

**WESTPORT BOARD OF EDUCATION**  
**POLICY COMMITTEE**  
**NOTICE OF SPECIAL MEETING**  
**AGENDA**

(Agenda Subject to Modification in Accordance with Law)

**SPECIAL NOTICE ABOUT PROCEDURES FOR THIS ELECTRONIC MEETING:**

Pursuant to the Governor's Executive Order No. 7B, there will not be a physical location for this meeting. This meeting will be held electronically and live streamed on westportps.org and shown on Optimum Government Access Channel 78 and Frontier Channel 6021. Emails to BOE members can be sent to BOE@westportps.org. Comments to be read during the public comment period must be submitted to the meeting's Googledoc during the submission period. Please see the following link for instructions and guidelines: [https://www.westportps.org/uploaded/Procedures\\_and\\_Guidelines\\_for\\_Public\\_Participation\\_in\\_Remote\\_Board\\_Meetings.pdf](https://www.westportps.org/uploaded/Procedures_and_Guidelines_for_Public_Participation_in_Remote_Board_Meetings.pdf). We will use our best efforts to read public comments if they are received during the public comment period and if they state your full name and address. Meeting materials will be available at westportps.org along with the meeting notice posted on the Meeting Agenda page.

**WORK SESSION:**

8:00 a.m. Held Remotely Via Zoom Pursuant to Executive Order 7B

**DISCUSSION/ACTION:**

1. Minutes: July 29, 2020, *pages 1-2*

**DISCUSSION:**

1. First Reading of the Following Policies:
  - Policy 4118.112/4218.112, "Sex Discrimination and Sexual Harassment in the Workplace" (Revision), *pages 3-8*
  - Policy 5145.5, "Policy Regarding Sex Discrimination and Sexual Harassment" (Revision), *pages 9-12*
  - CABA Model Policy 5141.8, "Face Masks and Coverings" (New), *pages 13-16*
  - CABA Model Policy 5141.22, "Student Communicable and Infectious Diseases" (New), *pages 17-24*
  - Shipman Model Policy "Policy Concerning Health and Safety Protocols Related to the COVID-19 Pandemic" (New), *page 25*
  - CABA 6114.8, "Pandemic/Epidemic Emergencies" (New), *pages 26-27*
  - CABA 6114.81, "Emergency Suspension of Policy During Pandemic" (New), *pages 28-30*
  - Shipman Model Policy "Families First Coronavirus Response Act Leave" (New), *pages 31-34*
  - Policy 3520, "Green Cleaning Programs" (Revision), *pages 35-37*
  - Policy 4110,4210, "Employment Checks" (Revision), *pages 38-49*
  - Policy4118.5, "Acceptable Computer Network Use" (Revision), *pages 50-53*
  - Policy 6141.321, "Electronic Resources/Internet Safety" (Revision), *pages 54-56*
  - Shipman Model Policy "Use of Private Technology Devices" (New), *pages 57-60*
  - Bylaw 9324, "Meeting Conduct" (Revision) and Shipman Model Policy "Meeting Conduct", *pages 61-63*

## 2. Any Other Policy Matters

### ADJOURNMENT

The meeting can also be viewed on Cablevision on channel 78; Frontier channel 6021 and by video stream @[www.westportps.org](http://www.westportps.org)  
PUBLIC PARTICIPATION WELCOME USING THE FOLLOWING GUIDELINES:

- Public comment will be accepted via a Google doc and the comments will be read aloud at the meeting. A link will be provided on Monday, prior to the meeting.
- There will be no in-person public comment due to public health concerns.
- A maximum of 15 minutes will be provided for public comments.
- Comments on agenda items are limited to 1 minute each.

*It is the policy of the Town of Westport that all Town-sponsored public meetings and events are accessible to people with disabilities. If you need assistance in participating in a meeting or event due to a disability as defined under the Americans with Disabilities Act, please contact Westport's ADA Coordinator at 203-341-1043 or [eflug@westportct.gov](mailto:eflug@westportct.gov) at least three (3) business days prior to the scheduled meeting or event to request an accommodation.*

**WESTPORT BOARD OF EDUCATION  
POLICY COMMITTEE WORK SESSION MINUTES**

**Board Members Present:**

Karen Kleine      Committee Chair  
Youn Su Chao

**Administrators Present**

John Bayers      Director of Human Resources

**PUBLIC SESSION:** 9:01 a.m., Held Remotely Via Zoom Pursuant to Executive Order 7B

**DISCUSSION/ACTION**

**MINUTES:** May 26, 2020

Karen Kleine moved to approve the minutes of May 26, 2020; seconded by Youn Su Chao and approved unanimously (2-0-0).

**DISCUSSION**

First Reading of the Following Policies:

- *"Temporary Policies and Regulations" Shipman and Goodwin Model Policy (new)*
- *Policy 1250, "Policy Regarding Visitors and Observations in Schools" (revise existing Westport policy)*
- *"School Volunteers, Student Interns, and Other Non-Employees" Shipman and Goodwin Model Policy (new)*
- *Policy 1330, "Use of School Facilities" (revise existing Westport policy)*
- *Policy 5114, "Student Discipline" (revise existing Westport policy)*
- *"Transportation" Shipman and Goodwin Model Policy (new)*
- *Policy 5113.2, "Student Attendance, Truancy, and Chronic Absenteeism" (revise existing Westport policy)*

Thee following policies were recommended to go before the full Board for a first reading:

- *"Temporary Policies and Regulations" Shipman and Goodwin Model Policy (new)*
- *Policy 1250, "Policy Regarding Visitors and Observations in Schools" (revise existing Westport policy)*
- *"School Volunteers, Student Interns, and Other Non-Employees" Shipman and Goodwin Model Policy (new)*
- *Policy 1330, "Use of School Facilities" (revise existing Westport policy)*

- *Policy 5114, "Student Discipline" (revise existing Westport policy)*
- *"Transportation" Shipman and Goodwin Model Policy (new)*
- *Policy 5113.2, "Student Attendance, Truancy, and Chronic Absenteeism" (revise existing Westport policy)*

## **ADJOURNMENT**

Meeting adjourned at 10:09 a.m.

Respectfully submitted,

Jennifer Caputo



**MODEL POLICY CLIENTS  
SUMMARY OF POLICY RECOMMENDATIONS  
AUGUST 2020**

***Introduction***

This memorandum serves as a collective summary of the suggested revisions to local and regional board policies, regulations and accompanying documents for 2020 based on legislative changes, legal trends and best practices. As you may know, the 2020 legislative session in Connecticut was canceled due to the COVID-19 pandemic and thus there were no state legislative changes this year. In July 2020, we provided you with the Temporary Policy Packet to address recommended policy revisions in relation to COVID-19 pandemic. We include in this Memorandum any changes that have been made since April, 2020, outside of the temporary C-19 policies. The bases for our recommended changes to existing policies for each respective series are discussed below. For access to these policies, regulations and accompanying documents, please visit our client portal and use the login and password with which you have been provided. If you need any assistance with your login and/or password, please contact Emma Hoff, ehoff@goodwin.com. If you have any questions about the policy revisions, feel free to contact Peter J. Maher, at pmaher@goodwin.com, or Gwen J. Zittoun, at gzittoun@goodwin.com.

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***Series 1000: Community/Board Operation***

No Changes

***Series 2000: Administration***

No Changes

***Series 3000: Business***

No Changes

***Series 4000: Personnel***

**Code of Ethics (NEW)**

The Code of Ethics is a new policy designed to provide employees notice of expected professional conduct.

### **Sex Discrimination and Sexual Harassment (Personnel)**

We revised this policy in accordance with the new Title IX federal regulations that become effective on August 14, 2020. We encourage boards of education to review and adopt these policy revisions as soon as possible, as the revisions to the Title IX federal regulations are significant. We are currently developing comprehensive administrative regulations that include detailed complaint procedures; these administrative regulations will be provided to subscribers shortly.

### ***Series 5000: Students***

### **Title IX of the Education Amendments of 1972 - Prohibition of Sex Discrimination and Sexual Harassment (Students) (formerly titled Sex Discrimination and Sexual Harassment)**

We revised this policy in accordance with the new Title IX federal regulations that become effective on August 14, 2020. We encourage boards of education to review and adopt these policy revisions as soon as possible, as the revisions to the Title IX federal regulations are significant. We are currently developing comprehensive administrative regulations that include detailed complaint procedures; these administrative regulations will be provided to subscribers shortly.

### **Student Dress**

We revised the model Student Dress policy to clarify that attire or accessories depicting the Confederate flag or the Nazi swastika constitute “[a]ttire or accessories depicting or suggesting violence so as to disrupt the educational environment or that provokes others to act violently or causes others to be intimidated by fear of violence or that constitute ‘fighting words’” and thus are prohibited. We further revised the policy to clarify that masks may be worn in school in conjunction with health and safety protocols.

### **Transportation**

We revised the model Transportation policy to include the statutory requirement that the Superintendent of Schools report to the Commissioner of the Department of Motor Vehicles any (1) complaints received during a twelve month period and (2) accidents involving pedestrian students at or in the area of a school bus stop. This change allows the policy to track the language of the existing statute, Conn. Gen. Stat. 10-221c. This is a recommended permanent policy change, which change was not provided in the C-19 Transportation Policy.

### ***Series 6000: Instruction***

No Changes

## Personnel -- Certified/Non-Certified

### Prohibition of Sex Discrimination and Sexual Harassment in the Workplace

It is the policy of the Westport Board of Education (the “Board”) for the Westport Public Schools that any form of sex discrimination or sexual harassment is prohibited in the Board’s education programs and activities, whether by students, Board employees or third parties subject to substantial control by the Board. It is the policy of the Board to maintain a working environment free from harassment, insults or intimidation on the basis of an employee's sex and free from discrimination based on sex. Verbal or physical conduct by a supervisor or co-worker relating to an employee's sex ~~which 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.

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”) not to discriminate in such a manner. Students, Board employees and third parties are required to adhere to a standard of conduct that is respectful of the rights of all parties. Any employee or student who engages in conduct prohibited by this Policy shall be subject to disciplinary action, up to and including termination or expulsion, respectively. Third parties who engage in conduct prohibited by this Policy shall be subject to other sanctions, which may include exclusion from Board property and/or activities. Individuals who engage in acts of sex discrimination or sexual harassment may also be subject to civil and criminal penalties.

For conduct to violate this Policy, 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 another Board policy.

#### Discrimination

The Superintendent of Schools shall develop Administrative Regulations implementing this Policy and in accordance with Title IX (the “Administrative Regulations”).

Sex discrimination ~~is defined as 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 ~~is also defined as occurs~~ when a person, because of his or her sex, is denied participation in, or the benefits of, any educationa program ~~that receives or activity receiving~~ federal financial assistance.

Sexual harassment 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).

## Reporting Sex Discrimination or Sexual Harassment

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

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

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

- ~~1. Unwelcome sexual advances from a co-worker or supervisor, such as unwanted hugs, touches, or kisses;~~
- ~~2. Unwelcome attention of a sexual nature, such as degrading, suggestive or lewd remarks or noises;~~
- ~~3. Dirty jokes, derogatory or pornographic posters, cartoons or drawings;~~

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 Westport 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). Such training will include information on 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, 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.

- ~~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;~~

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

110 Myrtle Avenue  
Westport, CT 06880  
jbayers@wesportps.org  
203-341-1004

- ~~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 media websites, or other forms of electronic communications, to engage in any conduct prohibited by this policy.~~

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

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

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

Legal References:

~~United States Constitution, Amendment XIV~~

~~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)  
~~Constitution of the State of Connecticut, Article I, Section 20~~  
Conn. Gen. Stat. § 46a-54 - Commission powers  
Connecticut General Statutes § 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

Policy adopted: June 23, 1995  
REVISED: January 22, 2018  
REVISED:

WESTPORT PUBLIC SCHOOLS  
Westport, Connecticut

## Students

### Policy Regarding Title IX of the Education Amendments of 1972 – Prohibition of Sex Discrimination and Sexual Harassment

It is the policy of the Westport Board of Education (the “Board”) for the Westport Public Schools that any form of sex discrimination or sexual harassment is prohibited in the Board’s education programs and activities, whether by students, Board employees or third parties subject to ~~the control of the Board~~ substantial control by the Board. 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”) not to discriminate in such a manner. Students, Board employees and third parties are ~~expected~~ required to adhere to a standard of conduct that is respectful of the rights of students, employees and third parties. Any student or employee who engages in conduct prohibited by this policy shall be subject to disciplinary action, up to and including expulsion or termination, respectively.

For conduct to violate this Policy, 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 another Board policy.

The Superintendent of Schools shall develop Administrative Regulations implementing this Policy and in accordance with Title IX (the “Administrative Regulations”).

#### Definitions

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

**Sexual harassment:** means conduct on the basis of sex that satisfies one or more of the following:~~In a school setting, sexual harassment is conduct that 1) is sexual in nature; 2) is unwelcome; and 3) denies or limits a student’s ability to participate in or benefit from a school’s educational program. Sexual harassment can be verbal, nonverbal or physical. Sexual violence is a form of sexual harassment. Sexual harassment creates a hostile environment if the conduct is sufficiently severe or pervasive such that it interferes with or limits a student’s ability to participate in or benefit from the school’s program. Although not an exhaustive list, the following are examples of sexual conduct prohibited by this policy:~~

- ~~1. — Statements or other conduct indicating that a student’s submission to, or rejection of, sexual overtures or advances will affect the student’s grades and/or other academic progress.~~

- ~~2. Unwelcome attention and/or advances of a sexual nature, including verbal comments, sexual invitations, leering and physical touching.~~
- ~~3. Display of sexually suggestive objects, or use of sexually suggestive or obscene remarks, invitations, letters, emails, text messages, notes, slurs, jokes, pictures, cartoons, epithets or gestures.~~
- ~~4. Touching of a sexual nature or telling sexual or dirty jokes.~~
- ~~5. Transmitting or displaying emails or websites of a sexual nature.~~
- ~~6. Using computer systems, including email, instant messaging, text messaging, blogging or the use of social media websites, or other forms of electronic communications, to engage in any conduct prohibited by this policy.~~

~~**Sexual Violence:** Sexual violence is a form of sexual harassment. For the purposes of this policy, sexual violence refers to physical acts that are sexual in nature, perpetrated against a person's will or where a person is incapable of giving consent due to the victim's use of drugs or alcohol.~~

- (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).

#### Procedure Reporting Sex Discrimination or Sexual Harassment

It is the express policy of the Board ~~of Education~~ to encourage victims of sex discrimination ~~and/or~~ sexual harassment to report such claims. Students are encouraged to ~~promptly~~ report complaints of sex discrimination ~~and/or~~ sexual harassment ~~to~~ promptly in accordance with the appropriate ~~personnel, as process~~ set forth in the Administrative Regulations ~~implementing this Policy. The district will investigate such complaints promptly, take interim measures, and take corrective action where appropriate. The district will~~ The Board directs its employees to respond to such complaints in a prompt and equitable manner. The Board further directs its employees to maintain confidentiality to the extent appropriate. The district and will not tolerate any reprisals or retaliation that occur as a result of the good faith reporting of charges of ~~sexual harassment or~~ sex discrimination and/or sexual harassment. Any such reprisals or retaliation will result in disciplinary action against the retaliator, up to and including expulsion or termination as appropriate.

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 Westport 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) on the definitions of sex discrimination and sexual harassment, the scope of the Board's education program and

activity, how to conduct an investigation and 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, 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 staff, students and 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 John Bayers, Director of Human Resources and General Administration. Any individual may make a report of sex discrimination and/or sexual harassment directly to the Title IX Coordinator using any one, or multiple, of the following points of contact:

110 Myrtle Ave  
Westport, CT 06880  
jbayers@westportps.org  
203-341-1004

~~The school district will periodically provide staff development for district administrators, and periodically distribute this Policy and the implementing Administrative Regulations to staff and students in an effort to maintain an environment free of sexual discrimination and sex harassment.~~

~~Sex discrimination and/or sexual harassment may also constitute bullying behavior under the Board's Bullying Behavior in the Schools Policy.~~ Any individual may also make a report of sexual harassment and/or sex discrimination to the U.S. Department of Education: Office for Civil Rights, Boston Office, U.S. Department of Education, 8th Floor, 5 Post Office Square, Boston, MA 02109-3921 (Telephone 617-289-0111).

Legal Reference:

~~United States Constitution, Amendment XIV~~

Title IX of the Education Amendments of 1972, 20 U.S.C. § 1681, et seq.

Title IX of the Education Amendments of 1972, 34 C.F.R § 106.1, et seq.

Gebser v. Lago Vista Independent School District, 524 U.S. 274 (1998)

Davis v. Monroe County Board of Education, 526 U.S. 629 (1999)

~~Office for Civil Rights, U.S. Department of Education, Revised Sexual Harassment Guidance: Harassment of Students by School Employees, Other Students, or Third Parties, 66 Fed. Reg. 5512 (Jan. 19, 2001).~~

~~Office for Civil Rights, U.S. Department of Education Dear Colleague Letter: Sexual Violence (April 4, 2011).~~

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

Policy adopted: June 23, 1993  
REVISED: January 22, 2018  
REVISED:

WESTPORT PUBLIC SCHOOLS  
Westport, Connecticut

## Students

### Personnel - Certified and Non Certified

### Face Masks/Coverings

This policy pertains to students, faculty, staff, and visitors. It has been developed to fulfill the guiding principles contained in the *Framework for Connecticut Schools*, specifically to safeguard the health and safety of students and staff and to allow all students the opportunity to return into classrooms full time.

The Board of Education (Board) is implementing this masking requirement to promote the safest possible learning, teaching and work environment for students, faculty, staff and visitors during the COVID-19 pandemic. The first priority of the Board is the health and well-being of students and staff as the District prepares for and implements the safe reopening of schools.

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

### Definitions

**Face covering/mask** - a cloth, paper, or disposable face covering that covers the nose and mouth. It may or may not be medical grade. (Evidence shows that the proper wearing of facial masks or coverings helps stop the spread of the virus, which is currently by droplets when an individual coughs, sneezes or talks.)

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

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

### Transportation

Student passengers are required to wear a face mask or cloth face covering that completely covers the nose and mouth during transit. The student's face covering must be in place prior to boarding the bus, van or other vehicles and must be kept in place until they are completely off the bus or van. The Board shall provide back-up masks if students do not have face coverings when boarding a school bus or van. The face mask or cloth face covering is also applicable to the drivers of the vehicle.

The Board may consider the option of assigning a temporary monitor on student transportation at the beginning of the school year to facilitate compliance with this new face mask protocol.

### School Buildings and Grounds

All students, staff, and visitors are required to use face coverings, that completely covers the nose and mouth, when they are inside the school building or on school grounds, even when social distancing is maintained. An individual shall be excused from this requirement for the following listed reasons, per CDC guidance.

The individual:

1. has trouble breathing;
2. is unconscious;
3. is incapacitated; or
4. cannot remove the mask or face covering without assistance.

In addition, masks or face coverings shall not be required for anyone who has a medical reason making it unsafe to wear a face mask or face covering. A written notification from a physician is required in order for the Board to permit a medical exemption. The note should state the medical reason for the requested exemption, such as, but not limited to, difficulty breathing.

Parents/guardians may not excuse their child from this face mask requirement, by signing a waiver, because such wearing is a mandated requirement that the Office of the Governor, the Connecticut State Department of Education, and/or the Connecticut State Department of Public Health have defined as necessary for school districts to comply with in order to open schools from the COVID-19 caused closure.

In addition to the wearing of face masks, the District will maximize social distancing between student's workstations and desks, achieving six feet when feasible. Space between the teacher and students is to be maximized to reduce the risk of increased droplets from teachers during instruction. A teacher is permitted to remove a face covering or mask during instruction. If the teacher removes the face covering or mask during instruction, spacing shall be increased beyond six feet. A teacher who remains seated during instruction requires the use of a physical barrier.

Transparent (clear) masks should be considered as an option for teachers and students in classes for deaf and hard of hearing students. Pre-K and special education teachers should consider wearing clear masks.

Face shields may be an option for those students with medical, behavioral or other challenges who are unable to wear face masks or coverings. The Board recognizes that face shields are not as effective for source control and should be used only when other methods are not available or appropriate. Therefore, the use of face shields for those with medical conditions is done with the understanding of their limitations and a heightened need for strict adherence to social distancing.

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

### **Limited Exceptions to Use of Face Coverings**

When other and appropriate mitigating practices are in place, such as social distancing, students will not be required to wear face masks or coverings while eating, drinking, during physical education classes, or when students are outside and effectively practicing social distancing and any other possible mitigants. Exceptions may also be necessary for certain special education students or other special populations.

Teachers and staff may be excused from wearing a face mask or covering while teaching provided they are properly socially distancing or remaining static behind a physical barrier. Face shields may be useful in situations where it is important for students to see how a teacher pronounces words (e.g. English Learners, early childhood, foreign language, etc.) and social distancing is maintained. However, face shields alone are not a sufficient alternate to the wearing of face mask for source control.

### **Mask Breaks**

Breaks from wearing masks shall be scheduled throughout the school day, by the teacher, provided that strict social distancing requirements are maintained and limitations are enforced regarding student and staff mobility.

During time of eating, face masks or coverings may be removed. Masks are required in all dining areas while entering and leaving or getting food and drinks. They may be removed at appropriately socially distanced tables in order to eat but must be replaced after eating.

A recess period may be used as a break from wearing masks when no more than one class is outside at a time and social distancing requirements are maintained to the greatest degree feasible.

### **Violations of this Policy**

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

If a student refuses to wear a face mask or covering and does not fulfill any of the exemptions allowed by this policy, such student shall be sent to the school's isolation room. The parent/guardian shall be contacted to rectify the situation, school

personnel to explain the options available regarding schooling and for the possible removal of the child from the school setting.

If a visitor refuses to wear a face covering, for non-medical reasons, entry to the school/district facility may be denied.

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

## **Community Outreach**

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

## **Other Considerations**

- The District shall maintain in each school a supply of disposable face coverings in the event that a staff member, student or visitor does not have one for use.
- Special attention must be given to putting on and removing face coverings for purposes such as eating. After use, the front of the face covering is considered contaminated and should not be touched during removal or replacement. Hand hygiene should be performed immediately after removing and after replacing the face covering.
- When medically appropriate, nurses shall substitute use of metered dose inhalers and spacers for students with respiratory issues.
- Face shields with face masks may be used by staff who support students with special healthcare needs such as those who are unable to wear masks and who may need assistance with activities of daily living, such as toileting and eating.
- Mask use will not be required by employees when they are alone in private offices. However, they are required to mask when anyone enters a private office space and required to wear a mask if their office space is physically shared with others and does not allow for 6 feet of physical distancing or if the work area is frequented by others (such as a reception area).

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

- (cf. [5141.22](#) - Communicable/Infectious Diseases)
- (cf. [5141.6](#) - Crisis Management Plan)
- (cf. [6114](#) - Emergencies and Disaster Preparedness)
- (cf. [6114.6](#) - Emergency Closings)
- (cf. [6114.8](#) - Pandemic/Epidemic Emergencies)
- (cf. [6114.81](#) - Emergency Suspension of Policy During Pandemic)

Legal Reference: Connecticut General Statutes

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

10-207 Duties of medical advisors.

10 221 Boards of education to prescribe rules.

19a-221 Quarantine of certain persons.

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

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

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

Connecticut LEA School Reopening Template

CDC Considerations for Schools

CDC Symptoms of Coronavirus

CDC Quarantine & Isolation

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

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

CDC Schools Decision Tree for Schools Reopening

Policy adopted:

## Students

### Communicable and Infectious Diseases

The Board of Education recognizes that all children have a constitutional right to a free, suitable program of educational experiences. The Board of Education has established reasonable health requirements as prerequisites to admission or attendance, including the requirement that students undergo physical examination prior to admission.

Where it can be medically established that a student suffers from a serious infectious disease and there is a significant risk of transmission of the disease to others because of the nature of the disease or the personal characteristics of the student carrier, it may be appropriate to exclude the student from the regular classroom. The determination of exclusion of any student will be made on a case by case basis with appropriate procedural due process safeguards. However, where the risk of transmission is relatively low or appropriate procedures can be adopted to reduce the risk of transmission, exclusion is not warranted.

A child with an infectious disease may be considered handicapped, if the condition presents such physical impairment that limits one or more major life activities. Therefore, Section 504 of the Rehabilitation Act, the "Education of all Handicapped Children Act" may apply. The parent, guardian or the school administration may make a referral for determination whether the student is handicapped and entitled to protection under Section 504. The Planning and Placement Team will determine whether the student is handicapped or is "otherwise qualified" within the meaning of Section 504. All students should be educated in the least restrictive environment.

The District will include as part of its emergency procedure plan a description of the actions to be taken by District personnel in case of pandemic flu outbreak or other catastrophe that disrupts District operations.

(cf. [5111](#) Admission)

(cf. [5142](#) Student Safety)

(cf. 5141 Student Health Services)

(cf. 6162 Individualized Education Program/Special Education Program)

Legal Reference: "Education for Children with Disabilities", 20 U.S.C. 1400, et seq.

Section 505 of the Rehabilitation Act of 1973, 29 U.S.C. 706(7)(b)

"Americans with Disabilities Act"

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

Connecticut General Statutes

[10-76\(d\)\(15\)](#) Duties and powers of Boards of education to provide special education programs and services.

[10-154a](#) Professional communications between teacher or nurse and student

[10-207](#) Duties of medical advisors

[10-209](#) Records not to be public

[10-210](#) Quarantine of certain persons

[19a-581-585](#) AIDS testing and medical information

## Students

### Communicable and Infectious Diseases/Bloodborne Pathogens

#### Exposure Control Plan

The OSHA Bloodborne Pathogens Standard (29CFR 1910.1030) covers all employees who could be "reasonably anticipated" to face contact with bloodborne pathogens and other potentially infectious materials as the result of performing their job duties. In accordance with this standard, the district has developed an Exposure Control Plan which contains the following information:

1. General Program Management
2. Exposure Determination
3. Compliance Methods
4. Work Area Restrictions
5. Personal Protective Equipment
6. Hepatitis B. Vaccine Program
7. Post Exposure Evaluation and Follow up
8. Training

#### Availability of the Exposure Control Plan to Employees

A copy of the Exposure Control Plan is found in and available to all employees in each program site.

#### Review and Update of the Plan

It is important to keep this Exposure Control Plan up to date. To ensure this, the plan will be reviewed and updated under the following circumstances:

1. Annually
2. Whenever new or modified tasks and procedures are implemented which affect opportunities for occupational exposure.
3. Whenever employees' jobs or responsibilities are modified or altered so that a new potential of occupational exposure may exist.
4. Whenever new or revised positions are established that may involve occupational exposure.

#### Exposure Determination

CFR 1910.1030, paragraph (b) defines "occupational exposure" to mean "reasonably anticipated skin, eye, mucous membrane, or parenteral (i.e. intravenous subcutaneous) contact with blood or other potentially infectious materials that may result from the performance of an employee's duties. Other potentially infectious materials include the following: human body fluids (semen, vaginal secretions, cerebrospinal fluid, synovial fluid, pleural fluid, pericardial fluid, peritoneal fluid, saliva in dental procedures, any body fluids visibly contaminated with blood, and all body fluids in situations where it is difficult or impossible to differentiate between body fluids).

OSHA requires employers to perform an exposure determination concerning which employees may incur occupational exposure to blood or other potentially infectious materials. The exposure determination is made without regard to the use of personal protective equipment (i.e. employees are considered to be exposed even if they wear personal protective

equipment). This exposure determination is required to list all job classifications in which employees may be expected to incur such occupational exposure, regardless of frequency. The following job classifications are in this category:

1. School Nurses
2. First Responders First Aid Certified
3. Pre School Staff
4. Any staff member determined by medical advisor to be at risk due to unique circumstances

In addition, OSHA requires a listing of job classifications in which some employees may be anticipated to have occupational exposure. Since not all the employees in these categories would be expected to incur exposure to blood or other potentially infectious materials, tasks or procedures that would cause these employees to have occupational exposure are also required to be listed in order to clearly understand which employees in these categories may be considered to have occupational exposure. The following job classifications are in this category:

1. Teachers and aides not specifically listed above
2. Principals
3. Tutors
4. Cafeteria workers
5. Custodians
6. Coaches

### **Compliance Methods**

Universal precautions will be observed at all district building sites\* in order to prevent contact with blood or other potentially infectious materials. All blood or other potentially infectious materials will be considered infectious regardless of the perceived status of the source individual.

Engineering and work practice controls will be utilized to eliminate or minimize exposure to employees. Where occupational exposure remains after institution of these controls, personal protective equipment shall also be utilized. At these sites, the following engineering controls will be utilized:

1. Sharps container in school health offices
2. Bio hazard bags in school health offices
3. Gloves available to all staff
4. Double bagging (custodians)
5. Eye protection, plastic apron as needed in Special Needs and Developmentally Delayed classrooms
6. Gloves, plastic bags, proper clean up solution in all sport first aid kits

It is the responsibility of the teacher and nurse in each site to monitor the storage and need for replacement of personal protective equipment.

Hand washing facilities are also available to the employees who incur exposure to blood or other potentially infectious materials. OSHA requires that these facilities be readily accessible after incurring exposure. Hand washing facilities are located in:

Some Classrooms

Health Office

All Bathrooms

Some Staff Lounges

Some Administrative Offices

\*Sites: indicates all school district buildings and grounds

### **Work Area Restrictions**

In work areas where there is a reasonable likelihood of exposure to blood or other potentially infectious materials, employees are not to eat, drink, apply cosmetics, or lip balm, smoke, or handle contact lenses. Food or beverages are not to be kept in refrigerators, freezers, shelves, cabinets, counter tops or bench tops where blood or other potentially infectious materials are present.

Mouth pipetting/suction of blood or other potentially infectious materials is prohibited.

After removal of personal protective gloves, employees shall wash hands and any other potentially contaminated skin area immediately or as soon as feasible with soap and water.

If employees incur exposure to their skin or mucous membranes, then those areas shall be washed or flushed with water as appropriate as soon as feasible following contact.

All procedures will be conducted in a manner which will minimize splashing, spraying, splattering, and generation of droplets of blood or other potentially infectious materials.

Equipment which has become contaminated with blood or other potentially infectious materials shall be examined prior to servicing or shipping and shall be decontaminated.

### **Personal Protective Equipment**

All personal protective equipment used at the sites will be provided without cost to employees. Personal protective equipment will be chosen based on the anticipated exposure to blood or other potentially infectious materials. The protective equipment will be considered appropriate only if it does not permit blood or other potentially infectious materials to pass through or reach the employees' clothing, skin, eyes, mouth, or other mucous membranes under normal conditions of use and for the duration of time which the protective equipment will be used.

All personal protective equipment will be cleaned, laundered, and disposed of by the employer at no cost to employees. All repairs and replacement will be made by the employer at no cost to employees.

All garments which are penetrated by blood shall be removed immediately or as soon as feasible. All personal protective equipment will be removed prior to leaving the work area. All personal protective equipment shall be disposable. After use such shall be rinsed with water or bleach/water solutions if contaminated, then disposed of in plastic bag lined container in classroom or health office. This will be disposed of by the custodian wearing gloves.

Gloves shall be worn where it is reasonably anticipated that employees will have hand contact with blood, other potentially infectious materials, non intact skin, and mucous membranes. Gloves will be used when contact with blood or body secretion occurs or is suspected.

Disposable gloves used at sites are not to be washed or decontaminated for re use and are to be replaced as soon as practical when they become contaminated or as soon as feasible if they are torn, punctured, or when their ability to function as a barrier is compromised. Utility gloves may be decontaminated for re use provided that the integrity of the glove is not compromised. utility gloves will be discarded if they are cracked, peeling, torn, punctured, or exhibit other signs of deterioration or when their ability to function as a barrier is compromised.

Masks in combination with eye protection devices, such as goggles or glasses with solid side shield, or chin length face shields, are required to be worn whenever splashes, spray, splatter, or droplets of blood or other potentially infectious materials may be generated and eye, nose, or mouth contamination can reasonable be anticipated. No situations at sites should require such protection.

OSHA standard also requires appropriate protective clothing to be used under certain conditions. <sup>August 5, 2020</sup> ~~The clothing could be lab coats, gowns, aprons, clinic jackets, or similar outer garments.~~ <sup>Page 20</sup> No situations should require that such protective clothing be

utilized.

Any contaminated surfaces will be cleaned and decontaminated immediately.

Decontamination will be performed by utilizing a department issued/approved agent with a 1:100 solution of bleach in water. All disinfectants will be Tuberculocidal.

All contaminated work surfaces will be decontaminated after completion of procedures and immediately or as soon as feasible after any spill of blood or other potentially infectious materials, as well as the end of the work shift of the surface may have become contaminated since the last cleaning.

All bins, pails, cans and similar receptacles shall be inspected and decontaminated on a regularly scheduled basis by health office and custodial staff.

Any broken glassware which may be contaminated will not be picked up directly with the hands. The following procedures will be used:

Staff will stay at area to prevent further injury/contamination. Custodians will be called to sweep up glass fragments using gloves. Equipment will be immediately decontaminated.

All contaminated sharps shall be discarded as soon as feasible in sharps containers which are located in each school health office.

### **Hepatitis B Vaccine Program**

All employees who have been identified as having exposure to blood or other potentially infectious materials will be offered the Hepatitis B vaccine, at no cost to the employee. The vaccine will be offered within 10 working days of their initial assignment to work involving the potential for occupational exposure to blood or other potentially infectious materials unless the employee has previously had the vaccine or who wishes to submit to antibody testing which shows the employee to have sufficient immunity.

Employees who decline the Hepatitis B vaccine will sign a waiver. Employees who initially decline the vaccine but who later wish to have it may have the vaccine provided at no cost.

The school nurse will assist employees to get the vaccine. The school medical advisor will supervise the administration of the vaccine.

### **Post Exposure Evaluation and Follow up**

Employees will immediately report a possible exposure incident to the school nurse where available or to their building Principal and will make out an incident report. The nurse or administrator will contact the school medical advisor or the Connecticut Department of Health Services to determine if an incident has occurred.

When an incident is confirmed, the school medical advisor will arrange for a confidential medical evaluation and follow up including:

1. Documentation of the route of exposure and the circumstances related to the incident.
2. Identification and documentation of the source individual if feasible unless school medical advisor can establish that identification is infeasible or prohibited by state law.
  - a. Source individual's blood will be tested as soon as feasible after consent is obtained, for HIV/HBV infectivity, unless source is a known carrier. If consent is not obtained, school medical advisor shall establish that legally obtained consent cannot be obtained.
  - b. Results of the source individual's testing shall be made available to the exposed employee, and the employee shall be informed of applicable laws and regulations concerning disclosure of the identity and infectious state of the source individual.

Minor students/clients' parents/guardians must be contacted and advised of the incident and their options. They should be encouraged to contact their own primary health care provider prior to giving consent for testing or disclosure.

### **3. Blood Collection**

- a. The exposed employee's blood shall be collected as soon as feasible by an accredited laboratory and tested after consent is obtained.
- b. If the employee consents to collection but does not give consent for HIV serological testing, the sample shall be preserved for at least 90 days by the laboratory. If within the 90 days, the employee elects to have the baseline sample tested, such testing will be done as soon as feasible.
- c. Post exposure prophylaxis, when medically indicated, as recommended by the U.S. Public Health Service.
- d. Appropriate counseling concerning precautions to take place during the period after the exposure incident.
- e. Information for the employee on what potential illnesses to be alert for and to report any related experiences to appropriate personnel.

### **Information for Health Care Professionals**

District employees will insure that the health care professional evaluating an employee after an exposure incident is provided the following information:

- A copy of the regulations.
- A description of the exposed 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.
- All medical records relevant to the appropriate treatment of the employee including vaccination status which is the district's responsibility to maintain.

### **Health Care Professional's Written Opinion**

Employees will obtain a copy of the health care professional's written opinion when an employee goes for Hepatitis B vaccination or following an exposure incident. If the latter occurs, the district will provide the employee with a copy of the evaluating health care professional's written opinion within 15 days of the completion of the evaluation. Written opinion will be limited to:

- Is Hepatitis B vaccine indicated and has it been given to the employee?
- Has the employee been informed of the results of the evaluation?
- Has the employee been told about any medical condition resulting from exposure to blood or other potentially infectious materials which require further evaluation or treatment?

All other findings or diagnosis shall remain confidential between the health care professional and district employee and shall not be included in the written report.

### **Record Keeping**

The Superintendent of Schools will establish and maintain an accurate separate record for each employee with occupational exposure in accordance with 29CFR1920.20. This record will include:

- The name and social security number of the employee.
- Hepatitis B Vaccine Declination.

- A copy of the employee's Hepatitis B vaccination status including the dates of all of the Hepatitis B vaccinations and any medical records relative to the employee's ability to receive vaccination.

- A copy of all results of examinations, medical testing and follow-up procedures required by these guidelines.
- The employer's copy of the health care professional's written opinion as required by these guidelines.
- A copy of the information provided to the health care professional as required in these guidelines.

## Confidentiality

District administrators and health personnel will ensure that the above medical records are:

- Kept confidential.
- Not disclosed or reported without the employee's expressed written consent to any person within or outside the workplace except as required by this standard or as may be required by law.
- Kept separate from the personnel record.
- Provided upon request for examination and copying to the subject employee, to anyone having written consent of the subject employee or to OSHA designees.
- Maintained for at least the duration of employment plus 30 years.

## Training

District employees shall ensure that all employees with occupational exposure participate in a training program at the time of initial assignment to tasks where occupational exposure may take place; when changes such as modification of tasks or procedures are implemented or institution of new tasks or procedures affect the employee's occupational exposure, and updated annually thereafter. A record of each training session will be filed in the Personnel Department.

District employees occupationally at risk will receive a training program which will include:

The modes of transmission of AIDS and Hepatitis B viruses.

- Instructions on types of protective clothing and equipment generally appropriate for employees, as well as instructions on the basis for selecting the clothing and equipment.
- Instructions on the actions to take and persons to contact if exposure has occurred.
- Instructions on the requirements for work practices and protective equipment for each task they may perform.
- Instructions on where protective clothing and equipment is kept; how to use it; and how to remove, handle, decontaminate, and dispose of contaminated clothing or equipment.
- Instructions on the limitation of protective clothing and equipment.

Legal Reference: "Education for Children with Disabilities", 20 U.S.C. 1400, et seq.

Section 505 of the Rehabilitation Act of 1973, 29 U.S.C. 706(7)(b)

"Americans with Disabilities Act"

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

Connecticut General Statutes

[10](#) 76(d)(15) Duties and powers of Boards of education to provide special education programs and services.

August 5, 2020 Page 23

[10](#) 154a Professional communications between teacher or nurse and student.

[10](#) 207 Duties of medical advisors.

[10](#) 209 Records not to be public.

[10](#) 210 Notice of disease to be given parent or guardian.

[19a](#) 221 Quarantine of certain persons.

[19a](#) 581 585 AIDS testing and medical information.

Regulation approved:

**Series C-19**  
**COVID-19 Policies and Regulations**

**POLICY CONCERNING HEALTH AND SAFETY**  
**PROTOCOLS RELATED TO THE COVID-19 PANDEMIC (NEW)**

The \_\_\_\_\_ Board of Education (the “Board”) recognizes the importance of developing health and safety protocols to protect the health and safety of students, staff, and the community during the COVID-19 pandemic. The Board thus directs the administration of the \_\_\_\_\_ Public Schools (the “Administration”) to develop health and safety protocols consistent with applicable laws, rules, regulations and requirements, and to consider current guidance in the development of such protocols.

Compliance with such health and safety protocols shall be mandatory for all individuals while on school property or participating in a school-sponsored activity, unless a legally recognized exemption or exception applies. Failure to comply with such health and safety protocols may lead to disciplinary action for students and staff, and exclusion from school property or the school-sponsored activity for members of the community, in accordance with applicable laws, rules, regulations, and/or Board policies.

The Administration shall provide appropriate notice of such health and safety protocols. Notice may be provided by way of electronic mail, regular mail, website posting, student handbooks, employee handbooks, and/or any other appropriate methods.

**Legal References:**

Connecticut General Statutes § 10-221

Adapt, Advance, Achieve: Connecticut’s Plan to Learn and Grow Together,  
Connecticut State Department of Education (June 29, 2020)

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

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

*Temporary Policy Rev. 7/10/2020*

## **Instruction**

### **Emergencies and Disaster Preparedness**

#### **Pandemic/Epidemic Emergencies**

The Board recognizes that a pandemic/epidemic outbreak is a serious threat that stands to affect students, staff, and the community as a whole. With this consideration in mind, the Board establishes this policy in the event the town/municipality and/or school district is threatened by a reasonably likely pandemic/epidemic outbreak. At all times the health, safety and welfare of the students shall be of foremost concern along with the health, safety and welfare of the District employees and mindful of the overall health and welfare of the community.

#### **Planning and Coordination**

The Superintendent shall designate the head School Nurse or other appropriate staff members who in conjunction with the School Medical Advisor, shall serve as a liaison between the school district and local and state health officials. This designee and the School Medical Advisor are jointly responsible for connecting with health officials to identify local hazards, determine what crisis plans exist in the school district and community, and to establish procedures to account for student well-being and safety during such a crisis. The designee shall work with local health officials and shall keep the Superintendent advised when the risk of a pandemic or an epidemic of a serious illness has materially increased.

The Principals and/or school nurse or other designee shall develop a curriculum component to health classes that is designed to teach students about preventing or limiting the spread of communicable diseases.

With fiscal concerns in mind, the District shall purchase and store supplies necessary for an epidemic/pandemic outbreak, including but not limited to disinfectant products, face masks, water, examination gloves, and other supplies as recommended by the school nurse and/or School Medical Advisor.

The Superintendent shall develop procedures and plans for the transportation of students in the event of an evacuation. Such procedures shall include provisions for students who cannot be transported to home at the time of the evacuation.

#### **Response**

In the event anyone within the school is discovered or suspected to have a communicable disease that may result in an epidemic/pandemic, that person shall be immediately quarantined pending further medical examination, as recommended by state and national protocols. Local and state health officials shall be notified immediately.

In conjunction with local and state health officials, the Superintendent shall ascertain whether an evacuation, lockdown, or shelter-in-place needs to be established. As soon as such a decision has been made, the school district shall attempt to notify the parents of all students.

In the event of an evacuation, the Superintendent is charged with determining when the school shall re-open. In the event of a lockdown or shelter-in-place, the Superintendent shall notify all proper authorities and relief agencies to seek their assistance for the duration of the lockdown or shelter-in-place.

#### **Infection Control**

Any student or staff member found to be infected with a communicable disease that bears risk of pandemic/epidemic will not be allowed to attend school until medical clearance is provided by that individual's primary care physician or other medical personnel indicating that that person does not bear the risk of transmitting the communicable disease.

Students with excessive absences due to a communicable disease shall be given a reprieve from other Board policies relative to excessive student absences. Efforts will be made by the staff to determine what, if any, school work the student can complete while absent.

Staff members who are forced to miss excessive days of work shall first use any leave entitled to them through the Family and Medical Leave Act and/or accrued sick leave. If a staff member has still not received medical clearance to resume

his/her work duties, absences in excess of a staff member's allotted leave be managed through existing contract provisions and will not affect the employee's right to continued employment.

## **Continuance of Education**

The Superintendent shall develop a plan of alternate means of educating students in the event of prolonged school closings and/or extended absences. Such a plan may include, but are not limited to, providing students with assignments via mail or by email, local access cable television, or the school district's website.

The Superintendent, in consultation with the Board of Education, may amend the traditional class schedule and schedule of days. Such a plan may include extending the school day, having school days held on Saturdays if Connecticut statute changes, the use of previously scheduled vacation days, and/or extend the school year beyond the previously established end of school year, within applicable statutory requirements.

(cf. [5141.22](#) - Communicable/Infectious Diseases)

(cf. [5141.6](#) - Crisis Management Plan)

(cf. [6114](#) - Emergencies and Disaster Preparedness)

(cf. 6114.6 - Emergency Closings)

Legal Reference: Connecticut General Statutes

[10-154a](#) Professional communications between teacher or nurse and student.

[10-207](#) Duties of medical advisors.

[10-209](#) Records not to be public.

[10-210](#) Notice of disease to be given parent or guardian.

[10-221](#) Boards of education to prescribe rules.

[19a-221](#) Quarantine of certain persons.

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

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

Policy adopted:

## **Instruction**

### **Emergencies and Disaster Preparedness**

#### **Pandemic/Epidemic Emergencies**

##### **Emergency Suspension of Policy During Pandemic**

The Board of Education (Board) is authorized by statute to govern the District, including the adoption, revision, and suspension of Board policies.

The Board, through this policy, acknowledges school closures in response to a pandemic/epidemic and designates the Superintendent of Schools or his/her designee to act as a liaison for the District to ensure the health and safety of students, staff, and the community.

The World Health Organization on March 11, 2020 characterized COVID-19 as a pandemic. Governor Lamont declared a state of emergency and directed implementation of appropriate plans and procedures in response to the novel coronavirus (COVID-19). This action included closure of all Connecticut public schools. President Trump declared a national state of emergency.

The Connecticut State Department of Education (CSDE) has authority to waive instructional hours and school days, to interpret graduation requirements, and to oversee the allocation of resources for nutrition, transportation, and other crucial aspects of public education and is providing written guidance to school districts on issues related to COVID -19, including but not limited to student attendance, distance/online learning, high school credit, meal distribution, and other issues.

##### **Temporary Powers Granted to Superintendent of Schools**

The Board grants to the Superintendent the following temporary powers to address the COVID-19 pandemic emergency:

1. Authority to temporarily waive such Board policies or provisions of Board policies as the Superintendent shall deem necessary to comply with guidance from appropriate health or governmental authorities or necessary for other effective response.
2. Authority to take any lawful actions necessary to ensure the continuation of public education, to provide for the health and safety of students and employees, or to respond to direction from appropriate health and government authorities. Such action may include, but are not limited to, adjustments to the curriculum and the provision of alternate educational program options; modifications to the school calendar; adjustments to the delivery of school-provided meals; limitations on access to District property; applying to any governmental body for financial or other aid as may be available; and applying to any governmental body for waiver of regulations or requirements, compliance with which is affected by the COVID-19 pandemic emergency.
3. Authority to enter into contracts without Board approval for any dollar amount for the purchase of materials, equipment, supplies, or services for sanitation, cleaning, technology, or other needs directly related to the COVID-19 emergency situation, provided such action is consistent with all applicable State and Federal laws.
4. Authority to close any school facility without further action by this Board. Such closure shall continue during the emergency created by the COVID-19 pandemic until such time as the Superintendent, in consultation with appropriate health and government authorities, deems it in the best interests of the District and its students to open schools.
5. Authority based upon the needs of the District and the guidance from health and government agencies disseminated by CSDE, to direct staff assignments during District closures, including but not limited to essential employees who must report to work, employees who may be reassigned, and employees whose services are not needed.
6. Authority to limit access to public school grounds and District buildings during school closures.
7. Authority to waive the requirements requiring advertising for bids and competitive bid procedures for purchases which may be necessary due to the emergency. The Superintendent will document the reasons for which prompt

remedial action is necessary to prevent physical injury to persons or to property of the District.

## **Suspension of Policies**

The Board hereby suspends provisions of its policies and/or whole policies, as identified by the Superintendent or designee, if such suspension is necessary to implement the written guidance from CSDE relating to containing COVID-19 for the duration identified in the Governor's order of school closure.

## **Consultation with Board of Education**

The Superintendent shall consult with and report to the Board as feasible, appropriate and timely regarding the emergency closure and efforts to implement written guidance from health and government agencies as disseminated by CSDE and other state agencies pertaining to this pandemic situation.

## **Board of Education Meetings**

In the interest of public health, the Board encourages the public to attend its open public meetings **[modify as feasible for your district]** via live streaming on television and/or the internet and to limit public comment to written comments. The Board reserves the right to adjust Board meeting dates, times, and locations during the District-wide emergency closure in a manner consistent with the Freedom of Information Act. Further, any or all Board members may attend Board meetings electronically.

(cf. [1120](#) - Public Participation at Board Meetings)

(cf. 2210 - Administrative Leeway in Absence of Board Policy)

(cf. [3323](#) - Soliciting Prices)

(cf. [3542](#) - Food Service)

(cf. [3542.31](#) - Free or Reduced Price Lunches)

(cf. 5110 - Attendance)

(cf. [5113](#) - Attendance and Excuses)

(cf. [5118.1](#) - Homeless Students)

(cf. [5141.22](#) - Communicable/Infectious Diseases)

(cf. [5141.6](#) - Crisis Management Plan)

(cf. [6111](#) - School Calendar)

(cf. [6114](#) - Emergencies and Disaster Preparedness)

(cf. 6114.6 - Emergency Closings)

(cf. [6114.8](#) - Pandemic/Epidemic Emergency)

(cf. [6146](#) - Graduation Requirements)

(cf. [6159/6171](#) - Special Education)

(cf. [6172.6](#) - Virtual/Online Courses)

(cf. [9321](#) - Time, Place, Notification of Meetings)

(cf. [9325](#) - Meeting Conduct)

(cf. 9325.43 - Attendance at Meetings via Electronic Communications)

[10-154a](#) Professional communications between teacher or nurse and student.

[10-207](#) Duties of medical advisors.

[10-209](#) Records not to be public.

[10-210](#) Notice of disease to be given parent or guardian.

[10-221](#) Boards of education to prescribe rules.

[19a-221](#) Quarantine of certain persons.

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

**Policy adopted:**

## FAMILIES FIRST CORONAVIRUS RESPONSE ACT LEAVE (NEW)

***This entire policy is a temporary policy effective April 1, 2020 through December 31, 2020. Accordingly, the proposed policy language has not been highlighted or written in bold italics.***

### STATEMENT OF POLICY

In light of the global pandemic, and pursuant to the recently passed Families First Coronavirus Response Act (“FFCRA”), the \_\_\_\_\_ Board of Education (the “Board”) is amending its policy on FMLA and adopting a sick leave policy as explained below. These amendments relate to the Emergency Paid Sick Leave Act (“EPSLA”) and the Emergency Family and Medical Leave Expansion Act (“EFMLEA”), and are effective from April 1, 2020 through December 31, 2020, or until further notice from the Board.

### EPSLA & EFMLEA LEAVES

#### Qualifying Reasons for EPSLA and EFMLEA Leaves

Under the FFCRA, an employee qualifies for leave under the EPSLA if the employee is unable to work (or unable to telework) because the employee:

1. is subject to a Federal, State, or local quarantine or isolation order related to COVID-19;
2. has been advised by a health care provider to self-quarantine related to COVID-19;
3. is experiencing COVID-19 symptoms *and* is seeking a medical diagnosis;
4. is caring for an individual subject to an order described in (1) or self-quarantine as described in (2);
5. is caring for his or her child whose school or place of care is closed (or child care provider is unavailable) for reasons related to COVID-19; or
6. is experiencing any other substantially similar condition specified by the Secretary of Health and Human Services, in consultation with the Secretaries of Labor and Treasury.

Under the FFCRA, an employee qualifies for EFMLEA leave if the employee is caring for his or her child whose school or place of care is closed (or child care provider is unavailable) for reasons related to COVID-19. The first two (2) weeks of EFMLEA leave are unpaid, while the remaining ten (10) weeks are paid as set forth below.

### Duration of EPSLA and EFMLEA Leaves

***For Qualifying Reasons (1)-(4) and (6):*** A full-time employee (individual working forty (40) hours per week) is eligible for eighty (80) hours of EPSLA leave. A part-time employee is eligible for the number of hours of EPSLA leave that the employee works on average over a two (2) week period.

***For Qualifying Reason (5):*** A full-time employee (individual working forty (40) hours per week) is eligible for an aggregate total of up to twelve (12) weeks of EFMLEA leave, so long as the childcare need exists for the duration of leave. A part-time employee is eligible for such leave for the number of hours that the employee is normally scheduled to work over that period. Employees may use their EPSLA leave concurrently with the first two (2) weeks of unpaid EFMLEA leave.

### Calculation of Pay for of EPSLA and EFMLEA Leaves

***For EPSLA Leave Reasons (1), (2), or (3):*** Employees taking leave are entitled to pay at either their regular rate or the applicable minimum wage, whichever is higher, up to \$511 per day and \$5,110 in the aggregate.

***For EPSLA Leave Reasons (4) or (6):*** Employees taking leave are entitled to pay at 2/3 their regular rate or 2/3 the applicable minimum wage, whichever is higher, up to \$200 per day and \$2,000 in the aggregate.

***For EPSLA leave reason (5) and EFMLEA leave:*** Employees taking leave are entitled to pay at 2/3 their regular rate or 2/3 the applicable minimum wage, whichever is higher, up to \$200 per day and \$12,000 in the aggregate. While the first two (2) weeks of EFMLEA leave is unpaid, an employee may use paid EPSLA leave to receive compensation during that period. If the employee opts *not* to use EPSLA leave for this purpose, the employee would be eligible to receive \$200 per day and \$10,000 in the aggregate for weeks 3 through 12 of EFMLEA leave.

### Determination of Eligibility Under a Qualifying Reason

Determination of an employee's eligibility for leave, including intermittent leave, will be made on a case-by-case basis and in accordance with the FFCRA, implementing regulations, and additional guidance provided by the United States Department of Labor.

## **EPSLA & EFMLEA COORDINATION WITH OTHER LEAVE**

### Sequence of Available Leaves

An employee may, but is not required to, use EPSLA leave during the first two (2) weeks of the unpaid portion of the EFMLEA leave period.

## EPSLA Leave Adds to Existing Leave Benefits

EPSLA leave is in addition to other accrued leave provided pursuant to the relevant collective bargaining agreement or Board policy.

## Effect of Use of Prior Federal FMLA Qualifying Leave on Eligibility for EFMLEA Leave

An employee's eligibility for EFMLEA leave depends on how much FMLA leave the employee has already taken during the twelve (12) months immediately preceding the start of EFMLEA. Any employee employed by the Board for at least thirty (30) days may take a total of 12 workweeks for EFMLEA leave during the applicable period. If an eligible employee has taken some, but not all, of twelve (12) workweeks under the federal FMLA during the 12-month period immediately preceding a request for EFMLEA, the employee may take the remaining portion of leave available. If the eligible employee has already taken twelve (12) workweeks of federal FMLA leave during this 12-month period, the employee may not take additional EFMLEA leave.

## **REQUIRED DOCUMENTATION FOR EPSLA, EFMLEA, AND FMLA LEAVES**

### EPSLA Leave

- All employees seeking EPSLA leave must provide the following:
  - Employee's name;
  - Date(s) for which leave is requested;
  - Qualifying reason for leave; and
  - A statement that the employee is unable to work because of the qualified reason for leave. This statement may be oral or written.
  
- In addition, employees must provide the following depending on the reason for taking EPSLA leave:
  - If an employee is taking EPSLA leave due to a quarantine or isolation order, the employee must identify the governmental entity that issued the order.
  - If an employee is taking EPSLA leave because a health care provider advised the employee to self-quarantine, the employee must identify the health care provider.
  - If an employee is taking EPSLA leave to care for a child whose school or place of care is closed, the employee must identify the name of the child being cared for, the name of the school or childcare provider that is closed or unavailable, and represent that no one else will be taking care of the child.

### EFMLEA Leave

- If an employee is taking EFMLEA leave to care for a child whose school or place of care is closed, the employee must identify the name of the child being cared for, the name of the school or childcare provider that is closed or unavailable, and represent that no one else will be taking care of the child.

Other FMLA Qualifying Leave

All existing certification requirements under the federal FMLA remain in effect if an employee is taking leave for one of the existing qualifying reasons under the federal FMLA. For example, if an employee is taking leave beyond the two (2) weeks of EPSLA leave because the employee's medical condition for COVID-19-related reasons rises to the level of a serious health condition, the employee must continue to provide medical certifications under the federal FMLA as required by the Board.

Legal References:

Families First Coronavirus Response Act, Pub. L. 116-127 §§3102, 5102, 134 Stat. 178 (2020).

Paid Leave Under the Families First Coronavirus Response Act, 29 CFR § 826 (2020).

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

## Business/Non-Instructional Operations

### Buildings

#### Green Cleaning Programs

It is the policy of the Westport Board of Education, on or before July 1, 2011, to implement a green cleaning program in which the Board procures and properly uses in school buildings and facilities environmentally preferable cleaning products that comply with guidelines and directives approved by the United States Environmental Protection Agency (EPA), Department of Energy (DOE), and Department of Agriculture (USDA).

The Westport Board of Education shall provide the staff of each school and, upon request, the parents and guardians of each child enrolled in each school with a written statement of the school district's green cleaning program. Such notice shall include (1) the types and names of environmentally preferable cleaning products being applied in schools, (2) the location of the application of such cleaning products in the school buildings and facilities, (3) the schedule of when such cleaning products are applied in the school buildings and facilities, (4) the statement, "No parent, guardian, teacher or staff member may bring into the school facility any consumer product which is intended to clean, deodorize, sanitize or disinfect" and (5) the name of the school administrator, or a designee, who may be contacted for further information. Such notice shall be provided to the parents or guardians of any child who transfers to a school during the school year and to staff hired during the school year.

The Westport Board of Education shall make such notice, as well as the report submitted to the Department of Education pursuant to subsection (a) of section [10-220](#) of the general statutes (i.e. required report on condition of facilities, action taken to implement the Board's long-term school building program, indoor air quality and green cleaning program), available on its web site and the web site of each school under such board's jurisdiction.

Legal References: Connecticut General Statutes:

§[10-220](#)(a)

§[10-231](#)(g)

Public Act 09-81 An Act Concerning Green Cleaning Products in Schools

**Policy Adopted: March 21 2011**

Series 1000 - **C-19**  
Community/Board Operation

**POLICY REGARDING GREEN CLEANING PROGRAMS**

***Temporary amendments have been made to this policy related to the COVID-19 pandemic. All temporary revisions appear in highlighted bold italics or strikethrough text.***

It is the policy of the \_\_\_\_\_ Board of Education to implement a green cleaning program in which the Board procures and properly uses environmentally preferable cleaning products in school buildings and facilities.

The \_\_\_\_\_ Board of Education shall provide the staff of each school and, upon request, the parents and guardians of each child enrolled in each school with a written statement of the school district's green cleaning program. Such notice shall include (1) the types and names of environmentally preferable cleaning products being applied in schools, (2) the location of the application of such cleaning products in the school buildings and facilities, (3) the schedule of when such cleaning products are applied in the school buildings and facilities, (4) the statement, "No parent, guardian, teacher or staff member may bring into the school facility any consumer product which is intended to clean, deodorize, sanitize or disinfect." and (5) the name of the school administrator, or a designee, who may be contacted for further information. Such notice shall be provided to the parents or guardians of any child who transfers to a school during the school year and to staff hired during the school year.

***Pursuant to subsection (a)(2)(A) of section 10-231g of the Connecticut General Statutes, any disinfectant, disinfecting cleaner, sanitizer or any other antimicrobial product approved by federal law may be used by the \_\_\_\_\_ Board of Education.***

The \_\_\_\_\_ Board of Education shall make such notice, as well as the report submitted to the Department of Education pursuant to subsection (a) of section 10-220 of the Connecticut General Statutes (i.e. required report on condition of facilities, action taken to implement the Board's long-term school building program, indoor air quality and green cleaning program), available on its web site and the web site of each school under such board's jurisdiction. If no such web site exists, the board shall make such notice otherwise publicly available.

Legal References:

Connecticut General Statutes:

- § 10-220(a)
- § 10-231g

***“Guidance Regarding ‘Green Cleaning’ Requirements and Coronavirus/COVID 19,” Department of Administrative Services (March 5, 2020), available at <https://portal.ct.gov/-/media/SDE/Digest/2019-20/2020-COVID-19-Green-Cleaning-Guidance.pdf>***

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

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

7/28/16

***Temporary Revisions 7/6/20***

## Personnel – Certified/Non-Certified

### Employment Checks

As set forth below, each applicant for a position with the district shall be asked whether he/she has ever been convicted of a crime, whether there are any criminal charges pending against him/her and 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 he/she 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.

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” 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 Department of Education 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 of Education 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 or 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 of Education, which shall request the following:

- a. the employment dates 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 (f) 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 (f), such employer shall respond not later than five (5) business days after receiving such request.
3. Requesting information from the Department of Education concerning:
- a. the eligibility status for employment of any applicant for a position requiring a certificate, authorization or permit,
  - b. whether the Department of Education 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 of Education 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 (f) of Conn. Gen. Stat. § 31-51i, if the district receives information that an applicant for a position with or an employee of the board has been disciplined for a finding of abuse or neglect or sexual misconduct, it shall notify the Department of Education 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” 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 (f) 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 (f) 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 may work in a position involving direct student contact at any school in the district. No determination by the district that any such employee shall not work under any such contract in any such position shall constitute a breach of such contract.

- H. Any applicant 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.
- 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 (f) 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, the district shall require such applicant 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 his/her designee has notified a job applicant of a decision to offer employment to the applicant, or as soon thereafter as practicable, the Superintendent or designee will either obtain the information from the Registry or, if the applicant's consent is required to access the information, will supply the applicant with the release form utilized by DCF, 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 his/her 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 his/her 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 his/her designee will notify the affected applicant/employee in writing of the results of the Registry check and will provide an opportunity for the affected applicant/employee to respond to the results of the Registry check.

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

### III. Criminal Records Check Procedure

- A. Each person hired by the district shall be required to submit to state and national criminal record checks within thirty (30) calendar days from the date of employment. Each person otherwise placed within a school under any public assistance employment program, employed by a provider of supplemental services pursuant to federal law or in a nonpaid, noncertified position completing preparation requirements for the issuance of an educator certificate, who performs a service involving direct student contact shall also be required to submit to state and national criminal record checks within thirty (30) calendar days from the date such worker begins to perform such service. Record checks will be processed according to the following procedure, except as noted in paragraph III.C. of this policy.\*
1. No later than five (5) calendar days after the Superintendent or his/her designee has notified a job applicant of a decision to hire the applicant, or as soon thereafter as practicable, the Superintendent or his/her designee will provide the applicant with a packet containing all documents and materials necessary for the applicant to be fingerprinted by the Westport Police Department or another police department in the State of Connecticut. This packet shall also contain all documents and materials necessary for the police department to submit the completed fingerprints to the State Police Bureau of Identification for the processing of state and national criminal record checks. The Superintendent or his/her designee will also provide each applicant with the following notifications before the applicant obtains his/her 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, all contained in the appendix to this policy.
  2. No later than ten (10) calendar days after the Superintendent or his/her designee has provided the successful job applicant with the fingerprinting packet, the applicant must arrange to be fingerprinted by the Westport Police Department. Failure of the applicant to have his/her fingerprints taken within such ten-day period, without good cause, will be grounds for the withdrawal of the offer of employment.
  3. Any person for whom criminal records checks are required to be performed pursuant to this policy must pay all fees and costs associated with the fingerprinting process and/or the submission or processing of the requests for criminal record checks.
  4. Upon receipt of a criminal record check indicating a previously undisclosed conviction, the Superintendent or his/her designee will notify the affected applicant/employee in writing of the results of the record check and will provide an opportunity for the affected

applicant/employee to respond to the results of the criminal record check. The affected applicant/employee may notify the Superintendent or his/her designee in writing within five (5) calendar days that the affected/employee will challenge his/her criminal history record check. Upon written notification to the Superintendent or his/her designee of such a challenge, the affected applicant/employee shall have ten (10) calendar days to provide the Superintendent or his/her designee with necessary documentation regarding the affected applicant/employee's record challenge. The Superintendent or his/her 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 record checks according to the procedures outlined above, subject to the following:

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

#### **C. Criminal Records Check During the COVID-19 Pandemic**

The timelines regarding state and national criminal record checks identified in paragraph III.A. and III.A.2 may be modified by the district in accordance with any executive order issued by the Governor or any order issued by the Commissioner of Education that is related to the COVID-19 pandemic or public health emergency and in effect at the time a person is offered a position or

hired by the district or a student teacher is offered a position or begins to perform his or her student teaching experience within the district. Notwithstanding any such modifications, the provisions of paragraphs III.A.3, III.A.4 and III.A.5 of this policy remain in effect. If any timelines are so extended or deferred, the district will continue to perform background checks to the greatest extent practicable and in accordance with applicable law.

#### IV. Sex Offender Registry Checks

School district personnel shall cross-reference the Connecticut Department of Public Safety's sexual offender registry prior to hiring any new employee. Registration as a sexual offender constitutes grounds for denial of employment opportunities.

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

## VII. School Nurses

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

## VIII. Personal Online Accounts

For purposes of these Administrative Regulations, “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 Board, 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 Board.

A. During the course of an employment check, the Board may not:

1. request or require that an applicant provide the Board 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 the Board; or
3. require that an applicant invite a supervisor employed by the Board or accept an invitation from a supervisor employed by the Board to join a group affiliated with any personal online account of the applicant.

B. The Board may request or require that an applicant provide the Board with a user name and password, password or any other authentication means for accessing:

1. any account or service provided by Board or by virtue of the applicant’s employment relationship with the Board or that the applicant uses for the Board’s business purposes, or
2. any electronic communications device supplied or paid for, in whole or in part, by the Board.

C. In accordance with applicable law, the Board maintains the right to require an applicant to allow the Board to access his or her 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 Board'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 Students Employed by the School District

- A. This policy shall also not apply to a student employed by the local or regional school district in which the student attends school.

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

Public Act 17-68, "An Act Concerning Various Revisions and Additions to the Education Statutes."

Public Act 17-220, "An Act Concerning Education Mandate Relief."

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: May 21, 2018

WESTPORT PUBLIC SCHOOLS  
Westport, Connecticut

## Personnel - Certified-Non-Certified

### Acceptable Computer Network Use

~~Employees are advised that in accordance with state law there should be no expectation of privacy while using the school system's computers or E-mail service. The Board of Education's policy specifically states that computer use can be monitored to assure compliance.~~

#### ~~These rules are in effect for use of:~~

- ~~• Computers/electronic resources provided by the Westport schools.~~
- ~~• Privately owned resources while on school property.~~

#### ~~These rules apply to the following while on school property and/or using school equipment:~~

- ~~• All employees of the school system.~~
- ~~• Employees of the food services department and the bus company.~~
- ~~• Anyone working in or on behalf of the school system, e.g., consultants, subs, temporary and part-time workers.~~
- ~~• Volunteer, including parents.~~

#### ~~The following practices are prohibited:~~

- ~~1. Downloading onto a school computer material that is copyrighted and/or programs you are not licensed to use.~~
- ~~2. Conducting personal private or commercial business not related to school system responsibilities, other than incidental personal use that does not interfere with job duties.~~
- ~~3. Hacking into any computers that you are not authorized to use.~~
- ~~4. Making any unauthorized changes to programs in use by the school system or to material that belongs to another.~~
- ~~5. Using the computer to threaten, intimidate, harass or otherwise violate the rights of anyone.~~
- ~~6. Downloading, viewing or transmitting sexually explicit material or material that is pornographic or obscene.~~
- ~~7. Downloading, viewing or transmitting material that attacks ethnic, religious and racial groups except for bone fide educational purposes directly related to one's assignment.~~
- ~~8. Sending any message for an illegal purpose or in any illegal manner.~~
- ~~9. Making any additions to, deletions from, or alterations of the school district's website or the website of any school, without authorization.~~

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

### **Acceptable Computer Network Use (continued)**

- ~~10. Using school system resources for politicking or religious proselytizing.~~
- ~~11. Installing programs on a school system computer without the approval and/or assistance of a member of the technical staff.~~

~~You should know that certain violations of these rules, e.g. copyright violation, may also constitute a violation of state or federal law.~~

~~*In conformity to Board policy, failure to comply with these rules will result in loss of computer privileges and may result in disciplinary action, up to and including discharge. Due process rights will be protected.*~~

### **E-Mail**

~~*The e-mail system is made available as a resource to staff members for official and necessary professional communications. While occasional incidental personal use is not prohibited, staff members are advised to avoid using it as their personal e-mail program because it is not a private or secure communication and could be subject to Freedom of Information requirements, subpoenaed, etc.*~~

### **E-mail to Colleagues**

- ~~1. If possible, avoid using names of students or parents in e-mail messages, and do not send sensitive or confidential information about yourself, other staff members, students, or parents through e-mail, even without their names.~~
- ~~2. Always use the heading "Draft" when working on documents that you are developing or revising. Ultimately they may become permanent records subject to disclosure under the Freedom of Information Act, but use of the heading "Draft" may clarify that documents are not subject to disclosure because they are "preliminary drafts or notes" under the FOIA. Please note, however, that the exemption may be lost when you share a draft with colleagues as part of the decision-making process and that such documents may be subject to public disclosure.~~
- ~~3. Use e-mail for messages of a transitory nature only and delete unneeded messages very soon, and regularly.~~
- ~~4. E-mail to colleagues should be used for professional matters. It should not be used to air personal or individual concerns to groups of other staff members or to convey derogatory sentiments about other staff members or groups.~~
- ~~5. Permission is required for staff members to use e-mail for communications to large groups, i.e., an entire department, school, bargaining unit or school district.~~

## Personnel -- Certified-Non-Certified

### Acceptable Computer Network Use (continued)

#### E-mail to Students and Parents

1. ~~For your own protection, think of e-mail as if it were a permanent communication because a recipient can print it and make it permanent, or forward it to someone else. Therefore, don't say anything you wouldn't put into a written letter or that you would be unwilling to share with many people, including strangers, etc.~~
2. ~~For your further protection, the content of messages to students should deal strictly with school-related matters. Don't feel obligated to respond to personal content, and don't use e-mail as a personal conversation. Keep your messages brief and to the point. Don't have prolonged e-mail "chats" with students or parents.~~
3. ~~To avoid being imposed upon, let students know what topics may be dealt with in e-mail. Students are not entitled to a private tutorial via e-mail. It is not a substitute for the student who didn't take notes in class or didn't write down the assignment.~~
4. ~~If you set up a conference with all parents' e-mail addresses, communications should deal strictly with matters pertaining to the class. The conference should not be used to air personal concerns to groups of parents, or to communicate about private political, entrepreneurial, avocational, religious, charitable, or other activities in which you engage.~~
5. ~~If the volume of e-mail becomes burdensome for you, set up a time frame for both receiving and answering e-mail and communicate that time frame to students and parents so that they do not expect instantaneous answers to their questions.~~

Computers, computer networks, electronic devices, Internet access, and e-mail are effective and important technological resources. The Board of Education provides has installed computers, and a computer network, including Internet access and an e-mail system, on Board premises and may provide other electronic devices that can access the network such as wireless and/or portable electronic hand-held equipment that can be used for word processing, wireless Internet access, image capture and recording, sound recording, information transmitting and/or receiving, storing, etc. (including, but not limited to, personal laptops, Smartphones, network access devices, Kindles, Nooks, cellular telephones, radios, personal cassette players, CD players, iPads or other tablet computers, walkie-talkies, Blackberries, personal data assistants, iPhones, Androids and other electronic signaling devices). The Board's computers, computer networks, electronic devices, Internet access, and e-mail 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 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 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 emails, 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, Facebook, LinkedIn, YouTube, and MySpace.

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

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 Reference:

[Conn. Gen. Stat. § 31-40x](#)

[Conn. Gen. Stat. § 31-48d](#)

[Conn. Gen. Stat. §§ 53a-182; 53a-183; 53a-250](#)

[Electronic Communication Privacy Act, 18 U.S.C. §§ 2510 through 2520](#)

~~Connecticut General Statutes~~

~~————— [The Freedom of Information Act.](#)~~

~~————— [PA 98-142 an Act Requiring Notice to Employees of Electronic Monitoring by employees](#)~~

Policy adopted: September 1, 2003  
Policy revised: 2006  
[Policy revised:](#)

WESTPORT PUBLIC SCHOOLS  
Westport, Connecticut

**Instruction****Electronic Resources/Internet Safety**

**Students are prohibited from using the Internet or other electronic technology whether on or off campus, to interfere with educational process in any way.** Abuses and violations should be reported to the administration. In accordance with the Board of Education policies and the school's disciplinary procedures, the administrator may invoke consequences, up to and including permanent revocation of electronic resource use, additional disciplinary measures, or legal action.

**Policy adopted: 1997**

**Policy amended: October 5, 2009**

Series 5000 - C19  
Students

**POLICY REGARDING STUDENT USE OF  
THE DISTRICT'S COMPUTER SYSTEMS AND INTERNET SAFETY**

***Temporary amendments to this policy related to the COVID-19 pandemic have been made to the body of the policy and sections 1, 2, 4 and 5 and the legal references of the Administrative Regulations. All temporary revisions appear in highlighted bold italics or strikethrough text.***

Computers, computer networks, electronic devices, Internet access, and e-mail are effective and important technological resources. The Board of Education ~~provides~~ **has installed** computers, **and** a computer network, including Internet access and an e-mail system, **on Board premises and may provide** ~~as well as~~ other electronic devices that **can** access the network such as wireless and/or portable electronic hand-held equipment that can be used for word processing, wireless Internet access, image capture and recording, sound recording, information transmitting and/or receiving, storing etc. (including, but not limited to, laptops, Kindles, radios, I-Pads or other tablet computers). **The Board's computers, computer network, electronic devices, Internet access, and e-mail 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 district.

These computer systems are business and educational tools. As such, they are made available to students in the district for 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 by students solely for education related purposes. The Board will educate minor students about appropriate online behavior, including interacting with other individuals on social networking websites and in chat rooms and cyberbullying awareness and response. Additionally, the Board will implement a technology protection measure to block or filter Internet access to visual depictions that contain ~~obscene~~ **material that is obscene or obscene as to minors or contains** ~~contain~~ child pornography, ~~or are harmful to minors~~ and ensure that such filtering technology is operative during computer use by minor students **to the extent practicable when such students are using Board-owned computers or devices and Board-provided Internet access.**

As the owner of the computer systems, the Board reserves the right to monitor the use of the district's computers and computer systems.

Legal References:

Conn. Gen. Stat. § 10-221

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

Electronic Communication Privacy Act of 1986, Public Law 99-508, codified at 18 U.S.C. §§ 2510 through 2520

Children’s Internet Protection Act, Pub. L. 106-554, codified at 47 U.S.C. § 254(h)

No Child Left Behind Act of 2001, Pub. L. 107-110, codified at 20 U.S.C. § 6777

Protecting Children in the 21st Century Act, Pub. Law 110-385, codified at 47 U.S.C. § 254(h)(5)(B)(iii)

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

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

***Temporary revisions 7/7/2020***

7/7/16

**Series 5000- *C19***  
**Students**

**USE OF PRIVATE TECHNOLOGY DEVICES BY STUDENTS**

***Temporary amendments to this policy related to the COVID-19 pandemic have been made to the body of the policy. All temporary revisions appear in highlighted bold italics or strikethrough text.***

Students may possess privately-owned technological devices on school property and/or during school-sponsored activities, in accordance with the mandates of this policy and any applicable administrative regulations as may be developed by the Superintendent of Schools.

**Definitions**

Board Technology Resources

For the purposes of this policy, “Board Technology Resources” refers to the Board’s computers and instructional technologies; communications and data management systems; informational technologies and the Internet; and any other technology resources owned and/or used by the school district and accessible by students.

Privately Owned Technological Devices

For the purposes of the this policy, “Privately Owned Technological Devices” refers to privately owned ***desktop computers***, wireless and/or portable electronic hand-held equipment that can be used for word processing, wireless Internet access, image capture and recording, sound recording, information transmitting and/or receiving, storing, etc. These devices may include, but are not limited to, ***desktops***, personal laptops, Smartphones, network access devices, Kindles, Nooks, cellular telephones, radios, personal audio players, I-Pads or other tablet computers, walkie-talkies, Blackberries, personal data assistants, I-Phones, Androids and other electronic signaling devices.

**Use of Privately-Owned Technological Devices**

Privately-owned technological devices may not be used during instructional time, except as specifically permitted by instructional staff **or unless necessary for a student to access the district's digital learning platform or otherwise engage in remote learning during the COVID-19 pandemic.**

**On school property, at a school-sponsored activity, while in use for a remote learning activity, or while being used to access or utilize the Board's technology resources, the use** Use of any such device for an improper purpose is prohibited. Improper purposes include, but are not limited to:

- Sending any form of harassing, threatening, or intimidating message, at any time, to any person (such communications may also be a crime);
- Gaining or seeking to gain unauthorized access to Board technology resources;
- Damaging Board technology resources;
- Accessing or attempting to access any material that is obscene or contains pornography;
- Cyberbullying;
- Using such device to violate any school rule, including the unauthorized recording (photographic, video, or audio) of another individual without the permission of the individual or a school staff member; or
- Taking any action prohibited by any Federal or State law.

### **Search of Privately Owned Technological Devices**

A student's privately owned technological device may be searched **if the device is on Board property or in a student's possession at a school-sponsored activity and** if there are reasonable grounds for suspecting that the search will turn up evidence that the student has violated or is violating either the law or the rules of the school. Any such search shall be reasonably related to the objectives of the search and not excessively intrusive in light of the age and sex of the student and the nature of the infraction.

### **Responsibility for Privately Owned Technological Devices**

Students are responsible for the safety and use of their privately owned technological devices. If a privately owned technology device is stolen, lost, or damaged, **while the device is on school property or during a school-sponsored activity,** a report should be made to the building principal, who will investigate the loss in a manner consistent with procedures for stolen or damaged personal property. Students and parents should be aware that the Board is not liable for any privately-owned technological device that is stolen, lost, or damaged while at school or during a school-sponsored activity. For that reason, students

are advised not to share or loan their privately-owned technological devices with other students.

### **Disciplinary Action**

Misuse of the Board's technology resources and/or the use of privately-owned technological devices to access or utilize the Board's technology resources in an inappropriate manner or the use of such devices in any manner inconsistent with this policy will not be tolerated and will result in disciplinary action. For students, a violation of this policy may result in loss of access privileges, a prohibition on the use and/or possession of privately-owned technological devices on school property or at school-sponsored activities, and/or suspension or expulsion in accordance with the Board's policies related to student discipline.

***[OPTIONAL ADDITIONAL SECTIONS THAT APPLY IF THE BOARD OF EDUCATION INTENDS TO GRANT STUDENTS ACCESS TO A WIRELESS NETWORK OR OTHER MEANS OF CONNECTING WITH THE BOARD'S COMPUTER SYSTEMS WHILE AT SCHOOL OR ENGAGED IN DIGITAL LEARNING PLATFORMS]:***

### **Access to Board Technology Resources**

~~It is the policy of~~ **The** [ ] Board of Education ~~to~~ **may** permit students, using their privately owned technology devices, to access the Board's computers and instructional technologies; communications and data management systems; informational technologies and the Internet; and any other technology resources used by the school district and accessible by students. Additionally, it is the expectation of the Board of Education that students who access these resources while using privately-owned technology devices will act at all times appropriately in ways which are fully in accord with applicable policies concerning technology use as well as all local, state, and federal laws.

Through the publication and dissemination of this policy statement and others related to use of the Board's computer systems, as well as other instructional means, the Board educates students about the Board's expectations for technology users.

The Board technology resources shall only be used to access educational information and to promote learning activities both at home and at school. ~~The Board considers access to its technology resources to be a privilege and not a right.~~ Students are expected to act at all times appropriately in ways which are fully in accord with applicable policies concerning technology use as well as all local, state, and federal laws when using the Board technology resources. Failure to do so will result in the consequences outlined herein and in other applicable policies (including, but not limited to, the Safe School Climate Plan, the Student Discipline Policy and the Use of Computers Policy).

Students must abide by the procedures outlined in this policy and all policies and applicable regulations outlined in the Board's computer use and other applicable policies.

Students will be given specific information for log-on and access procedures for using school accounts. No user may deviate from these log-on/access procedures. **Students are advised that the Board's network administrators have the capability to identify users and to monitor all privately-owned technological devices while they are logged on to the network.** Students must understand that the Board has reserved the right to conduct monitoring of Board technology resources and can do so *despite* the assignment to individual users of passwords for system security. Any password systems implemented by the Board are designed solely to provide system security from unauthorized users, not to provide privacy to the individual system user. The system's security aspects, message delete function and personal passwords can be bypassed for monitoring purposes. Therefore, students should be aware that they should not have any expectation of personal privacy in the use of privately owned technological devices to access Board technology resources. This provision applies to any and all uses of the Board's technology resources and any privately-owned technological devices that access the same.

### **Harm to Board Technology Resources**

Any act by a student using a privately-owned technological device that harms the Board's technology resources or otherwise interferes with or compromises the integrity of Board technology resources will be considered vandalism and will be subject to discipline and/or appropriate criminal or civil action.

### **Closed Forum**

This policy shall not be construed to establish a public forum or a limited open forum.

### Legal References:

Conn. Gen. Stat. § 10-233j

Conn. Gen. Stat. § 31-48d

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

Electronic Communication Privacy Act of 1986, Public Law 99-508, codified at 28 U.S.C. §§ 2510 through 2520

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

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

7/11/16

**Temporary revisions 7/7/2020**

## Bylaws of the Board

### MEETING CONDUCT

#### 1. Meeting Conduct

- A. Meetings of the Board of Education shall be conducted by the Chairperson in a manner consistent with the provisions of the Freedom of Information Act ~~and the~~ adopted bylaws of the Board, and any applicable laws, rules, executive orders, and/or public health advisories pertaining to the COVID-19 pandemic.
- B. All Board meetings shall commence at, or as close as practicable to, the stated time, provided there is a quorum.
- C. All regular and special Board meetings shall be guided by an agenda which will have been prepared and delivered in advance to all Board members and other designated persons.
- D. Robert's Rules of Order shall govern the proceedings of the Board except as otherwise provided by these bylaws.

#### 2. Smoking, Vaping, and Use of Electronic Nicotine Delivery Systems

- A. Use of tobacco, electronic nicotine delivery systems (e.g. e-cigarettes), or vapor products will not be permitted in any ~~room~~ physical location in which a meeting of the Board of Education is being conducted, nor during the time immediately prior to the meeting.
- B. When applicable, A sign notifying the public that no smoking is allowed in the ~~place~~ physical location designated for the meeting will be prominently posted.

#### 3. Procedures for Participation By Means of Electronic Equipment

- A. Board members may participate in meetings by means of electronic equipment (e.g., telephone, video conference) under the conditions set forth herein. When such conditions are met, any Board member participating by means of electronic equipment shall be counted for the purpose of constituting a quorum. Conditions for participation are as follows:

1. The facility that is made available to the public that wishes to attend the meeting must be located where the greatest number of Board of Education members are located;
2. Any physical or demonstrable material that is used in the course of the proceedings must be present in the place where the public is located; and
3. All those in attendance at the meeting, at whatever location, must be able to hear and identify all participants in the proceeding, including their individual remarks and votes.

B. When a Board member is participating in a meeting by means of electronic equipment, the Chairperson shall take the necessary steps to ensure that the three conditions enumerated above are met. In addition, the Chairperson shall take the necessary steps to ensure that a Board member participating by means of electronic equipment has adequate opportunity to express himself/herself in Board discussion, including the opportunity to take the floor and make motions.

C. Notwithstanding any provisions to the contrary set forth in Sections 3.A and 3.B above, Board members may participate in meetings by means of electronic equipment (e.g., telephone, video conference) or any other remote platform as permitted by, and subject to any conditions set forth in, any applicable law, rule, executive order, and/or public health advisory related to the COVID-19 pandemic.

#### 34. Public Address

- A. The Board may permit any town resident or employee to address the Board concerning any subject that lies within its jurisdiction during a portion of the Board's regular meetings so designated for such purpose.
  - (1) Two (2) minutes may be allotted to each speaker on non-agenda items and three (3) minutes on agenda items with a maximum of fifteen (15) minutes on non-agenda items. The Board may modify these limitations at the beginning of a meeting if the number of persons wishing to speak makes it advisable to do so.
  - (2) A Board of Education member shall be appointed by the Chairperson prior to the meeting to act as timekeeper for the meeting, if deemed necessary by the Chairperson.
  - (3) No boisterous conduct shall be permitted at any Board of Education meeting. Persistence in boisterous conduct shall be grounds for summary termination, by the Chairperson, of that person's privilege of address.
  - (4) All speakers must identify themselves by name and address.

B. Notwithstanding any provisions to the contrary set forth in Section 4.A above or in any other bylaw of the Board, the Board may modify the procedures for, or eliminate, public address if Board meetings are conducted remotely due to the COVID-19 pandemic. The Board authorizes the administration to develop procedures for public address during Board meetings that are conducted remotely.

Legal References:

Connecticut General Statutes

- 1-200 Definitions
- 1-206 Denial of access of public records or meeting. Notice. Appeal.
- 1-225 Meetings of government agencies to be public.
- 1-232 Conduct of meetings. (re: disturbances)

Freedom of Information Commission Advisory Opinion #41 (April 9, 1980)

Bylaw adopted by the Board: November 11, 2019

Revised:

WESTPORT PUBLIC SCHOOLS

Westport, Connecticut

