

**AMITY REGIONAL SCHOOL
DISTRICT NO. 5 PUBLIC SCHOOLS
PERSONNEL -- CERTIFIED & NON-CERTIFIED**

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LEGEND

P/R Policy/Regulation

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

- T Agreement between the Amity Education Association and the Amity Board of Education**

- A Agreement between the Amity Administrator’s Group and the Amity Board of Education**

- C Agreement between the Amity Regional Board of Education and Local 1303-064, AFSCME (custodian)**

- N Agreement between the Amity Regional Board of Education and Nurses’ Group, Local 1303-385 AFSCME**

- P Agreement between the Amity Regional Board of Education and School Paraprofessionals, Local 1303-221, AFSCME**

- S Agreement between the Amity Regional Board of Education and School Clerical and Secretarial Employees, Local 1301-178, AFSCME**

Personnel -- Certified/Non-Certified

Concepts and Roles in Personnel

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

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

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

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

Personnel – Certified/Non-Certified

Recruitment and Selection of Administrative Staff

Administrative and supervisory positions will be filled in the following manner:

1. Positions of Building Principal

The Superintendent shall recommend one candidate to the Board for these positions. If the Board does not act favorably upon the Superintendent's recommendation, he/she shall recommend single alternative candidates until the recommendation is approved.

2. Positions of Central Office Directors

The Superintendent shall recommend one candidate to the Board for these positions. If the Board does not act favorably upon the Superintendent's recommendation, he/she shall recommend single alternative candidates until the recommendation is approved.

3. Other Administrative and Supervisory Positions

The Superintendent shall recommend one candidate to the Board for these positions. If the Board does not act favorably upon the Superintendent's recommendation, he/she shall recommend single alternative candidates until the recommendation is approved.

Legal Reference:

Connecticut General Statutes

10-151 Employment of teachers. Notice and hearing on termination of contract. (as amended by P.A. 12-16 An Act Concerning Educational Reform)

10-153 Discrimination on account of marital status.

10-183v Reemployment of teachers, as amended by PA 10-111, An Act Concerning Education Reform in Connecticut

10-220 Duties of Boards of Education. (as amended by PA 98-252)

46a-60 Discriminatory employment practices prohibited.

20 U.S.C. Section 1119 N Child Left Behind Act

34 C.F.R. 200.55 Federal Regulations

Circular Letter C-6, Series 2004-2005, Determining "Highly Qualified" Teachers

2151(b)

4111(b)

Personnel – Certified/Non-Certified

Recruitment and Selection of Administrative Staff

Circular Letter C-9, Series 2004-2005, “No Child Left Behind” and Districts’ High Objective Uniform State Standard of Evaluation (HOUSSE) Plans.

Circular Letter C-9, Series 2007-2008, “Discontinued Use of Districts’ High Objective Uniform State Standard of Evaluation (HOUSSE) Plans.”

Circular Letter C-13, Series 2007-2008, “Construction of HOUSSE Plans for Highly Qualifying Veteran Teachers”

Personnel – Certified/Non-Certified

Recruitment and Selection of Principals

When positions become available either through attrition or by creation of a new position, the following steps will be taken in an effort to ensure the highest quality candidate is selected.

Positions will be posted according to contractual provisions. Positions will be advertised if it is determined that a sufficient pool of qualified candidates does not exist among current employees.

Application packets will be reviewed by the Superintendent to determine suitability of qualifications for the open position. From this review, a pool of applicants will be formed.

Feedback regarding qualities, attributes, and desired skills for a principal will be collected from teachers, students, parents, support staff, administrators, and community members via an online survey. If necessary, focus groups will be convened to collect additional feedback.

An interview committee consisting of at least administrator(s), teachers, parent(s), and student(s) will be formed. This committee will create a series of questions and an interview format that reflect the Amity mission, the feedback from the community, and the job description. The Superintendent may select a chairman or choose to engage a consultant in this part of the process for the purposes of ensuring coherence in the entire process and assisting the committee with the development of the questions and interview format. The task of this committee will be to recommend a minimum of two candidates and a maximum of three candidates (semifinalists) to the Superintendent.

Semifinalists will be scheduled for interactions with individuals that may include, but are not limited to: central office administrators, principals, district department heads, and the AEA President. The Superintendent will collect feedback from each individual about his/her views of each candidate. A minimum of two candidates and a maximum of three candidates will be selected as finalists.

The Superintendent will conduct a 1:1 interview with each finalist. The Superintendent will contact references for each finalist.

If the qualifications of finalists are substantially equivalent, preference shall be given to a qualified applicant employed by the district.

If the recommended finalist is not currently an Amity employee, the Superintendent will conduct a site visit with a small team, including at least one administrator, one teacher, and one parent.

The Superintendent will recommend one finalist to the Board of Education for appointment.

Personnel – Certified/Non-Certified

Recruitment and Selection of Principals

Legal Reference:

Connecticut General Statutes

10-151 Employment of teachers. Notice and hearing on termination of contract. (as amended by P.A. 12-16 An Act Concerning Educational Reform)

10-153 Discrimination on account of marital status.

10-183v Reemployment of teachers, as amended by PA 10-111, An Act Concerning Education Reform in Connecticut

10-220 Duties of Boards of Education. (as amended by PA 98-252)

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Circular Letter C-9, Series 2007-2008, “Discontinued Use of Districts’ High Objective Uniform State Standard of Evaluation (HOUSSE) Plans.”

Circular Letter C-13, Series 2007-2008, “Construction of HOUSSE Plans for Highly Qualifying Veteran Teachers”

Personnel -- Certified/Non-Certified

Equal Employment Opportunity

Affirmative Action

The Board of Education will provide equal employment opportunities for all persons without regard to race, color, religious creed, age, marital status, national origin, sex, sexual orientation, or physical disability. The Board of Education directs the administration to set as a goal the recruitment, selection and employment of qualified people among racial and ethnic minority groups to the end that the school district's employees will proportionately mirror the racial and ethnic composition of this community.

No advertisement of employment opportunities may by intent or design restrict employment based upon discrimination as defined by law.

Legal Reference: Connecticut General Statutes

10-153 Discrimination on account of marital status.

46a-60 Discriminatory employment practices prohibited.

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

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

Policy adopted: April 10, 2006

AMITY REGIONAL SCHOOL DISTRICT NO. 5
Woodbridge, Connecticut

Personnel – Certified/Non-Certified

Appointment and Conditions of Employment

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

The Superintendent also has the authority to hire support and substitute personnel. On a monthly basis at a minimum, the Superintendent shall notify the Board of those individuals who have been hired; notification shall include a brief description of each newly hired teacher.

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

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

The following guidelines shall be observed in hiring personnel:

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

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

Policy adopted: April 10, 2006 AMITY REGIONAL SCHOOL DISTRICT NO. 5
Woodbridge, Connecticut

Personnel – Certified

Contracts of Employment

Contracts of employment shall be of two types:

1. Contract for teachers who have not attained tenure shall be continued into the next school year unless teacher receives written notice to the contrary by April 1st. (This corresponds to the probationary period of forty full-time continuous school months of employment under the tenure law.)
2. Contracts of employment for teachers who have attained tenure shall be continued from school year to school year, except that a contract may be terminated at any time as provided by state statute.

In addition, there shall be annual salary agreements which are not contracts as such and which are subject to change on the basis of salary schedule changes from year to year. Annual schedules shall be issued which contain the salary classification and steps and provisions pertaining thereto.

Legal Reference: Connecticut General Statutes

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

Personnel -- Certified

Certification Requirements

Certification requirements for the Amity Regional Schools shall be those required by the State.

Obtaining and maintaining the required certification shall be the responsibility of the individual teacher.

The Superintendent will make forms for obtaining certification available to staff members and will assist in any way possible. However, the Board of Education will assume no responsibility for helping a teacher obtain proper certification, and shall consider any contract invalid if issued to an individual who is not certified.

Legal Reference: Connecticut General Statutes

10-145d-400 (as amended by PA 04-138, An Act Concerning National Board Certification)

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	20 U.S.C. 1119 – No Child Left Behind Act of 2001
	34 C.F.R. 200.55 – Federal Regulations Regarding Highly Qualified Teachers

Policy adopted: April 10, 2006

AMITY REGIONAL SCHOOL DISTRICT NO. 5
Woodbridge, Connecticut

Personnel – Certified/Non-Certified

Health Examinations

Within the limits of contractual obligations and State statutes, the Superintendent may require a medical examination of any employee when the Superintendent has grounds to believe that the performance of the employee is adversely affected by illness of any kind.

Legal Reference: Connecticut General Statutes

10-207(c) Duties of medical advisers

Americans with Disabilities Act of 1990

Personnel -- Certified/Non-Certified

Security Check/Fingerprinting

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.

District employees shall within 10 days after they are hired submit to state and national criminal checks. District students employed by the school system are exempted from this requirement.

College interns serving for more than 10 weeks shall submit to state and national criminal checks.

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

Legal Reference: Connecticut General Statutes

10-221d Criminal history records checks of school personnel. Fingerprinting.
Termination or dismissed. (as amended by PA 01-173)

Personnel – Certified/Non-Certified

Security Check/Fingerprinting

Each applicant for a position within the public school system shall be asked whether he/she has ever been convicted of a crime and whether there are any criminal charges pending against him/her at the time of application. Each person hired by the school system shall be required to submit to state and national criminal record checks. In order to process such record checks, the following procedure will be followed:

1. No later than ten calendar days after the Superintendent or his/her designee has notified a job applicant of a decision to hire the applicant, or as soon thereafter as practicable, the Superintendent or his/her designee will supply the applicant with a packet containing all documents and materials necessary for the applicant to be fingerprinted by their local police department. Completed fingerprint cards are returned to the Superintendent's office for submission to the state Department of Public Safety.
2. No later than ten calendar days after the Superintendent or his/her designee has provided the successful job applicant with the fingerprinting packet, the applicant must arrange to be fingerprinted. Failure of the applicant to have his/her fingerprints taken within such ten-day period, without good cause, will be grounds for the withdrawal of the offer of employment.
3. Any person for whom criminal records checks are required to be performed pursuant to this policy must pay all fees and costs associated with the fingerprinting process and/or the submission or processing of the requests for criminal record checks.
4. Upon receipt of a criminal record check indicating a previously undisclosed conviction, the Superintendent or his/her designee will notify the affected applicant/employee in writing of the results of the record check and will provide an opportunity for the affected applicant/employee to respond to the results of the criminal record check.
5. Decisions regarding the effect of a conviction upon an applicant/employee, whether disclosed or undisclosed by the applicant/employee, will be made on a case-by-case basis. Notwithstanding the foregoing, the falsification or omission of any information on a job application or in a job interview, including, but not limited to information concerning criminal convictions or pending criminal charges, shall be grounds for disqualification from consideration for employment or discharge from employment.

Personnel – Certified/Non-Certified

Security Check/Fingerprinting (continued)

6. Adult education teachers do not have to be refingerprinted.
7. School nurses and nurse practitioners appointed by the Board or under contract with the Board shall also submit to a criminal history check pursuant to C.G.S. 29-17a.

Legal Reference: Connecticut General Statutes

10-221d Criminal history records checks of school personnel. Fingerprinting. Termination or dismissed. (as amended by PA 01-173 and PA 04-181)

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

Personnel -- Certified/Non-Certified

Personnel Records

Personnel records shall be kept on all current employees and shall include information usually expected in good personnel administration.

A file shall be kept for all resigned or retired employees, including such essential information as shall seem appropriate to the administration as specified by state and federal laws.

The Superintendent, on behalf of the Board, shall notify an employee and a collective bargaining representative, if any, in writing when a request is made for disclosure of the employee's personnel, medical or similar files, if the Superintendent reasonably believes disclosure would invade the employee's privacy.

The records will be disclosed unless written objection is received from the teacher or employee's collective bargaining representative, within seven business days from the receipt by employee or collective bargaining representative.

Records of a teacher's performance and evaluation shall not be released without the written consent of the teacher.

Records maintained or kept on file by the Board, which are records of a teacher's personal misconduct, shall be deemed to be public records, and subject to disclosure under the Freedom of Information Act. Disclosure of such records of a teacher's personal misconduct shall not require the consent of the teacher.

All written materials shall be made available for inspection by the employee and a collective bargaining representative if any involved, at an off-duty time in the presence of an administrator. Upon request, a professional employee will be provided a copy of supervisory records and reports maintained in said employee's personal file as a guide to evaluation of performance.

In accordance with federal law, the District shall release information regarding the professional qualifications and degrees of teachers and the qualifications of paraprofessionals to parents/guardians upon request for any teacher or paraprofessional who is employed by a school receiving Title I funds and who provides instruction to their child at that school.

Files containing medical information regarding an employee will be kept separate and confidential from other personnel files and managed in compliance with HIPPA.

Personnel -- Certified/Non-Certified

Personnel Records

Legal Reference: Connecticut General Statutes

1-206 Denial of access to public records or meetings.

1-213 Agency administration. Disclosure of personnel, birth and tax records.

1-214 Objection to disclosure of personnel or medical files

1-215 Record of arrest as public record

10-151a Access of teacher to supervisory records and reports in personnel file.

10-151c Records of teacher performance and evaluation not public records. (as amended by PA 02-138)

PL 107-110, No Child Left Behind Act, Sec. 1119.

The Americans with Disabilities Act

42 U.S.C. 1320d-1320d-8, P.L. 104-191, Health Insurance Portability and Accountability Act of 1996 (HIPAA)

65 Fed. Reg. 50312-50372

65 Fed. Reg. 92462-82829

63 Fed. Reg. 43242-43280

67 Fed. Reg. 53182-53273

Policy adopted: April 10, 2006

AMITY REGIONAL SCHOOL DISTRICT NO. 5
Woodbridge, Connecticut

Personnel -- Certified/Non-Certified

Nepotism: Husband/Wife Employment

The Board of Education may not appoint a member of the immediate family of a Board member to any employment position in this school system.

In the case where a Board member is elected and a family member is already employed, a Board member shall not vote on any action of the Board which will directly affect a member of his/her immediate family.

Personnel -- Certified/Non-Certified

Nepotism: Husband/Wife Employment

The following regulations shall govern conflict of interest in the employment of staff:

1. This shall not apply to any person within such relationship or relationships who has been regularly employed by the Board of Education prior to the inception of the relationship, the adoption of this regulation, or a Board member's election.
2. It is the intent of these rules to avoid any situation where there can arise a conflict of interest, or the perception of a conflict of interest either on the part of the member of the Board or a member of the administrative staff.

Legal Reference: Connecticut General Statutes

46a-60 Discriminatory employment practices prohibited

Personnel – Certified/Non-Certified

Assignment

In general, the Superintendent has the authority to assign or transfer a teacher to any instructional area for which the teacher is qualified. Such reassignment or transfer shall be subject to the provisions of contractual requirements.

Legal Reference: Connecticut General Statutes

10-151 Employment of teachers

46a-60 Discriminatory employment practices prohibited

Policy adopted: April 10, 2006

AMITY REGIONAL SCHOOL DISTRICT NO. 5
Woodbridge, Connecticut

Personnel -- Certified

Load/Scheduling/Hours of Employment

Early Departure

All early departures of staff members must have prior approval of the Building Administrator or his/her designee.

Personnel -- Certified

Evaluation

The Board of Education recognizes that the educational process is an extremely complex one and that the appraisal of this process is a difficult and technical function. But because it is universally accepted that good service delivery is the most important element in a sound educational program, appraisal of certified personnel must be done.

Evaluation of certified personnel should serve four purposes:

1. To raise the quality of instruction and educational services to the children of our community;
2. To raise the standards of the teaching profession as a whole,
3. To aid the individual teacher to grow professionally, and
4. To evaluate individual job performance.

Evaluation of teacher performance must be a cooperative, continuing process designed to improve the quality of instruction. All certified employees are involved in the evaluation process, and all employees shall be evaluated according to law. 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 Superintendent with input from teachers' representatives will develop, guidelines based on those developed by the State Board of Education, a system-wide program for evaluating the instructional process and all certified personnel as one means to ensure quality control of instruction.

Legal Reference: Connecticut General Statutes
 10-145b Teaching certificates
 10-151a Access of teacher to supervisory records and reports in personnel file
 10-151b Evaluation by superintendent of certain educational personnel. (amended by PA 04-137, An Act Concerning Teachers' Evaluations)
 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.

Policy adopted: April 10, 2006

AMITY REGIONAL SCHOOL DISTRICT NO. 5
 Woodbridge, Connecticut

Personnel -- Certified

Evaluation

Coaches

The Athletic Director will evaluate each head coach annually. Should the Athletic Director not possess the 092 administrative certificate, the Athletic Director and an assigned administrator will collaborate on these evaluations. The Athletic Director will observe a minimum of two games/practices for each team. The assigned administrator, if necessary, will observe a minimum of one game for each team. The appraisal procedure and evaluation instrument to be used will be discussed with all head coaches and assistants prior to the start of their sport season. Head Coaches will be responsible for completion of an assessment of assistant coaches at the high school level. This assessment will be shared with and amended if necessary, with the Athletic Director. The Athletic Director will assess middle school coaches.

Personnel -- Certified

Non-renewal/Suspension

Non-Renewal

1. Non-tenured Teachers

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

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

Otherwise the contract of such teacher shall be continued into the next school year unless such teacher receives a written notice by April 1st in one school year that such contract will not be renewed for the following year. A teacher may request a statement of reason(s) therefor. The teacher is entitled to a hearing upon written request filed with the Board within twenty (20) days after receipt of notice. The hearing shall be conducted before the Board, or if indicated in such request and if designated by the Board, before an impartial hearing panel established and conducted in accordance with law. The hearing shall commence within fifteen (15) days of such request unless the parties mutually agree to an extension.

A teacher who has not attained tenure and whose contract is terminated for any of the reasons under 1(a-d), above, shall have the right to appeal in accordance with the provisions of subsection (f) of C.G.S. 10-151. No right of appeal shall exist if (1) a teacher who has not attained tenure has received non-renewal notice prior to April 1st of a school year or (2) such teacher's contract is terminated for the reasons under 1(e-f) above.

Personnel -- Certified

Non-renewal/Suspension (continued)

2. Tenured Teachers

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

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

Prior to terminating a contract, a Board of Education shall vote to give the teacher concerned a written notice that termination of such teacher is under consideration and, upon written request filed by such teacher with such Board within seven days after receipt of such notice, shall within the next succeeding seven days give such teacher a statement in writing of the reasons therefor. Within twenty days after receipt of written notice by the Board of Education that contract termination is under consideration, such teacher may file with such Board a written request for a hearing. Such hearing shall commence within fifteen days after receipt of such request, unless the parties mutually agree to an extension, before the Board of Education or if indicated in such request or if designated by the Board before an impartial hearing panel or if the parties mutually agree before a single impartial hearing officer chosen by both parties. If the parties are unable to agree upon the choice of a hearing officer within five (5) days after their decision to use a hearing officer, the hearing shall be held before the Board or panel, as the case may be.

Within ninety (90) days after receipt of the request for a hearing the impartial hearing panel or hearing officer, unless the parties mutually agree to an extension shall submit findings and recommendation to the Board of Education as to the disposition of the charges against the teacher, and shall send a copy of such findings and recommendation to the teacher. The Board of Education shall give the teacher concerned its written decision within fifteen (15) days of receipt of the written recommendation. If the hearing is before the Board of Education, the Board shall render its decision within fifteen (15) days after the close of such hearing and shall send a copy of its decision to the teacher.

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

Personnel -- Certified

Non-renewal/Suspension (continued)

NOTE: The Board of Education may designate a subcommittee of three (3) or more Board members to conduct tenured or non-tenured teacher termination hearings resulting from reduction in force (RIF). The subcommittee shall submit written findings and recommendations to the Board for final disposition within fifteen (15) days of receipt of the written recommendation.

Suspension

Nothing herein shall deprive the Board of Education of the power to suspend a teacher from duty immediately when serious misconduct is charged without prejudice to the rights of the teacher as otherwise provided in C.G.S. 10-151, subsection d.

Legal Reference: Connecticut General Statutes

10-151(c) Employment of teachers.

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

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

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

Policy adopted: April 10, 2006

AMITY REGIONAL SCHOOL DISTRICT NO. 5
Woodbridge, Connecticut

Personnel -- Certified/Non-Certified

Nondiscrimination/Equal Employment Opportunity

In compliance with regulations of the Office of Civil Rights and with Equal Employment Opportunity practices as determined by state and federal legislation, the Amity Board of Education, as a matter of Policy, does not knowingly condone discrimination in employment, assignment, program or services, on the basis of race, gender, creed, color, religion, national origin, age, sexual orientation, disability, or other protected class status to perform the duties of the position.

Sexual Harassment and Other Forms of Harassment

Sexual harassment or any other form of harassment based on protected class status (including, but not limited to race, sex, color, national origin, religion or disability) will not be tolerated in the Amity Regional School District. The Board of Education strictly forbids any form of harassment by students, personnel, individuals under contract, or volunteers subject to the control of the Board. Employees who engage in harassment will be subject to discipline, up to and including termination of employment.

Definitions

Sexual Harassment

Sexual harassment is defined as unwelcome conduct of a sexual nature, whether verbal or physical, including but not limited to, advances or requests for sexual favors, insulting or degrading sexual remarks or conduct, threats or suggestions that an employee's submission to or rejection of such conduct is made either explicitly or implicitly a term or condition of an individual's employment, is used as the basis for employment decisions affecting such individual, or 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, but are not limited to:

1. Pressure for sexual activity.
2. Repeated remarks with sexual or sexually demeaning implications.
3. Unwelcome or inappropriate touching.
4. Suggesting or demanding sexual involvement accompanied by implied or explicit threats concerning an individual's employment status, benefits, duties or work assignments.

Personnel -- Certified/Non-Certified

Nondiscrimination/Equal Employment Opportunity

Harassment Based On Other Protected Class Status

For purposes of this policy, harassment of an employee based on protected class status other than sexual harassment consists of verbal or physical conduct when the harassing conduct is so severe, persistent or pervasive that it affects an employee's ability to work, or creates an intimidating, threatening or abusive work environment; the harassing conduct has the purpose or effect of substantially or unreasonably interfering with an individual's work; or the harassing conduct otherwise adversely affects an individual's work performance.

Title IX, Title VI and Section 504 Coordinator

Questions, complaints, and other matters concerning harassment will normally be handled by the Director of Pupil Personnel Services, who is designated as the District's Title IX and Section 504 Coordinator (hereinafter referred to as the "Director of Pupil Personnel Services"), and who may be reached at (203) 397-4820. The Director of Pupil Personnel Services is responsible for ensuring compliance with federal and state law and Board policy concerning sexual and other forms of harassment. In the alternative, such questions, complaints and other matters including but not limited to investigations may be referred directly to and handled by the Superintendent or his/her designee.

Complaint Procedure

Employees who believe they have been victims of sexual or other forms of harassment are encouraged to promptly report such claims. Complaints will be investigated and corrective action will be taken as appropriate. Confidentiality, both of the complainant and the accused, will be respected by all persons involved, consistent with the Board's legal obligations and the necessity to investigate the allegations. Reprisals or retaliation as a result of the reporting of charges of harassment will not be tolerated. Reporting claims of harassment will not affect an individual's employment status, benefits, duties or work, assignments.

An employee who believes that he/she has been subjected to behavior that could constitute sexual or other forms of harassment should, whenever possible, immediately inform the alleged harasser that his/her behavior is unwelcome and unacceptable, and that such behavior must stop immediately. It is recognized, however, that the responsibility for ending the harassment rests with the harasser, not the victim. If it is not possible for the employee subjected to such behavior to immediately inform the alleged harasser that the alleged conduct is unwelcome and unacceptable, then the matter should be reported to the Director of Pupil Personnel Services and the District may take immediate steps at its discretion to protect the complainant, reporter, students, or others pending completion of an investigation.

Personnel -- Certified/Non-Certified

Nondiscrimination/Equal Employment Opportunity

Complaint Procedure (continued)

Employees who believe they have been subjected to sexual or other forms of harassment may request an informal meeting with their immediate supervisor, unless the supervisor is the alleged harasser. In that event the employee may request a meeting with the appropriate supervisor in the next level of management. The purpose of such a meeting will be to discuss the allegations and appropriate remedial action. The supervisor will provide a written report of the incident, including the remedial action to be taken, to the Director of Pupil Personnel Services or other appropriate administrator.

If the complaint is not resolved through the informal meeting described above, the supervisor will encourage the employee to file a written complaint with the Director of Pupil Personnel Services on the form provided for this purpose. If the Director of Pupil Personnel Services is the alleged harasser, the complaint should be forwarded directly to the Superintendent or his/her designee. Normally, complaints should be made immediately, or as soon after the act of harassment as possible. Complaint forms are available from the Director of Pupil Personnel Services, Guidance Office, building Principal and the Superintendent. The complaint should state the name of the complainant and the date of the complaint, the date of the alleged harassment, the name or names of the harasser or harassers, where such harassment occurred, and a statement of the circumstances constituting the alleged harassment.

Any employee who makes an oral complaint of harassment will be provided a copy of this policy and a complaint form, and will be encouraged to submit a written complaint. Failure to provide a written complaint will not, however, preclude investigation and attempted remediation, if necessary, of the complaint. All complaints are to be forwarded immediately to the Director of Pupil Personnel Services unless that individual is the alleged harasser, in which case the complaint should be forwarded directly to the Superintendent or his/her designee.

Investigation

As soon as possible after the receipt of a complaint, the Director of Pupil Personnel Services, or other personnel as appropriate, shall commence an investigation. The investigation should normally include consultation with all individuals reasonably believed to have relevant information, including the complainant; the alleged harasser or harassers, any witnesses to the conduct, and any victims of similar conduct, if known.

The investigation shall be carried on discreetly, maintaining confidentiality insofar as possible while still conducting an effective and thorough investigation. Throughout the entire investigative process, the due process rights of the alleged harasser will be upheld.

Personnel -- Certified/Non-Certified

Nondiscrimination/Equal Employment Opportunity

Investigation (continued)

At the conclusion of the investigation, the investigator shall provide a written report to the Superintendent, or other appropriate personnel, summarizing the results of the investigation and recommended disposition of the matter. If there is reasonable cause to believe that sexual or another form of harassment has occurred, the Superintendent or his/her designee shall take all reasonable steps to ensure that the harassment ceases and will not reoccur up to and including termination of the employment of the harasser or harassers.

If the complainant is not satisfied with the resolution of his/her complaint, he/she can appeal to the Board. The appeal must include a copy of the original complaint, the specific action or inaction being appealed and a proposed resolution.

Following a finding of harassment, victims may be periodically interviewed by the appropriate supervisor as necessary to ensure that the harassment has not reoccurred and that no retaliation has occurred. Such review will continue for a period of time deemed appropriate by the Director of Student Services and/or the Superintendent.

Posting and Training

A copy of this policy should be provided to all employees upon hire. The Board shall post in a prominent and accessible location in each school building, information concerning the illegality of sexual or other forms of harassment and remedies available to victims of harassment. The Board shall provide training and education to all new supervisory employees within six months of their assumption of a supervisory position. Such training shall include information concerning the federal and state statutory provisions concerning sexual harassment and remedies available to victims of sexual harassment.

Alternate Complaint Procedures

In addition to filing a harassment complaint through the procedures set forth in this policy, an employee may choose to exercise other options, including but not limited to filing a complaint with an outside agency or filing a private lawsuit. A charge of harassment may be investigated by the Connecticut Commission on Human Rights and Opportunities, 90 Washington Street, Hartford, Connecticut 06106. (telephone number 566-3350; TDD number 566-2301). Connecticut law requires that a formal written complaint be filed with the Commission within 180 days of the date when the alleged harassment occurred.

Personnel -- Certified/Non-Certified

Nondiscrimination/Equal Employment Opportunity

Legal Reference: Civil Rights Act of 1964, Title VII, 42 U.S.C. §2000, *et. seq.*

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

 Connecticut General Statutes

 46a-54 Commission powers

 46a-60 Discriminatory employment practices prohibited.

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

 10-153 Discrimination on account of marital status.

 10-153a Rights concerning professional organization and regulations.

Policy adopted: April 10, 2006

AMITY REGIONAL SCHOOL DISTRICT NO. 5
Woodbridge, Connecticut

Personnel -- Certified

Academic Freedom

The teacher must be free to think, and to express ideas, free to select and employ materials and methods of instruction, free from undue pressures of authority, and free to act within the teacher's professional group. Such freedom must be used judiciously and prudently so that it promotes the free exercise of intelligence and student learning.

Academic freedom is not an absolute. It must be exercised within the law and the basic ethical responsibilities of the teaching profession. Those responsibilities include:

1. An understanding of our democratic tradition and its methods;
2. A concern for the welfare, growth, maturity, and development of children;
3. The method of scholarship; and
4. Application of professional judgment in selecting and employing materials and methods of instruction.

(cf. 1312 - Public Complaints)

(cf. 5145.2 - Freedom of Speech/Expression)

(cf. 6144 - Controversial Issues)

(cf. 6161 - Equipment, Books, Materials: Provision/Selection)

Legal Reference: Connecticut General Statutes
 53a-193 through 53a-200
Keyishian v. Board of Regents, 395 U.S. 589, 603 (1967)
Perry v. Sindermann, 408 U.S. 593 (1972)
Pickering v. Board of Education, 391 U.S. 563 (1968)
Sterzing v. Fort Bend Independent School District, 376F. Supp. 657 (S.D. Tex 1972)
Grayned v. City of Rockford, 408 U.S. 104 (1972)
Miller v. California, 413 U.S. 15 (1973)
 Amendment to U.S. Constitution, Article I
 Connecticut Constitution, ARTICLE FIRST, Declaration of Rights, Sections 4,5
 Academic Freedom Policy (adopted by Connecticut State Board of Education, 9/8/81)

Policy adopted: April 10, 2006 AMITY REGIONAL SCHOOL DISTRICT NO. 5
 Woodbridge, Connecticut

Personnel -- Certified/Non-Certified

Alcohol, Drugs, and Tobacco

Introduction

The Board of Education is concerned with maintaining a safe and healthy working and learning environment for all staff and students. Medical research indicates that the use of alcohol, drugs, and tobacco are hazardous to one's health. In addition to the health hazard to the individual, certified employees are responsible for teaching and serving as role models to students.

Alcohol and Drugs

The Board of Education recognizes the importance of maintaining a drug-free environment for its staff and students. In compliance with federal and state requirements, employees are prohibited from the unlawful manufacture, distribution, dispensing, possession of or use in the workplace any alcohol, narcotic drug, hallucinogenic drug, amphetamine, barbiturate, marijuana, or any other controlled substance.

Controlled drugs are further defined in schedules I through V of section 202 of the Controlled Substances Act (21 U.S.C. 812) and as further defined by regulation at 21 C.F.R. 1300.11 through 1300.15. The "workplace" is defined to mean the site for the performance of work done. That includes any school building or any school premises; any school-owned vehicle or any other school-approved vehicle used to transport students to and from school or school activities; off school 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 of the school district.

Each employee shall notify his or her supervisor of his or her conviction for any criminal drug statute violation occurring in the workplace as defined above, no later than 5 days after such conviction.

Each employee shall abide by the terms of the school district policy respecting a drug-free and alcohol-free workplace.

Tobacco

At any time, there shall be no smoking or other use of tobacco products on school property, at school athletic contests, 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 agents.

Personnel -- Certified/Non-Certified

Alcohol, Drugs, and Tobacco (continued)

Promulgation of Rules

A copy of the policy and the consequences of violating the policy shall be distributed to all employees of the Board of Education. An employee who violates the terms of this policy may be required to complete successfully an appropriate rehabilitation program, or may not be renewed, or his/her employment may be suspended or terminated.

Legal Reference: Drug-Free Workplace Act. 102 Stat. 4305-4308.

Drug-Free Schools and Community Act, P.L. 99-570, as amended by P.L. 101-226 (199)

21 U.S.C. 812, Controlled Substances Act, I through V, 202.

21 C.F.R. 1300.11 through 1300.15 regulation.

54 Fed. Reg. 4946 (1989)

Connecticut General Statutes

1-21b Smoking prohibited in certain places.

PA 93-304 An Act Prohibiting Smoking in Public Buildings

Policy adopted: April 10, 2006

AMITY REGIONAL SCHOOL DISTRICT NO. 5
Woodbridge, Connecticut

Personnel -- Certified/Non-Certified

Alcohol, Drugs and Tobacco

Illicit Drugs and Alcohol

There shall be no use, distribution, or unlawful possession of illicit drugs or alcohol in the building, on the grounds, on transportation provided by the Board, or at any event, trip or activity sponsored by the school or under supervision of the Board, other than as medically prescribed, and as set forth in the regulation of 5141.21, Administration of Medication.

Employees who violate the standard of conduct policy prohibiting the use, distribution, or unlawful possession of illicit drugs or alcohol on school premises or during any school related activity will be subject to disciplinary sanctions up to and including termination of employment and referral for prosecution imposed on employees who violate this standard of conduct. This will be in accordance with any applicable collective bargaining agreement. Disciplinary sanctions may include completion of an appropriate rehabilitation program.

Suspected Use

If an administrator suspects that an employee is using or is under the influence of drugs* or alcohol the appropriate administrative personnel must meet immediately with the employee. Upon request, the employee may have the assistance of a union representative at this meeting. At the meeting the administrator shall:

- a. Inform the employee why the school suspects he/she possesses, is using, and/or distributing drugs, drug paraphernalia, and/or alcohol.
- b. Inform the employee of the Board's policy and regulations.
- c. Ask the employee to give the administrator any drug(s), drug paraphernalia, and/or alcohol on his/her person, if any.**
- d. Ask the employee to deliver any drugs, drug paraphernalia, and/or alcohol that are stored in or on the Board of Education grounds, including automobiles, if any.**
- e. Ask the employee to identify to whom he/she gave or from whom he/she received drugs, drug paraphernalia, and/or alcohol, if any.**
- f. Inform the employee about drug and alcohol counseling and rehabilitation programs in the area.

*Drugs means any medications and other substances, e.g. alcohol, legal or illegal, which could impair the employee's ability to perform his/her job safely and effectively.

**Any drugs (except alcohol or prescription drugs) or drug paraphernalia discovered by the administrator or given to the administrator by an employee shall be turned over to the police for disposition. In these cases, the administration should operate under the regulations for "Actual" use.

Personnel -- Certified/Non-Certified

Alcohol, Drugs and Tobacco

Suspected Use (continued)

- g. Supply the employee with a copy of the standards of conduct and the statement of disciplinary sanctions for employees who violate the districts illicit drug and alcohol policy.

Actual Drug or Alcohol Use, Possession or Distribution

- I. When the administrator comes upon an actual incident of drug and/or alcohol use, possession, or distribution, he/she must meet immediately with the employees. Upon request, the employee may have the assistance of a union representative at this meeting.

At the meeting the administrator shall:

- a. Explain the policy and regulations.
- b. Attempt to gain the cooperation of the employee and have the employee give him/her any drug(s), drug paraphernalia, and/or alcohol on his/her person or stored anywhere on Board of Education property. Further, the administrator will ask from whom the employee received the drugs and/or alcohol he/she used.
- c. Turn over to the police for disposition, any drugs (except prescription drugs or alcohol) or drug paraphernalia discovered by the administrator or given to the administrator by the employee.
- d. Explain to the employee that in cases where illegal drugs and/or alcohol are used, possessed, or distributed on school property and school related activities, the incident will be reported to the police and charges pressed.
- e. Inform the employee about drug and alcohol counseling and rehabilitation programs in the area.
- f. Inform the employee that a letter will go into the file. Such letter will indicate the details of the incident with a statement that this statement could involve disciplinary action, up to and including termination of employment. The determination of the discipline action will be at the Superintendent's level.
- g. Notify the Superintendent of the incident.

Personnel -- Certified/Non-Certified

Alcohol, Drugs and Tobacco

Actual Drug or Alcohol Use, Possession or Distribution (continued)

The case of an employee apparently under the influence of drugs and/or alcohol while at work will be treated as if a medical emergency existed and appropriate medical treatment will be obtained. (This step is not necessary for possession only.) In the case of a medical emergency due to drug and/or alcohol use, an ambulance will be called and the employee will be transported to the nearest hospital.

- II. a. Send a second letter to the employee, notifying him/her that if he/she is convicted of any criminal drug-related activity that occurred in the work place, he/she must notify the Superintendent no later than five days after such conviction. Failure to do so could result in disciplinary action, up to and including termination.
- b. Upon determination that an employee has been drinking or taking drugs on the job or that his/her actions are affected by drugs or alcohol, suspend the employee with pay pending investigation and action by the Superintendent.
- c. If there is a question regarding the employee's ability to drive home safely, the administrator will arrange of an alternative form of transportation. The person(s) designated on the employee's medical alert card will be notified.
- d. If the employee becomes abusive or if the administrator does not feel he/she can handle the situation, the police will be notified.
- e. As a condition of employment those employees whose salaries are paid through state or federal grants, will notify the district of any criminal drug statute conviction for a violation occurring in the workplace no later than five days after such conviction. The Superintendent will notify those agencies of such conviction within ten days after being informed by the employee. Within thirty days of receiving such notice with respect to any employee who is so convicted, appropriate personnel action against the employee will be taken. This may include termination of employment, requiring the employee to participate satisfactorily in a drug rehabilitation program approved for such purposes by a federal, state or local health law enforcement agency, or any other appropriate agency.
- f. As a condition of employment in any position partially or wholly funded by a federal grant, each employee who is engaged in such employment shall abide by the terms of the school district policy respecting a drug-free workplace.

Personnel -- Certified/Non-Certified

Alcohol, Drugs and Tobacco (continued)

Confiscation

When there are reasonable grounds to believe that an employee is in the possession of drugs, drug paraphernalia, and/or alcohol, there is an obligation on the part of the administrator to search for and seize such drugs. Such search and seizure may involve lockers, cars on school property, clothing, purses, book bags, books and other personal property where the administrator reasonably suspects drugs, drug paraphernalia, and/or alcohol may be located. Reasonable efforts will be made to secure the employees voluntary agreement to the search and to have the employee present at the time of the search. All illegal confiscated drugs and/or drug paraphernalia will be turned over to the police.

Tobacco

There shall be no smoking or other use of tobacco products on school property during normal school hours, on transportation provided by the Board of Education, or during the course of any trip or activities sponsored by the Board or under the supervision of the Board or its authorized agent. The following action will be taken for an employee who violates the policy which prohibits smoking.

First Offense: The administrator will verbally remind the employee of the policy and provide a written copy of the policy.

Second Offense: Upon the second offense, the administrator will provide a written warning and place a letter in the employee's file.

Third Offense: The Superintendent will be notified and appropriate disciplinary action will be taken which may include suspension or termination.

Legal Reference: Connecticut General Statutes
1-21b Smoking prohibited in certain places.
21a-240 Definitions for dependency producing drugs
Drug-Free Workplace Act. 102 Stat. 4305-4308.
Drug-Free Schools and Community Act, P.L. 99-570, as amended by P.L.
101-226 (199)
21 U.S.C. 812, Controlled Substances Act, I through V, 202.
21 C.F.R. 1300.11 through 1300.15 regulation.
54 Fed. Reg. 4946 (1989)

Amity Regional School District No. 5

Use of Controlled Drugs, Alcohol or Tobacco on School Property Policy

As a representative of my bargaining unit, I have read the attached policy and regulations of the “Use of Controlled Drugs, Alcohol or Tobacco on School Property Policy” and agree with the policy, regulations, and sanctions as stated.

Amity Education Association

Date: _____

Amity Administrators’ Group

Date: _____

Amity School Clerical and Secretarial Employees

Date: _____

Amity School Paraprofessionals

Date: _____

Amity School Custodians

Date: _____

Amity School Nurses

Date: _____

Personnel – Certified/Non-Certified

Drug-Free Workplace

The Board of Education working with the Superintendent will provide a drug-free workplace in accordance with the Drug-Free Workplace Act of 1989 and its implementing regulations. The Board of Education certifies that it will:

1. Notify all employees in writing that the unlawful manufacture, distribution, dispensing, possession or use of a controlled substance is prohibited in the District workplace and specify the actions that will be taken against employees for violation of such prohibitions.
2. Make it a requirement that each employee whose employment is funded by a federal grant be given a copy of the statement concerning a drug-free workplace.
3. Notify the employee in the required statement that as a condition of employment under the grant, the employee will abide by the terms of the statement, and will notify the District of any criminal drug statute conviction for a violation occurring in the workplace no later than five days after such conviction.
4. Notify the federal agency within ten days after receiving notice from an employee or otherwise receiving notice of such conviction.
5. Take one of the following actions within 30 days of receiving notice with respect to any employee who is so convicted: take appropriate personnel action against such an employee, up to and including termination; or require such employee to participate satisfactorily in a drug rehabilitation program approved for such purposes by a federal, state or local health law enforcement, or other appropriate agency.
6. Make a good faith effort to continue to maintain a drug-free workplace through implementation of all the provisions of this policy.

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

Policy adopted: April 10, 2006 AMITY REGIONAL SCHOOL DISTRICT NO. 5
Woodbridge, Connecticut

Personnel – Certified

Students

Psychotropic Drug Use

The Board of Education prohibits all school personnel from recommending the use of psychotropic drugs for any student enrolled within the school system. For purposes of this policy, the term “recommend” shall mean to directly or indirectly suggest that a child use psychotropic drugs.

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

However, school health or mental health personnel, including school nurses or nurse practitioners, the District’s Medical Advisor, school psychologists, school social workers, and school counselors may recommend that a student be evaluated by an appropriate medical practitioner.

The District shall follow procedures for identification, evaluation, placement and delivery of services to children with disabilities or suspected disabilities provided in state and federal statutes that govern special education.

(cf. 5141.4 - Reporting of Child Abuse and Neglect)

Legal Reference: Connecticut General Statutes
10-212b Policies prohibiting the recommendation of psychotropic drugs by school personnel. (as amended by PA 03-211)
46b-120. Definitions
10-76a Definitions. (as amended by PA 00-48)
10-76b State supervision of special education programs and services.
10-76d Duties and powers of boards of education to provide special education programs and services. (as amended by PA 97-114 and PA 00-48)
10-76h Special education hearing and review procedure. Mediation of disputes. (as amended by PA 00-48)
State Board of Education Regulations.
34 C.F.R. 3000 Assistance to States for Education for Handicapped Children.
American with Disabilities Act, 42 U.S.C. §12101 et seq.
Individuals with Disabilities Education Act, 20 U.S.C. §1400 et seq.
Rehabilitation Act of 1973, Section 504, 29 U.S.C. § 794.

Policy adopted: April 10, 2006

AMITY REGIONAL SCHOOL DISTRICT NO. 5
Woodbridge, Connecticut

Personnel – Certified

Students

Psychotropic Drug Use

In order to properly implement the Board policy prohibiting school personnel from recommending the use of psychotropic drugs for any child, the following administrative regulations are hereby established:

1. Psychotropic drugs are defined as prescription medications for behavioral or social-emotional concerns, such as attention deficits, impulsivity, anxiety, depression and thought disorders.
2. Psychotropic drugs include, but are not limited to, Ritalin, Adderal, Dexedrine and other stimulant medication, and anti-depressants.
3. All school personnel, including teachers and administrators are prohibited from any communications, both oral and written, to the parents and/or guardians of a child in which the use of psychotropic drugs is recommended.
4. School health or mental health personnel which includes school nurses or nurse practitioners, the District Medical Advisor, school psychologists, school social workers, and school counselors are permitted to discuss with parents and/or guardians of a child the advisability of a medical evaluation by an appropriate medical practitioner when there are behaviors or concerns that may be indicative of medication considerations.
5. School personnel, through the Planning and Placement Team referral process, shall communicate to the school medical staff about a child's behavior that may indicate the need for an evaluation.
6. The Planning and Placement Team (PPT) may recommend a medical evaluation as part of an initial evaluation or reevaluation as needed to determine a child's eligibility for special education and related services, or educational needs for a child's individualized education program (IEP).
7. Appropriate medical practitioners, such as a psychiatric consultant or physician, with whom the District contracts for services to students or to whom the District makes a referral for an evaluation may recommend such medications.

Personnel – Certified

Students

Psychotropic Drug Use (continued)

8. School personnel may consult with the medical practitioner performing the evaluation with the informed consent of the parent or guardian of the child. The purposes of such communication include the following:
 - a. Conveying concerns or observations of a child, both prior to and following a medical evaluation;
 - b. Requesting health records and other educationally relevant medical evaluations;
 - c. Providing school records to medical practitioners upon request;
 - d. Providing information on school performance to help a medical practitioner monitor and evaluate the effectiveness of psychotropic drugs and/or other medical interventions and/or treatment;
 - e. Discussing with medical practitioners appropriate and necessary nursing or health care in schools to ensure student safety;
 - f. Disclosure of educationally relevant information by the medical practitioner to school personnel.

(cf. 5141.4 - Reporting of Child Abuse and Neglect)

Personnel – Certified/Non-Certified

Staff/Student Non-Fraternization

Staff members shall maintain professional relationships with students which are conducive to an effective educational environment. Staff members shall not have any interaction of a sexual nature with any student at any time regardless of the student's age, status or consent.

(cf. 4118.112/4218.112 – Sexual Harassment)

(cf. 4118.23/4218.23 – Conduct)

(cf. 5141.4 – Child Abuse/Neglect)

Legal Reference: Connecticut General Statutes

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

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

Personnel – Certified/Non-Certified

Staff/Student Non-Fraternization

Staff members are expected to use good judgment in their relationships with students both inside and outside of the school context including, but not limited to, the following guidelines:

1. Staff members shall not make derogatory comments to students regarding the school and/or staff.
2. The exchange of purchased gifts between staff members and students is discouraged.
3. Staff-sponsored parties, at which students are in attendance, unless they are a part of the school's extracurricular program and are properly supervised, are prohibited.
4. Staff members shall not fraternize, written or verbally, with students except on matters that pertain to school-related issues.
5. Staff members shall not associate with students at any time in any situation or activity which could be considered sexually suggestive or involve the presence or use of tobacco, alcohol or drugs.
6. Dating between staff members and students is prohibited.
7. Staff members shall not use insults or sarcasm against students as a method of forcing compliance with requirements or expectations.
8. Staff members shall maintain a reasonable standard of care for the supervision, control, and protection of students commensurate with their assigned duties and responsibilities.
9. Staff members shall not send students on personal errands.
10. Staff members shall, pursuant to law and Board policy, immediately report any suspected signs of child abuse or neglect.
11. Staff members shall not disclose information concerning a student, other than directory information, to any person not authorized to receive such information. This includes, but is not limited to, information concerning assessments, ability scores, grades, behavior, mental or physical health and/or family background.
12. Sexual relations with students, regardless of age and/or consent, is prohibited and will result in dismissal.

Personnel -- Certified

Duties of Personnel

All employees of the school district are subject to the policies of the Board of Education, applicable laws, and current employee agreements.

Job descriptions shall include the following:

1. Job title.
2. Duties to be performed.
3. Type and extent of training required.
4. Degree of responsibility assumed.
5. Other related factors.

The job descriptions shall determine the job classification of the employee on the salary schedule. In each instance the employee shall meet the requirements set forth in the job description. Job descriptions for all employees shall be provided by the Superintendent and maintained in a separate manual.

Personnel - Certified-Non-Certified

Rights, Responsibilities and Duties

Acceptable Computer Network Use

The Board of Education provides computers, networks and Internet access to support the educational mission of the schools and to enhance the curriculum and learning opportunities for students and school staff.

Employees are to utilize the school unit's computers, networks and Internet services for school-related purposes and performance of job duties. Incidental personal use of school computers is permitted as long as such use does not interfere with the employee's job duties and performance, with system operations or other system users. "Incidental personal use" is defined as use by an individual employee for occasional personal communications. Employees are reminded that such personal use must comply with this policy and all other applicable policies, procedures and rules.

Any employee who violates this policy and/or any rules governing use of the school unit's computers will be subject to disciplinary action, up to and including discharge. Illegal uses of the school unit's computers will also result in referral to law enforcement authorities.

All District computers remain under the control, custody and supervision of the school unit. The school unit reserves the right to monitor all computer and Internet activity by employees. Employees have no expectation of privacy in their use of school computers.

Each employee authorized to access the school unit's computers, networks and Internet services is required to sign an acknowledgment form stating that they have read this policy and the accompanying regulations. The acknowledgment form will be retained in the employee's personnel file.

The Superintendent or his/her designee shall be responsible for overseeing the implementation of this policy and the accompanying rules and for advising the Board of the need for any future amendments or revisions to the policy/regulations. The Superintendent or his/her designee may develop additional administrative procedures/rules governing the day-to-day management and operations of the school unit's computer system as long as they are consistent with the Board's policy/rules. The Superintendent may delegate specific responsibilities to building principals and others as he/she deems appropriate.

Personnel - Certified-Non-Certified

Rights, Responsibilities and Duties

(cf. 6141.321 - Student Use of the Internet)

(cf. 6141.322 - Web Sites/Pages)

Legal References: Connecticut General Statutes

The Freedom of Information Act

53A-182B Harassment in the first degree.

P.A. 98-142 An Act Requiring Notice to Employees of Electronic Monitoring by Employers.

Policy adopted: April 10, 2006

AMITY REGIONAL SCHOOL DISTRICT NO. 5
Woodbridge, Connecticut

Personnel – Certified / Non-Certified

Rights, Responsibilities and Duties

Acceptable Computer Network Use (Employee Use of Technology)

Social Networking Websites

The Board of Education recognizes and respects the First Amendment Rights of its employees and acknowledges that its employees have the right to speak out on matters of public concern through any and all media, including social media.

The Board of Education recognizes that technological resources can enhance employee performance by offering effective tools to assist in providing a quality instructional program, facilitating communications with parents/guardians, students and the community, supporting District and school operations and improving access to and exchange of information. The Board expects all employees to learn to use the available technological resources that will assist them in the performance of their job responsibilities. As needed, employees shall receive professional development in the appropriate use of these resources. Further, employees shall be responsible for the appropriate use of technology and shall use the District's resources primarily for purposes related to their employment. Technological resources shall not be used to transmit confidential information about students, employees or District operations without authority.

In using electronic applications, including but not limited to social network sites, such as Facebook, MySpace and Twitter, staff members must do so judiciously by not posting confidential information about students, staff or District business. Staff members will treat fellow employees, students and the public with respect while posting. As with any communication with students, e-communication will be appropriate, professional and related to school assignments or activities. Teachers/staff will keep their immediate supervisor informed about electronic applications used for instructional purposes.

The Administration shall annually remind current staff members and orient new staff members concerning the importance of maintaining proper decorum in the on-line, digital world as well as in person. Employees must conduct themselves in ways that do not distract from or disrupt the educational process. The orientation and reminders will give special emphasis to:

- A. Improper fraternization and/or inappropriate communications/postings with students (or that students or families can access) using social networking websites on the Internet.
 1. Staff may not list current Amity students as "friends" on networking sites.
 2. Routine e-contacts with students should be through the District's computer system.
 3. Inappropriate contact via e-mail or telephone is prohibited.

Personnel – Certified / Non-Certified**Rights, Responsibilities and Duties****Acceptable Computer Network Use (Employee Use of Technology)****Social Networking Websites – CONTINUED**

- B. Prohibition of posting items with sexual content.
- C. Prohibition of posting items exhibiting or advocating use of drugs or inappropriate use of alcohol.
- D. Penalties for improper communication or use of District computers and technology.
 - 1. The possibility of penalties, including dismissal from employment, for failure to exercise good judgment in on-line conduct.

When inappropriate use of computers and websites is discovered, the administration will download the offensive material and the Superintendent will determine the appropriate disciplinary action.

(cf. 4118.24/4218.24 – Staff/Student Non-Fraternization)

(cf. 4118.4/4218.4 – E-Mail – Electronic Monitoring)

(cf. 4118.5/4218.5 – Acceptable Computer Network Use)

(cf. 4131 – Staff Development)

(cf. 5125 – Student Records)

(cf. 6141.32 – Computer Literacy)

(cf. 6141.321 – Student Acceptable Use of the Internet)

(cf. 6141.322 – Websites/Pages)

(cf. 6141/323 – Internet Safety Policy/Filtering)

Legal Reference: Connecticut General Statutes
 The Freedom of Information Act
 53A-182B Harassment in the first degree.
 P.A. 98-142 An Act Requiring Notice to Employees of
 Electronic Monitoring by Employers.
 United States Code, Title 20
 675 1-6777 Enhancing Education Through Technology Act,
 Title II, Part D, especially: 6777 Internet safety
 United States Code, Title 47
 254 Universal service discounts (E-rate)
 Code of Federal Regulations, Title 47
 54.520 Internet safety policy and technology protection
 measures, E-rate discounts

Personnel -- Certified

Substitute Teachers

A substitute teacher shall be a person fully qualified to instruct in our schools and who is employed for short periods of time in the absence of the regular teacher.

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.

Substitute teachers will not participate in the health and welfare plans or other fringe benefits of the school system.

Retired teachers may be employed as substitute teachers without jeopardizing their retirement salary within the limits as prescribed by law.

Legal Reference: Connecticut General Statutes

10-183v Reemployment of teachers.

10-145a Certificates of qualification for teachers.

Policy adopted: April 10, 2006

AMITY REGIONAL SCHOOL DISTRICT NO. 5
Woodbridge, Connecticut

Personnel - Certified

Staff Development

“Staff Development” is viewed by the Board of Education as a continuous systematic effort to improve educational programs in the Amity Regional School District through (1) staff involvement in organized program planning, implementation and evaluation efforts, and (2) activities to upgrade the skills, knowledge and ability of educators to improve student learning.

Staff development experiences, for which CEUs are awarded, should be guided by:

- expectations for student performance as reflected in *Connecticut’s Common Core of Learning* and the *Connecticut Framework: Curriculum Goals and Standards*;
- school or district goals;
- actual student performance, as evidenced by the Connecticut Mastery Test (CMT) and the Connecticut Academic Performance Test (CAPT) in addition to other indices; and
- what teachers need to know and be able to do to improve instruction that advances student learning.

Teachers must constantly review curricular content, teaching methods and materials, educational philosophy and goals, social change and other topics related to education to enhance the capabilities of educators to improve student learning. Significant opportunities should also be offered annually to enhance the abilities of staff to promote student mastery in literacy and numeracy. The Board of Education recognizes that it shares with its certified staff responsibility for the upgrading and updating of teacher performance. The Board of Education supports the principle of continuing training of teachers and the improvement of instruction.

The Board shall designate the standing professional development committee, consisting of certified employees, including their union representatives. The Superintendent shall staff the committee. The duties of the committee shall include, but not be limited to, the development, evaluation and annual updating of a comprehensive local professional development plan for certified employees of the District. Such plan all (1) be directly related to the educational goals proposed by the Board pursuant to C.G.S. 10-220(b), and (2) on or after July 1, 2011, be developed with full consideration of the priorities and needs related to student outcomes as determined by the State Board of Education, and (3) provide for the ongoing and systematic assessment and improvement of both teacher evaluation and professional development of the professional staff members of the Board, including personnel management and evaluation training or experience for administrators.

Special effort shall be given to administrators and/or supervisors in training pursuant to their obligations in the evaluation of the teacher.

Personnel - Certified

Staff Development (continued)

Staff development activities should respond directly to the educational needs of the student body and conform to the *Connecticut Common Core of Teaching*. The in-service program shall fulfill all applicable statutory requirements, especially those delineated in C.G.S. 10-220(a).

(cf. 4115 – Evaluation)

(cf.4131.5 – Continuing Education Units)

Legal Reference: Connecticut General Statutes

- 10-27 Exchange of professional personnel and students
- 10-220a In-service training (amended by PA 04-227, PA 08-160 and June 19 Special Session, Public Act No. 09-1)
- 10-153b Selection of teachers' representatives
- 10-226f Coordinator of intergroup relations
- 10-226g Intergroup relations training of teachers
- 10-145b Teaching certificates (as amended by PA 01-173)

AMITY REGIONAL SCHOOL DISTRICT NO. 5
Woodbridge, Connecticut 06525

Typed 3-8-2010

APPROVED – BOE: 3-8-2010

Connecticut General Statutes 10-220a - In-service Training

A. Required In-service Topics for Certified Personnel

1. Nature and the relationships of drugs and alcohol to health and personality development and procedures for discouraging their abuse.
 2. Health and mental health risk reduction education including, but not limited to the prevention of risk-taking behavior by children and the relationship of such behavior to substance abuse, pregnancy, sexually transmitted diseases, including HIV-infection and AIDS, violence, teen dating, domestic violence, child abuse and youth suicide.
 3. Growth and development of exceptional children, including handicapped and gifted and talented children including but not limited to, children with attention deficit hyperactivity disorder or learning disabilities who may require special education, and methods for identifying, planning and working effectively with special needs children in a regular classroom
 4. School violence prevention and conflict resolution and the prevention of and response to suicide.
 5. Harassment and prevention of bullying and response to bullying as defined in 10-222d, subsection (a) as amended. (Boards that implement an evidence-based model approach approved by the SDE are not required to provide in-service training on prevention of bullying.)
 6. Cardiopulmonary resuscitation and other emergency life saving procedures.
 7. Computer and other information technology as applied to student learning and classroom instruction, communications and data management.
 8. Teaching of the language arts, reading and reading readiness and assessment of reading performance including methods of teaching language skills necessary for reading, comprehension skills, phonics and the structure of the English language for teachers in grades kindergarten to three, inclusive. (15 hours every 5 years)
 9. Second language acquisition in districts required to provide a program of bilingual education pursuant to C.G.S. 10-17f.
 10. Elementary, middle, and high school teachers must include 15 hours of training in the use of computers in the classroom every five years. Teachers, regardless of grade level, who can demonstrate technology competency, in a manner determined by the Board of Education, based on statewide standards for teacher competency in the use of instructional technology, shall be exempted from this requirement.
 11. Training in the evaluation of teachers for superintendents and those employees employed in positions requiring an intermediate administrator or supervisory certificate whose duties equal at least 50% of the assigned time. (15 hours every 5 years)
-

Personnel -- Certified/Non-Certified

Travel; Reimbursement

The Board of Education will reimburse employees of the school system who incur expenses in carrying out their authorized duties. Authorization for reimbursements must be obtained in writing from the employee's supervisor prior to incurring such expenses. Immediately upon returning from a business trip, the individual will prepare and submit for approval by the Supervisor and Business Office, a travel expense voucher. Receipts must be submitted for all individual expenditures. Travel expenses will be paid for the employee only.

A traveler on official school business is expected to exercise the same care in incurring expenses that a prudent person would exercise in traveling on personal business.

Personnel -- Certified

Tutoring

No teacher shall tutor a student in any of his/her classes which will result in a subsequent reimbursement. Any tutoring work involving an Amity student by an Amity teacher in the same school must first have administrative approval. It is also suggested that the original teacher be notified as a courtesy if a student is tutored by another teacher of the same school.

(cf. 6174 – Summer School re: Tutoring)

Legal Reference: Connecticut General Statutes

53-392a - 53-392e All related to academic crimes.

53-392b Preparation of assignments for students attending educational institutions prohibited.

Policy adopted: April 10, 2006

AMITY REGIONAL SCHOOL DISTRICT NO. 5
Woodbridge, Connecticut

Personnel – Certified

Negotiations/Consultation

The Board of Education will construe the scope of negotiations as stated in Section 10-153a. Rights concerning professional organizations and negotiations, strictly, and will therefore consider any organizational request which clearly relates to conditions of employment and salaries of employees represented by the organization, and will not negotiate any request which does not so relate. In case of dispute as to whether a particular topic is or is not within the scope of negotiations, the decision of the State Labor Relations Board on that topic will be considered binding, but until such decision is made by the State Labor Relations Board, the Board of Education will not negotiate any item which it considers to be outside the general topic “salaries and conditions of employment.”

The Board of Education must meet and confer with the Board of Finance (or other fiscal authority) within thirty (30) days prior to the commencement of negotiations. A member of said fiscal authority shall be invited to attend negotiating sessions and must provide any fiscal information requested by the Board of Education.

Negotiations shall begin not less than two hundred ten (210) days before the budget submission date. Procedures for filing signed negotiated contracts, their acceptance, or appeal shall be according to law.

Legal Reference: Connecticut General Statutes

10-153a Rights concerning professional organizations and negotiations

10-153d Meeting between board of education and fiscal authority required

10-153(d) “to negotiate in good faith”

Policy adopted: April 10, 2006

AMITY REGIONAL SCHOOL DISTRICT NO. 5
Woodbridge, Connecticut

Personnel -- Certified/Non-Certified

Gifts/Awards From The Board of Education

Each year the Board of Education may consider giving a financial award to one or more individuals for excellence in classroom teaching or in other assigned tasks, or in the quality and extent of their volunteer work for the Regional School System. All employees are eligible for consideration.

Nominations for the award(s) may be made by anyone.

The Board of Education shall consider the following based upon the recommendation of the Superintendent and the following:

1. Availability of funds from current budget; and
2. Recommendations from persons in a position to evaluate the qualifications and achievements.

Normally, the Board would make any such award near the end of the academic year at a public ceremony, usually one called for another purpose.

In no event will the same individual receive such award more than once in any five year period.

The Board's deliberations respecting such award are deemed personnel matters.

Personnel -- Certified/Non-Certified

Return to Work Program

Employees of the Amity Regional School District No. 5 who are, or could be, on leave of absence from their duties as a result of work-related illness or injury may be eligible for the Return-To-Work Program upon written certification of a medical care provider. The medical care provider must certify that the employee may return to work with restrictions on physical requirements of the job in question.

A restriction identifies a physical condition which prevents an employee from performing the full scope of his/her job duties as outlined in their job description. There are two types of restrictions: temporary or permanent. Temporary restrictions are defined as those limitations placed on an injured employee by a physician which are of a relatively short duration (i.e., the employee is expected to fully recover and to return to normal working conditions).

Permanent restrictions are defined as those limitations placed on an employee by a physician which are expected to be long term (more than 180 days) or from which recovery is not expected. Those employees who fall into this category are not eligible for participation in the Return-To-Work Program. They may elect to seek alternative employment or file for a reasonable accommodation under the Americans with Disabilities Act.

When an employee is approved for participation in the Return-to-Work Program, primary consideration will be given to job placement within the employee's department and normal duties. A secondary consideration will be alternative placement into another department or another assignment which is within the same bargaining unit. A critical consideration is to place the injured employee in a position to perform productive work that is both useful to the school district and achievable within the restrictions placed on the employee. Alternative placement will not be used to avoid the filling of vacancies within the department in question.

An employee participating in the Return-to-Work Program is subject to all rules, regulations, contractual memoranda of understanding, standards, policies, and procedures of the district.

Each situation will stand on its own merits. An Employee Return-to-Work Form, completed by a physician, noting an employees' restrictions, will be evaluated by the Superintendent or his/her designee in order to determine whether or not an employee is able to return to his/her assigned position. The Superintendent or his/her designee will then forward the recommendation with appropriate documentation to the injured employee's department head or building administrator for final determination.

Personnel -- Certified/Non-Certified

Return to Work Program (continued)

If an employee is approved for the Return-to-Work Program, he/she shall be provided tasks which fall within the physical restrictions identified by the treating physician. In no case will an employee authorized to participate in the Return-to-Work Program be placed in an area that will pose a health or safety risk to the district, other staff, or the injured employee. An employee shall not be returned to work to any job that is punitive in nature.

(cf. 4246.5 – Board Recognition of Serious Illness/Death in Immediate Family)

Personnel -- Certified/Non-Certified

Employee Protection

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

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

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

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

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

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

Section 52-557b of the General Statutes grants immunity from liability for emergency medical assistance to a person in need of it when the assistance is given by a teacher or other school personnel on the school grounds, in a school building, or at a school function, provided that the teacher or other staff member has completed a course in first aid offered by the American Red Cross, the American Heart Association, the State Department of Health Services, or any municipal health department, as certified by that agency, has such immunity that extends to civil damages for any personal injuries which result from acts or omissions by the person giving the emergency care or first aid, which might constitute ordinary negligence. Such immunity does not apply to acts or omissions constituting gross, willful or wanton negligence.

Personnel -- Certified/Non-Certified

Employee Protection (continued)

Legal Reference: Connecticut General Statutes

10-233b Removal of pupils from class.

10-233c Suspension of pupils.

10-233g Boards to report school violence. Reports of principals to police authority.

10-235 Indemnification of teachers, board and commission members and employees in damage suits; expenses of litigation.

10-236 Liability insurance.

10-236a Indemnification of educational personnel assaulted in the line of duty.

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

53a-18 Use of reasonable physical force or deadly physical force generally.

53a-19 Use of physical force in defense of person.

Policy adopted: April 10, 2006

AMITY REGIONAL SCHOOL DISTRICT NO. 5
Woodbridge, Connecticut

Personnel -- Certified

Personal Illness and Injury (Sick) Leave

Sick leave is a designated amount of compensated leave that may be granted an employee who is unavoidably absent because of illness.

Excessive or Questionable Use of Sick Leave

The employee's immediate supervisor will review the employee's use of sick leave. If this review indicates that the employee's use of sick leave is excessive or questionable, the appropriate official shall submit to the Superintendent a report of the review. The Superintendent may then require the employee to have a physical examination, or submit a written certificate by a physician confirming the necessity for absence due to illness.

Verification of Absence

The Superintendent or supervisor of the employee may require a physician's statement or other verification as to an employee's claimed reason for absence in any situation in which it is believed that no valid grounds exist for the employee's claim for absence. Such verification shall be made within five days of the absence.

Personnel -- Certified/Non-Certified

Personal Leaves

Family and Medical Leave Act

The Board will provide leave to eligible employees consistent with the Family and Medical Leave Act of 1993 (FMLA). Eligible employees are entitled to up to 12 work weeks of unpaid family and medical leave in any 12-month period. The district will continue to pay the district's share of the employee's health benefits during the leave. In addition, the district will restore the employee to the same or an equivalent position after the termination of the leave in accordance with Board policy.

Employees will not be deprived of any employment benefits accrued before taking FMLA leave. Conversely, employees on FMLA leave are not entitled to accrue any seniority or benefits during the leave unless determined otherwise due to a collective bargaining agreement. When an employee returns from FMLA leave, benefits will be resumed in the same manner as provided prior to taking the leave, subject to any changes in benefit levels that may have occurred during the FMLA leave period and which affect the entire work force.

In complying with the FMLA, the district will adhere to the requirements of the Americans with Disabilities Act as well as other applicable federal and state laws.

(cf. 4118.14 - Disabilities)

(cf. 4151.2 - Family Illness)

(cf. 4152.3 - Maternity; Adoptive; Child Care)

Legal Reference: P.L. 103-3 and 29 CFR Part 825 - The Family and Medical Leave Act of 1993.

Final Rule - published in Federal Register, Vol. 60, Nov. 4, Friday, January 6, 1995, as amended on February 3, 1995 and on March 30, 1995. Rules and Regulations (29CFR Part 825)

Policy adopted: April 10, 2006

AMITY REGIONAL SCHOOL DISTRICT NO. 5
Woodbridge, Connecticut

Personnel -- Certified/Non-Certified

Personal Leaves

Family and Medical Leave Act

The following administrative regulations apply only to the Family and Medical Leave Act (FMLA).

Eligibility

An employee who has worked for the district for at least 12 months is eligible for 12 work weeks of FMLA leave during a 12-month period provided the employee worked at least 1,250 hours in the 12 months preceding the beginning of the leave. The 12 months of employment need not be consecutive months. Hours worked includes all hours, including overtime, an employee works but does not include paid leave time such as vacations, sick or personal leave, holidays etc. Full time professional instructional employees who are exempt from the wage and hour law may be presumed to have worked the minimum hour requirement.

For purposes of FMLA leave a 12-month period is measured forward from the date of an employee's first FMLA leave date. The 12 months of employment need not be consecutive months.

Serious Health Condition

A "serious health condition" that would entitle an employee to FMLA leave is one involving continuing treatment by a health care provider that results in a period of incapacity of more than three consecutive calendar days and involves either treatment two or more times by a health care provider or treatment by a health care provider on at least one occasion followed by a regimen of continuing treatment under the supervision of the health care provider.

Over the counter medication, bed rest, taking of fluids, exercise and other activities that can be initiated without a visit to a health care provider do not constitute continuing treatment.

Chronic conditions such as asthma and diabetes are considered a serious health condition even if individual episodes of incapacity do not last more than three days. Furthermore, conditions need not be chronic or long term when the condition is one which is not ordinarily incapacitating but for which multiple treatments are given because the condition would likely result in a period of incapacity of more than three calendar days in the absence of medical intervention. Regarding long-term chronic conditions, the condition need not be incurable. The condition may involve a permanent or long-term incapacity and be one for which treatment may not be effective.

Personnel -- Certified/Non-Certified

Personal Leaves

Family and Medical Leave Act (continued)

Health Care Provider

The definition of "health care provider" includes any health care provider recognized by the employer or accepted by the group health plan of the employer. It also includes clinical social workers.

Types of Leave

An eligible employee may take FMLA leave for:

1. Birth and first-year care of a child;
2. Adoption or foster placement of a child;
3. Serious illness of an employee's spouse, civil union partner, parent or child; and
4. Employee's own serious health condition that keeps the employee from performing the essential functions of his/her job.

An employee may elect, or the district may require, an employee to use accrued paid vacation, personal or family leave for purposes of a family leave. An employee may elect, or the district may require, an employee to use accrued vacation, personal or medical/sick leave for purposes of a medical leave. An employee cannot compel the district to permit the employee to use accrued medical/sick leave in any situation which the leave could not normally be used.

Spouses or Civil Union Partners Employed by the School District

If a husband and wife, civil union partners eligible for leave are employed by this school district, their combined amount of leave for birth, adoption, foster care placement and parental illness may be limited to 12 weeks. An employee may not take FMLA leave to care for a parent-in-law.

Unforeseeable, Continuous, Intermittent and Reduced Leave

Unforeseeable leave involves situations such as emergency medical treatment or premature birth.

Continuous leave is taken for a set number of days or weeks.

Intermittent leave is leave taken in separate blocks of time due to a single illness or injury rather than one continuous period of time.

Personnel -- Certified/Non-Certified

Personal Leaves

Unforeseeable, Continuous, Intermittent and Reduced Leave (continued)

Reduced leave is a leave schedule that reduces employee's usual number of hours per work week, or hours per work day.

Intermittent or reduced leave is available only for the employee's own serious health condition or to care for a seriously ill spouse, child or parent. Such leave may not be used for the birth or adoption/placement of a child or to care for a newborn or recently adopted child. In the case of foreseeable intermittent or reduced leave, the employee must schedule the leave to minimize disruption to the district's operation.

The employee who wishes to use intermittent or reduced leave shall, whenever possible, give prior notification to the district. Although the district and employee may agree to an intermittent or reduced leave plan, the employee who uses family leave is not automatically entitled to use such leave on an intermittent basis or on a reduced leave schedule. The district may provide such leave for medical leave but the district may transfer the employee to a position which is equivalent, but more suitable for intermittent periods of leave provided said leave amounts to more than twenty (20) percent of the total number of working days in the period during which the leave would extend. The employee must furnish the district with the expected dates of the planned medical treatment and the duration of the treatment. The Superintendent must authorize such leave in writing.

Benefits

The district will maintain the employee's health coverage under the district's group health insurance plan during the period of FMLA leave. The employee should make arrangements with the district to pay the employee's share of health insurance (e.g. family coverage) prior to the beginning of the FMLA leave.

The employee will not lose any other employment benefit accrued prior to the date on which leave began but is not entitled to accrue seniority or employment benefits during the leave period. Employment benefits could include group life insurance, sick leave, annual leave, educational benefits and pensions.

Personnel -- Certified/Non-Certified

Personal Leaves

The district is entitled to recover health care premiums paid during the leave if the employee fails to return from leave. However, recovery cannot occur if the employee fails to return because of the continuation, recurrence, or onset of a serious health condition or due to circumstances beyond the control of the employee.

Notice

When the FMLA leave is foreseeable, the employee must notify the district in writing of his/her request for leave at least 30 days prior to the date when the leave is to begin. Failure to give notice may result in the leave beginning thirty days after notice was received. If the leave is not foreseeable, the employee must give notice as early as is practical but no later than one to two work days after learning that leave will be necessary. A spouse or family member may give the notice if the employee is unable to personally give notice. When the employee requests medical leave, the employee must make reasonable attempts to schedule treatment so as not to disrupt the district's operations.

When a request for FMLA leave is received, the district will provide the employee the following information, listing the employees' obligations and requirements:

1. A statement clarifying whether the leave qualifies as family and medical leave and will, therefore, be credited to the employee's annual 12-week entitlement.
2. A reminder that employees requesting family and medical leave for a serious health condition or for that of an immediate family member must furnish medical certification of the serious health condition and the consequences for failing to do so.
3. An explanation of the employee's right to substitute paid leave for family and medical leave including a description of when the school district requires substitution of paid leave and the conditions related to the substitution.
4. A statement notifying employees for paying any premium or other payments to maintain health or other benefits.

The district may deny the leave if the employee does not meet the notice requirements.

Personnel -- Certified/Non-Certified

Personal Leaves

Certification

The district shall require the employee to provide certification of the employee's serious health condition from a health care provider containing specific information required under the law if he/she requests a medical leave. If there is a question concerning the validity of such certification a second, and, if necessary, a third opinion can be required both at the expense of the district. The district shall also require the employee to present medical certification of the family member's serious health condition and that it is medically necessary for the employee to take leave to care for the family member.

If the leave was for reasons related to the employee's serious health condition, upon the employee's return to work, the district will require that the employee present a fitness statement from the employee's health care provider certifying that the employee is able to return to work.

The required certifications must be obtained from the health care provider who is treating the individual with the serious health condition.

Medical certification must be provided fifteen days after the request for medical certification unless it is impracticable to do so. Employees taking family and medical leave for the birth, adoption or foster care of a son or daughter are not required to obtain a medical certification. The District may request recertification every thirty days. Recertification must be submitted within fifteen days of the District's request.

Family and medical leave requested for the serious health condition of the employee or to care for a family member with a serious health condition which is not supported by medical certification shall be denied until such certification is provided.

Verification must also be presented when requesting FMLA leave to care for the employee's spouse, son, daughter or parent with a serious health condition.

Restoration

An employee's right to return to the same or an equivalent position is contingent upon the employee's continued ability to perform all the essential functions of the position.

When the employee returns from leave, the district will restore the employee to the same or an equivalent position with equivalent benefits, pay, terms and conditions of employment shift, and geographically proximate workplace in accordance with board policy. Employees are entitled to any unconditional pay increase, such as cost of living increases, that occur during the period to their FMLA leave.

Personnel -- Certified/Non-Certified

Personal Leaves

Under certain circumstances, the district may deny restoration to a key employee. The district will comply with the notice requirements of the FMLA in denying restoration. A key employee is one who is among the highest paid 10% of the employees and whose absence would cause the district to experience a substantial and grievous economic injury.

Further, the district may deny restoration to an employee if the district shows that the employee would not otherwise be employed at time of reinstatement for reasons such as layoff, shift or special project elimination. In addition, collective bargaining agreements between the Board and employee groups will not diminish the rights of the employee established by FMLA.

A returning employee can not be restored to a position that requires additional licensure of certification unless the employee already holds such license or certification at the time of reinstatement.

Instructional Employees

Special rules apply to instructional employees. Instructional employees are those employees whose principal function is to teach and instruct students in a small group, or an individual setting. This term includes teachers, athletic coaches, driving instructors and special education assistants such as signers for the hearing impaired. It does not include teacher assistants or aides who do not have as their principal job actual teaching or instructing, nor does it include auxiliary personnel such as counselors, psychologists or curriculum specialists. It also does not include cafeteria workers, maintenance workers or bus drivers.

Limitations apply to instructional employees who take intermittent or reduced leave. If the leave requested is:

1. To care for a family member, or
2. For the employee's own serious health condition and
3. Is foreseeable based on planned medical treatment (i.e. chemotherapy, prenatal visits, physical therapy etc.) and
4. The employee would be on leave for more than 20% of the total number of working days over the period the leave would extend.

Then the district may require the employee to choose either to:

- a. Take the leave for a period of a particular duration, not greater than the duration of the planned treatment; or

Personnel -- Certified/Non-Certified

Personal Leaves

Instructional Employees (continued)

- b. Transfer temporarily to an available alternative position for which the employee is qualified, which has equivalent pay and benefits, and which better accommodates recurring periods of leave than does the employee's regular position. However, an instructional employee cannot be transferred to an alternative position when the employee takes intermittent leave that amounts to twenty (20) percent or less of the total number of working days in the period during which the leave would extend.

Intermittent leave is not available to take care of a newborn or recently adopted child.

Limitations also apply to instructional employees who take leave near the end of a semester. When an instructional employee begins leave more than five weeks before the end of a semester the district may require the employee to continue taking leave until the end of the semester if:

- (1) The leave will last at least three weeks, and
- (2) The employee would return to work during the three-week period before the end of the semester.

An instructional employee, required to extend his/her leave by the district, shall not have the "extra" leave counted against the employee's 12 workweek entitlement unless the employee requests said additional leave be counted against the FMLA entitlement.

When an instructional employee begins leave for a purpose other than the employee's own serious health condition during the five-week period before the end of the semester, the district may require the employee to continue taking leave until the end of the semester if:

- (1) The leave will last more than two weeks, and
- (2) The employee would return to work during the two-week period before the end of the semester.

When an instructional employee begins leave for a purpose other than the employee's own serious health condition during the three-week period before the end of a semester, and the leave will last more than five working days, the district may require the employee to continue taking leave until the end of the semester.

Personnel -- Certified/Non-Certified

Personal Leaves

Instructional Employees (continued)

Leave may not be counted against an employee during times (vacation periods) when they are not normally required to work.

When the employee is required to take leave until the end of the semester, only the time until the employee is "ready and able" to work shall be charged to FMLA leave.

Personnel -- Certified

Vacations/Holidays

Vacations

1. During the School Year

Vacations for 11 or 12 month employees will be granted only at times of the year when they will not interfere with the normal operation of the school, but in no case may more than one week vacation be granted while students are in attendance at school.

2. Application for a Vacation

Applications for vacation are subject to approval by the Superintendent or designee.

3. Cancellation of Vacation in Emergency

All vacations may be canceled without notice in event of emergency.

Holidays

Except as otherwise approved by the Board of Education, holidays shall be those designated in Connecticut General Statutes 1-4.

Legal Reference: Connecticut General Statutes

1-4 Days designated as legal holidays.

Personnel -- Certified/Non-Certified

Chronic Communicable Disease

The Board of Education recognizes that the presence of staff afflicted with a chronic communicable disease may create issues of concern on behalf of parents, students, and staff. To that end, the Board will protect the rights of those afflicted with such a disease and the rights of their associates and insist that just and humane treatment prevail.

Once it has been determined that a staff member has a chronic communicable disease, a hearing will be conducted, the result of which may remove such person from school premises. This will be done in order to prevent endangerment to persons in the care of the Board of Education. Pending a hearing, the Superintendent may place the staff person on administrative leave.

(cf. 4260/5141.22 - Chronic Communicable Disease)

Personnel -- Non-Certified

Drug and Alcohol Testing For School Bus Drivers

The Amity Public School district is committed to the establishment of a drug use and alcohol misuse prevention program that meets all applicable requirements of the Omnibus Transportation Employee Testing Act of 1991 (OTETA). The District shall adhere to federal law and regulations requiring a school bus drivers drug and alcohol testing program.

Legal Reference: United States Code, Title 49

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

Code of Federal Regulations, Title 49

40 Procedures for Transportation Workplace Drug and Alcohol Testing Programs

382 Controlled Substance and Alcohol Use and Testing

395 Hours of Service Drivers

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

International Brotherhood of Teamsters v. Department of Transportation

932 F. 2d 1292 (1991)

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

Connecticut General Statutes

PA 95-140 An Act Authorizing Drug Testing of Drivers of Certain Commercial Motor Vehicle.

Policy adopted: April 10, 2006

AMITY REGIONAL SCHOOL DISTRICT NO. 5
Woodbridge, Connecticut

Personnel -- Non-Certified

Transfer/Reassignment

Except as otherwise provided in employee agreements with the appropriate bargaining unit, the Superintendent shall have full authority to transfer or reassign personnel according to the needs of the school district within the policies of the Board of Education. Employees shall not be reduced in salary through any such transfer or reassignment except for cause, which may include the elimination of a position. Employees shall not be reassigned to positions for which they do not hold necessary qualifications or licensing.

Personnel -- Non-Certified

Evaluation/Supervision

The Board of Education endorses a continuous process of evaluation of all employees of the school district. It is the desire of the Board that the quality of service in the district is improved.

It is also the intention of the Board of Education that all employees receive supervision. Further, all employees receive such supervision to determine that all aspects of their job assignments are competently and properly performed.

Existing policy, number 4216 adopted 6/9/97, appropriate as written if still current practice.

Personnel -- Non-Certified

Probationary/Continuing Contract Status

Probationary Status

New employees shall be hired on a trial basis for a period of six calendar months, unless specified differently in a collective bargaining agreement. Upon evaluation by his/her immediate supervisor and the building administrator to which he/she is assigned, a recommendation to either retain or terminate employment shall be made to the Superintendent. The employee under consideration shall be informed of such decision by the Superintendent.

Personnel -- Non-Certified

Dismissal/Suspension

This policy applies to non-certified personnel who are not members of collective bargaining units. Non-certified personnel who are members of bargaining units are not covered by this policy and such employees should refer to their respective collective bargaining agreements for clarification concerning disciplinary action.

Definitions

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

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

“Dismissal” means separation, discharge, termination, or permanent removal of an employee from service in the school system in accordance with the procedures established by the policies and regulations of the school system.

Notice of Disciplinary Action

A notice of disciplinary action shall contain a statement in ordinary and concise language of the specific charges on which the disciplinary action is based. If violation of a policy or regulation of the school system is alleged, the policy or regulation shall be set forth in the notice. The notice must contain specific action or omission with which the employee is charged.

Suspension of the Employee Pending Disciplinary Action

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

Any non-certified, non-bargaining unit employee may appeal a disciplinary decision of the Superintendent or designee to the Board of Education by requesting an appeal, in writing, to the Board of Education within five (5) business days of any decision of the Superintendent or designee. A suspension pending consideration of further disciplinary action may be without pay, except that if the decision of the Superintendent or designee is revised on appeal to the Board, the employee may be entitled to full pay for the suspension period. If the Board modifies the recommendation of the Superintendent, the Board shall determine as part of its action whether the suspension or any part of the suspension will be without pay.

Personnel -- Non-Certified

Dismissal/Suspension (continued)

This policy shall not constitute the terms of a contract of employment and should in no way be construed as creating any right, contract, or guarantee of employment, benefits, or working conditions between any employee and the Board. Employment with the Board is, to the fullest extent allowed by law, on an at-will basis, which means that either the employee or the Board may terminate the employment relationship at any time with or without notice for any reason not expressly prohibited by law. Any written or oral statement to the contrary by anyone on the Board is invalid and should not be relied upon by an employee for any reason unless it has the express approval in writing of the Board as a whole.

Personnel – Certified/Non-Certified

Organizations/Units

Staff – Administrators – Board of Education Relationships

The Board of Education recognizes the right of employees to join or not join employee organizations under provisions of law, and that such organizations, if formed, may enter into collective negotiations with the Board of Education on topics specified in law. In all other areas, the laws of the State of Connecticut and the policies and regulations of the school system are binding on school system employees. The Board of Education has the final responsibility of establishing policies for the school system. The Superintendent, with Board approval, sets forth the regulations under which the school system functions, and the Superintendent and staff have the responsibility of carrying out the policies and regulations established.

Attainment of Goals

Attainment of goals and objectives of the educational program conducted in the school requires mutual understanding and cooperation among the Board of Education, the Superintendent and management staff, the certified and non-certified personnel, and other citizens of the community. To this end, free and open exchange of views is desirable, proper, and necessary.

Employee Organizations

All employees are free to join or not join employee organizations. Decisions affecting the individual employee are made without regard to membership or non-membership in such organizations. Each employee is entitled to individual legal or ethical rights and privileges.

Employees shall not be interfered with, intimidated, restrained, coerced, or discriminated against either by the school system or by employee organizations because of their membership or non-membership in employee organizations. They shall have the right to participate through representatives of their own choosing in the presentation of their views to the Board of Education.

Employee organizations which meet the provisions of the law and the policies of the school system shall have the right to represent their members in matters within the scope of the law.

Legal Reference: Connecticut General Statutes

7-467 et. seq. Municipal Employees Relations Act

46a-60 Discriminatory employment practices prohibited

Policy adopted: April 10, 2006

AMITY REGIONAL SCHOOL DISTRICT NO. 5
Woodbridge, Connecticut

Personnel -- Non-Certified

Leaves and Vacations

Unauthorized leaves may be grounds for disciplinary action up to and including termination.