



# WINCHESTER BOARD OF EDUCATION

338 MAIN STREET, P.O. BOX 648 • WINSTED, CT 06098  
TELEPHONE: 860-379-0706; FAX: 860-738-0638  
MELONY BRADY-SHANLEY - SUPERINTENDENT OF SCHOOLS

## **Winchester Board of Education May 14, 2024**

### **Board of Education Members**

Jeannette Brodeur  
Shane Centrella  
Salvatore Lovetere  
Nora Mocarski  
Jonathan Morhardt  
Alison Pierce  
Sondra Strubhar  
Renata Waldron  
Elizabeth Whitney



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## VISION STATEMENT

REVISED 7-18-2018

*At Winchester Public Schools, students are provided with a nurturing and caring community that enlightens, inspires, and empowers our students to explore their creativity, talents, and desires so all students can realize and achieve their dreams.*

## OPERATING PRINCIPLES

AS APPROVED: SEPTEMBER 12, 2006

- We will arrive on time, prepared, and participate fully.
- We will listen with respect and with intent to understand.
- We will support and take responsibility for group decisions.
- We will be open and honest.
- We will operate with a clear purpose that aligns with our mission and vision.
- We will celebrate the positive.
- We will nurture and develop leadership in others.

May 10, 2024

TO THE BOARD OF EDUCATION MEMBERS:

Here is your packet for the Board of Education Meeting on May 14, 2024. The Board of Education meeting will be held at the Town Hall in the Hicks Room.

Please call if you have any questions about the information for the meeting.

Sincerely yours,

Melony Brady-Shanley  
Superintendent of Schools

**Winchester Board of Education**  
**Policy - #1120 Regulations for Public Participation at Board of Education Meetings**  
**Approved by BOE on 12/13/2022**

The Winchester Board of Education welcomes you to its business meeting. There are two opportunities set aside to hear comments from the public.

We welcome and encourage public participation as a valued part of communicating input with the Winchester Board of Education.

We appreciate your adherence to the following:

1. Complete the requested information on the sign-in sheet if you wish to speak (name, address, and email);
2. State your name and address when called upon to speak;
3. You will be allotted three minutes to share your comments.

Please be advised that it is not the practice of the Board of Education to engage in dialogue regarding commentary. The Superintendent of Schools will be directed by the Chairperson to prepare an appropriate response in a timely manner.

We appreciate your time and thoughtful commentary.

The Winchester Board of Education

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**MATERIALS FOR WINCHESTER BOARD OF EDUCATION REGULAR MEETING:**  
**MAY 14, 2024**

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

AGENDA REVIEW DISCUSSION - POSSIBLE ACTION

1-3 Board of Education Agenda – May 14, 2024

COMMENT FROM THE CHAIRMAN

PUBLIC COMMENT

Board of Education Chairman to read Public Comment Regulations. Three minutes are Allotted to each speaker per Board Policy #1120. No BOE employee, student, or Community members should be defamed within a public comment.

CONSENT AGENDA ITEMS

4-7 Minutes of BOE Meeting – April 9, 2024

8 Minutes of Special Meeting – April 19, 2024

9-10 Minutes of Special Meeting – April 23, 2024

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SUPERINTENDENT’S REPORTS & ACTION ITEMS DISCUSSION POSSIBLE ACTION

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19 School Enrollment

20 Chronic Absences

21-22 Gilbert Enrollment & Grade Level Enrollment

23-30 Monthly Budget Summary - FY24

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1. RFP process and update on the timeline

2. Review requirements for future grant submission and provide BOE with resources

CORRESPONDENCE TO THE BOARD

32-33 Letters of Resignation

PRESENTATIONS

Solar Presentation – Kevin Siebrecht

COMMITTEE REPORTS

Report of progress of the Superintendent Ad Hoc Search Committee (Sondra Strubhar)

Report of the Security Ad Hoc Committee (Salvatore Lovetere)

NEW BUSINESS DISCUSSION AND POSSIBLE ACTION

34 New Hire

WEA request for a 1-year contract extension to be negotiated prior to June 30, 2024. Limited to salary and benefits for the 2025-2026 School Year. All other aspects remain as written.

Recommend the forwarding of the Bank of America Solar Finance Document be forwarded to the Board of Selectman for consideration.

Directing the Superintendent to formally notify the Board of Selectman regarding



Pearson Boilers.

PDEC Plan

Professional Development & Evaluation Committee

Teacher Evaluation

Document

Discussion and vote on whether to hire an interim to begin on July 1, 2024.

Discussion on Superintendent Search Consultant Proposals

35 Grant Approval - Family Resource Center - \$112,629.00

36 Grant Approval - School Readiness - \$304,132.00

37 Grant Approval - Quality Enhancement - \$3,881.00

Policy from 3000 Series for First Read

38-42 IDEA Fiscal Compliance

Policies 4000 Series for First Read

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120 Hiring of Certified Staff

121 Hiring of Non-Certified Staff

122-123 Increasing Educator Diversity Plan

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142-144 Psychotropic Drugs

145-151 Section 504\_ADA (Personnel) w Regulations

152-158 Social Media w Regulations

159-186 Title IX Sex Discrimination and Harassment

#### EXECUTIVE SESSION

Executive Session Anticipated for the Purpose of Discussion on Central Office Administrators' Compensation for 2026-2027 [Action Anticipated]

Executive Session Anticipated for the Purpose of Discussion on Superintendent's Contract ending June 30, 2024 [Action Anticipated]

#### PUBLIC COMMENT

Board of Education Chairman to read Public Comment Regulations. Three minutes are allotted to each speaker per Board Policy #1120. No BOE employee, student, or community member should be defamed within a public comment.

ADJOURN:

Winchester Board of Education

Type of Meeting: Board Of Education Meeting Agenda

Date: May 14, 2024, @ 7:00 p.m.

Location: Town Hall – Hicks Room

Meeting Facilitator: Melony Brady-Shanley, Superintendent  
Nora Mocarski, BOE Chairman

Jeannette Brodeur, Shayne Centrella, Salvatore Lovetere, Jonathan Morhardt, Alison Pierce, Sondra Strubhar, Renata Waldron, and Elizabeth Whitney

- I. Call to order:
- II. Pledge of Allegiance:
- III. Roll call:
- IV. Agenda Review Discussion Possible Action:
  - a) Board of Education Agenda: May 14, 2024
- V. Comments from the Chairman:
- VI. Public Comment:

Board of Education Chairman to read Public Comment Regulations. Three minutes are allotted to each speaker per Board Policy #1120. No BOE employee, student, or community member should be defamed within a public comment.
- VII. Consent Agenda Items Discussion Possible Actions:
  - a) Minutes of BOE Meeting – April 9, 2024
  - b) Minutes of Special Meeting – April 19, 2024
  - c) Minutes of Special Meeting - April 23, 2024
  - d) Minutes of Committee Meeting – April 23, 2024
- VIII. Gilbert Report from Board of Education Representative:
- IX. Superintendent's Reports & Action Items Discussion Possible Action:
  - a) Superintendent's Report
  - b) Monthly Registration & Staff Vacancy Report
  - c) School Enrollment
  - d) Chronic Absences
  - e) Gilbert Enrollment & Grade Level Enrollment
  - f) Monthly Budget Summary - FY24
  - g) Update on Boiler at Pearson Review
    1. RFP Process and Update on the Timeline
    2. Review Requirements for future grant submission and provide BOE with resources

- X. Correspondence to the Board:
  - a) Letters of Resignation
  
- XI. Presentations:
  - a) Solar Presentation – Kevin Siebrecht
  
- XII. Committee Reports:
  - a) Report of progress of the Superintendent Ad Hoc Search Committee (Sondra Strubhar)
  - b) Report of the Security Ad Hoc Committee (Salvatore Lovetere)
  
- XIII. New Business Discussion and Possible Action:
  - a) New Hire
  - b) WEA request for a 1-year contract extension to be negotiated prior to June 30, 2024. Limited to salary and benefits for the 2025-2026 School Year. All other aspects remain as written.
  - c) Recommend the forwarding of the Bank of America Solar Finance Document be forwarded to the Board of Selectman for consideration.
  - d) Directing the Superintendent to formally notify the Board of Selectman regarding Pearson Boilers.
  - e) PDEC Plan
    - 1) Professional Development & Evaluation Committee
    - 2) Teacher Evaluation
    - 3) Document
  - f) Discussion and vote on whether to hire an interim to begin on July 1, 2024.
  - g) Discussion on Superintendent Search Consultant Proposals
  - h) Grant Approval - Family Resource Center - \$112,629.00
  - i) Grant Approval - School Readiness - \$304,132.00
  - j) Grant Approval - Quality Enhancement - \$3,881.00
  - k) Policy from 3000 Series for First Read
    - 1) IDEA Fiscal Compliance
  - l) Policies 4000 Series for First Read
    - 1) Abuse of Neglect of Disabled Adults
    - 2) Alcohol, Tobacco, and Drug-Free Workplace
    - 3) Bloodborne Pathogens w Regulations
    - 4) Child Abuse, Neglect and Sexual Assault
    - 5) Code of Ethics
    - 6) Employee Use of the District's Computer
    - 7) Employment and Student Teacher Check w Regulations
    - 8) FMLA
    - 9) Hiring of Certified Staff
    - 10) Hiring of Non-Certified Staff
    - 11) Increasing Educator Diversity Plan
    - 12) Non-Discrimination (Personnel) w Regulations
    - 13) Psychotropic Drugs
    - 14) Section 504\_ADA (Personnel) w Regulations
    - 15) Social Media w Regulations

## 16) Title IX Sex Discrimination and Harassment

### XIII. Public Comment:

Board of Education Chairman to read Public Comment Regulations. Three minutes are allotted to each speaker per Board Policy #1120. No BOE employee, student, or community member should be defamed within a public comment.

### XIV. Executive Session

Executive Session Anticipated for the Purpose of Discussion on Central Office Administrators' Compensation for 2026-2027 [Action Anticipated]

Executive Session Anticipated for the Purpose of Discussion on Superintendent's Contract ending June 30, 2024 [Action Anticipated]

### XV. Adjourn:

Winchester Board of Education

Type of Meeting: Board Of Education Meeting Minutes

Date: April 9, 2024, @ 7:00 p.m.

Location: Town Hall – Hicks Room

Meeting Facilitator: Melony Brady-Shanley, Superintendent  
Nora Mocarski, BOE Chairman

Jeannette Brodeur, Shayne Centrella, Salvatore Lovetere, Jonathan Morhardt, Alison Pierce, Sondra Strubhar, Renata Waldron, and Elizabeth Whitney

- I. Call to order: - 7:05 PM
- II. Pledge of Allegiance:
- III. Roll call: Elizabeth Whitney, Jonathan Morhardt, Renata Waldron, Jeannette Brodeur, Nora Mocarski, Melony Brady-Shanley, Shane Centrella, and Alison Pierce. Absent: Salvatore Lovetere and Sondra Strubhar.
- IV. Agenda Review Discussion Possible Action:
  - a) Board of Education Agenda: April 9, 2024  
Nora Mocarski Motion to remove Policy 4. Budget Procedures and Line Item Transfers, Policy 9. Purchasing, and Policy 10. Student Activities Funds on the agenda today since they are relative to the budget procedures and to give Nancy O’Dea-Wyrick further chance to review.  
2nd - Jeannette Brodeur  
Vote: 7-0-0
- V. Comments from the Chairman:
  - Would like to welcome Alison Pierce to her first Board Meeting as a Board Member
  - Celebrated the solar eclipse as a District
  - Reminder: Friday, April 26, Finding Nemo taking place at The Gilbert School
  - Attendance: Make sure our little ones are at school
- VI. Public Comment:

Board of Education Chairman to read Public Comment Regulations. Three minutes are allotted to each speaker per Board Policy #1120. No BOE employee, student, or community member should be defamed within a public comment.
- VII. Consent Agenda Items Discussion Possible Actions:
  - a) Minutes of BOE Meeting – March 12, 2024  
  
Edit e) Minutes of Committee Meeting - February 27, 2024, Shane Centrella’s name is spelled wrong. Change Shayne to Shane  
  
Edit: a) Possible Executive Session - Discussion and Possible Action on the selection of a candidate to fill the open Winchester seat on The Gilbert School Corporation.

Theresa Padin to be appointed to the W.L. Gilbert School Corporation  
Add: Vote: 7-0-0

Nora Mocarski Motion to approve Minutes of BOE Meeting – March 12, 2024 with edits  
2nd - Jeannette Brodeur  
Vote: 5-0-2

b) Minutes of Special Meeting – March 14, 2024

Edit on Page 9: Under Question 3, second bullet, commute should be changed to communicate  
Edit on Page 9: Under Question 5, 3.3 million should be changed to 33 million

Jonathan Morhardt Motion to approve Minutes of Special Meeting – March 14, 2024 with edits  
2nd - Shane Centrella  
Vote: 7-0-0

c) Minutes of Committee Meeting – March 27, 2024

Jeannette Brodeur Motion to approve Minutes of Committee Meeting – March 27, 2024  
2nd - Shane Centrella  
Vote: 6-0-1

VIII. Gilbert Report from Board of Education Representative:

IX. Superintendent’s Reports & Action Items Discussion Possible Action:

- a) Superintendent’s Report
- b) Monthly Registration & Staff Vacancy Report
- c) School Enrollment
- d) Chronic Absences
- e) Gilbert Enrollment & Grade Level Enrollment
- f) Monthly Budget Summary - FY24

X. Correspondence to the Board:

- a) Letters of Resignation
  - Suzanne Waldron, Paraprofessional
  - Cassandra Peterson, Cafeteria

Accept with regret

XI. Presentations:

XII. New Business Discussion and Possible Action:

- a) New Hires - No action
  - Elizabeth Reyes, Music Teacher at Hinsdale
  - Brendan Eckert, Library Media Specialist at Pearson

b) Healthy Food Certification

Nora Mocarski Motion to approve Healthy Food Certification. Motion language for healthy food option: Pursuant to C.G.S. Section 10-215f, the Winchester board of education certifies that all food items offered for sale to students in the schools under its jurisdiction, and not exempted from the Connecticut Nutrition Standards published by the Connecticut State Department of Education, will comply with the Connecticut Nutrition Standards during the period of July 1, 2024, through June 30, 2025. This certification shall include all food offered for sale to students separately from reimbursable meals at all times and from all sources, including but limited to school stores, vending machines, school cafeterias, culinary programs, and any fundraising activities on school premises sponsored by the school or non-school organizations and groups.

2nd - Jonathan Morhardt

Vote: 7-0-0

Nora Mocarski Motion to approve Healthy Food Certification. Motion language for combined food and beverage exemptions. The Winchester board of education or governing authority will allow the sale to students of food items that do not meet the Connecticut Nutrition Standards and beverages not listed in Section 10-221q of the Connecticut General Statutes provided that the following conditions are met:

- 1) The sale is in connection with an event occurring after the end of the regular school day or on the weekend.
- 2) The sale is at the location of the event, and
- 3) The food and beverage items are not sold from a vending machine or school store.

An “event” is an occurrence that involves more than just a regularly scheduled practice, meeting, or extracurricular activity. For example, soccer games, school plays, and interscholastic debates are events but soccer practices, play rehearsals, and debate team meetings are not. The “regular school day” is the period from midnight before to 30 minutes after the end of the official school day. “Location” means where the event is being held.

2nd - Jeannette Brodeur

Vote: 7-0-0

c) Discussion of Boiler @ Pearson School

d) The National Drone Competition Team Field Trip – Out-of-State

Nora Mocarski Motion to support The National Drone Competition Team Field Trip – Out-of-State

2nd - Jeannette Brodeur

Vote: 7-0-0

e) Revisions to the Proposed Fiscal Year 2025 Budget - Melony Brady-Shanley reviewed and read the commentary from the budget meeting held Monday, April 8.

Nora Mocarski Motion to accept the adjusted budget from April 9, pending the result of the Board of Selectmen meeting.

2nd - Shane Centrella

Vote: 7-0-0

f) Policies for First Read

1. Non-Discrimination ( Community) - Melony Brady-Shanley will include Boy Scouts

Elizabeth Whitney Motion to move Non-Discrimination ( Community) to final adoption  
2nd - Jonathan Morhardt  
Vote: 7-0-0

2. Volunteers  
Jeannette Brodeur Motion to move Volunteers to final adoption  
2nd - Jonathan Morhardt  
Vote: 7-0-0

3. Sexual Offenders  
Jonathan Morhardt Motion to move Sexual Offenders to final adoption  
2nd - Jeannette Brodeur  
Vote: 7-0-0

4. Code of Conduct Federal Procurement  
Shane Centrella Motion to move Code of Conduct Federal Procurement to final adoption  
2nd - Elizabeth Whitney  
Vote: 7-0-0

5. Disposal of Obsolete or Surplus Equipment or Materials  
Jeannette Brodeur Motion to move Disposal of Obsolete or Surplus Equipment or Materials to final adoption  
2nd - Shane Centrella  
Vote: 7-0-0

6. Gifts, Grants, and Bequests to the District  
Shane Centrella Motion to move Gifts, Grants, and Bequests to the District to final adoption  
2nd - Jonathan Morhardt  
Vote: 7-0-0

7. IDEA Fiscal Compliance  
Jonathan Morhardt Motion to move IDEA Fiscal Compliance to final adoption  
2nd - Elizabeth Whitney  
Vote: 7-0-0

XIII. Public Comment:  
Board of Education Chairman to read Public Comment Regulations. Three minutes are allotted to each speaker per Board Policy #1120. No BOE employee, student, or community member should be defamed within a public comment.

XV. Adjourn - Motion Shane Centrella, 2nd Jeannette Brodeur  
Vote: 7-0-0 at 8:13 PM

Minutes submitted by Barb Aurell



Winchester Board of Education  
Type of Meeting: Special Meeting Minutes  
Date: Friday, April 19, 2024, @ 6:00 pm  
Location: Town Hall – Blue Room

Meeting Facilitator: Nora Mocarski, BOE Chair

Jeannette Brodeur, Shane Centrella, Salvatore Lovetere, Jonathan Morhardt, Alison Pierce, Sondra Strubhar, Renata Waldron, and Elizabeth Whitney

Call to order: Jeannette Brodeur, Alison Pierce, Nora Mocarski, Jonathan Morhardt, Sondra Strubhar

Roll call: 6:06 PM

Business – Discussion and Possible Action:

1. Discuss the Superintendent's Resignation and Next Steps.

- a. Nora spoke of the accomplishments of the WPS team.
- b. Need to create a Search Committee for the Superintendent position.
- c. Spoke about the next steps regarding all of the processes associated with the process of hiring a search consultant/firm.
- d. Review of bylaws associated with BOE role with the process of hiring a new superintendent.
  - i. Special Committees - Established by majority vote.
  - ii. Chairperson - nominates all members, and each must be voted on (majority).

Possible Action - Creation of a Personnel Search Committee to Search for a Superintendent for the Winchester Public Schools

Motion: Create a Superintendent Search Committee composed of all members of the Winchester Board of Education for the purpose to search for a Superintendent.

2nd: Sondra Strubhar

Vote: 5-0-0

Adjourn 6:22 PM, Jonathan Morhardt, Sondra Strubhar 5-0-0

Minutes Submitted By Melony Brady-Shanley pm 4/19/24 at 8:08 PM

Winchester Board of Education  
Type of Meeting: Special Meeting Minutes  
Date: Tuesday, April 23, 2024, @ 8:30 pm  
Location: Hinsdale School

Meeting Facilitator: Nora Mocarski, BOE Chair

Jeannette Brodeur, Shane Centrella, Salvatore Lovetere, Jonathan Morhardt, Alison Pierce, Sondra Strubhar, Renata Waldron, and Elizabeth Whitney.

- I. Call to order - 8:50 PM
- II. Roll call - Alison Pierce, Elizabeth Whitney, Shane Centrella, Sondra Strubhar, Salvatore Lovetere, Renata Waldron, Jeannette Brodeur, and Nora Mocarski. Absent: Jonathan Morhardt
- III. Business – Discussion and Possible Action:
  1. Formal nomination and appointment of specific Board of Education members to the Superintendent Search Committee.
  2. Nomination and appointment of a chair of the Superintendent Search Committee.
  3. Discussion of the Superintendent Search process.
  4. Schedule the next Superintendent Search Committee meeting.

Sondra Strubhar Motion to develop an RFP for the hiring of a Superintendent Search Firm  
2nd: Renata Waldron  
Vote: 8-0

Nora Mocarski asked Board Members for their appointment to the Superintendent Search Committee:

- Jeannette Brodeur No
- Renata Waldron Yes
- Salvatore Lovetere No
- Sondra Strubhar Yes
- Shane Centrella Yes
- Elizabeth Whitney No
- Alison Pierce No
- Nora Mocarski Yes

Nora Mocarski Motion to nominate Renata Waldron to the the Superintendent Search Committee  
2nd - Salvatore Lovetere  
Vote: 8-0

Shane Centrella Motion to nominate Sondra Strubhar to the the Superintendent Search Committee  
2nd - Salvatore Lovetere  
Vote: 8-0

Sondra Strubhar Motion to nominate Shane Centrella to the the Superintendent Search Committee  
2nd - Renata Waldron  
Vote: 8-0

Sondra Strubhar Motion to nominate Nora Mocarski to the the Superintendent Search Committee  
 2nd - Salvatore Lovetere  
 Vote: 8-0

Nora Mocarski asked the Board for their nomination and appointment of a chair of the Superintendent Search

- Sondra Strubhar
- Nora Mocarski

Salvatore Lovetere Motion to nominate Sondra Strubhar appointment of chair of the Superintendent Search  
 2nd - Elizabeth Whitney  
 Vote: 5-3

Renata Waldron Motion to nominate Nora Mocarski appointment of chair of the Superintendent Search  
 2nd - Jeannette Brodeur  
 Vote: 3-5

Sondra Strubhar will chair the the Superintendent Search Committee

Superintendent Search Committee

- Nora Mocarski
- Sondra Strubhar
- Renata Waldron
- Shane Centrella

VI. Adjourn - Motion Sondra Strubhar, 2nd, Salvatore Lovetere  
 Vote: 8-0 at 9:24 PM

Meeting minutes submitted by Barb Aurell

Winchester Board Education

Type of Meeting: Curriculum, Policy and Finance Committee Meeting Minutes

Date: Tuesday, April 23, 2024, @ 6:30-8:30 pm

Location: Hinsdale School

**Curriculum Committee Meeting Facilitator: Renata Waldron - Canceled**

Committee Members: Jeannette Brodeur, Salvatore Lovetere, Shane Centrella, Sondra Strubhar, and Jonathan Morhardt

Invitees: Nora Mocarski, Elizabeth Whitney, Melony Brady-Shanley, Barbara Silverio, Rosanne Field, and Cassandra Murphy.

**Budget & Finance Committee Meeting Facilitator: Nora Mocarski**

Committee Members: Renata Waldron, Jeannette Brodeur, Salvatore Lovetere, Sondra Strubhar, Shane Centrella, Jonathan Morhardt, Alison Pierce, and Elizabeth Whitney

Invitees: Melony Brady-Shanley and Nancy O'Dea-Wyrick

Quorum: 4

- I. Call to order - 6:33 PM
- II. Roll call - Jeannette Brodeur, Renata Waldron, Salvatore Lovetere, Sondra Strubhar, Shane Centrella, Melony Brady-Shanley, and Nora Mocarski. Absent: Jonathan Morhardt, Alison Pierce, and Elizabeth Whitney. Alison Pierce joined the meeting at 7:09 PM.
- III. Agenda Review
  - a) Review Budget & Finance Committee Meeting Agenda – April 23, 2024
- IV. Approval of Minutes
  - a) Review of Budget & Finance Committee Minutes – March 27, 2024

Renata Waldron Motion to approve Review of Budget & Finance Committee Minutes – March 27, 2024  
 2nd - Jeannette Brodeur  
 Vote: 6-0
- V. New Business
  - a) Update on Solar Projects - Kevin Seibert to present virtually.

Renata Waldron Motion to have Melony Brady-Shanley move forward with Kevin Seibert with the proposed Green Leaf solar project. The Board gives Melony Brady- Shanley

permission to bring information to the May 14, board meeting and add to the meeting agenda.

2nd - Jeannette Brodeur

Vote: 6-0-1

b) Update on boiler process - Melony Brady-Shanley gave an update. She will move forward with the process and inform the Town Manager, Paul Harrington.

VI. Adjourn - Motion Salvatore Lovetere, 2nd Sondra Strubhar

Vote: 6-0-1 at 7:28 PM

**Policy & Bylaws Committee Meeting Facilitator: Jeannette Brodeur**

Committee Members: Shane Centrella, Renata Waldron, Jonathan Morhardt, Nora Mocarski, and Sondra Strubhar

Invitees: Salvatore Lovetere, Alison Pierce, Elizabeth Whitney, Nancy O’Dea-Wyrick, and Melony Brady-Shanley

Quorum: 4

I. Call to Order - 7:37 PM

II. Roll Call - Renata Waldron, Salvatore Lovetere, Sondra Strubhar, Shane Centrella, Alison Pierce, Nora Mocarski, Jeannette Brodeur. Absent Jonathan Morhardt and Elizabeth Whitney.

III. Agenda Review

a) Review the Policy/Bylaws Committee Agenda – April 23, 2024

Sondra Strubhar Motion to remove the following under 3. Review of Returned Policies from 4/9/2024 BOE meeting

- a) Budget Procedures and Line Item Transfers
- b) Purchasing
- c) Student Activities Funds

2nd - Salvatore Lovetere

Vote: 5-0

Renata Waldron Motion to add a conversation to New business under 5. proposed change to our by-laws

2nd - Jeannette Brodeur

Vote: 5-0

IV. Approval of Minutes

- a) Review of the Policy/Bylaws Committee Meeting Minutes – March 27, 2024

Renata Waldron Motion to approve Review of the Policy/Bylaws Committee Meeting Minutes – March 27, 2024

2nd - Sondra Strubhar

Vote: 5-0

V. New Business

1. P6161 - Selection of Educational Materials/ Instructional Resources
2. P6161.11 Challenged Instructional Materials - No action
3. Review of Returned Policies from 4/9/2024 BOE meeting:
  - a) Budget Procedures and Line Item Transfers
  - b) Purchasing
  - c) Student Activities Funds
  - d) IDEA Fiscal Compliance - No suggested edits

Renata Waldron Motion to accept IDEA Fiscal Compliance to first read

2nd - Sondra Strubhar

Vote: 5-0

4. Review 4000 Series

- a) Abuse of Neglect of Disabled Adults

Renata Waldron Motion to accept Abuse of Neglect of Disabled Adults to first read

2nd - Nora Mocarski

Vote: 5-0

- b) Alcohol Tobacco and Drug-Free Workplace

Nora Mocarski Motion to accept Alcohol Tobacco and Drug-Free Workplace to first read

2nd - Renata Waldron

Vote: 5-0

- c) Blood borne Pathogens w Regulations

Sondra Strubhar Motion to accept Blood borne Pathogens w Regulations to first read

2nd - Shane Centrella

Vote: 5-0

- d) Child Abuse, Neglect and Sexual Assault

Shane Centrella Motion to accept Child Abuse, Neglect and Sexual Assault to first read

2nd - Renata Waldron

Vote: 5-0

- e) Code of Ethics

Renata Waldron Motion to accept Code of Ethics to first read  
 2nd - Nora Mocarski  
 Vote: 5-0

f) Employee Use of the District's Computer

Sondra Strubhar Motion to accept Employee Use of the District's Computer to first read  
 2nd - Jeannette Brodeur  
 Vote: 5-0

g) Employment and Student Teacher Check w Regulations

Nora Mocarski Motion to accept Employment and Student Teacher Check w Regulations to first read  
 2nd - Renata Waldron  
 Vote: 5-0

h) FMLA - First Read Renata, Jeannette, 5-0

Renata Waldron Motion to accept FMLA to first read  
 2nd - Jeannette Brodeur  
 Vote: 5-0

i) Hiring of Certified Staff

Nora Mocarski Motion to accept Hiring of Certified Staff to first read  
 2nd - Renata Waldron  
 Vote: 5-0

j) Hiring of Non-Certified Staff

Sondra Strubhar left the meeting at 8:21pm. Sondra Strubhar returned to the meeting at 8:21pm

Nora Mocarski Motion to accept Hiring of Non-Certified Staff to first read  
 2nd - Shane Centrella  
 Vote: 5-0

Elizabeth Whitney joined the meeting at 8:22pm

k) Increasing Educator Diversity Plan

Renata Waldron Motion to accept Increasing Educator Diversity Plan to first read  
 2nd - Jeannette Brodeur  
 Vote: 5-0

l) Non-Discrimination (Personnel) w Regulations

Renata Waldron Motion to accept Non-Discrimination (Personnel) w Regulations to first read  
 2nd - Jeannette Brodeur

Vote: 5-0

m) Psychotropic Drugs

Nora MocarSKI Motion to accept Psychotropic Drugs to first read

2nd - Shane Centrella

Vote: 5-0

n) Section 504\_ADA (Personnel) w Regulations

Nora MocarSKI Motion to accept Section 504\_ADA (Personnel) w Regulations to first read

2nd - Jeannette Brodeur

Vote: 5-0

o) Social Media w Regulations

Renata Waldron Motion to accept Social Media w Regulations to first read

2nd - Shane Centrella

Vote: 5-0

p) Title IX Sex Discrimination and Harassment

Renata Waldron Motion to accept Title IX Sex Discrimination and Harassment to first read

2nd - Nora MocarSKI

Vote: 5-0

Renata Waldron Motion for personal privilege

2nd - Nora MocarSKI

Vote: 5-0 at 8:34 PM

Back in session at 8:38 PM without Melony Brady-Shanley

5. Proposed change to our by-laws - Nora MocarSKI presented

VI. Adjourn - Motion Sondra Strubhar, 2nd, Renata Waldron

Vote: 5-0 at 8:48 PM

Minutes submitted by Barb Aurell





# Winchester Public Schools

338 Main Street, P.O. Box 648 Winsted, CT 06098  
 Telephone: 860-379-0706; Fax: 860-738-0638  
 Melony M. Brady-Shanley – Superintendent of Schools

## SUPERINTENDENT'S REPORT

May 2024

### Instruction:

- Held bi-weekly attendance meetings. This has resulted in a continued decline in our chronic absenteeism rates.
- All students in PK to Grade 6 went to TGS to watch the Pearson Players Drama Club perform "Finding Nemo Jr."
- Pearson held their Annual SBAC Kick Off Event – This included an ice cream truck and picnic lunch.
- Students in grades 3-6 are currently taking the SBAC assessments.
- Four students were recognized by the Litchfield Country Superintendents' Association for their outstanding leadership and commitment to education.
- Parents were in attendance for the Drone Meeting.
- PDEC Committee met to finalize the Teacher Evaluation Support Booklet.
- Four students are preparing to attend the National Drone Competition in Chattanooga, Tennessee.
- May 8<sup>th</sup> – End of Legislative Session

### Building Operations:

- Attended several solar meetings regarding Hinsdale and Pearson projects.
- Contracts have been developed for Central Office and Non-Certified Staff.
- Held two security meetings with our consultant.
- Reviewed the budget several times to ensure preparation for the Town Meeting.
- Attended and presented the Town Budget Meeting.

### Leadership:

- Attended the CAPSS Board of Directors Meeting
- CAPSS Legislative Meeting
- BOE Committee Meeting
- Meet two times with the new town manager
- CAPSS Small District Superintendent Meeting
- CAPSS Area Chairs Meeting
- LCSA Meeting
- CAPSS Teaching and Learning Committee

**Upcoming Important Dates:**

5/15 to 5/18 – REC National Drone Competition

May 21 – BOE Training with Shipman and Goodwin, 6-9 PM at the Pearson Library

May 27 – No School

May 28 – BOE Committee Meetings

June 3 – Field Day – Hinsdale

June 4 – District BBQ 5-7 PM

June 5 – Pearson Field Day

June 6 – Pearson Music and Art Show

**SUPERINTENDENT'S MONTHLY STUDENT REGISTRATION  
AND STAFF VACANCY REPORT**

**May 2024**

Staff Vacancies										
Position	8/23	9/23	10/23	11/23	12/23	1/24	2/24	3/24	4/24	5/24
Special Education	1	0	0	0	0	0	0	0	0	
TGS Building Interventionist	1	1	1	0	0	0	0	0	0	
Interventionist	1	0	0	0	0	0	0	NF	NF	
Paraprofessional	1	0	2	1	0	1	1	NF	1	
Custodian	-	1	0	0	0	1	0	0	0	
PT Admin Asst.	-	.6	0	0	0	0	0	0	0	
PT FRC Coord.	-	.6	0	0	0	0	0	0	0	
BCBA (grant)	-	-	-	1	1	0	0	0	0	
Social Worker	-	-	-	1	0	0	0	0	0	
2 <sup>nd</sup> Gr. Teacher	-	-	-	-	1	0	0	0	0	
Library Media P	-	-	-	-	-	-	-	0	0	
Music – H	-	-	-	-	-	-	-	0	0	

Hiring Strategies: *Indeed, Applitrack, Job Spot, CTReap, Winchester Schools Facebook, Shared on Facebook.*

New Registrations from 4/1/24 to 5/6/24			
School	Number	Cause	Supports
Hinsdale	2	1 - New to District 1 – Returning to District	2 – Special Education
Pearson	7	4 – Returning to the District 3 – New to District	2 – ELL and 1 - 504

Withdrawals from 4/1/24 to 5/6/24			
School	Number	Causes	Supports
Hinsdale	0		
Pearson	0		

# Winchester Public Schools

Enrollment Data  
2023-2024

Date	Grade Level (Hinsdale & Pearson)	School District Enrollment (Hinsdale & Pearson)	Hinsdale Enrollment	Pearson Enrollment	Special Ed Gilbert Enrollment	Special Ed In-District Enrollment	Special Ed Out of District Enrollment	Special Ed Out of District Vo-Ag, Magnet/Charter Schools Enrollment	603 Out of District Placement	District Enrollment (all Winchester Nexus)
	PreK		48							
	K		79							
	1		76	1						
	2		102							
	3			69						
	4			72						
	5			75						
	6			83						
<b>9/5/2023</b>		<b>600</b>	<b>299</b>	<b>301</b>	<b>68</b>	<b>89</b>	<b>25</b>	<b>6</b>	<b>0</b>	<b>699</b>
<b>5/1/2024</b>		<b>605</b>	<b>305</b>	<b>300</b>	<b>59</b>	<b>102</b>	<b>29</b>	<b>7</b>	<b>0</b>	<b>700</b>
YTD	Changes	5	6	-1	-9	13	4	1	0	1

# Winchester Public Schools

Specific Attendance Data

2023-2024

AVERAGE DAILY STUDENT ATTENDANCE (%)												
	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	June	YTD
District	96.5%	93.5%	93.9%	92.5%	91.7%	93.3%	95.1%	99.5%	95.4%			94.56%
Hinsdale	96.90%	92.4%	93.59%	92.0%	91.3%	93.0%	95.8%	99.6%	95.4%			94.42%
Pearson	96.0%	94.5%	94.10%	92.9%	92.0%	93.6%	94.4%	99.5%	95.3%			94.70%

STUDENT CHRONIC ABSENTEEISM RATE (%)												
	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	June	YTD
District	4.4%	15.2%	15.89	34.3%	32.67%	18.0%	23.4%	26.4%	15.3%			11.87%
Hinsdale	3.87%	15.3%	16.9%	37.16	36.2%	18.82%	18.8%	30.74%	15.2%			11.67%
Pearson	4.7%	15.0%	15.05%	31.8%	29.6%	17.1%	27.3%	22.0%	15.4%			12.0%



Gilbert Grade Level Enrollment - Winchester Only

	August 2023	September 2023	October 2023	November 2023	December 2023	January 2024	February 2024	March 2024	April 2024	May 2024	June 2024
Grade 7	80	88	89	89	89	90	89	89	89	89	89
Grade 8	66	72	72	71	70	72	72	72	71	73	
Grade 9	61	64	67	66	66	66	64	65	66	66	
Grade 10	61	61	61	61	60	62	61	61	61	61	
Grade 11	85	88	88	85	86	85	83	82	82	82	
Grade 12	55	55	55	54	53	54	55	54	54	54	
<b>Total</b>	<b>408</b>	<b>428</b>	<b>432</b>	<b>426</b>	<b>424</b>	<b>429</b>	<b>424</b>	<b>423</b>	<b>423</b>	<b>425</b>	

**FY2024 Winchester Public Schools Budget Snapshot by Resource Year to Date April 2024**

<b>Budget Description</b>	<b>Adopted Budget</b>	<b>Expended to Date</b>	<b>Encumbered</b>	<b>Balance</b>	<b>Estimated Adjustments</b>	<b>Projected Year End Balance</b>
Town Appropriation	\$ 21,504,910	\$ 17,332,024	\$ 4,476,506	\$ (303,620)	\$ (308,343)	\$ 4,723
Town Support for Education	697,272	493,342	189,969	13,961	13,961	-
Town Capital Funding	200,000	190,000	10,000	-	(10,000)	10,000
Non-Lapsing Fund	565,530	358,952	-	206,578	206,578	-
Grants	3,376,283	1,915,059	561,380	899,844	318,278	581,566
Medicaid	65,000	48,282	18,618	(1,900)	(1,900)	-
<b>Total</b>	<b>\$ 26,408,995</b>	<b>\$ 20,337,659</b>	<b>\$ 5,256,473</b>	<b>\$ 814,863</b>	<b>\$ 218,574</b>	<b>\$ 596,289</b>



## OBJECT CODE DEFINITIONS

- 000-199 Wages** – Includes personal services salaries for regular employees, temporary employees, overtime, contractual paid leave and stipends.
- 200-299 Benefits** - Includes Group Insurance, social security, retirement, tuition reimbursement, unemployment, workers' compensation and health benefits.
- 300-399 Professional Technical Services** – Includes official/administrative services, professional educational services, employee training and development, other professional services, technical services, occupational and physical therapists, legal, audit and staffing services.
- 400-499 Property Services** – Includes water/sewage, cleaning, refuse services, snow plowing, landscaping, repairs, maintenance, equipment, vehicle maintenance and building rentals.
- 500-599 Purchased Services** – Includes tuition, transportation, insurance (non employee), communications, advertising, printing, and travel.
- 600-699 Supplies** – Includes general teaching & office supplies, energy, natural gas, electricity, gasoline, diesel, books, periodicals, instructional software, and technology related supplies.
- 700-799 Equipment** – Includes equipment, machinery, vehicles, furniture, fixtures, technology related hardware and operational software.
- 800-899 Dues** - Includes dues and fees, interest and miscellaneous expenditures.
- 900-999 Other Objects** – Is rarely used and is usually for special items

# Winchester Public Schools

FY2024 Appropriated Budget Year to Date April 2024

Object	Description	Adopted Budget	Expended to Date	Encumbered	Balance	Estimated Adjustments	Projected Year End Balance	Projected Variance %
0-100	Wages	\$ 7,470,695	\$ 5,767,466	\$ 1,936,168	\$ (232,939)	\$ (107,552)	\$ (125,387)	1.7%
ELL Teacher changed to Full Time, Some certified new hires at higher step than budgeted								
200	Employee Benefits	2,039,255	1,629,698	132,228	277,329	243,551	33,778	-1.7%
<b>Subtotal Personnel Expense</b>								
		<b>\$ 9,509,950</b>	<b>\$ 7,397,164</b>	<b>\$ 2,068,396</b>	<b>\$ 44,390</b>	<b>\$ 135,999</b>	<b>\$ (91,609)</b>	<b>1.0%</b>
300	Professional Technical Services	\$ 108,766	\$ 132,220	\$ 24,974	\$ (48,428)	\$ 8,266	\$ (56,694)	52.1%
SPED Outside Evaluations, Legal Fees, Contracted Nurse Substitutes								
400	Property Services	112,000	5,047	12,038	94,915	(20,000)	114,915	-102.6%
Using town Support for facility non instructional costs								
51X	Pupil Transportation	1,444,023	1,131,618	421,572	(109,167)	-	(109,167)	7.6%
OOD Transportation costs have increased due to lack of available drivers and additional student need								
560	Special Ed Out of District Tuition	1,649,573	1,485,960	505,682	(342,069)	(436,108)	94,039	-5.7%
OOD Tuition & Services have increased due to student needs and additional students								
563	Gilbert School Tuition	8,101,718	6,748,186	1,350,286	3,246	-	3,246	0.0%
5XX	All Other Purchased Services	321,880	196,691	91,723	33,466	500	32,966	-10.2%
Magnet & Vo-Ag tuitions less than expected								
600	Supplies	124,000	87,291	835	35,874	1,000	34,874	-28.1%
Spending freeze on new commitments								
700	Equipment & S/W	113,000	130,408	1,000	(18,408)	2,000	(20,408)	18.1%

**FY2024 Appropriated Budget Year to Date April 2024**

Object	Description	Adopted Budget	Expended to Date	Encumbered	Balance	Estimated Adjustments	Projected Year End Balance	Projected Variance %
800	Dues & Fees	20,000	17,439	-	2,561	-	2,561	-12.8%
	<b>Subtotal Non-Personnel Expense</b>	<b>\$ 11,994,960</b>	<b>\$ 9,934,860</b>	<b>\$ 2,408,110</b>	<b>\$ (348,010)</b>	<b>\$ (444,342)</b>	<b>\$ 96,332</b>	<b>-0.8%</b>
	<b>TOTAL Appropriation</b>	<b>\$ 21,504,910</b>	<b>\$ 17,332,024</b>	<b>\$ 4,476,506</b>	<b>\$ (303,620)</b>	<b>\$ (308,343)</b>	<b>\$ 4,723</b>	<b>0.0%</b>

Fund 12 TOTAL Non-Lapsing Fund							
400	Property Services	\$ 432,335	\$ 358,952	\$ -	73,383	\$ -	73,383
500	Purchased Services	-	-	-	-	206,578	(206,578)
800	Undesignated Non-Lapsing Fund	133,195	-	-	133,195	-	133,195
	<b>TOTAL Non-Lapsing Budget</b>	<b>\$ 565,530</b>	<b>\$ 358,952</b>	<b>\$ -</b>	<b>\$ 206,578</b>	<b>\$ 206,578</b>	<b>\$ -</b>

Fund 5 Medicaid Reimbursements			
	<b>Wages</b>	<b>\$ 65,000</b>	<b>\$ 48,282</b>
		<b>\$ 18,618</b>	<b>\$ (1,900)</b>
		<b>\$ (1,900)</b>	<b>\$ -</b>

## Winchester Public Schools

FY2024 Town Resources Summary Operating Budget Year to Date April 2024

Object Description	TOWN APPROPRIATION					TOWN SUPPORT FOR EDUCATION					TOTAL
	Town Appropriated Budget	Expended to Date	Encumbered	Estimated Adjustments	Projected Year End Balance	Fund 6 Budget	Expended to Date	Encumbered	Estimated Adjustments	Projected Year End Balance	
0-100 Wages	\$ 7,470,695	\$ 5,767,466	\$ 1,936,168	\$ (107,552)	\$ (125,387)	\$ -	\$ -	\$ -	\$ -	\$ -	\$ (125,387)
200 Employee Benefits	2,039,255	1,629,698	132,228	243,551	33,778	-	-	-	-	-	33,778
<b>Subtotal Personnel Expense</b>	<b>\$ 9,509,950</b>	<b>\$ 7,397,164</b>	<b>\$ 2,068,396</b>	<b>\$ 135,999</b>	<b>\$ (91,609)</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ (91,609)</b>
300 Professional Technical Services	\$ 108,766	\$ 132,220	\$ 24,974	\$ 8,266	\$ (56,694)	\$ -	\$ -	\$ -	\$ -	\$ -	\$ (56,694)
400 Property Services	112,000	5,047	12,038	(20,000)	114,915	111,000	178,527	23,756	13,961	(105,244)	\$ 9,671
500 Purchased Services	11,517,194	9,562,455	2,369,263	(435,608)	21,084	128,500	119,594	23,180	-	(14,274)	\$ 6,810
600 Supplies	124,000	87,291	835	1,000	34,874	457,772	195,221	143,033	-	119,518	\$ 154,392
700 Equipment & Capital	113,000	130,408	1,000	2,000	(20,408)	-	-	-	-	-	\$ (20,408)
800 Dues, Fees & Other Objects	20,000	17,439	-	-	2,561	-	-	-	-	-	\$ 2,561
900 Special Items	-	-	-	-	-	-	-	-	-	-	\$ -
<b>Subtotal Non-Personnel Expense</b>	<b>\$ 11,994,960</b>	<b>\$ 9,934,860</b>	<b>\$ 2,408,110</b>	<b>\$ (444,342)</b>	<b>\$ 96,332</b>	<b>\$ 697,272</b>	<b>\$ 493,342</b>	<b>\$ 189,969</b>	<b>\$ 13,961</b>	<b>\$ -</b>	<b>\$ 96,332</b>
<b>TOTAL</b>	<b>\$ 21,504,910</b>	<b>\$ 17,332,024</b>	<b>\$ 4,476,506</b>	<b>\$ (308,343)</b>	<b>\$ 4,723</b>	<b>\$ 697,272</b>	<b>\$ 493,342</b>	<b>\$ 189,969</b>	<b>\$ 13,961</b>	<b>\$ -</b>	<b>\$ 4,723</b>
<b>400</b>	<b>TOWN CAPITAL FUNDING</b>					<b>\$ 200,000</b>	<b>\$ 190,000</b>	<b>\$ 10,000</b>	<b>\$ (10,000)</b>	<b>\$ 10,000</b>	<b>\$ 10,000</b>



Winchester Public Schools

FY2024 Grant Budget Year to Date April 2024

Grant	Description	FY 2022-24 Grant Award	Funds Received	Spent Prior Years	FY2024 Budget	Expended to Date	Encumbered	Balance	Estimated Adjustments	Projected Year End Balance
634	IDEA 611	313,614	140,870		313,614	147,045	56,204	110,365	55,000	55,365
653	IDEA 611 Carryover	295,207	254,495	165,835	129,372	94,502	37,907	(3,037)	(3,037)	-
635	IDEA 619 Preschool	15,078	5,649		15,078	14,069	1,009	-	-	-
652	IDEA 619 Preschool Carryover	14,130	14,130	14,130	-	-	-	-	-	-
647	AR <sup>3</sup> IDEA 611	54,747	54,747	49,175	5,572	5,572	-	-	-	-
648	AR <sup>3</sup> IDEA 619	5,235	5,235	3,570	1,665	1,665	-	-	-	-
657	AR <sup>3</sup> ESSER Homeless	15,898	7,000	3,649	12,249	-	-	12,249	-	12,249
659	AR <sup>3</sup> CHAMPS	180,000	152,161	77,663	102,337	93,309	3,547	5,481	5,481	-
651	ESSER II Dyslexia Recovery Carryover	16,250	8,266	3,054	13,196	5,212	-	7,984	-	7,984
660	ESSER II Family Resource Center	25,000	25,000	18,065	6,935	6,935	-	-	-	-
636	Title I	274,514	123,980		274,514	167,104	66,296	41,114	-	41,114
654	Title I Carryover	244,488	237,853	224,169	20,319	14,060	6,259	-	-	-
637	Title II	35,312	-		35,312	-	-	35,312	-	35,312
655	Title II Carryover	35,608	32,227	7,095	28,813	28,617	-	196	196	-
638	Title III	2,464	-		2,464	2,538	1,128	(1,202)	(1,202)	-
672	Student Support Title IV	20,005	7,301		20,005	10,240	2,716	7,049	-	7,049
675	Student Support Title IV Carryover	17,482	17,482	9,464	8,018	8,018	-	-	-	-
682	ARP MOE Provision	660,633	660,633	-	660,632	26,721	2,913	630,998	344,534	286,464
684	BCBA Specialist	70,000	13,216		70,000	16,695	2,104	51,201	4,000	47,201
688	ARP Right to Read	51,000	-		51,000	51,000	-	-	-	-
689	ARP Small Town Right to Read	150,000	-		150,000	142,031	-	7,969	(54,534)	62,503
690	ARP ESSER High-Dosage Tutoring	44,000	4,374		44,000	4,374	39,366	260	260	-
692	IDEA Transition Support Activities	3,000	-		3,000	-	-	3,000	-	3,000
693	IDEA Extended Support Paras	5,000	-		5,000	-	-	5,000	-	5,000
627	Family Resource Center	112,629	85,920		112,629	88,264	20,798	3,567	3,567	-
629	School Readiness	272,789	162,394		272,789	197,256	67,731	7,802	7,802	-
632	CHAMPS	169,400	127,045		169,400	132,467	28,745	8,188	8,188	-
633	Quality Enhancement School Readiness	3,881	-		3,881	-	-	3,881	3,881	-
639	Alliance	200,966	159,775		200,966	164,359	36,599	8	8	-
644	Winsted Family Alliance FRC	500	500	335	165	165	-	-	-	-
646	CBITS Bounce Back	13,936	13,936		13,936	1,143	-	12,793	500	12,293
656	Excess Cost Grant	480,792	-		480,792	410,508	130,754	(60,470)	(60,470)	-
658	Adult Education	14,737	-		14,737	14,737	-	-	-	-
662	Critical Needs Fund	1,950	1,950		1,950	1,950	-	-	-	-
665	School Readiness COLA	13,249	-		13,249	-	13,249	-	-	-
676	Unified Champion Schools	1,000	1,000	18	982	-	-	982	-	982
678	NSLP Equipment	40,699	-		40,699	30,585	10,114	-	-	-
680	School Readiness Competitive Enrollment	27,840	23,152		27,840	12,512	15,328	-	-	-
681	IDEA CT-SEDS Stipend	1,050	1,050		1,050	1,050	-	-	-	-
683	Preschool Development Birth to Age 5	7,550	-		7,550	-	-	7,550	2,500	5,050
685	Multi Media Security Pearson	29,994	-		29,994	9,777	18,613	1,604	1,604	-
686	Para HDHP Deductible Assistance	10,579	10,579		10,579	10,579	-	-	-	-
<b>TOTALS</b>		<b>\$ 3,952,206</b>	<b>\$ 2,351,920</b>	<b>\$ 576,222</b>	<b>\$ 3,376,283</b>	<b>\$ 1,915,059</b>	<b>\$ 561,380</b>	<b>\$ 899,844</b>	<b>\$ 318,278</b>	<b>\$ 581,566</b>

Note: Grants in italics are estimates

# Winchester Public Schools

## FY2024 Food Service Budget

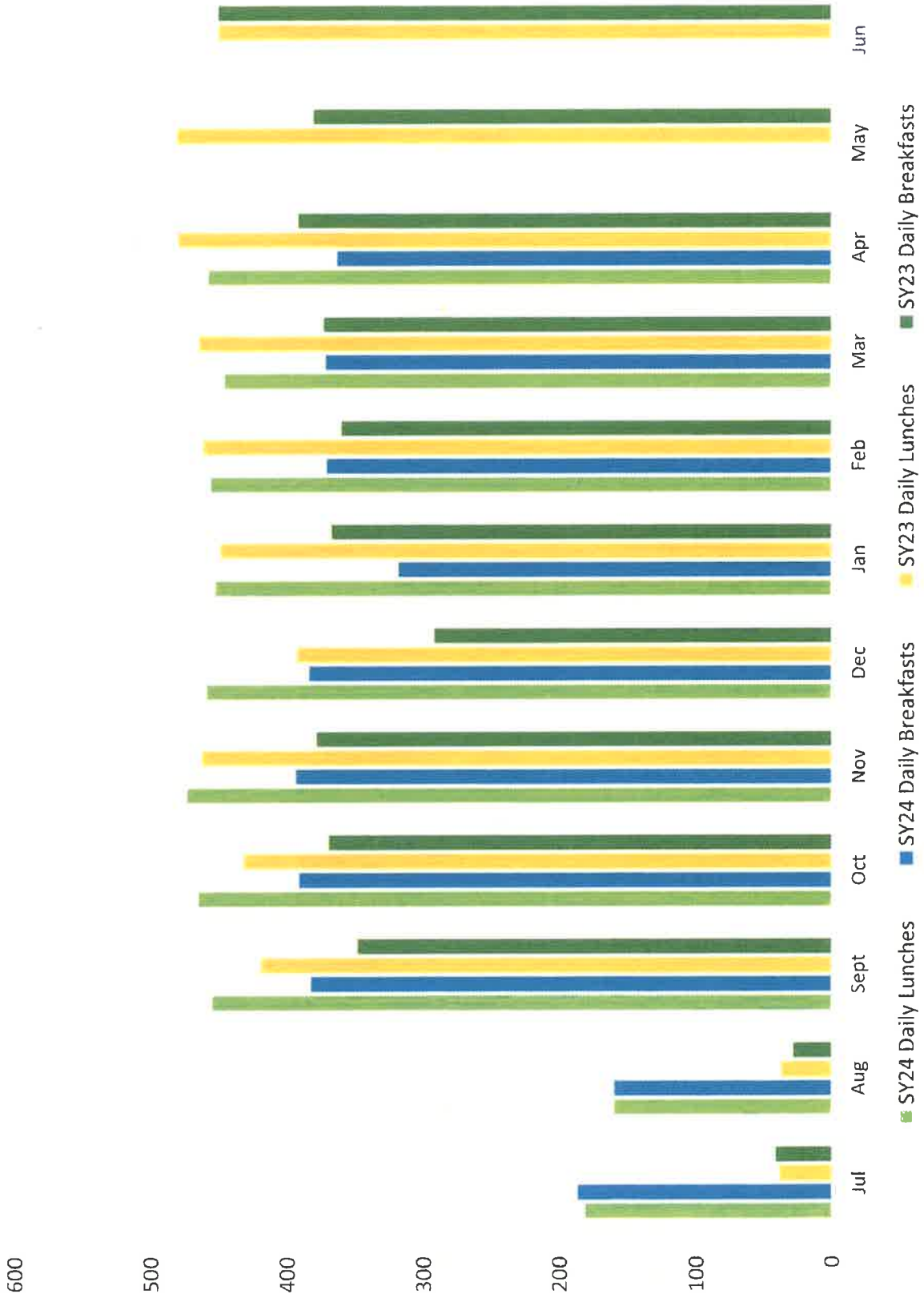
Year to Date April 2024

Description	Budget	Actual To Date	Estimated Adjustments	Projected Year End
<b>INCOME</b>				
Lunch Receipts	\$ 11,800	\$ 8,889	\$ 2,461	\$ 11,350
NSLP Reimbursement	501,000	388,651	112,349	501,000
HeadStart	25,000	12,094	12,906	25,000
NSLP State Match	-	-	-	-
FY24 Supply Chain Assistance Grant	18,874	18,874	6,000	24,874
Locally Grown for CT Kids Grant	2,651	-	2,651	2,651
Ct Pandemic Offset Administration Grant	1,306	1,306	-	1,306
New England Dairy low and Fat Free Grant	1,202	-	1,202	1,202
Catering	100	-	-	-
Donations, Refunds, Other	100	-	-	-
<b>Total Income</b>	<b>562,033</b>	<b>429,814</b>	<b>137,569</b>	<b>567,383</b>
<b>EXPENSE</b>				
Wages	225,000	172,731	54,987	227,718
Benefits	17,472	13,718	4,104	17,822
Management Services	54,640	38,248	16,392	54,640
Equipment Repairs	250	600	-	600
Purchased Services	350	-	-	-
Supplies	295,377	250,386	27,991	278,377
Equipment	1,500	-	-	-
<b>Total Expense</b>	<b>594,589</b>	<b>475,683</b>	<b>103,474</b>	<b>579,157</b>

FY23 Supply Chain Assistance Grant C/O	2,353	2,353	-	2,353
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<b>Net Profit/(Loss)</b>	<b>\$ (27,552)</b>	<b>\$ (43,516)</b>	<b>\$ 34,095</b>	<b>\$ (9,421)</b>
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**FY2024 Daily Meal Volumes**





## Winchester Public Schools

338 Main Street, P.O. Box 648 Winsted, CT 06098  
 Telephone: 860-379-0706; Fax: 860-738-0638  
 Melony M. Brady-Shanley – Superintendent of Schools

### PEARSON BOILER UPDATE

- On March 26, 2024, the Finance Committee met and we discussed the condition of the Pearson Boiler. Superintendent also presented financial reimbursement options.
- On March 27, 2024, the boiler at Pearson School was determined to no longer be functional by West State Mechanical. This was confirmed by two additional sources.
- On March 27, 2024, Superintendent notified the BOE of the situation.
- During the week of March 27, 2024, the Superintendent notified then Town Manager, Bob Geiger of the situation and the need for the BOS to become aware of the financial costs.
- During the Finance Meeting on April 23, 2024, Superintendent informed BOE that the approximate cost of replacing the boiler would be about \$680,000 according to one vendor. BOE directed the Superintendent to create an RFP to ensure a competitive bidding process.
- Superintendent and Maintenance for WPS met with Selectman Bill Pozzo to review the boiler. David Cruden and Bill Pozzo then defined specification for inclusion into the RFP.
- Superintendent prepared an RFP with the specifications and submitted it to Nancy O'Dea-Wyrick for review.
- On April 24, 2024, Superintendent met with Town Manager, Paul Harrington to discuss the support needed regarding the Pearson Boiler.
- On April 29, 2024, the RFP was shared with the BOE.
- On April 30, 2024, met with the Town Manager, Paul Harrington (meeting on another topic) and updated him on the RFP process and next steps.
- On May 1, 2024, the RFP was posted.
- On May 10, 2024, there is a scheduled walkthrough with potential bidders.
- On May 17, 2024, at 10 AM bids will be opened.
- Once bids have been opened, then the BOE will select a vendor in a Special Meeting. Those results will be presented to the BOS.





Darlene Bentley &lt;darlene.bentley@winchesterschools.org&gt;

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**Message from Mel**

1 message

**Melony Brady-Shanley** <melony.brady-shanley@winchesterschools.org>

Wed, Apr 17, 2024 at 6:51 AM

To: Staff All &lt;allstaff@winchesterschools.org&gt;

Hi all,

It is with heavy heart that I inform you that I will be leaving the district on June 30th (pending a background check). I have never enjoyed working with a group of talented individuals as much as I have with you all.

While I'm heartbroken, I'm also optimistic of the new opportunities fresh leadership will bring to the district.

Please know that I will remain fully committed to our work as the next couple of months transpire.

Love and appreciation,  
Mel

Please excuse any grammatical errors, Sent from my iPhone



Darlene Bentley &lt;darlene.bentley@winchesterschools.org&gt;

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**Fwd: Notice of Resignation**

1 message

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**Melony Brady-Shanley** <melony.brady-shanley@winchesterschools.org>

Tue, Apr 23, 2024 at 11:12 AM

To: Darlene Bentley &lt;darlene.bentley@winchesterschools.org&gt;

Melony M. Brady-Shanley  
Superintendent  
Winchester Public Schools  
Ex. Secretary - Darlene Bentley  
Phone: 860-379-0706  
338 Main Street - PO Box 648  
Winsted, CT 06098  
www.winchesterschools.org  
[facebook.com/winchesterctschoools](https://www.facebook.com/winchesterctschoools)

----- Forwarded message -----

From: **Melanie Teardo** <melanie.teardo@winchesterschools.org>

Date: Thu, Apr 11, 2024 at 7:00 PM

Subject: Notice of Resignation

To: Barbara Silverio &lt;barbara.silverio@winchesterschools.org&gt;, Melony Brady-Shanley &lt;melony.brady-shanley@winchesterschools.org&gt;

Dear Superintendent Brady-Shanley and Principal Silverio,

I am writing to formally resign from my position as a substitute teacher at Pearson School, effective May 3, 2024.

I have thoroughly enjoyed my time working with the students, staff, and administration at Pearson, and this decision has not come easy. In the past few months, I have had the privilege of witnessing the dedication and passion exhibited by both the educators and students alike. The experience has been invaluable, and I am grateful for the opportunity to have been a part of such a dynamic and supportive educational community. However, after careful consideration, I have decided to pursue other opportunities.

I want to express my gratitude for the support and guidance I have received during my time at Pearson. The professionalism and camaraderie among the staff have made my time here truly memorable. I will ensure a smooth transition by completing all outstanding tasks and assisting with the transition process as needed.

Please let me know if there are any specific tasks or responsibilities you would like me to address before my departure.

Once again, I want to extend my sincerest thanks for the opportunity to work at Pearson. I am forever grateful for the relationships I have formed and the experiences I have gained during my time here.

Thank you for your understanding.

Melanie Teardo

### Initial Recommendation to Hire Form

(New Hires, Rehires, Extra Duties, and Stipend Positions please fill out completely)

Completed By: Nancy O'Dea-Wyrick Date: 4/8/24  
Sent To: Melony Brady Shanley Date: 4/8/24

Instructions: This form is to be completed by an administrator. When completed, forward this initial recommendation to hire form to Darlene Bentley in the Superintendent's Office along with the three telephone reference checks.

\* William Bowles is a new hire within our organization in the position of: Cafeteria Manager  
\* Employee's location(s): Hinsdale  
\* Proposed starting date: August 21st (Plus 6 days at the end of this school year to work with both Lisa & Bunny)

(Needs to go before BOE at their regular monthly meeting prior to starting)

\*Indicate if employee is: (**10 months** or 12 months)

Is, this a stipend position? no

**List:**

1. FTE 1.0 days
2. Days per week: 5
3. Daily start time: 7:30am Daily end time: 1:30pm
4. Lunch (**paid or unpaid**): \_\_\_\_\_ Minutes
5. Paid hours per week: 30
6. Is this a newly added position? no
7. If not a newly added position, who will this new employee replace? Bunny O'Neil

Who will be this new employee's evaluator? Food Service Director & Director of Finance & Ops

8. Is this candidate subject to TEAM? If so, who will be the assigned mentor? no

9. Recommended Hiring Step: 1 Year Benefits applicable? no

Funding Source: Food Service Budget Wage: \$ 22.72/hr after 6 months \$24.45/hr Per contract

Superintendent Approval:  Date: \_\_\_\_\_

Business Manager Approval:  Date: 8/24/2024

Director of Student Services Approval: \_\_\_\_\_ Date: \_\_\_\_\_

Principal Approval: \_\_\_\_\_ Date: \_\_\_\_\_

**GRANT SUBMISSION FORM**

**Title of Grant:** Family Resource Center

**Grant Applicant:** Emily Bernard

**Grant Source:** Connecticut State Department of Education

**Due Date:** No specific date identified

**Timeframe for Fund Usage:** July 1, 2024 - June 30, 2025

**Department Associated with Grant:** Family Resource Center

**Grant Amount:** \$112,629 (anticipated)

**Purpose of the Grant:**

The Family Resource Center grant provides funding toward a continuum of services made available to schools and families in the community. FRC services indicate that effective education begins with access to resources that promote healthy child development. Our program focuses on the following components:

- Adult education and family literacy
- Early care and education
- Home visits
- Child screenings
- Resource and referral services

This past year, the FRC served 23 families and 27 children by providing various enrichment opportunities, potty training programs, and play and learn groups. Some of the enrichment activities included music and sign language, African drumming, apple picking, and art and dance classes. We have also partnered with United Way to provide programming and information to parents in the areas of potty training and child temperament. Through these programs, our FRC has built strong partnerships with local organizations and has received positive feedback from parents leading to increased enrollment in our Parents as Teachers program.

## GRANT SUBMISSION FORM

36

**Title of Grant:** School Readiness Grant 2024-2025

**Grant Applicant:** Emily Bernard

**Grant Source:** Office of Early Childhood

**Due Date:** May 3, 2024

**Timeframe for Fund Usage:** July 1, 2024 - June 30, 2025

**Department Associated with Grant:** WPS - School Readiness Council

**Grant Amount:** \$304,132.00

### **Purpose of the Grant:**

The School Readiness Grant provides funding for open access to quality preschool programs in our community that promote the health and safety of children and prepare them for formal schooling. The School Readiness Program also provides opportunities for parents to choose affordable and accredited programs that encourage collaboration and coordination within the community. This grant assures that children with disabilities are integrated into the same programs available to children who are not disabled. Therefore, approval from the Winchester Board of Education is sought to apply for continued funding for the School Readiness Grant for the 2023-2024 fiscal year.

This grant will require us to maintain requirements of the CT General Statutes for two School Readiness subgrantees:

- Winsted Area Child Care Center, Inc.
  - 18 full day/full year preschool spaces.
  - Children must be enrolled in the program a minimum of 7 hours per day, 5 days per week, and 50 weeks per year. These spaces are designed to accommodate working parents.
- EdAdvance Head Start School Readiness Program
  - 17 school day/school year preschool spaces.
  - Children are enrolled for 6 hours a day, 5 days per week, and 180 days per year.
  - Follows the Winchester Public Schools calendar.

### **Total Allocation: \$304,132.00**

- Program Funding: \$291,000
  - WACCC - \$189,000 for 18 FD spaces @ \$10,500/space
  - EdAdvance SR - \$102,000 for 17 SD spaces @ \$6,000/space
- Annual Administrative Funds: \$13,132 (supplies, benefits, salary, mileage, etc.)

## **School Readiness Program Objectives**

- Strengthen family through encouragement of parental involvement in a child's development and education.
- Prevent or minimize the potential for developmental delay in children prior to age 5.
- Improve the availability and quality of school readiness programs.

## **Quality Enhancement Grant:**

Total Funding: \$3,881.00

This funding will be used for social emotional learning materials and resources to support this area of the curriculum. Social-emotional learning has become a focus of our School Readiness Programs due to the increase in student needs and behaviors. Additionally, this grant will fund opportunities for staff development in the areas of trauma informed instruction and/or restorative practices.

## **Quality Components**

Requirements for high-quality components:

- Collaboration with community programs
- Family involvement and parent education
- Kindergarten transition planning
- Admission policies promoting enrollment of children from different racial, ethnic and economic backgrounds
- Staff professional development

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**Series 3000  
Business**

**INDIVIDUALS WITH DISABILITIES EDUCATION ACT FISCAL  
COMPLIANCE**

The Winchester Board of Education (the “Board”) will, in all respects, comply with the requirements of state and federal law with regard to special education fiscal compliance. Pursuant to the Individuals with Disabilities Education Act, 20 U.S.C. § 1400 et seq. (“IDEA”) and its associated regulations, the Board shall specifically ensure compliance with the fiscal provisions of the IDEA, as they may be amended from time to time. The Superintendent or designee shall develop administrative regulations with regard to such fiscal compliance.

Legal References:

Individuals with Disabilities Education Act, 20 U.S.C. § 1400, et seq. (IDEA)  
34 C.F.R. § 300.144  
34 C.F.R. § 300.202(a)(3)  
34 C.F.R. § 300.133(d)  
34 C.F.R. § 300.172  
34 C.F.R. § 300.205(d)  
34 C.F.R. § 300.226(a)  
34 C.F.R. § 300.209(b)  
34 C.F.R. § 300.818, Appendix A

ADOPTED: \_\_\_\_\_

REVISED: \_\_\_\_\_

7/23/2020



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**Series 3000  
Business**

**ADMINISTRATIVE REGULATIONS CONCERNING  
INDIVIDUALS WITH DISABILITIES EDUCATION ACT FISCAL  
COMPLIANCE**

The Winchester Board of Education (the “Board”) will, in all respects, comply with the requirements of state and federal law with regard to special education fiscal compliance. Pursuant to the Individuals with Disabilities Education Act, 20 U.S.C. § 1400 et seq. (“IDEA”) and its associated regulations, the Board shall specifically ensure compliance with the fiscal provisions of the IDEA, as they may be amended from time to time.

**1. Property, Equipment and Supplies**

The Board, through the Director of Special Education or designee, shall ensure that any property, equipment or supplies purchased with funds from an IDEA grant shall be purchased, used and maintained in accordance with such grant requirements. Among any other statutory or regulatory requirement, the Director of Special Education or designee must ensure that:

- A. All property, equipment and supplies purchased with IDEA grant funds are labeled as such, including equipment supplied to students with disabilities attending private schools at parental expense;
- B. A labeling procedure is in place for all property, equipment and supplies purchased with IDEA grant funds;
- C. All property, equipment and supplies purchased with IDEA grant funds are used for assistive technology, instructional or educational purposes;
- D. Copies of purchase orders for property, equipment and supplies purchased with IDEA grant funds indicate the source of funding for such purchases; and
- E. A tracking procedure is in place for all property, equipment and supplies purchased with IDEA grant funding.

Any procedures mentioned above shall be developed and maintained by the Director of Special Education or designee.

**2. Supplanting**

Funding provided to the Board through an IDEA grant must be used to supplement state, local and other federal funds, not to supplant those funds. The Board shall comply with all federal and state laws in this regard.

### **3. Parentally Placed Private School Special Education Students - Expenditures**

The Director of Special Education or designee will maintain an ongoing census of all students with disabilities who are eligible for special education and related services and attend school within the geographical bounds of the district. Eligible students with disabilities who attend private schools within the geographical bounds of the district will receive services equal to a proportional share of the IDEA grant funds received annually by the district. The proportionate share shall be calculated on an annual basis in accordance with federal law, but no later than October 1<sup>st</sup> of any given year. Calculation of the proportionate share shall be the responsibility of the Director of Special Education or designee.

The Director of Special Education or designee shall meet annually with all private school representatives to consult on matters related to the distribution of funds under the IDEA. Documentation regarding annual meetings shall be maintained by the Director of Special Education or designee.

The Director of Special Education or designee shall annually maintain budgets with regard to the manner in which IDEA grant funds are expended for eligible parentally placed private school students with disabilities.

### **4. National Instructional Materials Accessibility Standard**

The Board shall ensure compliance with the National Instructional Materials Accessibility Standard (“NIMAS”). In this regard, the Director of Special Education or designee shall maintain procedures to inform all staff within the district how a blind and/or print disabled student shall be referred in order to receive materials from the National Instructional Materials Access Center (“NIMAC”). Such procedures shall include, but not be limited to, the following:

- A. Initial referral to a planning and placement team (“PPT”), or if such child is already identified as having a disability under the IDEA, direct referral to the child’s PPT;
- B. Identification of the name of the district personnel who shall receive, and are responsible for, referrals for the receipt of materials from NIMAC; and
- C. The requirement that either (i) publishers prepare and, on or before delivery of the print instructional materials, provide to the NIMAC electronic files containing the contents of the print instructional materials

using the standards of the NIMAS; or (ii) instructional materials are purchased from the publisher that are produced in, or may be rendered in, specialized formats.

## 5. Coordinated Early Intervening Services

Coordinated Early Intervening Services (“CEIS”) may be used to support students in grades K-12 who are not currently identified as needing special education or related services, but who need additional academic or behavioral support to succeed in a general education environment. Up to 15% of IDEA grant funds may be used for CEIS. In this regard, the Director of Special Education or designee shall maintain procedures to ensure that:

- A. The funds used for CEIS are used only for the K-12 levels;
- B. Students receiving CEIS are tracked directly over a three-year period to determine if, at any time during this period, these students should be referred for special education services; and
- C. Documentation of funds spent on professional development are maintained, which documentation shall include the teachers who receive professional development for CEIS and the names of the students of those teachers who would have benefited from the teacher receiving the professional development.

## 6. Charter Schools

In compliance with federal law, the Board shall ensure that all eligible students with disabilities who attend charter schools that are part of the district receive special education services in the same manner as eligible students with disabilities who attend other district schools. Further, the Board shall ensure that IDEA grant funds are provided to charter schools within the district that serve eligible students with disabilities on the same basis as the district provides funds to other public schools within the district.

## 7. Excess Costs Calculation - Federal Requirement

The Board shall comply with federal law with regard to the calculation of excess cost. The Director of Special Education or designee shall maintain documentation regarding the separate excess cost calculations for elementary and secondary school students, as well as the formulas used for each level of students.

### Legal References:

Individuals with Disabilities Education Act, 20 U.S.C. § 1400, et seq. (IDEA)

- 34 C.F.R. § 300.144
- 34 C.F.R. § 300.202(a)(3)
- 34 C.F.R. § 300.133(d)
- 34 C.F.R. § 300.172
- 34 C.F.R. § 300.205(d)
- 34 C.F.R. § 300.226(a)
- 34 C.F.R. § 300.209(b)
- 34 C.F.R. § 300.818, Appendix A

ADOPTED: \_\_\_\_\_  
REVISED: \_\_\_\_\_

7/23/2020

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**Series 4000  
Personnel**

**REPORTS OF SUSPECTED ABUSE OR NEGLECT OF ADULTS WITH AN  
INTELLECTUAL DISABILITY OR AUTISM SPECTRUM DISORDER**

Section 46a-11b of the Connecticut General Statutes requires that certain school personnel report any suspected abuse or neglect of persons between eighteen (18) and sixty (60) years of age who: 1) have an intellectual disability or 2) receive funding or services from the Department of Social Services' ("DSS") Division of Autism Spectrum Disorder Services. In furtherance of this statute and its purpose, it is the policy of the Winchester Board of Education (the "Board") to require ALL EMPLOYEES of the Board to comply with the following procedures in the event that, in the ordinary course of their employment or profession, they have reasonable cause to suspect that a person with an intellectual disability or an individual receiving funding or services from DSS' Division of Autism Spectrum Disorder Services between eighteen (18) and sixty (60) years of age has been abused or neglected.

1. Scope of Policy

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

2. Definitions

For the purposes of this policy:

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

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

"Statutorily Mandated Reporter" means an individual required by Conn. Gen. Stat. Section 46a-11b to report suspected abuse and/or neglect of adults with intellectual disabilities. In the public school context, the term "statutorily mandated reporter" includes teachers, school administrators, school guidance counselors, paraprofessionals, licensed behavior analysts, registered or licensed practical nurses, psychologists, social workers, licensed or certified substance abuse counselors, mental health professionals, physical therapists, occupational

therapists, dental hygienists, speech pathologists, and licensed professional counselors.

3. Reporting Procedures for Statutorily Mandated Reporters

If a statutorily mandated reporter has reasonable cause to suspect or believe that any person with an intellectual disability, or any individual who receives funding or services from DSS' Division of Autism Spectrum Disorder Services, between eighteen (18) and sixty (60) years of age has been abused or neglected, the mandated reporter shall, as soon as practicable, but not later than forty-eight (48) hours after having reasonable cause to suspect abuse or neglect, make an oral report to:

Abuse Investigation Division  
 Department of Developmental Services ("DDS")  
 460 Capitol Avenue  
 Hartford, Connecticut 06106  
 Telephone: 1-844-878-8923

An unsuccessful attempt to make an initial report to DDS on the weekend, holiday, or after business hours shall not be construed as a violation of this policy or applicable law if the mandatory reporter makes reasonable attempts to make such report as soon as practicable after the initial attempt. For purposes of this policy, "reasonable attempts" means documented efforts to contact DDS by phone, electronic mail or in person.

The statutorily mandated reporter shall also immediately notify the Superintendent.

Such initial oral report shall be followed by a written report to the Abuse Investigation Division of DDS not later than five calendar days after the initial oral report was made, and a copy of any written report shall be given to the Superintendent.

4. Reporting Procedures for Non-Statutorily Mandated Reporters

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

- a) If an employee who is not a statutorily mandated reporter has reasonable cause to suspect that any person with an intellectual disability, or any individual who receives funding or services from the DSS' Division of Autism Spectrum Disorder Services, between eighteen (18) and sixty (60) years of age has been abused or neglected, the following steps shall be taken.



- (1) The employee shall as soon as practicable, but not later than forty-eight (48) hours after having reasonable cause to suspect abuse or neglect, make an oral report by telephone or in person to the Superintendent of Schools or his/her designee, to be followed by an immediate written report to the Superintendent or his/her designee.
  - (2) If the Superintendent or his/her designee determines that there is reasonable cause to suspect or believe that any person with an intellectual disability, or any individual who receives funding or services from the DSS' Division of Autism Spectrum Disorder Services, between eighteen (18) and sixty (60) years has been abused or neglected, the Superintendent or designee shall cause reports to be made in accordance with the procedures set forth for statutorily mandated reporters, set forth above.
- b) Nothing in this policy shall be construed to preclude an employee from reporting suspected abuse and/or neglect of adults with intellectual disabilities, or any individual who receives funding or services from the DSS' Division of Autism Spectrum Disorder Services, directly to the Abuse Investigation Division of DDS.

#### 5. Contents of Report

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

- a) the name and address of the allegedly abused or neglected person;
- b) a statement from the reporter indicating a belief that the person is intellectually disabled or receives funding or services from the DSS' Division of Autism Spectrum Disorder Services, together with information indicating that the person is unable to protect himself or herself from abuse or neglect;
- c) information concerning the nature and extent of the abuse or neglect; and
- d) any additional information that the reporter believes would be helpful in investigating the report or in protecting the person with an intellectual disability or who receives funding or services from the DSS' Division of Autism Spectrum Disorder Services.

#### 6. Investigation of the Report

If the suspected abuser is a school employee, the Superintendent shall thoroughly investigate the report, and shall, to the extent feasible, endeavor to coordinate any



such investigation with the investigation conducted by the Abuse Investigation Division of DDS.

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

If the investigation by the Superintendent and/or the Abuse Investigation Division of DDS produces evidence that a person with an intellectual disability, or any individual who receives funding or services from the DSS' Division of Autism Spectrum Disorder Services, has been abused by a school employee, the Superintendent and/or the Board, as appropriate, may take disciplinary action, up to and including termination of employment.

7. Delegation of Authority by Superintendent

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

8. Disciplinary Action for Failure to Follow Policy

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

9. Non-discrimination Policy

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

Legal References:

Connecticut General Statutes:  
Section 46a-11a  
Section 46a-11b et seq.

ADOPTED: \_\_\_\_\_

REVISED: \_\_\_\_\_

7/31/18  
Technical Rev. 11/16/2020

**Series 4000  
Personnel**

**ALCOHOL, TOBACCO AND DRUG-FREE WORKPLACE**

**PURPOSE**

The purpose of this policy is to establish a workplace that is free of the effects of alcohol and second-hand smoke, and free from drug abuse. By accomplishing this purpose, the Winchester Board of Education (the "Board") also seeks to promote a safe, healthy working environment for all employees and to reduce absenteeism, tardiness, and other job performance problems that may be caused by alcohol and/or drug abuse. This policy is adopted in accordance with state law and the Drug Free Workplace Act.

**STATEMENT OF POLICY**

Employees shall not be involved with the unlawful manufacture, distribution, possession, or use of an illegal drug, a controlled substance, or alcohol, and shall not be under the influence of such substances while on school property or while conducting Board business on or off school property. Any employee who discovers illegal drugs, a controlled substance, or alcohol on school property shall notify the Superintendent or the Superintendent's designee who shall investigate the matter.

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

Employees shall only use prescription drugs on school property, or during the conduct of Board business, that have been prescribed to them by a licensed medical practitioner, and such drugs shall be used only as prescribed. However, in accordance with Conn. Gen. Stat. § 21a-408a through 408q, the Board specifically prohibits the palliative use of marijuana on school property, at a school-sponsored activity, or during the conduct of Board business, and specifically prohibits employees from being under the influence of intoxicating substances, including marijuana used for palliative purposes, during work hours.

The Board prohibits smoking, including smoking using an electronic nicotine delivery system (e.g., e-cigarettes), electronic cannabis delivery system, or vapor product, and the use of tobacco products in any area of a school building, on school property, including property owned, leased, contracted for, or utilized by the Board, or at any school-sponsored activity.

While Connecticut law allows for the legal use of marijuana under certain circumstances, because marijuana use is still prohibited under federal law, the use of marijuana at work, or outside of work if it impairs an employee's ability to perform their job, constitutes a violation of this policy.

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

## **DEFINITIONS**

“Any area” means the interior of a school building and the outside area within twenty-five feet of any doorway, operable window or air intake vent of a school building.

“Cannabis” means marijuana, as defined in Conn. Gen. Stat. § 21a-240.

“Controlled substance” means a controlled substance in schedules I through V of section 202 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 812), including marijuana.

“Electronic cannabis delivery system” means an electronic device that may be used to simulate smoking in the delivery of cannabis to a person inhaling the device and includes, but is not limited to, a vaporizer, electronic pipe, electronic hookah and any related device and any cartridge or other component of such device.

“Electronic nicotine delivery system” means an electronic device used in the delivery of nicotine to a person inhaling from the device, and includes, but is not limited to, an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe or electronic hookah and any related device and any cartridge or other component of such device, including, but not limited to, electronic cigarette liquid or synthetic nicotine.

“School property” means any land and all temporary and permanent structures comprising the district's school and administrative office buildings and includes, but is not limited to, classrooms, hallways, storage facilities, theatres, gymnasiums, fields, and parking lots.

“School-sponsored activity” means any activity sponsored, recognized, or authorized by a board of education and includes activities conducted on or off school property.

“Smoke” or “smoking” means the burning of a lighted cigar, cigarette, pipe or any other similar device, whether containing, wholly or in part, tobacco, cannabis or hemp.

“Vapor product” means any product that employs a heating element, power source, electronic circuit or other electronic, chemical or mechanical means, regardless of shape or size, to produce a vapor that may or may not include nicotine or cannabis and is inhaled by the user of such product.

## EMPLOYEE ASSISTANCE

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

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

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

### Legal References:

#### Connecticut General Statutes:

Conn. Gen. Stat. § 10-233a(h) (definition of school-sponsored activity)

Conn. Gen. Stat. § 19a-342

Conn. Gen. Stat. § 19a-342a

Conn. Gen. Stat. § 21a-408a through 408q (palliative use of marijuana)

June Special Session, Public Act No. 21-1

#### United States Code:

Pro-Children Act of 2001, 20 U.S.C. § 7973, as amended by the Every Student Succeeds Act, Public Law 114-95, § 4001

Drug Free Workplace Act, 41 U.S.C. § 8101 et seq.

ADOPTED: \_\_\_\_\_

REVISED: \_\_\_\_\_

10/11/21

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**Series 4000  
Personnel**

**ADMINISTRATIVE REGULATIONS REGARDING BLOODBORNE  
PATHOGENS**

The Winchester Board of Education (the "Board") is committed to promoting a safe and healthful work environment for its staff. In pursuit of this goal and in accordance with the United States Department of Labor, Occupational Safety and Health Administration ("OSHA") regulations dealing with "Safe Workplace" standards relating to exposure to bloodborne pathogens, the following will be the procedures of the Board for at risk personnel.

The Board shall establish a written exposure control plan in accordance with the federal standards for dealing with potentially infectious materials in the workplace to protect employees from possible infection due to contact with Bloodborne pathogens. Pursuant to these procedures, the school will take reasonably necessary actions to protect its employees from infectious disease and in particular H.I.V. and H.B.V. infection.

The school will provide the training and protective equipment to those persons who are at risk by virtue of their job performance and may come in contact with infectious disease. Furthermore, all Board personnel defined by OSHA and the school who may come in contact with blood and body fluids will be offered the vaccine for the hepatitis B Virus which is a life threatening bloodborne pathogen. The vaccination will be done at no cost to the personnel and is provided as a precaution for personnel safety.

Legal References:

29 C.F.R. § 1910.1030 OSHA Bloodborne pathogens standards

ADOPTED: \_\_\_\_\_  
REVISED: \_\_\_\_\_

9/3/2013  
Technical Rev. 11/16/2020

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**Series 4000  
Personnel**

**EXPOSURE CONTROL PLAN FOR BLOODBORNE PATHOGENS**

I. Definitions

- A. **Contaminated Sharps:** any contaminated object that can penetrate the skin including, but not limited to, needles, scalpels, broken glass, broken capillary tubes, and exposed ends of dental wires.
- B. **Engineering Controls:** controls (e.g., sharps disposal containers, self-sheathing needles, safer medical devices, such as sharps with engineered sharps injury protections and needless systems) that isolate or remove the bloodborne pathogens hazard from the workplace.
- C. **Work Practice Controls:** controls that reduce the likelihood of exposure by altering the manner in which a task is performed (e.g., prohibiting recapping of needles by a two-handed technique).

II. Exposure Determination

**[Note: The exposure determination plan need only identify classes of employees that, as a product of their job duties, have some level of occupational exposure. This is merely one example of a way to classify such employees]**

- A. Category I: Those personnel who come in direct contact with blood and body fluids for which precautions must be taken.
- B. Category II: Personnel who participate in activities without blood exposure but exposure may occur in an emergency.
- C. Category III: Personnel performing tasks that do not entail predictable or unpredictable exposure to blood.
  - 1. School nurses or nurse practitioners assisting and treating injured students may come in contact with blood and other bodily fluids (Category I).
  - 2. School staff, including physical education teachers, OT, PT, general aides, technical instructors, athletic coaches and principals

may come in contact with blood and other bodily fluids in the performance of their jobs in treating injured students (Category I).

3. Special education teachers and aides in self-contained and behavioral programs, nursing program students, and custodial staff, and other staff who substitute for them, may have to clean up after injured persons where they may come in contact with blood and other bodily fluids (Category I).
4. All staff certified in first aid may have contact with blood in an emergency (Category II).

### III. Methods of Compliance

- A. Avoid direct contact with blood, bodily fluids or other potentially infectious materials - use gloves.
- B. Contaminated needles and other contaminated sharps shall not be bent, recapped or removed. Shearing or breaking of contaminated needles is prohibited.
- C. Contaminated reusable sharps shall be placed in containers that are puncture resistant, leakproof, color-coded or labeled in accordance with Section X of this plan and shall not require employees to reach by hand into the container.
- D. Protective gloves will be worn if you have any open wounds on your hands. If there is any doubt in your mind regarding some contact with blood or bodily fluids - use gloves.
- E. Wash hands immediately or as soon as feasible after removal of gloves or other personal protective equipment.
- F. If you become contaminated, wash that area immediately with a strong antiseptic soap or solution.
- G. If clothing becomes contaminated with blood or body fluids, it should be placed in a bag labeled in accordance with Section X of this plan and placed in a contaminated clothing container for proper cleaning and/or discarding.
- H. Any areas of the school that may become contaminated will be washed with a strong solution of bleach and water or other appropriate disinfectant; rubber gloves, sanitary suit, face and eye protection, and long handled scrub utensils should be used.



- I. All locker rooms, restrooms, and nurses' offices will be cleaned daily using disinfectant. Custodial staff members are required to wear rubber gloves and use long-handled scrubbing utensils during these cleaning procedures at these locations.
- J. When a spill occurs, the building administrator or his/her designee will limit access to areas of potential exposure and notify the staff and students. The janitorial staff will be notified to immediately clean the area.
- K. All procedures involving blood or other potentially infectious materials shall be performed in such a manner as to minimize splashing, spraying, spattering and generation of droplets of these substances.
- L. Mouth pipetting/suctioning of blood or other potentially infectious materials is prohibited.
- M. Specimens of blood or other potentially infectious materials shall be placed in a container labeled in accordance with Section X of this plan, which prevents leakage during collection, handling, processing, storage, transport, or shipping.

#### IV. Preventative Measures

The Superintendent or his/her designee shall use engineering and work practice controls to eliminate or minimize employee exposure, and shall regularly examine and update controls to ensure their effectiveness.

#### V. Hepatitis B Vaccination

- A. The hepatitis B vaccination series shall be made available at no cost to all Category I employees. The hepatitis B vaccination shall be made available after an employee with occupational exposure has received the required training and within 10 working days of initial assignment, unless the employee has previously received the complete hepatitis B vaccination series, or antibody testing has revealed that the employee is immune, or vaccination is contraindicated by medical reasons.
- B. Employees who decline to accept the vaccination shall sign the hepatitis B vaccination declination statement.

#### VI. Training for Exposure Control

- A. Each year, all at risk personnel will be supplied with written materials relating to precautions, risks, and actions to take if contaminated by blood or other body fluids containing the following:

- (1) An accessible copy of the regulatory text of the OSHA standards regarding bloodborne pathogens and an explanation of its contents;
- (2) A general explanation of the epidemiology and symptoms of bloodborne diseases;
- (3) An explanation of the modes of transmission of bloodborne pathogens;
- (4) An explanation of the employer's exposure control plan and the means by which the employee can obtain a copy of the written plan;
- (5) An explanation of the appropriate methods for recognizing tasks and other activities that may involve exposure to blood and other potentially infectious materials;
- (6) An explanation of the use and limitations of methods that will prevent or reduce exposure including appropriate engineering controls, work practices, and personal protective equipment;
- (7) Information on the types, proper use, location, removal, handling, decontamination and disposal of personal protective equipment;
- (8) An explanation of the basis for selection of personal protective equipment;
- (9) Information on the hepatitis B vaccine, including information on its efficacy, safety, method of administration, the benefits of being vaccinated, and that the vaccine and vaccination will be offered free of charge;
- (10) Information on the appropriate actions to take and persons to contact in an emergency involving blood or other potentially infectious materials;
- (11) An explanation of the procedure to follow if an exposure incident occurs, including the method of reporting the incident and the medical follow-up that will be made available;
- (12) Information on the post-exposure evaluation and follow-up that the employer is required to provide for the employee following an exposure incident;
- (13) An explanation of the signs and labels and/or color coding; and
- (14) An opportunity for interactive questions and answers with the person conducting the training session.

## VII. Reporting Incidents

- A. All exposure incidents shall be reported as soon as possible to **the building administrator**.
- B. All at risk personnel who come in contact with blood and body fluids in the performance of their duties will take steps to safeguard their health.

## VIII. Post-Exposure Evaluation and Follow-up

Following a report of an exposure incident, the Superintendent or his/her designee shall immediately make available to the exposed employee, at no cost, a confidential medical evaluation, post-exposure evaluation and follow-up. He or she shall at a minimum:

- A. Document the route(s) of exposure and the circumstances under which the exposure incident occurred;
- B. Identify and document the source individual, unless that identification is infeasible or prohibited by law;
- C. Provide for the collection and testing of the employee's blood for HBV and HIV serological status;
- D. Provide for post-exposure prophylaxis, when medically indicated as recommended by the U.S. Public Health service;
- E. Provide counseling and evaluation of reported illnesses;
- F. The Superintendent or designee shall provide the health care professional with a copy of the OSHA regulation; a description of the employee's duties as they relate to the exposure incident; documentation of the route(s) of exposure and circumstances under which exposure occurred; results of the source individual's blood testing, if available; and all medical records maintained by the school relevant to the appropriate treatment of the employee, including vaccination status; and
- G. The school shall maintain the confidentiality of the affected employee and the exposure source during all phases of the post-exposure evaluation.

#### IX. Records

- A. Upon an employee's initial employment and at least annually thereafter, the Superintendent or his/her designee shall inform employees with occupational exposure of the existence, location and availability of related records; the person responsible for maintaining and providing access to records; and the employee's right of access to these records.
- B. Medical records for each employee with occupational exposure shall be kept confidential and not disclosed or reported without the employee's written consent to any person within or outside the workplace except as required by law.
- C. Upon request by an employee, or a designated representative with the employee's written consent, the Superintendent or designee shall provide

access to a record in a reasonable time, place and manner, no later than 15 days after the request is made.

D. Records shall be maintained as follows:

1. Medical records shall be maintained for the duration of employment plus 30 years.
2. Training records shall be maintained for three years from the date of training.
3. The sharps injury log shall be maintained five years from the date the exposure incident occurred.
4. Exposure records shall be maintained for 30 years.
5. Each analysis using medical or exposure records shall be maintained for at least 30 years.

X. Labels

- A. Warning labels shall be affixed to containers used to store, transport or ship blood or other potentially infectious material.
- B. Labels shall include the following:



**BIOHAZARD**

- C. The labels shall be fluorescent orange or orange-red or predominantly so, with lettering and symbols in a contrasting color.
- D. Labels shall be affixed as close as feasible to the container by string, wire, adhesive, or other method that prevents their loss or unintentional removal.
- E. Labels required for contaminated equipment shall be in accordance with this paragraph and shall also state which portions of the equipment remain contaminated.

Legal References:

29 C.F.R. § 1910.1030 OSHA Bloodborne pathogens standards

8/4/16

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Personnel**

**HEPATITIS B VACCINATION DECLINATION STATEMENT (MANDATORY)**

I understand that due to my occupational exposure to blood or other potentially infectious materials I may be at risk of acquiring the hepatitis B virus (HBV) infection. I have been given the opportunity to be vaccinated with hepatitis B vaccine, at no charge to myself. However, I decline hepatitis B vaccination at this time. I understand that by declining this vaccine, I continue to be at risk of acquiring hepatitis B, a serious disease. If in the future I continue to have occupational exposure to blood or other potentially infectious materials and I want to be vaccinated with hepatitis B vaccine, I can receive the vaccination series at no charge to me.

EMPLOYEE SIGNATURE

By: \_\_\_\_\_

Date: \_\_\_\_\_

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**Series 4000  
Personnel**

**REPORTS OF SUSPECTED ABUSE OR NEGLECT OF CHILDREN OR  
REPORTS OF SEXUAL ASSAULT OF STUDENTS BY SCHOOL EMPLOYEES**

Conn. Gen. Stat. Section 17a-101 et seq. requires school employees who have reasonable cause to suspect or believe (1) that any child under eighteen has been abused or neglected, has had a nonaccidental physical injury, or injury which is at variance with the history given of such injury, or has been placed at imminent risk of serious harm, or (2) that any person who is being educated by the Technical Education and Career System or a local or regional board of education, other than as part of an adult education program, is a victim of sexual assault, and the perpetrator is a school employee, to report such suspicions to the appropriate authority. In furtherance of this statute and its purpose, it is the policy of the Winchester Board of Education ("Board") to require ALL EMPLOYEES of the Board of Education to report suspected abuse and/or neglect, nonaccidental physical injury, imminent risk of serious harm, or sexual assault of a student by a school employee, in accordance with the procedures set forth below.

1. Scope of Policy

This policy applies not only to school employees who are required by law to report suspected child abuse and/or neglect, nonaccidental physical injury, imminent risk of serious harm, or sexual assault of a student by a school employee, but to ALL EMPLOYEES of the Board of Education.

2. Definitions

For the purposes of this policy:

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

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

"School employee" means (a) a teacher, substitute teacher, school administrator, school superintendent, guidance counselor, school counselor, psychologist, social worker, nurse, physician, school paraprofessional or coach employed by the Board or who is working in a Board elementary, middle or high school; or (b) any other person who, in the performance of that person's duties, has regular contact

with students and who provides services to or on behalf of students enrolled in the Winchester Public Schools ("District"), pursuant to a contract with the Board.

"Sexual assault" means, for the purposes of the mandatory reporting laws and this policy, a violation of Sections 53a-70, 53a-70a, 53a-71, 53a-72a, 53a-72b or 53a-73a of the Connecticut General Statutes. Please see Appendix A of this policy for the relevant statutory definitions of sexual assault laws and related terms covered by the mandatory reporting laws and this policy.

"Statutorily mandated reporter" means an individual required by Conn. Gen. Stat. Section 17a-101 et seq. to report suspected abuse and/or neglect of children or the sexual assault of a student by a school employee. The term "statutorily mandated reporter" includes all school employees, as defined above, any person who is a licensed behavior analyst, and any person who holds or is issued a coaching permit by the State Board of Education, is a coach of intramural or interscholastic athletics, and is eighteen years of age or older.

### 3. What Must Be Reported

- a) A report must be made when any employee of the Board of Education in the ordinary course of such person's employment or profession has reasonable cause to suspect or believe that any child under the age of eighteen years:
  - i) has been abused or neglected;
  - ii) has had nonaccidental physical injury, or injury which is at variance with the history given for such injury, inflicted upon the child;
  - iii) is placed at imminent risk of serious harm; or
  
- b) A report must be made when any employee of the Board of Education in the ordinary course of such person's employment or profession has reasonable cause to suspect or believe that any person, regardless of age, who is being educated by the Technical Education and Career System or a local or regional board of education, other than as part of an adult education program, is a victim of the following sexual assault crimes, and the perpetrator is a school employee:
  - i) sexual assault in the first degree;
  - ii) aggravated sexual assault in the first degree;
  - iii) sexual assault in the second degree;
  - iv) sexual assault in the third degree;



- v) sexual assault in the third degree with a firearm; or
- vi) sexual assault in the fourth degree.

Please see Appendix A of this policy for the relevant statutory definitions of sexual assault laws and related terms covered by the mandatory reporting laws and this policy.

- c) The suspicion or belief of a Board employee may be based on factors including, but not limited to, observations, allegations, facts or statements by a child or victim, as described above, or a third party. Such suspicion or belief does not require certainty or probable cause.

#### 4. Reporting Procedures for Statutorily Mandated Reporters

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

- a) When an employee of the Board of Education who is a statutorily mandated reporter and who, in the ordinary course of the person's employment, has reasonable cause to suspect or believe that a child has been abused or neglected or placed at imminent risk of serious harm, or a student is a victim of sexual assault by a school employee, as described in Paragraph 3, above, the following steps shall be taken.
  - (1) The employee shall make an oral or electronic report as soon as practicable, but not later than twelve (12) hours after having reasonable cause to suspect or believe that a child has been abused or neglected or placed at imminent risk of serious harm, or a student is a victim of sexual assault by a school employee.
    - (a) An oral report shall be made by telephone or in person to the Commissioner of the Department of Children and Families ("DCF") or the local law enforcement agency. DCF has established a 24 hour Child Abuse and Neglect Careline at 1-800-842-2288 for the purpose of making such oral reports.
    - (b) An electronic report shall be made in the manner prescribed by the Commissioner of DCF. An employee making an electronic report shall respond to further inquiries from the Commissioner of DCF or Commissioner's designee made within twenty-four (24) hours. Such employee shall inform the Superintendent or Superintendent's designee as soon as possible as to the nature of the further communication with the Commissioner or Commissioner's designee.
  - (2) The employee shall also make an oral report as soon as practicable to the Building Principal or Building Principal's designee, and/or



the Superintendent or Superintendent's designee. If the Building Principal is the alleged perpetrator of the abuse/neglect or sexual assault of a student, then the employee shall notify the Superintendent or Superintendent's designee directly.

- (3) In cases involving suspected or believed abuse, neglect, or sexual assault of a student by a school employee, the Superintendent or Superintendent's designee shall immediately notify the child's parent or guardian that such a report has been made.
- (4) Not later than forty-eight (48) hours after making an oral report, the employee shall submit a written or electronic report to the Commissioner of DCF or the Commissioner's designee containing all of the required information. The written or electronic report should be submitted in the manner prescribed by the Commissioner of DCF. When such report is submitted electronically, the employee shall respond to further inquiries from the Commissioner of DCF or Commissioner's designee made within twenty-four (24) hours. Such employee shall inform the Superintendent or Superintendent's designee as soon as possible as to the nature of the further communication with the Commissioner or Commissioner's designee.
- (5) The employee shall immediately submit a copy of the written or electronic report to the Building Principal or Building Principal's designee and to the Superintendent or the Superintendent's designee.
- (6) If the report concerns suspected abuse, neglect, or sexual assault of a student by a school employee holding a certificate, authorization or permit issued by the State Department of Education, the Commissioner of DCF (or Commissioner of DCF's designee) shall submit a copy of the written or electronic report to the Commissioner of Education (or Commissioner of Education's designee).

##### 5. Reporting Procedures for Employees Other Than Statutorily Mandated Reporters

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

- a) When an employee who is not a statutorily mandated reporter and who, in the ordinary course of the person's employment or profession, has reasonable cause to suspect or believe that a child has been abused or neglected or placed at imminent risk of serious harm, or a student is a victim of sexual assault by a school employee, as described in Paragraph 3, above, the following steps shall be taken.

- (1) The employee shall make an oral report as soon as practicable, but not later than twelve (12) hours after the employee has reasonable cause to suspect or believe that a child has been abused or neglected or placed at imminent risk of serious harm or a student is a victim of sexual assault by a school employee. Such oral report shall be made by telephone or in person to the Superintendent of Schools or Superintendent's designee, to be followed by an immediate written report to the Superintendent or Superintendent's designee.
  - (2) If the Superintendent or Superintendent's designee determines that there is reasonable cause to suspect or believe that a child has been abused or neglected or placed at imminent risk of serious harm or a student is a victim of sexual assault by a school employee, the Superintendent or designee shall cause reports to be made in accordance with the procedures set forth for statutorily mandated reporters.
- b) Nothing in this policy shall be construed to preclude an employee reporting suspected child abuse, neglect or sexual assault by a school employee from reporting the same directly to the Commissioner of DCF.

#### 6. Contents of Reports

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

- a) The names and addresses of the child\* and the child's parents or other person responsible for the child's care;
- b) the age of the child;
- c) the gender of the child;
- d) the nature and extent of the child's injury or injuries, maltreatment or neglect;
- e) the approximate date and time the injury or injuries, maltreatment or neglect occurred;
- f) information concerning any previous injury or injuries to, or maltreatment or neglect of the child or the child's siblings;
- g) the circumstances in which the injury or injuries, maltreatment or neglect came to be known to the reporter;
- h) the name of the person or persons suspected to be responsible for causing such injury or injuries, maltreatment or neglect;

- i) the reasons such person or persons are suspected of causing such injury or injuries, maltreatment or neglect;
- j) any information concerning any prior cases in which such person or persons have been suspected of causing an injury, maltreatment or neglect of a child; and
- k) whatever action, if any, was taken to treat, provide shelter or otherwise assist the child.

\*For purposes of this Paragraph, the term "child" includes any victim of sexual assault by a school employee, as described in Paragraph 3, above.

#### 7. Investigation of the Report

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

- e) When the school district is conducting an investigation involving suspected abuse or neglect or sexual assault of a student by an employee of the Board or other individual under the control of the Board, the Superintendent's investigation shall include an opportunity for the individual suspected of abuse, neglect or sexual assault to be heard with respect to the allegations contained within the report. During the course of such investigation, the Superintendent may suspend a Board employee with pay or may place the employee on administrative leave with pay, pending the outcome of the investigation. If the individual is one who provides services to or on behalf of students enrolled in the District, pursuant to a contract with the Board of Education, the Superintendent may suspend the provision of such services, and direct the individual to refrain from any contact with students enrolled in the District, pending the outcome of the investigation.
8. Evidence of Abuse, Neglect or Sexual Assault by a School Employee
- a) If, upon completion of the investigation by the Commissioner of DCF ("Commissioner"), the Superintendent has received a report from the Commissioner that the Commissioner has reasonable cause to believe that (1) a child has been abused or neglected by a school employee, as defined above, and the Commissioner has recommended that such employee be placed on the DCF Child Abuse and Neglect Registry, or (2) a student is a victim of sexual assault by a school employee, the Superintendent shall request (and the law provides) that DCF notify the Superintendent not later than five (5) working days after such finding, and provide the Superintendent with records, whether or not created by DCF, concerning such investigation. The Superintendent shall suspend such school employee. Such suspension shall be with pay and shall not result in the diminution or termination of benefits to such employee.
- b) Not later than seventy-two (72) hours after such suspension, the Superintendent shall notify the Board of Education and the Commissioner of Education, or the Commissioner of Education's representative, of the reasons for and the conditions of the suspension. The Superintendent shall disclose such records to the Commissioner of Education and the Board of Education or its attorney for purposes of review of employment status or the status of such employee's certificate, permit or authorization, if any.
- c) The suspension of a school employee employed in a position requiring a certificate shall remain in effect until the Superintendent and/or Board of Education acts pursuant to the provisions of Conn. Gen. Stat. §10—151.. If the contract of employment of such certified school employee is terminated, or such certified school employee resigns such employment, the Superintendent shall notify the Commissioner of Education, or the Commissioner of Education's representative, within seventy-two (72) hours after such termination or resignation.

- d) The suspension of a school employee employed in a position requiring an authorization or permit shall remain in effect until the Superintendent and/or Board of Education acts pursuant to any applicable termination provisions. If the contract of employment of a school employee holding an authorization or permit from the State Department of Education is terminated, or such school employee resigns such employment, the Superintendent shall notify the Commissioner of Education, or the Commissioner of Education's representative, within seventy-two (72) hours after such termination or resignation.
  - e) Regardless of the outcome of any investigation by the Commissioner of DCF and/or the police, the Superintendent and/or the Board, as appropriate, may take disciplinary action, up to and including termination of employment, in accordance with the provisions of any applicable statute, if the Superintendent's investigation produces evidence that a child has been abused or neglected by a school employee or that a student has been a victim of sexual assault by a school employee.
  - f) The District shall not employ a person whose employment contract is terminated or who resigned from employment following a suspension pursuant to Paragraph 8(a) of this policy and Conn. Gen. Stat. § 17a-101i, if such person is convicted of a crime involving an act of child abuse or neglect or an act of sexual assault of a student, as described in Paragraph 2 of this policy.
9. Evidence of Abuse, Neglect or Sexual Assault by an Independent Contractor of the Board of Education

If the investigation by the Superintendent and/or the Commissioner of DCF produces evidence that a child has been abused or neglected, or a student has been sexually assaulted, by any individual who provides services to or on behalf of students enrolled in the District, pursuant to a contract with the Board, the Superintendent shall permanently suspend the provision of such services, and direct the individual to refrain from any contact with students enrolled in the District.

10. Delegation of Authority by Superintendent

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

11. Confidential Rapid Response Team

The Superintendent shall establish a confidential rapid response team to coordinate with DCF to (1) ensure prompt reporting of suspected abuse or neglect or sexual assault of a student by a school employee, as described in Paragraph 2, above, and (2) provide immediate access to information and individuals relevant



to the department's investigation. The confidential rapid response team shall consist of a teacher and the Superintendent, a local police officer and any other person the Board of Education, acting through its Superintendent, deems appropriate.

12. Disciplinary Action for Failure to Follow Policy

Except as provided in Section 14 below, any employee who fails to comply with the requirements of this policy shall be subject to discipline, up to and including termination of employment.

13. The District shall not hire any person whose employment contract was previously terminated by a board of education or who resigned from such employment, if such person has been convicted of a violation of Section 17a-101a of the Connecticut General Statutes, as amended, relating to mandatory reporting, when an allegation of abuse or neglect or sexual assault has been substantiated.

14. Non-Discrimination Policy/Prohibition Against Retaliation

The Board of Education expressly prohibits retaliation against individuals reporting child abuse or neglect or the sexual assault of a student by a school employee and shall not discharge or in any manner discriminate or retaliate against any employee who, in good faith, makes a report pursuant to this policy, or testifies or is about to testify in any proceeding involving abuse or neglect or sexual assault by a school employee. The Board of Education also prohibits any employee from hindering or preventing or attempting to hinder or prevent any employee from making a report pursuant to this policy or state law concerning suspected child abuse or neglect or the sexual assault of a student by a school employee or testifying in any proceeding involving child abuse or neglect or the sexual assault of a student by a school employee.

15. Distribution of Policy, Guidelines and Posting of Careline Information

This policy shall annually be distributed electronically to all school employees employed by the Board. The Board shall document that all such school employees have received this written policy and completed the training and refresher training programs required by in Section 16, below. Guidelines regarding identifying and reporting child sexual abuse developed by the Governor's task force on justice for abused children shall annually be distributed electronically to all school employees, Board members, and the parents or guardians of students enrolled in the schools under the jurisdiction of the Board. The Board shall post the Internet web site address and telephone number for the DCF Child Abuse and Neglect Careline in a conspicuous location frequented by students in each school under the jurisdiction of the Board.

16. Training

- a) All new school employees, as defined above, shall be required to complete an educational training program for the accurate and prompt identification and reporting of child abuse and neglect. Such training program shall be developed and approved by the Commissioner of DCF.
- b) All school employees, as defined above, shall take a refresher training course developed and approved by the Commissioner of DCF at least once every three years.
- c) The principal for each school shall annually certify to the Superintendent that each school employee, as defined above, working at such school, is in compliance with the training provisions in this policy and as required by state law. The Superintendent shall certify such compliance to the State Board of Education.
- d) Beginning July 1, 2023, all school employees, as defined above, shall complete the (1) training regarding the prevention and identification of, and response to, child sexual abuse and assault; (2) bystander training program; and (3) appropriate interaction with children training program. Each employee must repeat these trainings at least once every three years. Such trainings shall be identified or developed by DCF.

17. Records

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



18. Child Sexual Abuse and/or Sexual Assault Response Policy and Reporting Procedure

The Board has adopted a uniform child sexual abuse and/or sexual assault response policy and reporting procedure in connection with the implementation of the sexual assault and abuse prevention and awareness program identified or developed by DCF, as outlined in Board Policy [#], **Child Sexual Abuse and/or Sexual Assault Response Policy and Reporting Procedure**. Upon receipt of any report of child sexual abuse and/or sexual assault from any source, a school employee shall report such suspicion to the Safe School Climate Coordinator in addition to complying with the school employee's obligations under this Policy and the law regarding mandatory reporting of abuse, neglect and sexual assault.

Beginning July 1, 2023, and annually thereafter, information regarding the sexual abuse and assault awareness and prevention program identified or developed by DCF shall be distributed electronically to all school employees, Board members, and the parents or guardians of enrolled students.

Legal References:

Connecticut General Statutes:

Section 10-151	Employment of teachers. Definitions. Tenure. Notice and hearing on failure to renew or termination of contract. Appeal.
Section 10-221s	Posting of Careline telephone number in schools. Investigations of child abuse and neglect. Disciplinary action.
Section 17a-101 <u>et seq.</u>	Protection of children from abuse. Mandated reporters. Educational and training programs. Model mandated reporting policy.
Section 17a-101q	Statewide Sexual Abuse and Assault Awareness and Prevention Program.
Section 17a-103	Reports by others. False reports. Notifications to law enforcement agency.
Section 46b-120	Definitions.
Section 53a-65	Definitions.

Public Act No. 22-87, "An Act Concerning the Identification and Prevention of and Response to Adult Sexual Misconduct Against Children."

Public Act 23-47, "An Act Concerning Various Revisions to the Criminal Law and Criminal Justice Statutes."

ADOPTED: \_\_\_\_\_

REVISED: \_\_\_\_\_

9/12/22

## Appendix A

### RELEVANT EXCERPTS OF STATUTORY DEFINITIONS OF SEXUAL ASSAULT AND RELATED TERMS COVERED BY MANDATORY REPORTING LAWS AND THIS POLICY

An employee of the Board of Education must make a report in accordance with this policy when the employee of the Board of Education in the ordinary course of such person's employment or profession has reasonable cause to suspect or believe that any person, regardless of age, who is being educated by the Technical Education and Career System or a local or regional board of education, other than as part of an adult education program, is a victim of the following sexual assault crimes, and the perpetrator is a school employee. The following are relevant excerpts of the sexual assault laws and related terms covered by mandatory reporting laws and this policy.

#### **Intimate Parts (Conn. Gen. Stat. § 53a-65)**

“Intimate parts” means the genital area or any substance emitted therefrom, groin, anus or any substance emitted therefrom, inner thighs, buttocks or breasts.

#### **Sexual Intercourse (Conn. Gen. Stat. § 53a-65)**

“Sexual intercourse” means vaginal intercourse, anal intercourse, fellatio or cunnilingus between persons regardless of sex. Penetration, however slight, is sufficient to complete vaginal intercourse, anal intercourse or fellatio and does not require emission of semen. Penetration may be committed by an object manipulated by the actor into the genital or anal opening of the victim's body.

#### **Sexual Contact (Conn. Gen. Stat. § 53a-65)**

“Sexual contact” means (A) any contact with the intimate parts of a person for the purpose of sexual gratification of the actor or for the purpose of degrading or humiliating such person or any contact of the intimate parts of the actor with a person for the purpose of sexual gratification of the actor or for the purpose of degrading or humiliating such person, or (B) for the purposes of subdivision (4) of subsection (a) of section 53a-73a, ... any contact with the intimate parts of a dead human body, or any contact of the intimate parts of the actor with a dead human body, for the purpose of sexual gratification of the actor.

#### **Sexual Assault in the First Degree (Conn. Gen. Stat. § 53a-70)**

A person is guilty of sexual assault in the first degree when such person (1) compels another person to engage in sexual intercourse by the use of force against such other person or a third person, or by the threat of use of force against such other person or against a third person which reasonably causes such person to fear physical injury to such person or a third person, or (2) engages in sexual intercourse with another person and such other person is under thirteen years of age and the actor is more than two years older than such person, or (3) commits sexual assault in the second degree as provided in

section 53a-71 and in the commission of such offense is aided by two or more other persons actually present, or (4) engages in sexual intercourse with another person and such other person is mentally incapacitated to the extent that such other person is unable to consent to such sexual intercourse.

#### **Aggravated Sexual Assault in the First Degree (Conn. Gen. Stat. § 53a-70a)**

A person is guilty of aggravated sexual assault in the first degree when such person commits sexual assault in the first degree as provided in section 53a-70 and in the commission of such offense (1) such person uses or is armed with and threatens the use of or displays or represents by such person's words or conduct that such person possesses a deadly weapon, (2) with intent to disfigure the victim seriously and permanently, or to destroy, amputate or disable permanently a member or organ of the victim's body, such person causes such injury to such victim, (3) under circumstances evincing an extreme indifference to human life such person recklessly engages in conduct which creates a risk of death to the victim, and thereby causes serious physical injury to such victim, or (4) such person is aided by two or more other persons actually present. No person shall be convicted of sexual assault in the first degree and aggravated sexual assault in the first degree upon the same transaction but such person may be charged and prosecuted for both such offenses upon the same information.

#### **Sexual Assault in the Second Degree (Conn. Gen. Stat. § 53a-71)**

A person is guilty of sexual assault in the second degree when such person engages in sexual intercourse with another person and: (1) Such other person is thirteen years of age or older but under sixteen years of age and the actor is more than three years older than such other person; or (2) such other person is impaired because of mental disability or disease to the extent that such other person is unable to consent to such sexual intercourse; or (3) such other person is physically helpless; or (4) such other person is less than eighteen years old and the actor is such person's guardian or otherwise responsible for the general supervision of such person's welfare; or (5) such other person is in custody of law or detained in a hospital or other institution and the actor has supervisory or disciplinary authority over such other person; or (6) the actor is a psychotherapist and such other person is (A) a patient of the actor and the sexual intercourse occurs during the psychotherapy session, (B) a patient or former patient of the actor and such patient or former patient is emotionally dependent upon the actor, or (C) a patient or former patient of the actor and the sexual intercourse occurs by means of therapeutic deception; or (7) the actor accomplishes the sexual intercourse by means of false representation that the sexual intercourse is for a bona fide medical purpose by a health care professional; or (8) the actor is a school employee and such other person is a student enrolled in a school in which the actor works or a school under the jurisdiction of the local or regional board of education which employs the actor; or (9) the actor is a coach in an athletic activity or a person who provides intensive, ongoing instruction and such other person is a recipient of coaching or instruction from the actor and (A) is a secondary school student and receives such coaching or instruction in a secondary school setting, or (B) is under eighteen years of age; or (10) the actor is twenty years of age or older and stands in a position of power, authority or supervision over such other person by virtue of the actor's professional, legal, occupational or volunteer status and such other

person's participation in a program or activity, and such other person is under eighteen years of age; or (11) such other person is placed or receiving services under the direction of the Commissioner of Developmental Services in any public or private facility or program and the actor has supervisory or disciplinary authority over such other person.

**Sexual Assault in the Third Degree (Conn. Gen. Stat. § 53a-72a)**

A person is guilty of sexual assault in the third degree when such person (1) compels another person to submit to sexual contact (A) by the use of force against such other person or a third person, or (B) by the threat of use of force against such other person or against a third person, which reasonably causes such other person to fear physical injury to himself or herself or a third person, or (2) subjects another person to sexual contact and such other person is mentally incapacitated or impaired because of mental disability or disease to the extent that such other person is unable to consent to such sexual contact, or (3) engages in sexual intercourse with another person whom the actor knows to be related to him or her within any of the degrees of kindred specified in section 46b-21.

**Sexual Assault in the Third Degree with a Firearm (Conn. Gen. Stat. § 53a-72b)**

A person is guilty of sexual assault in the third degree with a firearm when such person commits sexual assault in the third degree as provided in section 53a-72a, and in the commission of such offense, such person uses or is armed with and threatens the use of or displays or represents by such person's words or conduct that such person possesses a pistol, revolver, machine gun, rifle, shotgun or other firearm. No person shall be convicted of sexual assault in the third degree and sexual assault in the third degree with a firearm upon the same transaction but such person may be charged and prosecuted for both such offenses upon the same information.

**Sexual Assault in the Fourth Degree (Conn. Gen. Stat. § 53a-73a)**

A person is guilty of sexual assault in the fourth degree when: (1) Such person subjects another person to sexual contact who is (A) under thirteen years of age and the actor is more than two years older than such other person, or (B) thirteen years of age or older but under fifteen years of age and the actor is more than three years older than such other person, or (C) physically helpless, or (D) less than eighteen years old and the actor is such other person's guardian or otherwise responsible for the general supervision of such other person's welfare, or (E) in custody of law or detained in a hospital or other institution and the actor has supervisory or disciplinary authority over such other person; or (2) such person subjects another person to sexual contact without such other person's consent; or (3) such person engages in sexual contact with an animal; or (4) such person engages in sexual contact with a dead human body; or (5) such person is a psychotherapist and subjects another person to sexual contact who is (A) a patient of the actor and the sexual contact occurs during the psychotherapy session, or (B) a patient or former patient of the actor and such patient or former patient is emotionally dependent upon the actor, or (C) a patient or former patient of the actor and the sexual contact occurs by means of therapeutic deception; or (6) such person subjects another person to sexual contact and accomplishes the sexual contact by means of false representation that the sexual contact is for a bona fide medical purpose by a health care professional; or (7) such person is a school employee and subjects another person to sexual contact who is a

student enrolled in a school in which the actor works or a school under the jurisdiction of the local or regional board of education which employs the actor; or (8) such person is a coach in an athletic activity or a person who provides intensive, ongoing instruction and subjects another person to sexual contact who is a recipient of coaching or instruction from the actor and (A) is a secondary school student and receives such coaching or instruction in a secondary school setting, or (B) is under eighteen years of age; or (9) such person subjects another person to sexual contact and (A) the actor is twenty years of age or older and stands in a position of power, authority or supervision over such other person by virtue of the actor's professional, legal, occupational or volunteer status and such other person's participation in a program or activity, and (B) such other person is under eighteen years of age; or (10) such person subjects another person to sexual contact who is placed or receiving services under the direction of the Commissioner of Developmental Services in any public or private facility or program and the actor has supervisory or disciplinary authority over such other person.



## APPENDIX B

### Operational Definitions of Child Abuse and Neglect

The purpose of this policy is to provide consistency for staff in defining and identifying operational definitions, evidence of abuse and/or neglect and examples of adverse impact indicators.

The following operational definitions are working definitions and examples of child abuse and neglect as used by the Connecticut DCF.

For the purposes of these operational definitions,

- A person responsible for a child's health, welfare or care means:
  - the child's parent, guardian, or foster parent; an employee of a public or private residential home, agency or institution or other person legally responsible under State law for the child's welfare in a residential setting; or any staff person providing out-of-home care, including center-based child day care, family day care, or group day care.
- A person given access to a child is a person who is permitted to have personal interaction with a child by the person responsible for the child's health, welfare or care or by a person entrusted with the care of a child.
- A person entrusted with the care of a child is a person who is given access to a child by a person responsible for the health, welfare or care of a child for the purpose of providing education, child care, counseling, spiritual guidance, coaching, training, instruction, tutoring or mentoring.
- **Note:** Only a "child" as defined in the policy above may be classified as a victim of child abuse and/or neglect; only a "person responsible," "person given access," or "person entrusted" as defined above may be classified as a perpetrator of child abuse and/or neglect.
  - While only a child under eighteen may be a victim of child abuse or neglect, a report under mandatory reporting laws and this policy is required if an employee of the Board of Education in the ordinary course of such person's employment or profession has reasonable cause to suspect or believe that any person, regardless of age, who is being educated by the Technical Education and Career System or a local or regional board of education, other than as part of an adult education program, is a victim of sexual assault, as set forth in this policy, and the perpetrator is a school employee.

### Physical Abuse

**A child may be found to have been physically abused who:**



has been inflicted with physical injury or injuries other than by accidental means,  
is in a condition which is the result of maltreatment such as, but not limited to,  
malnutrition, sexual molestation, deprivation of necessities, emotional maltreatment  
or cruel punishment, and/or

has injuries at variance with the history given of them.

**Evidence of physical abuse includes, but is not limited to the following:**

excessive physical punishment;

bruises, scratches, lacerations;

burns, and/or scalds;

reddening or blistering of the tissue through application of heat by fire, chemical  
substances, cigarettes, matches, electricity, scalding water, friction, etc.;

injuries to bone, muscle, cartilage, ligaments:  
fractures, dislocations, sprains, strains, displacements, hematomas, etc.;

head injuries;

internal injuries;

death;

misuse of medical treatments or therapies;

malnutrition related to acts of commission or omission by an established caregiver  
resulting in a child's malnourished state that can be supported by professional  
medical opinion;

deprivation of necessities acts of commission or omission by an established caregiver  
resulting in physical harm to child; and/or

cruel punishment.

## **Sexual Abuse/Exploitation Sexual Abuse/Exploitation**

**Sexual Abuse/Exploitation** is any incident involving a child's non-accidental exposure to sexual behavior.

**Evidence of sexual abuse includes, but is not limited to the following:**

rape;

penetration: digital, penile, or foreign objects;

oral / genital contact;

indecent exposure for the purpose of sexual gratification of the offender, or for purposes of shaming, humiliating, shocking or exerting control over the victim;

incest;

fondling, including kissing, for the purpose of sexual gratification of the offender, or for purposes of shaming, humiliating, shocking or exerting control over the victim;

sexual exploitation, including possession, manufacture, or distribution of child pornography, online enticement of a child for sexual acts, child prostitution, child-sex tourism, unsolicited obscene material sent to a child, or misleading domain name likely to attract a child to an inappropriate website;

coercing or forcing a child to participate in, or be negligently exposed to, pornography and/or sexual behavior;

disease or condition that arises from sexual transmission; and/or

other verbal, written or physical behavior not overtly sexual but likely designed to “groom” a child for future sexual abuse.

Legal References: Federal Law 18 U.S.C. 2251 Sexual Exploitation of Children.

## **Emotional Maltreatment-Abuse**

**Emotional Maltreatment-Abuse** is an:

act(s), statement(s), or threat(s), which

has had, or is likely to have an adverse impact on the child; and/or

interferes with a child’s positive emotional development.

**Evidence of emotional maltreatment-abuse includes, but is not limited to, the following:**

rejecting;

degrading;

isolating and/or victimizing a child by means of cruel, unusual, or excessive methods of discipline; and/or

exposing the child to brutal or intimidating acts or statements.

**Indicators of Adverse Impact of emotional maltreatment-abuse may include, but are not limited to, the following:**

depression;

withdrawal;

low self-esteem;

anxiety;

fear;

aggression/ passivity;

emotional instability;

sleep disturbances;

somatic complaints with no medical basis;

inappropriate behavior for age or development;

suicidal ideations or attempts;

extreme dependence;

academic regression; and/or

trust issues.

## Physical Neglect

### **A child may be found neglected who:**

has been abandoned;

is being denied proper care and attention physically, educationally, emotionally, or morally;

is being permitted to live under conditions, circumstances or associations injurious to the child's well-being; and/or

has been abused.

### **Evidence of physical neglect includes, but is not limited to:**

inadequate food;

malnutrition;

inadequate clothing;

inadequate housing or shelter;

erratic, deviant, or impaired behavior by the person responsible for the child's health, welfare or care; by a person given access to the child; or by a person entrusted with the child's care which adversely impacts the child;

permitting the child to live under conditions, circumstances or associations injurious to the child's well-being including, but not limited to, the following:

substance abuse by caregiver, which adversely impacts the child physically;

substance abuse by the mother of a newborn child and the newborn has a positive urine or meconium toxicology for drugs;

psychiatric problem of the caregiver which adversely impacts the child physically;

exposure to family violence which adversely impacts the child physically;

exposure to violent events, situations, or persons that would be reasonably judged to compromise a child's physical safety;  
non-accidental, negligent exposure to drug trafficking and/or individuals engaged in the active abuse of illegal substances;

voluntarily and knowingly entrusting the care of a child to individuals who may be disqualified to provide safe care, *e.g.*, persons who are subject to active protective or restraining orders; persons with past history of violent/drug/sex crimes; persons appearing on the Central Registry;

non-accidental or negligent exposure to pornography or sexual acts;

inability to consistently provide the minimum of child-caring tasks;

inability to provide or maintain a safe living environment;

action/inaction resulting in death;

abandonment;

action/inaction resulting in the child's failure to thrive;

transience;

inadequate supervision:

creating or allowing a circumstance in which a child is alone for an excessive period of time given the child's age and cognitive abilities;

holding the child responsible for the care of siblings or others beyond the child's ability; and/or

failure to provide reasonable and proper supervision of a child given the child's age and cognitive abilities.

**Note:**

- Inadequate food, clothing, or shelter or transience finding must be related to caregiver acts of omission or commission and not simply a function of poverty alone.
- Whether or not the adverse impact has to be demonstrated is a function of the child's age, cognitive abilities, verbal ability and developmental level.
- The presence of legal or illegal substances in the bodily fluids of (1) a parent or legal guardian or (2) a pregnant person shall not form the sole or primary basis for any action or proceeding by the Department. Any action or proceeding by the Department must be based on harm or risk of harm to a child and the parent or guardian's ability to provide appropriate care for the child.
- Adverse impact may not be required if the action/inaction is a single incident that demonstrates a serious disregard for the child's welfare.

## Medical Neglect

**Medical Neglect** is the unreasonable delay, refusal or failure on the part of the person responsible for the child's health, welfare or care or the person entrusted with the child's care to seek, obtain, and/or maintain those services for necessary medical, dental or mental health care when such person knows, or should reasonably be expected to know, that such actions may have an adverse impact on the child.

**Evidence of medical neglect includes, but is not limited to:**

frequently missed appointments, therapies or other necessary medical and/or mental health treatments;

withholding or failing to obtain or maintain medically necessary treatment from a child with life-threatening, acute or chronic medical or mental health conditions; and/or

withholding medically indicated treatment from disabled infants with life-threatening conditions.

**Note:** Failure to provide the child with immunizations or routine well-child care in and of itself does not constitute medical neglect.

## Educational Neglect

Except as noted below, **Educational Neglect** occurs when a school-aged child has excessive absences from school through the intent or neglect of the parent or caregiver.

**Definition of School-Aged Child:** Except as noted below, a school-aged child is a child five years of age and older and under 18 years of age who is not a high school graduate.

**Note:** Excessive absenteeism and school avoidance may be presenting symptoms of a failure to meet the physical, emotional or medical needs of a child. Careline staff shall consider these potential additional allegations at the time of referral.

**Criteria:**

- **For children school-aged to age 12, excessive absenteeism** may be indicative of the parent's or caregiver's failure to meet the educational needs of a student.
- **For children older than age 12, excessive absenteeism**, coupled with a failure by the parent or caregiver to engage in efforts to improve the child's attendance, may be indicative of educational neglect.
  - For children older than age 12, excessive absenteeism through the child's own intent, despite the parent's or caregiver's efforts, is not educational neglect. Rather, this is truancy, which is handled through the school district.

**Child's Characteristics.** In determining the criteria for excessive absenteeism, the following characteristics of the child shall be considered by the social worker:

- Age;
- Health;
- Level of functioning;
- Academic standing; and
- Dependency on parent or caregiver

**Parent or Caregiver's Characteristics.** In determining the criteria for excessive absenteeism, the following characteristics of the parent or caregiver shall be considered by the social worker:

- Rationale provided for the absences;
- Efforts to communicate and engage with the educational provider; and
- Failure to enroll a school-aged child in appropriate educational programming (including homeschooling)

**Exceptions (in accordance with Conn. Gen. Stat. § 10-184):**

1. A parent or person having control of a child may exercise the option of not sending the child to school at age five (5) or age six (6) years by personally appearing at the school district office and signing an option form. In these cases, educational neglect occurs if the parent or person having control of the child has registered the child at age five (5) or age (6) years and then does not allow the child to attend school or receive home instruction.
2. A parent or person having control of a child seventeen (17) years of age may consent to such child's withdrawal from school. Such parent or person shall personally appear at the school district office and sign a withdrawal form.

**Note:** Failure to sign a registration option form for such child is not in and of itself educational neglect.

### **Emotional Neglect**

**Emotional Neglect** is the denial of proper care and attention, or failure to respond, to a child's affective needs by the person responsible for the child's health, welfare or care; by the person given access to the child; or by the person entrusted with the child's care which has an adverse impact on the child or seriously interferes with a child's positive emotional development.

**Note:** Whether or not the adverse impact has to be demonstrated is a function of the child's age, cognitive abilities, verbal ability and developmental level. Adverse impact is not required if the action/inaction is a single incident which demonstrates a serious disregard for the child's welfare.



**Note:** The adverse impact may result from a single event and/or from a consistent pattern of behavior and may be currently observed or predicted as supported by evidence-based practice.

**Evidence of emotional neglect includes, but is not limited to, the following:**

inappropriate expectations of the child given the child's developmental level;

failure to provide the child with appropriate support, attention and affection;

permitting the child to live under conditions, circumstances or associations;

injurious to the child's well-being including, but not limited to, the following:

substance abuse by caregiver, which adversely impacts the child emotionally;

psychiatric problem of the caregiver, which adversely impacts the child emotionally; and/or

exposure to family violence which adversely impacts the child emotionally.

**Indicators may include, but are not limited to, the following:**

depression;

withdrawal;

low self-esteem;

anxiety;

fear;

aggression/ passivity;

emotional instability;

sleep disturbances;

somatic complaints with no medical basis;

inappropriate behavior for age or development;

suicidal ideations or attempts;

extreme dependence;

academic regression; and/or  
trust issues.

### **Moral Neglect**

**Moral Neglect:** Exposing, allowing, or encouraging the child to engage in illegal or reprehensible activities by the person responsible for the child's health, welfare or care or person given access or person entrusted with the child's care.

**Evidence of Moral Neglect includes but is not limited to:**

stealing;

using drugs and/or alcohol; and/or

involving a child in the commission of a crime, directly or by caregiver indifference.

## Appendix C

### INDICATORS OF CHILD ABUSE AND NEGLECT

#### Indicators of Physical Abuse

##### HISTORICAL

Delay in seeking appropriate care after injury

No witnesses

Inconsistent or changing descriptions of accident by child and/or parent

Child's developmental level inconsistent with history

History of prior "accidents"

Absence of parental concern

Child is handicapped (physically, mentally, developmentally) or otherwise perceived as "different" by parent

Unexplained school absenteeism

History of precipitating crisis

##### PHYSICAL

Soft tissue injuries on face, lips, mouth, back, buttocks, thighs or large areas of the torso

Clusters of skin lesions; regular patterns consistent with an implement

Shape of lesions inconsistent with accidental bruise

Bruises/welts in various stages of healing

Burn pattern consistent with an implement on soles, palms, back, buttocks and genitalia; symmetrical and/or sharply demarcated edges

Fractures/dislocations inconsistent with history

Laceration of mouth, lips, gums or eyes

Bald patches on scalp

Abdominal swelling or vomiting

Adult-size human bite mark(s)

Fading cutaneous lesions noted after weekends or absences

Rope marks

## **BEHAVIORAL**

Wary of physical contact with adults

Affection inappropriate for age

Extremes in behavior, aggressiveness/withdrawal

Expresses fear of parents

Reports injury by parent

Reluctance to go home

Feels responsible (punishment "deserved")

Poor self-esteem

Clothing covers arms and legs even in hot weather

## **Indicators of Sexual Abuse**

## **HISTORICAL**

Vague somatic complaint

Excessive school absences

Inadequate supervision at home

History of urinary tract infection or vaginitis

Complaint of pain; genital, anal or lower back/abdominal

Complaint of genital itching

Any disclosure of sexual activity, even if contradictory

## **PHYSICAL**

Discomfort in walking, sitting

Evidence of trauma or lesions in and around mouth

Vaginal discharge/vaginitis

Vaginal or rectal bleeding

Bruises, swelling or lacerations around genitalia, inner thighs

Dysuria

Vulvitis

Any other signs or symptoms of sexually transmitted disease

Pregnancy

## **BEHAVIORAL**

Low self-esteem

Change in eating pattern

Unusual new fears

Regressive behaviors

Personality changes (hostile/aggressive or extreme compliance)

Depression

Decline in school achievement

Social withdrawal or poor peer relationships

Indicates sophisticated or unusual sexual knowledge for age

Seductive behavior, promiscuity or prostitution

Substance abuse

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Suicide ideation or attempt

Runaway

### **Indicators of Emotional Abuse**

#### **HISTORICAL**

Parent ignores/isolates/belittles/rejects/scapegoats child

Parent's expectations inappropriate to child's development

Prior episode(s) of physical abuse

Parent perceives child as "different"

#### **PHYSICAL**

(Frequently none)

Failure to thrive

Speech disorder

Lag in physical development

Signs/symptoms of physical abuse

#### **BEHAVIORAL**

Poor self-esteem

Regressive behavior (sucking, rocking, enuresis)

Sleep disorders

Adult behaviors (parenting sibling)

Antisocial behavior

Emotional or cognitive developmental delay

Extremes in behavior - overly aggressive/compliant

Depression

Suicide ideation/attempt

### **Indicators of Physical Neglect**

#### **HISTORICAL**

High rate of school absenteeism

Frequent visits to school nurse with nonspecific complaints

Inadequate supervision, especially for long periods and for dangerous activities

Child frequently unattended; locked out of house

Parental inattention to recommended medical care

No food intake for 24 hours

Home substandard (no windows, doors, heat), dirty, infested, obvious hazards

Family member addicted to drugs/alcohol

#### **PHYSICAL**

Hunger, dehydration

Poor personal hygiene, unkempt, dirty

Dental cavities/poor oral hygiene

Inappropriate clothing for weather/size of child, clothing dirty; wears same clothes day after day

Constant fatigue or listlessness

Unattended physical or health care needs

Infestations

Multiple skin lesions/sores from infection

#### **BEHAVIORAL**

Comes to school early, leaves late

Frequent sleeping in class



Begging for/stealing food

Adult behavior/maturity (parenting siblings)

Delinquent behaviors

Drug/alcohol use/abuse

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**Series 4000  
Personnel**

**Code of Ethics and Professional Responsibility for Personnel**

The Winchester Board of Education (the “Board”) requires all Board employees to follow any applicable Board policy concerning employee conduct, maintain high ethical and professional standards, and exhibit professional conduct and responsibility.

Board employees shall comply with the following standards:

1. Maintain a just and courteous professional relationship with students, parents, staff members, Board members, and others.
2. Make the well-being of students the fundamental value of all decision-making and actions.
3. Fulfill professional responsibilities with honesty and integrity.
4. Support the principle of due process and protect the civil and human rights of all individuals.
5. Obey local, state, and national laws.
6. Adhere to, implement, and (as applicable) enforce the Board’s policies and administrative rules and regulations.
7. Avoid using positions for personal gain through political, social, religious, economic, or other influence.
8. Accept academic degrees or professional certification only from duly accredited institutions.
9. Maintain the standards and seek to improve the effectiveness of the profession through research and continuing professional development.
10. Honor all contracts until fulfillment, release, or dissolution mutually agreed upon by all parties to the contract.
11. Refrain from engaging or participating in any activity and/or conduct, whether on duty or off duty, that is incompatible with the proper discharge of the employee’s official duties, that would tend to impair the employee’s independent judgment or action in the performance of the employee’s professional duties, and/or that would erode the public’s trust in the employee’s ability to fulfill his/her professional duties.

12. Exhibit candor with supervisors and report to a supervisor any arrest or conviction of the employee that could erode the public's trust in the employee's ability to fulfill his/her professional duties.

13. Refrain from soliciting, accepting, or receiving, directly or indirectly, from any person, by rebate, gifts, or otherwise, any money, or anything of value whatsoever, or any promise, obligation, or contract for future reward or compensation in exchange for the performance of his/her duties as a Board employee. It is recognized that instructional personnel may receive unsolicited gifts from time to time from students and their families, typically associated with holidays, the end of the year or other special occasions. This policy is not intended to prevent school personnel from accepting typical and customary gifts from students and their families in such circumstances.

14. Refrain from offering or providing any special consideration, treatment, favor, or advantage to any person, beyond that which is generally available to students and their families.

15. Teachers must adhere to the Connecticut Code of Professional Responsibility for Teachers (Regulations of Connecticut State Agencies Section 10-145d-400a), which Code is incorporated herein by reference.

16. Administrators must adhere to the Connecticut Code of Professional Responsibility for School Administrators (Regulations of Connecticut State Agencies Section 10-145d-400b), which Code is incorporated herein by reference.

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

#### Legal References:

Regulations of Connecticut State Agencies, § 10-145d-400a Code of Professional Responsibility for Teachers; Connecticut Code of Professional

Regulations of Connecticut State Agencies, § 10-145d-400b, Code of Professional Responsibility for School Administrators

4/22/2020

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**Series 4000  
Personnel**

**EMPLOYEE USE OF  
THE DISTRICT'S COMPUTER SYSTEMS AND ELECTRONIC  
COMMUNICATIONS**

Computers, computer networks, electronic devices, Internet access, and electronic messaging systems are effective and important technological resources. The Winchester Board of Education (the "Board") has installed computers and a computer network(s), including Internet access and electronic messaging systems, on Board premises and may provide other electronic devices that can access the network(s) and/or have the ability to send and receive messages with an operating system or network communication framework. Devices include but are not limited to personal computing devices, cellular phones, Smartphones, Smartwatches, network access devices, radios, personal cassette players, CD players, tablets, walkie-talkies, personal gaming systems, Bluetooth speakers, personal data assistants, and other electronic signaling devices. Electronic messaging systems include mobile, chat, and instant message; cloud collaboration platforms, including internal chat, peer-to-peer messaging systems, and draft email message transfer; and products that have the ability to create duration-based or subjective removal of content, such as Snapchat, and security focused platforms, such as Signal. The Board's computers, computer networks, electronic devices, Internet access, and electronic messaging systems are referred to collectively as "the computer systems" and are provided in order to enhance both the educational opportunities for our students and the business operations of the Winchester Public Schools (the "District").

These computer systems are business and educational tools. As such, they are made available to Board employees for business and education-related uses. The Administration shall develop regulations setting forth procedures to be used by the Administration in an effort to ensure that such computer systems are used for appropriate business and education-related purposes.

In accordance with applicable laws and the Administrative Regulations associated with this policy, the system administrator and others managing the computer systems may access electronic messaging systems (including email) or monitor activity on the computer system or electronic devices accessing the computer systems at any time and for any reason or no reason. Typical examples include when there is reason to suspect inappropriate conduct or there is a problem with the computer systems needing correction. Further, the system administrator and others managing the computer systems can access or monitor activity on the systems despite the use of passwords by individual users and can bypass such passwords. In addition, review of electronic messaging systems (including email), messages or information stored on the computer systems, which can be forensically retrieved, includes those messages and/or electronic data sent,

posted and/or retrieved using social networking sites, including but not limited to, Twitter/X, Facebook, LinkedIn, Instagram, YouTube and TikTok.

Incidental personal use of the computer systems may be permitted solely for the purpose of email transmissions and access to the Internet on a limited, occasional basis. Such incidental personal use of the computer systems, however, is subject to all rules, including monitoring of all such use, as the Superintendent may establish through regulation. Moreover, any such incidental personal use shall not interfere in any manner with work responsibilities.

Users should not have any expectation of personal privacy in the use of the computer system or other electronic devices that access the computer system. Use of the computer system represents an employee's acknowledgement that the employee has read and understands this policy and any applicable regulations in their entirety, including the provisions regarding monitoring and review of computer activity.

Legal References:

Conn. Gen. Stat. § 31-40x

Conn. Gen. Stat. § 31-48b

Conn. Gen. Stat. § 31-48d

Conn. Gen. Stat. §§ 53a-182b; 53a-183; 53a-250 *et seq.*

Electronic Communications Privacy Act, 18 U.S.C. §§ 2510 through 2523

ADOPTED: \_\_\_\_\_

REVISED: \_\_\_\_\_

11/12/23

## NOTICE REGARDING ELECTRONIC MONITORING

*To be posted in a conspicuous place  
readily available for viewing by employees*

In accordance with the provisions of Connecticut General Statutes Section 31-48d, the Winchester Board of Education (“Board”) hereby gives notice to all its employees of the potential use of electronic monitoring in its workplace. While the Board may not actually engage in the use of electronic monitoring, it reserves the right to do so as the Board and/or the Administration deem appropriate in their discretion, consistent with the provisions set forth in this Notice.

“Electronic monitoring,” as defined by Connecticut General Statutes Section 31-48d, means the collection of information on the Board’s premises concerning employees’ activities or communications, by any means other than direct observation of the employees. Electronic monitoring includes the use of a computer, telephone, wire, radio, camera, electromagnetic, photoelectronic or photo-optical systems. The law does not cover the collection of information (A) for security purposes in any common areas of the Board’s premises which are open to the public, or (B) which is prohibited under other state or federal law.

The following specific types of electronic monitoring may be used by the Board in its workplaces:

- Monitoring of electronic messaging systems (including email) and other components of the Board’s computer systems, including monitoring of electronic devices such as personal computing devices, cellular phones, Smartphones, Smartwatches, network access devices, radios, personal cassette players, CD players, tablets, walkie-talkies, personal gaming systems, Bluetooth speakers, personal data assistants, and other electronic signaling devices that access the computer systems, for compliance with the Board’s policies and regulations concerning use of such systems.
- Video and/or audio surveillance within school buildings (other than in restrooms, locker rooms, lounges and other areas designed for the health or personal comfort of employees or for the safeguarding of their possessions), on school grounds and on school buses and other vehicles providing transportation to students and/or employees of the school system.
- Monitoring of employee usage of the District’s telephone systems.
- Monitoring of employees when employees are engaging in remote teaching or use of a digital teaching platform.

The law also provides that, where electronic monitoring may produce evidence of misconduct, the Board may use electronic monitoring without any prior notice when the

Board has reasonable grounds to believe employees are engaged in conduct that (i) violates the law, (ii) violates the legal rights of the Board or other employees, or (iii) creates a hostile work environment.

Questions about electronic monitoring in the workplace should be directed to the Superintendent.

Legal References:

Connecticut General Statutes:

Section 31-48b

Section 31-48d

11/12/23



Series 4000  
Personnel

**EMPLOYMENT AND STUDENT TEACHER CHECKS**

As set forth below, each applicant for a position with the Winchester Public Schools (the “District”), and each student who is enrolled in a teacher preparation program with the District, as defined in section 10-10a of the Connecticut General Statutes, and completing a student teaching experience in the District (collectively referred to as “applicants”), shall be asked to provide in writing: (1) whether the applicant has ever been convicted of a crime; (2) whether there are any criminal charges pending against the applicant at the time of the application and, if charges are pending, to state the charges and the court in which such charges are pending; and (3) whether the applicant is included on the Abuse and Neglect Registry of the Connecticut Department of Children and Families (“DCF”) (the “Registry”). *If the applicant’s current or most recent employment occurred out of state, the applicant will also be asked whether the applicant is included on an equivalent database and/or abuse/neglect registry maintained in that other state.*

Applicants shall not be required to disclose any arrest, criminal charge or conviction that has been erased. An employment application form that contains any question concerning the criminal history of the applicant shall contain the following notice, in clear and conspicuous language:

**Pursuant to section 31-51i(d) of the Connecticut General Statutes, the applicant is hereby notified that (1) the applicant is not required to disclose the existence of any erased criminal history record information, (2) erased criminal history record information are records pertaining to a finding of delinquency or that a child was a member of a family with service needs, an adjudication as a youthful offender, a criminal charge that has been dismissed or nolle, a criminal charge for which the person has been found not guilty or a conviction for which the person received an absolute pardon or criminal records that are erased pursuant to statute or by other operation of law, and (3) any person with erased criminal history record information shall be deemed to have never been arrested within the meaning of the general statutes with respect to the proceedings so erased and may so swear under oath.**

In addition, the District shall conduct an employment history check for each applicant for a position, as set forth below.

For the purposes of this policy:

“**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 or neglect**” means abuse or neglect as described in Conn. Gen. Stat. § 46b-120, and includes any violation of Conn. Gen. Stat. §§ 53a-70 (sexual assault in the first degree), 53a-70a (aggravated sexual assault in the first degree), 53a-71 (sexual assault in the second degree), 53a-72a (sexual assault in the third degree), 53a-72b (sexual assault in the third degree with a firearm), or 53a-73a (sexual assault in the fourth degree).

“**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 years prior to applying for a position with a local or regional board of education.

I. Employment History Check Procedures

A. The District shall not offer employment to an applicant for a position, including any position that is contracted for, if such applicant would have direct student contact, prior to the District:

1. Requiring the applicant:

a. to list the name, address, and telephone number of each current employer or former employer (please note the definition of “former employer” above, including the applicable twenty year reporting period) during any of the previous twenty years, if:

- (i) such current or former employer is/was a local or regional board of education, council of a state or local charter school, interdistrict magnet school operator, or a supervisory agent of a nonpublic school, and/or
- (ii) the applicant’s employment with such current or former employer caused the applicant to have contact with children.

b. to submit a written authorization that

- (i) consents to and authorizes disclosure by the employers listed under paragraph I.A.1.a of this policy of the information requested under paragraph I.A.2 of this policy and the release of related records by such employers,
- (ii) consents to and authorizes disclosure by the Connecticut State Department of Education (the “Department”) of the information requested under paragraph I.A.3 of this policy and the release of related records by the Department, and
- (iii) releases those employers and the Department from liability that may arise from such disclosure or release of records pursuant to paragraphs I.A.2 or I.A.3 of this policy; and

c. to submit a written statement of whether the applicant

- (i) has been 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,
  - (ii) has ever 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 DCF, or an allegation of sexual misconduct was pending or under investigation or due to an allegation substantiated pursuant to Conn. Gen. Stat. § 17a-101g of abuse or neglect, or of sexual misconduct or a conviction for abuse or neglect or sexual misconduct, or
  - (iii) has ever had a professional or occupational license or certificate suspended or revoked or has ever surrendered such a license or certificate 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 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;
2. Conducting a review of the employment history of the applicant by contacting those employers listed by the applicant under paragraph I.A.1.a of this policy. Such review shall be conducted using a form developed by the Department, which shall request the following:
- a. the dates employment of the applicant, and
  - b. a statement as to whether the employer has knowledge that the applicant:
    - (i) 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;
    - (ii) 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
    - (iii) 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 telephonically or through written communication. Notwithstanding the provisions of subsection (g) of

Conn. Gen. Stat. § 31-51i, not later than five (5) business days after the District receives a request for such information about an employee or former employee, the District shall respond with such information. The District may request more information concerning any response made by a current or former employer for information about an applicant, and, notwithstanding subsection (g), such employer shall respond not later than five (5) business days after receiving such request.

3. Requesting information from the Department concerning:
  - a. the eligibility status for employment of any applicant for a position requiring a certificate, authorization or permit,
  - b. whether the Department has knowledge that a finding has been substantiated by DCF pursuant to Conn. Gen. Stat. § 17a-101g of abuse or neglect or of sexual misconduct against the applicant and any information concerning such a finding, and
  - c. whether the Department 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.
  
- B. Notwithstanding the provisions of subsection (g) of Conn. Gen. Stat. § 31-51i, if the District receives information that an applicant for a position with or an employee of the District has been disciplined for a finding of abuse or neglect or sexual misconduct, it shall notify the Department of such information.
  
- C. The District shall not employ an applicant for a position involving direct student contact who does not comply with the provisions of paragraph I.A.1 of this policy.
  
- D. The District may employ or contract with an applicant on a temporary basis for a period not to exceed ninety (90) calendar days, pending the District's review of information received under this section, provided:
  1. The applicant complied with paragraph I.A.1 of this policy;
  2. The District has no knowledge of information pertaining to the applicant that would disqualify the applicant from employment with the District; and
  3. The applicant affirms that the applicant is not disqualified from employment with the District.
  
- E. The District shall not enter into a collective bargaining agreement, an employment contract, an agreement for resignation or termination, a 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 District to report suspected abuse or neglect or sexual misconduct to appropriate authorities; or
  3. Requires the District to expunge information about an allegation or a finding of suspected abuse or neglect or sexual misconduct from any documents maintained by the District, unless, after investigation, such allegation is dismissed or found to be false.
- F. The District shall not offer employment to a person as a substitute teacher, unless such person and the District comply with the provisions of paragraph I.A.1 of this policy. The District shall determine which such persons are employable as substitute teachers and maintain a list of such persons. The District shall not hire any person as a substitute teacher who is not on such list. Such person shall remain on such list as long as such person is continuously employed by the District as a substitute teacher, as described in paragraph III.B.2 of this policy, provided the District does not have any knowledge of a reason that such person should be removed from such list.
- G. In the case of an applicant who is a contractor, the contractor shall require any employee with such contractor who would be in a position involving direct student contact to supply to such contractor all the information required of an applicant under paragraphs I.A.1.a and I.A.1.c of this policy and a written authorization under paragraph I.A.1.b of this policy. Such contractor shall contact any current or former employer (please note the definition of “former employer” above, including the applicable twenty year reporting period) of such employee that was a local or regional board of education, council of a state or local charter school, interdistrict magnet school operator, or a supervisory agent of a nonpublic school, or if the employee’s employment with such current or former employer caused the employee to have contact with children, and request, either telephonically or through written communication, any information concerning whether there was a finding of abuse or neglect or sexual misconduct against such employee. Notwithstanding the provisions of subsection (g) of Conn. Gen. Stat. § 31-51i, such employer shall report to the contractor any such finding, either telephonically or through written communication. If the contractor receives any information indicating such a finding or otherwise receives any information indicating such a finding or otherwise has knowledge of such a finding, the contractor shall, notwithstanding the provisions of subsection (g) of Conn. Gen. Stat. § 31-51i, immediately forward such information to the District, either telephonically or through written communication. If the District receives such information, it shall determine whether such employee of the contractor may work in a position involving direct student contact at any school in the District. No determination by the District that any such employee of the contractor shall not work under any such contract in any such position shall constitute a breach of such contract.
- H. Any applicant/employee who knowingly provides false information or knowingly fails to disclose information required in subdivision (1) of subsection (A) of this section shall be subject to discipline by the District that may include:
1. denial of employment, or



2. termination of the contract of a certified employee, in accordance with the provisions of Conn. Gen. Stat. § 10-151, or
  3. termination of a non-certified employee in accordance with applicable law and/or any applicable collective bargaining agreement, contract or District policy.
- I. If the District provides information in accordance with paragraph I.A.2 or I.G of this policy, the District shall be immune from criminal and civil liability, provided the District did not knowingly supply false information.
  - J. Notwithstanding the provisions of Conn. Gen. Stat. § 10-151c and subsection (g) of Conn. Gen. Stat. § 31-51i, the District shall provide, upon request by another local or regional board of education, governing council of a state or local charter school, interdistrict magnet school operator, or supervisory agent of a nonpublic school for the purposes of an inquiry pursuant to paragraphs I.A.2 or I.G of this policy or to the Commissioner of Education pursuant to paragraph I.B of this policy any information that the District has concerning a finding of abuse or neglect or sexual misconduct by a subject of any such inquiry.
  - K. Prior to offering employment to an applicant, the District shall make a documented good faith effort to contact each current and any former employer (please note the definition of “former employer” employer above, including the applicable twenty year reporting period) of the applicant that was a local or regional board of education, governing council of a state or local charter school, interdistrict magnet school operator, or supervisory agent of a nonpublic school, or if the applicant’s employment with such current or former employer caused the applicant to have contact with children in order to obtain information and recommendations that may be relevant to the applicant’s fitness for employment. Such effort, however, shall not be construed to require more than three telephonic requests made on three separate days.
  - L. The District shall not offer employment to any applicant who had any previous employment contract terminated by a local or regional board of education, council of a state or local charter school, interdistrict magnet school operator, or a supervisory agent of a nonpublic school, or who resigned from such employment, if the person has been convicted of a violation of Conn. Gen. Stat. § 17a-101a, when an allegation of abuse or neglect or sexual assault has been substantiated.

## II. DCF Registry Checks

Prior to hiring any person for a position with the District, and before a student who is enrolled in a teacher preparation program in the District, as defined in section 10-10a of the Connecticut General Statutes, and completing a student teaching experience with the District, begins such student teaching experience, the District shall require such applicant or student to submit to a records check of information maintained on the Registry concerning the applicant.

For any applicant whose current or most recent employment occurred out of state, the District shall request that the applicant provide the District with authorization to access information maintained concerning the applicant by the equivalent state agency in the state of most recent employment, if such state maintains information about

abuse and neglect and has a procedure by which such information can be obtained. Refusal to permit the District to access such information shall be considered grounds for rejecting any applicant for employment.

The District shall request information from the Registry or its out of state equivalent promptly, and in any case no later than thirty (30) calendar days from the date of employment. Registry checks will be processed according to the following procedure:

- A. No later than ten (10) calendar days after the Superintendent or the Superintendent's designee has notified a job applicant of a decision to offer employment to the applicant, or as soon thereafter as practicable, the Superintendent or the Superintendent's designee will either obtain the information from the Registry or, if the applicant's consent is required to access the information, will supply the applicant with the release form utilized by DCF, or its out of state equivalent when available, for obtaining information from the Registry.
- B. If consent is required to access the Registry, no later than ten (10) calendar days after the Superintendent or the Superintendent's designee has provided the successful job applicant with the form, the applicant must submit the signed form to DCF or its out of state equivalent, with a copy to the Superintendent or the Superintendent's designee. Failure of the applicant to submit the signed form to DCF or its out of state equivalent within such ten-day period, without good cause, will be grounds for the withdrawal of the offer of employment.
- C. Upon receipt of Registry or out-of-state registry information indicating previously undisclosed information concerning abuse or neglect investigations concerning the successful job applicant/employee, the Superintendent or the Superintendent's designee will notify the affected applicant/employee in writing of the results of the Registry check and will provide an opportunity for the affected applicant/employee to respond to the results of the Registry check.
- D. If notification is received by the Superintendent or the Superintendent's designee that that the applicant is listed as a perpetrator of abuse or neglect on the Registry, the Superintendent or the Superintendent's designee shall provide the applicant with an opportunity to be heard regarding the results of the Registry check. If warranted by the results of the Registry check and any additional information provided by the applicant, the Superintendent or the Superintendent's designee shall revoke the offer of employment and/or terminate the applicant's employment if the applicant has already commenced working for the District.

### III. Criminal Records Check Procedure

- A. Each person hired by the District shall be required to submit to state and national criminal records checks within thirty (30) calendar days from the date of employment. Each student who is enrolled in a teacher preparation program, as defined in section 10-10a of the Connecticut General Statutes, and completing a student teaching experience with the District, shall be required to submit to state and national criminal records checks within sixty (60) calendar days from the date such student begins to perform such student teaching experience. Record checks will be processed according to the following procedure:\*
  - I. No later than five (5) calendar days after the Superintendent or the Superintendent's designee has notified a job applicant of a decision to hire the applicant, or as soon



thereafter as practicable, the Superintendent or the Superintendent's designee will provide the applicant with a packet containing all documents and materials necessary for the applicant to be fingerprinted by the approved district agency Winchester Police Department, EdAdvance, and/or Connecticut State Police. This packet shall also contain all documents and materials necessary for the police department to submit the completed fingerprints to the State Police Bureau of Identification for the processing of state and national criminal records checks. The Superintendent or the Superintendent's designee will also provide each applicant with the following notifications before the applicant obtains the applicant's fingerprints: (1) Agency Privacy Requirements for Noncriminal Justice Applicants; (2) Noncriminal Justice Applicant's Privacy Rights; (3) and the Federal Bureau of Investigation, United States Department of Justice Privacy Act Statement.

2. No later than ten (10) calendar days after the Superintendent or the Superintendent's designee has provided the successful job applicant with the fingerprinting packet, the applicant must arrange to be fingerprinted by the approved district agency Winchester Police Department, EdAdvance, and/or Connecticut State. Failure of the applicant to have the applicant's fingerprints taken within such ten-day period, without good cause, will be grounds for the withdrawal of the offer of employment.
3. Any person for whom criminal records checks are required to be performed pursuant to this policy must pay all fees and costs associated with the fingerprinting process and/or the submission or processing of the requests for criminal records checks. Fees and costs associated with the fingerprinting process and the submission and process of requests are waived for student teachers, in accordance with state law.
4. Upon receipt of a criminal records check indicating a previously undisclosed conviction, the Superintendent or the Superintendent's designee will notify the affected applicant/employee in writing of the results of the record check and will provide an opportunity for the affected applicant/employee to respond to the results of the criminal records check. The affected applicant/employee may notify the Superintendent or the Superintendent's designee in writing within five (5) calendar days that the affected applicant/employee will challenge such individual's criminal history records check. Upon written notification to the Superintendent or the Superintendent's designee of such a challenge, the affected applicant/employee shall have ten (10) calendar days to provide the Superintendent or the Superintendent's designee with necessary documentation regarding the affected applicant/employee's record challenge. The Superintendent or the Superintendent's designee may grant an extension to the preceding ten-day period during which the affected applicant/employee may provide such documentation for good cause shown.
5. Decisions regarding the effect of a conviction upon an applicant/employee, whether disclosed or undisclosed by the applicant/employee, will be made on a case-by-case basis. Notwithstanding the foregoing, the falsification or omission of any information on a job application or in a job interview, including but not limited to information concerning criminal convictions or pending criminal charges, shall be grounds for disqualification from consideration for employment or discharge from employment.

6. Notwithstanding anything in paragraph III.A.5 of this policy, above, no decision to deny employment or withdraw an offer of employment on the basis of an applicant/employee's criminal history record shall be made without affording the applicant/employee the opportunities set forth in paragraph III.A.4 of this policy, above.

**B. Criminal Records Check for Substitute Teachers:**

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

1. If the state and national criminal history records checks for a substitute teacher have been completed within one year prior to the date the District hired the substitute teacher, and if the substitute teacher arranged for such prior criminal history records checks to be forwarded to the Superintendent or the Superintendent's designee, then the substitute teacher will not be required to submit to another criminal history records check at the time of such hire.
2. If a substitute teacher submitted to state and national criminal history records checks upon being hired by the District, then the substitute teacher will not be required to submit to another criminal history records check so long as the substitute teacher is continuously employed by the District, that is, employed for at least one day of each school year, by the District, provided a substitute teacher is subjected to such checks at least once every five years.

**IV. Sex Offender Registry Checks**

District personnel shall cross-reference the Connecticut Department of Public Safety's sexual offender registry prior to hiring any new employee and before a student who is enrolled in a teacher preparation program, as defined in section 10-10a of the Connecticut General Statutes, and completing a student teaching experience with the District, begins such student teaching experience. Registration as a sexual offender constitutes grounds for denial of employment opportunities and opportunities to perform student teaching experiences in the District.

**V. Credit Checks**

The District may also ask a prospective employee for a credit report for employment for certain District positions, where the District's receipt of a credit report is substantially related to the employee's potential job. "Substantially related to the current or potential job" is defined to mean "the information contained in the credit report is related to the position for which the employee or prospective employee who is the subject of the report is being evaluated because of the position." Prior to asking for a credit report, the District will determine whether the position falls within one of the categories as described in this paragraph. The position must: (1) be a managerial position which involves setting the direction or control of the District; (2) involve access to employees' personal or financial information; (3) involve 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) provide an expense account or District debit or credit card; or (5) involve access to the District's nonfinancial assets valued at two thousand five dollars or more.

When a credit report will be requested as part of the employment process, the District will provide written notification 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.

The District will obtain consent before performing the credit or other background checks. If the District intends to take an action adverse to a potential employee based on the results of a credit report, the District must provide the prospective employee with a copy of the report on which the District relied in making the adverse decision, as well as a copy of "A Summary of Your Rights Under the Fair Credit Reporting Act," which should be provided by the company that provides the results of the credit check. The District will notify the prospective employee either orally, in writing or via electronic means that the adverse action was taken based on the information in the consumer report. That notice must 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.

#### VI. Notice of Conviction

If, at any time, 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 send such notice to the State Board of Education. In complying with this requirement, the District shall not disseminate the results of any national criminal history records check.

#### VII. School Nurses

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

#### VIII. Personal Online Accounts

For purposes of this policy, "personal online account" means any online account that is used by an employee or applicant exclusively for personal purposes and unrelated to any business purpose of the District, including, but not limited to, electronic mail, social media and retail-based Internet web sites. "Personal online account" does not include any account created, maintained, used or accessed by an employee or applicant for a business purpose of the District.

- A. During the course of an employment check, the District may not:
1. request or require that an applicant provide the District with a user name and password, password or any other authentication means for accessing a personal online account;
  2. request or require that an applicant authenticate or access a personal online account in the presence of District personnel; or

3. require that an applicant invite a supervisor employed by the District or accept an invitation from a supervisor employed by the District to join a group affiliated with any personal online account of the applicant.
- B. The District may request or require that an applicant provide the District with a user name and password, password or any other authentication means for accessing:
1. any account or service provided by District or by virtue of the applicant's employment relationship with the District or that the applicant uses for the District's business purposes, or
  2. any electronic communications device supplied or paid for, in whole or in part, by the District.
- C. In accordance with applicable law, the District maintains the right to require an applicant to allow the District to access the applicant's personal online account, without disclosing the user name and password, password or other authentication means for accessing such personal online account, for the purpose of:
1. conducting an investigation for the purpose of ensuring compliance with applicable state or federal laws, regulatory requirements or prohibitions against work-related employee misconduct based on the receipt of specific information about activity on an applicant's personal online account; or
  2. conducting an investigation based on the receipt of specific information about an applicant's unauthorized transfer of the District's proprietary information, confidential information or financial data to or from a personal online account operated by an applicant or other source.

#### IX. Policy Inapplicable to Certain Individuals

This policy shall not apply to:

- A. A student employed by the District who attends a District school.
- B. A person employed by the District as a teacher for a noncredit adult class or adult education activity, as defined in Conn. Gen. Stat. § 10-67, who is not required to hold a teaching certificate pursuant to Conn. Gen. Stat. § 10-145b for such position.

#### X. Falsification of Records

Notwithstanding any other provisions of this policy, the falsification or omission of any information on a job application or in a job interview, including but not limited to information concerning abuse or neglect investigations or pending criminal applications, shall be grounds for disqualification from consideration for employment or discharge from employment.

Legal References: Conn. Gen. Stat. § 10-212  
Conn. Gen. Stat. § 10-221d  
Conn. Gen. Stat. § 10-222c  
Conn. Gen. Stat. § 31-40x  
Conn. Gen. Stat. § 31-51i  
Conn. Gen. Stat. § 31-51tt

Elementary and Secondary Education Act, reauthorized as the Every Student Succeeds Act, Pub. L. 114-95, codified at 20 U.S.C. § 1001 *et seq.*

Fair Credit Reporting Act, 15 U.S.C. § 1681 *et seq.*

ADOPTED: \_\_\_\_\_  
REVISED: \_\_\_\_\_

1/4/2023



## Agency Privacy Requirements for Noncriminal Justice Applicants

Authorized governmental and non-governmental agencies/officials that conduct a national fingerprint-based criminal history record check on an applicant for a noncriminal justice purpose (such as employment or a license, immigration or naturalization matter, security clearance, or adoption) are obligated to ensure the applicant is provided certain notices and that the results of the check are handled in a manner that protects the applicant's privacy. All notices must be provided in writing.<sup>1</sup> These obligations are pursuant to the Privacy Act of 1974, Title 5, United States Code (U.S.C.), Section 552a, and Title 28, Code of Federal Regulations (CFR), Section 50.12, among other authorities.

- Officials must ensure that each applicant receives an adequate written FBI Privacy Act Statement (dated 2013 or later) when the applicant submits the applicant's fingerprints and associated personal information.<sup>2</sup>
- Officials must advise all applicants in writing that procedures for obtaining a change, correction, or update of an FBI criminal history record are set forth at 28 CFR 16.34. Information regarding this process may be found at <https://www.fbi.gov/services/cjis/identity-history-summary-checks> and <https://www.edo.cjis.gov>.
- Officials must provide the applicant the opportunity to complete or challenge the accuracy of the information in the FBI criminal history record.
- Officials should not deny the employment, license, or other benefit based on information in the FBI criminal history record until the applicant has been afforded a reasonable time to correct or complete the record or has declined to do so.
- Officials must use the criminal history record for authorized purposes only and cannot retain or disseminate it in violation of federal statute, regulation or executive order, or rule, procedure or standard established by the National Crime Prevention and Privacy Council.<sup>3</sup>

The FBI has no objection to officials providing a copy of the applicant's FBI criminal history record to the applicant for review and possible challenge when the record was obtained based on positive fingerprint identification. If agency policy permits, this courtesy will save the applicant the time and additional FBI fee to obtain the applicant's record directly from the FBI by following the procedures found at 28 CFR 16.30 through 16.34. It will also allow the officials to make a more timely determination of the applicant's suitability.

Each agency should establish and document the process/procedures it utilizes for how/when it gives the applicant the FBI Privacy Act Statement, the 28 CFR 50.12 notice, and the opportunity to correct the applicant's record. Such documentation will assist State and/or FBI auditors during periodic compliance reviews on use of criminal history records for noncriminal justice purposes.

If you need additional information or assistance, contact:

<p><b>Connecticut Records:</b>  <b>Department of Emergency Services and Public Protection</b>  <b>State Police Bureau of Identification (SPBI)</b>  <b>1111 Country Club Road</b>  <b>Middletown, CT 06457</b>  <b>860-685-8480</b></p>	<p><b>Out-of-State Records:</b>  <b>Agency of Record</b>  <b>OR</b>  <b>FBI CJIS Division-Summary Request</b>  <b>1000 Custer Hollow Road</b>  <b>Clarksburg, West Virginia 26306</b></p>
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<sup>1</sup> Written notification includes electronic notification, but excludes oral notification.

<sup>2</sup> See <https://www.fbi.gov/services/cjis/compact-council/privacy-act-statement>

<sup>3</sup> See 5 U.S.C. 552a(b); 28 U.S.C. 534(b); 34 U.S.C. § 40316 (formerly cited as 42 U.S.C. § 14616), Article IV(c); 28 CFR 20.21(c), 20.33(d), 50.12(b) and 906.2(d).

## Noncriminal Justice Applicant's Privacy Rights

As an applicant who is the subject of a national fingerprint-based criminal history record check for a noncriminal justice purpose (such as an application for a job or license, an immigration or naturalization matter, security clearance, or adoption), you have certain rights which are discussed below. All notices must be provided to you in writing.<sup>4</sup> These obligations are pursuant to the Privacy Act of 1974, Title 5, United States Code (U.S.C.) Section 552a, and Title 28 Code of Federal Regulations (CFR), 50.12, among other authorities.

- You must be provided an adequate written FBI Privacy Act Statement (dated 2013 or later) when you submit your fingerprints and associated person information. This Privacy Act Statement must explain the authority for collecting your fingerprints and associated information and whether your fingerprints and associated information will be searched, shared, or retained.<sup>5</sup>
- You must be advised in writing of the procedures for obtaining a change, correction, or updating of your criminal history record as set forth at 28 CFR 16.34.
- You must be provided the opportunity to complete or challenge the accuracy of the information in your FBI criminal history record (if you have such a record).
- If you have a criminal history record, you should be afforded a reasonable amount of time to correct or complete the record (or decline to do so) before the officials deny you the employment, license, or other benefit based on information in the criminal history record.
- If agency policy permits, the officials may provide you with a copy of your FBI criminal history record for review and possible challenge. If agency policy does not permit it to provide you a copy of the record, you may obtain a copy of the record by submitting fingerprints and a fee to the FBI. Information regarding this process may be obtained at <http://www.fbi.gov/services/cjis/identity-history-summary-checks> and <https://www.edo.cjis.gov>.
- If you decide to challenge the accuracy or completeness of your FBI criminal history record, you should send your challenge to the agency that contributed the questioned information to the FBI. Alternatively, you may send your challenge directly to the FBI by submitting a request via <https://www.edo.cjis.gov>. The FBI will then forward your challenge to the agency that contributed the questioned information and request the agency to verify or correct the challenged entry. Upon receipt of an official communication from that agency, the FBI will make any necessary changes/corrections to your record in accordance with the information supplied by that agency. (See 28 CFR 16.30 through 16.34.)
- You have the right to expect that officials receiving the results of the criminal history record check will use it only for authorized purposes and will not retain or disseminate it in violation of federal statute, regulation or executive order, or rule, procedure or standard established by the National Crime Prevention and Privacy Compact Council.<sup>6</sup>
- If you need additional information or assistance, please contact:

**Connecticut Records:**  
**Department of Emergency Services and Public Protection**  
**State Police Bureau of Identification (SPBI)**  
**1111 Country Club Road**  
**Middletown, CT 06457**  
**860-685-8480**

**Out-of-State Records:**  
**Agency of Record**  
**OR**  
**FBI CJIS Division-Summary Request**  
**1000 Custer Hollow Road**  
**Clarksburg, West Virginia 26306**

<sup>4</sup> Written notification includes electronic notification, but excludes oral notification.

<sup>5</sup> <https://www.fbi.gov/services/cjis/compact-council/privacy-act-statement>

<sup>6</sup> See 5 U.S.C. 552a(b); 28 U.S.C. 534(b); 34 U.S.C. § 40316 (formerly cited as 42 U.S.C. § 14616), Article IV(c); 28 CFR 20.21(c), 20.33(d), 50.12(b) and 906.2(d).



Federal Bureau of Investigation  
Privacy Act Statement

**This privacy act statement is located on the back of the FD-258 fingerprint card.**

**Authority:** The FBI's acquisition, preservation, and exchange of fingerprints and associated information is generally authorized under 28 U.S.C. 534. Depending on the nature of your application, supplemental authorities include Federal statutes, State statutes pursuant to Pub. L. 92-544, Presidential Executive Orders, and federal regulations. Providing your fingerprints and associated information is voluntary; however, failure to do so may affect completion or approval of your application.

**Principal Purpose:** Certain determinations, such as employment, licensing, and security clearances, may be predicated on fingerprint-based background checks. Your fingerprints and associated information/biometrics may be provided to the employing, investigating, or otherwise responsible agency, and/or the FBI for the purpose of comparing your fingerprints to other fingerprints in the FBI's Next Generation Identification (NGI) system or its successor systems (including civil, criminal, and latent fingerprint repositories) or other available records of the employing, investigating, or otherwise responsible agency. The FBI may retain your fingerprints and associated information/biometrics in NGI after the completion of this application and, while retained, your fingerprints may continue to be compared against other fingerprints submitted to or retained by NGI.

**Routine Uses:** During the processing of this application and for as long thereafter as your fingerprints and associated information/biometrics are retained in NGI, your information may be disclosed pursuant to your consent, and may be disclosed without your consent as permitted by the Privacy Act of 1974 and all applicable Routine Uses as may be published at any time in the Federal Register, including the Routine Uses for the NGI system and the FBI's Blanket Routine Uses. Routine uses include, but are not limited to, disclosures to: employing, governmental or authorized non-governmental agencies responsible for employment, contracting licensing, security clearances, and other suitability determinations; local, state, tribal, or federal law enforcement agencies; criminal justice agencies; and agencies responsible for national security or public safety.

As of 3/30/2018

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Series 4000  
Personnel

FAMILY AND MEDICAL LEAVE

***PURPOSE***

The purpose of this policy is to apprise employees of their rights, and establish guidelines for leaves taken by employees of the Winchester Board of Education (the “Board”), under the federal Family and Medical Leave Act of 1993 (“FMLA”) and applicable Connecticut state law. This policy is not intended to, and does not, recite every provision of applicable law and regulations.

***ELIGIBILITY***

Employees other than school paraprofessionals who have been employed by the Board for at least twelve (12) months, and who have worked at least 1,250 actual work hours during the twelve (12) months immediately preceding the start of a leave, are eligible for unpaid leave under the FMLA.

A school paraprofessional in an educational setting is eligible for the leave described in this policy if the paraprofessional has worked for the Board for at least twelve (12) months, and has worked at least 950 service hours during the twelve (12) months immediately preceding the start of such leave.

Full-time instructional employees meet the 1,250 hours of service requirement unless the Board can demonstrate that the full-time instructional employee did not meet the 1,250 hours of service requirement in the 12-month period prior to the start of leave.

***DEFINITIONS***

**Genetic information:** For purposes of this policy, “genetic information” includes an individual’s family medical history, the results of an individual’s or family member’s genetic tests, the fact that an individual or an individual’s family member sought or received genetic services, and genetic information of a fetus carried by an individual or an individual’s family member or an embryo lawfully held by an individual or family member receiving assistive reproductive services.

**Instructional employee:** For purposes of this policy, an “instructional employee” is defined as a teacher or other employee of the Board who is employed principally in an instructional capacity and whose principal function is to teach and instruct students in a class, a small group, or an individual setting, and includes athletic coaches, driving instructors, and special education assistants such as signers for the hearing impaired. The term does not include teacher assistants or aides who do not have as their principal function actual teaching or instructing, nor auxiliary personnel such as counselors, psychologists,

curriculum specialists, cafeteria workers, maintenance workers, bus drivers, or other primarily non-instructional employees.

**Paraprofessional:** For purposes of this policy, a “paraprofessional” means a school employee who performs duties that are instructional in nature or deliver either direct or indirect services to students and/or parents and serves in a position for which a teacher has ultimate responsibility for the design and implementation of educational programs and services. This definition is only used for the purpose of calculating eligibility for the leave described in this policy at the 950 hour threshold.

### ***REASONS FOR LEAVE***

Leaves under the FMLA and applicable state law may be taken for the following reasons:

- incapacity due to pregnancy, prenatal medical care or child birth; or
- to care for the employee's newborn child; or
- the placement of a child with the employee by adoption or for foster care; or
- to care for the employee's spouse, child or parent who has a serious health condition; or
- to care for the employee's own serious health condition that renders the employee unable to perform the functions of the employee's position; or
- to serve as an organ or bone marrow donor; or
- to care for an injured or ill servicemember (see below – Length of Leave – for further information); or
- a qualifying exigency arising out of a family member's military service, including one or more of the following reasons (note – more detailed information on the following categories is available from.
  - short-notice deployment;
  - military events and related activities;
  - childcare and school activities;
  - financial and legal arrangements;
  - counseling;

- rest and recuperation;
- post-deployment activities;
- parental care leave for military member's parent who is incapable of self-care and care is necessitated by the military member's covered active duty;
- additional activities that arise out of the active duty or call to active duty status of a covered military member, provided that the Board and the employee agree that such leave qualifies as an exigency, and agree to both the timing and the duration of such leave.

### ***LENGTH OF LEAVE***

#### **(a) Basic FMLA Leave Entitlement**

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

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

#### **(b) Leave to Care for an Injured or Ill Servicemember**

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

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

For covered veterans, the veteran must be undergoing medical treatment, recuperation or therapy for a serious injury or illness and must have been (1) a member of the Armed Forces (including the National Guard or Reserves); (2) discharged or released

under conditions that were other than dishonorable; and (3) discharged within the five-year period before the eligible employee first takes FMLA military caregiver leave to care for the veteran.<sup>1</sup>

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

- (i) a continuation of a serious injury or illness that was incurred or aggravated when the covered veteran was a member of the Armed Forces and rendered the servicemember unable to perform the duties of the servicemember's office, grade, rank, or rating; or
- (ii) a physical or mental condition for which the covered veteran has received a U.S. Department of Veterans Affairs Service-Related Disability Rating (VASRD) of 50 percent or greater, and such VASRD rating is based, in whole or in part, on the condition precipitating the need for military caregiver leave; or
- (iii) a physical or mental condition that substantially impairs the covered veteran's ability to secure or follow a substantially gainful occupation by reason of a disability or disabilities related to military service, or would do so absent treatment; or
- (iv) an injury, including a psychological injury, on the basis of which the covered veteran has been enrolled in the Department of Veterans Affairs Program of Comprehensive Assistance for Family Caregivers.

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

### ***TYPES OF LEAVE AND CONDITIONS***

#### **(a) Full-Time, Intermittent and Reduced Schedule Leave**

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

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

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

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

Intermittent or reduced schedule leave may be taken (a) when medically necessary for an employee's or covered family member's serious health condition, or for a covered service member's serious illness or injury, and (b) the need for leave can be best accommodated through an intermittent or reduced schedule leave. In addition, FMLA leave may be taken intermittently or on a reduced schedule basis (1) due to a qualifying exigency; or (2) to effectuate the placement of a child for adoption or foster care before the placement of the child in the home.

If foreseeable intermittent or reduced schedule leave is medically required based upon planned medical treatment of the employee or a family member or a covered service member, including during a period of recovery from an employee's or family member's serious health condition or a serious injury or illness of a covered service member, the Board may, in its sole discretion, temporarily transfer the employee to another job with equivalent pay and benefits that better accommodates the type of leave requested. Also, special arrangements may be required of an instructional employee who needs to take intermittent or reduced-schedule leave which will involve absence for more than twenty (20) percent of the work days in the period over which the leave will extend (for example, more than five days over a five-week period), if the leave is to care for a family member with a serious health condition, to care for a covered service member with a serious injury or illness, or for the employee's own serious health condition, which is foreseeable based on planned medical treatment. In such situations, the Board may require the instructional employee to transfer temporarily to another job or take leave for a particular duration, not to exceed the duration of the planned medical treatment.

(b) Both Spouses Working for the Same Employer

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

(c) Leave Taken by Instructional Employees Near the End of an Academic Term



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

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

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

(d) Light Duty

Should an employee be offered a light duty opportunity during a period of FMLA leave, time spent performing the light duty assignment will not count against the employee's FMLA leave entitlement. The employee's right to restoration to the employee's job will be held in abeyance during the light duty assignment, or until the end of the applicable 12-month FMLA leave period.

## ***REQUESTS FOR LEAVE***

(a) Foreseeable Leave

An employee must notify the **FMLA Administrator/HR Department** of the need for a family or medical leave at least thirty (30) days before the leave is to begin if the need for the leave is foreseeable based on the expected birth of the employee's child, placement of a child with the employee for adoption or foster care, planned medical treatment for the employee's or family member's serious health condition, or the planned medical treatment for a serious injury or illness of a covered service member. If 30 days-notice is not practicable, then the employee must provide notice as soon as practicable under the circumstances, usually the same day or the next business day after the employee becomes aware of the need for FMLA leave.

(b) Qualifying Exigency.



An employee must provide notice as soon as practicable if the foreseeable leave is for a qualifying exigency, regardless of how far in advance such leave is foreseeable.

(c) Unforeseeable Leave.

When the employee's need for leave is not foreseeable, an employee must provide notice as practicable under the circumstances.

***SCHEDULING PLANNED MEDICAL TREATMENT***

When planning medical treatment for foreseeable FMLA leave, an employee must consult with the FMLA Administrator/Human Resources Department and make a reasonable effort to schedule the treatment so as not to disrupt unduly the Board's operations, subject to the approval of the health care provider. Similarly, if an employee needs leave intermittently or on a reduced leave schedule for planned medical treatment, the employee must make a reasonable effort to schedule the treatment so as not to disrupt unduly the Board's operations. Ordinarily, the employee should consult with the FMLA Administrator/Human Resources Department prior to scheduling the treatment in order to work out a treatment schedule that best suits the needs of the Board and the employee. The Board and the employee shall attempt to work out a schedule for leave that meets the employee's needs without unduly disrupting the Board's operations, subject to the approval of the health care provider as to any modification of the treatment schedule.

***REQUIRED CERTIFICATIONS/DOCUMENTATION***

For leaves taken for any FMLA-qualifying reason, an employee must submit a completed certification form supporting the need for leave. The appropriate form will be provided to the employee. The employee must submit a complete and sufficient certification form as required within fifteen (15) calendar days of receiving the request for the completed certification. If it is not practicable for the employee to provide the completed form by the due date despite the employee's diligent, good faith efforts, the employee must inform the FMLA Administrator/Human Resources Department of the reason(s) for delay and what efforts the employee undertook to obtain the required certification. FMLA-protected leave may be delayed or denied if the employee does not provide a complete and sufficient certification as required. Depending on the reason for leave, an employee may be required to submit medical certification from the employee's health care provider, medical certification the employee's family member's health care provider, and/or other documentation (e.g., to establish a family relationship, military active duty orders, etc.). In certain circumstances and under certain conditions, employees may also be required to obtain second or third medical opinions and/or recertifications, in accordance with applicable law.

If an employee takes leave for the employee's own serious health condition (except on an intermittent or reduced-schedule basis), prior to returning to work the employee must provide a medical fitness-for-duty certification that the employee is able to resume work

and the health condition that created the need for the leave no longer renders the employee unable to perform the essential functions of the job. This certification must be submitted to the FMLA Administrator/Human Resources Department. If the employee is unable to perform one or more of the essential functions of the employee's position, the Board will determine whether the employee is eligible for additional FMLA leave (if such leave has not been exhausted) or whether an accommodation is appropriate, in accordance with the Americans with Disabilities Act.

In connection with the Board's request for medical information, employees must be aware that the Genetic Information Nondiscrimination Act of 2008 ("GINA") prohibits employers and other entities covered by Title II of GINA from requesting or requiring genetic information of an individual or family member of the individual, except as specifically allowed by this law. To comply with this law, the Board requests that employees not provide any genetic information when responding to a request for medical information.

### ***USE OF PAID LEAVE***

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

In addition, in cases involving absences due to a Workers' Compensation injury that also qualifies as an FMLA serious health condition, and if the employee (and the employee's collective bargaining agent, if applicable) and the Board agree to do so, the Board will apply the employee's available accrued paid leave in increments as a supplement to the Workers' Compensation weekly benefit in an appropriate amount so that the employee can maintain the employee's regular weekly income level.

### ***MEDICAL INSURANCE AND OTHER BENEFITS***

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

During an FMLA leave, an employee shall not accrue list benefits, such as seniority, pension benefits, or sick or vacation leave, unless otherwise required by any applicable collective bargaining agreement or Board policy. However, unused

employment benefits accrued by the employee up to the day on which the leave begins will not be lost upon return to work. Leave taken under this policy does not constitute an absence under the Board's attendance policy, if any.

### ***REINSTATEMENT***

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

### ***ADDITIONAL INFORMATION***

Questions regarding family or medical leave may be directed to the Superintendent or designee. An employee may file a complaint with the U.S. Department of Labor or may bring a private lawsuit against an employer. FMLA does not affect any federal or state law prohibiting discrimination, or supersede any state or local law or collective bargaining agreement that provides greater family or medical leave rights.

#### Legal References:

##### Connecticut General Statutes:

Conn. Gen. Stat. § 31-51rr Family and medical leave benefits for employees of political subdivisions

Regs. Conn. State Agencies 31-51rr-1, et seq.

##### United States Code:

Family and Medical Leave Act of 1993, 29 U.S.C. Section 2601 et seq., as amended

29 CFR Part 825.100 et seq.

Title II of the Genetic Information Nondiscrimination Act of 2008, 42 USC 2000ff et seq.

29 CFR 1635.1 et seq.

ADOPTED: \_\_\_\_\_

REVISED: \_\_\_\_\_

2/10/2023

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**Series 4000  
Personnel**

**HIRING OF CERTIFIED STAFF**

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

The Superintendent of Schools shall be responsible for appointments to all other positions requiring a certificate issued by the State Board of Education.

Legal Reference:

Connecticut General Statutes §10-151

ADOPTED: \_\_\_\_\_  
REVISED: \_\_\_\_\_

Last reviewed 7/18/2016

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**Series 4000  
Personnel**

**HIRING OF NON-CERTIFIED STAFF**

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

**Legal Reference:**

Connecticut General Statutes § 10-220

ADOPTED: \_\_\_\_\_

REVISED: \_\_\_\_\_

Last reviewed 7/18/16

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**Series 4000  
Personnel**

**INCREASING EDUCATOR DIVERSITY PLAN**

In accordance with Sections 10-4a(3), 10-220(a), 10-156ee, and 10-156hh of the Connecticut General Statutes, the Winchester Board of Education (the “Board”) has developed the following written plan for increasing educator diversity:

1. All recruiting sources will be informed in writing of the Board's non-discrimination policy.
2. Each Board employee involved in hiring educators for the Winchester Public Schools (the “District”) shall successfully complete the video training module relating to implicit bias and anti-bias in the hiring process, developed pursuant to Connecticut General Statutes § 10-156ee, prior to such employee’s participation in the educator hiring process for the District.
3. The Board will develop contacts with local training and educational institutions, including those with highly diverse enrollments, to publicize job openings within the District and to solicit referrals of diverse and qualified candidates.
4. The Board will develop contacts with local community organizations, including diverse community organizations, to publicize job openings within the District and to solicit referrals of diverse and qualified candidates.
5. The Board will maintain, or expand, as appropriate, its help-wanted advertising to include print and/or broadcast media that is targeted to diverse individuals.
6. The Board will participate in local job fairs, including those that are sponsored by diverse community organizations or otherwise targeted toward diverse individuals.
7. The Board, or its designee, will maintain records documenting all actions taken pursuant to this plan, including correspondence with recruitment agencies and other referral sources, job fair brochures and advertising copy.
8. The Board will review on an annual basis the effectiveness of this plan in increasing diverse applicant flow and attracting qualified candidates for employment.

**Legal References:**

Connecticut General Statutes §10-4a (3) Educational interests of state identified  
Connecticut General Statutes §10-220(a) Duties of boards of education  
Connecticut General Statutes §10-156ee Duties re minority teacher recruitment

Connecticut General Statutes §10-156hh Completion of video training module  
re implicit bias and anti-bias in hiring  
process for certain school district  
employees

ADOPTED: \_\_\_\_\_  
REVISED: \_\_\_\_\_

9/27/2023



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Series 4000  
Personnel

**NON-DISCRIMINATION**

***Protected Class Discrimination Prohibited:***

The Winchester Board of Education (the “Board”) will not make employment decisions (including decisions related to hiring, assignment, compensation, promotion, demotion, disciplinary action and termination) on the basis of race, color, religion, age, sex, marital status, sexual orientation, national origin, alienage, ancestry, disability, pregnancy, genetic information, veteran status, gender identity or expression, status as a victim of domestic violence, or any other basis prohibited by state or federal law (“Protected Class”), except in the case of a bona fide occupational qualification.

It is the policy of the Board that any form of discrimination or harassment on the basis of an individual’s actual or perceived membership in a Protected Class, whether by students, Board employees, Board members or third parties subject to the control of the Board, is prohibited in the Winchester Public Schools (the “District”). The Board’s prohibition of discrimination or harassment in its educational programs or activities expressly extends to academic, nonacademic and extracurricular activities, including athletics.

***Discrimination on the Basis of Erased Criminal History Prohibited:***

The Board will not discriminate against any employee or applicant for employment solely on the basis of the individual’s erased criminal history record information, as defined in Conn. Gen. Stat. § 46a-80a.

***Retaliation Prohibited:***

The Board further prohibits reprisal or retaliation against any individual who reports incidents in good faith that may be a violation of this policy, or who participates in the investigation of such reports.

***Discrimination on the Basis of Protected Class Association Prohibited:***

Discrimination and/or harassment against any individual on the basis of that individual’s association with someone in a Protected Class may also be considered a form of Protected Class discrimination and/or harassment, and is therefore prohibited by this policy.

***Scope and Applicability:***

Students, Board employees, Board members and community members (e.g., other individuals affiliated with the District, accessing or seeking access to District facilities) are expected to adhere to a standard of conduct that is respectful of the rights of all members of the school community.

It is also the policy of the Board to provide for the prompt and equitable resolution of complaints alleging Protected Class discrimination or harassment. The District will investigate both formal and informal complaints of discrimination, harassment, or retaliation.

***Definitions:***

The following definitions apply for purposes of this policy:

**A. Discrimination**

It is illegal for employers to treat employees differently in relation to hiring, discharging, compensating, or providing the terms, conditions, and privileges of employment because of such employee's actual or perceived membership in a Protected Class.

**B. Harassment**

Harassment is a form of Protected Class discrimination that is prohibited by law and by this policy. Harassment is unwelcome conduct that is based on an employee's actual or perceived membership in a Protected Class. Harassment constitutes unlawful discrimination when 1) enduring the offensive conduct becomes a condition of continued employment, or 2) the conduct is severe or pervasive enough to create a work environment that a reasonable person would consider intimidating, hostile, or abusive.

The following non-exhaustive list provides examples of the types of prohibited conduct that may be considered Protected Class harassment that can lead to an intimidating, hostile, or abusive environment, and are therefore prohibited by this policy:

- objectively offensive racial, ethnic, or religious epithets (or epithets commonly associated with any Protected Class membership);
- other words or phrases commonly considered demeaning or degrading on the basis of Protected Class membership;
- display of images or symbols commonly associated with discrimination against individuals on the basis of their membership in a Protected Class;
- graphic, written or electronic communications that are harmful or humiliating based on Protected Class membership;
- bigoted conduct or communications; or

- physical, written, electronic or verbal threats based on Protected Class membership.

Harassment does not have to include intent to harm, be directed at a specific target, or involve repeated incidents.

Sexual harassment is a form of harassment that is prohibited by law and Board Policy Regarding Prohibition of Sex Discrimination and Sexual Harassment in the Workplace (Personnel). For more information regarding harassment based on sex, sexual orientation, pregnancy, or gender identity or expression, contact the District's Title IX Coordinator at:

**15 Hinsdale Ave. Winsted, CT 06098**  
**Phone: 860-379-0706 Ext. 1**

#### C. Genetic information

The information about genes, gene products, or inherited characteristics that may derive from an individual or a family member. "Genetic information" may also include an individual's family medical history, the results of an individual's or family member's genetic tests, the fact that an individual or an individual's family member sought or received genetic services, and genetic information of a fetus carried by an individual or an individual's family member or an embryo lawfully held by an individual or family member receiving assistive reproductive services.

#### D. Veteran

A veteran is any person honorably discharged from, released under honorable conditions from or released with an other than honorable discharge based on a qualifying condition from, active service in, the United States Army, Navy, Marine Corps, Coast Guard and Air Force and any reserve component thereof, including the Connecticut National Guard. "Qualifying condition" means (i) a diagnosis of post-traumatic stress disorder or traumatic brain injury made by an individual licensed to provide health care services at a United States Department of Veterans Affairs facility, (ii) an experience of military sexual trauma disclosed to an individual licensed to provide health care services at a United States Department of Veterans Affairs facility, or (iii) a determination that sexual orientation, gender identity, or gender expression was more likely than not the primary reason for an other than honorable discharge, as determined in accordance with Conn. Gen. Stat. §§ 27-103(c), (d).

#### E. Gender identity or expression

Gender identity or expression refers to a person's gender-related identity, appearance or behavior, whether or not that gender-related identity, appearance or behavior is different from that traditionally associated with the person's physiology or assigned sex at birth, which gender-related identity can be shown by providing evidence including, but not limited to, medical history, care or treatment of the gender-related

identity, consistent and uniform assertion of the gender-related identity or any other evidence that the gender-related identity is sincerely held, part of a person's core identity or not being asserted for an improper purpose.

#### F. Sexual orientation

Sexual orientation refers to a person's identity in relation to the gender or genders to which they are romantically, emotionally or sexually attracted, inclusive of any identity that a person (i) may have previously expressed, or (ii) is perceived by another person to hold.

#### G. Race

The term race is inclusive of ethnic traits historically associated with race, including but not limited to, hair texture and protective hairstyles. "Protective hairstyles" includes, but is not limited to, wigs, headwraps and hairstyles such as individual braids, cornrows, locs, twists, Bantu knots, afros and afro puffs.

#### H. Domestic violence

The term domestic violence means (1) a continuous threat of present physical pain or physical injury against a family or household member, as defined in Conn. Gen. Stat. § 46b-38a; (2) stalking, including but not limited to, stalking as described in Conn. Gen. Stat. § 53a-181d, of such family or household member; (3) a pattern of threatening, including but not limited to, a pattern of threatening as described in Conn. Gen. Stat. § 53a-62, of such family or household member or a third party that intimidates such family or household member; or (4) coercive control of such family or household member, which is a pattern of behavior that in purpose or effect unreasonably interferes with a person's free will and personal liberty. "Coercive control" includes, but is not limited to, unreasonably engaging in any of the following: (a) isolating the family or household member from friends, relatives or other sources of support; (b) depriving the family or household member of basic necessities; (c) controlling, regulating or monitoring the family or household member's movements, communications, daily behavior, finances, economic resources or access to services; (d) compelling the family or household member by force, threat or intimidation, including, but not limited to, threats based on actual or suspected immigration status, to (i) engage in conduct from which such family or household member has a right to abstain, or (ii) abstain from conduct that such family or household member has a right to pursue; (e) committing or threatening to commit cruelty to animals that intimidates the family or household member; or (f) forced sex acts, or threats of a sexual nature, including, but not limited to, threatened acts of sexual conduct, threats based on a person's sexuality or threats to release sexual images.

#### ***Reporting to District Officials:***

It is the policy of the Board to provide for the prompt and equitable resolution of complaints alleging Protected Class discrimination or harassment.

Any employee who believes they or another employee has experienced Protected Class discrimination or harassment or an act of retaliation or reprisal in violation of this policy should report such concern in writing to the Superintendent of Schools, in accordance with the Board's complaint procedures included in the Board's Administrative Regulations Regarding Non-Discrimination/Personnel, which accompany this policy and are available online at [www.winchesterschools.org](http://www.winchesterschools.org) or upon request from the main office of any District school.

Employees are encouraged to report incidents of alleged Protected Class discrimination, harassment, or retaliation immediately.

If a complaint involves allegations of discrimination or harassment based on sex, sexual orientation, pregnancy, or gender identity or expression, such complaints will be handled in accordance with the procedures set forth in, Policy Regarding Prohibition of Sex Discrimination and Sexual Harassment in the Workplace (Personnel).

If a complaint involves allegations of discrimination or harassment based on disability, such complaints will be addressed in accordance with the procedures set forth in-Section 504/ADA (Personnel).

In the event conduct reported as Protected Class discrimination and/or harassment allegedly violates more than one policy, the Board will coordinate any investigation in compliance with the applicable policies.

***Mandatory Staff Reporting for Student Incidents:***

District employees are required to report incidents of alleged student-to-student and employee-to-student discrimination, harassment or retaliation that may be based on a Protected Class when District employees witness such incidents or when District employees receive reports or information about such incidents, whether such incidents are verbal or physical or amount to discrimination, harassment or retaliation in other forms. **Reports should be made to any District administrator or to:**

**Superintendent of Schools  
860-379-0706 Ext 1.**

***Remedial Action:***

If the District makes a finding of discrimination, harassment or retaliation, the District will take remedial action designed to:

- A. eliminate the discriminatory/harassing/retaliatory conduct,
- B. prevent its recurrence, and

C. address its effects on the complainant and any other affected individuals.

Examples of appropriate action may include, but are not limited to:

- A. In the case of a student respondent, interventions for the individual who engaged in the discrimination/harassment may include, but are not limited to, discipline (including but not limited to suspension and/or expulsion), educational interventions, exclusion from extra-curricular activities and/or sports programs, and/or referral to appropriate state or local agencies;
- B. In the case of an employee respondent, interventions for the individual who engaged in the discrimination/harassment may include, but are not limited to, supervisor notification, discipline (including possible termination of employment), training, and/or referral to appropriate state or local agencies;
- C. In the case of respondent who is otherwise associated with the school community, interventions for the individual who engaged in the discrimination/harassment may include, but are not limited to, exclusion from school property and/or activities and/or referral to appropriate state or local agencies;
- D. Follow-up inquiries with the complainant and witnesses to ensure that the discriminatory/harassing conduct has stopped and that they have not experienced any retaliation;
- E. Supports for the complainant; and
- F. Training or other interventions for the larger school community designed to ensure that students, staff, parents, Board members and other individuals within the school community understand the types of behavior that constitute discrimination/harassment, that the District does not tolerate it, and how to report it.

***Reporting to State and Federal Agencies:***

In addition to reporting to the Board, any employee also may file a complaint with the following:

Office for Civil Rights, U.S. Department of Education (“OCR”):

Office for Civil Rights, Boston Office  
 U.S. Department of Education  
 8th Floor  
 5 Post Office Square  
 Boston, MA 02109- 3921  
 (617-289-0111)  
<http://www2.ed.gov/about/offices/list/ocr/docs/howto.html>

Equal Employment Opportunity Commission:

Equal Employment Opportunity Commission, Boston Area Office  
 John F. Kennedy Federal Building



475 Government Center  
 Boston, MA 02203  
 (800-669-4000)

Connecticut Commission on Human Rights and Opportunities:

Connecticut Commission on Human Rights and Opportunities  
 450 Columbus Blvd.  
 Hartford, CT 06103-1835  
 (860-541-3400 or Connecticut Toll Free Number 1-800-477-5737)

***Questions/Requests for Accommodation:***

Any employee who:

1. has questions or concerns about this policy or its accompanying regulations;
2. wishes to request or discuss accommodations based on religion; OR
3. would like a copy the Board's complaint procedures or complaint forms related to claims of discrimination or harassment

should contact the following District official:

**Superintendent of Schools**  
**338 Main Street, 4<sup>th</sup> Floor**  
**Winsted, CT 06098**  
**860-379-0706 Ext 1**

Any employee who has questions or concerns about the Board's policies regarding discrimination on the basis of gender/sex/sexual orientation/pregnancy/gender identity or expression applicable to employees should contact the District's Title IX Coordinator:

**Superintendent of Schools**  
**338 Main Street, 4<sup>th</sup> Floor**  
**Winsted, CT 06098**  
**860-379-0706 Ext 1**

Any employee who:

1. has specific questions or concerns about the Board's policies regarding discrimination on the basis of disability applicable to employees; OR
2. wishes to request an accommodation on the basis of disability

should contact the District's Section 504/ADA Coordinator:

**Superintendent of Schools**



338 Main Street, 4<sup>th</sup> Floor  
 Winsted, CT 06098  
 860-379-0706 Ext 1

Legal References:

Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d et seq.  
 Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e et seq.  
 Title IX of the Education Amendments of 1972, 20 U.S.C. § 1681 et seq.  
 Age Discrimination in Employment Act, 29 U.S.C. § 621 et seq.  
 Americans with Disabilities Act, 42 U.S.C. § 12101  
 Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794  
 Title II of the Genetic Information Nondiscrimination Act of 2008,  
 Pub.L.110-233, 42 U.S.C. § 2000ff; 29 CFR 1635.1 et seq.  
 Connecticut General Statutes § 1-1n, “Gender Identity or Expression”  
 defined  
 Connecticut General Statutes § 10-153, Discrimination on the basis of sex,  
 gender or expression or marital status prohibited  
 Connecticut General Statutes § 27-103  
 Connecticut General Statutes § 31-51i  
 Connecticut General Statutes § 46a-51, Definitions  
 Connecticut General Statutes § 46a-58, Deprivation of rights  
 Connecticut Fair Employment Practices Act, Connecticut General Statutes  
 § 46a-60  
 Connecticut General Statutes § 46a-80a  
 Connecticut General Statutes § 46a-81c, Sexual orientation discrimination:  
 Employment  
 Connecticut General Statutes § 46b-1, Family relations matters and  
 domestic violence defined  
 Public Act No. 23-145, “An Act Revising the State’s Antidiscrimination  
 Statutes”

ADOPTED: \_\_\_\_\_

REVISED: \_\_\_\_\_

9/29/2023

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## ADMINISTRATIVE REGULATIONS REGARDING DISCRIMINATION COMPLAINTS (PERSONNEL)

### ***Protected Class Discrimination Prohibited:***

The Winchester Board of Education (the “Board”) will not make employment decisions (including decisions related to hiring, assignment, compensation, promotion, demotion, disciplinary action and termination) on the basis of race, color, religion, age, sex, marital status, sexual orientation, national origin, alienage, ancestry, disability, pregnancy, genetic information, veteran status, gender identity or expression, status as a victim of domestic violence, or any other basis prohibited by state or federal law (“Protected Class”), except in the case of a bona fide occupational qualification

It is the policy of the Board that any form of discrimination or harassment on the basis of an individual’s actual or perceived membership in a Protected Class, whether by students, Board employees, Board members or third parties subject to the control of the Board, is prohibited in the Winchester Public Schools (the “District”). Students, Board employees, Board members and third parties are expected to adhere to a standard of conduct that is respectful of the rights of all members of the school community.

### ***Discrimination on the Basis of Erased Criminal History Prohibited:***

It is also the policy of the Board to provide for the prompt and equitable resolution of complaints alleging Protected Class discrimination or harassment. The District will investigate both formal and informal complaints of discrimination, harassment or retaliation.

### ***Retaliation Prohibited:***

The Board further prohibits reprisal or retaliation against any individual who reports incidents in good faith that may be a violation of this policy, or who participates in the investigation of such reports.

The District will not tolerate any reprisals or retaliation that occur as a result of the good faith reporting of charges of Protected Class discrimination or harassment. Any such reprisals or retaliation may result in disciplinary action against the retaliator, and other corrective actions as appropriate.

### ***Discrimination on the Basis of Protected Class Association Prohibited:***

Discrimination and/or harassment against any individual on the basis of that individual’s association with someone in a Protected Class may also be considered a form of Protected Class discrimination and/or harassment.

***Scope and Applicability:***

Students, Board employees, Board members and community members (e.g., other individuals affiliated with the District, accessing or seeking access to District facilities) are expected to adhere to a standard of conduct that is respectful of the rights of all members of the school community.

It is also the policy of the Board to provide for the prompt and equitable resolution of complaints alleging Protected Class discrimination or harassment. The District will investigate both formal and informal complaints of discrimination, harassment, or retaliation.

The following non-exhaustive list provides examples of the types of prohibited conduct that may be considered Protected Class harassment that can lead to a hostile environment, and are therefore prohibited:

- objectively offensive racial, ethnic, or religious epithets (or epithets commonly associated with any Protected Class membership);
- other words or phrases commonly considered demeaning or degrading on the basis of Protected Class membership;
- display of images or symbols commonly associated with discrimination against individuals on the basis of their membership in a Protected Class;
- graphic, written or electronic communications that are harmful or humiliating based on Protected Class membership;
- bigoted conduct or communications; OR
- physical, written, electronic or verbal threats based on Protected Class membership.

Harassment does not have to include intent to harm, be directed at a specific target, or involve repeated incidents.

***Reporting to District Officials:***

It is the policy of the Board to provide for the prompt and equitable resolution of complaints alleging Protected Class discrimination or harassment.

Employees are encouraged to report incidents of alleged Protected Class discrimination, harassment, or retaliation immediately.

Any employee who believes they or another employee has experienced Protected Class discrimination or harassment or an act of retaliation or reprisal in violation of Board policy should report such concern in writing to the Superintendent of Schools in accordance with the Board's complaint procedures included in these Administrative Regulations Regarding Non-Discrimination/Personnel.

If a complaint involves allegations of discrimination or harassment based on sex, sexual orientation, pregnancy, or gender identity or expression, such complaints will be handled in accordance with the procedures set forth in, Policy Regarding Prohibition of Sex Discrimination and Sexual Harassment in the Workplace (Personnel).

If a complaint involves allegations of discrimination or harassment based on disability, such complaints will be addressed in accordance with the procedures set forth in, Section 504/ADA (Personnel).

In the event conduct reported as Protected Class discrimination and/or harassment allegedly violates more than one policy, the Board will coordinate any investigation in compliance with the applicable policies.

***Mandatory Staff Reporting for Student Incidents:***

District employees are required to report incidents of alleged student-to-student and employee-to-student discrimination, harassment or retaliation that may be based on a Protected Class when District employees witness such incidents or when District employees receive reports or information about such incidents, whether such incidents are verbal or physical or amount to discrimination, harassment or retaliation in other forms. **Reports should be made to any District administrator or to:**

**Superintendent of Schools  
338 Main Street, 4<sup>th</sup> Floor  
Winsted, CT 06098  
860-379-0706 Ext 1**

***Complaint Procedure***

Preferably, complaints should be filed within thirty (30) calendar days of the alleged occurrence. Timely reporting of complaints facilitates the investigation and resolution of such complaints. The District will investigate such complaints promptly and equitably, and will take corrective action when allegations are verified.

As soon as an individual feels that they, or another employee has been subjected to Protected Class discrimination or harassment, the individual should make a written complaint to the Superintendent or designee.

The individual who is alleged to have experienced Protected Class discrimination/harassment (the “complainant”) and any individual accused of Protected Class discrimination/harassment (the “respondent”) (if applicable) will be provided a copy of the Board’s policy and regulation and made aware of the individual’s rights under this policy and regulation. In the event the Superintendent or designee receives a complaint alleging discrimination or harassment based on sex, sexual orientation, pregnancy, or gender identity or expression, the Superintendent or designee shall follow the procedures identified in Policy Regarding Prohibition of Sex Discrimination and

Sexual Harassment in the Workplace (Personnel). In the event the Superintendent or designee receives a complaint alleging discrimination or harassment based on disability, the Superintendent or designee shall follow the procedures identified in, Section 504/ADA (Personnel).

The complaint should state the:

- A. Name of the complainant,
- B. Date of the complaint,
- C. Date(s) of the alleged harassment/discrimination,
- D. Name(s) of the harasser(s) or discriminator(s),
- E. Location where such harassment/discrimination occurred,
- F. Names of any witness(es) to the harassment/discrimination,
- G. Detailed statement of the circumstances constituting the alleged harassment/discrimination; and
- H. Proposed remedy.

Any individual who makes an oral complaint of discrimination or harassment of an employee will be provided a copy of this regulation and will be requested to make a written complaint pursuant to the above procedure. If an individual is unable to make a written complaint, the employee receiving the oral complaint will either reduce the complaint to writing, assist the individual with completing the written complaint form or request that a District administrator assist the individual.

All complaints received by employees are to be forwarded immediately to the Superintendent or designee. Upon receipt of a complaint alleging discrimination or harassment of an employee under this complaint procedure, the Superintendent shall promptly investigate the complaint, or designate a District administrator or other trained individual to do so.

During the course of the investigation, the investigator shall interview or consult with all individuals reasonably believed to have relevant information, including the complainant, the reporter (if different from the complainant), the respondent, and any witnesses to the conduct. Complaints will be investigated promptly within the timeframes identified below. Timeframes may be extended as needed given the complexity of the investigation, availability of individuals with relevant information and/or other extenuating circumstances. Confidentiality will be maintained by all persons involved in the investigation to the extent possible, to the extent consistent with due process, as determined by the investigator.

Upon receipt of a written complaint of discrimination or harassment of an employee, the investigator should:

1. Offer to meet with the complainant and respondent (if applicable) within ten (10) business days (provided that such timeframe may be reasonably extended based on the availability of necessary witnesses and/or participants, the complexity of the investigation, and/or other extenuating circumstances) to discuss the nature of the complaint, discuss the availability of interim measures, identify individuals the complainant or respondent believes has relevant information, and obtain any relevant documents the complainant or respondent may have;
2. Provide the complainant and respondent (if applicable) with a copy of the Board's non-discrimination policy and accompanying regulations;
3. Conduct an investigation that is adequate, reliable, and impartial. Investigate the factual basis of the complaint, including, as applicable, conducting interviews with the parties to the complaint and any relevant witnesses or other individuals deemed relevant to the complaint;
4. Review any records, notes, statements, or other documents relevant to the complaint;
5. Maintain confidentiality to the extent practicable throughout the investigative process, in accordance with state and federal law;
6. Complete a final investigation report that includes: (i) a findings of fact based on the evidence gathered; (ii) for each allegation, the conclusion(s) and reasoning(s) as to whether the discrimination or harassment occurred; and (iii) for any individual(s) found to have engaged in discrimination or harassment, a broad statement of consequences imposed (to the extent permitted by state and federal confidentiality requirements) (i.e. "Consequences were imposed.").
7. Communicate the outcome of the investigation in writing to the complainant and respondent (if any) (to the extent permitted by state and federal confidentiality requirements), within thirty (30) business days (provided that such timeframe may be reasonably extended based on the availability of necessary witnesses and/or participants, the complexity of the investigation, and/or other extenuating circumstances) from the date the complaint was received by the Superintendent's office. The complainant and respondent (if any) shall be notified of such extension. The written notice shall include a finding whether the complaint was substantiated and if so, shall identify, to the extent possible, how the District will remedy the discrimination or harassment, adhering to the requirements of state and federal law;



8. If a complaint is made during summer recess, the complaint will be reviewed and addressed as quickly as possible given the availability of employees and/or other individuals who may have information relevant to the complaint. If fixed timeframes cannot be met, the complainant and respondent (if any) will receive notice and interim measures may be implemented as necessary (see subparagraph 6);
9. Whenever allegations are verified, ensure that appropriate corrective action is taken (including, but not limited to, disciplinary action) aimed at preventing the recurrence of the discrimination or harassment. Corrective action should include steps to avoid continuing discrimination or harassment;
10. If a complainant or a respondent is not satisfied with the findings and conclusions of the investigation, such party may present the complaint and written outcome to the Superintendent within thirty (30) calendar days of receiving the findings. Upon review of a written request from the party requesting an appeal, the Superintendent shall review the investigative results of the investigator and determine if further action and/or investigation is warranted. Such action may include consultation with a designated investigator (if applicable), complainant, and respondent (if any) and meeting with appropriate individuals to attempt to resolve the complaint, or a decision affirming or overruling a designated investigator's conclusions or findings (if applicable). The Superintendent shall provide written notice to the complainant and respondent (if any) of the proposed actions within thirty (30) business days (provided that such timeframe may be reasonably extended based on the availability of necessary witnesses and/or participants, the complexity of the investigation, and/or other extenuating circumstances) following the receipt of the written request for review.

***Complaint Procedure for Superintendent/Board Members Complaints:***

Any District administrator or Board member who receives a complaint of discrimination, harassment or retaliation of any employee by a Board Member or by the Superintendent shall forward the complaint promptly to the Director of Human Resources. Complaints pertaining to the Superintendent or Board of Education members will be forwarded to the Chair of the Board of Education. Complaints pertaining to the Board Chair will be forwarded to the Board Vice Chair. In all cases, the individual receiving the complaint shall take appropriate steps to cause the matter to be investigated in a manner consistent with the procedures described above.

If a complainant or a respondent is not satisfied with the findings and conclusions of an investigation in which the Superintendent or a member of the Board is the respondent, within (30) calendar days of receiving the findings such party may present the complaint and written outcome to the Board Chair (or, if initially presented by the Board Chair, the Board Vice Chair), who will take appropriate steps to cause the matter to be reviewed in a manner consistent with the Board's non-discrimination policy and regulation. Such



steps may include retention of an independent investigator different from the investigator who investigated the complaint.

***Remedial Action:***

If the District makes a finding of discrimination, harassment or retaliation of an employee, the District will take remedial action designed to:

- A. eliminate the discriminatory/harassing/retaliatory conduct,
- B. prevent its recurrence, and
- C. address its effects on the complainant and any other affected individuals.

Examples of appropriate action may include, but are not limited to:

- A. In the case of a student respondent, interventions for the individual who engaged in the discrimination/harassment may include, but are not limited to, discipline (including but not limited to suspension and/or expulsion), educational interventions, exclusion from extra-curricular activities and/or sports programs, and/or referral to appropriate state or local agencies;
- B. In the case of an employee respondent, interventions for the individual who engaged in the discrimination/harassment may include, but are not limited to, supervisor notification, discipline (including possible termination of employment), training, and/or referral to appropriate state or local agencies;
- C. In the case of respondent who is otherwise associated with the school community, interventions for the individual who engaged in the discrimination/harassment may include, but are not limited to, exclusion from school property and/or activities and/or referral to appropriate state or local agencies;
- D. Follow-up inquiries with the complainant and witnesses to ensure that the discriminatory/harassing conduct has stopped and that they have not experienced any retaliation;
- E. Supports for the complainant; and
- F. Training or other interventions for the larger school community designed to ensure that students, staff, parents, Board members and other individuals within the school community understand the types of behavior that constitute discrimination/harassment, that the District does not tolerate it, and how to report it.

***Staff Development:***

The District will periodically provide staff development for District administrators and periodically distribute the Board's Non-Discrimination policies and the implementing administrative regulations to staff and students in an effort to maintain an environment free of discrimination and harassment.

***Reporting to State and Federal Agencies:***

In addition to reporting to the Board, any employee also may file a complaint with the following:

Office for Civil Rights, U.S. Department of Education (“OCR”):

Office for Civil Rights, Boston Office  
 U.S. Department of Education  
 8th Floor  
 5 Post Office Square  
 Boston, MA 02109-3921  
 (617-289-0111)  
<http://www2.ed.gov/about/offices/list/ocr/docs/howto.html>

Equal Employment Opportunity Commission:

Equal Employment Opportunity Commission, Boston Area Office  
 John F. Kennedy Federal Building  
 475 Government Center  
 Boston, MA 02203  
 (800-669-4000)

Connecticut Commission on Human Rights and Opportunities:

Connecticut Commission on Human Rights and Opportunities  
 450 Columbus Blvd.  
 Hartford, CT 06103-1835  
 (860-541-3400 or Connecticut Toll Free Number 1-800-477-5737)

***Questions/Requests for Accommodation:***

Any employee who:

1. has questions or concerns about this policy or its accompanying regulations;
2. wishes to request or discuss accommodations based on religion; OR
3. would like a copy the Board’s complaint procedures or complaint forms related to claims of discrimination or harassment

should contact the following District official:

**Superintendent of Schools**  
**338 Main Street, 4<sup>th</sup> Floor**  
**Winsted, CT 06098**  
**860-379-0706 Ext 1**

Any employee who has questions or concerns about the Board's policies regarding discrimination on the basis of gender/sex/sexual orientation/pregnancy/gender identity or expression applicable to employees should contact the District's Title IX Coordinator:

**Director of Student Services**  
**15 Hinsdale Ave.**  
**Winsted, CT 06098**  
**860-379-0706 Ext 1**

Any employee who:

1. has specific questions or concerns about the Board's policies regarding discrimination on the basis of disability applicable to employees; OR
2. wishes to request an accommodation on the basis of disability

should contact the District's Section 504/ADA Coordinator:

**Superintendent of Schools**  
**338 Main Street, 4<sup>th</sup> Floor**  
**Winsted, CT 06098**  
**860-379-0706 Ext 1**

9/27/2023

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**DISCRIMINATION/HARASSMENT COMPLAINT FORM**  
(For complaints based on race, color, religion, age, marital status, national origin,  
alienage, ancestry, genetic information, veteran status, or status as a victim of  
domestic violence)

Name of the reporter \_\_\_\_\_

Name of alleged victim/complainant \_\_\_\_\_

Name of alleged victim/complainant \_\_\_\_\_

Relationship of reporter to the alleged victim/complainant \_\_\_\_\_

Date of the complaint \_\_\_\_\_

Date of the alleged discrimination/harassment \_\_\_\_\_

Name or names of the alleged discriminator(s) or harasser(s) \_\_\_\_\_

Location where such discrimination/harassment occurred \_\_\_\_\_

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

Detailed statement of the circumstances constituting the alleged discrimination or  
harassment \_\_\_\_\_

Proposed remedy \_\_\_\_\_

9/27/2023

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**Series 4000  
Personnel**

**PROHIBITION ON RECOMMENDATIONS FOR PSYCHOTROPIC DRUGS**

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

I. Definitions

For purposes of this policy, the following definitions apply:

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

communication with a parent or guardian about a child's need for medical evaluation;

8. a school professional staff member designated by the Superintendent to communicate with a child's parent or guardian about a child's need for medical evaluation.

## II. Procedures

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

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

## Legal References:

Conn. Gen. Stat. § 10-76d	Duties and powers of boards of education to provide special education programs and services.
Conn. Gen. Stat. § 10-212b	Policies prohibiting the recommendation of psychotropic drugs by school personnel.
34 C.F.R. § 300.174	Prohibition on mandatory medication.

ADOPTED: \_\_\_\_\_

REVISED: \_\_\_\_\_

8/4/16  
Technical Rev. 11/19/2020



**Series 4000  
Personnel**

**POLICY REGARDING EMPLOYEES AND  
SECTION 504 OF THE REHABILITATION ACT OF 1973 AND  
TITLE II OF THE AMERICANS WITH DISABILITIES ACT OF 1990**

Section 504 of the Rehabilitation Act of 1973 (“Section 504”) prohibits discrimination against individuals with a disability in any program receiving Federal financial assistance. Similarly, Title II of the Americans with Disabilities Act of 1990 (“Title II” or “ADA”) prohibits discrimination against individuals with a disability by state and local governments. To be protected under Section 504 and the ADA (“collectively, “Section 504/ADA”), an individual must (1) have a physical or mental impairment that substantially limits one or more major life activities; (2) have a record of such an impairment; or (3) be regarded as having such an impairment.

In order to fulfill its obligation under Section 504/ADA, the Winchester Board of Education (the “Board”) recognizes a responsibility to avoid discrimination in policies and practices regarding its personnel, students, parents/guardians and members of the public who participate in school sponsored programs. In this regard, the Board prohibits discrimination against any person with a disability in any of the services, programs or activities of the school system.

Employees who are interested in requesting or discussing reasonable accommodations for a disability should contact:

Superintendent of Schools  
338 Main Street, 4<sup>th</sup> Floor  
Winsted, CT 06098 860-379-0706 Ext 1

Any employee may file an internal grievance/complaint regarding discrimination on the basis of disability by or within the district by utilizing the grievance/complaint procedures outlined in the Board’s Administrative Regulations Regarding Employees and Section 504 of Rehabilitation Act of 1973 and Title II of Americans with Disabilities Act, and/or may file a complaint with the Office for Civil Rights, U.S. Department of Education (“OCR”):

Office for Civil Rights, Boston Office  
U.S. Department of Education  
8<sup>th</sup> Floor  
5 Post Office Square  
Boston, MA 02109- 3921  
(617) 289-0111

Employees may also file a complaint regarding employment discrimination on the basis of disability with the Equal Employment Opportunity Commission, Boston Area Office,

John F. Kennedy Federal Building, 15 New Sudbury Street, Room 475, Boston, MA  
02203-0506 (TELEPHONE NUMBER 800-669-4000).

Employees may also file a complaint with the Connecticut Commission on Human Rights  
and Opportunities, 450 Columbus Blvd., Hartford, CT 06103-1835 (TELEPHONE  
NUMBER 800-477-5737).

Anyone who wishes to file a grievance/complaint with the district, or who has questions  
or concerns about this policy, should contact the Superintendent of Schools, the Section  
504/ADA Coordinator for the Winchester Public Schools, at phone number 860-379-  
0706.

Legal References:

29 U.S.C. §§ 705, 794  
34 C.F.R. Part 104  
42 U.S.C. § 12101 et seq.  
28 C.F.R. Part 35

ADOPTED: \_\_\_\_\_  
REVISED: \_\_\_\_\_

7/27/20

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**ADMINISTRATIVE REGULATIONS REGARDING EMPLOYEES  
AND SECTION 504 OF THE REHABILITATION ACT OF 1973  
AND TITLE II OF THE AMERICANS WITH DISABILITIES ACT OF 1990**

Winchester Board of Education Section 504/ADA Grievance/Complaint  
Procedures Regarding Discrimination Against Employees

Section 504 of the Rehabilitation Act of 1973 (“Section 504”) and Title II of the Americans with Disabilities Act of 1990 (“Title II” or “ADA”) (collectively, “Section 504/ADA”) prohibit discrimination on the basis of disability. For the purposes of Section 504/ADA, the term “disability” with respect to an individual means: (a) a physical or mental impairment that substantially limits one or more major life activities of such individual; (b) a record of such an impairment; or (c) being regarded as having such an impairment.

## **I. Definitions**

**Major life activities:** include, but are not limited to, caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, sitting, reaching, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, interacting with others, and working. A major life activity also includes the operation of a major bodily function, such as the functions of the immune system, special sense organs and skin, normal cell growth, and digestive, genitourinary, bowel, bladder, neurological, brain, respiratory, circulatory, cardiovascular, endocrine, hemic, lymphatic, musculoskeletal, and reproductive systems. The operation of a major bodily function includes the operation of an individual organ within a body system.

**Mitigating measures:** include, but are not limited to, (a) medication, medical supplies, equipment, appliances, low-vision devices (defined as devices that magnify, enhance, or otherwise augment a visual image, but not including ordinary eyeglasses or contact lenses), prosthetics including limbs and devices, hearing aid(s) and cochlear implant(s) or other implantable hearing devices, mobility devices, oxygen therapy equipment and supplies; (b) use of assistive technology; (c) reasonable modifications or auxiliary aids or services; (d) learned behavioral or adaptive neurological modifications; or (e) psychotherapy, behavioral therapy, or physical therapy.

**Physical or mental impairment:** (a) any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems, such as: neurological, musculoskeletal, special sense organs, respiratory (including speech organs), cardiovascular, reproductive, digestive, genitourinary, immune, circulatory, hemic, lymphatic, skin, and endocrine;(b) any mental or psychological disorder, such as intellectual disability, organic brain syndrome, emotional or mental illness, and specific learning disability; or (c) an impairment that is episodic or in remission if it would substantially limit a major life activity when active. Physical or mental impairment includes, but is not limited to, contagious and noncontagious diseases and conditions such as the following: orthopedic, visual, speech, and hearing impairments, and cerebral palsy, epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart disease, diabetes, intellectual disability, emotional illness, dyslexia and other specific learning disabilities, Attention Deficit Hyperactivity Disorder, Human Immunodeficiency Virus infection (whether symptomatic or asymptomatic), tuberculosis, drug addiction, and alcoholism.

## **II. Procedures for Grievances/Complaints Alleging Discrimination on the Basis of Disability**

- A. Any eligible person, including any student, parent/guardian, staff member or other employee who feels that he/she has been discriminated against on the basis of disability (including differential treatment, harassment and retaliation) may submit a written complaint to the district's designated Section 504/ADA Coordinator (see contact information below) within thirty (30) school days of the alleged occurrence.
- B. Timely reporting of complaints facilitates the prompt investigation and resolution of such complaints. If a complaint is filed relating to alleged discrimination occurring more than thirty (30) school days after the alleged occurrence, the ability of the \_\_\_\_\_ Public Schools (the "District") to investigate the allegations may be limited by the passage of time. Therefore, complaints received after thirty (30) school days of the alleged occurrence shall be investigated to the extent possible, given the passage of time and the impact on available information, witnesses and memory. If a complaint is made verbally, the individual taking the complaint will reduce the complaint to writing. Individuals wishing to make a complaint about discrimination against students on the basis of disability should be referred to the district's Section 504/ADA policies and regulations regarding students.
- C. Retaliation against any individual who complains pursuant to the Board's policy and regulations listed herein is strictly prohibited. The district will not tolerate any retaliation that occurs as a result of the good faith reporting or complaint of disability-based discrimination or as a result of an individual's participation or cooperating in the investigation of a complaint. The district will take necessary actions to prevent retaliation as a result of filing a complaint or the participation in an investigation of a complaint.
- D. If the Section 504/ADA Coordinator is the subject of the complaint, the complaint should be submitted directly to the Superintendent who may conduct the investigation or appoint a designee to conduct the investigation in accordance with these procedures. If the Superintendent is the subject of the complaint, the District shall designate an appropriate party to conduct the investigation in accordance with these procedures. Complaints should be filed within thirty (30) school days in order to facilitate timely resolution of potential disputes.
- E. Complaints will be investigated promptly within timeframes identified below. Timeframes may be extended as needed given the complexity of the investigation, availability of individuals with relevant information and other extenuating circumstances. Confidentiality will be maintained by all persons involved in the investigation to the extent possible.
- F. The complaint should contain the following information:
1. The name of the complainant;
  2. The date of the complaint;
  3. The date(s) of the alleged discrimination;
  4. The names of any witnesses or individuals relevant to the complaint;
  5. A detailed statement describing the circumstances in which the alleged discrimination occurred; and
  6. The remedy requested.

However, all complaints will be investigated to the extent possible, even if such information is not included in the complaint. In such circumstances, additional information may be requested by the investigator as part of the investigation process.

- G. Upon receipt of the complaint, the individual investigating the complaint shall:
1. Provide a copy of the written complaint to the Superintendent of Schools;
  2. Meet separately with the complainant and the respondent within ten (10) school days to discuss the nature of the complaint, identify individuals the complainant and respondent believe have relevant information, and obtain any relevant documents the complainant may have;
  3. Provide the complainant and respondent with a copy of the applicable Board Section 504/ADA Policy and these administrative regulations;
  4. Consider whether and which interim measures might be appropriate for an alleged victim and the respondent pending the outcome of the District's investigation;
  5. Conduct an investigation of the factual basis of the complaint that is adequate, reliable, and impartial, including conducting interviews with individuals with information and review of documents relevant to the complaint;
  6. Maintain confidentiality to the extent practicable throughout the investigative process in accordance with state and federal law;
  7. Communicate the outcome of the investigation in writing to the complainant, and to the respondent (to the extent permitted by state and federal confidentiality requirements), within fifteen (15) school days from the date the complaint was received by the Section 504/ADA Coordinator or Superintendent. The written notice shall include a finding as to whether the complaint was substantiated and if so, shall identify how the District will remedy any identified violations of Section 504/ADA. The investigator may extend this deadline for no more than fifteen (15) additional school days if needed to complete the investigation. The complainant and the respondent shall be notified of any such extension;
  8. If a complaint is made during summer recess, the complaint will be reviewed and addressed as quickly as possible given the availability of staff and/or other individuals who may have information relevant to the complaint, and no later than fifteen (15) school days after the start of the following school year. The complainant and the respondent will receive notice if the investigation has been impeded by the summer recess, and interim measures may be implemented as necessary (see sub-paragraph 4);
  9. Ensure that appropriate corrective action is taken whenever allegations are verified. When allegations are verified, ensure that measures to remedy the effects of the discrimination and prevent its recurrence are appropriately considered, and offered, when appropriate. Corrective action should include steps to avoid continuing discrimination;



10. In the event the investigator concludes that there is no violation of Section 504/ADA, the district may attempt to resolve the complainant's ongoing concerns, if possible.
- H. If the complainant or respondent is not satisfied with the findings and conclusions of the investigation, the appealing party may request review and reconsideration of the conclusion of the complaint within thirty (30) days of receipt of the written outcome. In requesting review, the appealing party must submit the complaint, the written outcome of the complaint, and explain why he/she believes the factual information relied upon by the investigator was incomplete, the analysis of the facts was incorrect, and/or the appropriate legal standard was not applied, *and* how this information would change the investigator's determination in the case. Failure to provide all such information may result in the denial of the review.

Upon review of a written request from the appealing party, the Superintendent shall review the investigative results of the investigator and determine if further action and/or investigation is warranted. Such action may include consultation with the investigator and other relevant witnesses, a meeting with appropriate individuals to attempt to resolve the complaint or a decision affirming or overruling the investigator's conclusions or findings. The Superintendent shall provide written notice to the appealing party and other party of his/her decision within ten (10) school days following the receipt of the written request for review. When a written request for review is received during summer recess, the Superintendent conduct the review as quickly as possible given the availability of staff and/or other individuals who may have information relevant to the review, and no later than ten (10) school days after the start of the following school year. The Superintendent's decision shall be final.

### **III. The Section 504/ADA Coordinator for this district is:**

Superintendent of Schools  
338 Main Street, 4<sup>th</sup> Floor  
Winsted, CT 06098 860-379-0706 Ext 1

### **IV. Complaints to Federal or State Agencies**

At any time, the complainant has the right to file a formal complaint with the U.S. Department of Education, Office for Civil Rights, 8<sup>th</sup> Floor, 5 Post Office Square, Suite 900, Boston, MA 02109-0111 (TELEPHONE NUMBER (617) 289-0111); <http://www2.ed.gov/about/offices/list/ocr/docs/howto.html>. Employees may also file a complaint regarding employment discrimination on the basis of disability with the Equal Employment Opportunity Commission, Boston Area Office, John F. Kennedy Federal Building, 15 New Sudbury Street, Room 475, Boston, MA 02203-0506 (TELEPHONE NUMBER 800-669-4000), or the Connecticut Commission on Human Rights and Opportunities, 450 Columbus Blvd., Hartford, CT 06103-1835 (TELEPHONE NUMBER 800-477-5737).

**SECTION 504/ADA DISCRIMINATION  
GRIEVANCE/COMPLAINT FORM FOR NON-STUDENT**

(This form is intended to be used if an individual has grievance/complaint under Section 504/ADA alleging discrimination on the basis of a disability).

1. Name of Complainant: \_\_\_\_\_ Date: \_\_\_\_\_

2. Contact Information for Complainant:  
\_\_\_\_\_  
(Address)  
\_\_\_\_\_  
(Home Tel. #)  
\_\_\_\_\_  
(Cell # or Work #)

3. Name of Covered Individual: \_\_\_\_\_

4. Address of Covered Individual (if different from above):  
\_\_\_\_\_  
\_\_\_\_\_

5. Relationship to School (e.g., position, visitor, parent) (if applicable):  
\_\_\_\_\_

6. Please describe the nature of your complaint:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

7. Proposed resolution or corrective action you wish to see taken with regard to the stated issues:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



**Series 4000  
Personnel**

**SOCIAL MEDIA**

The Winchester Board of Education (the “Board”) recognizes the importance and utility of social media and networks for its employees. The laws regarding social media continue to evolve and change. Nothing in this policy is intended to limit an employee’s right to use social media or personal online accounts under applicable law, as it may evolve. The Board acknowledges, for example, that its employees have the right under the First Amendment, in certain circumstances, to speak out on matters of public concern. The Board will resolve any conflict between this policy and applicable law in favor of the law.

Ordinarily, the use of social media by employees, including employees’ use of personal online accounts, will not be a legal or policy issue. While a policy cannot address every instance of inappropriate social media use, employees must refrain from social media use that:

- 1) interferes, disrupts or undermines the effective operation of the school district;
- 2) is used to engage in harassing, defamatory, obscene, abusive, discriminatory or threatening or similarly inappropriate communications;
- 3) creates a hostile work environment;
- 4) breaches confidentiality obligations of school district employees; or
- 5) violates the law, board policies and/or other school rules and regulations.

Legal References:

U.S. Constitution, Amend. I  
Conn. Constitution, Article I, Sections 3, 4, 14

Electronic Communication Privacy Act, 18 U.S.C. §§ 2510 through 2520

Conn. Gen. Stat. § 31-40x  
Conn. Gen. Stat. § 31-48d  
Conn. Gen. Stat. § 31-51q  
Conn. Gen. Stat. §§ 53a-182; 53a-183; 53a-250

ADOPTED: \_\_\_\_\_  
REVISED: \_\_\_\_\_

7/5/16  
Technical Rev. 11/20/2020

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**Series 4000  
Personnel**

**ADMINISTRATIVE REGULATIONS REGARDING USE OF SOCIAL MEDIA**

The Winchester Board of Education (the “Board”) recognizes the importance and utility of social media and networks for its employees. The laws regarding social media continue to evolve and change. Nothing in the Board’s policy or these administrative regulations is intended to limit an employee’s right to use social media or personal online accounts under applicable law, as it may evolve. The Board acknowledges, for example, that its employees have the right under the First Amendment, in certain circumstances, to speak out on matters of public concern. The Board will resolve any conflict between the Board’s policy or these regulations and applicable law in favor of the law.

Ordinarily, the use of social media by employees, including employees’ personal online accounts, will not be a legal or policy issue. While a policy or regulation cannot address every instance of inappropriate social media use, employees must refrain from social media use that:

- 1) interferes, disrupts or undermines the effective operation of the school district;
- 2) is used to engage in harassing, defamatory, obscene, abusive, discriminatory or threatening or similarly inappropriate communications;
- 3) creates a hostile work environment;
- 4) breaches confidentiality obligations of school district employees; or
- 5) violates the law, Board policies and/or other school rules and regulations.

**Definitions:**

The rapid speed at which technology continuously evolves makes it difficult, if not impossible, to identify all types of social media.

Thus, the term Social Media includes a variety of online tools and services that allow users to publish content and interact with their audiences. By way of example, social media includes, but is not limited to, the following websites or applications, including an employee’s personal online account using such social media:

- (1) social-networking (e.g. Facebook, LinkedIn, Google+, Classmates.com);
- (2) blogs and micro-blogs (e.g. Twitter, Tumblr, Medium);
- (3) content-sharing (e.g. Scribd, SlideShare, DropBox);
- (4) imagesharing, videosharing or livestreaming (e.g. Snapchat, Periscope, Flickr, YouTube, Instagram, Vine, Pinterest);
- (5) other sharing sites or apps such as by sound, location, news, or messaging, etc. (e.g. Reddit, Kik, Yik Yak, SoundCloud, WhatsApp).

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

Electronic communications device includes any electronic device that is capable of transmitting, accepting or processing data, including, but not limited to, a computer, computer network and computer system, and a cellular or wireless telephone.

Personal online account includes any online account that is used by an employee exclusively for personal purposes and unrelated to any business purpose of the Board, including, but not limited to electronic mail, social media and retail-based Internet websites. Personal online account does not include any account created, maintained, used or accessed by an employee for a business, educational or instructional purpose of the Board.

### **Rules Concerning District-Sponsored Social Media Activity**

1. In order for an employee to use social media sites as an educational tool or in relation to extracurricular activities or programs of the school district, the employee must seek and obtain the prior permission of his/her supervisor.
2. Employees may not use personal online accounts to access social media for classroom activities without express permission of the employee's supervisor. Where appropriate and with permission, district-sponsored social media accounts should be used for such purposes.
3. If an employee wishes to use social media sites to communicate meetings, activities, games, responsibilities, announcements etc., for a school-based club or a school-based activity or an official school-based organization, or an official sports team, the employee must also comply with the following rules:
  - The employee must receive the permission of his/her immediate supervisor.
  - The employee must not use his/her personal online account for such purpose, but shall use his/her Board-issued account.
  - The employee must ensure that such social media use is compliant with all Board of Education policies, regulations, and applicable state and federal law, including the provision of required legal notices and permission slips to parents.
  - The employee must set up the club, etc. as a group list which will be "closed" (e.g. membership in the group is limited to students, parents and appropriate school personnel), and "monitored" (e.g. the employee had the ability to access and supervise communications on the social media site).
  - Parents shall be permitted to access any page that their child has been invited to join.
  - Access to the page may only be permitted for educational purposes related to the club, activity, organization or team.
  - The employee responsible for the page will monitor it regularly.

- The employee's supervisor shall be permitted access to any page established by the employee for a school-related purpose.
  - Employees are required to maintain appropriate professional boundaries in the establishment and maintenance of all such district-sponsored social media activity.
4. Employees are prohibited from making harassing, defamatory, obscene, abusive, discriminatory or threatening or similarly inappropriate statements in their social media communications using district-sponsored sites or accounts or through Board-issued electronic accounts.
  5. Employees are required to comply with all Board of Education policies and procedures and all applicable laws with respect to the use of electronic communications devices, networks, Board-issued accounts, or when accessing district-sponsored social media sites or while using personal devices on the district's wireless network or while accessing district servers.
  6. The Board of Education reserves the right to monitor all employee use of district computers and other electronic devices, including employee blogging and social networking activity. An employee should have no expectation of personal privacy in any communication made through social media, including personal online accounts, while using district electronic communications devices.
  7. All communications through district-sponsored social media or Board-issued electronic accounts must comply with the Board of Education's policies concerning confidentiality, including the confidentiality of student information. If an employee is considering sharing information and is unsure about the confidential nature of the information, the employee shall consult with his/her supervisor prior to communicating such information.
  8. An employee may not link a district-sponsored social media page to any personal online account or sites not sponsored by the school district.
  9. An employee may not use district-sponsored social media or Board-issued electronic accounts for communications for private financial gain, political, commercial, advertisement, proselytizing or solicitation purposes.
  10. An employee may not use district-sponsored social media or Board-issued electronic accounts in a manner that misrepresents personal views as those of the Board of Education, individual school or school district, or in a manner that could be construed as such.

#### **Rules Concerning Personal Online Accounts**

1. The Board understands that employees utilize social media and the web for personal matters in the workplace. The Board of Education reserves the right to monitor all employee use of district electronic communications devices, including a review of

online and personal social media activities. An employee should have no expectation of personal privacy in any personal communication made through social media while using district computers, district-issued cellular telephones or other electronic communications devices. While the Board reserves the right to monitor use of its electronic communications devices, employees may engage in incidental personal use of social media in the workplace so long as such use does not interfere with operations and productivity, and does not violate other Board policies.

2. An employee may not mention, discuss, reference or link to the Board of Education, the school district or its individual schools, programs or teams using personal online accounts or other sites or applications in a manner that could reasonably be construed as an official school district communication, unless the employee also states within the communication that such communication is the personal view of the employee of the school district and that the views expressed are the employee's alone and do not represent the views of the school district or the Board of Education. An example of such a disclaimer is: "the opinions and views expressed are those of the author and do not necessarily represent the position or opinion of the school district or Board of Education." For example, except as may be permitted by Board policy, employees may not provide job references for other individuals on social media that indicate that such references are made in an official capacity on behalf of the Board of Education.
3. Employees are required to maintain appropriate professional boundaries with students, parents, and colleagues. For example, absent an unrelated online relationship (e.g., relative, family friend, or personal friendship unrelated to school), it is not appropriate for a teacher or administrator to "friend" a student or his/her parent or guardian or otherwise establish special relationships with selected students through personal online accounts, and it is not appropriate for an employee to give students or parents access to personal postings unrelated to school.
4. In accordance with the public trust doctrine, employees are advised to refrain from engaging in harassing, defamatory, obscene, abusive, discriminatory or threatening or similarly inappropriate communications through personal online accounts. Such communications reflect poorly on the school district's reputation, can affect the educational process and may substantially and materially interfere with an employee's ability to fulfill his/her professional responsibilities.
5. Employees are individually responsible for their personal communications through social media and personal online accounts. Employees may be sued by other employees, parents or others, and any individual that views an employee's communication through social media and personal online accounts as defamatory, pornographic, proprietary, harassing, libelous or creating a hostile work environment. In addition, employees should consider refraining from posting anything that belongs to another person or entity, such as copyrighted publications or trademarked images. As all of these activities are outside the scope of employment, employees may be personally liable for such claims.



6. Employees are required to comply with all Board of Education policies and procedures with respect to the use of electronic communications devices when accessing personal online accounts and/or social media through district computer systems. Any access to personal online accounts and/or personal social media activities while on school property or using school district equipment must comply with those policies, and may not interfere with an employee's duties at work.
7. All communications through personal online accounts and/or social media must comply with the Board of Education's policies concerning confidentiality, including the confidentiality of student information. If an employee is considering sharing information and is unsure about the confidential nature of the information, the employee shall consult with his/her supervisor prior to communicating such information.
8. An employee may not post official Board of Education material using a personal online account without written permission of his/her supervisor.
9. All of the Board of Education's policies and administrative regulations apply to employee use of personal online accounts in the same way that they apply to conduct that occurs in the workplace and off duty conduct.

#### **Access to Personal Online Accounts**

1. An employee may not be required by his/her supervisor to provide his/her username, password, or other means of authentication of a personal online account.
2. An employee may not be required to authenticate or access a personal online account in the presence of his/her supervisor.
3. An employee may not be required to invite or accept an invitation from his/her supervisor or required to join a group with the employee's personal online account.

#### **Use of Crowdfunding Activities**

Prior to engaging in any crowdfunding activities (e.g. DonorsChoose, Kickstarter, GoFundMe, etc) for the Board of Education, its schools, classes, or extracurricular teams or clubs, an employee must first apply in writing to the building principal and receive approval for the crowdfunding activity. Such written application must include the name of the website or application to be utilized, a full description of the reason for the crowdfunding activity, a copy of the proposed personal profile to be listed on the site/application, and the proposed content to be uploaded to the crowdfunding website or application, including images. Any money received from crowdfunding activities must be deposited directly into a school activity fund and may not first be received by the employee. Crowdfunding activities must comply with all Board of Education policies, regulations and procedures, and shall not include photos of students or the sharing of any confidential student information.

## Disciplinary Consequences

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

An employee may face disciplinary action up to and including termination of employment if an employee transmits, without the Board's permission, confidential information to or from the employee's personal online account.

An employee may not be disciplined for failing to provide his/her username, password, or other authentication means for accessing a personal online account, failing to authenticate or access a personal online account in the presence of his/her supervisor or failing to invite his/her supervisor or refusing to accept an invitation sent by his/her supervisor to join a group affiliated with a personal online account, except as provided herein.

Notwithstanding, the Board may require that an employee provide his/her username, password or other means of accessing or authenticating a personal online account for purposes of accessing any account or service provided by the Board for business purposes or any electronic communications device supplied by or paid for, in whole or in part, by the Board.

Nothing in this policy or regulations shall prevent the district from conducting an investigation for the purpose of ensuring compliance with applicable state or federal laws, regulatory requirements or prohibitions against work-related employee misconduct based on the receipt of specific information about an activity on an employee's personal online account or based on specific information about the transfer of confidential information to or from an employee's personal online account. During the course of such investigation, the district may require an employee to allow the district to access his or her personal online account for the purpose of conducting such investigation. However, the employee will not be required to provide his/her username and/or password or other authentication means in order for the district to access the personal online account.

### Legal References:

U.S. Constitution, Amend. I  
 Conn. Constitution, Article I, Sections 3, 4, 14  
 Electronic Communication Privacy Act, 18 U.S.C. §§ 2510 through 2520

Conn. Gen. Stat. § 31-40x  
 Conn. Gen. Stat. § 31-48d  
 Conn. Gen. Stat. § 31-51q  
 Conn. Gen. Stat. §§ 53a-182; 53a-183; 53a-250

ADOPTED: \_\_\_\_\_

REVISED: \_\_\_\_\_

7/5/16

Technical Rev. 11/20/2020



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Series 4000  
Personnel

**POLICY REGARDING PROHIBITION OF SEX DISCRIMINATION  
AND SEXUAL HARASSMENT IN THE WORKPLACE (PERSONNEL)**

It is the policy of the Winchester Board of Education (the “Board”) for the Winchester Public Schools (the “District”) that any form of sex discrimination or sexual harassment is prohibited in the Board’s education programs and activities, whether by students, Board employees or third parties subject to substantial control by the Board. It is the policy of the Board to maintain a working environment free from harassment, insults or intimidation on the basis of an employee's sex and free from discrimination based on sex.

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

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

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

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

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

- (1) An employee of the Board conditioning the provision of an aid, benefit, or service of the Board on an individual's participation in unwelcome sexual conduct (*i.e.*, *quid pro quo*);
- (2) Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the Board's education programs or activities; or
- (3) "Sexual assault" as defined in 20 U.S.C. 1092(f)(6)(A)(v), "dating violence" as defined in 34 U.S.C. 12291(a)(10), "domestic violence" as defined in 34 U.S.C. 12291(a)(8), or "stalking" as defined in 34 U.S.C. 12291(a)(30).

**Sexual harassment under Title VII and Connecticut law** means unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

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

#### Reporting Sex Discrimination or Sexual Harassment

It is the express policy of the Board to encourage victims of sex discrimination and/or sexual harassment to report such claims. Employees are encouraged to report complaints of sex discrimination and/or sexual harassment promptly in accordance with the appropriate process set forth in the Administrative Regulations. The Board directs its employees to respond to such complaints in a prompt and equitable manner. Violations of this Policy by employees will not be permitted and may result in discipline up to and including discharge from employment. Individuals who engage in acts of sex discrimination or sexual harassment may also be subject to civil and criminal penalties. Retaliation against any employee for complaining about sex discrimination or sexual harassment is prohibited under this Policy and illegal under state and federal law.

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

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

The Board’s Title IX Coordinator is Director of Student Services. Any individual may make a report of sex discrimination and/or sexual harassment to any Board employee or directly to the Title IX Coordinator using any one, or multiple, of the following points of contact:

15 Hinsdale Ave. Winsted, CT 06098  
 860-379-0706 Ext 1  
 Cassandra.murphy@winchesterschools.org

Any Board employee in receipt of allegations of sex discrimination or sexual harassment, or in receipt of a formal complaint, shall immediately forward such information to the Title IX Coordinator. Board employees may also make a report of sexual harassment and/or sex discrimination to the U.S. Department of Education: Office for Civil Rights, Boston Office, U.S. Department of Education, 8<sup>th</sup> Floor, 5 Post Office Square, Boston, MA 02109-3921 (Telephone: 617-289-0111).

Employees may also make a report of sexual harassment and/or sex discrimination to the Connecticut Commission on Human Rights and Opportunities, 450 Columbus Boulevard, Hartford, CT 06103-1835 (Telephone: 860-541-3400 or Connecticut Toll Free Number: 1-800-477-5737).

#### Legal References:

Civil Rights Act of 1964, Title VII, 42 U.S.C. § 2000e-2(a).

Equal Employment Opportunity Commission Policy Guidance on Current Issues of Sexual Harassment (N-915.050), March 19, 1990.

Title IX of the Education Amendments of 1972, 20 U.S.C. § 1681, et seq.

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

Meritor Savings Bank, FSB v. Vinson, 477 U.S. 57 (1986)

Conn. Gen. Stat. § 46a-54 - Commission powers Connecticut

Conn. Gen. Stat. § 46a-60 - Discriminatory employment practices prohibited.

Conn. Gen. Stat. § 46a-81c - Sexual orientation discrimination: Employment

Conn. Gen. Stat. § 10-153 - Discrimination on the basis of sex, gender identity or expression or marital status prohibited

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

ADOPTED: \_\_\_\_\_

REVISED: \_\_\_\_\_

7/30/2021

Series 4000  
Personnel

**ADMINISTRATIVE REGULATIONS REGARDING  
THE PROHIBITION OF SEX DISCRIMINATION AND SEXUAL HARASSMENT  
(PERSONNEL)**

It is the policy of the Winchester Board of Education (the “Board”) for the Winchester Public Schools (the “District”) that any form of sex discrimination or sexual harassment is prohibited in the Board’s education programs and activities, whether by students, Board employees or third parties subject to substantial control by the Board. Discrimination or harassment on the basis of sex includes discrimination or harassment on the basis of gender identity or sexual orientation. Students, District employees and third parties are expected to adhere to a standard of conduct that is respectful of the rights of students, District employees, and third parties. It is the policy of the Board to maintain a working environment free from harassment, insults or intimidation on the basis of an employee’s sex and free from discrimination based on sex. Verbal or physical conduct by a supervisor or co-worker relating to an employee’s sex that has the effect of creating an intimidating, hostile or offensive work environment, unreasonably interfering with the employee’s work performance, or adversely affecting the employee’s employment opportunities is prohibited.

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

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

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

- (1) An employee of the Board conditioning the provision of an aid, benefit, or service of the Board on an individual’s participation in unwelcome sexual conduct (i.e., *quid pro quo*);
- (2) Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the District’s education programs or activities; or
- (3) “Sexual assault” as defined in 20 U.S.C. 1092(f)(6)(A)(v), “dating violence” as defined in 34 U.S.C. 12291(a)(10), “domestic violence” as defined in 34 U.S.C. 12291(a)(8), or “stalking” as defined in 34 U.S.C. 12291(a)(30). These definitions can be found in Appendix A of these Administrative Regulations.

**Sexual harassment under Title VII and Connecticut law** means unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

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

Although not an exhaustive list, the following are other examples of conduct prohibited by the Board's Policy regarding the Prohibition of Sex Discrimination and Sexual Harassment (Personnel):

1. Unwelcome sexual advances from a co-worker or supervisor, such as unwanted hugs, touches, or kisses;
2. Unwelcome attention of a sexual nature, such as degrading, suggestive or lewd remarks or noises;
3. Dirty jokes, derogatory or pornographic posters, cartoons or drawings;
4. The threat or suggestion that continued employment advancement, assignment or earnings depend on whether or not the employee will submit to or tolerate harassment;
5. Circulating, showing, or exchanging emails, text messages, digital images or websites of a sexual nature;
6. Using computer systems, including email, instant messaging, text messaging, blogging or the use of social networking websites, or other forms of electronic communications, to engage in any conduct prohibited by the Board's Policy regarding the Prohibition of Sex Discrimination and Sexual Harassment (Personnel).

### **NOTICE OF THE TITLE IX COORDINATOR**

The District's Title IX Coordinator is **the Director of Student Services**. Any individual may make a report of sex discrimination and/or sexual harassment to any District employee or directly to the Title IX Coordinator using any one, or multiple, of the following points of contact:

Director of Student Services  
 15 Hinsdale Ave.  
 Winsted, CT 06098 860-379-0706 Ext 1



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

## **EXPLANATION OF COMPLAINT PROCESS AND PROCEDURE**

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

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

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

## **SECTION I. GRIEVANCE PROCESS FOR COMPLAINTS OF SEXUAL HARASSMENT UNDER TITLE IX**

### **A. Definitions**

- **Bias** occurs when it is proven that the Title IX Coordinator, investigator(s), and/or decision-maker(s) demonstrate actual bias, rather than the appearance of bias. Actual bias includes, but is not limited to, demonstrated personal animus against the respondent or the complainant and/or prejudgment of the facts at issue in the investigation.



- **Complainant** means an individual who is alleged to be the victim of conduct that could constitute sexual harassment.
- A **conflict of interest** occurs when it is proven that the Title IX Coordinator, investigator(s), and/or decision-maker(s) have personal, financial and/or familial interests that affected the outcome of the investigation.
- **Consent** means an active, clear and voluntary agreement by a person to engage in sexual activity with another person (also referred to hereafter as “affirmative consent”).

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

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

- **Employee** means (A) a teacher, substitute teacher, school administrator, school superintendent, guidance counselor, school counselor, psychologist, social worker, nurse, physician, school paraprofessional or coach employed by the Board or working in a public elementary, middle or high school; or (B) any other individual who, in the performance of the individual's duties, has regular contact with students and who provides services to or on behalf of students enrolled in a public elementary, middle or high school, pursuant to a contract with the Board.
- **Formal complaint** means a document filed by a complainant or signed by the Title IX Coordinator alleging sexual harassment (as defined under Title IX) against a respondent and requesting that the Administration investigate the allegation of sexual harassment. A "document filed by a complainant" means a document or electronic submission that contains the complainant's physical or digital signature, or otherwise indicates that the complainant is the person filing the formal complaint.
- **Respondent** means an individual who has been alleged to be the perpetrator of conduct that could constitute sexual harassment.
- **School days** means the days that school is in session as designated on the calendar posted on the Board's website. In its discretion, and when equitably applied and with proper notice to the parties, the District may consider business days during the summer recess as "school days" if such designation facilitates the prompt resolution of the grievance process.
- **Supportive measures** means non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the complainant or the respondent before or after the filing of a formal complaint or where no formal complaint has been filed. Such measures are designed to restore or preserve equal access to the District's education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the District's educational environment, or deter sexual harassment. Supportive measures may include counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, mutual restrictions on contact between the parties, increased security and monitoring, and other similar measures.

## B. Reporting Sexual Harassment

1. It is the express policy of the Board to encourage victims of sexual harassment to report such claims. Any person may report sexual harassment (whether or not the person reporting is the person alleged to be the victim of conduct that could constitute sexual harassment), in person, by mail, by telephone, or by electronic mail, using the contact information listed for the Title IX Coordinator. If the District receives notice of sexual harassment or alleged sexual harassment against a person in the District's education program or activity, the Title IX Coordinator will promptly contact the complainant to discuss the availability of supportive measures, whether or not the complainant files a formal complaint, and will consider the complainant's wishes

with respect to such measures. If the complainant has yet to file a formal complaint, the Title IX Coordinator will explain to the complainant the process for doing so.

2. The District will treat complainants and respondents equitably. A respondent is presumed not responsible for the alleged conduct and a determination regarding responsibility will be made at the conclusion of the grievance process if a formal complaint is filed. Nothing in these Administrative Regulations shall preclude the District from placing an employee respondent on administrative leave during the pendency of the grievance process. Further, nothing in these Administrative Regulations shall limit or preclude the District from removing a respondent from the District's education program or activity on an emergency basis, provided that the District undertakes an individualized safety and risk analysis, and determines that an immediate threat to the physical health or safety of any student or other individual arising from the allegations of sexual harassment justifies removal. If a respondent is removed on an emergency basis, the District shall provide the respondent with notice and an opportunity to challenge the decision immediately following the removal.

### C. Formal Complaint and Grievance Process

1. A formal complaint may be filed with the Title IX Coordinator in person, by mail, or by electronic mail, by using the contact information listed for the Title IX Coordinator. At the time of filing a formal complaint, a complainant must be participating in or attempting to participate in the District's education programs or activity. A formal complaint may be signed by the Title IX Coordinator. If the formal complaint being filed is against the Title IX Coordinator, the formal complaint should be filed with the Superintendent. If the formal complaint being filed is against the Superintendent, the formal complaint should be filed with the Board Chair, who will then retain an independent investigator to investigate the matter.
2. The District may consolidate formal complaints as to allegations of sexual harassment against more than one respondent, or by more than one complainant against one or more respondents, or by one party against the other party, where the allegations of sexual harassment arise out of the same facts or circumstances. If possible, formal complaints should be filed within ten (10) school days of the alleged occurrence in order to facilitate the prompt and equitable resolution of such claims. The District will attempt to complete the formal grievance process within ninety (90) school days of receiving a formal complaint. This timeframe may be temporarily delayed or extended in accordance with Subsection G of this Section.
3. Upon receipt of a formal complaint, if the Title IX Coordinator has not already discussed the availability of supportive measures with the complainant, the Title IX Coordinator will promptly contact the complainant to discuss the availability of such measures and consider the complainant's wishes with respect to them. The Title IX Coordinator or designee may also contact the respondent, separately from the complainant, to discuss the availability of supportive measures for the respondent. The District will maintain as confidential any supportive measures provided to the

complainant or respondent, to the extent that maintaining such confidentiality would not impair the ability of the District to provide such supportive measures.

4. Within ten (10) school days of receiving a formal complaint, the District will provide the known parties with written notice of the allegations potentially constituting sexual harassment under Title IX and a copy of this grievance process. The written notice must also include the following:
  - i. The identities of the parties involved in the incident, if known;
  - ii. The conduct allegedly constituting sexual harassment as defined above;
  - iii. The date and the location of the alleged incident, if known;
  - iv. A statement that the respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the grievance process;
  - v. A statement that the parties may have an advisor of their choice, who may be, but is not required to be, an attorney, and may inspect and review evidence; and
  - vi. A statement of any provision in the District's policies that prohibits knowingly making false statements or knowingly submitting false information during the grievance process.

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

5. The parties may have an advisor of their choice accompany them during any grievance proceeding at which the party's attendance is required. The District may, in its discretion, establish certain restrictions regarding the extent to which an advisor may participate in the proceedings. If any such restrictions are established, they will be applied equally to all parties.
6. The Title IX Coordinator will, as applicable, promptly commence an investigation of the formal complaint, designate a school administrator to promptly investigate the formal complaint, or dismiss the formal complaint in accordance with Subsection F of this Section. The standard of evidence to be used to determine responsibility is the preponderance of the evidence standard (i.e., more likely than not). The burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility rest on the District and not on the parties.
7. The parties will be given an equal opportunity to discuss the allegations under investigation with the investigator(s) and are permitted to gather and present relevant evidence. This opportunity includes presenting witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence. Credibility determinations will not be based on a person's status as a complainant, respondent, or witness. The District will provide to a party whose participation is invited or expected (including a



witness) written notice of the date, time, location, participants, and purpose of all hearings (if applicable), investigative interviews, or other meetings, with sufficient time for the party to prepare to participate.

8. Both parties will be given an equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in the formal complaint, including the evidence upon which the District does not intend to rely in reaching a determination regarding responsibility and inculpatory or exculpatory evidence whether obtained from a party or other source, so that each party can meaningfully respond to the evidence prior to the conclusion of the investigation. Prior to completion of the investigative report, the District will send to each party and the party's advisor, if any, the evidence subject to inspection and review in an electronic format or a hard copy, and the parties will have ten (10) school days to submit a written response, which the investigator(s) will consider prior to completion of the investigative report, as described in Paragraph 9 of this Subsection.
9. The investigator(s) will create an investigative report that fairly summarizes relevant evidence. The investigator(s) will send the investigative report, in an electronic format or hard copy, to each party and to each party's advisor for their review and written response at least ten (10) school days prior to the time a determination regarding responsibility is made.
10. The Superintendent will appoint a decision-maker(s), who shall be a District employee or third-party contractor and who shall be someone other than the Title IX Coordinator or investigator(s). If the formal complaint filed is against the Superintendent, the Board Chair shall appoint the decision-maker, who shall be someone other than the Title IX Coordinator or investigator(s). The investigator(s) and the decision-maker(s) shall not discuss the investigation's facts and/or determination while the formal complaint is pending. The decision-maker(s) will afford each party the opportunity to submit written, relevant questions that a party wants asked of any party or witness, provide each party with the answers, and allow for additional, limited follow-up questions from each party. Questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence about the complainant's prior sexual behavior are offered to prove that someone other than the respondent committed the conduct alleged by the complainant, or if the questions and evidence concern specific incidents of the complainant's prior sexual behavior with respect to the respondent and are offered to prove consent. The decision-maker(s) will explain to the party proposing the questions any decisions to exclude a question as not relevant.
11. The decision-maker(s) will issue a written determination regarding responsibility. To reach this determination, the decision-maker must apply the preponderance of the evidence standard. The written determination will include: (1) identification of the allegations potentially constituting sexual harassment; (2) a description of the procedural steps taken from the receipt of the formal complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and hearings held; (3) findings of fact supporting the

determination; (4) conclusions regarding the application of the District's code of conduct to the facts; (5) a statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions the District will impose on the respondent, and whether remedies designed to restore or preserve equal access to the District's education program or activity will be provided by the District to the complainant; and (6) the District's procedures and permissible bases for the complainant and respondent to appeal. If the respondent is found responsible for violating the Board's Policy regarding the Prohibition of Sex Discrimination and Sexual Harassment (Personnel), the written determination shall indicate whether the respondent engaged in sexual harassment as defined by the Board's Policy and these Administrative Regulations. The written determination will be provided to both parties simultaneously.

12. Student respondents found responsible for violating the Board's Policy regarding the Prohibition of Sex Discrimination and Sexual Harassment (Personnel) may be subject to discipline up to and including expulsion. Employee respondents found responsible for violating the Board's Policy regarding the Prohibition of Sex Discrimination and Sexual Harassment (Personnel) may be subject to discipline up to and including termination of employment. Other respondents may be subject to exclusion from the District's programs, activities and/or property. In appropriate circumstances, the District may make a criminal referral. Remedies will be designed to restore or preserve equal access to the District's education programs or activities.
13. After receiving notification of the decision-maker(s)' decision, or after receiving notification that the District dismissed a formal complaint or any allegation therein, both complainant and respondent may avail themselves of the appeal process set forth in Section E of this Section.

#### D. Informal Resolution

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

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

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

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

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

#### E. Appeal Process

After receiving notification of the decision-maker(s)' decision, or after receiving notification that the District dismissed a formal complaint or any allegation therein, both complainant and respondent have five (5) school days to submit a formal letter of appeal to the Title IX Coordinator specifying the grounds upon which the appeal is based. Upon receipt of an appeal, the Superintendent shall appoint a decision-maker(s) for the appeal, who shall be someone other than the Title IX Coordinator, investigator(s) or initial decision-maker(s).

Appeals will be appropriate only in the following circumstances:

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

The District will provide the other party with written notice of such appeal. The appealing party will then have ten (10) school days to submit to the decision-maker(s) for the appeal a written statement in support of, or challenging, the outcome of the grievance process. The decision-maker(s) for the appeal will provide the appealing party's written statement to the other party. The other party will then have ten (10) school days to submit to the decision-maker for the appeal a written statement in support of, or challenging, the outcome of the grievance process. The decision-maker(s) for the appeal, in their discretion, will determine any additional necessary and appropriate procedures for the appeal.

After considering the parties' written statements, the decision-maker(s) for the appeal will provide a written decision. The decision-maker(s) for the appeal will attempt to issue the written decision within thirty (30) school days of receipt of all written statements from the parties. If it is found that one of the bases for appeal exists, the decision-maker(s) for the appeal will issue an appropriate remedy.

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



#### F. Dismissal of a Formal Complaint

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

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

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

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

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

#### G. Miscellaneous

1. Any timeframe set forth in these Administrative Regulations may be temporarily delayed or extended for good cause. Good cause may include, but is not limited to, considerations such as the absence or illness of a party, a party's advisor, or a witness; concurrent law enforcement activity; concurrent activity by the Department of Children and Families; or the need for language assistance or accommodation of disabilities. If any timeframe is altered on a showing of good cause, written notice will be provided to each party with the reasons for the action.
2. If a sexual harassment complaint raises a concern about discrimination or harassment on the basis of any other legally protected classification (such as race, religion, color, national origin, age, or disability), the Title IX Coordinator or designee shall make a referral to other appropriate personnel within the District (e.g. Section 504 Coordinator, etc.), so as to ensure that any such investigation complies with the requirements of policies regarding nondiscrimination.

3. If the sexual harassment complaint results in reasonable cause to suspect or believe that a child has been abused or neglected, has had a nonaccidental physical injury, or injury which is at variance with the history given of such injury, is placed at imminent risk of serious harm, or that a student has been sexually assaulted by a school employee, then, the person to whom the complaint is given or who receives such information shall report such matters in accordance with the Board's policy on the Reports of Suspected Child Abuse or Neglect of Children.
4. Retaliation against any individual who complains pursuant to the Board's Policy regarding the Prohibition of Sex Discrimination and Sexual Harassment (Personnel) and these Administrative Regulations is strictly prohibited. Neither the District nor any other person may intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by Title IX or these Administrative Regulations, or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under these Administrative Regulations. The District will take actions designed to prevent retaliation. Complaints alleging retaliation may be filed according to the grievance procedures for sex discrimination described herein.
5. The District will maintain for a period of seven (7) years records of:
  - i. Each sexual harassment investigation including any determination regarding responsibility, any disciplinary sanctions imposed on the respondent, and any remedies provided to the complainant designed to restore or preserve equal access to the Board's education program or activity;
  - ii. Any appeal and the result therefrom;
  - iii. Any informal resolution and the result therefrom; and
  - iv. All material used to train Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process. The Board will make these training materials publicly available on its website.

If the District has actual knowledge of sexual harassment in an education program or activity of the Board, and for any report or formal complaint of sexual harassment, the District will create and maintain for a period of seven (7) years, records of any actions, including any supportive measures, taken in response to a report or formal complaint of sexual harassment. The District will document the basis for its conclusion that its response was not deliberately indifferent, and document that it has taken measures designed to restore or preserve equal access to the Board's education program or activity. If the District does not provide a complainant with supportive measures, then the District will document the reasons why such a response was not clearly unreasonable in light of the known circumstances.

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

A. Definitions

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

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

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

C. Grievance Procedures

1. As soon as an employee feels that the employee has been subjected to sex discrimination other than sexual harassment as defined under Title IX (including, without limitation, sexual harassment under Title VII or Connecticut law), the employee should make a written complaint to the Title IX Coordinator or to the building principal, or designee. The employee will be provided a copy of the Board's Policy and Administrative Regulations and made aware of the employee's rights under this Policy and Administrative Regulations. Preferably, complaints should be filed within ten (10) school days of the alleged occurrence. Timely reporting of complaints facilitates the investigation and resolution of such complaints.
2. The complaint should state the:
  - i. Name of the complainant;
  - ii. Date of the complaint;
  - iii. Date(s) of the alleged discrimination;
  - iv. Name(s) of the discriminator(s);
  - v. Location where such discrimination occurred;
  - vi. Names of any witness(es) to the discrimination;

- vii. Detailed statement of the circumstances constituting the alleged discrimination; and
  - viii. Remedy requested.
3. Any employee who makes an oral complaint of sex discrimination to any of the above-mentioned personnel will be provided a copy of these Administrative Regulations and will be requested to make a written complaint pursuant to the above procedure.
4. All complaints are to be forwarded immediately to the building principal or designee unless that individual is the subject of the complaint, in which case the complaint should be forwarded directly to the Superintendent of Schools or designee. In addition, a copy of any complaint filed under this Policy shall be forwarded to the Title IX Coordinator. If the complaint being filed is against the Title IX Coordinator, the complaint should be filed with the Superintendent. If the complaint being filed is against the Superintendent, the complaint should be filed with the Board Chair, who will then retain an independent investigator to investigate the matter.
5. The Title IX Coordinator or designee shall investigate all complaints of sex discrimination against an employee, regardless of whether the conduct occurred on or off-school grounds. Complaints will be investigated promptly within the timeframes identified below. Timeframes may be extended as needed given the complexity of the investigation, availability of individuals with relevant information, and other extenuating circumstances. The investigation shall be conducted discreetly, maintaining confidentiality insofar as possible while still conducting an effective and thorough investigation.
6. Any employee who makes a complaint shall be notified of the District's intent to investigate the complaint. In the event the employee requests confidentiality or that an investigation not be conducted, the District will take reasonable steps to investigate and respond to the complaint to the extent possible, given the request for confidentiality or that the District not investigate the complaint. If the employee insists that this information not be shared with the alleged discriminator(s), the employee will be informed that the District's ability to investigate and/or take corrective action may be limited.
7. Upon receipt of a sex discrimination complaint, the Title IX Coordinator shall either promptly commence an investigation of the complaint, or shall designate a school administrator to promptly investigate the complaint. The Title IX Coordinator or designee shall:
  - i. offer to meet with the complainant and respondent (if applicable) separately within ten (10) school days to discuss the nature of the complaint, identify individuals the complainant and respondent (if applicable) believe have relevant information, and obtain any relevant documents the complainant and respondent may have;
  - ii. provide the complainant and respondent (if applicable) with a copy of the Board's sex discrimination policy and accompanying regulations;

- iii. consider whether any interim measures may be appropriate to protect the complainant or respondent (if applicable), pending the outcome of the investigation;
  - iv. conduct an investigation that is adequate, reliable, and impartial. Investigate the factual basis of the complaint, including, as applicable, conducting interviews with individuals deemed relevant to the complaint;
  - v. consider whether alleged sex discrimination has created a hostile work environment, including consideration of the effects of off-campus conduct on the school;
  - vi. communicate the outcome of the investigation in writing to the complainant, to the respondent, and to any individual properly identified as a party to the complaint (to the extent permitted by state and federal confidentiality requirements), within ninety (90) school days from the date the complaint was received by the Superintendent's office. The investigator may extend this deadline for no more than fifteen (15) additional school days if needed to complete the investigation. The complainant and respondent (if applicable) shall be notified of such extension. The written notice shall include a finding whether the complaint was substantiated and if so, shall identify, to the extent possible, how the District will remedy the discrimination, adhering to the requirements of state and federal law; and
  - vii. when sex discrimination has been found, take steps that are reasonably calculated to end the discrimination, take corrective and/or disciplinary action aimed at preventing the recurrence of the discrimination, as deemed appropriate by the Superintendent or designee, and take steps to remedy the effects of the sex discrimination.
8. If a complaint is made during summer recess, the complaint will be reviewed and addressed as quickly as possible given the availability of staff and/or other individuals who may have information relevant to the complaint. If fixed timeframes cannot be met, the complainant and respondent will receive notice and interim measures may be implemented as necessary.
9. If the complainant or respondent (if applicable) is dissatisfied with the findings of the investigation, the complainant or respondent may file a written appeal within five (5) school days to the Title IX Coordinator, or, if the Title IX Coordinator conducted the investigation, to the Superintendent of Schools. The Title IX Coordinator or Superintendent shall review the Title IX Coordinator or designee's written report, the information collected by the Title IX Coordinator or designee together with the recommended disposition of the complaint to determine whether the alleged conduct constitutes sex discrimination. The Title IX Coordinator or Superintendent of Schools may determine if further action and/or investigation is warranted. After completing this review, the Title IX Coordinator or Superintendent of Schools shall respond to the



complainant and respondent (if applicable), in writing, within fifteen (15) school days following the receipt of the written request for review.

#### D. Miscellaneous

1. If a sex discrimination complaint raises a concern about discrimination or harassment on the basis of any other legally protected classification (such as race, religion, color, national origin, age, or disability), the Title IX Coordinator or designee shall make a referral to other appropriate personnel within the District (e.g. Section 504 Coordinator, etc.), so as to ensure that any such investigation complies with the requirements of policies regarding nondiscrimination.
2. If the sex discrimination complaint results in reasonable cause to suspect or believe that a child has been abused or neglected, has had a nonaccidental physical injury, or injury which is at variance with the history given of such injury, is placed at imminent risk of serious harm, or that a student has been sexually assaulted by a school employee, then, the person to whom the complaint is given or who receives such information shall report such matters in accordance with the Board's policy on the Reports of Suspected Child Abuse or Neglect of Children.
3. Retaliation against any individual who complains pursuant to the Board's Policy regarding the Prohibition of Sex Discrimination and Sexual Harassment (Personnel) and these Administrative Regulations is strictly prohibited. Neither the District nor any other person may intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by Title IX or these Administrative Regulations, or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under these Administrative Regulations. The District will take actions designed to prevent retaliation as a result of filing a complaint. Complaints alleging retaliation may be filed according to the grievance procedures for sex discrimination described herein.

### **Section III. Further Reporting**

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

Employees may also make a report of sexual harassment and/or sex discrimination to the Connecticut Commission on Human Rights and Opportunities, 450 Columbus Boulevard, Hartford, CT 06103-1835 (Telephone: 860-541-3400 or Connecticut Toll Free Number: 1-800-477-5737).

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

1/17/2022



## Appendix A

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

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

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

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

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

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

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

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

**Domestic Violence:** Includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction.

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

Series 4000  
Personnel

COMPLAINT FORM REGARDING SEXUAL HARASSMENT UNDER TITLE IX  
(PERSONNEL)

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

Name of the complainant \_\_\_\_\_

Date of the complaint \_\_\_\_\_

Date of the alleged sexual harassment \_\_\_\_\_

Name or names of the sexual harasser(s) \_\_\_\_\_

\_\_\_\_\_

Location where such sexual harassment occurred \_\_\_\_\_

\_\_\_\_\_

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

\_\_\_\_\_

Detailed statement of the circumstances constituting the alleged sexual harassment

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Remedy requested \_\_\_\_\_

Signature of Complainant or Title IX Coordinator: \_\_\_\_\_

11/23/2020

Series 4000  
Personnel

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

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

Name of the complainant \_\_\_\_\_

Date of the complaint \_\_\_\_\_

Date of the alleged sex discrimination \_\_\_\_\_

Name or names of the sex discriminator(s) \_\_\_\_\_

Location where such sex discrimination occurred \_\_\_\_\_

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

Detailed statement of the circumstances constituting the alleged sex discrimination  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Remedy requested \_\_\_\_\_

Signature: \_\_\_\_\_

11/23/2020



## Winchester Public Schools

338 Main Street, P.O. Box 648 Winsted, CT 06098  
 Telephone: 860-379-0706; Fax: 860-738-0638

### NOTICE OF SEXUAL HARASSMENT ALLEGATIONS UNDER TITLE IX

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

Identities of the parties involved, if known:

\_\_\_\_\_ (Complainant(s))  
 \_\_\_\_\_ (Respondent(s))

The conduct allegedly constituting sexual harassment: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

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

The Title IX Coordinator or designee will contact the parties regarding the next step in the grievance process. Questions can be directed to the Title IX Coordinator: Director of Student Services, 15 Hinsdale Ave. Winsted, CT 06098.

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

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

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

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



## Winchester Public Schools

338 Main Street, P.O. Box 648 Winsted, CT 06098

Telephone: 860-379-0706; Fax: 860-738-0638

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

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

The conduct allegedly constituting sexual harassment: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

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

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

I voluntarily consent to the informal resolution process:

\_\_\_\_\_  
Complainant

\_\_\_\_\_  
Date

\_\_\_\_\_  
Respondent

\_\_\_\_\_  
Date

11/23/2020



**[To be posted in a conspicuous place readily available  
for viewing by employees and emailed to employees within three months of hire with the  
subject line “Sexual Harassment Policy” or words of similar import]**

**SEXUAL HARASSMENT IS ILLEGAL  
AND IS PROHIBITED  
BY  
THE CONNECTICUT DISCRIMINATION EMPLOYMENT PRACTICES ACT  
(Section 46a-60(a)(8) of the Connecticut General Statutes)  
AND  
TITLE VII OF THE CIVIL RIGHTS ACT OF 1964  
(42 United States Code Section 2000e et seq.)**

SEXUAL HARASSMENT MEANS ANY UNWELCOME SEXUAL ADVANCES OR REQUESTS FOR SEXUAL FAVORS OR ANY CONDUCT OF A SEXUAL NATURE WHEN:

1. SUBMISSION TO SUCH CONDUCT IS MADE EITHER EXPLICITLY OR IMPLICITLY A TERM OR CONDITION OF AN INDIVIDUAL'S EMPLOYMENT;
2. SUBMISSION TO OR REJECTION OF SUCH CONDUCT BY AN INDIVIDUAL IS USED AS THE BASIS FOR EMPLOYMENT DECISIONS AFFECTING SUCH INDIVIDUAL; OR
3. SUCH CONDUCT HAS THE PURPOSE OR EFFECT OF SUBSTANTIALLY INTERFERING WITH AN INDIVIDUAL'S WORK PERFORMANCE OR CREATING AN INTIMIDATING, HOSTILE, OR OFFENSIVE WORKING ENVIRONMENT.

EXAMPLES OF SEXUAL HARASSMENT INCLUDE:

UNWELCOME SEXUAL ADVANCES  
SUGGESTIVE OR LEWD REMARKS  
UNWANTED HUGS, TOUCHES, KISSES  
REQUESTS FOR SEXUAL FAVORS  
RETALIATION FOR COMPLAINING ABOUT SEXUAL HARASSMENT  
DEROGATORY OR PORNOGRAPHIC POSTERS, CARTOONS, OR DRAWINGS.

REMEDIES FOR SEXUAL HARASSMENT MAY INCLUDE:

CEASE AND DESIST ORDERS  
BACK PAY  
COMPENSATORY DAMAGES  
PUNITIVE DAMAGES

## HIRING, PROMOTION, OR REINSTATEMENT

RETALIATION AGAINST ANY EMPLOYEE FOR COMPLAINING ABOUT SEXUAL HARASSMENT IS PROHIBITED UNDER THIS POLICY AND ILLEGAL.

VIOLATION OF THIS POLICY IS GROUNDS FOR DISCIPLINE, INCLUDING DISCHARGE.

INDIVIDUALS WHO ENGAGE IN ACTS OF SEXUAL HARASSMENT MAY ALSO BE SUBJECT TO CIVIL AND CRIMINAL PENALTIES.

AN INFRACTION OF THIS POLICY BY SUPERVISORS OR CO-WORKERS SHOULD BE REPORTED IMMEDIATELY TO DIRECTOR OF STUDENT SERVICES **TITLE IX COORDINATOR, OR SUPERINTENDENT IF THE TITLE IX COORDINATOR IS THE SUBJECT OF THE COMPLAINT.** CONFIDENTIALITY WILL BE MAINTAINED TO THE EXTENT POSSIBLE.

ANY EMPLOYEE WHO BELIEVES THAT HE OR SHE HAS BEEN HARASSED OR DISCRIMINATED AGAINST IN THE WORKPLACE IN VIOLATION OF THIS POLICY MAY ALSO CONTACT:

THE CONNECTICUT COMMISSION ON HUMAN RIGHTS AND OPPORTUNITIES  
WEST CENTRAL REGIONAL OFFICE [REGIONAL OFFICES AND THEIR ADDRESSES CAN BE FOUND ON THE CHRO WEBSITE, [HTTP://WWW.STATE.CT.US/CHRO/](http://www.state.ct.us/chro/)]

Commission on Human Rights and Opportunities  
West Central Region Office  
55 West Main Street, Suite 210  
Waterbury, CT 06702-2004  
203-805-6530

AND/ OR:

THE EQUAL EMPLOYMENT OPPORTUNITY COMMISSION  
BOSTON AREA OFFICE  
JOHN F. KENNEDY FEDERAL BUILDING  
475 GOVERNMENT CENTER  
BOSTON, MA 02203  
PHONE (800) 669-4000

CONNECTICUT LAW REQUIRES THAT A FORMAL WRITTEN COMPLAINT BE FILED WITH THE COMMISSION ON HUMAN RIGHTS AND OPPORTUNITIES WITHIN THREE HUNDRED (300) DAYS OF THE DATE WHEN THE ALLEGED HARASSMENT/ DISCRIMINATION OCCURRED.

9/24/20