Act 16-67.

Signature of Applicant

Date

First Reading

4112.51
4212.51
Form 1
(continued)

NOTES:

The terms provided below are currently defined in state law as follows. Please note that statutes may be amended from time to time.

Sexual Misconduct means “any verbal, nonverbal, written or electronic communication, or any other act directed toward or with a student that is designed to establish a sexual relationship with the student, including a sexual invitation, dating or soliciting a date, engaging in sexual dialog, making sexually suggestive comments, self-disclosure or physical exposure of a sexual or erotic nature and any other sexual, indecent or erotic contact with a student.” Connecticut General Statutes §10-222c(k).

Abuse or Neglect means “abuse or neglect as described in Section 46b-120, and includes any violation of Sections 53a-70, 53a-70a, 53a-71, 53a-72a, 53a-72b or 53a-73a.” Connecticut General Statutes §10-222c(k).

The Connecticut State Department of Education is an affirmative action/equal opportunity employer and does not discriminate on the basis of race, color, religion, sex, gender identity or expression, sexual orientation, marital status, national origin, ancestry, age, criminal record, political beliefs, genetic information, intellectual disability, past or present history of mental disability, learning disability, or physical disability, including, but not limited to, blindness or any other basis prohibited by Connecticut state and/or federal nondiscrimination laws.

First Reading

4112.51
4212.51
Form 2

STATE OF CONNECTICUT
Educational Employer Verification
(in accordance with Public Act 16-67)

Directions for School District/Entity Considering Applicant for Employment: Each local or regional board of education, governing council of a state or local charter school or an interdistrict magnet school operator is required to obtain the information listed on this form from ALL current or former employer(s) of the applicant if such employer was a local or regional board of education, a governing council of a state or local charter school, an interdistrict magnet school operator of if the employment caused the applicant to have contact with children. Applicants are required under the law to provide a prospective employer with the name, address and telephone number of all current or former employers that meet the above criteria. Information may be collected either through a written communication or telephonically.

Directions for Current/Previous Employer: The applicant listed below is under consideration for a position with the school/district listed below in Section 2. The individual identified below has reported current/previous employment with your organization or contractual services with your organization in a position in which he/she had contact with children. As required by Connecticut General Statutes Section 10-222c, as amended by Public Act 16-67, please provide the information requested in Section 3. In accordance with the provisions of Public Act 16-67, you are required to respond to this request within five business days.

Section 1 – To be completed by the Applicant

Name of applicant	
Former name(s) (if applicable)	
Street address	
City, State, Zip Code	
Approximate dates of employment with employer listed in Section 3 of this form	
Position held with employer listed in Section 3 of this form	

Section 2 – To be completed by Prospective Employer

Name of prospective employer	
Street address of prospective employer	
City, State, Zip Code	
Contact person	
Telephone number/email address	

First Reading

4112.51
4212.51
Form 2
(continued)

Section 3 – To be completed by the Current/Former Employer

Name of employer	
Date of receipt of this notice	
Date of employment of above-named applicant	
Contact person	
Telephone number/email address	

Y **N**
 Been the subject of an allegation of abuse or neglect or sexual misconduct for which there is an investigation currently pending with any current or prior employer, state agency or municipal police department or which has been substantiated?

Y **N**
 Been disciplined or asked to resign from employment or resigned from or otherwise separated from any employment while an allegation of abuse or neglect or sexual misconduct was pending or under investigation, or due to a substantiation of abuse or neglect or sexual misconduct?

Y **N**
 Had a professional or occupational license, certificate, authorization or permit suspended or revoked or ever surrendered such a license, certificate, authorization or permit while an allegation of abuse or neglect or sexual misconduct was pending or under investigation, or due to a substantiation of abuse or neglect or sexual misconduct?

Signature of Superintendent or HR Director

Date

Return all completed information to the Prospective Employer listed in Section 2 of this form.

NOTES:

The terms provided below are currently defined in state law as follows. Please note that statutes may be amended from time to time.

Sexual Misconduct – “any verbal, nonverbal, written or electronic communication, or any other act directed toward or with a student that is designed to establish a sexual relationship with the student, including a sexual invitation, dating or soliciting a date, engaging in sexual dialog, making sexually suggestive comments, self-disclosure or physical exposure of a sexual or erotic nature and any other sexual, indecent or erotic contact with a student.” Connecticut General Statutes §10-222c(k).

Abuse or neglect – “abuse or neglect as described in Section 46b-120, and includes any violation of Sections 53a-70, 53a-70a, 53a-71, 53a-72a, 53a-72b or 53a-73a.” Connecticut General Statutes §10-222c(k).

First Reading

FINGERPRINTING AND CRIMINAL JUSTICE INFORMATION SERVICES

Page 1

(Background Information for Policy Committee)

Background Information:

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 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.

In addition, in accordance with Public Act 09-01, Section 8, any candidate in a preparation program leading to certification as a teacher, special service, etc., who has not had a criminal history background check, must do so at least 30 days prior to being placed in a school for clinical experiences such as field experience, student teaching or internship.

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 of Educator Standards and Certification.

A person may obtain fingerprint packets (including fingerprint cards) and have their fingerprints taken at a local board of education, a Regional Educational Service Center (RESA), or the State Police Bureau of Identification. If fingerprinted at a RESA an individual's fingerprints may be shared with other districts. The individual must provide a written request to the RESA indicating where the results should be sent. If fingerprinted by a local school district, police department or by the State Police Bureau of Identification, an individual's results cannot be shared with other districts.

School volunteers are not required, by statute, to have a criminal history record check (fingerprinting). However, school districts are entitled to establish additional policies concerning criminal history record checks.

Requirements of FBI Regarding Fingerprint Information Access, Retention, and Use:

The Federal Bureau of Investigation (FBI), through its "Criminal Justice Information Services (CJIS)" provides the data pertaining to the national criminal history record check, via the fingerprinting process.

The FBI considers departments of education and local school districts as "noncriminal justice agencies," which maintain criminal history record information (CHRI), a subset of criminal justice information (CJI). CHRI is defined as any notations or other written or electronic evidence of an arrest, detention, complaint, indictment, information or other formal criminal charge relating to an

First Reading

identifiable person that includes identifying information regarding the individual as well as the deposition of any charges.

First Reading

FINGERPRINTING AND CRIMINAL JUSTICE INFORMATION SERVICES

Page 2

This information (CHRI) is maintained in a number of ways such as by hard copy in case files or file cabinets, kept on email servers, individual desktops, and records management systems.

As a result, the FBI, in order to protect the privacy of the data made possible by the fingerprinting process in acquiring CJI, has established requirements for local school districts with which to comply. These requirements are detailed in the “FBI CJIS Security Policy, Version 5.5.”

The FBI CJIS Security Policy requires all noncriminal justice agencies, such as school districts, to designate a Terminal Agency Coordinator (TAC) and a Local Agency Security Officer (LASO).

In addition, there are requirements, including but not limited to, pertaining to the location in which the information is maintained, request and use of the criminal justice information (CJI), maintenance and safeguarding of CJI, disclosure of CJI by permitted individuals, security incident response, record retention, disposal and destruction of CJI and training requirements.

Policy Implications

This has proven to be an extremely difficult topic to determine the necessary actions school districts need to take. There are two approaches to consider.

The first approach is to consider the adoption of policy 4112.52/4212.52, “Criminal History Record Information (CHRI).” This is a new policy based upon one originally developed by the Federal Bureau of Investigation (FBI) pertaining to this topic.

Another approach is to revise existing policy #4112.5/4212.5, “Security Check/ Fingerprinting,” and its accompanying administrative regulation. Existing policy #4112.5/4212.5, has been modified to include the following language, “Criminal Justice Information (CJI) is to be maintained in accordance with the administrative regulation pertaining to the use and disclosure of criminal justice information.”

The administrative regulation, which accompanies this policy, therefore, has been updated to include a new section pertaining to the requirements of the FBI pertaining to criminal justice information.

This material follows for your consideration and use. It is strongly recommended in dealing with this topic, that the district’s legal counsel be consulted.

April 2017

A new policy to consider. This policy is based upon one originally developed by the Federal Bureau of Investigation (FBI) pertaining to this topic. This topic is also covered in policy 4112.5/4212.5 and its accompanying administrative regulation.

Personnel -- Certified/Non-Certified

Security Check/Fingerprinting

Criminal History Record Information (CHRI)

(Proper Access, Use and Dissemination Procedures)

Purpose

The Board of Education's (Board) intent of this policy is to ensure the protection of the Criminal Justice Information (CJI) and its subset of Criminal History Record Information (CHRI) until the information is purged or destroyed in accordance with applicable record retention rules.

This policy is based upon the FBI's Criminal Justice Information Services (CJIS) Security Policy. The Board considers the FBI CJIS Security Policy as the minimum standard. This Board policy may augment, or increase the standards, but shall not detract from the CJIS Security Policy standards.

Scope

This policy applies to any electronic or physical media containing FBI CJI while being stored, accessed or physically moved from a secure location within the District. This policy applies to any authorized person who accesses, stores, and/or transports electronic or physical media.

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

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

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

Proper Access, Use, and Dissemination of CHRI

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

Personnel -- Certified/Non-Certified

Security Check/Fingerprinting

Criminal History Record Information (CHRI)

Proper Access, Use, and Dissemination of CHRI (continued)

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

Personnel Security Screening

Access to CJI and/or CHRI is restricted to authorized personnel. Authorized personnel is defined as an individual or group of individuals, appropriately vetted through a national fingerprint-based record check and granted access to CJI data. Agencies, including school districts, located within states with legislation authorizing or requiring civil fingerprint-based background checks for personnel with access to CHRI for the purposes of licensing or employment shall submit a fingerprint-based record check within 30 days of employment or assignment on all personnel with those who have direct access to CJI, those who have direct responsibility to configure and maintain computer systems and networks with direct access to CJI, and any persons with access to physically secure locations or controlled areas containing CJI.

Security Awareness Training

Basic security awareness training is required, within six months of initial assignment, and biennially thereafter, for all personnel with access to CJI.

Physical Security

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

Only authorized personnel shall access physically secure non-public locations. The District will maintain a current list of authorized personnel. All physical access points into the District’s secure areas will be authorized before granting access. The District will implement access controls and monitor physically secure areas to protect all transmission and display mediums of CJI. Authorized personnel will take necessary steps to prevent and protect the District from physical, logical and electronic breaches.

Personnel -- Certified/Non-Certified

Security Check/Fingerprinting

Criminal History Record Information (CHRI) (continued)

Media Protection

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

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

Media Transport

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

Media Sanitization and Disposal

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

One of the following methods shall dispose of physical media (printouts and other physical media):

1. Shredding using District issued shredders;
2. Placed in locked shredding bins for private contractor to come on-site and shred, witnessed by District personnel throughout the entire process;
3. Incineration using District incinerators or witnessed by District personnel onsite at District or at contractor incineration site, if conducted by non-authorized personnel.

Personnel -- Certified/Non-Certified

Security Check/Fingerprinting

Criminal History Record Information (CHRI)

Media Sanitization and Disposal (continued)

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

1. *Overwriting* (at least 3 times) – an effective method of clearing data from magnetic media. Overwriting uses a program to write (1's, 0's, or a combination of both) onto the location of the media where the file to be sanitized is located.
2. *Degaussing* – a method to magnetically erase data from magnetic media. Two types of degaussing exist: strong magnets and electric degausses. Common magnets are weak and shall not be used to degauss magnetic media.
3. *Destruction* – a method of destroying magnetic media. Destruction of magnetic media is to physically dismantle by methods of crushing, disassembling, etc., ensuring that the platters have been physically destroyed so that no data can be pulled.

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

Account Management

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

All accounts shall be reviewed at least annually by the designated CJIS point of contact (POC) or his/her designee to ensure that access and account privileges are commensurate with job functions, need-to-know, and employment status on systems that contain Criminal Justice Information. The POC may also conduct periodic reviews.

Remote Access

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

Personnel -- Certified/Non-Certified

Security Check/Fingerprinting

Criminal History Record Information (CHRI)

Remote Access (continued)

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

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

Personally Owned Information Systems

A personally owned information system is not authorized to access, process, store or transmit CJI unless the District has established and documented the specific terms and conditions for personally owned information system usage. A personal device includes any portable technology like camera, USB flash drives, USB thumb drives, DVDs, CDs, air cards and mobile wireless devices such as Androids, Blackberry OS, Apple iOS, Windows Mobile, Symbian, tablets, laptops or any personal desktop computer.

Reporting Information Security Events

The District shall promptly report incident information to appropriate authorities to include the state CSA or SIB's Information Security Officer (ISO). Information security events and weaknesses associated with information systems shall be communicated to allow for timely corrective action to be taken. Formal event reporting and escalation procedures shall be in place. Wherever feasible, the District shall employ automated mechanisms to assist in the reporting of security incidents. All employees, contractors and third party users shall be made aware of the procedures for reporting the different types of event and weakness that might have an impact on the security of agency assets and are required to report any information security events and weaknesses as quickly as possible to the designated point of contact.

Policy Violation/Misuse Notification

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

Personnel -- Certified/Non-Certified

Security Check/Fingerprinting

Criminal History Record Information (CHRI)

Policy Violation/Misuse Notification (continued)

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

(cf. 4112.5/4212.5 - Security Check/Fingerprinting)
(cf. 4112.51/4212.51 - Employment/Reference Checks)

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, PA 09-1, PA 11-93 and PA 16-67)

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

PA 16-67 An Act Concerning the Disclosure of Certain Education Personnel Records

Criminal Justice Information Services (CJIS) Security Policy, Version 5.4, U.S. Department of Justice, Federal Bureau of Investigation, Criminal Justice Information Services Division, October 6, 2015.

CJIS Security Policy

Title 28 C.F.R. Part 20

Policy adopted:

cps 4/17

Suggested replacement for existing policy, number 4112.6/4212.6 adopted 4/17/17, which does not reflect legislative modifications.

Personnel — Certified/Non-Certified

Personnel Records

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

There shall be only one personnel file for each employee, and Principals shall not maintain employee files separate from the official employee file in the Central Office.

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

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

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

The records may be disclosed when the Superintendent does not believe such disclosure would legally constitute an invasion of privacy. The records, in such a situation, shall first be disclosed to the requestor, followed within a reasonable time after disclosure, with the sending of a written or electronic copy or brief description of such request to the employee and any applicable collective bargaining representative. Disclosure shall only be considered an invasion of privacy where (1) such records do not pertain to a legitimate matter of public interest and (2) disclosure of such records would be highly offensive to a reasonable person.

Records maintained or kept on file by the State Department of Education or the Board which are

First Reading

records of a teacher's personal misconduct shall be deemed to be public records, and subject to disclosure under the Freedom of Information Act. Disclosure of such records of a teacher's personal misconduct shall not require the consent of the teacher.

Personnel — Certified/Non-Certified

Personnel Records (continued)

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

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

In accordance with federal law, (ESSA), the District shall notify parents at the beginning of each school year of their right to request information regarding the professional qualifications and degrees of teachers and the qualifications of paraprofessionals for any teacher or paraprofessional who is employed by a school receiving Title I funds and who provides instruction to their child at that school. The District will provide such information on request in a timely manner. The District shall also provide notification to the parent/guardian of a child who has been assigned or has been taught for four or more consecutive weeks by a teacher not meeting applicable state certification at the grade level and subject area in which the teacher has been assigned.

Files containing medical information regarding an employee will be kept separate from other personnel files.

Legal Reference: Connecticut General Statutes
 1-213 Agency administration. Disclosure of personnel, birth and tax records.
 1-214 Objection to disclosure of personnel or medical files. (as amended by
 PA 18-93)
 1-215 Record of arrest as public record.
 1-206 Denial of access to public records or meetings.
 10-151a Access of teacher to supervisory records and reports in personnel file.
 10-151c Records of teacher performance and evaluation not public records.
 (as amended by PA 02-138 and PA 13-122)
 Perkins v. Freedom of Information Commission, 228 Conn. 158 (1993)
 The Americans with Disabilities Act
 Section 1112(c)(6) The Every Student Succeeds Act (ESSA)
 Section 1112(e)(1)(B) The Every Student Succeeds Act (ESSA)

Policy adopted:

rev 3/17
rev 8/18
rev 4/19

First Reading

4112.6
4216.6
Form

A form to consider.

SHARON CENTER SCHOOL **PUBLIC SCHOOLS**

_____, Connecticut

Request to Use Personnel Records

Written request for information contained in personnel records is required. Official records are maintained in the Central Office for all current employees. Anyone seeking information from these records must complete this form. All individuals whose records have been requested will receive a copy of this form and have the right to deny access to their records if they feel their state and/or constitutional rights are being violated.

Date: _____

Name, address and phone number of individual requesting records:

Name of person whose file you request information from:

What aspect of the file do you wish to review?

Individual whose records you wish to review will receive a copy of this request. See Board Policy #4212.1 for time lines to be used in reviewing employee records and rights of employee.

Superintendent's response to request (to be made within five business days):

If employee approves the review of his/her records, please sign here:

If employee objects to his/her files being disclosed, please sign here (understanding the following):

Under the penalty of false statement to the best of my knowledge, information and belief, there are

First Reading

good grounds to support the objection and that the objection is not intended to delay the process.

First Reading

**4112.6
Form #1**

This form and the following were developed by the Connecticut State Department of Education. Other samples follow.

TEACHER QUALIFICATIONS

District: _____ **School Year:** _____

School: _____

Teacher Name: _____

Certification Status:

- Full state certification for grade level and subject taught.
- Durational Shortage Area Permit: (minimum of a Bachelor’s degree, 12 semester hours of credit in subject taught, passed basic skills test; must complete all certification requirements within three years).
- Minor Assignment: Holds full certification in a different but often related-subject and may teach no more than two periods a day in non-certified subject (holds state certification in another subject, minimum of 12 semester hours of credit in subject taught; must complete all certification requirements within two years).
- Non-Renewable Interim Certificate: Valid one year (meets all certification requirements except for state tests).
- Interim Certificate: Valid one year, renewable one year (meets all certification requirements except for required course in special education).
- Limited Extended Authorization for Early Childhood: (minimum of 10 months teaching experience under Early Childhood certificate (nursery to Grade 3); may teach in Grades 4-6, minimum 12 semester hours of credit in elementary education; must complete all certification requirements within two years.)
- Holds Connecticut certification but not for grade level or subject taught.
- Long-Term Substitute Permit: Valid for one year (holds a bachelor's degree and has 12 semester hours of credit in the subject taught).
- Regular Substitute Teacher: May not teach in the same classroom more than 40 days (holds a Bachelor’s degree).

Degrees Held: Baccalaureate degree major: _____
 Graduate degrees: _____
 (identify field of discipline) _____

Paraprofessional: (Please check one box)
 Your child is receiving services by a paraprofessional
 Qualifications:
 Highest Level of Education: _____
 Years of Experience: _____
 Other: _____

Your child is not receiving services by a paraprofessional.

First Reading

4112.6
Form #2

Use for teachers not fully certified or substitute teachers.

DATE

INSIDE ADDRESS
INSIDE ADDRESS
INSIDE ADDRESS

Dear "Parent":

In fulfillment of federal legislation, the Every Student Succeeds Act, we are informing you that your child, _____ has been taught by a teacher for more than four consecutive weeks who does not meet applicable state certification requirements at the grade level and subject area in which the teacher has been assigned although he/she has been hired by the ~~Sharon Center School~~ **Public Schools**.*

Alternate Paragraphs. Please use the paragraph that is most appropriate.

The teacher does not hold full Connecticut certification but holds, at a minimum, a bachelor's degree and has met minimum semester hours of coursework in the subject being taught and needs to complete tests and/or additional coursework to become fully certified.

or

Your child is being taught by a substitute teacher..... (fill in qualifications as appropriate)

The ~~District~~ **School** was unable to find and hire a fully certified teacher to fill this position, but will continue to seek a fully certified teacher.

Sincerely,

AUTHOR
TITLE

***Note to Superintendent/Principal: Please do not use this phrase if you have a certified teacher providing instruction in an area in which he/she is not certified.**

Another version to consider.

**PARENTAL NOTICE REGARDING TEACHERS NOT FULLY CERTIFIED
OR FOR LONG-TERM SUBSTITUTES**

DATE

INSIDE ADDRESS (line 1)

INSIDE ADDRESS (line 2)

INSIDE ADDRESS (line 3)

Dear Parent:

In fulfillment of new federal legislation, The Every Student Succeeds Act, we are required to inform you if your child has been taught by a teacher for more than four consecutive weeks who does not meet applicable state certification requirements at the grade level and subject area in which the teacher has been assigned. This definition states that “a highly qualified teacher holds full state certification as a teacher (including certification through alternate routes) or has passed a state teacher licensing exam and holds state certification.”

In Connecticut, we consider teachers with a durational shortage area permit, a non-renewable interim certificate, an interim certificate, a temporary authorization for a minor assignment, and a long-term substitute permit to be qualified to teach in the public school system.

Your child, _____, is being taught by a qualified teacher, hired by the ~~_Sharon Center School, Public School System~~, who has one of the above-named permits or certificates; while the teacher does not hold full Connecticut certification, he/she holds, at a minimum, a bachelor’s degree and has met minimum semester hours of coursework in the subject being taught and needs to complete tests and/or additional coursework to become fully certified.

At this time, the ~~_Sharon Center School Public School System~~ is unable to find and hire a fully certified teacher to fill this position, but will continue to seek a person who meets the federal definition.

Sincerely,

AUTHOR

TITLE

XXX/xx

****Please note: This letter would not be applicable for a regular substitute teacher for a certified teacher providing instruction in an area in which he/she is not certified.***

Sample notification notices to parents regarding their right to review teacher qualifications.

NOTICE TO PARENTS

Sample #1 (Re: Teacher Qualifications)

To: All Parents
From: (Insert school district name)
Date: (Insert date)

As a parent of a student at **Sharon Center** School, you have the right to request and to receive information regarding the professional qualifications of the classroom teachers who instruct your child. Federal law allows you to ask for certain information about your child's classroom teachers, and requires us to give you this information in a timely manner if requested.

Specifically, you have the right to ask for the following information about each of your child's classroom teachers:

- Whether the Connecticut State Department of Education has licensed or qualified the teacher for the grades and subjects he or she teaches.
- Whether the Connecticut State Department of Education has decided that the teacher can teach in a classroom without being licensed or qualified under state regulations because of special circumstances.
- The teacher's college major; whether the teacher has any advanced degrees, and if so, the subject(s) of the degrees.
- Whether any teachers' aides or similar paraprofessionals provide services to your child, and if they do, their qualifications.

If you would like to receive this information, please call _____ at _____.

Sample #2 (Re: Teacher Qualifications)

To: All Parents
From: _____ School District
Date: _____

As the parent of a student in the **Sharon Center School** district, under The Every Student Succeeds Act, you have the right to know the professional qualifications of the teachers who instruct your child. The ESSA gives you the right to ask for the following information about each of your child's classroom teachers:

- Whether the State of Connecticut has licensed or qualified the teacher for the grades and subjects he or she teaches.

NOTICE TO PARENTS

Sample #2 (Re: Teacher Qualifications) (continued)

- Whether the teacher is teaching under an emergency permit or other provisional status by which state licensing criteria have been waived.
- The teacher's college major; whether the teacher has any advanced degrees, and if so, the subject of the degrees.
- Whether any instructional aides or similar paraprofessionals provide services to your child, and if they do, their qualifications.

If you would like to receive any of this information, please contact _____ at _____.

~~Nutmeg Public Schools~~
~~Nutmeg, Connecticut~~

Sample #3 (Use if child is taught by an emergency credentialed teacher for four or more consecutive weeks)

To: All Parents
From: _____ School District
Date: _____

As a parent of a student in _____ School District in a program funded under the Every Student Succeeds Act, you have a right to know the professional qualifications of the teachers who instruct your child. The ESSA requires the school district to notify you in a timely manner that the teacher that has been assigned to your child's class has the following professional credentials: (e.g. specify the type of credential such as Emergency Permit)

If you have any questions, please contact _____ at _____.

~~Nutmeg Public Schools~~
~~Nutmeg, Connecticut~~

First Reading

P4112.7

Existing policy, number 4112.7 adopted 6/10/02, appropriate as written.

Personnel -- Certified

Orientation

Orientation ~~will shall~~ be considered a year-long process for certified employees new to **Sharon Center School** ~~the school system~~, with the programs conducted jointly by the central administration and individual schools.

The program ~~will shall~~ assist new teachers in becoming acquainted with, and adjusted to, the community, school district, and school -- including policies of the Board, rules and regulations, and the instructional program.

Administrators, coordinators, directors, and experienced staff members may be assigned specific roles in carrying out orientation programs.

The cooperation and active involvement of all staff members in helping newcomers become adjusted in the district is requested by the Board.

Existing regulation, number 4112.7 approved 4/17/17, appropriate as written.

Personnel -- Certified

Orientation

The Principal or designee is responsible for the orientation of new teachers assigned to ~~their~~ his/her school. ~~He/she~~ **They** should give information and general directions in regard to the following:

1. A directory of staff names.
2. Location and use of physical facilities of ~~the~~ building.
3. Teaching materials: courses of study, guide books, textbooks and supplementary materials for grade or subject.
4. School forms: ; attendance reports, student and school records, transfers, purchase orders, plan books, etc.
5. Method of ordering books and supplies, securing ~~media audio-visual~~ equipment, methods of getting material duplicated, disposing of lost and found articles.
6. Schedule.
7. Regulations for students in building and on school grounds, uses of entrances, ; exits, lavatories, playground ~~areas~~ equipment and activities, regulations for students during, before and after school hours.
8. Directions regarding building meetings, professional experience, other meetings, assignments to school committees, fire drill regulations, policies concerning teacher's absence, attendance, dismissal, excuse of students from school, etc.
9. The goals and expectations of our schools and ~~Region 1. the system.~~
10. School ~~system~~ policies and regulations.
11. Supervision/Evaluation program.

A new version to consider as replacement for existing policy, number 4112.8/4212.8 adopted 6/2/02, which does not reflect legislative/judicial modifications. Be advised that if the adoption of this policy reflects a change in practice, having a direct effect on conditions of employment, then it may be considered a mandatory subject of bargaining. Consult with your attorney.

Personnel -- Certified/Non-Certified

Nepotism: Employment of Relatives

It is the policy of the Board of Education that individuals ~~will shall~~ not be appointed to any full-time, part-time or temporary position which would create a supervisor/employee relationship within any one department between two individuals who are related by blood, marriage*, civil union or law.

~~*The term "marriage" includes a same-sex marriage that is legally recognized in Connecticut.~~

As used in this policy, the word "Department" ~~will shall~~ mean and include those levels of organization under the ~~Principal's Superintendent's~~ office into which the various structural areas of operation of the school district are divided.

In the event of marriage or civil union between employees of the ~~School District~~, creating a relationship which violates this policy, one of the persons affected must transfer to a location compatible with policy provisions, or in cases of refusal to transfer, be terminated from that location by the end of the school/fiscal year or within six months from the date the relationship was established, whichever is the greater period.

The degrees of relationship included in the above restrictions are as follows:

- By Blood:** Parent, child, grandparent, grandchild, brother, sister, uncle, aunt, nephew, niece, first cousin.
- By Marriage:** Husband, wife, stepparent, stepchild, father-in-law, mother-in-law, sister-in-law, brother-in-law, daughter-in-law, son-in-law, half-sister, half-brother, uncle, aunt, nephew, niece.
- By Law:** Guardianship relationships, adoptive parent/child relationships, partner in a civil union, same-sex marriage.

In the appointment and selection of new employees, the ~~School District~~ shall adhere to this policy. All current supervisor/employee relationships established prior to the adoption of this policy will not be affected by this policy so long as they remain in present assignments.

Personnel -- Certified/Non-Certified

Nepotism: Employment of Relatives

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

Policy adopted:

cps 1/08
rev 1/09
rev 3/14

First Reading

P4113.11

Existing policy, number 4113.11 adopted 6/10/02, appropriate as written.

Personnel -- Certified

Non-Teaching Duties

The Principal will plan and assign non-teaching duties as required and permitted by bargaining unit agreement language. The Principal will attempt to assign such duties on an equitable basis giving consideration to the following where applicable.

1. The rotation of duties on a periodic basis ranging from a daily to a yearly arrangement.
2. Through the use of the instructional schedule, assign teachers according to time availability.

Principals and teachers will be encouraged to maintain open communications in order to seek a balance in the distribution of extra duty assignments. It is recognized that the varied requirements of normal teaching duties will necessitate good judgment, discretion, flexibility, and cooperation.

Policy adopted:

SHARON PUBLIC SCHOOLS
Sharon, Connecticut

First Reading

P4113.4

Existing policy, number 4113.4 adopted 6/10/02, appropriate as written.

Personnel -- Certified

Job-Sharing

The Board of Education approves in principle the concept of job-sharing in certified positions in this school. **system.**

The Board of Education recognizes that maximum benefits from job-sharing will require care in detailed arrangements to be made by the administration with the cooperation of staff members.

Among the elements of job-sharing to be considered by the administration in setting up needed arrangements will be:

- sharing of responsibilities
- time division
- salary and fringe benefits splits
- cost effectiveness
- reduction of staff burn-out
- flexibility of arrangements
- avoidance of duplication of efforts
- effects upon the school's budget
- team compatibility
- intra-team communication
- intra-team coordination
- relations with other staff
- minimizing absenteeism
- supplementing team talents
- personality conflict
- effects upon staff morale

Legal Reference: Connecticut General Statutes

P.A. 84-14 An Act Concerning the Distribution of Information on Job-Sharing for State Employees and Teachers.

Policy adopted:

SHARON PUBLIC SCHOOLS
Sharon, Connecticut

Suggested replacement for existing policy, number 4115 adopted 5/15/17, which does not reflect legislative modifications.

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 ~~will 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, ~~will shall~~ take place no later than the annual deadline set by the State Department of Education.

*Note: "Teacher" ~~or "Administrator"~~ for purposes of evaluation ~~will shall~~ include each professional employee of the Board, below the rank of **Principal**, **Superintendent**, who holds a certificate or permit issued by the State Board 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 **Principal Superintendent** ~~will 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 **Region 1**. ~~the District~~. The required union representation on such committee ~~will shall~~ include at least one representative from ~~each of the teachers' and administrators' unions~~. ~~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 ~~will shall~~ adopt and implement a teacher evaluation and support program. Such teacher evaluation and support program ~~will 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 ~~will 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.

Personnel - Certified

Evaluation and Support Program (continued)

The system-wide program for evaluating the instructional process and all certified personnel is viewed as one means to improve student learning and ~~ensure~~ ~~insure~~ the quality of instruction. The evaluation plan ~~will 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 ~~will shall~~ be subject to the grievance procedure in collective bargaining agreements negotiated subsequent to July 1, 2004.

Note: *The district's evaluation plan, submitted to the State Department of Education for approval, may be the district's selection of the state model evaluation plan, SEED (Connecticut's System for Educator Evaluation and Development), or a hybrid of SEED, or a district proposed alternative evaluation and support plan which fulfills the state guidelines.*

The ~~Superintendent~~ **Principal** 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 State Board of Education as required has adopted guidelines for a model teacher and administrator evaluation and support program which is to provide guidance on the use of multiple indicators of student academic growth in teacher evaluations. The guidelines include, but are not limited to:

- 1. The use of four performance evaluations designators: exemplary, proficient, developing and below standards;*
- 2. The use of multiple indicators of student academic growth and development in teacher and administrative evaluations;*
- 3. Methods for assessing student academic growth and development;*
- 4. A consideration of control factors, tracked by the state-wide public school information system that may influence teacher performance ratings, including, but not limited to, student characteristics, student attendance and student mobility;*
- 5. Minimum requirements for teacher evaluation instruments and procedures, including scoring systems to determine exemplary, proficient, developing and below standard ratings;*
- 6. The development and implementation of periodic-training programs regarding the teacher evaluation and support program to be offered by the local or regional board of education or RESC to teachers whose performance is being evaluated and to administrators who are conducting the performance evaluations;*

Personnel - Certified

Evaluation and Support Program (continued)

7. *The provision of professional development services based on individual or group needs identified through the evaluation process;*
8. *The creation of individual teacher improvement and remediation plans for teachers who are rated “developing” or “below standard” in performance, designed in consultation with such teacher and his/her exclusive bargaining representative chosen pursuant to CGS 10-1536;*
9. *Opportunities for career development and professional growth; and*
10. *A validation procedure to audit evaluation ratings of “exemplary” or “below standard” evaluation ratings by the SDE or third-party entity approved by the SDE.*

The **Principal Superintendent will 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 **will shall** receive a rating of “not rated” for that year.

Note: *The SBE may waive the requirement of consistency with SBE’s model guidelines for any district that developed a teacher evaluation program that is determined by the SBE to substantially comply with the guidelines.*

The **Principal Superintendent shall will** report to the Board by June 1st annually on the status of the evaluations. In addition, annually, by dates determined by the State Department of Education, the Superintendent **will 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” **will shall** have a well-articulated improvement and remediation plan that:

1. is developed in consultation with the teacher and **their** ~~his/her~~ union representative and is differentiated by the level of identified need and/or stage of development;
2. identifies resources, support, and other strategies to be provided by the Board 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.

Personnel - Certified

Evaluation and Support Program (continued)

Evaluation Training

Region 1, The Board, prior to any evaluation conducted under the teacher evaluation and support program, ~~will shall~~ conduct training programs for all evaluators and orientation for all Sharon Center School District teachers regarding the District's **Teacher Evaluation and Support Program**. Such training ~~will 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 ~~will shall~~ be completed before a teacher receives an evaluation under the **Teacher Evaluation and Support Program**.

Note: *"Teacher" includes all certified employees below the rank of Superintendent. Principal.*

Implementation Plan

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

Note: *Districts intending to renew or request waivers shall do so in conformity with the process and timelines established by the State Department of Education.*

~~Options:~~ The District will:

- ~~Implement the SEED state model in its entirety and implement all components as written within the Handbook.~~
- ~~Use the State Department of Education approved plan with adopted flexibilities.~~
- Use a District developed plan. (Such plan must have at least one variation from any of the elements/components of the SEED model.)

~~Beginning with the 2014-15 school year and all subsequent years,~~ **The** submission of the District's evaluation plans for State Department of Education's review and approval, including flexibility requests, ~~shall~~ **will** 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 **School District** may also decide to use complementary observers to assist the **Principal**. ~~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.

Personnel - Certified

Evaluation and Support Program

Complementary Observers (continued)

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 ~~will shall~~ share ~~their his/her~~ feedback with the ~~Principal primary evaluator~~ as it is collected and shared with teachers.

~~The Principal Primary evaluators~~ will have sole responsibility for assigning final summative ratings. Both ~~the Principal 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 will~~ 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.

When such agreement cannot be reached, the issue in dispute may be referred for resolution to a subcommittee of the Professional Development and Evaluation Committee (PDEC). The Superintendent and the collective bargaining unit for the District ~~shall will~~ each select one representative from the PDEC to constitute this subcommittee, as well as a neutral party as mutually agreed upon between the Superintendent and the collective bargaining unit. In the event the designated committee does not reach a unanimous decision, the issue ~~shall will~~ be considered by the Superintendent whose decision ~~shall will~~ be binding. This provision is to be utilized in accordance with the specified processes and parameters regarding goals/objectives, evaluation period, feedback, and professional development contained in this document entitled “Connecticut Guidelines for Educator Evaluation.” Should the process not result in resolution of a given issue, the determination regarding that issue ~~shall will~~ be made by the Superintendent. An example will be provided within the State model.

Note: *The above is an illustrative example of such a process provided by the State Board of Education.*

Data Management

Annually, prior to September 15, 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.

Personnel - Certified

Evaluation and Support Program

Data Management (continued)

Annually, data management systems/platform to be used by teacher and administrators to manage evaluation plans ~~shall~~ **will** be selected by the Board with considerations given to functional requirements/needs and efficiencies identified by the Professional Development and Evaluation Committee.

Such plans ~~shall~~ **will** 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~~ **will** 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

~~The Board, if selected, will participate as required, in an audit of its evaluation program, conducted by the State Department of Education.~~

All teachers teaching in public schools at the elementary, middle and high school levels (including special education teachers) must be determined to be an "effective educator," as defined in the Every Student Succeeds Act. To be determined an "effective educator," a teacher must meet state certification and licensure criteria.

The reauthorized Individuals with Disabilities Act (IDEA) identifies special education teachers as teachers who must demonstrate competency in the core academic subjects that they teach.

The District evaluates a teacher's subject-matter competency in the core academic content areas, based on the Common Core of Teaching (CCT), using both of the following:

- A. foundational skills and competencies; and
- B. the discipline-based professional standards.

(cf. 2400 - Evaluation of Administrators and Administration)

(cf. 4111/4211 - Recruitment and Selection)

(cf. 4131 - Staff Development)

Personnel - Certified

Evaluation and Support Program

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, P.A. 10-111, P.A. 12-116, PA 12-2 (June Special Session), PA 13-245, PA 15-5 (June Special Session)
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.
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
34 C.F.R. 200.55 Federal Regulations.
PL 114-95 – Every Student Succeeds Act §9213

Policy adopted:

rev 7/13
rev 2/14
rev 6/14
rev 7/15
rev 4/17

An optional policy to consider.

Personnel -- Certified

Notification of Tenure Status

The Superintendent shall present to the Board the names of those teachers who will achieve tenure if their contracts are renewed for the following year. Achievement of tenure shall be in compliance with the state statutes and regulations. The Superintendent or **his/her** designee also will apprise the Board of the pending tenure date of each non-tenured teacher. The Board will publicly recognize teachers who have achieved tenure.

Legal Reference: Connecticut General Statutes

10-145 Certificate necessary for employment.

10-151 Employment of teachers. Notice and hearing on termination of or failure to renew contract. Appeals as amended by P.A. 10-111, An Act Concerning Education Reform in Connecticut, and PA 12-116, An Act Concerning Educational Reform.

10-111, An Act Concerning Education Reform in Connecticut.

10-158a Cooperative arrangements among towns. School building projects. Student transportation.

10-220 Duties of boards of education.

10-221 Boards of education to prescribe rules, policies and procedures.

P.A. 11-135 An Act Concerning Implementation Dates for Secondary School Reform.

Connecticut Guidelines for Educator Evaluation adopted by the State Board of Education, June 27, 2012.

Connecticut's System for Educator Evaluation and Development (SEED)

Policy adopted:

cps 3/14

Existing policy, number 4117 adopted 6/10/02, is appropriate as written with updated legal reference.

Personnel -- Certified

Disciplinary Action/Suspension/Dismissal

The Superintendent is directed to adhere to the following regulations and procedures for the dismissal, suspension or demotion of any employee for reasons of incompetence, willful neglect of duty, malfeasance, immoral or improper conduct, insubordination, behavior in violation of the policies and regulations of the district, mental and/or physical illness or disability and actions which are, in the opinion of the Board of Education, a hindrance to the school, the staff or the students. A notice of disciplinary action taken ~~shall~~ **will** contain a statement in ordinary and concise language of the specific charges on which the disciplinary action is based. The notice ~~shall~~ **will** contain specific action or behavior with which the employee is charged. Dismissal or demotion will be made only for just and reasonable cause, and only after written charges have been filed. ~~The Board, acting through its Superintendent,~~ **Principal, in collaboration with the Superintendent,** will notify the employee in writing, stating the charges brought against ~~him/her~~ them, and if necessary, arrange for a hearing to be held. Disciplinary sanction up to and including dismissal and referral for prosecution will be imposed on employees who violate the standards of conduct or commit a crime against State or Federal law.

Definitions:

"Suspension" means temporary removal of an employee from a position with loss of pay, as a disciplinary measure, or removal from a position preliminary to a decision by the Board on charges leading to dismissal or demotion.

"Demotion" means reduction of an employee from a given class or group of similar positions combined under a common title to a class or group having a lower salary rate.

"Dismissal" means separation, discharge or permanent removal of an employee from service in the district for cause, in accordance with the policies and regulations of the district.

Suspension of the Employee Pending Disciplinary Action by the Board

Except where circumstances justify, disciplinary action ~~shall~~ **will** follow this order: (a) verbal warning, (b) written warning-probation, (c) suspension and (d) demotion and/or dismissal.

In any case where the Superintendent or his/her designee deems it necessary or proper, the employee may be suspended until the Board of Education has determined what disciplinary action to take, if any, against the employee.

This suspension shall be without pay, except that if the Board of Education denies the recommendation of the Superintendent or designee, the employee ~~shall~~ **will** be entitled to full pay for the suspension period. If the Board modifies the recommendation of the Superintendent, the Board ~~shall~~ **will** determine as part of its action whether the suspension or any part of the suspension shall be without pay.

Personnel -- Certified

Disciplinary Action/Suspension/Dismissal

Just Cause

One or more of the following causes may be sufficient grounds for imposing a disciplinary measure:

1. Incompetency or inefficiency in the performance of the duties of the assigned position;
2. Insubordination (including, but not limited to, refusal to do assigned work);
3. Carelessness or negligence in the performance of duty or in the care or use of district property;
4. Discourteous or offensive or abusive language or conduct toward other employees, students or the public;
5. Dishonesty;
6. Drinking alcoholic beverages **or the use of recreational drugs** on the job, or reporting for work while **under the influence of these substances; intoxicated;**
7. The unlawful possession, use, or distribution of illicit drugs or alcohol on school premises or as part of any of its activities;
8. Personal conduct unbecoming an employee of the ~~district~~ **school;**
9. Engaging in political activities during assigned hours of employment or otherwise in violation of applicable policies or regulations of the district;
10. Conviction of any crime involving moral turpitude, including a sex offense;
11. Repeated and unexcused absences or tardiness;
12. Abuse of leave privileges;
13. Falsifying any information supplied to the school district, including but not limited to, information supplied on application forms, employment records or any other school district records;
14. Persistent violations of, or refusal to obey, safety rules and regulations made applicable to the public schools by the Board of Education, the Superintendent or by any appropriate state or governmental agency;

Personnel -- Certified

Disciplinary Action/Suspension/Dismissal

Just Cause (continued)

15. Offering anything of value or offering any service in exchange for special treatment in connection with the employee's job or to any member of the public;
16. Abandonment of position.

Consequences for the Use, Sale or Possession of Controlled Substances or Alcohol

Any employee using, possessing, or selling controlled substances on school premises or as part of any of its activities ~~shall~~ **will** automatically be subject to disciplinary action.

Any employee convicted of selling or distributing a controlled substance will be dismissed. In cases of possession, law enforcement officials will be notified. The violator will also be subject to disciplinary action stipulated in this policy.

Legal Reference: 10-154 (a) Professional communications between teacher or nurse and student. Surrender of physical evidence obtained from students.

21(a)-240 Definitions

10-151(b) Employment of teachers. Definitions. Tenure, etc. (as amended by P.A. 10-111, and P.A. 12-116, An Act Concerning Educational Reform)

First Reading

P4117.1

Existing policy, number 4117.1 adopted 6/10/02, appropriate as written.

Personnel -- Certified

Separation

Teachers who for any reason intend to resign or who intend to retire are encouraged to indicate their plans to their Principal at as early a date in the school year as possible.

Procedures for the dismissal of certified employees are governed by law and contractual agreements.

An expanded version of this policy, revised to reflect new legislation, suggested as replacement for existing policy, number 4117.4 adopted 4/17/17, which does not reflect legislative modifications.

Personnel - Certified

Administrative Leave/Suspension/Dismissal

Dismissal

1. Non-tenured Teachers

The contract for employment of a teacher who has not attained tenure may be terminated at any time for any of the reasons enumerated below:

- a. Inefficiency or incompetence, or ineffectiveness*

****Note: A teacher may be terminated, on or after July 1, 2014 on the grounds that he/she is “ineffective” provided that determination is based on evaluation of the teacher using teacher evaluation guidelines established pursuant to C.G.S. 10-151(b), as amended, by P.A. 12-116.***

- b. Insubordination against reasonable rules of the Board of Education
- c. Moral misconduct
- d. Disability, as shown by competent medical evidence
- e. Elimination of the position to which the teacher was appointed or loss of a position to another teacher, in accordance with C.G.S 10-151(d)(5)
- f. Other due and sufficient cause

A novice teacher ~~shall~~ **will** generally be deemed effective if said educator receives at least two sequential “proficient” ratings, one of which must be earned in the fourth year of the novice teacher’s career. A “below standard” rating ~~shall~~ **will** only be permitted in the first year of a novice teacher’s career, assuming a pattern of growth of “developing” in year two and two sequential “proficient” ratings in years three and four. The Superintendent ~~shall~~ **will** offer a contract to any educator ~~he/she is deeming~~ **deemed** effective at the end of year four.

Otherwise, the contract of such teacher ~~shall~~ **will** be continued into the next school year unless such teacher receives a written notice by May 1st in one school year that such contract will not be renewed for the following year. A teacher may request not later than three (3) calendar days after the teacher receives such notice of non-renewal or termination, statement of reason(s) therefore and the ~~district—school,~~ **in collaboration with the Superintendent,** will furnish such a statement not later than four (4) calendar days of the receipt of the request. The teacher is entitled to a hearing upon written request filed with the Board not later than ten (10) calendar days after receipt of notice. The hearing ~~shall~~ **will** be conducted before the Board, a subcommittee of the Board, or if indicated in such request and if designated by the Board, before a single impartial hearing officer chosen by the teacher and the Superintendent in accordance with law. The hearing ~~shall~~ **will** commence not later than fifteen (15) calendar days of such request unless the parties mutually agree to an extension not to exceed fifteen calendar days.

Personnel - Certified

Administrative Leave/Suspension/Dismissal

Dismissal (continued)

The impartial hearing officer or a subcommittee of the Board of Education of three or more Board members, if the Board designates a subcommittee to conduct hearings, ~~shall~~ **will** submit written findings and recommendation to the Board for final disposition.

A teacher who has not attained tenure and whose contract is terminated for any of the reasons under 1(a-d), above, ~~shall~~ **will** have the right to appeal in accordance with the provisions of subsection (e) of C.G.S. 10-151. No right of appeal ~~shall~~ **will** exist if the reason for such non-renewal is either elimination of position or loss of position to another teacher. A non-tenured teacher is not entitled to a hearing concerning non-renewal if the reason for such non-renewal is either elimination of position or loss of position to another teacher.

2. Tenured Teachers

The contract for employment of a teacher who has attained tenure ~~shall~~ **will** be continued from school year to school year, except that it may be terminated at any time for one or more of the following reasons:

- a. Inefficiency, incompetence, or ineffectiveness

****Note: A teacher may be terminated, on or after July 1, 2014 on the grounds that he/she is “ineffective” provided that determination is based on evaluation of the teacher using teacher evaluation guidelines established pursuant to C.G.S. 10-151(b), as amended, by P.A. 12-116.***

- b. Insubordination against reasonable rules of the Board of Education
- c. Moral misconduct
- d. Disability, as shown by competent medical evidence
- e. Elimination of the position to which the teacher was appointed or loss of a position to another teacher, in accordance with C.G.S 10-151(d)(5)
- f. Other due and sufficient cause

A tenured teacher ~~shall~~ **will** generally be deemed ineffective if said teacher receives at least two sequential “developing” ratings or one “below standard” rating at any time.

Personnel - Certified

Administrative Leave/Suspension/Dismissal

2. Tenured Teachers (continued)

Prior to terminating a contract the Board of Education ~~shall~~ **will** vote to give the teacher concerned a written notice including the reason for such consideration of termination, that termination of such teacher is under consideration not later than ten calendar days after receipt of written notice that contract termination is under consideration, such teacher may file with such Board a written request for a hearing. Such hearing ~~shall~~ **will** commence not later than fifteen calendar days after receipt of such request, unless the parties mutually agree to an extension not to exceed fifteen calendar days, before the Board of Education or a subcommittee of the Board or, if indicated in such request or if designated by the Board before a single impartial hearing officer chosen by the teacher and the Superintendent.

If the parties are unable to agree upon the choice of a hearing officer not later than five (5) calendar days after the decision to use a hearing officer, the officer ~~shall~~ **will** be selected with the assistance of the American Arbitration Association. If the hearing officer is not selected with the assistance of such Association after five days, the hearing ~~shall~~ **will** be held before the Board or a Board subcommittee.

When the reason for termination is incompetence or ineffectiveness, the hearing ~~shall~~ **will** (a) address the question of whether the performance evaluation ratings of the teacher were determined in good faith according to the required evaluation procedures, (C.G.S. 10-15b as amended) and (b) were reasonable in light of the evidence presented. The hearing on incompetence and ineffectiveness is limited to twelve total hours of evidence and testimony, with each side allowed not more than six hours to present evidence and testimony. The Board, Board subcommittee or impartial hearing officer may extend the time period for evidence and testimony at the hearing when good cause is shown.

Within forty-five (45) calendar days after receipt of the request for a hearing, the hearing officer or Board subcommittee, unless the parties mutually agree to an extension, not to exceed fifteen (15) calendar days ~~shall~~ **will** submit findings and recommendation to the Board of Education as to the disposition of the charges against the teacher, and ~~shall~~ **will** send a copy of such findings and recommendation to the teacher. The Board of Education ~~shall~~ **will** give the teacher concerned its written decision not later than fifteen (15) calendar days of receipt of the written recommendation. If the hearing is before the Board of Education, the Board ~~shall~~ **will** render its decision not later than fifteen (15) calendar days after the close of such hearing, and ~~shall~~ **will** send a copy of its decision to the teacher.

Any teacher aggrieved by the decision may appeal within thirty (30) calendar days of such decision to the Superior Court.

Personnel - Certified

Administrative Leave/Suspension/Dismissal

Suspension

The Superintendent may place an employee on Administrative Leave with pay or suspend an employee without pay in accordance with Policy 4117. The Superintendent may further bring a recommendation to the Board for action when, in the opinion of the Superintendent, continuation of the employee in the position presents a clear danger to the students, staff, or property of the school system.

(cf. 4115 – Evaluation and Support Program)

(cf. 4117 – Administrative Leave and Disciplinary Action/Suspension/Dismissal)

Legal Reference: Connecticut General Statutes

10-151(b) Employment of teachers. Definitions. Tenure, etc.
(as amended by P.A. 12-116, An Act Concerning Educational Reform)

10-151(c) Employment of teachers. (as amended by PA 11-136)

P.A. 95-58 An Act Concerning Teacher Evaluations, Tenure and Dismissal.

P.A. 97-247 An Act Concerning Revisions to the Education Statutes.

Connecticut Guidelines for Educator Evaluation adopted by
the State Board of Education, June 27, 2012.

Connecticut's System for Educator Evaluation and Development (SEED)

Shanbrom v. Orange Board of Education, 2 Conn. L. Rpts. 396, 398 (1990)

Americans with Disabilities Act

Policy adopted:

cps 5/04
rev 7/11
rev 5/12
rev 3/13

An optional policy to consider.

Personnel -- Certified

Termination of Employment

In accordance with Connecticut General Statutes and/or the corresponding Collective Bargaining Agreement, personnel whose performance is deemed unsatisfactory ~~shall~~ **will** be terminated or if necessary recommended by the Superintendent to the Board of Education for termination of employment.

Possession of Weapons

Employees possessing firearms or legally defined weaponry while on school premises will be subject to employment termination proceedings.

Legal Reference: Connecticut General Statutes

10-151c Employment of teachers.

Shanbrom v. Orange Board of Education, 2 Conn. L. Rpts. 396, 398 (1990)

Policy adopted:

cps 9/15