AGENDA – Wednesday, September 9, 2026

REGIONAL SCHOOL DISTRICT NO. 7
BOARD OF EDUCATION
6:00 p.m.
Newbury Library Media Center

Regional School District No. 7 Board of Education Mission Statement:

We believe the public education is an essential component of a free and democratic society. In a partnership of family, school, community, and local and state government, our mission is to enable all students to meet high standards, make productive choices in their personal lives, contribute to a diverse global society, and act as responsible citizens.

1.0 CALL TO ORDER

2.0 PUBLIC PORTION

3.0 APPROVAL OF MINUTES

3.1 August 19, 2026, Regular BOE Meeting Minutes

4.0 REPORTS

4.1 Student Representative Reports- Landon Nadeau, Mia Doyle
4.2 Principals' Report - R. Cornelius, G. Franklin
4.3 Superintendent's Report – S. LePage
4.4 Director of Finance and Operations – J. Gaskins

5.0 OLD BUSINESS

5.1 Updates
5.2 2nd Reading and Possible Action of Policies below:

a. Mission Statement	0100
b. Nondiscrimination	0521
c. Medical Reimbursement for Special Education Students	3231
d. Compliance with 504 Regulations	3511
e *RESCIND:* Operations of School During Covid-19 Pandemic	3516.2
f. Data-Based Information Management System	3520.13
g. Pesticide Application and Integrated Pest Management (IPM) (Replace the Current 3524.14 and 1322)	3524.1
h.Transportation Safety Complaints (replaces 3549.9)	3541.5
i. Free and Reduced Priced Meals	3542

Note: Grievance Procedure for Section 504, Title IX, Title VII Regulations 0525.1 is removed from 2nd reading, according to Superintendent LePage's Communication on 8/20/26

6.0 NEW BUSINESS

6.1 1ST Reading on Policies (4000 Series)

a. Title IX (Personal Certified, Non-Certified Students (4000.1, 4200.1, 5145.44)	4000.1
b. Drug and Alcohol Testing for School Bus Drivers	4212.42
c. Drug Free Workplace (4118.232, 4218.231)	4118.232
d. Evaluation Supervision	4115
e. Family and Medical Leave Act	4152
f. Fingerprinting and Criminal Justice Information Services (4112.5, 4212.5)	4112.5
g. Minority Recruitment	4111.3
h. Nondiscrimination	4118.11
i. Recruitment and Selection (4111.1, 4211.1)	4111.1
j. Substitute Teachers	4121

7.0 CORRESPONDENCE

8.0 OPPORTUNITY FOR THE PUBLIC TO SPEAK ON AGENDA ITEMS

9.0 ADJOURNMENT

Enclosures: August 19, 2026, BOE Minutes

BOE Policies for 2nd Reading and Possible Action:

a. Mission Statement	0100
b. Nondiscrimination	0521
c. Medical Reimbursement for Special Education Students	3231
d. Compliance with 504 Regulations	3511
e. *RESCIND:* Operations of School During Covid-19 Pandemic	3516.2
f. Data-Based Information Management System	3520.13
g. Pesticide Application and Integrated Pest Management (IPM) (Replace the Current 3524.14 and 1322)	3524.1
h. Transportation Safety Complaints (replaces 3549.9)	3541.5
i. Free and Reduced Priced Meals	3542

BOE Policies for 1st Reading

a. Title IX (Personnel -Certified, Non-Certified, Students(4000.1, 4200.1, 5145.44)	4000.1
b. Drug and Alcohol Testing for School Bus Drivers	4212.42
c. Drug Free Workplace (4118.232, 4218.231)	4118.232
d. Evaluation Supervision	4115
e. Family and Medical Leave Act	4152
f. Fingerprinting and Criminal Justice Information Services (4112.5, 4212.5)	4112.5
g. Minority Recruitment	4111.3
h. Nondiscrimination	4118.11
i. Recruitment and Selection (4111.1, 4211.1)	4111.1
j. Substitute Teachers	4121

Next Meeting: September 23, 2026, @ 6:00 p.m. – Newbury Library Media Center
October 14, 2026, @ 6:00 p.m. - Newbury Library Media Center

Members of the public are also welcome to submit comments through publicinput@nwr7.org. These emails will be included during the Public Comment portion of the meeting. Thank you.

MEETING MINUTES

REGIONAL SCHOOL DISTRICT NO.7
Newbury Library Media Center
Board of Education Regular Meeting
August 19th, 2026- 6:00 p.m.

DRAFT

PRESENT: Chair Ms. Molly Sexton Read (B), Vice Chair Mr. Rob Jerram (NH), Ms. Terri Kenneson (C), Ms. Deb Bell (N), Ms. Kim Crone (N) via phone call, Ms. Lisa Fragale (C), Secretary / Treasurer, Mr. Noel Gauthier (NH), Director of Finance & Operations, Mr. James Gaskins, High School Principal, Mr. Gary Franklin, Middle School Principal, Mr. Ryan Cornelius, and Superintendent Steven K. LePage.
Absent: Student Representatives, Mia Doyle, and Ms. Mimi Duran (B).

1.0 CALL TO ORDER

Ms. Sexton Read called the meeting to order at 6:00 pm.

2.0 PUBLIC PORTION

None.

3.0 APPROVAL OF MINUTES

MOTION made by Deb Bell, seconded by Noel Gauthier, to **APPROVE** the July 7th, 2026, Special Board of Education meeting minutes, as presented. **AYE:** Ms. Sexton Read, Mr. Jerram, Mr. Gauthier, Ms. Kenneson, Ms. Bell, Ms. Crone. **NAY:** None. **ABSTAIN:** Ms. Fragale. **MOTION PASSED.**

4.0 REPORTS

- **4.1 Principals' Report (R. Cornelius, G. Franklin)**
  - **Middle School:** Disseminated AI usage policies and received positive feedback from instructional leaders. Introduced a 7th-grade "College and Career Explorations" course partnered with EdAdvance covering state career pathways. Scheduled PowerSchool setup sessions for parents, WEB leader training for 7th-grade orientation, and class meetings for 7th and 8th graders. Updated PBIS to feature quarterly drawings for Highlander Store gift cards.
  - **High School:** The Vision of a Graduate (VOG) committee developed a 3-year proposal featuring 45-minute professional development sessions. Finalized an agreement with CCSU to expand dual enrollment options. Hosted new staff orientation and prepped for 9th grade/new student orientations, fall sports meetings, and schedule releases.
- **4.2 Superintendent's Report (S. LePage)**
  - Reviewed takeaways from the administrative retreat on change leadership, "bright spots," and district goals.
  - Outlined Convocation plans and PD updates, including reclaiming 20 after-school help days to create 11 PLC days and 9 professional learning sessions.

- Introduced Global Compliance Network (GCN) as the new district mandatory training platform ($1,400 annual cost).
- Provided a progress report on cleaning up and rebranding common area hallways and installing new bulletin boards.
- Summarized the Winchester High School Consolidation Study presentation; confirmed the district is open to receiving a formal proposal from Winchester, though no commitments or agreements have been made.
- Addressed an easement request from Winchester Water Company for a water line pressure relief valve vault on district-owned Barkhamsted land.

- **4.3 Director of Finance and Operations (J. Gaskins)**
  - Confirmed the fiscal year closeout is on track with the audit team arriving on-site in September.
  - Updated on completed summer projects, including LENS emergency notification system enhancements.
  - Announced participation in the state-funded free breakfast program for all students, expanding breakfast service offerings and hours.
  - Noted 22 bus routes are posted for the upcoming school year.
  - Facility updates: Hot lunch serving stations scheduled for September delivery; animal run-in shed pending delivery; bleacher installation pushed back to October.

5.0 OLD BUSINESS

- **5.1 Updates:** Brief curriculum update regarding an upcoming breakfast meeting with EdAdvance, superintendents, and board chairs.
- **5.2 Discussion and Possible Action on BOE Goals:**
  - Board agreed to review existing board-specific goals on the website at the September meeting.

MOTION made by Deb Bell, seconded by Rob Jerram, to **ADOPT** the 2026-2027 Board of Education goals, as presented. **AYE:** Ms. Sexton Read, Mr. Jerram, Mr. Gauthier, Ms. Kenneson, Ms. Bell, Ms. Crone, Ms. Fragale. **NAY:** None. **ABSTAIN:** None. **MOTION PASSED.**

Goal 1: District: Develop an explicit system for measuring Vision of a Graduate skills and competencies across the district, implemented with fidelity, during our students' six years at Northwestern.

Goal 2: District: Develop a clear plan, communicated to all stakeholders across the district, outlining allowable AI use at Northwestern. Implementation of this plan will be led by a District AI Committee and shall include the development of clear guidelines, appropriate training, and targeted professional learning for all stakeholder groups.

Goal 3: District: Expand Career Pathway education and experiences so that all students have a broader understanding of their career options, and enhanced opportunities to experience a variety of careers while at Northwestern.

Goal 4: Board Development: Board members will actively follow district priority goals, review related updates, and seek additional information about these priorities at regular Board meetings and through the quarterly strategic plan update process. (The Board may request special reports and highlight presentations on strategic initiatives during regularly scheduled Board meetings.)

6.0 NEW BUSINESS

- **6.1 New Hire Report**

MOTION made by Terri Kenneson, seconded by Noel Gauthier, to **APPROVE** the hiring of Middle School Special Education teacher Samantha Pine. **AYE:** Ms. Sexton Read, Mr. Jerram, Mr. Gauthier, Ms. Kenneson, Ms. Bell, Ms. Crone, Ms. Fragale. **NAY:** None. **ABSTAIN:** None. **MOTION PASSED.**

- **6.2 Discussion and First Reading of Policies:**
  - Held first reading and discussion on policies 0100 (Mission Statement), 0521 (Nondiscrimination), 0525.1/0521.1.1 (Grievance Procedure / Anti-Racism Policy clarifications to be sent), 3231 (Medical Reimbursement), 3511 (Compliance with 504), 3516.2 (Rescind COVID-19 Operations), 3520.13 (Data Management), 3524.1 (Integrated Pest Management), 3541.5 (Transportation Safety), and 3542 (Free/Reduced Meals). Superintendent to make grammatical adjustments and clarify policy numbering prior to second reading.

7.0 CORRESPONDENCE

- **7.1 Letter of Resignation**

MOTION made by Terri Kenneson, seconded by Noel Gauthier, to **ACCEPT** Middle School Special Education teacher Amy Bardino's letter of resignation, as presented**. AYE:** Ms. Sexton Read, Mr. Jerram, Mr. Gauthier, Ms. Kenneson, Ms. Bell, Ms. Crone, Ms. Fragale. **NAY:** None. **ABSTAIN:** None. **MOTION PASSED.**

8.0 OPPORTUNITY FOR THE PUBLIC TO SPEAK ON AGENDA ITEMS

No public comments.

9.0 ADJOURNMENT

MOTION made by Noel Gauthier, seconded by Terri Kenneson, to **ADJOURN** at 7:39 p.m. **AYE:** Ms. Sexton Read, Mr. Jerram, Mr. Gauthier, Ms. Kenneson, Ms. Bell, Ms. Crone, Ms. Fragale. **NAY:** None. **ABSTAIN:** None. **MOTION PASSED.**

Mission-Goals-Objectives

Mission Statement

Northwestern Regional is a comprehensive public middle school-high school. We serve the total regional community with emphasis on middle school and high school students. Our educational program promotes cognitive, personal, and social development in a safe learning environment. We seek to empower students to be independent lifelong learners and contributors in a changing society. To accomplish this, we must seek the necessary resources to:

- Provide a safe, nurturing and academically challenging learning environment.
- Provide students and staff with opportunities to reach their full potential.
- Prepare students to become productive, lifelong learners.
- Instill in our students a curiosity and love for learning which embraces the arts and the world around them.
- Improve student learning by holding staff accountable for providing the most effective learning environment and using the most effective teaching strategies.
- Prepare students with the skills and competencies outlined within our Vision of a Graduate, teaching and supporting students in their development as an:
    - Effective Communicator and Collaborator
    - Critical Thinker and Problem Solver
    - Persistent and Adaptable Thinker
    - Emotionally-Intelligent Individual
    - Passionate, Empowered Learner
    - Civic-Minded Citizen

Policy adopted:

Mission-Goals-Objectives

Nondiscrimination

The Board of Education, in compliance with federal and state law, affirms its policy of equal educational opportunity for all students and equal employment opportunity for all persons.

Nondiscrimination in School and Classroom Practices

It is the policy of the District to provide equal opportunity for all students to achieve their maximum potential through the programs offered in all District schools regardless of race, color, age, creed, religion, gender, sexual orientation, gender identity or expression, ancestry, national origin, disability, or status as a victim of domestic violence.

The District shall provide to all students without discrimination, course offerings, counseling, assistance, employment, athletics and extracurricular activities. The District shall provide equal access to the Boy Scouts and other designated youth groups. The District shall make reasonable accommodations for identified physical and mental impairments that constitute disabilities, consistent with federal and state statutes and regulations.

Students and third parties who have been subject to discrimination are encouraged to promptly report such incidents to the District's Compliance Officer.

All complaints of discrimination shall be investigated promptly. Corrective action must be taken when allegations are substantiated. Confidentiality of all parties shall be maintained, consistent with the District's legal and investigative obligations.

Neither reprisals nor retaliation shall occur as a result of good faith charges of discrimination.

Nondiscrimination in Employment/Contract Practices

It is the Board's policy to provide all persons equal access to all categories of employment in this District regardless of race, color, age, creed, religion, gender, gender identity or expression, sexual orientation, ancestry, national origin, status as a victim of domestic violence, marital status, mental or physical disability, genetic information, status as a Veteran or any other basis prohibited by Connecticut state and/or federal laws. The District shall make reasonable accommodations for identified physical and mental impairments that constitute disabilities, consistent with federal and state statutes and regulations.

Employees and third parties who have been subject to discrimination are encouraged to promptly report such incidents to the District's Compliance Officer.

All complaints of discrimination shall be investigated promptly. Corrective action must be taken when allegations are substantiated. Confidentiality of all parties shall be maintained, consistent with the District's legal and investigative obligations.

Neither reprisals nor retaliation shall occur as a result of good faith charges of discrimination.

Delegation of Responsibility

In order to maintain a program of nondiscrimination practices that is in compliance with applicable laws and regulations, the Board designates the Superintendent as the District's Compliance Officer.

The Compliance Officer shall publish and disseminate this policy and complaint procedure annually to students, parents, employees and the public. Nondiscrimination statements shall include the position, office address and telephone number of the Compliance Officer.

The Compliance Officer is responsible to monitor the implementation of nondiscrimination procedures in the areas listed.

School and Classroom Practices:

1. **Curriculum and Materials:** Review curriculum guides, textbooks and supplementary materials for discriminatory bias.

2. **Training:** Provision of training for students and staff to identify and alleviate problems of nondiscrimination.

3. **Student Access:** Review of programs, activities and practices to ensure that all students have equal access and are not segregated except when permissible by law or regulation.

4. **District Support:** Assure that like aspects of the school program receive like support as to staffing, compensation, facilities, equipment and related matters.

5. **Student Evaluation:** Review of tests, procedures and guidance and counseling materials for stereotyping and discrimination.

Employment/Contract Practices

1. Development of position qualifications, job descriptions and essential job functions.

2. Recruitment materials and practices.

3. Procedures for screening, interviewing and hiring.

4. Promotions.

5. Disciplinary actions, up to and including terminations.

6. The Board allows the mandatory human trafficking awareness training to be provided in any format, including but not limited to, video presentation.

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

1. Inform the student, employee or third party of the right to file a complaint and the complaint procedures.

2. Inform the student complainant that he/she may be accompanied by a parent/guardian during all steps of the complaint procedure.

3. Notify the complainant and the accused of the progress at appropriate stages of the procedure.

4. Refer the complainant to the Compliance Officer if the Building Principal is the subject of the complaint.

Complaint Procedure -Student/Employee/Third Party

Step 1 - Reporting

A student, employee or third party who believes he/she has been subject to conduct that constitutes a violation of this policy is encouraged to report the incident immediately to the Building Principal.

A school employee who suspects or is notified that a student has been subject to conduct that constitutes a violation of this policy shall immediately report the incident to the Building Principal.

If the Building Principal is the subject of the complaint, the student, employee or third party shall report the incident directly to the Compliance Officer.

The complainant is encouraged to use the report form available from the Building Principal, but oral complaints shall be acceptable.

Step 2 - Investigation

Upon receiving a complaint of discrimination, the Building Principal shall immediately notify the Compliance Officer, who shall then authorize the Building Principal to investigate the complaint, unless the Building Principal is the subject of the complaint or is unable to conduct the investigation.

The investigation may consist of individual interviews with the complainant, the accused and others with knowledge relative to the incident. Other information and materials relevant to the investigation may also be evaluated.

The obligation to conduct this investigation shall not be negated by the fact that a criminal investigation is pending or has been concluded.

Step 3 - Investigative Report

The Building Principal shall prepare a written report within fifteen (15) days, unless additional time to complete the investigation is required. The report shall include a summary of the investigation, a determination of whether the complaint has been substantiated as factual and whether it is a violation of this policy, and a recommended disposition of the complaint.

Copies of the report shall be provided to the complainant, the accused and the Compliance Officer.

Step 4 - District Action

If the investigation results in a finding that the complaint is factual and constitutes a violation of this policy, the District shall take prompt, corrective action to ensure that such conduct ceases and will not reoccur.

Disciplinary actions, in the case of students, shall be consistent with the school disciplinary practices, Board policies, administrative regulations, and state and federal laws.

Disciplinary actions, in the case of employees and third parties, shall be consistent with the Board policies, administrative regulations, state and federal laws, and applicable collective bargaining unit agreements.

Step 5 - Appeal Procedure

The complainant, if not satisfied with a finding of no violation of the policy or with the corrective action recommended in the investigative report, he/she may submit a written appeal to the Compliance Officer within fifteen (15) days.

The Compliance Officer shall review the investigation and the investigative report and may also conduct an investigation.

The Compliance Officer shall prepare a written response to the appeal within fifteen (15) days. Copies of the response shall be provided to the complainant, the accused and the Building Principal who conducted the initial investigation.

(cf. 4000.1 - Title IX)

(cf. 4111 - Recruitment and Selection)

(cf. 4111.1/4211.1 - Affirmative Action)

(cf. 4118.11/4218.11 - Nondiscrimination)

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

(cf. 4118.113/4218.113 - Harassment)

(cf. 5145.4 - Nondiscrimination)

(cf. 5145.5 - Sexual Harassment)

(cf. 5145.51 - Peer Sexual Harassment)

(cf. 5145.52 - Harassment)

(cf. 5145.6 - Student Grievance Procedure)

(cf. 6121 - Nondiscrimination)

(cf. 6121.1 - Equal Educational Opportunity)

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

29 CFR 1604.11, EEOC Guidelines on Sex Discrimination.

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

Title IX Final Rule, May 6, 2020

Boy Scouts of America Equal Access Act

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

Definitions, OCR Guidelines on Sexual Harassment, Fed. Reg. Vol 62, #49, 29 CFR Sec. 1606.8 (a0 62 Fed Reg. 12033 (March 13, 1997) and 66 Fed. Reg. 5512 (January 19, 2001)

The Americans with Disabilities Act as amended by the ADA Amendments Act of 2008

Meritor Savings Bank. FSB v. Vinson, 477 U.S. 57 (1986)

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

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

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

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

Title II of the Genetic Information Nondiscrimination Act of 2008

Connecticut General Statutes

46a-51 Definitions (as amended by PA 17-127, PA 21-2 and PA 22-82)

46a-58 Deprivation of rights. Desecration of property. Placing of burning cross or noose on property. Penalty. (as amended by PA 17-127 and PA 22-82)

46a-60 Discriminatory employment practices prohibited. (as amended by PA 17-127 and PA 21-69 and PA 22-82)

10-15c Discrimination in public schools prohibited. School attendance by five-year olds. (Amended by P.A. 97-247 to include "sexual orientation" and P.A. 11-55 to include "gender identity or expression")

10-153 Discrimination on account of marital status. (as amended by PA 11-55 to include "gender identity or expression")

17a-101 Protection of children from abuse.

Meacham v. Knolls Atomic Power Laboratory 128 S.Ct. 2395, 76 U.S.L.W. 4488 (2008)

Federal Express Corporation v. Holowecki 128 S.Ct. 1147, 76 U.S.L.W. 4110 (2008)

Kentucky Retirement Systems v. EEOC 128 S.Ct. 2361, 76 U.S.L.W. 4503 (2008)

Sprint/United Management Co. v. Mendelsohn 128 S.Ct. 1140, 76 U.S.L.W. 4107 (2008)

Bostock v. Clayton County, Georgia, 140 S.Ct. 1731, 2020 WL3146686 (June 15, 2020)

Policy adopted:

REPORT FORM FOR COMPLAINTS OF DISCRIMINATION

Complainant: _____

Home Address: _____

Home Phone: _____

School building: _____

Date of Alleged Incident(s): _____

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

[ ] Race [ ] Color [ ] National Origin [ ] Gender Identity or Expression

[ ] Gender [ ] Disability [ ] Religion [ ] Status as a Veteran

[ ] Ancestry [ ] Age [ ] Sexual Orientation [ ] Status as a Victim of Domestic Violence

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

_____

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

_____

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

_____

_____

_____

_____

_____

When and where incident occurred:

_____

List any witnesses who were present: _____

_____

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

_____ _____

Complainant's Signature Date

_____ _____

Received By Date

Business and Non-Instructional Operations

Medical Reimbursement for Special Education Students

The Board of Education (Board) will seek Medicaid reimbursement for eligible medically related services* provided to Medicaid eligible special education students in accordance with federal and state law. The Board shall enroll as a provider in the state medical assistance program, participate in the Medicaid School Based Child Health Program administered by the Department of Social Services, and submit billable service information electronically to the Department of Social Services, or its billing agent.* The Board may enter into an agreement with a third party or another board of education to comply with these requirements, The Board realizes that such third-party vendor agreements to provide that cost for the above services paid from, and contingent on receipt of sufficient funds from, grants the Department of Social Services makes to boards of education based on Medicaid claims for special education services provided to District students.

*****The Northwestern Regional District No. 7 Board of Education, having a student population of less than one thousand students, may conduct a cost benefit analysis in a form prescribed by the Commissioner of Social Services to determine whether the cost to participate in the medical assistance program exceeds the revenue that would be generated for the Board. The Board, if exempted from the requirements of this policy after such cost benefit analysis, shall complete and submit such analysis to the Commissioner of Social Services every three years in order to remain exempt.

The Board, as required, will determine a student's Medicaid enrollment status, and will provide written notification to the parent/guardian of the student before accessing the student's or parent's or guardian's public benefits or insurance for the first time and prior to the one-time parental or guardian consent and annually thereafter.

The Board will provide written notification to all parents and guardians of students who are Medicaid eligible and currently receiving School Based Child Health (SBCH) services under an individualized education plan (IEP) prior to obtaining parental consent and prior to the continuation of billing Medicaid for the services. The Board will obtain parental consent from all parents and guardians who are Medicaid eligible and receiving SBCH services under an IEP, in order to access their public benefits or insurance to pay for services under the IDEA.

**Note: Districts can bill for health-related services that are outlined in the student's IEP. In general, services for which a school district may bill Medicaid are: audiologist services, evaluation and testing, nursing services, occupational therapy, physical therapy, speech therapy, psychological services and social work services.*

Legal Reference: Connecticut General Statutes

10-76d Duties and powers of boards of education to provide special education programs and services. State agency placements; apportionment of costs. (as amended by June 2017 Special Session PA 17-2, Sec. 51 and PA 18-182)

42 CFR Parts 431, 433 and 440, Medicaid Program; Elimination of Reimbursement Under Medicaid for School Administration Expenditures and Costs Related to Transportation of School-Age Students Between Home and School 5.299, The Medicare, Medicaid & SCHIP Extension Act of 2007

34 C.F.R. §300.154(d) - Individuals with Disabilities Act (IDEA)-Part B, related to parental consent to access public benefits or insurance

Policy adopted:

Business and Non-Instructional Operations

Medical Reimbursement for Special Education Students

The Board of Education (Board) will seek Medicaid reimbursement for eligible medically related services provided to Medicaid eligible special education students in accordance with federal and state law. The services for which the Board may bill Medicaid include audiologist services, evaluation and testing, nursing services, occupational therapy, physical therapy, speech therapy, psychological services and social work services.

The Board will utilize the following procedures:

1. The Board of Education will determine, for each student who requires special education services and for each student who is referred to special education, if that student is eligible for Medicaid.

2. The Board will obtain a one-time written consent form the parent or guardian, after providing the written notification described below, before accessing the student's or the parent's or guardian's public benefits or insurance for the first time. This consent must specify the following:

A. The personally identifiable information that may be disclosed (such as records or information about the services that may be provided to a particular student);

B. The purpose of the disclosure (such as billing for services);

C. The agency to which the disclosure may be made (such as Medicaid); and

D. That the parent or guardian understands and agrees that the District may access the student's, or the parent's or guardian's public benefits or insurance to pay for the services.

3. The Board will provide written notification to the student's parents or guardians before accessing the student's or the parent's or guardian's public benefits or insurance for the first time and prior to obtaining the one-time parental or guardian consent and annually thereafter. The written notification must explain all of the protections available to parents and guardians under Part B of the Individuals with Disabilities Act, as described in 34 C.F.R. §300.154(d)(2) (v) to ensure that parents or guardians are fully informed of their rights before the District can access their or their student's public benefits or insurance to pay for services under the IDEA. The notice must be written in language understandable to the general public and in the native language of the parent or guardian or other mode of communication used by the parent or guardian, unless it is clearly not feasible to do so.

4. If any student is eligible for Medicaid, but not a current Medicaid recipient, the Board will request and assist the parent or guardian of that student with applying for Medicaid.

5. If any student is eligible for Medicaid, the Board will request that the parent or guardian of the student give written permission to allow the Board to request Medicaid reimbursements for eligible health related special education costs.

A. If written permission is received, the Board will submit claims to Medicaid through the State Department of Administrative Services for reimbursement of any health related cost.

B. If written permission is denied, the Board will terminate its efforts to secure Medicaid reimbursements otherwise applicable to the student.

6. Whether the parent or guardian refuses or gives consent to the Board to access Medicaid, reimbursement is strictly optional.

7. Whether the parent or guardian refuses or gives consent to the Board to access Medicaid reimbursement, the student will receive all special education services to which he/she is entitled without delay, at no cost to the parent or guardian.

8. The Board will provide written notification to all parents and guardians of students who are Medicaid eligible and currently receiving School Based Child Health (SBCH) services under an individualized education plan (IEP) prior to obtaining parental consent and prior to the continuation of billing Medicaid for the services. After such a date, the Board will obtain parental consent from all parents and guardians who are Medicaid eligible and receiving SBCH services under an IEP, in order to access their public benefits or insurance to pay for services under the IDEA.

A. The written notification shall be provided prior to the student's planning and placement team (PPT) meeting.

B. The parent or guardian shall complete and sign the consent form at the PPT meeting.

C. Once the district obtains this one-time consent, it is not required to obtain any further parental or guardian consent in the future. However, written notification must be provided annually.

*The Board of Education, having a student population of less than one thousand students, may conduct a cost benefit analysis in a form prescribed by the Commissioner of Social Services to determine whether the cost to participate in the medical assistance program exceeds the revenue that would be generated for the Board. The Board, if exempted from the requirements of this

policy after such cost benefit analysis, shall complete and submit such analysis to the Commissioner of Social Services every three years in order to remain exempt.

Legal Reference: Connecticut General Statutes

10-76d Duties and powers of boards of education to provide special education programs and services. State agency placements; apportionment of costs. (as amended by P.A. 99-279 An Act Concerning Programs and Modifications Necessary to Implement the Budget Relative to the Department of Social Services and PA 18-182.

42 CFR Parts 431, 433 and 440, Medicaid Program; Elimination of Reimbursement Under Medicaid for School Administration Expenditures and Costs Related to Transportation of School-Age Children Between Home and School

5.299, The Medicare, Medicaid & SCHIP Extension Act of 2007

34 C.F.R. §300.154(d) - Individuals with Disabilities Act (IDEA) Part B, related to parental consent to access public benefits or insurance

Regulation approved:

Business and Non-Instructional Operations

Compliance with 504 Regulations

It is the policy of the Northwestern Regional District No. 7 School System to comply with all aspects of the Section 504 regulations of the Rehabilitation Act of 1973. Section 504 prevents discrimination against otherwise qualified individuals with disabilities in programs and activities operated by the school system.

No otherwise qualified individual with disabilities shall, solely by reason of her or his disability, as defined in Section 706(8) of the Rehabilitation Act, be denied the benefits of, or be subjected to discrimination under any program or activity conducted by the Northwestern Regional District No. 7 School System.

The district has a responsibility to follow the procedural requirements of Section 504 to afford each student a free, appropriate education, which includes procedures for pre-placement evaluation, placement procedures and procedural safeguards. Additionally, Section 504 addresses placement in the Least Restrictive Environment (LRE) for both academic and nonacademic settings. The district also recognizes that there may be some impaired students who are not eligible for Special Education services under IDEA but who have documented disabilities and eligible for services and protection from discrimination under the Section 504 definitions and regulations.

In order to ensure that the Northwestern Regional District No. 7 School System does not discriminate in providing equal access to programs and services on the basis of disability, the following definitions, requirements and procedures are provided.

Definitions:

Disability means limitation in performance from a physiological (physical or mental) abnormality which substantially limits one or more major life activity, has a record of such an impairment, is regarded as having such an impairment.

Physical or Mental Impairment means (i) any physiological disorder or condition, cosmetic disfigurement or anatomical loss affecting one or more body system; (ii) any mental or psychological disorder such as mental retardation, organic brain syndrome, emotional or mental illness and specific reaming disabilities.

Major Life Activity means functions such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning and working.

Appropriate Education means the provision of regular or special education and related aids and services that are designed to meet the individual educational needs of people with disabilities as adequately as the needs of non-disabled persons. Implementation of an individualized education

plan developed in accordance with the Individuals With Disabilities Act is one means of meeting this standard.

Committee of Knowledgeable People means persons knowledgeable about the student, the meaning of evaluation data, and programming options. (A properly constituted Planning and Placement Team of Student Assistance Team would meet this definition.)

Requirements:

1. Northwestern Regional District No. 7 Public Schools annually locate and identify qualified persons with disabilities residing in the district who are not receiving a public education.

2. Notification of the school system's legal requirements is provided to persons with disabilities and their parents or guardians.

3. Provision of educational services in a setting with persons who are not handicapped, to the maximum extent appropriate to the needs of the students with disabilities. The school system shall make reasonable accommodations to allow a disabled student to be placed in the regular education environment unless it is demonstrated that the education of the person in the regular environment with the use of supplementary aids and services, cannot be achieved satisfactorily.

4. Provide pre-placement evaluation consistent with that required under IDEA.

5. Ensure that placement decisions are carefully considered by a group of persons knowledgeable about the student, the meaning of the evaluation data and program options.

6. Provide periodic reevaluation of students found eligible for services.

7. Develop procedural safeguards consistent with that required under IDEA.

8. Ensure access to non-academic and extracurricular services and activities in such a manner as to afford students with disabilities an opportunity for participation in such services and activities. The "Committee of Knowledgeable People", e.g. PPT shall consider the impact of any modifications on other non-handicapped classmates.

9. Ensure the availability of procedures for filing a grievance with the school district over an alleged violation of Section 504 regulations.

10. Identify at least one person to coordinate compliance and identification procedures.

Procedures:

1. **Identification and Notification:** The Office of Special Services annually conducts student find activities to identify any person between the ages of 0-21 who is, or may be in need of special services. Notification is accomplished by communication through the media, direct mailing to social service agencies and dissemination to staff. (See Appendix #1 for Notification form)

2. **Least Restrictive Environment:** Each committee of knowledgeable people (Student Assistance Team, Planning and Placement Team or other appropriate group) is aware of the district practice to ensure students are educated with their non-disabled peers as often as possible and in the most appropriate way. All programs are developed with this requirement in mind.

3. **Evaluation:** Referrals for evaluation are made by the Planning and Placement Team (PPT). All statutory requirements for evaluation are adhered to closely. The evaluation period will be the same as for referrals under IDEA (45 days).

4. **Placement/Program Development:** Each PPT will reconvene at the conclusion of the evaluation to consider evaluation results, determine eligibility and develop appropriate programming. A written service plan is developed and maintained by the primary service provider. The plan is reviewed and/or updated throughout the school year as the student's needs warrant. All students who have undergone special education evaluations are automatically considered for eligibility under Section 504, i.e. for students who are not eligible for Special Education under IDEA, the PPT may consider eligibility under Section 504. Discussions of eligibility must be included in the record of the PPT meeting, including clearly delineated recommendations. (See Appendix #2 for Section 504 Service Plan.)

5. **Periodic Reevaluation:** All students receiving services under Section 504 are reevaluated at least every three years following procedures promulgated under IDEA and covered in this manual Special Services.

6. The Special Services Supervisor will be identified as the 504 Coordinator for the Northwestern Regional District No. 7 School System. This individual will convene a Committee of Knowledgeable People (PPT) to address 504 referrals.

7. **Grievance Procedures:** Students, parents or other individuals in the school district may register complaints regarding accessibility and other 504 regulations through the grievance procedures noted in Appendix #3.

(cf. - 5145 - Statement of Non-Discrimination)

Legal Reference: Connecticut General Statutes

10-15c Discrimination in public schools prohibited

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

Section 504, U.S. Rehabilitation Act, 1973, 29 U.S.C. 791

NOTE: Forms relative to this Policy are available at:

1. Superintendent's Office
2. Principal's Office

3. Special Services Office

Policy adopted:

OPERATIONS OF SCHOOLS WHILE ADDRESSING COVID-19

The District understands that it has numerous important obligations during this COVID-19 pandemic. Our highest priority is protecting the health and safety of the District's students and their families, the District's employees and their families, and our communities while at the same time providing full-time in-person learning in our schools for our students. All decisions about following these recommendations will be made in consultation with local health officials and other State and local authorities who can help assess the current level of mitigation needed based on levels of COVID-19 community transmission and the capacities of the local public health and healthcare systems, among other relevant factors. Safety is our number one priority and the District is acting with the best of intentions in our efforts to offer robust learning opportunities to our students.

The Centers for Disease Control and Prevention ("CDC") is the primary source of reliable information for the latest medical developments and guidance on effective preventative practices. The CDC regularly posts updates and guidance on COVID-19 related matters. https://www.cdc.gov/coronavirus/2019-ncov/ The District has consulted CDC guidance in developing these protocols and will continue to do so in considering changes to it.
In addition, the District is complying to the greatest extent possible with guidance from the State of Connecticut (https://portal.ct.gov/Coronavirus), including the State Department of Educationand its "Adapt, Advance, Achieve" guidelines for the fall of 2021, and the State Department of Public Health. This includes implementing appropriate social distancing strategies in school settings, personal protection via the wearing of masks/appropriate face covering as may be needed or required, and the regular cleaning of our facilities. We are also expecting all persons to follow basic hygienic precautions and we are appropriately screening the health of students and staff (including but not limited to asking that persons showing symptoms of COVID-19 not come to school), and we will provide appropriate training and reminders to all on these protocols.

These protocols are being adopted in order to 1) temporarily amend and supersede those inconsistent District policies (and any provisions thereof) that are being temporarily suspended during the current pandemic, and 2) supplement "its "Safe Return to In-Person Instruction and Continuity of Services Plan Template." In light of rapidly evolving scientific understanding of COVID-19, the District must be flexible in order to respond to changing laws, regulations and guidance being issued at the federal, state, and local levels. In keeping with the need for such flexibility, the District may, in its sole discretion and as it deems necessary, modify these protocols in particular circumstances, consistent with the law, and hereby authorizes the Superintendent of Schools to make such modifications. In the event of conflict between any official governmental requirements and these protocols, the governmental requirement will control. Employees and students are expected to comply with these protocols (along with other District policies and rules) and may be subject to discipline for any violations.

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IN-PERSON CLASSES

Full-time in-person classes shall continue as long as the District's schools can continue to comply with 1) the requirements set out in these protocols, 2) CDC guidelines, as may be revised from time to time, and 3) those guidelines issued by the State Departments of Education ("SDE") and Public Health ("DPH"). The Superintendent (after consultation with state and local health official and the Board of Education) is authorized to limit and suspend in-person classes at any

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time due to health and safety risks, and as may be directed by state and federal orders. The Superintendent will provide appropriate notice to parents and the community at large (and the SDE) of these decisions and shall notify employees of their obligations with respect to performing their duties (whether in the schools/workplace, or remotely), consistent with any applicable collective bargaining agreements or contracts.

All decisions regarding the level of programming (and the extent of in person programming) will be made based upon 1) consultation with state and local public health officials, 2) full consideration of applicable state and federal health and safety guidance, and 3) an assessment of the current medical health conditions and the levels of risk of spread of the virus (whether "low", "moderate" or "high"). The key is HEALTH AND SAFETY FIRST, while maintaining full-time in-person learning whenever possible.

In exercising its lawful discretion, and based upon prevailing health conditions and governmental orders, the District reserves its rights to, among other things:

a) revise school schedules so as to comply with applicable guidance for a safe school and safe workplace, and reduce the risk of exposure to COVID-19;
b) create class and school day schedules that better provide for social distancing, including placing students in static groupings or "cohorts" to the extent appropriate or needed;
c) use technology so that classroom learning taking place in the school may be transmitted to those who are not in school on a particular day due to quarantine obligations;
d) modify physical education, sports, arts, and music programs as may be necessary to control the spread of COVID-19;
e) limit/cancel extracurricular activities, and limit use of such facilities, including fields, gyms, and locker rooms;
f) limit access to the schools at times when classes are not in session;
g) properly insure the District, its facilities, its programs and maintain appropriate policies and protocols to minimize liability, and/or
h) take such other actions necessary to promote students' and staff safety.

RESCIND

BASIC HYGIENE

It cannot be over-emphasized that basic precautionary health measures (including cleaning, hygiene, sneezing/coughing etiquette, wearing mask/face covering and encouraging those who are sick to stay home) must be implemented by all employees and students. The District will strictly enforce these important safety requirements, and those who violate these requirements may be disciplined.

The best strategy remains the most obvious. Whether at school or at home, everyone should follow the CDC guidelines for preventing transmission of COVID-19 including:

- staying at home when you are sick and when you have reason to believe you may have symptoms or may have been exposed to COVID-19
- frequent hand washing with warm, soapy water (for at least 20 seconds), especially after using the restroom, and/or using hand sanitizer frequently,

- avoiding close contact with others (including maintaining three feet distance from other individuals wherever possible),
- wearing an appropriate face covering or mask at all times;
- enhanced cleaning and disinfecting of surfaces , and
- using appropriate cough and sneeze etiquette (i.e., covering your mouth whenever you sneeze or cough - even if alone in an office, classroom or hallway), and

The District shall maintain adequate supplies to support healthy hygiene behaviors, including soap, hand sanitizer with at least 60% ethyl alcohol or 70% isopropyl alcohol , paper towels, tissues, and no-touch/foot pedal trash cans. The District will make hand sanitizer available at all school entrances, in all rooms, and at all high contact areas.

The school administration shall communicate those cleaning and hygiene protocols recommended by the CDC. The District will place posters encouraging basic sanitary practices and how to "stop the spread" at entrances to the schools and in other areas where they are likely to be seen to help stop the spread of COVID-19 and shall continue to reinforce such practices, with appropriate training and signage.

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PERSONAL PROTECTION (INCLUDING MASKS AND FACE COVERINGS)

Cloth face coverings (including masks) are meant to protect other people in case the wearer is unknowingly infected, as many people carry COVID-19 but do not have symptoms. Face coverings are essential in times when physical distancing is difficult. The District recognizes that face coverings may be challenging for students (especially younger students) to wear in all-day settings such as a school. Nevertheless, unless meeting one of the exceptions listed below, **all students and school personnel must always wear a face mask** (or other cloth material covering both the mouth and nose) **while in a school building or a school bus**. This requirement also applies to parents dropping off or picking up children or any other visitor to the school buildings. The requirement to wear masks inside of school buildings applies for all times when students are present. As an example, fully vaccinated custodians or office staff do not need to wear a mask when in a school building on a weekend or after hours when students are not present inside the building.

Information should be provided to staff and students on proper use, removal, and washing (and/or disposal) of cloth face coverings, which is available from the CDC. https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/diy-cloth-face-coverings.html. The schools will provide 1) masks to students or staff members who does not have one, and 2) appropriate and safe receptacles for the disposal of masks, coverings and other personal protective equipment. **All masks and face cloth coverings must cover both the mouth and nose and comply with state and federal guidance (and school policies) covering dress/attire**.

The following individuals are exempt from this requirement per CDC and state guidelines:

1) Anyone who has trouble breathing, or anyone who is unconscious, incapacitated, or otherwise unable to remove the mask without assistance;
2) Anyone who has a medical condition making it unsafe to wear a mask, in accordance with SDE guidance;
3) Children under the age of two;
4) To the extent that a student or an employee may be eating or drinking in places where such activity is permitted by the District and these guidelines, provided that appropriate social distancing can be maintained and masks are removed for only as long as necessary to eat or drink;
5) As may be appropriate, and as permitted by law, students with medical conditions, behavioral issues and disabilities and who cannot wear a mask safely or continuously, with the District considering alternatives (for example, extra distancing, extra protective equipment) to protect staff and students;
6) Continuous wearing of masks or face coverings is not required in outdoor spaces; and/or
7) Fully vaccinated teachers may remove their masks when they are engaged in instruction at the front of the classroom in which students are seated and masked.

From 2020-2021 SDE guidance: The schools shall provide for and schedule age appropriate and safe mask breaks consistent with health and safety guidelines, and only where appropriate social distancing can be maintained. Such mask breaks may include: 1) outdoor breaks, 2) breaks in large rooms, and 3) breaks in classrooms where appropriate social distancing can be maintained. With respect to indoor mask breaks, students and/or staff should always stay apart three feet or more in well-ventilated areas and everyone should face in the same direction. During these breaks, students may talk (where permitted by the teacher); however, students must avoid loud talking, yelling, or singing. Generally, such mask breaks should be no more than 15 minutes.

MEDICAL EXEMPTION: ***From Executive Order #13A***-According to the latest guidance, use of masks (or cloth face coverings) is not required for anyone "for whom doing so would be contrary to his or her health or safety because of a medical condition, behavioral condition, or disability, or anyone under the age of 2 years." Any person who declines to so wear a mask because of a medical condition, behavioral condition, or disability shall be exempt from any requirement to wear masks if (**AND only if**) the person provides written documentation that the person is qualified for the exemption from a licensed or certified medical provider, psychologist, marriage and family therapist, professional counselor, social worker, or behavior analyst, the Department of Developmental Services or other state agency that provides or supports services for people with emotional, intellectual or physical disabilities, or a person authorized by any such agency. This documentation does not specifically have to name or describe the condition that qualifies the person for the exemption.

From 2021-2022 SDE guidance: The exemption for wearing a mask in the schools due to a medical condition is limited. Current SDE guidance provides that medical contraindications to the wearing of masks are generally limited to individuals suffering from severe chronic obstructive pulmonary disease ("COPD") such as might be seen with cystic fibrosis, severe emphysema, heart failure, or significant facial burns that would cause extreme pain or interfere with the healing of a skin graft. In accordance with current guidance, mild or intermittent respiratory or other common conditions such as asthma, cardiovascular diseases, kidney disease, or other similar conditions are generally not considered contraindications to the wearing of face coverings and will not justify an exemption from the mask mandate.

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SPECIAL EDUCATION AND SECTION 504 STUDENTS*:* The District understands that it is possible that students with disabilities may not be able to tolerate or comply well with mask wearing in school. The District will assess, on an individualized basis, the appropriate accommodations for students with disabilities who are unable to wear a mask, especially recognizing that students and staff involved with certain special education activities (e.g., speech therapy or where lip reading **or visibility of the mouth is required)** may need to be exempted from wearing a mask intermittently. In cases where an exception is requested based upon a disability, a Planning and Placement Team or Section 504 meeting may be held to consider possible programming revisions or appropriate accommodations.

Generally, the fact that a student with a disability may be unable to consistently wear a mask in school is not a basis for their exclusion from school. In cases where close contact between educators and students is highly likely (such as when interacting with students with disabilities who may not be able to wear mask and/or cannot adequately socially distance), the District will provide educators with masks and face shields, and as may be necessary, medical grade masks and disposable gowns. In addition, the District may use other mitigation strategies such as maximizing distancing, moving activities outdoors or to a well-ventilated space, and/or the use of **face shields or other** physical barriers in order to further protection students and staff.

Students who do not wear a mask and do not qualify for an exemption will be refused admission into the schools and will be marked as an unexcused absence. In addition, the District reserves the right to take disciplinary action against those persons (whether students or staff) who violate these commands.

RESCIND

SOCIAL DISTANCING AND PHYSICAL SPACING/SETUP

The District is implementing protocols for social distancing in its schools. Social distancing means avoiding large gatherings and maintaining distance (approximately three feet) from others. Wherever possible, such distancing must be maintained between persons, with heightened social distancing in situations where students cannot wear masks (i.e., during lunch periods) and there might be a heightened risk of exposure (e.g., during musical activities). It is especially important that appropriate face coverings be worn in the few cases where such distancing is not possible.

The only times when distancing may not be possible should be when staff members are:

-Accommodating students with special health care needs or disabilities who may require direct contact (e.g. assisting with toileting or ambulation).
-Conducting health assessments or screenings (e.g. taking temperature or listening to lung sounds by the school nurse).
-Where necessary to enforce discipline or order (to the extent permitted and/or required by law).
-Where unavoidable congregation or the school facility set up makes social distancing impossible.

To ensure appropriate social distancing, our schools will select mitigation strategies based on feasibility given the unique space and needs of the school as recommended by CDC's "Guidance for COVID-19 Prevention in Kindergarten-12 Schools" and state guidelines. Examples of these

mitigation strategies that may be utilized, as feasible and whenever/to the extent required by prevailing safety and health conditions

–Rearrange student desks to maximize the space between students. Space seating/desks to be at least three feet apart where ever feasible or practicable, in light of our facilities and classroom design. If practicable, the District may explore the use of other (larger) spaces in the schools for classes (such as gymnasiums, the Little Theater and the auditorium), along with other available space. Students will be assigned to specific seats in all classes.
-Whenever possible, turn desks to face in the same direction (rather than facing each other) to reduce transmission caused from virus-containing droplets (e.g., from talking, coughing, sneezing).

The District may limit events at school facilities (including outside usage), after school activities, and extracurricular activities to those that can maintain social distancing and support proper hygiene and may impose restrictions such as prohibiting or limiting attendance and participation. The District reserves the right to cancel all field trips, inter-group events, usage of school facilities by outside and community organizations, and extracurricular activities, upon consultation with medical advisors. Any outside user of District facilities will be required to comply with the District's COVID-19 mitigation measures as set forth in this Policy.

MEALS AND CAFETERIAS

The District shall will continue to follow (and provide meals in accordance with) federal and school nutrition requirements.

STUDENT TRANSPORTATION

Buses may be able to operate to full capacity, provided that:

–Face masks for all are required on bus rides, except among exempt individuals (with such individuals distanced from the remaining students where possible), with such masks provided to those who are not wearing them before boarding.
–Daily cleaning protocols must be utilized to properly clean and disinfect the buses.
-Drivers (and bus monitors, if any) must wear face masks at all times when children are in the bus.
-Hand sanitizer will available for use by students as they board and exit the bus.
-Where appropriate, the opening of windows (even slightly) is encouraged

The District will consult with public health officials in assessing the applicability of (and need for modifications to) these protocols for transportation delivered by vans and other types of vehicles. Students must comply with District policies and these guidelines while receiving transportation.

CLEANING AND DISINFECTING

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The District is doing all that it can to eliminate transmission points for COVID-19. The District has taken additional precautions to provide a clean learning environment and workplace, including increasing the frequency of regular cleanings and sanitization of areas that are frequently used. The District shall ensure that a thorough cleaning of the schools take place at least once every school day). The District will also disinfect daily the cafeteria, bathrooms, health offices/isolation rooms and common areas.
The District shall take measures to ensure that all water systems and features (for example, drinking and decorative fountains, if in use) are safe to use after a prolonged facility shutdown to minimize the risk of infections and diseases associated with water.

RESCIND

RESTROOM PROTOCOLS

Bathroom fixtures:
• Optimize ventilation –Should exhaust to outside, negative pressure and optimize fresh air intake.
• Place a trash can and paper towel roll by the bathroom door to allow students and staff to prevent touching the handle with their hands
• Consistent with safety and privacy, keep door to restroom propped open to otherwise prevent contact with door handles.

Cleaning practices:
• Bathrooms should be fully cleaned and disinfected daily, in accordance with CDC disinfecting and cleaning protocols.
• In addition to full cleaning and disinfection daily. These surfaces include: soap and paper towel dispensers, doors within toilet stalls, and toilet handles.
• Place signs reminding students/staff to wash hands before and after using the restroom.

NOTICE AND COMPLIANCE

Compliance Liaison: The Superintendent shall appointed Andy Bakulski as to serve as COVID 19 Health and Safety Compliance Liaison. The Liaison, whose contact information must be publicized, will engage with students, parents, faculty, staff, and administrators to answer questions about the health and safety requirements set out in these protocols and address questions about compliance, and ensure appropriate communications to the District's stakeholders. The Liaison will support the implementation of these requirements in each of the District's schools and programs, as well as the implementation of other school health and safety measures relating to COVID-19 and any additional guidance and up to date relevant information provided by the State Department of Education, the CDC, or any other state or federal agency.

Notices/Communications The District shall post COVID-19 protocols and associated safety guidelines on its website and at the schools in prominent places, along with any changes in its policies, protocols and guidelines. The District shall insure that frequent communication with its stakeholders takes place in order to inform the community of potential changes in its programs and services (and these protocols) in light of changing conditions. Such communications will be made available in manner to be accessible to those with visual and/or hearing impairments.

IN-PERSON LEARNING AND TEMPORARY CLOSURES

The District fully intends and expects to have full time in-person learning. Currently, the District will not be providing remote learning as a substitute for in-person learning; however, the District may offer remote learning for the following limited and rare situations where necessary to provide continued educational opportunities: a) for students who must temporarily be in COVID-19 isolation or quarantine, b) to temporarily address localized COVID-19 outbreaks in a school or at the District-level, and c) in rare and individualized circumstances, for students with elevated risks from COVID-19 exposure due to co-habiting family members with documented vulnerability to COVID-19.

If (and only if) such a COVID-19 outbreak occurs or governmental orders be issued occur so as to mandate some level of District or school-wide remote learning, the District may temporarily assign students to a reduced or split schedule of classes, including splitting between attending school in person and remote learning (for example, by having students alternate between specified days in the class and other days learning remotely). If this is necessary, the District may prioritize in-person learning opportunities and programs for students who require the most learning support. Students most in need of learning support include, but are not limited to:

– Students with special needs/disabilities;
– Students who are English Learners;
– Students who have had limited to no access to devices to engage in virtual distance learning, or;
– Students who otherwise did not access educational materials despite the District's providing the opportunity during prior times of remote learning.

The District will communicate any such decision to temporarily reduce in-person learning to students, parents and employees as soon as practicable; the District will also notify the State Department of Education if it is contemplating such reduction. All distance learning shall comply with all applicable State Department of Education standards.

RESCIND

MEDICAL INQUIRIES AND TESTING

The District reserves the right to make reasonable medical inquiries of its students and its employees (including vaccination status) in order to address the risk of transmission of COVID-19, consistent with state and federal law and any obligation to safeguard privacy rights. While not required or mandated at all times, the District reserves the right to measure employees' and students' temperatures upon entry to or while at the schools, especially where health conditions dictate such measures (for example, where there is an increased risk of spread or there are diagnosed cases). When conducting temperature screening, the screener should 1) use touchless or disposable (preferred) or oral thermometers with single-use disposable covers or adequate disinfection between individual uses, and 2) wear a face mask and face shield.

The District reserves the right to inquire about symptoms associated with COVID-19, recent contact with other persons, recent travel, and vaccination status. The District reserves the right to require such other testing and/or make such other inquiries as it deems necessary to monitor and control potential and actual exposure of its employees and students to COVID-19, as may be permitted by law and as conditions may dictate, especially where one is out sick, shows symptoms of COVID-19 or may have been exposed to COVID-19 (and depending upon one's vaccination

status). Among other lawful purposes, such inquiries may be made to confirm the employee's need for an absence, to confirm whether an absence relates to COVID-19, and/or to determine when it is appropriate for an employee or student to return to school.

The District reserves the right to require all staff and students to be screened for any observable illness or symptoms, including cough or respiratory distress, and to confirm temperature below **100.4** degrees Fahrenheit. School administrators may use examples of screening methods in applicable CDC guidance for screening students and staff. Such screening shall be done safely, respectfully, as well as in accordance with any applicable privacy laws or regulations.

Staff and students should self-assess daily for symptoms prior to coming to school. Staff and students should self-report symptoms or exposures to the school nurse. Each school shall create a communication system for staff and families for self-reporting of symptoms and notification of exposures and closures, while respecting the confidentiality of any information that may be reported.

In addition, the District shall have contact tracing in place to enable efficient tracing within the school community in the event of a positive case. The District shall actively monitor staff and student absenteeism to identify trends that would suggest spread of illnesses such as COVID-19, and code such absences accordingly. In addition, the schools (via the nurses) will monitor the types of illnesses and symptoms among students.

In addition to the health office, schools must identify an isolation room or area for a) separating anyone who exhibits symptoms consistent with COVID-19 and b) holding students who exhibit such symptoms until a parent or guardian arrives.

Confidentiality of Medical Information

Medical information (including vaccination status, to the extent possible) will be kept confidential as required by law. The District will treat all student and employee-provided medical information as confidential medical records. The District will maintain the confidentiality of such information to the most reasonable extent possible, in compliance with applicable laws and regulations, including but not limited to the Americans with Disabilities Act and the Family Educational Rights and Privacy Act, as may be applicable. If necessary, medical information may be shared in limited circumstances and subject to appropriate controls to those persons who have a legitimate need to know including but not limited to District administration, first aid and safety personnel, and government officials, as required by law or other relevant guidance.

RESPONSE TO COVID-19 INCIDENT

If a staff member or student is suspected to be sick, or has been diagnosed with COVID-19, the school may notify families and staff about the exposure while maintaining the confidentiality of the sick staff member or student, to the most reasonable extent possible, and consistent with the Americans with Disabilities Act and other applicable federal and state privacy laws. The District will also notify public health officials, as required by law, including but not limited to Conn. Gen. Stat. §10-210, which requires that 1) a school notify the local director of health whenever any child

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(or staff) shows symptoms of a communicable disease, and 2) any such child be excluded from attendance at school and not be permitted to return without permission of the director of health.

Sick staff members and children should not to return until they have met the current operative CDC criteria for discontinuing home isolation. Depending upon one's vaccination status and the operative CDC (and state) guidance, staff or students with signs or symptoms of COVID-19 may be required to return to school only after a documented negative COVID-19 test result or a note from a healthcare provider clearing them to safely return to the school program. See "Staying Home When Ill," below.

In addition, the District shall inform those who have had close contact to a person diagnosed with COVID-19 to stay home (where applicable, dependent upon vaccination status) and self-monitor for symptoms and to follow CDC guidance if symptoms develop, while respecting the privacy rights of all as required by law. If a person does not have symptoms, they should still follow appropriate CDC guidance for home isolation, as may be amended and based upon vaccination status. See "Staying Home When Ill," below.

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Students (but not staff or other persons) within a classroom setting (not on buses or in other non-classroom settings) do not need to be considered close contacts if they are not within 3 feet of a known COVID-19 case for 15 minutes or more (cumulative over a 24-hour period), provided:
– contact between students happened exclusively inside a 7-12 school **classroom** (e.g., no additional contact in a cafeteria, on a bus, during sports, outside of school, etc.)
– both parties were wearing a well-fitting mask consistently and correctly during the entire duration of their contact
– the student who is considered to be a close contact remains asymptomatic

Fully vaccinated students and staff who have had close contact with a known COVID-19 case but have no symptoms
– do not have to quarantine away from school or extracurricular activities (such as sports)
– should be tested 3-5 days after exposure but can continue with activities until such time as they receive a positive test
– should wear a mask when in public or otherwise engaged in activities with individuals outside of their household until they receive a negative test (or for 14 days with no test)

Students and staff who are either unvaccinated, not fully vaccinated, or for whom vaccination status is unknown should follow current guidance for quarantine and testing prior to returning to school or other activities after close contact with a known case

While it is the intent of the District to maintain full-time in person learning during the school year, any emergency /temporary decision to limit, suspend or close a program or school for some or all participants as a result of a COVID-19 case shall be made by the Superintendent or his/her designee, upon consultation with public health officials, and based upon applicable guidance. This initial short-term dismissal allows time for local health officials to gain a better understanding of the COVID-19 situation impacting the school. This allows the Superintendent, in consultation with the local health department, to determine appropriate next steps, including whether an extended dismissal duration is needed to stop or slow the further spread of COVID-19.

Decisions regarding the scope of the closure (e.g., quarantining for specific students, a cohort, a part of or all of a program, a single school, multiple schools, the full district) and duration of school dismissals will be made on a case-by-case basis using the most up-to-date information about COVID-19 and the specific cases in the community, along with consultation with public health officials. During school dismissals, the District shall also cancel extracurricular group activities and school-based afterschool programs.

Decisions on which, if any, staff should be allowed in the school should be made in collaboration with the local health department. The Superintendent shall work with local health officials following a temporary closure to determine when students and staff can safely return to schools.

Medical Professional: The Superintendent must ensure that a nurse or other medical professional is available to each school in the District to manage positive and suspected cases. Nurses and other healthcare providers should use Standard and Transmission-Based Precautions when caring for sick people, including those with COVID-19.

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STAYING HOME WHEN ILL

Employees and students often report to school even though they feel ill. While they may have the best of intentions, *it is especially critical at the present time that employees and students not report to school when they are ill and/or experiencing any of the following symptoms*:

- Fever (i.e., temperature at or above **100.4** degrees Fahrenheit)
- cough
- sore throat
- runny or stuffy nose
- body aches
- headache
- chills
- respiratory issues
- loss of taste or smell
- gastrointestinal issues such as nausea, diarrhea and vomiting
- fatigue
- any other symptom(s) noted by the CDC or other public health officials as being associated with COVID-19.

Employees and students who report to school with these symptoms or become ill at school (including having a fever) will be sent home. The District will also require employees and students to remain home if they are sick with (or are known or suspected to have been exposed to) COVID-19, or if the District otherwise believes they pose a threat to the safety and health of others. Notwithstanding the foregoing, the early return of employees and students (and the avoidance/cessation of quarantining and isolation) may be permitted based upon vaccination and symptom status, consistent with applicable/current guidelines.

Guidelines For Employees Who Have Been Diagnosed With COVID-19 or Who Have Been In Close Proximity To A Person With Symptoms Of (Or Who Has Been Diagnosed With) COVID-19

In addition to immediately notifying their supervisor, such employees should:

- Not go to work;
- Consult their healthcare providers; and
- If symptomatic, follow CDC-recommended steps with respect to isolation (including isolation from persons within their homes), remaining at home, and returning to work.

Employees who are well but who have a sick family member at home with COVID-19 (or a presumed case of COVID-19 awaiting test results) should also follow CDC-recommended precautions and not report to work.

Employees exposed to or who have had COVID-19 may not return to work until the CDC criteria to discontinue home isolation are met, along with any other requirements imposed by the employee's healthcare providers and/or state and local health departments. Notwithstanding the foregoing, the early return of employees (and the avoidance/cessation of quarantining and isolation) may be permitted based upon vaccination and symptom status, consistent with applicable current guidelines.

RESCIND

LEAVES OF ABSENCE FOR EMPLOYEES

An employee who has been assigned work, whether at the District's facilities or at home, but is unable to perform it for reasons related to the COVID-19 pandemic, may be entitled to a paid or unpaid leave of absence, consistent with any applicable collective bargaining agreements, contracts or District policies. All employees should review the District's policies on leave (including family and medical leave). Employees should contact Human Resources should they have any questions or to request such leave.

EMPLOYEE OFFSITE MEETINGS AND TRAVEL

When offsite in-person duties must be performed, employees must 1) inform their supervisors before leaving the facilities, 2) wear a face covering during all interactions, 3) adhere to social distancing guidelines (even in transit and during any offsite meeting), and 4) follow basic hygienic measures as described above (including bringing with them and using hand sanitizer while in transit and at any such off-site locations/events).

Any employee who will be traveling out of state or internationally for any reason (business or personal) must inform their direct supervisor ahead of time, consistent with any obligations under District policy or applicable collective bargaining agreements. (A sample form for this purpose is attached as Appendix B and may be used in a manner consistent with any applicable collective bargaining agreement.) The District may require employees who travel out of state or internationally for any reason to stay home for a period of time consistent with CDC/state guidance(as updated) upon return. Quarantining of employees shall be determined on a case-by-case basis and based on an individualized assessment of the risk to the health and safety of others (including but not limited to vaccination and symptom status). These determinations will be made based on factors such as the location(s) visited by the employee, the length of time of the visit, the means of travel and the circumstances of the visit, the employee's vaccination status, and as further health, medical and scientific guidance becomes available.

VISITORS TO DISTRICT/SCHOOL FACILITIES

Depending upon prevailing conditions, the District reserves the right to control access to its facilities by external visitors, including prohibiting entry into its facilities for all visitors, permitting visitors by appointment only (for example, as may be necessary to attend a PPT meeting where a parent objects to remote participation), or limiting the number of visitors at any particular time, as may be permitted by law. As permitted by law, visitors to the schools may be screened to limit the risk of exposure to our employees and students. Screenings may include, but are not limited to, interviewing visitors about their current health, vaccination status, and recent travel history, taking temperatures at points of entry, and filling out additional forms or other paperwork. Even if not screened by the District, visitors should self-assess/self-screen for symptoms prior to entering District facilities. In addition, visitors will be required to comply with posted safety and hygiene requirements, including but not limited to washing their hands with soap and water and/or hand sanitizer at the point of entry to the facility, and maintaining appropriate social distancing measures at all times (including by and between visitors and employees). **All visitors must wear a mask or face covering at all times while on District premises, consistent with these protocols**.

ANTI-HARASSMENT AND NON-DISCRIMINATION

The District has numerous policies prohibiting harassment and discrimination in the schools for both its employees and its students. The District will continue to fully comply with its obligation to provide reasonable accommodations to employees with disabilities, as required by state and federal law. These policies remain in effect during the COVID-19 outbreak, and employees should review District policies for additional information. Such policies provide procedures for requesting such accommodations and filing complaints of unlawful discrimination, harassment and retaliation. The District is committed to taking all actions necessary to provide a safe school with a welcoming and harassment free environment and an equal employment opportunity for all.

SPECIAL STUDENT POPULATIONS AND STUDENT NEEDS

The District shall continue to carry out its legal obligations (whether during times of in-person, blended or remote learning) for 1) students with disabilities, including the provision of special education and related services and/or accommodations, and 2) and English Learners, in accordance with applicable federal and state guidance.

If full time in-person learning should ever be temporarily limited, the District may prioritize in-person learning opportunities and programs for students who require the most learning support.

The District understand that as students are returned to the classroom after an absence (especially for those students who have not recently taken part in or attended in-person learning), they will need to be reengaged. As such, the District will conduct assessments and use available data to ensure that students are appropriately transitioned back into the schools. Each school will assess students through methods such as universal screenings, evaluations, parent and student interviews/discussions, observations, and other data collection practices to individualize student programming. If necessary, a PPT meeting may be held for students with special needs. The District may modify the content of instruction upon return to in-person instruction as it may deem

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appropriate, including the review of prior content and differentiation of instruction. In addition, the District remains committed to providing appropriate supports.

The District understands that the time away from school may also present social and emotional challenges. In addition to its programs of counseling, the District reiterates its commitment to its policies to address particularized needs and challenges, especially for those most impacted by the pandemic. Without limiting the scope of this commitment, the District understands its obligations to address (and report) possible abuse and neglect, in accordance with its policies and state law. These trainings, programs and obligations will remain in place whether the schools are providing in-person instruction, a blended program, or distance learning.

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APPENDIX A

Employee Health Assessment Certification

This form must be completed and returned to Human Resources for approval prior to entry/reentry to any District facility.

Name: _____ District Facility to be entered: _____

Please answer the following questions by circling Yes or No.

Have you experienced any of the following symptoms in the last 14 days? Yes or No

- Fever
- Chills
- Repeated shaking with chills
- Muscle pain
- Runny or stuffy nose
- Headache
- Fatigue
- Sore throat
- Recent loss of taste or smell
- Body aches
- Cough
- Respiratory issues
- Gastrointestinal issues
- Any other symptom noted by the CDC or other public health officials as being associated with COVID-19

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Have you ever had close contact with anyone who was sick with COVID-19? Yes or No

In the last 14 days, have you traveled to any area with clusters of COVID-19? Yes or No

In the last 14 days, have you traveled internationally? Yes or No

In the last 14 days, have you been a visitor to a nursing home, hospital or other high-risk congregate setting? Yes or No

In the last 14 days, have you engaged in interstate travel on a plane, train, bus, or cruise ship? Yes or No

_____ _____

Signature Date

Note: Providing false information on this form may result in discipline or termination of employment.

Access may be denied to employees who answer "yes" to certain questions.

Confidentiality of Medical Information

Medical information will be kept confidential as required by law. We will treat all employee medical information (including information with respect to contact tracing) as confidential medical records. We will maintain the confidentiality of such information to the maximum extent possible, in compliance with applicable laws and regulations. If necessary, medical information may be shared in limited circumstances and subject to appropriate controls, to those persons who have a legitimate need to know including but not limited to first aid and safety personnel, and government officials, as required by law or other relevant guidance.

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Appendix B

Pre-Travel Disclosure Form

This form must be submitted to Human Resources prior to any interstate or international travel.

First Name: _____ Last Name: _____

Home Address: _____

Home Phone #: _____ Cell Phone #: _____

Travel Destination: _____

Dates of Travel (Departure and Return): _____

Please answer the following questions by circling yes or no.

1. Will you be traveling to any area with clusters of COVID-19 and/or a state designated as "high risk" by the Governor? *yes or no*

2. Will you be traveling on a plane, train, bus, or cruise ship? *yes or no*

3. Are you fully vaccinated against COVID-19? yes or no

_____ _____

Signature Date

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Business and Non-Instructional Operations

Data-Based Information and Management Systems

Student Data Protection and Privacy/Cloud-Based Issues

The Board of Education (Board) may, pursuant to this policy, enter into a contract with a third party for either or both of the following purposes:

1. To provide services, including Cloud-based services, for the digital storage, management, and retrieval of student records.

2. To provide digital educational software that authorizes a third-party provider of digital educational software to access, store, and use student records in accordance with the contractual provisions listed below.

The Board when entering into a contract with a contractor for purposes listed above, shall ensure the contract includes, but is not limited to the following:

1. A statement that student records, student information and student generated content continues to be the property of and under the control of the Board. (They are not the property of, or under the control of a software or electronic service contractor.)

2. A description of the means by which the Board may request the deletion of any student information, student records or student-generated content in the possession of the contractor that is not (a) otherwise prohibited from deletion or required to be retained under state or federal law, or (b) stored as a copy of a disaster recovery storage system and that is (i) inaccessible to the public, and (ii) unable to be used in the normal course of business by the contractor, provided the Board of Education may request the deletion of any such student information, student records or student-generated content if such copy has been used by the operator to repopulate data following a disaster recovery.

3. A statement that the contractor will not use student information, student records, or student-generated content for any purposes except those the contract authorizes.

4. A description of the procedures by which a student, parent or legal guardian, of a student may review personally identifiable information (PII) contained in the student's record, student information or student-generated content and correct erroneous information, if any in such student material.

5. A statement that the contractor shall take actions designed to ensure the security and confidentiality of student records, student information, and student-generated content.

6. A description of the procedures that a contractor will follow for notifying the Board, in compliance with C.G.S. 10-234dd when there has been an unauthorized release, disclosure or acquisition of student information, student records or student-generated content.

7. A statement that a student's records, student information, or student-generated content shall not be retained or available to the contractor upon expiration of the contract between the contractor and the Board of Education except a student, parent or legal guardian of a student may choose to independently establish or maintain an electronic account with the contractor after the expiration of such contract for the purpose of storing student-generated content. (e.g., essays, research papers, portfolios, creative writing, music, audio files, or photographs, but not standardized assessment responses.)

8. A statement that the contractor and the Board shall ensure compliance with the federal Family Educational Rights and Privacy Act (FERPA), 20 USC 1232g.

9. A statement that Connecticut laws shall govern the rights and duties of all parties to the contract, (contractor and the Board).

10. A statement that if any provision of the contract or the application of the contract is held invalid by a court of competent jurisdiction, the invalidity does not affect other provisions of the contract which can be given effect without the invalid provision or application.

11. A prohibition against the contractor using personally identifiable information contained in student records to engage in advertising or for any other purposes other than those authorized pursuant to the contract.

The Board of Education may use the uniform student data privacy terms-of-service agreement addendum, developed by the Commission for Educational Technology (CET), in contracts entered into pursuant to C.G.S. 10-234bb. Such amendment shall conform to the requirements for a contract listed above.

Any provision of a contract or the terms-of-service agreement addendum entered into between a contractor and the Board on or after July 1, 2018, that conflicts with the provisions listed above shall be void. Moreover, a contract is void if it lacks any of the above provisions. The Board will give the contractor reasonable notice to amend the contract or the terms-of-service agreement addendum to include the missing provisions.

Any contract entered into on and after July 1, 2018, or the terms-of-service agreement addendum that does not include the provisions listed above shall be void, provided the Board has given reasonable notice to the contractor and the contractor has failed within a reasonable time to amend the contract or the terms-of-service agreement addendum to include the required provisions.

The Board of Education shall maintain and update, as necessary, a website with information relating to all contracts entered into pursuant to this policy. Not later than five business days after executing a contract pursuant to this policy the Board shall post notice of such contract on the Board's website. The notice shall include the contract and (1) state that the contract has been executed and the date that such contract was executed, (2) provide a brief description of the contract and the purpose of the contract, and (3) state what student information, student records or student-generated content may be collected as a result of the contract.

On or before September 1st annually, the Board of Education shall electronically notify students and the parents/guardians of students of the address of the Internet website described in this policy.

The Board of Education and a contractor may include in any contract executed pursuant to this policy, the uniform student data privacy terms-of-service agreement addendum, previously described, to satisfy the requirements of this policy.

The Board of Education is not required to enter into a contract pursuant to this policy if the use of an Internet website, online service or mobile application operated by a consultant or an operator is unique and necessary to implement a child's individualized education program or plan pursuant to Section 504 of the Rehabilitation Act of 1973, as amended from time to time, and such Internet website, online service or mobile application is unable to comply with the provisions of this policy, provided (1) such Internet website, online service or mobile application complies with the Family Educational Rights and Privacy Act of 1974, 20 USC 1232g, as amended from time to time, and the Health Insurance Portability and Accountability Act of 1996, P.L. 104-191, as amended from time to time, (2) the Board of Education can provide evidence that it has made a reasonable effort to (A) enter into a contract with such consultant or operator to use such Internet website, online service or mobile application, and (B) find an equivalent Internet website, online service or mobile application operated by a consultant or an operator that complies with the provisions of this section, (3) the consultant or operator complies with the provisions of section 10-234cc, as amended for such use, and (4) the parent/legal guardian of such child, and, in the case of a child with an individualized education program, a member of the planning and placement team, sign an agreement that (A) acknowledges such parent/legal guardian is aware that such Internet website, online service or mobile application is unable to comply with the provisions of this policy, and (B) authorizes the use of such Internet website, online service or mobile application. The Board of Education shall, upon the request of a child's parent/legal guardian, provide the evidence described above to such parent/legal guardian.

The Board expects that an operator shall implement and maintain security procedures and practices that meet or exceed industry standards and that are designed to protect student information, student records, and student-generated content from unauthorized access, destruction use, modification and disclosure; and delete any student information, student records or student-generated content within a reasonable amount of time if a student, parent/guardian or

Board requests deletion of such student information, student records or student generated content unless:

1. state or federal law prohibits such deletion or otherwise requires the retention of such student information, student records or student-generated content, or

2. a copy of such student information, student records or student-generated content is in the possession of the operator as part of a disaster recovery storage system and is inaccessible to the public and unable to be used in the normal course of business by the operator, provided such student, parent/legal guardian of a student or the Board may request the deletion of any such student information, student records or student-generated content if such copy is used by the operator to repopulate accessible data following a disaster recovery

The Board will utilize the written guidance developed by the Department of Education in consultation with the Commission for Educational Technology concerning the implementation of FERPA and the laws relating to student data privacy. Such written guidance includes, a plain language explanation of how such student data privacy laws are to be implemented, information about the uniform student data privacy terms-of-service agreement addendum, and (3) how such addendum may be incorporated into contracts executed pursuant to section 10-234bb, as amended.

Notice of Breach of Security/Data Breaches

Upon notice of a breach of security by a contractor, the Board shall, not later than two business days after receipt of such notice, notify the students and the parents/legal guardians of the students whose student information, student records, or student-generated content was involved in such breach. The Board shall also, as required, post notice of the breach on its website.

Upon the discovery of a breach of security that results in the unauthorized release of student information, excluding directory information, the contract shall contain the provision that the contractor must notify the Board of such breach without unreasonable delay, and in no case later than thirty (30) days from the discovery of the breach.

Upon the discovery of a breach of security that results in the unauthorized release of directory information, student records, or student-generated content, the contract shall contain the provision that the contractor must notify the Board without unreasonable delay and in no case later than sixty (60) days from the discovery of the breach.

Note: The Board may desire to contract for more prompt notice of a breach of security.

Definitions

1. **"Contractor"** means an operator or consultant that is in possession of or has access to student information, student records or student-generated content as a result of a contract with a local or regional Board **o**f Education**.**

2**. "Operator"** means the operator of an Internet website, online service, online application, (app) or mobile application with actual knowledge that such Internet website, service, or mobile application is used primarily for school purposes and was designed and marketed for school purposes and who collects, maintains or uses student information.

3. **"Consultant**" means a professional who provides non-instructional services, including administrative, planning, analytical, statistical, or research services to a board of education under a contract.

4. **"Student"** means a Connecticut resident enrolled in a preschool program participating in the state-wide public school information system, pursuant to section 10-10a of the general statutes, or enrolled in grades K to 12, inclusive, in a public school, or receiving special education and related services under an individualized education program, or otherwise the responsibility of the Board.

5. **"Deidentified information"** means any information that has been altered to prevent the identification of an individual student.

6. **"Eligible student"** means a student who has reached 18 years of age.

7. **"Student-generated content"** means materials created by a student, including, but not limited to, essays, research reports, portfolios, creative writing, music or other audio files, or photographs. "Student-generated content" does not include student responses to a standardized assessment.

8. **"Student records"** means any information directly related to a student that is maintained by the school district, the State Board of Education or the Department of Education or any information acquired from a student through the use of educational software assigned to the student by a teacher or other district employee.

"Student records" does not mean any of the following:

a. Deidentified information, allowed under the contract to be used by the contractor to improve educational products for adaptive learning purposes and for customizing student learning.

b. Deidentified information, used to demonstrate the effectiveness of the contractor's products in the marketing of such products.

c. Deidentified information, used for the development and improvement of the contractor's products and services.

9. **"Online service"** includes Cloud computing services, which must comply with this policy if they otherwise meet the definition of an operator.

10. **"Student information"** is personally identifiable information regarding a student that in any media or format that is not publicly available that meets any of the following:

a. Is created or provided by a student, or the student's parent or legal guardian, by using an operators' website, online service, or mobile application (app) for school purposes.

b. Is created or provided by an employee or agent of the board of education, to an operator for school purposes.

c. Is gathered by an operator through the operation of the operator's Internet website, online service, or mobile application (app) and identifies a student including but not limited to information in the student's educational record or email account, first and last name, home address, telephone number, date of birth, email address, or other information that allows physical or online contact, discipline records, test results, special education data, juvenile dependency records, grades, evaluations, criminal records, medical records, health records, social security number, biometric information, disabilities, socioeconomic information, food purchases, political affiliations, religious information, text messages, documents, student identifiers, search activity, photos, voice recordings, or behavioral assessments.

11. **"School purposes"** means purposes that customarily take place at the direction of a teacher, or a board of education or aid in the administration of school activities, including, but not limited to, instruction in the classroom, administrative activities, and collaboration among students, school personnel, or parents/legal guardians.

12. **"Targeted advertising"** means presenting an advertisement to a student where the selection of the advertisement is based on student information, student records or student-generated content or inferred from the usage of the operator's Internet website, online service or mobile application by such student. It does not include any advertising to a student on a website that the student accesses at the time or in response to a student's response or request for information or feedback.

The Board, through this policy, places restrictions on an "operator" as defined in this policy. An operator shall not knowingly engage in any of the following activities with respect to their internet website, online service or mobile application:

1. Engage in targeted advertising on the operator's site, service, or application, or on any other Internet website, online service or mobile application;

2. Use student information to create a profile of a student for purposes other than the furtherance of school purposes;

3. Sell student information, unless the sale is part of the purchase, merger, or acquisition of an operator by a successor operator and the operator and the successor operator continue to be subject to the provisions of this policy regarding student information; or

4. Disclose student information, unless the disclosure is made (a) in furtherance of school purposes of the Internet website, online service or mobile application, provided the recipient of the student information uses such student information to improve the operability and functionality of the Internet website, online service or mobile application and complies with this policy; (b) to ensure compliance with federal or state law; (c) in response to a judicial order; (d) to protect the safety of users or others, or the security of the Internet website, online service or mobile application; or (e) to an entity hired by the operator to provide services for the operator's Internet website, online service or mobile application, provided the operator contractually (i) prohibits the entity from using student information for any purpose other than providing the contracted service to, or on behalf of, the operator, (ii) prohibits the entity from disclosing student information provided by the operator to subsequent third parties, and (iii) requires the entity to comply with this policy.

The Board recognizes that an operator may:

1. Use student information (1) to maintain, support, evaluate or diagnose the operator's Internet website, online service or mobile application (app), or (2) for adaptive learning purposes or customized student learning.

2. Use de-identified student information (1) to develop or improve the operator's Internet website, online service or mobile application (app), or other Internet websites, online services or mobile applications owned by the operator, or (2) to demonstrate or market the effectiveness of the operator's Internet website, online service or mobile application.

3. Share aggregated de-identified student information for the improvement and development of Internet websites, online services or mobile applications designed for school purposes.

Nothing in this policy shall be construed to:

1. limit the ability of a law enforcement agency to obtain student information from an operator as authorized by law or pursuant to a court order;

2. limit the ability of a student or the parent or legal guardian of a student to download, transfer or otherwise save or maintain student information;

3. impose a duty upon a provider of an interactive computer service, as defined in 47 USC 230, as amended from time to time, to ensure compliance with this section by third-party information content providers, as defined in 47 USC 230, as amended from time to time;

4. impose a duty upon a seller or provider of online services or mobile applications to ensure compliance with this policy with regard to such online services or mobile applications;

5. limit an Internet service provider from providing a student, parent or legal guardian of a student or local or regional Board of Education with the ability to connect to the Internet;

6. prohibit an operator from advertising other Internet websites, online services or mobile applications that are used for school purposes to parents or legal guardians of students, provided such advertising does not result from the operator's use of student information;

7. apply to Internet websites, online services or mobile applications that are designed and marketed for use by individuals generally, even if the account credentials created for an operator's Internet website, online service or mobile application may be used to access Internet websites, online services or mobile applications that are designed and marketed for school purposes.

The Board, upon determination that a request for directory information is related to school purposes, may disclose directory information to any person requesting such directory information. If the Board determines that a request for directory information is not related to school purposes, the Board shall not disclose such directory information.

(cf. 3520.1 - Information Security Breach and Notification)

(cf. 3520.11 - Electronic Information Security)

(cf. 3520.12 - Data-Based Information Management System Confidentiality Policy)

(cf. 5125 - Student Records)

(cf. 5145.15 - Directory Information)

(cf. 6162.51 - Surveys of Students/Student Privacy)

Legal Reference: Connecticut General Statutes

1-19(b)(11) Access to public records. Exempt records.

7-109 Destruction of documents.

10-15b Access of parents or guardians to student's records.

10-209 Records not to be public.

10-234aa Definitions

10-234bb Contracts between boards of education and contractors re student data. Requirements. (as amended by PA 18-125)

10-234cc Requirements for operators re student data

10-234dd Duties re unauthorized release, disclosure or acquisition of student data (as amended by PA 18-125)

11-8a Retention, destruction and transfer of documents

11-8b Transfer or disposal of public records. State Library Board to adopt regulations.

46b-56(e) Access to Records of Minors.

Connecticut Public Records Administration Schedule V - Disposition of Education Records (Revised 1983).

P.A. 16-189 An Act Concerning Student Privacy

PA 17-200 An Act Making Revisions to the Student Data Privacy Act of 2016

PA 18-125 An Act Concerning Revisions to the Student Data Privacy Act

Federal Family Educational Rights and Privacy Act of 1974 (section 438 of the General Education Provisions Act, as amended, added by section 513 of P.L. 93-568, codified at 20 U.S.C.1232g).

Dept. of Educ, 34 C.F.R. Part 99 (May 9, 1980 45 FR 30802) regs. implementing FERPA enacted as part of 438 of General Educ. Provisions Act (20 U.S.C. 1232g) parent and student privacy and other rights with respect to educational records, as amended 11/21/96.

Protection of Pupil Rights Amendment (PPRA) 20 U.S.C. § 1232g (2014)

Children's Online Privacy Protection Act (COPPA) 15 U.S.C. §§6501 et seq. (2014)

Policy adopted:

Business and Non-Instructional Operations

Hazardous Materials in Schools

Pesticide Management/Pesticide Application

The Board of Education believes that structural and landscape pests can pose significant hazards to people, property, and the environment. Pests are living organisms, such as plants, animals, or microorganisms, that interfere with human uses of the school site. Strategies for managing pest populations will be influenced by the pest species and the degree to which that population poses a threat to people, property, or the environment. Further, the Board also believes that pesticides can pose hazards to people, property, and the environment. The intent of this policy is to ensure the health and safety of students, teachers, staff, and all others using district buildings and grounds.

The goal of this pest management program is to manage pests in order to:

- Reduce any potential human health hazard and/or protect against a significant threat to public safety;
- Prevent loss or damage to school structures or property;
- Prevent pests from spreading in the community or to plant and animal populations beyond the site;
- Enhance the quality of life and provide a safe and healthy learning environment for students, staff, and others.

The school district shall incorporate Integrated Pest Management (IPM) procedures to manage structural and landscape pests and the toxic chemicals used for their control, to alleviate pest problems with the least possible hazard to people, property, and the environment. In addition, staff, students, and the public shall be educated, at least annually, about potential school pest problems and the IPM policies and procedures to be used to achieve the desired pest management objectives. Integrated Pest Management (IPM) is the coordinated use of pest and environmental information with available pest control methods to prevent unacceptable levels of pest damage by the most economical means with the least possible hazard.

IPM procedures will determine when to control pests and whether to use mechanical, physical, chemical, cultural, or biological means. Chemical controls shall be used as a last resort. The Board establishes that the school district shall use pesticides only after considering the full range of alternatives, including no action, based on an analysis of environmental effects, safety, effectiveness, and costs. The Superintendent or his/her designee shall be responsible for implementing Integrated Pest Management (IPM) procedures and coordinating communications with staff responsible for pest control, such as maintenance personnel and custodians, and with hired contractors when utilized by the district to control a pest problem. *The Maintenance*

Supervisor/Head Custodian shall be designated as the IPM supervisor and shall direct and supervise all IPM procedures to be carried out by assigned maintenance and/or custodial staff.

All district employees who use chemicals to control a pest problem must be trained and shall follow all precautions and application regulations. The District will only employ certified pesticide applicators for any necessary and non-emergency pesticide use in school buildings or on school grounds. Contractors hired to do this work shall give evidence of appropriate training and certification in the proper use of pesticides. Pest control contractors shall be utilized, when deemed necessary, to inspect conditions conducive to pest problems and to develop appropriate prevention measures. Pest control contractors will be expected to write recommendations for structural improvements or repairs, as well as for housekeeping and sanitation measures required to reduce or prevent the recurrence of pest problems.

Someone other than a certified pesticide applicator may apply a pesticide in an emergency to eliminate an immediate human health threat when (1) it is impractical to obtain the services of a certified pesticide applicator and (2) a restricted-use pesticide is not used.

Whenever it is deemed necessary to use a chemical substance, the school must provide notification to all parents and staff who have registered for advanced notification, in conformity with state statutes. The District, prior to any application of pesticide within any building or on school grounds, shall provide such notice by electronic mail no later than twenty-four hours prior to the pesticide application. Notices shall also be posted in designated areas at school at least (suggested) forty-eight (48) hours prior to the application.

At the beginning of each school year and upon registration, parents/guardians shall be informed of the District's pest management policy. Those parents/guardians and staff who register a request shall be notified prior to every pesticide application. Parents/guardians who have registered for prior notice shall receive a transmittal of notice by electronic mail no later than twenty-four hours prior to such application. Notice shall be given to school staff who have registered for it by any practicable means.

The notice shall include:

- The name of the active ingredient of the pesticide being applied.
- The target pest.
- The location of the application on school property.
- The date of the application.
- The name of the school administrator or designee who may be contacted for further information.

The Board of Education is required to post notice of pesticide application not less than twenty-four hours prior to the application on or through the (1) home page of the school's website where the application will occur, or in the absence of a school's website, on the District's website; and (2) the primary social media account of the school or Board of Education.

The District's website must indicate how parents/guardians may register for prior notice of pesticide application.

Not later than March 15 of each year, a notice of applications made since January first of such year, and a listing of such notices for applications made during the period March 15th through December 31st of the preceding calendar year shall be sent through the District's electronic mail notification or alert system. This notification is for those parents/guardians who previously registered for prior notification of pesticide applications.

The District is also required to print the above-mentioned electronic mail notification in the applicable parent handbook. (The law, C.G.S. 10-231c, as amended, does not require the reprinting of the handbook to provide the notification or the development or use of a website, social media account, or electronic mail notification or alert system not already in use or existence prior to October 1, 2015.)

Information regarding pesticides used and areas treated shall be maintained for a period of five years at the school site and available to the public and staff upon request. The district shall establish and maintain accurate records of all chemical use and their location. In addition, records of all pest control actions, including information on indicators of pest activity, can verify the need for action.

Pesticide applications shall be limited to non-school hours and when activities are not taking place.

The application of lawn care pesticides on the grounds of any school with students in grades eight or lower, except on an emergency basis, must be in accordance with an integrated pest management plan (IPM). An emergency application may be made to eliminate a human health threat in any school with students through grade eight as determined by the Superintendent of Schools, subject to applicable Connecticut statutory and regulatory provisions.

Legal Reference: Connecticut General Statutes

10-231b Pesticide applications at schools: Authorized applicators. Exception. (as amended by P.A. 09-56)

10-231c Pesticide applications at schools without an integrated pest management plan. (as amended by June 2015 Special Session PA 15-5)

22a-46 Short title: Connecticut Pesticide Control Act.

22a-54 Pesticide applicators, certification, classification, notice, fees, reciprocity; financial responsibility; aircraft, tree, public employee applicators.

22a-58 Records to be kept by distributors and applicators.

23-61b Licensing for arboriculture; examination; fees; renewal; suspension, revocation. Nonresidents. Records. Pesticides.

P.A. 09-56 An Act Concerning Pesticide Applications At Child Day Care Centers and Schools.

Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) 7 U.S. Code 136 et seq

Policy adopted:

Business and Non Instructional Operations

Hazardous Materials in Schools

Pest Management/Pesticide Application

In determining when to control pests and whether to use mechanical, physical, chemical, cultural or biological means, the District shall follow the principles of Integrated Pest Management (IPM). The Superintendent or his/her designee shall ensure that the District follows Integrated Pest Management procedures so as to use the most appropriate and least toxic method of control.

Procedures shall include the following:

1. The choice of using a pesticide will be based on a review of all other available options and a determination that these options are not acceptable or not feasible. A full range of alternatives, including no action, will be taken.

2. Selected non-chemical pest management methods will be used whenever possible to provide the desired control. Cost or staffing considerations alone will not be adequate justification for the use of chemical control agents.

3. The pest and the site of infestation shall be carefully identified. Strategies for managing the pest will be influenced by the pest species and whether that species poses a threat to people, property, or the environment.

4. When it is determined that a pesticide must be used, the least hazardous material will be chosen and applied in accordance with EPA registered label directions.

5. Pesticides shall be stored in a secure site not accessible to students or unauthorized staff. Such storage and any disposal of the pesticide shall be in accordance with the EPA-registered label directions.

6. Staff, students, and parents/guardians shall receive information about the District's Integrated Pest Management policy and procedures and notification of any upcoming pesticide treatments. The notice of pending pesticide application must take place not later than twenty-four hours prior to such application by posting the notice either on or through the website of the school where such application will occur or on the District website in the absence of a school website and the primary social media account of the school or District. Also to be posted on the District's website is how parents/guardians may register for prior notice of pesticide applications. Notice of upcoming pesticide treatments shall also be posted in areas designated by the Superintendent or his/her designee.

7. The following records shall be maintained at each school site:

    a. Records of pesticide use at the site for a period of five years.

b. Pest surveillance data sheets that record the number of pests or other indicators of pest populations that verify the need for treatments.

8. Persons applying pesticides shall follow label precautions and shall be trained in the principles and practices of Integrated Pest Management (IPM). Sanitary measures shall be enforced, and buildings shall be regularly cleaned and repaired to prevent infestation, minimize pesticide use, and eliminate routine spraying.

9. Sanitary measures shall be enforced, and buildings shall be regularly cleaned and repaired in order to prevent infestations, minimize the use of pesticides, and eliminate routine spraying.

10. An emergency application of pesticides is defined as when an application of pesticides is necessary to eliminate an immediate threat to human health and where it is impractical to obtain the services of a certified pesticide applicator, provided such emergency application does not involve a restricted use pesticide as defined in CGS 22a-47. Restricted-use pesticides may be used only by certified applicators or under their direct supervision. *(Note: Restricted-use pesticides, classified by the Federal Environmental Protection Agency or the DEP, are those which may present a hazard to the applicator or other people by reason of acute dermal or inhalation toxicity or which may have an unreasonable adverse effect on the environment.)*

11. At the beginning of each school year, the Board of Education shall provide the staff of each school and the parents/guardians of each child enrolled in each school with written guidelines on how the integrated pest management plan is to be implemented and shall provide the parents or guardians of each child enrolled in each school with a statement that shall include a summary of the integrated pest management plan for the school. Such statements and descriptions shall also be provided to the parents/guardians of any child who transfers to a school during the school year.

12. The aforementioned required statement shall indicate to staff, parents, and guardians that they may register for prior notice of school pesticide applications. Further, the emergency notification procedures to be used will be described.

13. Parents/guardians and staff may register for prior notice of pesticide applications. Each school shall maintain a registry of persons requesting such notice. Prior to the application of pesticides within any building or on school grounds, persons who have registered for prior notice shall be notified not less than twenty-four hours prior to any pesticide application by posting the notice either on or through the school's website where the application will occur, or on the District's website if the school does not have one, and the primary social media account of the school or District. The District's website must indicate how parents may register for prior notice of pesticide applications, by any

practicable means, on or before the day that any pesticide application is to take place at a school.

14. The notice shall include the (1) name of the active ingredient of the pesticide to be applied, (2) the target pest, (3) location of the application on school property, (4) date of application, and (5) the name of the school administrator or his/her designee who may be contacted for further information.

15. No application of pesticide may be made in any building or on school grounds during regular school hours or during planned activities at the school except for an emergency application, subject to applicable Connecticut statutory and regulatory provisions.

14. If an emergency application is necessary to eliminate an immediate threat to human health, such application shall not involve a restricted-use pesticide, and no child may enter the area of such application until it is safe to do so according to the provisions on the pesticide label.

15. In cases of an emergency application, prior notice is not necessary except that on or before the day the application is to take place, prior notice is given to those persons who have previously requested such notice.

18. The application of lawn care pesticides on the grounds of schools with students in grades eight or lower must be according to an integrated pest management plan (IPM). Such applications are prohibited except in emergencies. An emergency application may be made to eliminate a human health threat in any school with students through grade eight as determined by the Superintendent of Schools.

19. Annually, not later than March 15, the District is required to send through its electronic mail notification or alert system a listing of notices for application of pesticides made during March 15th through December 31st from the preceding calendar year and those made from January 1st. This electronic mail notification is also to be printed in any applicable parent handbooks or manuals.

Regulation approved:

3524.1 Form 1

NORTHWESTERN REGIONAL DISTRICT NO. 7

Winsted, Connecticut

Pesticide Management Policy

Date _____

The intent of this policy is to ensure that students, employees, and parents/guardians receive adequate notice, in conformity with applicable statutes, prior to pesticide application in school buildings and on school grounds.

The Northwestern Regional District No. 7 Public Schools will:

- Provide notice of planned pesticide application to students, parents/guardians, and employees in the manner* required by law and establish a registry of parents/guardians and staff who want to receive such advance notice.
- Post the areas scheduled to receive pesticide application(s).
- Maintain written records for five years of all pesticide applications.
- Provide continuing instruction to those students who, based upon written medical request, find it necessary to be absent during the period of application.
- Inform parents/guardians and staff of the pesticide management policy.
- Employ only licensed and certified pesticide applicators for any non-emergency pesticide use in school buildings or on school grounds.

* District/school websites, social media accounts

During the past school year, the following pesticides were used or applied at the (insert school name]:

[insert list]

Please return the form below if you wish to be notified in advance of any planned application of pesticides at your school or on your school grounds.

[insert return address]

Please add my name to the pesticide notification registry.

Name:

Address for non emergency notifications:

Method to be used for emergency notifications: (choose only one)

phone:

fax:

e-mail:

other:

3524.1 Form 2

PESTICIDE APPLICATION PLAN

Date of planned application: _____ Day of week: _____

(It is recommended for the application to occur on a weekend or during a vacation period.)

Which pesticide (s) will be used? (Attach MSDSA if available): _____

(Choose for safety and effectiveness.)

Location/size of area(s) to be treated:

_____

Who will do the pest control? (circle one): Staff Contractor

Name (s):

_____

License number (s):

_____

Firm (if applicable):

_____

For interior treatment:

Does the building have active ventilation that can be left on after the application?

_____

If not, who is responsible for opening windows at least six (6) hours before staff and students reenter?

_____

For all applications:

Who will post the building or treated grounds with (1) date of application; (2) pesticide used; and (3) when the area can be used again?

_____

Will pesticides be stored on school grounds? [ ] YES [ ] NO

If "YES" where:

_____

(Read labels carefully!)

Keep all pesticides locked up and away from occupied areas.

Approved by school/district administrator: _____ Date: _____

School nurse: _____ informed: _____

Other (s): _____ informed: _____

Business and Non Instructional Operations

Safety Complaints/Records and Reports

Transportation Complaints

All complaints concerning school transportation safety will be made to the Director of Finance and Operations. The Coordinator will maintain a written record of all such complaints and will conduct appropriate investigations of the allegations.

The Superintendent of Schools of each local or regional school district and the supervisory agent of each nonpublic school shall make a written report of the circumstances of any accident within his jurisdiction and knowledge, involving a motor vehicle and any pedestrian who is a student, which occurs at a designated school bus stop or in the immediate vicinity thereof, to the Commissioner of Motor Vehicles within ten days thereafter on a form prescribed by the Commissioner.

The Superintendent will provide the Commissioner of Motor Vehicles with a copy of the written record of complaints within thirty (30) days of the end of the school year.

Legal Reference: Connecticut General Statutes

10 221c Development of policy for reporting complaints re school transportation safety. Reporting of accidents at school bus stops.

Policy adopted:

Business and Non-Instructional Operations

Food Service

School Lunch Service

Statement of Policy

The Board of Education (Board) recognizes that students require adequate, nourishing food and beverages to grow, learn, and maintain good health. It is the intent of the Board that District schools make a proactive effort to encourage students to make nutritious food choices. The Board directs that students shall be provided with adequate space and a lunch period of not less than 20 minutes for full-day students to eat meals.

The District shall offer nutritious meals to all students without regard to race, color, age, creed, religion, gender, sexual orientation, gender identity or expression, ancestry, national origin, marital status, pregnancy, disability, or any other basis prohibited by Connecticut or Federal law. The District shall ensure full accessibility to the school lunch program among children and families with limited English proficiency (LEP) by providing applications for free/reduced meals in the household's primary language. The District shall make substitutions for students with disabilities who have a signed medical statement from a state-licensed healthcare professional, in accordance with 7 CFR Part 15b.

This service shall be under the supervision of the Food Service Director, who shall be responsible to the Business Manager. The Food Service Director shall be hired in accordance with specific job specifications and be approved by the Board of Education.

Per this policy, the Superintendent shall develop and oversee the implementation of a **FOOD SERVICE PROCUREMENT PLAN & PROCEDURES**. This plan and procedures shall be included in the policy's administrative regulations.

Program Participation

The District shall participate in the National School Lunch Program (NSLP), the School Breakfast Program (SBP), and the Special Milk Program (SMP). These programs will operate in accordance with the **Healthy, Hunger-Free Kids Act, the USDA's 2024 Final Rule on Child Nutrition Programs**, and applicable state laws. The District's NSLP, SBP, and SMP will operate in accordance with all applicable state laws and regulations to meet dietary specifications.

Student Privacy and Unpaid Meal Debt

In accordance with C.G.S. 10-215 and Public Act 23-101, as applies to all students:

1) The District shall ensure that any student with a negative balance is treated with the same dignity as a student with a positive balance. Under no circumstances shall a student be required to perform chores to pay for a meal, nor shall they be denied participation in any school-sponsored activity or graduation solely due to unpaid meal debt. No student shall be publicly identified, shamed, or stigmatized for having unpaid meal charges (e.g., via wristbands, hand stamps, or alternative meals).

2) The District shall strictly maintain the confidentiality of students receiving free or reduced-price meals.

3) Communications regarding unpaid meal debt shall be directed to the parent or guardian, not the student.

a) Parents/Guardians shall be notified through a combination of electronic messaging, paper notifications (sent via U.S. Mail), and telephone calls, when students reach defined thresholds of unpaid meal balances (as outlined below in this policy's regulation guidelines).

b) When the threshold has been reached, parents/guardians shall be notified by (identify the method of communication).

4) The District shall provide a federally reimbursable meal to any student who requests one, regardless of their ability to pay or status of debt, to prevent "empty tray" incidents.

5) Debt collection efforts shall not involve any collection agencies that use "litigious or aggressive" tactics against families.

Aims & Facilities

Policies governing the operation of the school lunch program shall be as follows:

1. All food sold or served shall meet or exceed the updated USDA standards regarding sodium reduction, whole grains, and limited added sugars.

2. The District shall provide lunches free or at reduced rates to children who qualify under federal income guidelines. The application process shall be proactive and accessible.

3. Cafeteria facilities shall be well-ventilated, attractive, and equipped with modern storage to ensure food safety and minimize waste.

Facilities

Cafeteria facilities, wherever possible, shall include the following:

1. Attractive, well-ventilated dining rooms.

2. A carefully planned, well-equipped kitchen adjacent to each dining area.

3. Adequate storage space so that food and supplies may be purchased in sufficient quantities to take advantage of favorable market conditions.

4. Maintenance, inspection, and repair of equipment so that maximum use is obtained and the danger of accidents to personnel is minimized.

Maintenance of Sanitary Conditions and Financing

Sanitary conditions in all phases of food preparation and serving shall be rigidly maintained at all times. The District shall maintain proper sanitation and health standards in food storage, preparation, and service, in accordance with all applicable state and federal laws, regulations, and requirements.

1. The food service fund shall be a non-profit entity used solely for the improvement or maintenance of the food service program, and financed accordingly:

a. Prices of school lunches shall be determined by the Superintendent in accordance with all prevailing costs of food, supplies, supervision costs, and wages of hourly employees.

b. Costs of food, supplies, salaries and wages of all employees, and other expenses directly incurred in the school lunch program shall be paid out of a separate fund, which shall be maintained under the control of the Business Manager or his/her designee and into which all receipts from sales and federal cash grants shall be paid. This fund shall be subject to annual audit by the District/Town auditor. In compliance with federal law, the District's NSLP (and SBP) shall be non-profit.

c. Office facilities, equipment, heat, light, and power shall be paid out of funds appropriated by the Board of Education.

d. Although the Board believes that the District's nutrition and food services operation should be financially self-supporting, it recognizes, however, that the nutrition program is an essential educational and support activity. Therefore, budget neutrality or profit generation must not take precedence over students' nutritional needs.

2. The Food Service Director shall ensure all "Certified Food Protection Managers (CFPM)" meet Connecticut Department of Public Health requirements and provide training for all food handlers in personal hygiene and sanitation techniques.

3. Cafeteria workers shall meet all state-mandated health and immunization requirements for food handlers.

School Food Safety Inspections/School Food Safety Program

1. The District shall comply with state and federal requirements for conducting cafeteria health and safety inspections and ensuring employee participation in appropriate inspection services and training programs.

2. The District shall obtain two (2) safety inspections per year in accordance with all local, state, and federal laws and regulations and shall post the most recent inspection report and release a copy of the report to members of the public upon request.

3. The District shall comply with federal regulations in developing a food safety program that enables District schools to take systematic action to prevent or minimize the risk of foodborne illness among students.

Farm to School Program & Local Purchasing

The Board shall give preference to "Connecticut-grown" farm products in accordance with C.G.S. 22-38d.

1. Any bid submitted by a service manager company in response for proposal (RFP) or bid solicitation by the Board that is posted to the State Portal and that relates to the Board's school nutrition program shall include information detailing the consistency of such bid with the State's Farm to School Program and the ways in which such bide facilitates the purchase of products from local farmers by the Board. All other factors being equal, the Board shall give preference to the RFP or bid that promotes the purchase of local farm products.

2. Any bidder for food service management must detail how their bid facilitates the purchase of local products.

3. Proof of origin (name and address of the Connecticut farm) is required for any product sold as "Connecticut-grown."

Eligibility & Free Meal Access/Universal Access

The Board complies with all requirements related to its responsibilities to provide free breakfast and lunch to all eligible students and shall use the Community Eligibility Provision (CEP) to the maximum extent possible under law.

Nutritional Standards (USDA Final Rule 2024-2026)

As a participant in the National School Lunch Program (NSLP) or School Breakfast Program (SBP), the Board of Education shall comply with all federal requirements of the **USDA Final Rule 2024-2026** (Child *Nutrition Programs: Meal Patterns Consistent With the 2020-2025 Dietary Guidelines for Americans*) and its implementation phases.

1. The District is committed to ensuring limiting added sugars to less than 10% of calories across the week. (effective July 1, 2027)

2. The District shall implement a phased reduction of sodium levels targeting the most current USDA Sodium Targets as they are phased in through 2027, targeting "Sodium Target 1 (current baseline)" and "Target 1A (a further 10% reduction for lunch)" as applicable.

Procurement & "Buy American" Updates (Continue to Monitor for Updates)

The Board directs the Superintendent or his/her designee to monitor and follow all procurement procedures, including, but not limited to:

1. **Non-Domestic Cap** limiting non-domestic food purchases to a percentage cap of total commercial food costs.

2. **Local Incentive (CT), allowing access to the CT Local Food for Schools Incentive Program**, which provides matching state funds for purchasing locally grown or raised products. Administrative regulations should prioritize CT-grown produce to trigger these reimbursements.

3. **Protein Innovation complies with Federal rules**, which now allow nuts and seeds to be credited for the full meat/meat alternate component (removing the previous 50% limit), making vegetarian and plant-based menu planning simpler.

The District shall apply the 5% Threshold, which limits non-domestic food purchases to 5% of total commercial food costs.

The Food Service Director shall provide an annual "Local Procurement Report" to the Board of Education to track the efficacy of C.G.S. 22-38d compliance.

Financial & Administrative Management

The Board directs the Superintendent or his/her designee to monitor and follow all financial and administrative management procedures, including, but not limited to:

1. **Paid Lunch Equity (PLE)**, where districts with a positive or zero balance in their nonprofit school food service account as of June 30, 2024, are exempt from federal PLE pricing requirements.

2. **Net Cash Resources**, per federal law, requires the school food service fund not to exceed a three-month average of operating expenditures. If the net cash resources exceed such a limit, the Food Service Director shall be required to submit to the Superintendent a "Plan for Improvement" (e.g., equipment upgrades or improvements in food quality). The Superintendent shall make this plan available to the Board of Education.

3. **Indirect Costs**, charged by the Board of Education to the Food Service Fund shall be documented and consistent with the state-approved indirect cost rate.

4. **Unpaid Debt**, which strictly prohibits "lunch shaming" and specifies that no child can be publicly identified, shamed, or denied a meal due to unpaid charges.

Legal Reference: Connecticut General Statutes

10-215: Lunches, breakfasts, and other feeding programs (As amended by PA 21-46 and PA 23-101 regarding meal debt).

10-215a Nonpublic school and nonprofit agency participation in feeding programs.

10-215b Duties of State Board of Education re feeding programs.

10-215d Regulations re. nutrition standards for school breakfasts and lunches. (as amended by PA 16-37)

10-216 Payment of expenses.

State Board of Education Regulations

10-215b-1 School lunch and nutrition programs.

10-215b-11 Requirement for meals.

10-215b-12 Reimbursement payments. (including free and reduced price meals)

10-215d Regulations re. nutrition standards for school breakfasts and lunches. (as amended by PA 16-37)

10-221o Lunch periods. Recess. Board to adopt policies addressing limitation of physical exercise

22-38d Farm to school program. (as amended by PA 16-37 and PA 18-73)

Child Nutrition and WIC Reauthorization Act of 2004, 42 U.S.C. Section 1751.

School Lunch and Breakfast Programs 42 U.S.C. Section 1751 et seq.

National Food Service Programs, Title 7 Code of Federal Regulations, 7 CFR Part 210, Part 220, Part 215, Part 245.

42 U.S.C. Sec. 1758(h)/7 CFR Sect 210.13, 220.7 (School Food Safety Inspections).

Federal Register (74 Fed. Reg. 66213) amending federal regulations (7CFR Part 210 and 220).

P.L. 111-296 Healthy, Hunger-Free Kids Act of 2010 (HHFKA), 42 U.S.C. 1751

7 CFR Parts 210 & 220 – Nutrition Standards in the National School Lunch & School Breakfast Programs.

Nondiscrimination on the Basis of Handicap in Programs or Activities Receiving Federal Assistance, 7 C.F.R. Part 15b (2001)

Federal Law:

7 CFR Parts 210 and 220, the "Child Nutrition Programs: Meal Patterns Consistent with the 2020-2025 Dietary Guidelines for Americans" final rule. (89 FR 31962) and 225, and 226: (Updated USDA Nutrition Standards for 2024-2025).

42 U.S.C. 1751 et seq.: Richard B. Russell National School Lunch Act.

USDA Office of the Assistant Secretary for Civil Rights (ASCR) Policy Memo (May 2022): Clarifying prohibitions against discrimination based on gender identity and sexual orientation.

Policy adopted:

3542R

Business/Non-Instructional Operations

Food Service

School Lunch Service

Responsibilities and Duties

The lunch program shall be under the direction of the Food Services Director, who will report to the Business Manager/Director of Finance/Chief Finance-Operations Officer. The Food Services Director shall cooperate with building principals in matters essential to the proper functioning of the lunch program and the cafeterias.

Students

Students shall be permitted to bring their own lunches and to purchase beverages and incidental food items. The responsibility for managing student use of the cafeteria shall rest with the building principal.

Nutrition Guidelines and Food Operation

I. Meal Charge & Debt Management Procedures

To ensure compliance with PA 23-101, the following steps shall be taken to manage unpaid meal charges while maintaining student dignity:

1. Notification Thresholds:

- **Level 1 ($10.00 debt)**: An automated email or text message shall be sent to the parent/guardian indicating the negative balance.
- **Level 2 ($50.00 debt)**: A formal letter shall be mailed to the home. The Building Principal or Social Worker may be notified to determine if the family is experiencing a hardship requiring additional district support.
- **Level 3 ($100.00 debt)**: The Food Service Director or designee shall call the parent/guardian to discuss the balance and offer assistance with the Free/Reduced Meal Application.

2. Prohibited Actions: Staff are strictly prohibited from:

- Taking a meal away from a student once it has been served.
- Discussing debt in the presence of other students.

- Using stamps, stickers, or "alternative meals" (e.g., a cold cheese sandwich) to identify debt.

3. Communication: All debt-related communication shall be with the adult household member. If a student asks about their balance, staff shall provide the information discreetly but shall not initiate the conversation.

II. Financial Oversight & "Net Cash Resources"

The Business Manager shall monitor the **Non-Profit School Food Service Account (NSFSA)** to ensure it remains a self-sustaining but non-profit entity.

- At the close of each fiscal quarter, the Business Manager shall calculate the "Three-Month Operating Average."
- If the fund balance exceeds this average, the Food Service Director shall submit a written "Plan for Improvement" to the Superintendent within 30 days. This plan may include, but not be limited to:
  - Purchasing high-efficiency kitchen equipment (steamers, refrigeration).
  - Increasing the frequency of "Connecticut-Grown" fresh produce.
  - Funding professional development for cafeteria staff.
- Any indirect costs charged to the food service fund must not exceed the **Connecticut State Department of Education (CSDE)** approved rate for the current fiscal year.

III. Nutritional Standards & Phase-In (2024–2027)

The Food Service Director shall maintain menus that meet the phased-in **USDA Final Rule** requirements:

Component	Operational Standard
Added Sugars	Limit to < 10% of weekly calories (Targeting full implementation by 2027).
Sodium	Adherence to USDA Target 1 (current) and 1A (effective 2027).
Milk	Only fat-free or 1% milk served; flavored milk must meet sugar limits.

Local Products	A minimum of 10% of total produce spend should target "CT-Grown" to trigger state incentives.

IV. Procurement & the "5% Non-Domestic Cap"

The District shall prioritize the "Buy American" provision as updated in 2024.

1. The Food Service Director shall maintain a "Non-Domestic Food Purchase Log" for any items not grown or processed in the U.S.

2. The total value of these non-domestic items (e.g., bananas, certain spices, or out-of-season fruit) shall not exceed 5% of the total commercial food cost.

3. All RFPs for food service management shall award "bonus points" (not to exceed 10% of the total score) to vendors with a proven track record of sourcing from Connecticut farms.

V. Civil Rights & Accessibility

- The "Parent Letter" and "Free/Reduced Price Meal Application" shall be made available on the district website in English, Spanish, and [Insert Top 3 Local Languages].

- The Food Service Director shall maintain a confidential file of all students requiring dietary substitutions. No substitution shall be made without a **Medical Statement** signed by a state-licensed healthcare professional.

- The USDA "And Justice for All" poster must be displayed in a prominent location in every cafeteria.

VI. Reporting & Audit

The Food Service Director shall provide the Board of Education with an **Annual Nutrition & Finance Report** each September. This report shall include:

1. Percentage of students participating in NSLP/SBP.

2. Total "CT-Grown" expenditure.

3. Total unpaid meal debt and a summary of collection efforts.

4. Confirmation of two (2) successful health inspections per site.

VII. Food Services Procurement Plan and Procedures

1. Purpose and Scope

The purpose of this plan is to provide a framework for ensuring that all procurement for the Northwestern Regional District No. 7 Child Nutrition Programs is conducted in accordance with 2 CFR Part 200 and 7 CFR Parts 210, 220, and 250. This document serves as the district's official written procurement procedures.

2. General Procurement Standards

- **Full and Open Competition**: All procurement transactions will be conducted in a manner that maximizes full and open competition. No restrictive requirements (such as unreasonable bonding or unnecessary experience) shall be used to limit bidding.

- **Responsibility**: The Director of Food Services is responsible for the oversight of all procurement activities and ensures that contractors perform in accordance with the terms of their contracts.

- **Code of Conduct**: No employee, officer, or agent of the District shall participate in the selection, award, or administration of a contract if a real or apparent conflict of interest exists. Officers/employees are prohibited from soliciting or accepting gratuities or favors from contractors.

3. Procurement Methods and Thresholds

The district will use the following methods based on the aggregate cost of the goods/services.

A. Micro-Purchases (Up to $15,000)

- Procedure: Purchases may be awarded without soliciting competitive quotes if the price is considered reasonable.

- Requirement: To the extent practicable, the district will distribute micro-purchases equitably among qualified suppliers.

- Documentation: Purchase orders and invoices will be maintained to show price reasonableness and equitable distribution.

B. Small Purchase Procedures ($15,001 to $350,000)

- Procedure: Informal "Small Purchase" procedures will be used.

- Requirement: The Director of Food Services shall obtain a minimum of three (3) written or verbal price/rate quotations from qualified sources.

- Documentation: A Quote Tabulation Sheet will be maintained for every purchase, documenting the vendor name, date, price quoted, and the name of the person providing the quote.

C. Formal Procurement (Above $350,000)

- Procedure: Formal advertising via Invitation for Bids (IFB) or Request for Proposals (RFP).
- Requirement: *Solicitations must be publicly advertised for at least 14 days.
- Price as the Primary Factor: In all RFP evaluations, price must be the primary factor and must be assigned the highest possible weight in the scoring matrix.
- Award: IFBs will be awarded to the lowest responsive and responsible bidder. RFPs will be awarded to the most advantageous proposal, price being the primary factor.

D. Noncompetitive Proposals (Sole Source)

- Procedure: Used only when competition is inadequate, in a public emergency, or with express written authorization from the CSDE.
- Documentation: A written justification for the sole source must be maintained and approved by the Business Manager.

4. Buy American Provision

The District will purchase, to the maximum extent practicable, domestic agricultural commodities or products (over 51% domestic content).

- **Monitoring**: The Director of Food Services will review product labels upon delivery.
- **Exceptions**: Limited to instances where a product is not produced in the U.S. in sufficient quantities or where costs are significantly higher.
- **Documentation**: An Exception Log will be maintained for all non-domestic items (e.g., bananas, pineapples) explaining the reason for the exception.

5. Affirmative Steps for Minority & Women's Businesses (MWBE)

In accordance with 2 CFR 200.321, the District will take all necessary affirmative steps to assure that minority businesses, women's business enterprises, and labor surplus area firms are used when possible, including:

1. Placing qualified MWBE firms on solicitation lists.
2. Assuring that MWBE firms are solicited whenever they are potential sources.
3. Dividing total requirements, when economically feasible, into smaller tasks or quantities to permit maximum participation.

4. Establishing delivery schedules that encourage participation by MWBE firms.

6. Bid Protest Procedures

Any party with a direct financial interest who is aggrieved in connection with the solicitation or award of a contract may file a protest.

1. **Filing**: Protests must be filed in writing to the District Business Manager within five (5) business days of the notice of intent to award.

2. **Review**: The Business Manager will review the protest and issue a written decision within ten (10) business days.

3. **Appraisal**: The decision of the Business Manager is final. Documentation of the protest and its resolution will be shared with the CSDE upon request.

7. Contract Oversight & Records

- **Retention**: All procurement records (solicitations, quotes, scoring sheets, contracts) must be retained for three (3) years plus the current year.

- **Prohibited Contracts**: The District strictly prohibits the use of "cost-plus-a-percentage-of-cost" or "cost-plus-a-percentage-of-income" contracts.

- **Cooperative Purchasing**: If using a GPO or State Contract (DAS), the District will verify that the original solicitation included all federal clauses and was conducted via full and open competition.

General Conditions

I. Food Pricing

Food prices set by the District are communicated to students and parents. District pricing strategies will encourage students to purchase full meals and nutritious items.

II. Communication

Procedures shall be in place to provide families, upon request, with information about the ingredients and nutritional value of the foods served.

III. Modified Meals

The District shall provide substitute foods to students with special dietary requirements upon written parental permission and a medical statement by a certified health professional that identifies the student’s special dietary needs. The medical statement shall state the medical condition or special dietary need that restricts the student’s diet and provide a list of food(s) that may be substituted in place of the lunch or breakfast menu being served.

IV. Cafeteria Environment

Students are provided with adequate time (a minimum of 20 minutes) and space to eat meals in a pleasant and safe environment. School dining areas will be reviewed to ensure:

A. Tables and chairs are the appropriate size for students.

B. Seating is not overcrowded.

C. Students have a relaxed environment.

D. Noise is kept from becoming excessive.

E. Rules for safe behavior are consistently enforced.

F. Tables and floors are cleaned between meal periods.

G. The physical structure of the eating area is in good condition.

H. Appropriate supervision is provided.

V. Resources

The Connecticut State Department of Education's (CSDE) Meal Patterns Web Page shall be consulted regarding meal patterns for NSLP and SBP consistent with the nutrition standards to fulfill the requirements of the Healthy, Hunger-Free Act of 2010 and all subsequent state and federal updates.

VI. Other Foods Offered or Sold

The District recognizes that federal government standards requiring NSLP and SBP meals to be consistent with the applicable Dietary Guidelines for Americans do not apply to competitive foods sold or served outside the food service areas as defined in this regulation. Foods offered in classrooms or during school-sponsored activities, and food and beverages sold as part of approved school fund-raising events, shall meet minimum requirements unless otherwise exempt by law.

Legal Reference: Connecticut General Statutes

10-215: Lunches, breakfasts, and other feeding programs (As amended by PA 21-46 and PA 23-101 regarding meal debt).

10-215a Nonpublic school and nonprofit agency participation in feeding programs.

10-215b Duties of State Board of Education re feeding programs.

10-215d Regulations re nutrition standards for school breakfasts and lunches. (as amended by PA 16-37)

10-216 Payment of expenses.

State Board of Education Regulations

10-215b-1 School lunch and nutrition programs.

10-215b-11 Requirement for meals.

10-215b-12 Reimbursement payments. (including free and reduced price meals)

10-215d Regulations re nutrition standards for school breakfasts and lunches. (as amended by PA 16-37)

10-221o Lunch periods. Recess. Board to adopt policies addressing limitation of physical exercise

22-38d Farm to school program. (as amended by PA 16-37 and PA 18-73)

Child Nutrition and WIC Reauthorization Act of 2004, 42 U.S.C. Section 1751.

School Lunch and Breakfast Programs 42 U.S.C. Section 1751 et seq.

National Food Service Programs, Title 7 Code of Federal Regulations, 7 CFR Part 210, Part 220, Part 215, Part 245.

42 U.S.C. Sec. 1758(h)/7 CFR Sect 210.13, 220.7 (School Food Safety Inspections).

Federal Register (74 Fed. Reg. 66213) amending federal regulations (7CFR Part 210 and 220).

P.L. 111-296 Healthy, Hunger-Free Kids Act of 2010 (HHFKA), 42 U.S.C. 1751

7 CFR Parts 210 & 220 – Nutrition Standards in the National School Lunch & School Breakfast Programs.

Nondiscrimination on the Basis of Handicap in Programs or Activities Receiving Federal Assistance, 7 C.F.R. Part 15b (2001)

Federal Law:

7 CFR Parts 210 and 220, the “Child Nutrition Programs: Meal Patterns Consistent with the 2020-2025 Dietary Guidelines for Americans” final rule. (89 FR 31962) and 225, and 226: (Updated USDA Nutrition Standards for 2024-2025).

42 U.S.C. 1751 et seq.: Richard B. Russell National School Lunch Act.

USDA Office of the Assistant Secretary for Civil Rights (ASCR) Policy Memo (May 2022): Clarifying prohibitions against discrimination based on gender identity and sexual orientation.

Regulation approved:

On January 9, 2025, a federal district court in Kentucky ruled that the 2024 Title IX Regulations "are invalid and must be set aside." In response, the U.S. Department of Education's Office for Civil Rights (OCR) issued guidance indicating, "Consistent with the court's order, the 2024 Title IX regulations are not effective in any jurisdiction." Districts are advised to discontinue the use of policies and regulations that follow the 2024 Title IX Regulations and resume using policies and regulations that were in place under the 2020 Regulations. In the absence of additional guidance from OCR, districts should consult with their legal teams to assist through this transition and perhaps future changes.

Personnel - Certified/Non-Certified/Students

Sexual Harassment/Title IX

Prohibition of Sex Discrimination and Sexual Harassment In The Workplace

The Northwestern Regional District No. 7 Board of Education (the "Board") prohibits any form of sex discrimination or sexual harassment in the Board's educational programs and activities, whether by students, Board employees or third parties subject to substantial control by the Board. It is the policy of the Board to maintain a working environment free from harassment, insults or intimidation on the basis of an employee's sex and free from discrimination based on sex.

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

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

The Superintendent of Schools shall develop Administrative Regulations, which will include Grievance Procedures implementing this Policy and in accordance with Title IX, Title VII, and Connecticut law (the "Administrative Regulations").

Sex discrimination occurs when an employer refuses to hire, disciplines, or discharges any individual, or otherwise discriminates against an individual with respect to his or her compensation, terms, conditions, or privileges of employment on the basis of the individual's

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

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

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

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

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

Sexual harassment under Title VII and Connecticut law means unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

(1) Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment;

(2) Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or

(3) Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

Reporting Sex Discrimination or Sexual Harassment

It is the 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 established in the Administrative Regulations. All complaints are to be responded to in a prompt and equitable manner.

Individuals who engage in acts of sex discrimination or sexual harassment may also be subject to civil and criminal penalties. Retaliation against any employee with a complaint 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 Northwestern Regional District No. 7 Public Schools administration (the "Administration") shall provide training to Title IX Coordinator(s), investigators, decision-makers, and any person who facilitates an informal resolution process (as set forth in the Administrative Regulations), which training shall include, but need not be limited to, the definition of sex discrimination and sexual harassment, the scope of the Board's education program and activity, how to conduct an investigation and implement the grievance process, and how to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias. The Administration shall make the training materials used to provide these trainings publicly available on the Board's website.

The Administration shall also periodically provide training to all Board employees on the topic of sex discrimination and sexual harassment under Title IX, Title VII, and Connecticut law, which shall include but not be limited to when reports of sex discrimination and/or sexual harassment must be made. The Administration shall distribute this Policy and the Administrative Regulations to employees, union representatives, students, parents and legal guardians and make the Policy and the Administrative Regulations available on the Board's website to promote an environment free of sex discrimination and sexual harassment.

The Board's Title IX Coordinator is Gary Franklin, Northwestern High School Principal. Any individual may make a report of sex discrimination and/or sexual harassment to any Board employee or directly to the Title IX Coordinator using any one or multiple of the following points of contact:

OFFICE ADDRESS: 100 Battaistoni Drive, Winsted, CT 06098

ELECTRONIC MAIL ADDRESS: gfranklin@nwr7.org

TELEPHONE NUMBER: (860) 379-1084

Any Board employee in receipt of allegations of sex discrimination or sexual harassment, or in receipt of a formal complaint, shall immediately forward such information to the Title IX Coordinator. Board employees may also make a report of sexual harassment and/or sex discrimination to the U.S. Department of Education: Office for Civil Rights, Boston Office, U.S. Department of Education, 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: 860-541-3400 or Connecticut Toll Free Number: 1-800-477-5737).

Legal References: Civil Rights Act of 1964, Title VII, 42 U.S.C. § 2000e-2(a).

Equal Employment Opportunity Commission Policy Guidance on Current Issues of Sexual Harassment (N-915.050), March 19, 1990.

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

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

Meritor Savings Bank, FSB v. Vinson, 477 U.S. 57 (1986)

Conn. Gen. Stat. §46a-54 Commission powers Connecticut

Conn. Gen. Stat. §46a-60 Discriminatory employment practices prohibited.

Conn. Gen. Stat. §46a-81c Sexual orientation discrimination: Employment

Conn. Gen. Stat. §10-153 Discrimination on the basis of sex, gender identity or expression or marital status prohibited

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

Policy adopted:

Reviewed 1-25

4000.1
4200.1
5145.5

The grievance procedures in these regulations are legally required.

Personnel - Certified/Non-Certified/Students

Sexual Harassment/Title IX

Prohibition of Sex Discrimination and Sexual Harassment In The Workplace

The Northwestern Regional District No. 7 Board of Education (the "Board") prohibits any form of sex discrimination or sexual harassment in the Board's education programs and activities, whether by students, Board employees or third parties subject to substantial control by the Board. Discrimination or harassment on the basis of sex includes discrimination or harassment on the basis of gender identity or sexual orientation.

Students, District employees and third parties are expected to adhere to a standard of conduct that is respectful of the rights of students, District employees, and third parties. It is the policy of the Board to maintain a working environment free from harassment, insults, or intimidation on the basis of an employee's sex and free from discrimination based on sex. Verbal or physical conduct by a supervisor or co-worker relating to an employee's sex that has the effect of creating an intimidating, hostile, or offensive work environment, unreasonably interfering with the employee's work performance, or adversely affecting the employee's employment opportunities is prohibited.

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

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

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

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

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

(3) "Sexual assault" as defined in 20 U.S.C. 1092(f)(6)(A)(v), "dating violence" as defined in 34 U.S.C. 12291(a)(10), "domestic violence" as defined in 34 U.S.C. 12291(a)(8), or "stalking" as defined in 34 U.S.C. 12291(a)(30). These definitions can be found in Appendix A of these Administrative Regulations.

Sexual harassment under Title VII and Connecticut law means unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

(1) Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment;

(2) Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or

(3) Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

Although not an exhaustive list, the following are other examples of conduct prohibited by the Board's Policy regarding the Prohibition of Sex Discrimination and Sexual Harassment (Personnel):

1. Unwelcome sexual advances from a co-worker or supervisor, such as unwanted hugs, touches, or kisses;

2. Unwelcome attention of a sexual nature, such as degrading, suggestive, or lewd remarks or noises;

3. Dirty jokes, derogatory or pornographic posters, cartoons or drawings;

4. The threat or suggestion that continued employment advancement, assignment or earnings depend on whether or not the employee will submit to or tolerate harassment;

5. Circulating, showing, or exchanging emails, text messages, digital images or websites of a sexual nature;

6. Using computer systems, including email, instant messaging, text messaging, blogging or the use of social networking websites, or other forms of electronic communications, to engage in any conduct prohibited by the Board's Policy regarding the Prohibition of Sex Discrimination and Sexual Harassment (Personnel).

Notice of The Title IX Coordinator

The District's Title IX Coordinator is Gary Franklin, Northwestern High School Principal. Any individual may make a report of sex discrimination and/or sexual harassment to any District employee or directly to the Title IX Coordinator using any one or multiple of the following points of contact:

OFFICE ADDRESS: 100 Battaistoni Drive, Winsted, CT 06098

ELECTRONIC MAIL ADDRESS: gfranklin@nwr7.org

TELEPHONE NUMBER: (860) 379-1084

Any District employee in receipt of allegations of sex discrimination or sexual harassment, or in receipt of a formal complaint, shall immediately forward such information to the Title IX Coordinator. The Title IX Coordinator manages the District's compliance with Title IX, Title VII and Connecticut law with respect to sexual harassment and/or sex discrimination and is an

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

Explanation of Complaint Process and Procedure

The federal regulations implementing Title IX require the adoption and publication of two separate grievance systems:

- a grievance process for complaints of sex discrimination involving allegations of sexual harassment; and
- grievance procedures for complaints of sex discrimination that are not sexual harassment.

Accordingly, the Administration will process any complaints of sex discrimination involving allegations of sexual harassment, as defined above, pursuant to the **grievance process** set forth in Section I of these regulations. The Administration will process any complaints of sex discrimination that are not sexual harassment pursuant to the **grievance procedures** set forth in Section II of these regulations.

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

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

Section I. Grievance Process for Complaints of Sexual Harassment Under Title IX

A. Definitions

- **Bias** occurs when it is proven that the Title IX Coordinator, investigator(s), and/or decision-maker(s) demonstrate actual bias, rather than the appearance of bias. Actual bias includes, but is not limited to, demonstrated personal animus against the respondent or the complainant and/or prejudgment of the facts at issue in the investigation.

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

- A **conflict of interest** occurs when it is proven that the Title IX Coordinator, investigator(s), and/or decision-maker(s) have personal, financial and/or familial interests that affected the outcome of the investigation.

- **Consent** means an active, clear and voluntary agreement by a person to engage in sexual activity with another person (also referred to hereafter as "affirmative consent").

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

A. Affirmative consent is the standard used in determining whether consent to engage in sexual activity was given by all persons who engaged in the sexual activity.

B. Affirmative consent may be revoked at any time during the sexual activity by any person engaged in the sexual activity.

C. It is the responsibility of each person engaging in sexual activity to ensure that the person has the affirmative consent of all persons engaged in the sexual activity to engage in the sexual activity and that the affirmative consent is sustained throughout the sexual activity.

D. It shall not be a valid excuse to an alleged lack of affirmative consent that the respondent to the alleged violation believed that the complainant consented to the sexual activity:

(i) because the respondent was intoxicated or reckless or failed to take reasonable steps to ascertain whether the complainant affirmatively consented, or

(ii) if the respondent knew or should have known that the complainant was unable to consent because such individual was unconscious, asleep, unable to communicate due to a mental or physical condition, unable to consent due to the age of the individual or the age difference between the individual and the respondent, or incapacitated due to the influence of drugs, alcohol or medication.

E. The existence of a past or current dating or sexual relationship between the complainant and the respondent, in and of itself, shall not be determinative of a finding of consent.

- For purposes of investigations and complaints of sexual harassment, **education program or activity** includes locations, events, or circumstances over which the

Board exercises substantial control over both the respondent and the context in which the sexual harassment occurs.

• **Employee** means (A) a teacher, substitute teacher, school administrator, school superintendent, guidance counselor, school counselor, psychologist, social worker, nurse, physician, school paraprofessional or coach employed by the Board or working in a public elementary, middle or high school; or (B) any other individual who, in the performance of the individual's duties, has regular contact with students and who provides services to or on behalf of students enrolled in a public elementary, middle or high school, pursuant to a contract with the Board.

• **Formal complaint** means a document filed by a complainant or signed by the Title IX Coordinator alleging sexual harassment (as defined under Title IX) against a respondent and requesting that the Administration investigate the allegation of sexual harassment. A "document filed by a complainant" means a document or electronic submission that contains the complainant's physical or digital signature, or otherwise indicates that the complainant is the person filing the formal complaint.

• **Respondent** means an individual who has been alleged to be the perpetrator of conduct that could constitute sexual harassment.

• **School days** means the days that school is in session as designated on the calendar posted on the Board's website. In its discretion, and when equitably applied and with proper notice to the parties, the District may consider business days during the summer recess as "school days" if such designation facilitates the prompt resolution of the grievance process.

• **Supportive measures** mean non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the complainant or the respondent before or after the filing of a formal complaint or where no formal complaint has been filed. Such measures are designed to restore or preserve equal access to the District's education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the District's educational environment, or deter sexual harassment. Supportive measures may include counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, mutual restrictions on contact between the parties, increased security and monitoring, and other similar measures.

B. Reporting Sexual Harassment

1. It is the express policy of the Board to encourage victims of sexual harassment to report such claims. Any person may report sexual harassment (whether or not the person reporting is the person alleged to be the victim of conduct that could constitute

sexual harassment), in person, by mail, by telephone, or by electronic mail, using the contact information listed for the Title IX Coordinator. If the District receives notice of sexual harassment or alleged sexual harassment against a person in the District's education program or activity, the Title IX Coordinator will promptly contact the complainant to discuss the availability of supportive measures, whether or not the complainant files a formal complaint, and will consider the complainant's wishes with respect to such measures. If the complainant has yet to file a formal complaint, the Title IX Coordinator will explain to the complainant the process for doing so.

2. The District will treat complainants and respondents equitably. A respondent is presumed not responsible for the alleged conduct and a determination regarding responsibility will be made at the conclusion of the grievance process if a formal complaint is filed. Nothing in these Administrative Regulations shall preclude the District from placing an employee respondent on administrative leave during the pendency of the grievance process. Further, nothing in these Administrative Regulations shall limit or preclude the District from removing a respondent from the District's education program or activity on an emergency basis, provided that the District undertakes an individualized safety and risk analysis, and determines that an immediate threat to the physical health or safety of any student or other individual arising from the allegations of sexual harassment justifies removal. If a respondent is removed on an emergency basis, the District shall provide the respondent with notice and an opportunity to challenge the decision immediately following the removal.

C. Formal Complaint and Grievance Process

1. A formal complaint may be filed with the Title IX Coordinator in person, by mail, or by electronic mail, by using the contact information listed for the Title IX Coordinator. At the time of filing a formal complaint, a complainant must be participating in or attempting to participate in the District's education programs or activity. A formal complaint may be signed by the Title IX Coordinator. If the formal complaint being filed is against the Title IX Coordinator, the formal complaint should be filed with the Superintendent. If the formal complaint being filed is against the Superintendent, the formal complaint should be filed with the Board Chair, who will then retain an independent investigator to investigate the matter.

2. The District may consolidate formal complaints as to allegations of sexual harassment against more than one respondent, or by more than one complainant against one or more respondents, or by one party against the other party, where the allegations of sexual harassment arise out of the same facts or circumstances. If possible, formal complaints should be filed within ten (10) school days of the alleged occurrence in order to facilitate the prompt and equitable resolution of such claims. The District will attempt to complete the formal grievance process within ninety (90)

school days of receiving a formal complaint. This timeframe may be temporarily delayed or extended in accordance with Subsection G of this Section.

3. Upon receipt of a formal complaint, if the Title IX Coordinator has not already discussed the availability of supportive measures with the complainant, the Title IX Coordinator will promptly contact the complainant to discuss the availability of such measures and consider the complainant's wishes with respect to them. The Title IX Coordinator or designee may also contact the respondent, separately from the complainant, to discuss the availability of supportive measures for the respondent. The District will maintain as confidential any supportive measures provided to the complainant or respondent, to the extent that maintaining such confidentiality would not impair the ability of the District to provide such supportive measures.

4. Within ten (10) school days of receiving a formal complaint, the District will provide the known parties with written notice of the allegations potentially constituting sexual harassment under Title IX and a copy of this grievance process. The written notice must also include the following:

i. The identities of the parties involved in the incident, if known;

ii. The conduct allegedly constituting sexual harassment as defined above;

iii. The date and the location of the alleged incident, if known;

iv. A statement that the respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the grievance process;

v. A statement that the parties may have an advisor of their choice, who may be, but is not required to be, an attorney, and may inspect and review evidence; and

vi. A statement of any provision in the District's policies that prohibits knowingly making false statements or knowingly submitting false information during the grievance process.

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

5. The parties may have an advisor of their choice accompany them during any grievance proceeding at which the party's attendance is required. The District may, in its discretion, establish certain restrictions regarding the extent to which an advisor may participate in the proceedings. If any such restrictions are established, they will be applied equally to all parties.

6. The Title IX Coordinator will, as applicable, promptly commence an investigation of the formal complaint, designate a school administrator to promptly investigate the formal complaint, or dismiss the formal complaint in accordance with Subsection F of this Section. The standard of evidence to be used to determine responsibility is the preponderance of the evidence standard (i.e., more likely than not). The burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility rest on the District and not on the parties.

7. The parties will be given an equal opportunity to discuss the allegations under investigation with the investigator(s) and are permitted to gather and present relevant evidence. This opportunity includes presenting witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence. Credibility determinations will not be based on a person's status as a complainant, respondent, or witness. The District will provide to a party whose participation is invited or expected (including a witness) written notice of the date, time, location, participants, and purpose of all hearings (if applicable), investigative interviews, or other meetings, with sufficient time for the party to prepare to participate.

8. Both parties will be given an equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in the formal complaint, including the evidence upon which the District does not intend to rely in reaching a determination regarding responsibility and inculpatory or exculpatory evidence whether obtained from a party or other source, so that each party can meaningfully respond to the evidence prior to the conclusion of the investigation. Prior to completion of the investigative report, the District will send to each party and the party's advisor, if any, the evidence subject to inspection and review in an electronic format or a hard copy, and the parties will have ten (10) school days to submit a written response, which the investigator(s) will consider prior to completion of the investigative report, as described in Paragraph 9 of this Subsection.

9. The investigator(s) will create an investigative report that fairly summarizes relevant evidence. The investigator(s) will send the investigative report, in an electronic format or hard copy, to each party and to each party's advisor for their review and written response at least ten (10) school days prior to the time a determination regarding responsibility is made.

10. The Superintendent will appoint a decision-maker(s), who shall be a District employee or third-party contractor and who shall be someone other than the Title IX Coordinator or investigator(s). If the formal complaint filed is against the Superintendent, the Board Chair shall appoint the decision-maker, who shall be someone other than the Title IX Coordinator or investigator(s). The investigator(s) and the decision-maker(s) shall not discuss the investigation's facts and/or

determination while the formal complaint is pending. The decision-maker(s) will afford each party the opportunity to submit written, relevant questions that a party wants asked of any party or witness, provide each party with the answers, and allow for additional, limited follow-up questions from each party. Questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence about the complainant's prior sexual behavior are offered to prove that someone other than the respondent committed the conduct alleged by the complainant, or if the questions and evidence concern specific incidents of the complainant's prior sexual behavior with respect to the respondent and are offered to prove consent. The decision-maker(s) will explain to the party proposing the questions any decisions to exclude a question as not relevant.

11. The decision-maker(s) will issue a written determination regarding responsibility. To reach this determination, the decision-maker must apply the preponderance of the evidence standard. The written determination will include: (1) identification of the allegations potentially constituting sexual harassment; (2) a description of the procedural steps taken from the receipt of the formal complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and hearings held; (3) findings of fact supporting the determination; (4) conclusions regarding the application of the District's code of conduct to the facts; (5) a statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions the District will impose on the respondent, and whether remedies designed to restore or preserve equal access to the District's education program or activity will be provided by the District to the complainant; and (6) the District's procedures and permissible bases for the complainant and respondent to appeal. If the respondent is found responsible for violating the Board's Policy regarding the Prohibition of Sex Discrimination and Sexual Harassment (Personnel), the written determination shall indicate whether the respondent engaged in sexual harassment as defined by the Board's Policy and these Administrative Regulations. The written determination will be provided to both parties simultaneously.

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

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

D. Informal Resolution

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

Prior to facilitating an informal resolution to a formal complaint, the Title IX Coordinator or designee will provide the parties with written notice disclosing the sexual harassment allegations, the requirements of an informal resolution process, and any consequences from participating in the informal resolution process. Upon receipt of this document, complainants and respondents have five (5) school days to determine whether they consent to participation in the informal resolution. The District must obtain voluntary, written consent to the informal resolution process from both parties. Prior to agreeing to any resolution, any party has the right to withdraw from the informal resolution process and resume the grievance process with respect to the formal complaint. If a satisfactory resolution is reached through this informal process, the matter will be considered resolved. If these efforts are unsuccessful, the formal grievance process will continue. Nothing in this section precludes an employee from filing a complaint of retaliation for matters related to an informal resolution, nor does it preclude either party from filing complaints based on conduct that is alleged to occur following the District's facilitation of the informal resolution. An informal resolution is not permitted to resolve allegations that an employee sexually harassed a student.

E. Appeal Process

After receiving notification of the decision-maker(s)' decision, or after receiving notification that the District dismissed a formal complaint or any allegation therein, both complainant and respondent have five (5) school days to submit a formal letter of appeal to the Title IX Coordinator specifying the grounds upon which the appeal is based. Upon receipt of an appeal, the Superintendent shall appoint a decision-maker(s) for the appeal, who shall be someone other than the Title IX Coordinator, investigator(s), or initial decision-maker(s).

Appeals will be appropriate only in the following circumstances:

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

The District will provide the other party with written notice of such appeal. The appealing party will then have ten (10) school days to submit to the decision-maker(s) for the appeal a written statement in support of, or challenging, the outcome of the grievance process. The decision-maker(s) for the appeal will provide the appealing party's written statement to the other party. The other party will then have ten (10) school days to submit to the decision-maker for the appeal a written statement in support of, or challenging, the outcome of the grievance process. The decision-maker(s) for the appeal, in their discretion, will determine any additional necessary and appropriate procedures for the appeal.

After considering the parties' written statements, the decision-maker(s) for the appeal will provide a written decision. The decision-maker(s) for the appeal will attempt to issue the written decision within thirty (30) school days of receipt of all written statements from the parties. If it is found that one of the bases for appeal exists, the decision-maker(s) for the appeal will issue an appropriate remedy.

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

F. Dismissal of a Formal Complaint

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

The District may dismiss a formal complaint or any allegations therein, if at any time during the investigation or hearing a complainant notifies the Title IX Coordinator in writing that 1) the complainant would like to withdraw the formal complaint or any allegations therein; 2) the respondent is no longer enrolled or employed in the District; or

3) specific circumstances prevent the District from gathering evidence sufficient to reach a determination as to the formal complaint or allegations therein.

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

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

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

G. Miscellaneous

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

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

3. Retaliation against any individual who complains pursuant to the Board's Policy regarding the Prohibition of Sex Discrimination and Sexual Harassment (Personnel) and these Administrative Regulations is strictly prohibited. Neither the District nor

any other person may intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by Title IX or these Administrative Regulations, or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under these Administrative Regulations. The District will take actions designed to prevent retaliation. Complaints alleging retaliation may be filed according to the grievance procedures for sex discrimination described herein.

4. The District will maintain for a period of seven (7) years records of:

i. Each sexual harassment investigation including any determination regarding responsibility, any disciplinary sanctions imposed on the respondent, and any remedies provided to the complainant designed to restore or preserve equal access to the Board's education program or activity;

ii. Any appeal and the result therefrom;

iii. Any informal resolution and the result therefrom; and

iv. All material used to train Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process. The Board will make these training materials publicly available on its website.

If the District has actual knowledge of sexual harassment in an education program or activity of the Board, and for any report or formal complaint of sexual harassment, the District will create and maintain for a period of seven (7) years, records of any actions, including any supportive measures, taken in response to a report or formal complaint of sexual harassment. The District will document the basis for its conclusion that its response was not deliberately indifferent, and document that it has taken measures designed to restore or preserve equal access to the Board's education program or activity. If the District does not provide a complainant with supportive measures, then the District will document the reasons why such a response was not clearly unreasonable in light of the known circumstances.

Section II. Grievance Procedures for Claims of Sex Discrimination (Other Than Sexual Harassment Under Title IX)

A. Definitions

• **Complainant** means an individual who is alleged to be the victim of conduct that could constitute sex discrimination.

• **Respondent** means an individual who has been reported to be the perpetrator of conduct that could constitute sex discrimination.

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

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

C. Grievance Procedures

1. As soon as an employee feels that the employee has been subjected to sex discrimination other than sexual harassment as defined under Title IX (including, without limitation, sexual harassment under Title VII or Connecticut law), the employee should make a written complaint to the Title IX Coordinator or to the building principal, or designee. The employee will be provided a copy of the Board's Policy and Administrative Regulations and made aware of the employee's rights under this Policy and Administrative Regulations. Preferably, complaints should be filed within ten (10) school days of the alleged occurrence. Timely reporting of complaints facilitates the investigation and resolution of such complaints.

2. The complaint should state the:

i. Name of the complainant;

ii. Date of the complaint;

iii. Date(s) of the alleged discrimination;

iv. Name(s) of the discriminator(s);

v. Location where such discrimination occurred;

vi. Names of any witness(es) to the discrimination;

vii. Detailed statement of the circumstances constituting the alleged discrimination; and

viii. Remedy requested.

3. Any employee who makes an oral complaint of sex discrimination to any of the above-mentioned personnel will be provided a copy of these Administrative Regulations and will be requested to make a written complaint pursuant to the above procedure.

4. All complaints are to be forwarded immediately to the building principal or designee unless that individual is the subject of the complaint, in which case the complaint should be forwarded directly to the Superintendent of Schools or designee. In addition, a copy of any complaint filed under this Policy shall be forwarded to the Title IX Coordinator. If the complaint being filed is against the Title IX Coordinator, the complaint should be filed with the Superintendent.

5. If the complaint being filed is against the Superintendent, the complaint should be filed with the Board Chair, who will then retain an independent investigator to investigate the matter.

6. The Title IX Coordinator or designee shall investigate all complaints of sex discrimination against an employee, regardless of whether the conduct occurred on or off-school grounds. Complaints will be investigated promptly within the timeframes identified below. Timeframes may be extended as needed given the complexity of the investigation, availability of individuals with relevant information, and other extenuating circumstances. The investigation shall be conducted discreetly, maintaining confidentiality insofar as possible while still conducting an effective and thorough investigation.

7. Any employee who makes a complaint shall be notified of the District's intent to investigate the complaint. In the event the employee requests confidentiality or that an investigation not be conducted, the District will take reasonable steps to investigate and respond to the complaint to the extent possible, given the request for confidentiality or that the District not investigate the complaint. If the employee insists that this information not be shared with the alleged discriminator(s), the employee will be informed that the District's ability to investigate and/or take corrective action may be limited.

8. Upon receipt of a sex discrimination complaint, the Title IX Coordinator shall either promptly commence an investigation of the complaint, or shall designate a school administrator to promptly investigate the complaint. The Title IX Coordinator or designee shall:

i. offer to meet with the complainant and respondent (if applicable) separately within ten (10) school days to discuss the nature of the complaint, identify individuals the complainant and respondent (if applicable) believe have relevant information, and obtain any relevant documents the complainant and respondent may have;

ii. provide the complainant and respondent (if applicable) with a copy of the Board's sex discrimination policy and accompanying regulations;

iii. consider whether any interim measures may be appropriate to protect the complainant or respondent (if applicable), pending the outcome of the investigation;

iv. conduct an investigation that is adequate, reliable and impartial. Investigate the factual basis of the complaint, including, as applicable, conducting interviews with individuals deemed relevant to the complaint;

v. consider whether alleged sex discrimination has created a hostile work environment, including consideration of the effects of off-campus conduct on the school;

vi. communicate the outcome of the investigation in writing to the complainant, to the respondent, and to any individual properly identified as a party to the complaint (to the extent permitted by state and federal confidentiality requirements), within ninety (90) school days from the date the complaint was received by the Superintendent's office. The investigator may extend this deadline for no more than fifteen (15) additional school days if needed to complete the investigation. The complainant and respondent (if applicable) shall be notified of such extension. The written notice shall include a finding whether the complaint was substantiated and, if so, shall identify, to the extent possible, how the District will remedy the discrimination, adhering to the requirements of state and federal law; and

vii. when sex discrimination has been found, take steps that are reasonably calculated to end the discrimination, take corrective and/or disciplinary action aimed at preventing the recurrence of the discrimination, as deemed appropriate by the Superintendent or designee, and take steps to remedy the effects of the sex discrimination.

9. If a complaint is made during summer recess, the complaint will be reviewed and addressed as quickly as possible given the availability of staff and/or other individuals who may have information relevant to the complaint. If fixed timeframes cannot be met, the complainant and respondent will receive notice and interim measures may be implemented as necessary.

10. If the complainant or respondent (if applicable) is dissatisfied with the findings of the investigation, the complainant or respondent may file a written appeal within five (5) school days to the Title IX Coordinator, or, if the Title IX Coordinator conducted the investigation, to the Superintendent of Schools. The Title IX Coordinator or Superintendent shall review the Title IX Coordinator's or designee's written report,

the information collected by the Title IX Coordinator or designee together with the recommended disposition of the complaint to determine whether the alleged conduct constitutes sex discrimination. The Title IX Coordinator or Superintendent of Schools may determine if further action and/or investigation is warranted. After completing this review, the Title IX Coordinator or Superintendent of Schools shall respond to the complainant and respondent (if applicable), in writing, within fifteen (15) school days following the receipt of the written request for review.

D. Miscellaneous

1. If a sex discrimination complaint raises a concern about discrimination or harassment on the basis of any other legally protected classification (such as race, religion, color, national origin, age, or disability), the Title IX Coordinator or designee shall make a referral to other appropriate personnel within the District (e.g. Section 504 Coordinator, etc.), so as to ensure that any such investigation complies with the requirements of policies regarding nondiscrimination.

2. If the sex discrimination complaint results in reasonable cause to suspect or believe that a child has been abused or neglected, has had a non-accidental physical injury, or injury which is at variance with the history given of such injury, is placed at imminent risk of serious harm, or that a student has been sexually assaulted by a school employee, then, the person to whom the complaint is given or who receives such information shall report such matters in accordance with the Board's policy on the Reports of Suspected Child Abuse or Neglect of Children.

3. Retaliation against any individual who complains pursuant to the Board's Policy regarding the Prohibition of Sex Discrimination and Sexual Harassment (Personnel) and these Administrative Regulations is strictly prohibited. Neither the District nor any other person may intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by Title IX or these Administrative Regulations, or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under these Administrative Regulations. The District will take actions designed to prevent retaliation as a result of filing a complaint. Complaints alleging retaliation may be filed according to the grievance procedures for sex discrimination described herein.

Section III. Further Reporting

At any time, a complainant alleging sex discrimination or sexual harassment may also file a complaint with the Office for Civil Rights, Boston Office, U.S. Department of Education, 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: 860-541-3400 or Connecticut Toll Free Number: 1-800-477-5737).

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

Regulation approved:

Reviewed: 1-25

4000.1
Appendix A

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

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

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

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

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

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

Statutory Rape - Non-forcible sexual intercourse with a person who is under the statutory age of consent.

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

Domestic Violence: Includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction.

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

5145.44
4000.1/4200.1
Appendix B

Sample Formal Complaint Form (Title IX Sexual Harassment)

Instructions for filling out this form: If you believe that you have been the victim of sexual harassment, please fill out this form, sign where indicated below, and submit it by hand delivery, electronic mail, or U.S. mail using the contact information listed for the Title IX Coordinator for Students at #5145.44 or the contact information listed for the Title IX Coordinator for Employees at #4000.1.

This formal complaint form is intended for use by the alleged victim of Title IX sexual harassment (referred to in Title IX Regulations as the "complainant"). Under Title IX and the Family Educational Rights and Privacy Act (FERPA), a parent or legal guardian may sign a complaint form and otherwise act on behalf of a minor in the formal complaint process.

If you are not filling this form out as a parent or guardian and you intend to report sexual harassment against another person in the District's education program or activities, please report your concerns to the District's Title IX Coordinator so that the District can take further action. **Under federal law, only an alleged victim of sexual harassment who is currently participating or attempting to participate in the District's education program or activity**

(such as an enrolled student, an employee, or an applicant for employment or admission) has the right to use the formal complaint process to initiate an investigation. The District will process all formal complaints in accordance with policy and grievance procedure 4000.1/5145.44.

Please print or type when completing this form:

Name of complainant: _____

Address: _____

Telephone number: _____

Email address: _____

Is the complainant participating in or attempting to participate in a District education program or activity? (See instructions.)

[ ] Yes

[ ] No

If you are a parent or guardian filling this form out on behalf of a minor complainant, please provide your contact information below.

Name: _____

Address: _____

Telephone number: _____

Email address: _____

You have the right to be represented by an advisor during the complaint process. The advisor may be, but does not have to be, an attorney. If you will be represented by an attorney or other advisor in presenting your complaint, please identify the person and provide the contact information below. If unknown at this time, you may provide this information at a later time.

Name: _____

Address: _____

Telephone number: _____

Email address: _____

Please list any additional individuals that you intend to bring with you to any meetings or interviews associated with this complaint and provide their contact information below. You may add additional pages or provide this information at a later time.

Name: _____

Address: _____

Telephone number: _____

Email address: _____

Please describe the facts and circumstances of the alleged sexual harassment causing this complaint. (Give specific, factual details. Attach additional sheets if necessary and indicate below how many additional pages will be attached to ensure complete receipt of your complaint.)

_____

_____

_____

_____

In a Title IX formal complaint process, the person who is alleged to have committed the sexual harassment is called the "respondent." Please provide the name(s) of the person or people you allege to be the respondent(s) responsible for the alleged sexual harassment. If applicable, please include the person's title or position:

_____

When and where did the alleged sexual harassment occur? Please provide specific dates, times, and locations, if possible.

_____

Please explain how the alleged sexual harassment has impacted you. This could include physical injuries as well as impacts on your ability to access or benefit from the District's education program or activities.

_____

_____

Please provide the names and contact information of anyone who may have witnessed the alleged conduct.

_____

_____

If you have reported these allegations to another person, please state to whom you reported the alleged sexual harassment and provide their contact information (if known).

_____

_____

Title IX does not require complainants to attempt to resolve complaints of sexual harassment informally before filing a formal complaint. Nonetheless, if you have reported these allegations to a District employee, please state when, to whom, and what response you received.

_____

_____

_____

Please list below any evidence that you believe is relevant to your allegations. This could include audio or visual media, physical objects, online materials, text messages, voicemail messages, screen captures, emails, or any other item you are attaching or intend to make available for the purpose of this complaint. If known, please also identify any information in the District's possession that you believe to be relevant to your allegations and would like the District to review (such as emails or security camera footage).

_____

_____

Please provide any other information that would be helpful for the District in reviewing your allegations.

_____

_____

_____

_____

_____

Please describe the outcome or remedy you seek for this complaint.

_____

_____

_____

Please provide below your physical or digital signature.

Complainant name: _____

Signature of complainant: _____

If complainant is under 18, parent's name:

_____

Signature of parent: _____

Date of filing: _____

If this formal complaint is being signed by the District's Title IX Coordinator instead of a complainant:

Title IX Coordinator Name: _____

Title IX Coordinator Signature: _____

Date of filing: _____

Notice to Complainant: This document is a legal record of the allegations of sexual harassment that you have reported to the District in order to request a formal investigation. Please keep a copy of this completed form and any supporting documentation for your records. Please also review your rights and responsibilities at 4000.1/5145.44, which is attached to this form and also available online at: www.nwr7.org. Any questions or concerns that you may have during this process may be directed to the District's Title IX Coordinator.

If, after reviewing your complaint form, the Title IX Coordinator finds that the allegations are not appropriate for a Title IX sexual harassment formal complaint process but should be investigated by the District under a different policy or procedure, your formal complaint form will be forwarded to the appropriate District personnel in accordance with District policies. You have the right to appeal the dismissal of your formal complaint, as explained in Policy 4000.1/5145.44 and the District's Title IX formal complaint process.

4000.1
Form 1

COMPLAINT FORM REGARDING SEXUAL HARASSMENT UNDER TITLE IX (PERSONNEL)

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

Name of the complainant _____

Date of the complaint _____

Date of the alleged sexual harassment _____

Name or names of the sexual harasser(s) _____

_____

Location where such sexual harassment occurred _____

_____

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

_____

Detailed statement of the circumstances constituting the alleged sexual harassment

_____

_____

_____

Remedy requested_____

Signature of Complainant or Title IX Coordinator: _____

4000.1
Form 2

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

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

Name of the complainant _____

Date of the complaint _____

Date of the alleged sex discrimination _____

Name or names of the sex discriminator(s) _____

_____

Location where such sex discrimination occurred _____

_____

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

_____

Detailed statement of the circumstances constituting the alleged sex discrimination

_____

_____

_____

Remedy requested_____

Signature: _____

4000.1
Notice

NOTICE OF SEXUAL HARASSMENT ALLEGATIONS UNDER TITLE IX

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

Identities of the parties involved, if known:

_____(Complainant(s))

_____ (Respondent(s))

The conduct allegedly constituting sexual harassment: _____

_____

_____

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

_____

The Title IX Coordinator or designee will contact the parties regarding the next step in the grievance process. Questions can be directed to the Title IX Coordinator: **Gary Franklin, Northwestern High School Principal.**

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

All parties involved may have an advisor of their choice who may be, but is not required to be, an attorney. This advisor may inspect and review evidence as permitted by the Board's

Administrative Regulations regarding the Prohibition of Sex Discrimination and Sexual Harassment (Personnel).

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

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

4000.1
Notice

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

In accordance with the Board's Policy and Administrative Regulations regarding the Prohibition of Sex Discrimination and Sexual Harassment (Personnel), a formal complaint of sexual harassment has been filed with the Title IX Coordinator. The Board has an informal resolution process to promptly and equitably resolve such complaints using mediation. This informal resolution process will only be utilized if both the Complainant and Respondent agree to do so.

The conduct allegedly constituting sexual harassment: _____

_____

_____

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

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

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

_____

I voluntarily consent to the informal resolution process:

_____ _____

Complainant Date

_____ _____

Respondent Date

4000.1
Notice

[To be posted in a conspicuous place readily available for viewing by employees and emailed to employees within three months of hire with the subject line "Sexual Harassment Policy" or words of similar import]

SEXUAL HARASSMENT IS ILLEGAL AND IS PROHIBITED BY THE CONNECTICUT DISCRIMINATION EMPLOYMENT PRACTICES ACT (Section 46a-60(a)(8) of the Connecticut General Statutes) AND TITLE VII OF THE CIVIL RIGHTS ACT OF 1964 (42 United States Code Section 2000e et seq.)

SEXUAL HARASSMENT MEANS ANY UNWELCOME SEXUAL ADVANCES OR REQUESTS FOR SEXUAL FAVORS OR ANY CONDUCT OF A SEXUAL NATURE WHEN:

1. SUBMISSION TO SUCH CONDUCT IS MADE EITHER EXPLICITLY OR IMPLICITLY A TERM OR CONDITION OF AN INDIVIDUAL'S EMPLOYMENT;

2. SUBMISSION TO OR REJECTION OF SUCH CONDUCT BY AN INDIVIDUAL IS USED AS THE BASIS FOR EMPLOYMENT DECISIONS AFFECTING SUCH INDIVIDUAL; OR

3. Such conduct has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

EXAMPLES OF SEXUAL HARASSMENT INCLUDE:

UNWELCOME SEXUAL ADVANCES

SUGGESTIVE OR LEWD REMARKS

UNWANTED HUGS, TOUCHES, KISSES

REQUESTS FOR SEXUAL FAVORS

RETALIATION FOR COMPLAINING ABOUT SEXUAL HARASSMENT

DEROGATORY OR PORNOGRAPHIC POSTERS, CARTOONS, OR DRAWINGS.

REMEDIES FOR SEXUAL HARASSMENT MAY INCLUDE:

CEASE AND DESIST ORDERS

BACK PAY

COMPENSATORY DAMAGES

PUNITIVE DAMAGES

HIRING, PROMOTION, OR REINSTATEMENT

Retaliation against any employee for complaining about sexual harassment is prohibited under this policy and illegal.

VIOLATION OF THIS POLICY IS GROUNDS FOR DISCIPLINE, INCLUDING DISCHARGE.

INDIVIDUALS WHO ENGAGE IN ACTS OF SEXUAL HARASSMENT MAY ALSO BE SUBJECT TO CIVIL AND CRIMINAL PENALTIES.

AN INFRACTION OF THIS POLICY BY SUPERVISORS OR CO-WORKERS SHOULD BE REPORTED IMMEDIATELY TO THE TITLE IX COORDINATOR OR SUPERINTENDENT IF THE TITLE IX COORDINATOR IS THE SUBJECT OF THE COMPLAINT. CONFIDENTIALITY WILL BE MAINTAINED TO THE EXTENT POSSIBLE.

ANY EMPLOYEE WHO BELIEVES THAT HE OR SHE HAS BEEN HARASSED OR DISCRIMINATED AGAINST IN THE WORKPLACE IN VIOLATION OF THIS POLICY MAY ALSO CONTACT:

THE CONNECTICUT COMMISSION ON HUMAN RIGHTS AND OPPORTUNITIES

NORTHWESTERN REGION OFFICE [REGIONAL OFFICES AND THEIR ADDRESSES CAN BE FOUND ON THE CHRO WEBSITE, HTTP://WWW.STATE.CT.US/CHRO/]

[ADDRESS]

[PHONE NUMBER]

AND/ OR:

THE EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

BOSTON AREA OFFICE

JOHN F. KENNEDY FEDERAL BUILDING

475 GOVERNMENT CENTER

BOSTON, MA 02203

PHONE (800) 669-4000

CONNECTICUT LAW REQUIRES THAT A FORMAL WRITTEN COMPLAINT BE FILED WITH THE COMMISSION ON HUMAN RIGHTS AND OPPORTUNITIES WITHIN THREE HUNDRED (300) DAYS OF THE DATE WHEN THE ALLEGED HARASSMENT/ DISCRIMINATION OCCURRED.

9/24/20 (CABE)

Personnel - Certified

Drug and Alcohol Testing For School Bus Drivers

The Northwestern Regional District No. 7 is committed to the establishment of a drug use and alcohol misuse prevention program that meets all applicable requirements of the Omnibus Transportation Employee Testing Act of 1991 (OTETA), as may be amended, and applicable state statutes pertaining to pre-employment and random drug testing of school bus drivers. The District shall adhere to federal and state law and regulations requiring a school bus driver's drug and alcohol testing program.

In addition to the above cited federal requirement, the Board of Education expects its school transportation carrier to provide training to all school bus drivers, including instruction on (1) identifying the signs and symptoms of anaphylaxis, (2) administering epinephrine by a cartridge injector ("EpiPen"), (3) notifying emergency personnel, and (4) reporting an incident involving a student's life-threatening allergic reaction.

Each carrier must provide the training to school bus drivers following the issuance or renewal of a public passenger endorsement to operate a school bus for carrier employees, and upon the hiring of a school bus driver who is not employed by such carrier (e.g., subcontractor), except a driver who received the training after the most recent issuance or renewal of his or her endorsement is not required to repeat it.

Drug and Alcohol Clearinghouse Checks for CDL Drivers

Prior to employment, the District/school transportation carrier will conduct a full query of the Federal Motor Carrier Safety Administration's Drug and Alcohol Clearinghouse (Clearinghouse) to obtain information about the driver's eligibility under federal rules to perform a safety-sensitive function. The District/school transportation carrier will also contact prior employers where the applicant was a CDL driver for information to determine the driver's eligibility to perform safety-sensitive functions. (Prior employers' inquiries will continue until January 2023.)

The District/school transportation carrier will conduct a limited query of the Clearinghouse for current CDL drivers who are employees on at least an annual basis. If information exists in the Clearinghouse about a driver, the District/school transportation carrier will conduct a full query within 24 hours to determine if the driver is eligible to perform safety-sensitive functions. If the District/school transportation carrier fails to conduct the full query within 24 hours, the driver will not be allowed to perform any safety-sensitive functions until the full query is conducted and it is determined the driver may perform safety-sensitive functions.

The District/school transportation carrier will report the following information collected and maintained on each CDL driver to the Clearinghouse:

1. A verified positive, adulterated, or substituted drug test result;

2. An alcohol confirmation test with a concentration of 0.04 or higher;

3. A refusal to submit to any test required by this policy or the CDL drug testing program (49 C.F.R. Part 382, subpart C);

4. An employer's report of actual knowledge of the following:

a. On duty alcohol use (pursuant to 49 C.F.R. §382.205);

b. Pre-duty alcohol use (pursuant to 49 C.F.R. §382.207);

c. Alcohol use following an accident (pursuant to 49 C.F.R. §382.209); and

d. Controlled substance use (pursuant to 49 C.F.R. §382.213).

5. A substance abuse professional (SAP) (as defined in 49 C.F.R. §40.3) report of the successful completion of the return-to-duty process;

6. A negative return-to-duty test; and

7. An employer's report of completion of follow-up testing.

Note: School districts contracting with a private service provider must ensure the provider has a drug and alcohol testing program fulfilling federal regulations, and state law pertaining to a required pre-employment and random drug testing program for drivers of school buses and school transportation vehicles (STVs) that carry ten or fewer students.

\Legal Reference: United States Code, Title 49

2717 Alcohol and controlled substances testing (Omnibus Transportation Employee Testing Act of 1991)

Code of Federal Regulations, Title 49

40 Procedures for Transportation Workplace Drug and Alcohol Testing Programs

382 Controlled Substance and Alcohol Use and Testing (as amended)

395 Hours of Service Drivers`

Holiday v. City of Modesto (1991) 229 Cal. App. 3d. 528, 540

International Brotherhood of Teamsters v. Department of Transportation

932 F. 2d 1292 (1991)

American Trucking Association, Inc. v. Federal Highway Administration (1995) WL 136022 (4th Circuit)

10-212c Life-threatening food allergies and glycogen storage disease: Guidelines; district plans. (as amended by PA 18-185)

14-261b Drug and alcohol testing of drivers of certain vehicles, mechanics and forklift operators

14-276a Regulations re school bus operators and operators of student transportation vehicles; qualifications; training. Pre-employment drug test required for operators

52-557b Immunity from liability for emergency medical assistance, first aid or medication by injection. School personnel are not required to administer or render. (as amended by PA 05-144, An Act Concerning the Emergency Use of Cartridge Injectors and PA 18-185, An Act Concerning Life-Threatening Food Allergies in Schools)

Policy adopted:

Personnel - Certified and Non-Certified

Alcohol, Drugs and Tobacco

Drug and Alcohol-Free Workplace

The Board of Education (Board) is concerned with maintaining a safe and healthy working and learning environment for all staff and students. The Board recognizes the importance of maintaining an environment for its staff and students that is drug and alcohol free. Reasonable steps will be taken to create a safe workplace free from the effects of alcohol, second-hand smoke, and drug abuse.

Employees must abide by the terms of this policy as a condition of employment. This policy is adopted in accordance with state law and the Drug-Free Workplace Act.

Definitions

"Cannabis" means marijuana which includes all parts of a plant or species of the genus cannabis, whether growing or not, and including its seeds and resin; its compounds, manufactures, salts, derivatives, mixtures, and preparations; and cannabinon, cannabinol, cannabidiol (CBD), and similar compounds unless derived from hemp as defined in federal law. The definition of marijuana also includes any product made using hemp, as defined in state law, with more than 0.3% total THC concentration on a dry-weight basis, manufactured cannabinoids, and certain synthetic cannabinoids.

"Cannabis product" is cannabis in the form of a cannabis concentrate or a product that contains cannabis, which may be combined with other ingredients, and is intended for use or consumption.

"Cannabis concentrate" is any form of concentration extracted from cannabis, such as extracts, oils, tinctures, shatter, and waxes.

"Medical marijuana product" is cannabis that (1) dispensary facilities and hybrid retailers exclusively sell to qualifying patients and caregivers and (2) the Department of Consumer Protection (DCP) designates on its website as reserved for sale to those individuals.

"Manufactured cannabinoid" means cannabinoids naturally occurring from a source other than marijuana that are similar in chemical structure or physiological effect to cannabinoids derived from marijuana, but that are derived by a chemical or biological process.

"Workplace" means the site for the performance of work done, which includes work done in connection with a federal grant. The workplace includes any District building or property; any District-owned vehicle or any other District-approved vehicle used to transport students to and from school or school activities; and off-District property during any school-sponsored or school approved activity, event or function, such as a field trip or athletic event, where students are

under the jurisdiction/supervision of the District, which could also include work on a federal grant.

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

"Drug" is defined as:

1. **"Controlled substances"** which includes all forms of narcotics, depressants, stimulants, hallucinogens, steroids, and cannabis (including products made with or infused with these substances) whose sale, purchase, transfer, use, or possession is prohibited or restricted by state or federal law;

2. **"Synthetic cannabinoids"** which include drugs which are known or advertised as possibly affecting judgment, coordination, or any of the senses, including those which may cause drowsiness or dizziness; and

3. Illegal substances.

"Prescription drugs" means drugs which are used in the course of medical treatment and have been prescribed and authorized for use by a licensed medical practitioner/physician or dentist, other than marijuana (cannabis) and marijuana-related substances.

"Smoking" means the burning of a cigarette, cigar, pipe or other similar device that contains in whole or in part, cannabis or hemp, in addition to tobacco.

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

"Vapor product" means any product that employs a heating element, power source, electronic circuit or other electronic, chemical, or mechanical means to produce a vapor that may or may not include nicotine and is inhaled by the product's user.

"Under the influence" means any noticeable use, any detectable level of drugs or alcohol in the employee's blood or urine, or any noticeable or perceptible impairment of the employee's mental or physical faculties.

"Criminal drug statute" means any criminal statute involving the manufacture, distribution, dispensing, use, or possession of any controlled substance.

I. Prohibited Behavior

To help maintain a drug-free school, community, and workplace, the following conduct is strictly prohibited by all District employees and volunteers. An employee who violates this policy may be required to complete an appropriate rehabilitation program, may not be renewed or his/her employment may be suspended or terminated, at the discretion of the Board.

A. Reporting to work or the workplace under the influence of alcohol, illegal and/or controlled substances including marijuana (cannabis) and anabolic steroids;

B. Manufacturing, selling, delivering, soliciting, consuming, using, possessing, or transmitting alcohol in any amount or in any manner on District property or a District workplace at any time while students are under the supervision of the District, or when involved as an employee in a District activity on or off school district property;

C. Unlawfully manufacturing, distributing, dispensing, possessing, or using a controlled substance in a District workplace;

D. Using the workplace, District property or the staff member's position within the District to make or traffic alcohol, illegal and/or controlled substances, including marijuana (cannabis) and anabolic steroids;

E. Using, possessing or transmitting illegal and/or controlled substances, including marijuana (cannabis) and anabolic steroids in a manner that is illegal or which impairs job performance or poses a hazard to the safety and welfare of the employee, the public, the students, or other employees; and

F. Smoking or other use of tobacco products on school property during regular school hours, on transportation provided by the Board of Education, or during the course of any trip sponsored by the Board or under the supervision of the Board or its authorized agent.

II. Use of Prescription Drugs

A. Employees are permitted to use prescription drugs on school property, or during the conduct of Board business, that have been prescribed by a licensed medical practitioner. Such drugs shall be used only as prescribed. In addition, employees shall not possess prescription drugs for sale or distribution.

B. However, the Board, in compliance with C.G.S. 21a-408a through 408q, prohibits the palliative use of marijuana on school property, at a school-sponsored event, or during the conduct of Board business. Employees are prohibited from being under the influence of intoxicating substances, including marijuana used for palliative purposes, during the work day.

III. Smoking

A. The Board prohibits smoking, including smoking using an electronic nicotine delivery system (e.g., e-cigarettes), and the use of tobacco products on school property or at any school-sponsored activity. This ban applies to any area of the workplace and outside within 25 feet of a doorway, operable window, or air intake vent.

B. The workplace smoking ban also applies to cannabis, hemp, and e-cigarette use involving cannabis.

C. Smoking, including cannabis, will be permitted in a situation in which a classroom is used during a smoking or e-cigarette demonstration that is part of a medical or scientific experiment or lesson.

D. The District will not make accommodations for an employee or be required to allow an employee to perform his/her duties while under the influence of cannabis or allow the employee to possess, use or otherwise consume cannabis while performing his/her employment duties.

IV. Notification Requirements

A. Any staff member who is taking prescribed or over-the-counter medications will be responsible for consulting the prescribing physician and/or pharmacist to ascertain whether the medication may interfere with the safe performance of his/her job. If the use of a medication could compromise the safety of the staff member, other staff members, students, or the public, it is the staff member's responsibility to use appropriate personnel procedures (e.g., use leave, request a change of duty, or notify his/her supervisor of potential side effects) to avoid unsafe workplace practices. If a staff member notifies his/her supervisor that the use of medication could compromise the safe performance of his/her job, the supervisor, in conjunction with his/her superior, will determine whether the staff member can remain at work and whether any work restrictions will be necessary.

B. As a condition of employment, each employee will notify his or her supervisor of a conviction under any criminal drug statute. Such notification will be provided no later than five (5) days after such conviction. The District will inform the federal granting agency within ten (10) days of such conviction, regardless of the source of the information.

C. District employees are directed to report any suspected violation of this policy to an administrator or directly to the Superintendent of Schools or his/her designee. The Superintendent or designee will investigate the allegation and meet with the alleged violator.

D. All employees will be notified of this policy every year and instructed to recognize that compliance is mandated.

E. This policy shall be made known to prospective employees prior to employment.

V. Disciplinary Action Upon Violation of Policy

A. An employee who violates this policy may be subject to disciplinary action, consistent with applicable state and federal laws, up to and including termination. Enrollment and successful completion of an appropriate drug-or alcohol-abuse, employee-assistance rehabilitation program may be required at the discretion of the administration, at the employee's expense. Nothing in this policy will be construed to guarantee reinstatement of any employee who violates this policy, nor does the District incur any financial obligation for treatment or rehabilitation required as a condition of eligibility for reinstatement.

B. Disciplinary action will include, at a minimum, a letter of reprimand and may include, but is not limited to, suspension or termination from employment.

C. The Board shall take disciplinary action with respect to an employee convicted of a drug offense in the workplace within thirty (30) days after receiving notice of the conviction.

D. Should District employees be engaged in the performance of work under a federal contract or grant, or under a State contract or grant of $5,000 or more, the Superintendent shall notify the appropriate State or Federal agency from which the District receives contract or grant monies of the employee's conviction within ten (10) days after receiving notice of the conviction.

E. The District may notify law enforcement agencies regarding a staff member's District deems appropriate.

VI. Employee Assistance

In order to make employees aware of the dangers of drug and alcohol abuse, and to provide an employee with the opportunity for rehabilitation in overcoming addiction to, dependence upon, or other problem with alcohol or drugs, the District will:
A. provide each employee with a copy of this District Drug and Alcohol-Free Workplace policy;

B. post notice of the Drug- and Alcohol-Free Workplace policy in a place where other information for employees is posted;

C. make available materials from local, state, and national anti-drug and alcohol-abuse organizations;

D. Enlist the aid of community and state agencies with drug and alcohol informational and rehabilitation programs to provide information to District employees;

E. provide information about benefits available under the Board's group medical plan for treatment;

F. establish a drug-free awareness program to inform employees about:

- the dangers of drug abuse in the workplace,
- available drug and alcohol counseling, rehabilitation, re-entry, and any employee assistance programs, and
- the penalties that the District may impose upon employees for violations of this policy.

Legal Reference: Connecticut General Statutes

P.A. 21-1 (June Spec. Session) An Act Concerning Responsible and Equitable Regulation of Adult-Use Cannabis

Controlled Substances Act, 21 U.S.C. §812; 21 C.F.R. 1308.11-1308.15

Drug-Free Workplace Act of 1988, 41 U.S.C. §701 et. seq.

Drug-Free Schools and Community Act, P.L. 99- 570, as amended by P.L. 101 226 (199)

Safe and Drug-Free School and Communities Act of 1994, 20 U.S.C. §7101-71187 (as amended by Title IV - 21st Century Schools)

Drug-Free Workplace Act, 30 ILCS 580/1 et. seq.

Drug-Free Workplace Requirements for Federal Grant and Recipients, 41 U.S.C. 8103

Policy adopted:

Personnel - Certified

Evaluation and Support Program

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

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

Note: "Teacher" or "Administrator" for purposes of evaluation shall include each professional employee of the Board, below the rank of Superintendent, who holds a certificate or permit issued by the State Board of Education.

Appraisal of teaching performance should serve three purposes:

1. To raise the quality of instruction and educational services to the children of our community resulting in improved student learning.

2. To raise the standards of the teaching profession as a whole.

3. To aid the individual teacher to grow professionally, linking district-wide teacher evaluation and professional development plans.

Evaluation of teacher performance must be a cooperative, continuing process designed to improve student learning and the quality of instruction. The Superintendent shall annually evaluate or cause to be evaluated all certified employees in accordance with the teacher evaluation and support program, developed through mutual agreement with the Professional Development and Evaluation committee for the District. The required union representation on such committee shall include at least one representative from each of the teachers' and administrators' unions. The teacher shares with those who work with the teacher the responsibility for developing effective evaluation procedures and instruments and for the development and maintenance of professional standards and attitudes regarding the evaluation process.

The Board of Education shall adopt and implement a teacher evaluation and support program. Such teacher evaluation and support program shall be developed through mutual agreement with the District's Professional Development and Evaluation Committee. If unable to attain mutual agreement, the Board and the Professional Development and Evaluation Committee shall consider adopting by mutual agreement the State Board of Education (SBE) adopted model

teacher evaluation and support program without any modification. Further, if the Board and the Professional Development and Evaluation Committee fail to agree on the SBE model, the Board will use its statutory authority to adopt and implement a teacher evaluation program of its choice, provided such program is consistent with the SBE adopted guidelines.

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

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

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

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

1. The use of four performance evaluation designators: exemplary, proficient, developing, and below standards;
2. The use of multiple indicators of student academic growth and development in teacher and administrative evaluations;
3. Methods for assessing student academic growth and development;
4. A consideration of control factors, tracked by the state-wide public school information system that may influence teacher performance ratings, including, but not limited to, student characteristics, student attendance and student mobility;
5. Minimum requirements for teacher evaluation instruments and procedures, including scoring systems to determine exemplary, proficient, developing and below standard ratings;
6. The development and implementation of periodic training programs regarding the teacher evaluation and support program to be offered by the local or regional board of education or RESC to teachers whose performance is being evaluated and to administrators who are conducting the performance evaluations;
7. The provision of professional development services based on individual or group needs identified through the evaluation process;
8. The creation of individual teacher improvement and remediation plans for teachers who are rated "developing" or "below standard" in performance, designed in consultation with such teacher and his/her exclusive bargaining representative chosen pursuant to CGS 10-1536;
9. Opportunities for career development and professional growth; and
10. A validation procedure to audit evaluation ratings of "exemplary" or "below standard" evaluation ratings by the SDE or third-party entity approved by the SDE.

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

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

The Superintendent shall report to the Board by September 15th annually on the status of the evaluations. In addition, annually, by dates determined by the State Department of Education, the Superintendent shall report to the Commissioner of Education on the implementation of the teacher evaluation and support program, including the frequency of evaluations, aggregate

evaluation ratings, the number of teachers and administrators not evaluated, and other requirements as determined by the State Department of Education.

Improvement and Remediation Plans

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

1. is developed in consultation with the teacher and his/her union representative and is differentiated by the level of identified need and/or stage of development;

2. identifies resources, support, and other strategies to be provided by the Board to address documented deficiencies;

3. contains a timeline for implementing such measures in the same school year as the plan is issued; and

4. provides success indicators that include a minimum overall rating of "proficient" at the end of the improvement and remediation plan.

Evaluation Training

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

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

Implementation Plan

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

Options: The District will:

[X] Implement the SEED state model in its entirety and implement all components as written within the Handbook.

[ ] Use the State Department of Education approved plan with adopted flexibilities.

[ ] Use a District developed plan. (Such plan must have at least one variation from any of the elements/components of the SEED model.)

Beginning with the 2014-15 school year and all subsequent years, the submission of the District's evaluation plans for State Department of Education's review and approval, including flexibility requests, shall take place by annual deadlines set by the State Department of Education.

Complementary Observers

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

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

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

Dispute-Resolution Process

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

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

Data Management

Annually prior to September 15, the District's Professional Development and Evaluation Committee will review and report to the Board the user experiences and efficiency of the District's data management system/platform to be used by teachers and administrators to manage the evaluation plans.

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

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

Audit

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

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

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

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

A. foundational skills and competencies; and

B. the discipline-based professional standards.

(cf. 2400 - Evaluation of Administrators and Administration)

(cf. 4111/4211 - Recruitment and Selection)

(cf. 4131 - Staff Development)

Legal Reference: Connecticut General Statutes

10-145b Teaching certificates.

10-151a Access of teacher to supervisory records and reports in personnel file.

10-151b Evaluation by superintendent of certain educational personnel. (amended by PA 04-137, P.A.

10-111, P.A. 12-116, PA 12-2 (June Special Session), PA 13-245, PA 15-5 (June Special Session)

10-151c Records of teacher performance and evaluation not public records.

10-220a(b) In-service training. Professional development. Institutes for educators. Cooperative and beginning teacher programs, regulations.

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

PA 12-116 An Act Concerning Education Reform (as amended by PA 13-145 An Act Concerning Revisions to the Reform Act of 2012.)

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

Connecticut's System for Educator Evaluation and Development (SEED) state model evaluation system.

"Flexibility to Guidelines for Educator Evaluation" adopted by Connecticut State Board of Education, February 6, 2014

34 C.F.R. 200.55 Federal Regulations.

PL 114-95 Every Student Succeeds Act, §9213

Policy adopted:

Personnel -- Certified/Non-Certified

Family and Medical Leave Act

The Northwestern Regional District No. 7 Board of Education shall provide leave to eligible employees consistent with the Family and Medical Leave Act of 1993 (FMLA) and legislative updates. This policy notifies employees of their rights and establishes guidelines consistent with FMLA and applicable Connecticut state law. This policy does not recite every provision of applicable law and regulations.

Federal FMLA

Employees of the Board of Education who have been employed for at least twelve (12) months and who have worked at least 1,250 service hours during the twelve (12) months immediately preceding the start of a leave are eligible for unpaid leave under the FMLA. Full-time employees are considered to have met the 1,250-hour requirement unless the Board can demonstrate otherwise. Under federal FMLA, eligible employees are provided up to 12 weeks of unpaid leave each year.

CT FMLA

Eligible employees are employees whose position does not require a professional certification (non-certified school personnel) or certified school personnel whose union has successfully negotiated with the Board to participate in such programs. To be eligible for the program, a certified school employee must be employed for at least three months immediately preceding such employee's request for leave by the employer with respect to whom leave is requested. Non-certified school personnel must be employed by the Board for at least three months during the previous 12 months to be eligible.

Under CT FMLA, eligible employees can take up to 12 weeks of unpaid leave in 12 months for qualifying reasons with an additional 2 weeks available for certain pregnancy-related conditions.

Leave covered by FMLA includes the following:

- incapacity due to pregnancy, prenatal medical care, or childbirth;
- to care for the employee's newborn child;
- the placement of a child with the employee by adoption or foster care;
- to care for the employee's spouse, child, or parent who has a serious health condition;
- to care for the employee's own serious health condition that renders the employee unable to perform the functions of the employee's position;
- to serve as an organ or bone marrow donor;

- to care for an injured or ill service member;

- a qualifying exigency arising out of a family member's military service, including one or more of the following reasons:

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

If a leave is requested for one of the reasons listed above, each eligible employee may take up to a total of twelve (12) weeks of unpaid family or medical leave in the twelve (12) month entitlement period. This entitlement period is measured on the basis of a "rolling" 12-month period measured backward from the date an employee uses any FMLA leave.

The Superintendent will draft administrative regulations to comply with the FMLA and subsequent updates. In developing these regulations to support policy 4152.6/4252.6, the Superintendent will provide direction and explanations covering the following areas:

- Acceptable reasons for requesting a leave under the FMLA;
- Leave scenarios and conditions;
- Leave to care for an injured or ill service member;
- Procedures for requesting a leave under the FMLA;
- Leaves under FMLA and medical treatment requirements;
- Required certifications and documentation;
- Use of paid leave;
- Medical insurance and other benefits; and
- Reinstatement.

(cf. 4118.14 - Disabilities)

(cf. 4151.2 - Family Illness)

(cf. 4152.3 - Maternity; Adoptive; Child Care)

Legal References: Connecticut General Statutes

31-51rr Family and medical leave benefits for employees of political subdivisions

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

United States Code:

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

29 CFR Part 825.100 et seq.

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

29 CFR 1635.1 et seq.

PA 24-41 An Act Concerning Educator Certification, Teachers, Paraeducators and Mandated Reporter Requirements, Section 18

PA 25-174 An Act Authorizing and Adjusting Bonds of the State and Concerning Grant Programs, State Grant Commitments for School Building Projects, Revisions to the School Building Projects Statutes and Various Provisions Revising and Implementing the Budget for the Biennium Ending June 30, 2027, Sections 234-237

Policy adopted:

Personnel - Certified/Non-Certified

Family and Medical Leave Act

The Northwestern Regional District No. 7 Board of Education shall provide leave to eligible employees consistent with the Family and Medical Leave Act of 1993 (FMLA) and legislative updates. This policy notifies employees of their rights and establishes guidelines consistent with FMLA and applicable Connecticut state law. (These regulations do not recite every provision of applicable law and regulations.)

Federal FMLA

Employees of the Board of Education who have been employed for at least twelve (12) months and who have worked at least 1,250 service hours during the twelve (12) months immediately preceding the start of a leave are eligible for unpaid leave under the FMLA. Full-time employees are considered to have met the 1,250-hour requirement unless the Board can demonstrate otherwise. Under federal FMLA, eligible employees are provided up to 12 weeks of unpaid leave each year.

CT FMLA

Eligible employees are employees whose position does not require a professional certification (non-certified school personnel) or certified school personnel whose union has successfully negotiated with the Board to participate in such programs. To be eligible for the program, a certified school employee must be employed for at least three months immediately preceding such employee's request for leave by the employer with respect to whom leave is requested. Non-certified school personnel must be employed by the Board for at least three months during the previous 12 months to be eligible.

Under CT FMLA, eligible employees can take up to 12 weeks of unpaid leave over a 12-month period for qualifying reasons with an additional 2 weeks available for certain pregnancy-related conditions.

For purposes of these administrative regulations, a **paraeducator** means a school employee who performs instructional duties or delivers either direct or indirect services to students and/or parents and serves in a position for which a teacher has ultimate responsibility for the design and implementation of educational programs and services. An **instructional employee** is defined as a teacher or other employee who serves in an instructional capacity and whose function is to instruct students. The term does not include teacher assistants or non-instructional aides, nor auxiliary personnel such as school counselors, psychologists, curriculum specialists, cafeteria workers, maintenance or custodial workers, or other primarily non-instructional employees.

Leave covered by FMLA includes the following:

- incapacity due to pregnancy, prenatal medical care, or childbirth;

- to care for the employee's newborn child;
- the placement of a child with the employee by adoption or foster care;
- to care for the employee's spouse, child, or parent who has a serious health condition;
- to care for the employee's own serious health condition that renders the employee unable to perform the functions of the employee's position;
- to serve as an organ or bone marrow donor;
- to care for an injured or ill service member;
- a qualifying exigency arising out of a family member's military service, including one or more of the following reasons:
    - short-notice deployment;
    - military events and related activities;
    - childcare and school activities;
    - financial and legal arrangements;
    - counseling;
    - rest and recuperation;
    - post-deployment activities;
    - parental care leave for a military member's parent who is incapable of self-care and care is necessitated by the military member's covered active duty;
    - additional activities that arise out of the active duty or call to active duty status of a covered military member provided that the Board and the employee agree that such leave qualifies as an exigency and agree to both the timing and the duration of such leave.

If a leave is requested for one of the reasons listed above, each eligible employee may take up to a total of twelve (12) weeks of unpaid family or medical leave in the twelve (12) month entitlement period. This entitlement period is measured on the basis of a "rolling" 12-month period measured backward from the date an employee uses any FMLA leave.

Types of Leave and Conditions

Full-Time, Intermittent and Reduced Schedule Leave

Full-time leave excuses the employee from work for a continuous period of time. Full-time unpaid leave may be taken for any of the reasons permitted by the FMLA. ***Intermittent leave*** means leave taken for a single qualifying reason in separate periods rather than for one continuous period. Intermittent leave includes leave taken one day per week over a period of a few months or leaves taken on an occasional or as-needed basis for medical appointments. ***Reduced schedule*** leave is leave that reduces the employee's usual number of work hours per

day for some period of time, as when an employee may request half-time work for a number of weeks so the employee can assist in the care of a seriously ill parent.

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

If foreseeable intermittent or reduced schedule leave is medically required based on planned medical treatment of the employee, a family member, or a covered service member, the Board may, in its sole discretion, temporarily transfer the employee to another job with equivalent pay and benefits that better accommodates the leave requested. This would include a period of recovery from an employee's or family member's serious health condition or a serious injury or illness of a covered service member.

In addition, special arrangements may be required of an instructional employee who needs to take intermittent or reduced-schedule leave, which will involve absence for more than twenty (20) percent of the work days in the period over which the leave will extend (for example, more than five days over a five-week period) if the leave is to care for a family member with a serious health condition, to care for a covered service member with a serious injury or illness, or for the employee's own serious health condition, which is foreseeable based on planned medical treatment. In such situations, the Board may require the instructional employee to transfer temporarily to another job or take leave for a particular duration not to exceed the duration of the planned medical treatment.

Both Spouses Working for the Same Employer

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

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

If an instructional employee's leave for any reason begins more than five (5) weeks before the end of an academic term, the Board may require the employee to continue the leave until the end

of the term if the leave will last at least three (3) weeks and the instructional employee returns to work during the three-week period before the end of the term.

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

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

Leave to Care for an Injured or Ill Service Member

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

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

For covered veterans, they must be undergoing medical treatment, recuperation, or therapy for a serious injury or illness and must have been a member of the Armed Forces (including the National Guard or Reserves), discharged or released under conditions that were other than dishonorable, and discharged within the five-year period before the eligible employee first takes FMLA military caregiver leave to care for the veteran. *(The employee's first date of leave must be within the five-year period. However, the employee may continue to take leave throughout the single 12-month period even if the leave extends past the five-year period. Note - special rules may apply to calculating the five-year period for veterans discharged between October 28, 2009, and March 8, 2013. This period will effectively be excluded from the five-year calculation.)*

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

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

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

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

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

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

Requests for Leave

Foreseeable Leave

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

Qualifying Exigency

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

Unforeseeable Leave

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

Scheduling Planned Medical Treatment

When planning medical treatment for foreseeable FMLA leave, an employee must consult with the personnel department and make a reasonable effort to schedule the treatment so as not to unduly disrupt the Board's operations, subject to the approval of the health care provider. Similarly, if an employee needs to leave intermittently or on a reduced leave schedule for planned medical treatment, the employee must make a reasonable effort to schedule the treatment so as not to disrupt the Board's operations unduly.

Ordinarily, the employee should consult with the personnel department prior to scheduling the treatment in order to work out a treatment schedule that best suits the needs of the Board and the employee. The Board and the employee shall attempt to work out a schedule for leave that meets the employee's needs without unduly disrupting the Board's operations, subject to the approval of the health care provider as to any modification of the treatment schedule.

Required Certifications/Documentation

For leaves taken for any FMLA-qualifying reason, an employee must submit a completed certification form supporting the need for leave. The employee must submit a complete and sufficient certification form as required within fifteen (15) calendar days of receiving the request for the completed certification. If it is not practicable for the employee to provide the completed form by the due date despite the employee's diligent, good-faith efforts, the employee must inform the personnel department of the reason(s) for the delay and what efforts the employee undertook to obtain the required certification.

FMLA-protected leave may be delayed or denied if the employee does not provide a complete and sufficient certification as required. Depending on the reason for leave, an employee may be required to submit medical certification from the employee's health care provider, medical certification from the employee's family member's health care provider, and/or other documentation (e.g., to establish a family relationship, military active duty orders, etc.). In certain circumstances and under certain conditions, employees may also be required to obtain second or third medical opinions and/or recertification in accordance with applicable law.

If an employee takes leave for the employee's own serious health condition (except on an intermittent or reduced-schedule basis), prior to returning to work, the employee must provide a medical fitness-for-duty certification that the employee is able to resume work and the health condition that created the need for the leave no longer renders the employee unable to perform the essential functions of the job. This certification must be submitted to the personnel department.

If the employee is unable to perform one or more of the essential functions of the employee's position, the Board will determine whether the employee is eligible for additional FMLA leave

(if such leave has not been exhausted) or whether an accommodation is appropriate, in accordance with the Americans with Disabilities Act.

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

Use of Paid Leave

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

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

Medical Insurance and Other Benefits

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

During an FMLA leave, an employee shall not accrue list benefits, such as seniority, pension benefits, or sick or vacation leave, unless otherwise required by any applicable collective bargaining agreement or Board policy. However, unused employment benefits accrued by the employee up to the day on which the leave begins will not be lost upon return to work. Leave taken under this policy does not constitute an absence under the Board's attendance policy, if any.

Reinstatement

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

Additional Information

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

Legal References: Connecticut General Statutes

31-51rr Family and medical leave benefits for employees of political subdivisions

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

United States Code:

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

29 CFR Part 825.100 et seq.

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

29 CFR 1635.1 et seq.

PA 24-41 An Act Concerning Educator Certification, Teachers, Paraeducators and Mandated Reporter Requirements, Section 18

PA 25-174 An Act Authorizing and Adjusting Bonds of the State and Concerning Grant Programs, State Grant Commitments for School Building Projects, Revisions to the School Building Projects Statutes and Various Provisions Revising and Implementing the Budget for the Biennium Ending June 30, 2027, Sections 234-237

Regulation approved:

Security Check/Fingerprinting

Criminal Justice Information

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

Note: *Applicants for all positions, certified or non-certified, must submit to a check of the Department of Children and Families Child Abuse and Neglect Registry.*

Applicants, as required, shall make disclosures containing (1) current and past employers' contact information; (2) authorization allowing contact with such employers; and (3) statements about any past misconduct, discipline, or licensure penalties as a result of sexual misconduct or abuse allegations.

The District, prior to hiring such applicants, will (1) ensure that they complete the above-stated three requirements; (2) review applicants' employment history after making a documented, good faith effort to contact previous employers for information; and (3) request any available information about applicants from SDE.

The background/reference checks shall be conducted in compliance with the statutory guidelines set forth in Board policy #4112.51/4212.51, as updated in 2019.

District employees shall, within 30 days after they are hired, submit to state and national criminal checks. District students employed by the school system are exempted from this requirement.

Workers placed in a school under a public assistance employment program shall also submit to the criminal check if such individuals will have direct contact with students.

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

A District student, employed by the District or a person employed by the Board as a teacher for a non-credit adult class or adult education activity (as defined in C.G.S. 10-67) who is not required to hold a teaching certificate, pursuant to C.G.S. 10-145b, as amended by PA 18-51, is exempt from the fingerprinting requirement.

Criminal Justice Information (CJI) is to be maintained in accordance with the administrative regulation pertaining to the use and disclosure of criminal justice information.

(cf. 4112.51/4212.51 - Employment/Reference Checks)

Legal Reference: Connecticut General Statutes

10-221d Criminal history records checks of school personnel. Fingerprinting. Termination or dismissal. (as amended by PA 01-173, PA 04-181 and June 19 Special Session, PA 09-1, PA 11-93, PA 16-67, PA 18-51 and PA 19-91)

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

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

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

Policy adopted:

Personnel -- Certified/Non-Certified

Security Check/Fingerprinting / Criminal Justice Information

CHRI Retention and Destruction

The following administrative regulations are developed to ensure Criminal Justice Information compliance:

Relevant Acronym Key

CJI/CJIS	**Criminal Justice Information/Services**
CJA	**Criminal Justice Agency**
CSA	**CJIS Systems Agencies**
CSO	**CJIS Systems Officer**
CGA	**Contracting Government Agency**
AC	**Agency Coordinator**
CSA ISO	**CJIS Systems Agency Information Security Officer**
LASO	**Local Agency Security Officer**
FBI CJIS	**FBI CJIS Division Information Security Officer**
ISO	**Criminal Justice Information**
CJI	**Criminal History Record Information**
CHRI	**Personally Identifiable Information**
PII	**C**T **O**n-**L**ine **L**aw **E**nforcement **C**ommunications
COLLECT	**T**eleprocessing
CJBAU	**C**riminal **J**ustice **B**usiness **A**pplications **U**nit

Purpose

This policy is applicable to any fingerprint-based state and national criminal history record check made for non-criminal justice purposes and requested under applicable federal authority and/or state statute authorizing such checks for hiring personnel for employment in the Northwestern Regional District No. 7 School District.

The following policies were developed using the FBI's Criminal Justice Information Services (CJIS) Security Policy. While the Northwestern Regional District No. 7 School District may complement CJIS policy with local requirements, CJIS policy shall always be the minimum standard. The local policy may augment or increase the standards but shall not detract from the CJIS Security Policy Standards.

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

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

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

Requesting CHRI Checks

Fingerprint-based CHRI checks will only be conducted as authorized by the FBI and the Connecticut Department of Emergency Services and Public Protection – COLLECT CJBAU, in accordance with all applicable state and federal rules and regulations.

If an applicant or employee is required to submit to a fingerprint-based state and national criminal history record check, they shall be informed of this requirement and instructed on how to comply with the law. Such instructions will include information on the procedure for submitting fingerprints. In addition, the applicant or employee will be provided with all information needed to successfully register for a fingerprinting appointment.

Acceptable Use of CHRI

All CHRI is subject to strict state and federal rules and regulations. CHRI is used only for the official purpose for which it was requested, and CHRI cannot be shared with other entities for any purpose, including subsequent hiring determinations. All receiving entities are subject to audit by the COLLECT CJBAU (Connecticut On-Line Law Enforcement Communications Teleprocessing/Criminal Justice Business Applications Unit) and the FBI, and failure to comply with such rules and regulations could lead to sanctions. Furthermore, the Northwestern Regional District No. 7 School District and the employee responsible for overseeing CJI can be charged with federal and state crimes for the willful, unauthorized disclosure of CHRI.

Personnel Training

An informed review of a criminal record requires training. Accordingly, all personnel authorized to receive and/or review CHRI for the Northwestern Regional School District No. 7 will review and become familiar with educational and relevant training materials regarding CHRI laws and regulations made available by the appropriate agencies.

In addition to the above, all personnel authorized to receive and/or review CHRI must undergo Security Awareness Training on a biennial basis. This training will be accomplished using the training provided by CJIS Online.

The Superintendent or his/her/their designee will be responsible for overseeing all training programs and adherence to all training requirements.

Personnel Security (All Personnel)

All personnel requiring access to CHRI must first be deemed "Authorized Personnel" by the Superintendent or his/her/their designee. The COLLECT CJBAU will review and determine if access is appropriate. Access is denied if the individual has ever had a felony conviction of any kind, no matter when it occurred. Access may be denied if the individual has one or more recent misdemeanor convictions.

In addition to the above, an individual believed to be a fugitive from justice or having an arrest history without convictions will be reviewed to determine if access to CHRI is appropriate. The COLLECT CJBAU will take into consideration extenuating circumstances where the severity of the offense and the time that has passed would support a possible variance.

Persons already having access to CHRI and who are subsequently arrested and/or convicted of a crime will:

1. Have their access to CVHRI suspended until the outcome of an arrest is determined and reviewed by the COLLECT CJBAU to determine if continued access is appropriate;

2. Have their access suspended indefinitely if a conviction results in a felony of any kind;

3. Have their access denied by the COLLECT CJBAU, where it is determined that access to CHRI by the person would not be in the public's best interest.

Support personnel, contractors, and custodial workers will be denied access to CHRI. If such persons need to be in an area (s) where CHRI is maintained or processed (at rest or in transit), they will be escorted by authorized personnel or under their supervision at all times while in the area(s).

Personnel Termination

The Local Agency Security Officer (LASO) shall terminate access to CHRI immediately upon notification of an individual's termination of employment.

The Northwestern Regional District No. 7 School District shall follow the following CHRI termination process:

1. Notification will be sent via email to the COLLECT CJBAU;

2. This is to be done within 24 hours of receiving notification of termination;

3. All keys, email accounts, and other district accounts and materials identified by the Superintendent will be obtained/disabled from the user within 24 hours.

Adverse Decisions Based on CHRI

If inclined to make an adverse decision based on an individual's CHRI, the Northwestern Regional District No. 7 School District will take the following steps prior to making a final adverse determination:

1. Provide the individual the opportunity to complete or challenge the accuracy of his/her/their CHRI; and

2. Provide the individual with information on the process for updating, changing, or correcting CHRI.

A final adverse decision based on an individual's CHRI will not be made until the individual has been afforded a reasonable fifteen-day period (15) to correct or complete the CHRI.

Non-Criminal Agency Coordinator (TAC)

The Northwestern Regional District No. 7 School District TAC is Diane Barrett, Administrative Assistant to the Superintendent. Mrs. Barrett and Human Resources Professional, is responsible for the following:

1. Maintaining an updated Authorized Personnel List on file with the COLLECT CJBAU.

   a. Ensuring everyone included on this list must undergo the appropriate level of CJIS Security Awareness Training;

   b. Ensuring everyone included on the list has appropriate access based on job functions and a need-to-know basis.

2. Inform the COLLECT CJBAU of changes in the agency head or any relevant business information (agency name changes, mailing/physical address changes, etc.).

   a. Contact the COLLECT CJBAU immediately to update the User Agreement and, if necessary, submit the new authorization to the COLLECT CJBAU;

   b. Submit a TAC change form to the COLLECT CJBAU in the event of a change in roles.

Local Agency Security Officer (LASO)

The Northwestern Regional District No. 7 School District LASO is Steven K. LePage, Superintendent of Schools, and he is responsible for the following:

1. Identifying who is using or accessing CHRI and/or systems with access to CHRI;

2. Ensuring that personnel security screening procedures are being followed as stated in this policy.

3. Ensuring the approved and appropriate security measures are in place and working as expected.

Storage of CHRI

CHRI shall only be stored for extended periods of time when necessary to ensure the integrity and/or utility of an individual's personnel file. Administrative, technical, and physical safeguards, which comply with the most recent COLLECT CJBAU and FBI Security Policy, have been implemented to ensure the security and confidentiality of CHRI. Each individual involved in the handling of CHRI is to become familiarized with these safeguards.

In addition to the above, each individual involved in handling CHRI will strictly adhere to the policy on its storage and destruction.

Media/Physical Protection

All media containing CHRI must be protected and secured at all times. The following is established and to be implemented to ensure the appropriate security, handling, transporting, and storage of CHRI media in all forms.

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

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

Physical Storage and Access

Physical CHRI media shall be securely stored within physically secured locations or controlled areas. A physically secure location is a facility or an area, a room, or a group of rooms within a facility with both the physical and personnel security controls sufficient to protect the FBI CJI and associated information systems. The perimeter of the physically secure location shall be prominently posted and separated from non-secure locations by physical controls. Access to such media is restricted to authorized personnel only and shall be secured at all times when not in use or under the supervision of an authorized individual.

Only authorized personnel will have access to physically secure non-public locations. The Superintendent or his/her/their designee will maintain and keep a list of authorized personnel. Before granting access, all physical access points into the District's secure areas will be

authorized. The Superintendent or his/her/their designee will implement access controls and monitor physically secure areas to protect all transmission and display mediums of CJI.

Authorized personnel will take necessary steps to prevent and protect the agency from physical, logical, and electronic breaches.

Physical CHRI media:

1. Is to be stored within employee records when feasible or by itself when necessary.

2. Is to be maintained within a lockable filing cabinet, drawer, closet, office, safe, vault, or other secure container.

Electronic CHRI media:

1. Is to be stored on secure servers within a physically secure location when feasible.

2. (Include details on how electronic CHRI is secured.)

Destruction of CHRI

Disposal of Physical Media

Once physical CHRI media (paper/hard copies) is determined to be no longer needed by the District, it shall be destroyed and disposed of appropriately. Physical CHRI media shall be destroyed by cross-cut shredding or incineration. The Superintendent or his/her/their designee will ensure such destruction is witnessed or carried out by authorized personnel:

1. The LASO shall witness or conduct disposal.

2. Cross-cut shredding will be the method of destruction used by the District.

Media Sanitization and Disposal (Disposal of Electronic Media)

Once the District determines that electronic CHRI media (data stored on computers) are no longer needed, they shall be destroyed and disposed of appropriately.

The Northwestern Regional District No. 7 School District shall choose one of the following options below to use in this policy:

Option 1: Overwriting

Overwriting involves a program writing onto the media where the file to be sanitized is located. The NCJA will sanitize the electronic CHRI by overwriting the data at least three times before disposing of or reusing the computer/device/system on which it was stored. Overwriting the CHRI data must be completed or witnessed by authorized district personnel.

Option 2: Degaussing

Degaussing is a method to magnetically erase data from magnetic media. Two types of degaussing exist: strong magnets and electric degaussers. Note that common magnets are weak and cannot effectively degauss magnetic media. The NCJA will degauss the electronic CHRI prior to disposing of or reusing the computer/device/system on which the electronic CHRI was stored. Degaussing the CHRI data must be completed or witnessed by authorized district personnel. (Degaussing means neutralizing a magnetic field to erase information from a magnetic disk or other storage device.)

Option 3: Destruction

If the computer/device on which the CHRI data is stored is no longer operational, The NCJA must physically destroy the device. Destruction of the device containing physical electronic CHRI, including printouts and other media, shall be disposed of by one of the following methods:

Remote Access

The Superintendent shall authorize, monitor, and control all methods of remote access to the information systems that can access, process, transmit, and/or store FBI CJI. Remote access means any temporary access to an agency's information system by a user or information system communicating temporarily through an external, non-district-controlled network, such as the Internet.

The District shall employ automated mechanisms to facilitate the monitoring and control of remote access methods. The Superintendent or his/her/their designee shall control all remote access through managed access control points and may permit remote access for privileged functions only for compelling operational needs. However, this person shall document the rationale for such access in the security plan for the information system.

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

Personally Owned Information Systems

A personally owned information system shall not be authorized to access, process, store, or transmit CJI unless the agency has established and documented the specific terms and conditions for personally owned information system usage. A personal device includes portable technology like a camera, USB flash drives, USB thumb drives, DVDs, CDs, air cards, mobile wireless devices, or any personal desktop computer. When bringing your own devices are authorized, they shall be controlled using the requirements in Section 5.13 of the CJIS Security Policy.

Disciplinary

If an individual employed by the Northwestern Regional District No. 7 School District has misused or is currently misusing CHRI, the following requirements will be adhered to:

1. Using CHRI for any purpose other than what is allowed by state statute or Federal code is considered misuse.

2. **The specific steps the District will take in the event intentional misuse is discovered.

3. Misuse of CHRI can result in loss of access to CHRI, loss of employment, and/or criminal prosecution.

4. Misuse of CHRI shall be reported to the State.

**(CABE's Policy Department recommends consulting with the Board attorney regarding item #2 and a general review of the Disciplinary section of this policy.)

Incident Response

The security of information and systems in general, and of CHRI in particular, is a top priority for the Northwestern Regional District No. 7 School District. Therefore, the District has established appropriate operational incident response procedures for instances of an information security breach. It is each individual's responsibility to adhere to established security guidelines and policies and to be attentive to situations and incidents that pose risks to security. Furthermore, it is each individual's responsibility to immediately report potential or actual security incidents to minimize any breach of security or loss of information.

The following security incident handling procedures must be followed by each individual:

1. All incidents will be reported directly to the LASO.

2. If any records are stolen, the incident will also be reported to appropriate authorities.

3. Once the cause of the breach has been determined, disciplinary measures will be taken in accordance with the disciplinary policy of the District.

In addition to the above, the LASO shall report all security-related incidents to the COLLECT CJBAU within 24 hours.

All District personnel with access to FBI and/or COLLECT CJBAU CHRI have a duty to protect the system and related systems from physical and environmental damage and are responsible for the correct use, operation, care, and maintenance of the information. All existing laws, District regulations, and policies apply, including those that may apply to personal conduct. Misuse or failure to secure any information resources may result in temporary or permanent restriction of all privileges up to employment termination.

The Superintendent shall ensure that all staff members are aware of this policy and that those responsible for implementation and oversight receive adequate training and updates.

(cf. 4112.51/4212.51 - Employment/Reference Checks)

Legal Reference: Connecticut General Statutes

10-221d Criminal history records checks of school personnel. Fingerprinting. Termination or dismissal. (as amended by PA 01-173, PA 04-181, June 19 Special Session, PA 09-1, PA 11-93, PA 16-67 and PA 18-51, and PA 19-91)

17a-101k Registry of findings of abuse or neglect of children maintained by the Commissioner of Children and Families. Notice of finding of abuse or neglect of a child. Appeal of finding. Hearing procedure. Appeal after hearing. Confidentiality. Regulations.

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

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

PA 16-83 An Act Concerning Fair Chance Employment

Criminal Justice Information Services (CJIS) Security Plan, Version 5.8, 06/01/2019 Prepared by CJIS Information Officer Approved by CJIS Advisory Policy Board

Regulation approved:

Personnel - Certified

Increasing Educator Diversity

The Northwestern Regional District No. 7 Board of Education recognizes the importance of diversity among its educators. It is committed to ensuring effective strategies are implemented to recruit and retain a diverse pool of highly qualified and effective educators who reflect the demographics of our student population and those diverse communities extending beyond our schools' walls.

In accordance with Public Act 23-167, Section 10, the Board directs the Superintendent to develop and submit an Increasing Educator Diversity Plan (the Plan) to the Connecticut State Department of Education (CSDE) on or before March 15, 2024, and comply with all CSDE procedures related to the Public Act. Upon completion of the Plan and prior to its submission, the Board shall approve it. The day, month, and year on which the Plan receives Board approval is required to complete the application.

The Board recognizes the complexity of sustaining the critical efforts to increase educator diversity. To that end, the Board will work within its authority to support planning and implementation tasks, including but not limited to planning team responsibilities, administrator and staff training, recruitment efforts, and data collection.

The Board directs the Superintendent to draft regulations referencing resources available on CSDE's Talent Office Homepage.

(cf. 4111 - Recruitment and Selection)
(cf. 4111.1/4211.1 - Affirmative Action: Equal Employment Opportunity)

Legal Reference: Connecticut General Statutes

10-4a (3) Educational interests of state identified.

10-151 Employment of teachers. Notice and hearing on termination of contract.

10-153 Discrimination on account of marital status.

10-220(a) Duties of Boards of Education. (as amended by PA 18-34)

46a-60 Discriminatory employment practices prohibited.

PA 16-41 An Act Concerning the Recommendations of the Minority Teacher Recruitment Task Force.

PA 18-34 An Act Concerning Minority Teacher Recruitment and Retention.

PA 19-74 An Act Concerning Minority Teacher Recruitment and Retention.

PA 21-2 June Special Session, Sections 378 & 379.PA 23-27 An Act Concerning Transparency in Education, Section 10

Policy adopted:

Increasing Educator Diversity

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The materials provided by the CSDE will assist districts in developing comprehensive and sustainable plans to support efforts for diversifying their educator workforce. The following suggestions are referenced in detail in these documents and are meant to provide a broad overview:

1. Convene a team passionate about this work, bringing diverse backgrounds and experiences, having the credibility to lead this work, and devote the time necessary to engage in preplanning and planning activities.

2. Utilize CSDE resources, such as EdSight, to examine your district's data and demographics.

3. Utilize the Toolkit to create an action plan.

4. Utilize the Toolkit to assist your team in creating a Shared Vision, a Theory of Action, SMART Goals, and a Problem Statement, and performing a Root Cause Analysis. These tasks and their desirable outcomes are clearly explained and will assist your team's plan development.

5. Use the coaching webinars for training purposes to build your team's capacity to lead this work.

6. While your team's functionality is critical for sustaining your district's efforts up to and beyond the plan submission stage, having one person in the district responsible for recruiting and prioritizing diversity hiring is also identified as a key to reaching your goals.

7. In addition to approving the Plan, the Board's support is critical in ensuring it provides the resources necessary for the plan's development, communicates the plan's importance to the community, and provides time in its meetings for updates.

Through its Talent Office portal, the Connecticut State Department of Education provides various resources designed to support districts in preparing their Increasing Educator Diversity Plans.

Connecticut State Department of Education's Talent Office Page:

https://portal.ct.gov/SDE/Talent_Office/Talent-Office-home-page

Materials including:

Webinars are provided to provide districts with an overview of the work required in creating planning teams, plan development and dissemination, and training.

Creating a District Plan to Increase the Racial, Ethnic and Linguistic Diversity of Your Educator Workforce: A Guidebook for Hiring and Selection is a comprehensive guide divided into three parts:

1. Creating a District Plan to Increase the Racial, Ethnic and Linguistic Diversity of Your Educator Workforce: A Guidebook for Hiring and Selection;

2. The Brookside Story: A Process Scenario designed to illustrate what district and school leaders in a fictitious district are thinking and doing to address the goal of building a more diverse teacher and administrator workforce;

3. Culturally Responsive Hiring Strategies Guidance Resource: A Companion to the Culturally Responsive Hiring Self-Assessment Tool.

Creating an Action Plan and Sustaining Efforts to Increase Educator Diversity: A Toolkit for District & School Leaders provides practical suggestions for getting started with preplanning tasks, developing an action plan, and ongoing progress monitoring. **Of great importance, this Toolkit includes the Increasing Educator Diversity Plan Template. While not required, the SDE materials strongly suggest using this template for plan submission.**

An 80-minute training module is provided to help school leaders in hiring professionals, identify implicit bias in the hiring and selection process, and help create a plan for recruiting and retaining educators of color. Recent legislation passed by the General Assembly required that the diversity training module be provided to all school district personnel responsible for hiring teachers to examine implicit bias's pervasive role in discriminatory hiring practices and the disproportionate distribution of teachers of color in the educator workforce.

The Video Contents and Agenda include:

1. Welcome from CSDE Chief Talent Officer Dr. Shuana Tucker
2. Introduction
    a. Quiz 1: True or False: Myths and Misconceptions About Teacher Diversity
3. Core Dispositions
4. Equity and Systemic Racism
5. Why Educator Diversity Matters
6. Core Tensions

a. Quiz 2: Core Tensions

7. Implicit Bias and Bias-Based Beliefs

a. Activity: Reflect on Bias-Based Beliefs

8. Responding to Microaggressions

9. CSDE Resources for Creating and Sustaining Educator Diversity Efforts

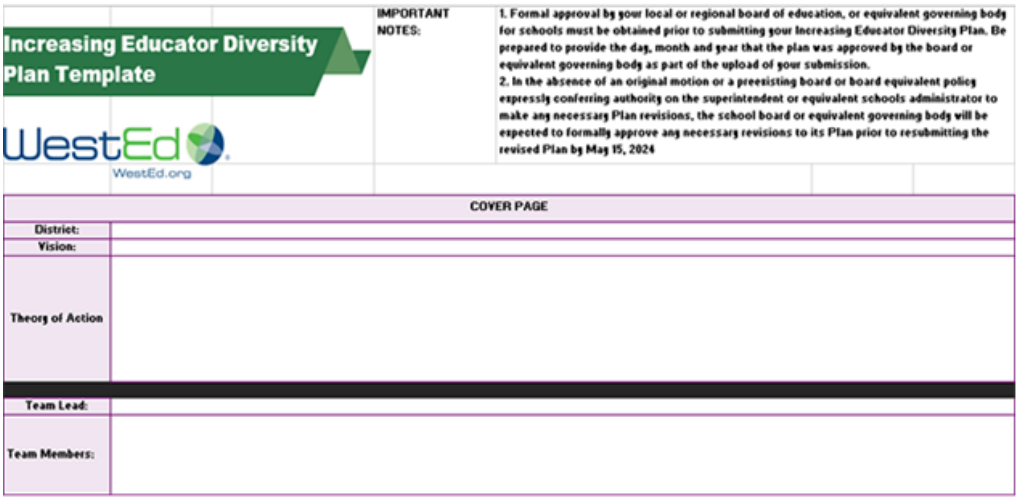
10. Closing

You can find more information about creating a plan on the CSDE's website, including:

- Creating a District Plan to Increase the Racial, Ethnic and Linguistic Diversity of Your Educator Workforce: A Guidebook for Hiring and Selection
- Creating an Action Plan and Sustaining Efforts to Increase Educator Diversity: Toolkit for District & School Leaders

https://portal.ct.gov/SDE/Talent_Office/Workforce-Diversity/Diversity-Training-Guide-for-Hiring-Recruiting-Diverse-Educators

The CSDE requires that the district's Increasing Educator Diversity Plan Template **must use the fillable Increasing Educator Diversity Plan Template, below, to create and submit your increasing educator diversity plan.**



Increasing Educator Diversity Plan Template

WestEd
WestEd.org

IMPORTANT NOTES:

1. Formal approval by your local or regional board of education, or equivalent governing body for schools must be obtained prior to submitting your Increasing Educator Diversity Plan. Be prepared to provide the day, month and year that the plan was approved by the board or equivalent governing body as part of the upload of your submission.
2. In the absence of an original motion or a preexisting board or board equivalent policy expressly conferring authority on the superintendent or equivalent schools administrator to make any necessary Plan revisions, the school board or equivalent governing body will be expected to formally approve any necessary revisions to its Plan prior to resubmitting the revised Plan by May 15, 2024

COVER PAGE

District:	
Vision:	
Theory of Action	
Team Lead:	
Team Members:	

Email questions about increasing educator diversity plans to:SDE.IEDPlans@ct.gov

1. To upload your increasing educator diversity plan by March 15, 2024 use the link below to access the Increasing Educator Diversity Plan Submission Portal:https://sdect.co1.qualtrics.com/jfe/form/SV_0IJ4GfNUJNNuuaO

2. FAQs, Plan Template, EdSight Educator Diversity Dashboard and Reports

https://portal.ct.gov/-/media/SDE/Talent_Office/IED/Increasing_Educator_Diversity_Plan_Fillable_Template.xlsx

Regulation approved:

Personnel Certified/Non-Certified

Nondiscrimination

In compliance with regulations of Title VII of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, as amended, and Section 504 of the Rehabilitation Act of 1973, the Civil Rights Act of 1987, and the Americans with Disabilities Act, the Northwestern Regional District No.7 Board of Education adopts the following Equal Employment Opportunity and Equal Education Opportunity Policies.

Equal Employment Opportunity

Both federal and state law prohibit discriminatory practices in hiring and employment. The Northwestern Regional District No.7 Board of Education prohibits discriminatory acts in all district matters dealing with employees and applicants for positions and requires equal employment opportunities for all employees and applicants. As an equal opportunity employer, the Board of Education does not discriminate on the basis of race, color, religious creed, age, marital status, national origin, ancestry, sex, sexual orientation, genetic information, gender identity or expression, disability, (including pregnancy), status as a victim of domestic violence, status as a Veteran, or any classification protected by state or federal law, regarding any individual who can perform the essential functions of the job with or without reasonable accommodations physical disability (including blindness) or other disability (except in the case of a bona fide occupational qualification or need.)

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

The District recognizes that it is a discriminatory practice to request or require, on an initial employment application, a prospective employee's age, date of birth, dates of attendance at or date of graduation from an educational institution on an initial employment application, unless requesting or requiring such information is based on a bona fide occupational qualification or need, or when such information is required to comply with any provision of state or federal law."

Equal Education Opportunity

Pursuant to the IDEA, Americans With Disabilities Act (ADA) and Section 504 of the Rehabilitation Act of 1973, no otherwise qualified individual with handicaps shall, solely by reason of such handicap, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program of the Northwestern Regional District No.7 Board of Education.

Every student has the right to participate fully in classroom instruction and extracurricular activities and shall not be abridged or impaired because of age, sex, sexual orientation, gender identity or expression, race, religion, color, national origin, status as a victim of domestic violence, disability (including pregnancy), parenthood, marital status, or for any reason not related to his/her individual capabilities.

The Civil Rights Coordinators and the Title IX Coordinators for the Northwestern Regional District No.7 Board of Education have the responsibility to monitor the compliance of this policy. The names and location of the Civil Rights Coordinators are set forth below. Further compliance with policy is a responsibility of all district administrators in accordance with the procedures outlined in the attached regulations.

Students shall not be discriminated against, including but not limited to, in the areas of:

Admission
Use of School Facilities
Vocational Education
Competitive Athletics
Student Rules, Regulations and Benefits
Financial Assistance
School-sponsored Extracurricular Activities
Enrollment in Courses
Counseling and Guidance
Physical Education
Graduation Requirements
Treatment as a Married and/or Pregnant Student
Health Services
Most Other Aid, Benefits or Services

Employee/or applicants shall not be discriminated against, including but not limited to, the areas of:

Hiring and Promotion
Compensation
Job Assignments
Leaves of Absence
Fringe Benefits
Labor Organization
Contracts or Professional Agreements

Sexual harassment has been established as a form of sexual discrimination and is defined as follows:

"Any **unwelcome** sexual advances, requests for sexual favors, or 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 employment or participation in an educational function (2) submission or rejection of such conduct by an individual is used as the basis for employment or educational decisions affecting the individual or (3) such conduct has the purpose or effect of unreasonably interfering with an individual's work or educational performance or creating an intimidating, hostile or offensive working environment."

Examples of specific behaviors (that are unwanted and sexual in nature) that could constitute sexual harassment include, but are not limited to:

Inappropriate touching	Sexually explicit comments
Sexual name-calling	Sexual rumors
Inappropriate public display of affection	Overly personal conversation
	Corner/blocking
Gestures	Leers
Sexually explicit jokes/cartoons/pictures	Attempted rape/rape
Pulling at clothes	Harassing telephone calls

If an employee believes that he or she has been discriminated against in regard to either of the preceding policies, a grievance may be filed charging that the employee's personal rights have been denied or violated.

Employees wishing to discuss these regulations or rights under this policy, the need for a reasonable accommodation, or wish to discuss or file a grievance, should contact Superintendent of Schools, Steven LePage or a school administrator.

Forms are available in our Guidance Office. Contact with the Civil Rights Coordinators should take place within forty (40) calendar days of the alleged occurrence.

Discrimination Grievance Procedure (This procedure is not applicable to a Title IX sex discrimination or sexual harassment claim)

The purpose of this procedure is to secure, at the lowest possible administrative level, equitable solutions to problems which may arise concerning claims of discrimination. Evidence of reprisal against a complainant or witness shall be viewed as a violation of this policy.

Any person who wishes to inquire or to register a complaint concerning alleged discrimination in Northwestern Regional District No. 7 shall have an opportunity to bring such concerns to the attention of the Civil Rights Officers or Superintendent, who has the authority to resolve such complaints. The following grievance procedure shall be utilized by any student, parent, or employee in making a complaint or inquiry. Officials shall be governed by this procedure.

Level I: The complainant shall discuss the alleged discriminatory act or practice with the Civil Rights Officers or the individual closest to the daily decision-making level. This will normally be a Principal, teacher, counselor, Department Chairperson, Head Custodian, or Cafeteria Manager. If satisfaction cannot be achieved through informal discussion, the following procedure must be initiated.

Level II: The complainant shall, within forty (40) calendar days of the alleged incident, on forms provided, put the complaint in writing and file it with either of the Civil Rights Officers. Within five (5) working days, a conference must be held. Within five (5) working days following the conference, the complaint must be resolved to the satisfaction of both parties or referred to the Superintendent of Schools. Within five (5) working days, the Civil Rights Officer shall notify the Superintendent and must notify the complainant of this notification. The Board will be apprised by the Superintendent of any grievance reaching Level II.

Level III: Within ten (10) working days after receipt of such complaint, the Superintendent must hold a hearing; and within five (5) working days of the hearing, resolve the complaint, negotiate a long-term solution, or refer the matter to the Board of Education for consideration.

Level IV: The Board of Education, Superintendent and the Civil Rights Officers shall proceed in accordance with appropriate laws or regulations.

Legal Reference: Connecticut General Statutes

10-15c Discrimination in public schools prohibited. School attendance by five-year-olds (as amended by PA 21-2 §441.)

10-153 Discrimination on account of marital status.

46a-51 Definitions as amended by PA 17-127, PA 21-2 and PA 22-82)

46a-58 Deprivation of rights. Desecration of property. Placing of burning cross or noose on property. Penalty. (as amended by PA 17-127 and PA 22-82)

46a-60 Discriminatory employment practices prohibited. (as amended by PA 17-127, PA 21-69 and PA 22-82)

P.A. 11-55 An Act Concerning Discrimination

Federal Law

Title VII of the Civil Rights Act of 1964

Section 504 and the Federal Vocational Rehabilitation Act of 1973, 20 U.S.C. 706(7)(b).

American Disability Act of 1989, as amended by the ADA Amendments Act of 2008

Chalk v. The United States District Court of Central California.

Title IX of the Education Amendments of 1972.

Civil Rights Act of 1987.

Title IX Final Rule, May 6, 2020

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

Title II of the Genetic Information Nondiscrimination Act of 2008

Policy adopted:

Personnel - Certified and Non-Certified

Nondiscrimination

Discrimination Grievance Procedure

The purpose of this procedure is to secure, at the lowest possible administrative level, equitable solutions to problems which may arise concerning claims of discrimination. Evidence of reprisal against a complainant or witness shall be viewed as a violation of this policy.

Any person who wishes to inquire or to register a complaint concerning alleged discrimination in the Public Schools shall have an opportunity to bring such concerns to the attention of the Civil Rights Officers or Superintendent, who has the authority to resolve such complaints. The following grievance procedure shall be utilized by any student, parent or employee in making a complaint or inquiry. Officials shall be governed by this procedure.

Level I The complainant shall discuss the alleged discriminatory act or practice with the Civil Rights Officers or the individual closest to the daily decision-making level. This will normally be a principal, teacher, counselor, department chairperson, head custodian, or cafeteria manager. If satisfaction cannot be achieved through informal discussion, the following procedure must be initiated.

Level II: The complainant shall, within forty (40) calendar days of the alleged incident, on forms provided, put the complaint in writing and file it with either of the Civil Rights Officers. Within five (5) working days, a conference must be held. Within five (5) working days following the conference, the complaint must be resolved to the satisfaction of both parties or referred to the Superintendent of Schools. Within five (5) working days, the Civil Rights Officer shall notify the Superintendent and must notify the complainant of this notification. The Board will be apprised by the Superintendent of any grievance reaching Level II.

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Level IV: The Board of Education, Superintendent and the Civil Rights Officers shall proceed in accordance with appropriate laws or regulations.

Regulation approved:

Personnel - Certified and Non-Certified

Recruitment and Selection/Equal Opportunity Employment

Non-Discrimination

The Board of Education will provide equal employment opportunities for all persons without regard to race, color, religious creed, age, veterans' status, genetic information, marital status, national origin, ancestry, sex, sexual orientation, status as a victim of domestic violence, or physical disability (including pregnancy).

No advertisement of employment opportunities may be intent or design restrict employment based upon discrimination as defined by law.

(cf. 4111.3 - Increasing Educator Diversity)

Legal Reference: Connecticut General Statutes

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

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

10-153 Discrimination on account of marital status.

46a-51 Definitions (as amended by PA 17-127, PA 21-2 and PA 17-127, PA 21-2, and PA 22-82)

46a-58 Deprivation of rights. Desecration of property. Placing of burning cross or noose on property. Penalty. (as amended by PA 17-127 and PA 22-82)

46a-60 Discriminatory employment practices prohibited. (as amended by PA 17-127, PA 21-69 and PA 22-82)

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

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

Title II of the Genetic Information Nondiscrimination Act of 2008

Policy adopted:

Personnel - Certified and Non-Certified

Recruitment and Selection/Equal Opportunity Employment

Employment and Placement

Procedures relating to employment and placement will be reviewed and amended as necessary to ensure non-discrimination:

1. Qualifications needed for a job and job descriptions will be reviewed by the Personnel Director to ensure that they are realistic and do not involve inadvertent discrimination.

2. Application forms will be reviewed and revised as necessary by the Personnel Director.

3. A removable section for each interviewer's comments will become part of the application form. This section will be removed when the application form is forwarded to another interviewer. This is an effort to ensure that subsequent interviewers are not influenced by opinions of earlier interviewers.

4. Any testing procedures which might be used in the future for selection and/or placement will be validated for job-relatedness.

5. Personnel policies will comply with federal and state fair employment regulations.

Administrator's and Supervisor's Roles in Equal Employment Opportunity:

This section provides guidelines to help in interviewing and selecting candidates for positions with this school district. Each guideline is followed by a brief explanation of the reasons certain actions or basis for decisions may be considered discriminatory. One of the most important factors in any hiring decision is that the applicant be able to do the job for which he/she/they is applying:

1. **Educational requirements.**

   Guideline: An employer must be prepared to demonstrate why a job requires the employee to have a specified level of education.

   Consequently, unless the employer can demonstrate why the educational requirement is needed, the EEOC is likely to find it unlawful. The EEOC and the courts will accept evidence from an employer that a specified level of education is necessary for satisfactory job performance or that there is a clear and close relationship between educational level and performance on the job.

2. **Family status: pregnancy and dependents.**

Guideline: Applicants should not be questioned by interviewing supervisors about their dependents, family plans, or a condition of pregnancy.

3. Arrest and conviction records.

Guideline: An employer may not automatically disqualify an applicant from employment consideration because the applicant has a police record.

Authority to make this kind of determination rests with the Superintendent of Schools or designee. Prospective employees should not be questioned about police records except by authorized personnel representatives.

4. Accommodation to religious beliefs.

Guideline: Supervisors are expected to make reasonable accommodation to the religious needs of applicants when this will not have a serious effect on operations.

It is up to the employer to prove that such religious accommodations cause a serious hardship to his/her business. The "religious need" of employees could include a required mode of dress, time off for Sabbath observance, or inability to work on certain prescribed days for religious reasons. Supervisors should not, however, make employment decisions based on applicants' religious needs without first consulting the Superintendent of Schools or designee.

5. Citizenship.

Guideline: If the applicant is not a United States citizen, he/she must possess a permanent visa to be eligible for employment.

U.S. citizenship or a permanent visa is required as a condition of employment. Supervisory personnel may, therefore, use an applicant's citizenship status as an eligibility standard. The Director of Personnel may request, however, that as a condition of employment alien applicants provide proof of permanent residence in the United States.

6. Manner of Speaking

Guideline: It is unlawful to reject an applicant because of the applicant's foreign accent or lack of fluency in English unless either condition will affect satisfactory job performance.

The final decision regarding an applicant whose manner of speaking has been questioned will be made by the Superintendent of Schools or designee.

Legal Reference: Connecticut General Statutes

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

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

46a-51 Definitions (as amended by PA 17-127, PA 21-2 and PA 17-127, PA 21-2, and PA 22-82)

46a-58 Deprivation of rights. Desecration of property. Placing of burning cross or noose on property. Penalty. (as amended by PA 17-127 and PA 22-82)

46a-60 Discriminatory employment practices prohibited. (as amended by PA 17-127, PA 21-69 and PA 22-82)

Executive Order 11246, 42 U.S.C. 2000e note.

Equal Pay Act of 1963, 29 U.S.C. 206 (d).

Regulation approved:

Personnel — Certified

Substitute Teachers

A substitute teacher shall be a person who has earned a Bachelor's Degree, is fully qualified to instruct in our schools, and is employed for short periods of time in the absence of the regular teacher. The Commissioner of Education may waive the requirement for a Bachelor's Degree for good cause upon the request of the Superintendent of Schools.

The Board shall only hire applicants for substitute teaching positions who comply with the reference and background checks as detailed in Policy #4112.51/4212.51 and who comply with the required disclosure requirements.

Suitable programs for training, assigning, orienting, and evaluating the work of substitute teachers shall be provided by the certified staff under the direction of the Superintendent.

Rates of compensation for substitute teachers will be set by the Board of Education.

It will be the responsibility of the Principal or his/her designee to assign a substitute to fill any vacancy by the temporary absence of a regular staff member. The substitute teacher will be selected from a list of approved substitutes furnished by the Superintendent's office.

The Board of Education is permitted to employ a person who lacks substitute teacher authorizations as a substitute teacher in the same assignment for a period not to exceed 60 school days. Principals will make every effort to maintain as much continuity of instruction as possible by engaging only one substitute teacher for the full period of absence of one teacher and by calling back a substitute to serve in a classroom in which he/she/they performed successfully.

Substitute teachers will not participate in the health plans or other fringe benefits of the school system. However, substitute personnel hired to fill the position of an employee absent on an extended leave will be entitled to the privileges and benefits afforded regular professional employees, with the exception that the term of employment ordinarily will cease at the scheduled termination of the regular teacher's leave.

Retired teachers may be employed as substitute teachers without jeopardizing their retirement salary within the limits as prescribed by law.

It is the intent to use only certified teachers as substitutes, whenever possible.

Daily substitute teachers are those who serve for a variety of teachers and/or in a non-consecutive manner.

Rates for daily substitutes and the first 10 days of long-term substitutes will be determined annually during the budget process for the following year.

Cooperative, interdistrict and outside agency relationships and initiatives will be considered in order to meet the substitute need. In such cases, a rate may be set through the cooperative agreement.

(cf. 4112.51/4212.51 - Employment/Reference Checks)

Legal Reference: Connecticut General Statutes

10-183v Reemployment of teachers.

10-145a Certificates of qualification for teachers.

June 19 Special Session, Public Act No. 09-1

An Act Implementing the Provisions of the Budget Concerning Education, Authorizing State Grant Commitments for School Building Projects and Making Changes to the Statutes Concerning School Building Projects and Other Education Statutes. (Section 48) Public Act No. 09-6 September Special Session

10-221d Criminal history records checks of school personnel. Fingerprinting. Termination or dismissal. (as amended by PA 16-67)

10-222c Hiring policy. (as amended by PA 16-67)

PA 23-159 (Section 18)

Policy adopted: