

BETHANY PUBLIC SCHOOLS

PERSONNEL

SERIES 4000

	Policy Number	Policy or Regulation
1. Certified Personnel		
A. Permanent Personnel		
(1) Recruitment and Selection	4111	P / R
(a) Affirmative Action.....	4111.1	P / R
(b) Recruitment & Selection.....	4111.2	P
(2) Appointment & Conditions of Employment		
(a) Health Examinations.....	4112.4	/ R
(b) Personnel Records	4112.6	P /
(c) Nepotism, Employment of Relatives	4112.8	/ R
(3) Transfer/Reassignment.....	4114	/ R
(4) Evaluation	4115	P /
(5) Separation Disciplinary Action		
(a) Personnel Reduction.....	4117.3	P / R
(b) Dismissal / Suspension	4117.4	P
(c) Exit Interview	4117.5	P
(6) Rights, Responsibilities & Duties		
(a) Civil and Legal Rights		
(i) Nondiscrimination	4118.11	P
a. Grievance Procedures - Title IX/ Section 504 of Rehab. Act/1 973.....	4118.111	/ R
b. Sexual Harassment.....	4118.112	P /
c. Harassment.....	4118.113	P / R
(ii) Communicable Diseases.....	4118.14	P / R
(iii) Drugs and Alcohol	4118.231	P
(b) Duties.....	4118.3	P
(c) Acceptable Computer Network Use.....	4118.5	P / R
(d) Prohibition on Recommendation for Psychotropic Drugs.....	4119	P
B. Temporary and Part Time Personnel	4120	P /
(1) Substitute Teachers	4121	P /
(2) Consultants.....	4126	P /
C. Activities		
(1) Staff Development.....	4131	P /
(2) CEU's.....	4131.5	P / R
(3) Travel Reimbursement.....	4133	P
(4) Tutoring	4134	P / R
(5) Organizations/ Units	4135	P
(6) Non-School Employment	4138	P
D. Compensation and Related Benefits		
(1) Employee Protection.....	4148	P
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(1) Family Medical Leave Act	4152.6	P / R
(2) Vacations/Holidays	4153	P
(3) Leave for Governmental Service	4155	P
(4) Jury Duty	4158	P

BETHANY PUBLIC SCHOOLS

PERSONNEL

SERIES 4000

		Policy Number	Policy or Regulation
2.	Non-Certified/Non-Union Personnel		
A.	Permanent Personnel		
	(1) Recruitment and Selection	4211	P
	(a) Affirmative Action	4211.1	P/R
	(b) Recruitment & Selection	4211.2	P
	(2) Appointments and Conditions of Employment		
	(a) Health Examinations	4212.4	R
	(b) Personnel Records	4212.6	P
	(c) Nepotism; Employment of Relatives	4212.8	/R
	(3) Assignment	4213	P
	(a) Work Day	4213.1	P
	(4) Transfer/Reassignment	4214	P
	(5) Evaluation/Supervision.....	4215	P
	(6) Separation/Disciplinary Action		
	(a) Dismissal/Suspension	4217.4	P/R
	(i) Just Cause	4217.41	R
	(b)Exit Interview.....	4217.5	P
	(7) Rights, Responsibilities and Duties		
	(a) Civil and Legal Rights		
	(i) Nondiscrimination	4218.11	P
	(ii) Sexual Harassment.....	4218.112	P
	(iii) Harassment.....	4218.113	P / R
	(iv) Communicable Diseases	4218.14	P / R
	(v) Alcohol, Drugs, and Tobacco	4218.231	P
	(b) Duties	4218.3	P
	(c) Acceptable Computer Network Use.....	4218.5	P / R
	(d) Prohibition on Recommendations for Psychotropic Drugs.....	4219	P
B.	Activities		
	(1) Growth in Job Skills		
	(a) Visitations; Conferences; Course Reimbursement	4231.2	P
	(2) Travel; Reimbursement	4233	
	(3) Organizations/Units	4234	P
	(4) Non-School Employment	4238	P
C.	Compensation and Related Benefits		
	(1) Salaries	4241	P
	(2) Insurance/Health & Welfare Benefits	4244	P
	(a) Insurance Premium Payments for Retirees	4244.1	P
	(3) Employee Protection	4248	P
	(a) Severance Pay	4248.1	P
D.	Leaves and Vacations		
	(1) Sick Leave	4251.1	P
	(2) Bereavement/Special Leave	4251.3	P
	(3) Family Medical Leave Act	4252.6	P / R
	(4) Vacations	4253	P
	(5) Holiday Leave	4254	P
	(6) Special Leave/General Leave	4255	P
	(7) Jury Duty	4256	P

(updated 1/14/09)

Personnel – Certified / Non –Certified**Recruitment & Selection**

The school district recognizes the heterogeneity of the people who live in the school district and believes that this characteristic should have an important bearing on all aspects of the school district's activities.

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

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

The schools shall engage in fair and sound personnel practices in the appointment of all district employees. The administration shall be responsible for establishing recruitment, selection and appointment procedures.

Legal Reference: Connecticut General Statutes

10-151 Employment of teachers. Notice and hearing on termination of contract.

10-153 Discrimination on account of marital status.

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

46a-60 Discriminatory employment practices prohibited.

Policy adopted: September 9, 1991

Policy revised: September 9, 1998

BETHANY PUBLIC SCHOOLS
Bethany, Connecticut

Personnel I- Certified**Recruitment and Selection**

In the employment of teachers and other certified personnel, special consideration is given to professional training, teaching experience, and personal characteristics desirable in good teachers.

Each candidate will

1. submit evidence of meeting the certification requirements of the state.
2. submit an official college transcript to the personnel office.
3. submit a record of teaching and other work experience to the personnel office. Salary increments are based upon years of creditable service.
4. appear, unless unusual hardship prevents, for a personal interview.

Legal Reference:

Connecticut General Statutes

10-145 Certificate necessary to employment.

10-151 Employment of teachers.

10-153a to 10-153n; Rights concerning professional organization and negotiations.

Regulation approved: September 9, 1991

BETHANY PUBLIC SCHOOLS
Bethany, Connecticut

Personnel – Certified / Non-Certified

Recruitment & Selection Expectations for School Faculty and Staff

The Bethany Board of Education is responsible for the governance of the Bethany Public School District. This includes the employment of highly qualified and dedicated personnel to administer, teach, and perform other functions in the district. The Board has high expectations and strives to promote high levels of student achievement in a safe, pleasant, and well-managed learning environment.

The “No Child Left Behind” legislation has elevated expectations for public schools and those individuals charged with educating the nation’s youth. With regard to employment, the NCLB legislation requires that “highly qualified” individuals be employed in schools.

The Board of Education is proud of its staff and wishes to clarify the expectations and characteristics of staff members of the Bethany Public School District who provide a productive educational experience to all children. This group of dedicated employees includes certified staff and other support personnel who make the educational process effective.

The Bethany Board of Education supports the concept that a career in education provides an opportunity for a select group of highly capable and motivated individuals to make a significant and positive impact on the lives of children, our future generation. Those individuals who work in Bethany’s schools serve as role models to youth and make the local, regional, national, and international community a better place for all.

All employees of the Bethany public school district have the potential to influence students in a positive way. This includes certified personnel as well as teacher assistants, secretaries, custodians, cafeteria workers, bus drivers, and all support staff. Some of the attributes indicated in this policy will apply specifically to those who work in the classrooms and directly with students, while others apply to those who have other involvement with students.

Employment in the Bethany School District offers many benefits. Bethany provides competitive rates of pay and benefits and a pleasant working environment. However, most importantly, it is the intrinsic reward of dedicating one’s efforts for the benefit of the community that provides the greatest benefit. In Bethany, it is hoped that this reward is the joy of helping children grow and learn from early childhood to pre-adolescence during seven or more years of exciting learning experiences.

Most Bethany students spend more of their educational years at Bethany Community School than in any other secondary school, college, or university. This school and its staff have a dramatic impact upon the lives of thousands of individuals through the years.

Personnel – Certified / Non-Certified

The Bethany Board recognizes the importance for its employees to be a good match with the school community. The requirements and expectations for employment vary with different districts, towns, and schools. Each district and school seeks those whom have the attributes and characteristic considered important in that particular school community. Subsequently, the Board seeks to recruit and retain only those whose interests, aspirations, dedication, enthusiasm, qualifications, and positive attitude are consistent with the culture of the Bethany school community.

The Bethany Board of Education expects potential and current employees to demonstrate the characteristics and attributes described as follows:

- Exhibit a positive attitude toward the school, community, and mission of the district
- Be dedicated to the school and district and support its goals and mission
- Promote the positive image of the school and community
- Act and dress in a professional manner
- Exhibit creativity and enthusiasm in one's work
- Be a problem solver
- Relate well and work cooperatively with teams, colleagues, parents, students, and community
- Demonstrate commitment to self improvement and professional development
- Be willing to participate in school activities as a positive part of the school community
- Be conscientious and responsible – meet deadlines, schedules, follow through with day-to-day tasks, record keeping, documentation, etc.
- Communicate effectively and positively
- Encourage and promote student growth, learning, and performance at high levels
- Demonstrate respect, caring, and sensitivity to all
- Contribute to the improvement of the school
- Be attentive to student needs (learning, emotional, physical, psychological, safety, etc)
- Demonstrate an understanding of and sensitivity to children
- Understand and be sensitive to individuals with special needs and disabilities
- Maintain a neat, safe, secure, and orderly environment
- Implement current curriculum and teaching strategies as prescribed
- Work effectively with individuals of differing goals, interests, personalities, abilities, etc.
- Possess an open mind – be receptive to new ideas and constructive criticism
- Offer students enrichment opportunities and experiences
- Demonstrate a high level of competence in the essential functional skills of the job assigned (technology, math, writing, communication, clerical tasks, maintenance, etc.)
- Have pride in the school – support and participate in the initiative to have the school and district be the best it can be.

Additionally, certified staff should be familiar with, and reflect in their practice, the Connecticut State Department of Education's Common Core of Learning and the Common Core of Teaching.

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.

The records will be disclosed in accordance with the FOIA. Should the employee reasonably believe that the release of this information would be an invasion of their privacy, a written objection must be received from the teacher or employee's collective bargaining representative, within four 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.

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.

Legal Reference: Connecticut General Statutes

1-19b Agency administration. Disclosure of personnel, birth and tax records.

1-20a Objection to disclosure of personnel or medical files.

1-21i(b) Denial of access to public records or meetings.

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

10-151c Records of teacher performance and evaluation not public records.

Policy adopted: September 9, 1991

Policy revised: October 11, 2000

Personnel – Certified / Non-Certified / Non-Union

Nepotism: Employment of Relatives

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

1. No spouse, minor child or dependent of the Bethany Board of Education member shall be appointed to a full-time position in this school district.
2. Persons related otherwise by blood or marriage to a Board of Education member may be employed following full disclosure of the relationship by the Board of Education member in a public meeting and sufficient vote of appointment without counting the vote of the related Board of Education member.
3. A spouse or child of a Board of Education member may be employed for limited term or short-term employment on a competitive basis among persons who are eligible.
4. Persons related by blood or marriage to member of the administrative staff shall not be appointed to a position that is in a line relationship involving supervision and evaluation of the position.
5. Members of the same family may be employed at the same department or work location when approved in writing by the Superintendent or the Superintendent's designee (Exception: members of the same family shall not be approved in direct line of supervision.)

It is the intent of these rules to avoid any situation where a conflict of interest can arise either on the part of the member of the Board of Education or a member of the administrative staff.

Regulation approved: September 9, 1991

Regulation revised: May 12, 2010

Personnel – Certified

Transfer/Reassignment

No later than May 15 of each school year, the superintendent shall post in all school buildings a list of the known vacancies, which exist for the following school year. Additional vacancies shall be posted as they occur.

1. Voluntary Transfer

Teachers who desire a change in grade and / or subject assignment or who desire to transfer to another building may file a written statement of such desire with the superintendent not later than April 15. Such statement shall include the grade and/or subject to which the teacher desires to be assigned and the school or schools to which he/she desires to be transferred, in order of preference.

2. Involuntary Transfer

No vacancy shall be filled by means of involuntary transfer or reassignment if there is a qualified volunteer available to fill said position.

Notice of an involuntary transfer or reassignment shall be given to teachers as soon as practicable, and except in cases of emergency, not later than June 1.

When an involuntary transfer or reassignment is necessary, a teacher's area of competence, major or minor field of study, length of service in the school district, and the length of service in the particular school building shall be considered in determining which teacher is to be transferred or reassigned.

An involuntary transfer or reassignment shall be made only after consultation by and among the interested parties.

A list of open positions in the school district shall be made available to all teachers being involuntarily transferred or reassigned. Such teachers may request the positions, in order of preference, to which they desire to be transferred. Teachers being involuntarily transferred or reassigned from their present position for reasons not related to their teaching competency shall have preference over those seeking voluntary transfer or reassignment in regard to choice among those positions which are vacant. A teacher being involuntarily transferred or reassigned shall be placed only in an equivalent position, - i.e., one which, among other things, does not involve reduction in rank or in total compensation.

Nothing in this section shall preclude the administration from establishing specially staffed schools required by federal law or other projects of an exemplary or experimental nature.

Regulation approved: September 9, 1991

BETHANY PUBLIC SCHOOLS
Bethany, Connecticut

Personnel – Certified

Evaluation

It is universally accepted that good teaching is the most important element in a sound educational program. Student learning is directly affected by teacher competence; therefore, a teacher evaluation shall be accomplished using a teacher evaluation plan, which demonstrates a clear link between teacher evaluation, professional development and improved student learning as evidenced by student achievement.

Appraisal of teaching performance should serve three purposes:

1. To raise the quality of instruction and educational services to the children of our community resulting in improved student learning and achievement.
2. To raise the standards of the teaching profession as a whole.
3. To aid the individual teacher to continue to grow professionally, linking district-wide teacher evaluation and professional development plans.

Evaluation of teacher performance must be a cooperative, continuing process designed to improve student learning and the quality of instruction. The superintendent shall evaluate or cause to be evaluated all certified employees. The teacher shares with those who work with the teacher the responsibility for developing effective evaluation procedures and instruments and for the development and maintenance of professional standards and attitudes regarding the evaluation process.

The Board of Education directs the superintendent and the teachers' and administrators' representatives to develop, in harmony with the latest Guidelines for Teacher Evaluation and Professional Development issued by the Connecticut Department of Education, a system-wide program for evaluating the instructional process and all certified personnel as one means to improve student learning and insure the quality of instruction.

The superintendent and all employees whose administrative and supervisory duties equal at least 50% of their time shall include a minimum of fifteen hours of training in the evaluation of teachers pursuant to Section 10-151b, as part of the required professional development activity during each five year period for reissuance of their professional educator certificate.

Personnel – Certified

Evaluation

(cf. – 4131 Staff Development)

Legal Reference: Connecticut General Statutes

10-145b Teaching certificates

10-151b Evaluation by superintendent of certain educational personnel. (as amended by P.A. 95-58 An Act Concerning, Teacher Evaluations, Tenure and

Dismissal and P.A. 00-13 An Act Concerning Teacher Competency.)

10-220a In-service training. Professional development. Institutes for educators. Cooperative and beginning teacher programs, regulations.

Policy adopted: September 9, 1991

Policy revised: October 11, 2000

Personnel – Certified

Personnel Reduction

The Board of Education may find it necessary from time to time to reduce the number of certified personnel, which it employs, due to reduced enrollment within the district, lack of funds, elimination or reduction of a special program, or other reasons.

The Superintendent is directed to develop a just and reasonable plan for selecting staff members to be released, with consideration of seniority, needs of the school and quality and effectiveness of the individuals.

Legal Reference:

Connecticut General Statutes

10-151 Employment of teachers. Notice and hearing on termination of contract.

Policy adopted: September 9, 1991

Personnel – Certified

Personnel Reduction

Prior to commencing action to terminate teacher contracts upon the need to reduce staff, the Board of Education will abide by procedures currently existing in employee organization agreements, or otherwise will give due consideration to its ability to reduce staff by:

1. Voluntary retirements.
2. Voluntary resignation.
3. Transfer of existing staff members.
4. Voluntary leaves of absence.

If a teacher has attained tenure status, the contract of employment may be terminated if the position is eliminated, but only if there is no other position for which that teacher is certified and qualified available in the school system. “Position available” shall include any position for which said teacher is qualified and currently held by a teacher who has not completed 30 months of continuous employment in the school district. This shall include first preference for positions, which are held by non-tenured teachers in addition to positions that are open and available. Determination of those to be released shall be in the following order:

1. Teachers holding temporary emergency permits.
2. Non-tenured teachers holding provisional certification.
3. Non-tenured teachers holding standard certification.
4. Tenured teachers holding provisional certification.
5. Tenured teachers holding standard certification.

The following criteria will be used to select those employees who are to be considered for termination within the broad tenure and certification categories established above:

1. Areas of certification.
2. Teaching experience in other positions which may be available
3. Degree status.
4. Total years of teaching experience.
5. Total years of teaching experience in the school system.
6. Qualifications and ability as determined by an objective evaluation of the teacher’s performance.

Personnel Reduction (continued)

When the Board of education considers termination of the contract of a teacher it shall authorize the superintendent to notify the teacher in writing that termination of his/her contract is under consideration. The notification and any subsequent proceedings related to termination will be in accordance with the provisions of C.G.S. 10-151.

Nothing herein shall compel the promotion of a teacher to a higher rank even though the teacher is qualified for such promotion and the position is open, and the teacher is being considered for termination under Board policy and this regulation.

Recall Procedure / Reemployment

If the contract of employment of a teacher is terminated without prejudice because of elimination of a position, the name of that teacher shall be placed on a reappointment list and remain on such list for a period of two years. If a position becomes open during such period and the teacher has been selected by the Board of Education as the person who is certified and qualified for that position, then the teacher will be notified by certified mail sent to the last known address at least thirty days prior to the anticipated date of reemployment whenever possible. The teacher must accept or reject the appointment in writing within seven days after receipt of such notification. If the appointment is accepted the teacher shall receive a written contract within twenty days of receipt of the teacher's reply to the Board of Education. If the teacher rejects the appointment offer or does not respond according to this procedure within seven days after receipt of the notification the name of the teacher will be removed from the recall list.

Legal Reference: Connecticut General Statutes

10-252 Employment of teachers. Notice and hearing on termination of contract.

Regulation approved: September 9, 1991

BETHANY PUBLIC SCHOOLS
Bethany, Connecticut

Personnel - Certified

Exit Interview

In an effort to continually improve the working atmosphere in the Bethany Public Schools, a voluntary exit interview will be offered to each employee departing the system.

Each employee will be given the opportunity to complete an exit interview questionnaire and to discuss his/her employment experiences with administrator/s and board member/s of the employee's choosing.

The questionnaire and interview notes will be rendered anonymous and will be kept in a confidential file in the Office of the Superintendent of Schools.

Policy approved: July 1, 1996

Personnel – Certified / Non-Certified / Non-Union

Nondiscrimination

The conditions or privileges of employment in the school district, including the wages, hours, terms and benefits, shall be applied without regard to race, color, religious creed, age, marital status, including civil union partners, national origin, sex, ancestry, present or past history of mental disorder, mental retardation, pregnancy or physical disability. The Bethany Board of Education seeks to extend the advantages of public education with full equality of educational opportunity to all students and personnel. The Board, any employee or any other person may not aid or compel the performance of an unfair labor practice as defined by law.

Harassment

It is the policy of the Board of Education that any form of sexual harassment is forbidden in the workplace, whether by supervisory or non-supervisory personnel, by individuals under contract, or volunteers subject to the control of the Board. Sexual harassment is defined as unwelcome conduct of a sexual nature, whether verbal or physical, including, but not limited to, insulting or degrading sexual remarks or conduct; threats or suggestions that an employee's submission to or rejection of unwelcome conduct will in any way influence an employment decision regarding that employee, or conduct of a sexual nature which substantially interferes with an employee's work performance, or creates an intimidating, hostile or offensive work environment, such as the display in the workplace of sexually suggestive objects or pictures.

Sexual harassment in the workplace whether by supervisory or non-supervisory employees will result in disciplinary action up to and including dismissal.

Discipline

No employee will be disciplined, reprimanded, reduced in rank or compensation or deprived of any professional advantage without just cause.

Association Membership

No employee shall suffer any professional disadvantage by reason of the employee's membership in an employee association or participation in its lawful activities.

Personnel – Certified / Non-Certified / Non-Union

Grievances

No employee, employee association representative, member of any employee organization or any other participant in a grievance procedure shall suffer reprisals in any other way or suffer any professional disadvantage by reason of their opposition to any unfair labor practices or because of participation in the processing of any grievance. The Superintendent will provide procedures for alleged violations of Board policies, administrative regulations, and school district operations in general when not otherwise covered in employee organization agreements.

(cf. 4111 – Recruitment and Selection)

(cf. 4135 – Organizations / Units)

Sexual Harassment Procedure

It is the express policy of the Board to encourage victims of sexual harassment to report such claims. Employees are encouraged to promptly report complaints of sexual harassment to the Superintendent. Complaints will be investigated promptly and corrective action will be taken when allegations are verified. Confidentiality will be maintained by all persons involved in the investigation and no reprisals or retaliation will be allowed to occur as a result of the good faith reporting of charges of sexual harassment.

Policy adopted: September 9, 1991

Policy revised: October 1992

Policy revised: May 10, 2006

POLICY 4118.11 (c)
POLICY 4218.11

Personnel – Certified / Non-Certified / Non – Union

Legal Reference: Connecticut General Statutes

46a – 60 Discriminatory employment practices prohibited

10 – 153 Discrimination on account of marital status

10 – 153a Rights concerning professional organization and regulations

Public Act 05-10 An Act Concerning Civil Unions

42 U. S. C. S2000e (“Title VII”)

29 C.F.R. S104.11 (EEOC Guidelines on Sexual Harassment)

Connecticut General Statutes S46a-60

Public Act 05-10 An Act Concerning Civil Unions

Policy adopted: September 9, 1991
Policy revised: October 1992
Policy revised: May 10, 2006

BETHANY PUBLIC SCHOOLS
Bethany, Connecticut

Personnel – Certified

Grievance Procedure – Title IX

Informal Appearance of Staff Member before the Board

The following procedure is adopted for granting an “informal appearance” before the Bethany Board of Education to a staff member:

1. Purpose of Informal Appearance

The purpose of granting an informal appearance before the Bethany Board of Education to the staff member is to provide that member with an opportunity to dissuade the Board from its determination not to offer reemployment.

2. Procedure

- A. A timely written request must be made by the staff member for a written statement of reasons within thirty (30) calendar days from the receipt of the Board’s written notification of failure to renew employment.
- B. The Bethany Board of Education must present a written statement of reasons to the staff member within fifteen (15) calendar days of its receipt of the formal request for said reasons.
- C. The staff member, having requested and received a written statement of reasons, must make a timely request for an appearance before the Bethany Board of Education; “timely” to be interpreted to mean that the request must be made within ten (10) calendar days and the appearance scheduled within thirty (30) calendar days from the receipt of the requested statement of reasons.
- D. The staff member’s informal appearance before the Bethany Board of Education is not an adversary proceeding.
- E. The proceeding is not intended to be protracted. The Bethany Board of Education will find it necessary to exercise discretion regarding the reasonable length of time of the proceeding, depending upon specific circumstances in each instance.
- F. The individual staff member must receive adequate written notice of the date and time when the informal appearance is scheduled.

Personnel – Certified

Grievance Procedure – Title IX

Informal Appearance of Staff Member before the Board (continued)

- G. The staff member may be represented by counsel or an individual of the staff member's own choice before the Bethany Board of Education, and may present witnesses on his/her behalf.
- H. Such witnesses need not present testimony under oath, and should not be cross-examined by the Bethany Board of Education.
- I. Witnesses should be called into the meeting to address the Board of Education one at a time and should be excused from the meeting after making their statements.
- J. If the Board of Education has refused employment for proscribed reasons (i.e., race, color, religion, etc.) or in violation of Constitutional rights, such as free speech, or if the Board of Education was arbitrary, capricious or abused its discretion, and the staff member is able to prove allegations, then the staff member may file a Petition of Appeal before the appropriate judicial body which will result in a full adversary proceeding.

Regulation approved: September 9, 1991

BETHANY PUBLIC SCHOOLS
Bethany, Connecticut

Personnel – Certified / Non-Certified / Non-Union

Nondiscrimination

The conditions or privileges of employment in the school district, including the wages, hours, terms and benefits, shall be applied without regard to race, color, religious creed, age, marital status, including civil union partners, national origin, sex, ancestry, present or past history of mental disorder, mental retardation, pregnancy or physical disability. The Bethany Board of Education seeks to extend the advantages of public education with full equality of educational opportunity to all students and personnel. The Board, any employee or any other person may not aid or compel the performance of an unfair labor practice as defined by law.

Discipline

No employee will be disciplined, reprimanded, reduced in rank or compensation or deprived of any professional advantage without just cause.

Association Membership

No employee shall suffer any professional disadvantage by reason of the employee's membership in an employee association or participation in its lawful activities.

Sexual Harassment

It is the policy of the Board of Education to maintain a learning and working environment that is free from sexual harassment. The Board of Education prohibits any form of sexual harassment.

It shall be a violation of this policy for any student, employee, volunteer or other individual subject to the control of the Board to harass a student, employee, individual under contract or volunteer through conduct or communication of a sexual nature as defined by this policy.

Sexual harassment is defined as unwelcome conduct of a sexual nature, whether verbal or physical, including but not limited to, insulting or degrading sexual remarks or conduct, threats or suggestions that an individual's submission to or rejection of unwelcome conduct will in any way influence a decision regarding that person's employment or education or create an intimidating, hostile or offensive work or educational environment.

Sexual harassment by a student, employee, individual under contract or volunteer will result in disciplinary action up to and including dismissal or expulsion.

Personnel – Certified / Non-Certified / Non-Union

Legal reference: Connecticut General Statutes
46a – 60 Discriminatory employment practices prohibited
10-153 Discrimination on account of marital status
10-153a Rights concerning professional organization and regulations
Public Act 05-10 An Act Concerning Civil Unions
42 U.C.C. 2000 (e) Title VII
29 C.F.R. 1604.11 (EEOC Guidelines on Sexual Harassment)
20 U.S.C. 1681-1688 (Title IX)
Connecticut General Statutes 46a-60 (a) (8)
Public Act 05-10 An Act Concerning Civil Unions

Policy adopted: September 9, 1991
Policy revised: January 1994
Policy revised: May 10, 2006

Personnel– Certified / Non-Certified / Non-Union

Sexual Harassment

Unwelcome sexual advances, requests for sexual favors and other inappropriate oral, written or physical conduct of a sexual nature constitute sexual harassment when:

- Submission to such conduct is made, either explicitly or implicitly, a term or condition of an individual's employment;
- Submission to or rejection of such conduct by an individual is used as the basis of employment decisions affecting the individual;
- The conduct has the purpose or effect of having a negative impact upon the individual's work performance, or of creating an intimidating, hostile or offensive work environment;
- Submission to, or rejection of, the conduct by the individual is used as the basis for any decision affecting the individual regarding job benefits and / or working conditions.

Examples of Sexual Harassment

While an exhaustive list is not possible, the following are examples of specific behaviors that if unwelcome and of a sexual nature could constitute sexual harassment:

- Suggestive or obscene letters, notes, invitations, derogatory comments, slurs, jokes, epithets, touching, impeding or blocking movement, leering, gestures, noises, pulling at clothes, display of sexually suggestive objects, pictures or cartoons, sexual assault, attempted sexual assault.
- Continuing to express sexual interest after learning of or being informed that the interest is unwelcome;
- Coercive sexual behavior used to control, influence, or affect the career, salary and / or work environment of another employee, such as threats of reprisal, implying or withholding support for an appointment, promotion, transfer, or change of assignment;
- Suggesting a poor performance evaluation will be prepared or that a probationary period of employment will not be completed successfully;
- The creation of an atmosphere of sexual harassment or intimidation, or a hostile or offensive working environment;
- Inappropriate attention of a sexual nature.

Sexual or romantic relationships between board employees and students are unacceptable whether or not they constitute sexual harassment as defined in this regulation. Further, any conduct of an employee toward a student which could constitute sexual harassment of the student by the employee will constitute a violation of board policy and this regulation.

Personnel – Certified / Non-Certified / Non-Union

Complaint Procedures

Questions, complaints and other issues concerning sexual harassment will normally be handled by the building principal who may be reached at 393-3350. The Superintendent of Schools is also responsible for compliance with Title IX of the Education Amendments of 1972 which prohibits sexual harassment as well as other forms of sex discrimination. If an employee believes that he / she is or has been the victim of sexual harassment, the employee should make a written complaint to the building principal or his / her designee. Complaint forms may be obtained from the office of the superintendent as well as the office of the building principal. The written complaint should state the name of the complainant and the date of the complaint, the date or dates of the alleged harassment, the name or names of the alleged harasser or harassers, and a statement of the circumstances on which the alleged harassment occurred. In the event the person against whom the complaint is made is the individual with whom the complaint would normally be filed, the complaint should be forwarded directly to the superintendent of schools. Upon the filing of a written complaint, the complainant shall be provided a copy of this regulation.

Within five (5) days of receipt of the complaint, the principal shall commence an investigation of the complaint. As part of such investigation, the investigator shall consult all individuals reasonably believed to have relevant information, including the complainant and the alleged harasser; any witnesses to the alleged conduct and any victims of similar conduct whom the investigator reasonably believes may exist. The investigation shall insure confidentiality insofar as possible and to the extent consistent with a thorough investigation. The investigator shall make a written report summarizing the results of the investigation and shall provide copies of the report to the complainant and the alleged harasser.

If the report results in a determination that sexual harassment has occurred, appropriate action shall be taken to insure, to the extent possible, that the harassment ceases and will not reoccur. Appropriate action may include re-assignment, transfer, and / or disciplinary action up to and including termination of employment.

Each year all employees and supervisors shall be provided copies of this regulation or shall otherwise be informed of the content of this regulation and the requirements of board policy prohibiting sexual harassment.

Personnel -- Certified/Non-Certified (policy)

Harassment

The Board strives to provide a safe, positive working climate for its employees. Therefore, harassment, in any form, will not be tolerated in the Bethany Public School District. This policy applies to all students, staff members, Board members, parents, vendors, contracted individuals, volunteers, other employees and other visitors attending or engaged in district activities on school grounds or on property within the jurisdiction of the school district, on buses operated by or for the district, or at district sponsored activities away from district grounds.

Employees, students, and others are expected to adhere to a standard of conduct that is respectful and courteous to all. The principle of freedom of expression that might otherwise protect the most offensive public speech does not protect or encompass a right to threaten the dignity and privacy of an individual. Such personally directed behavior will not be tolerated. It is contrary to academic values, debilitates its victims, compromises the offenders, and undermines the District's fundamental commitment to individual freedom and respect for all its members. Furthermore, acts of intolerance may destroy the very atmosphere in which freedom of expression is otherwise tolerated and cherished.

For purposes of this policy, **harassment** consists of verbal, written, graphic, or physical conduct relating to an individual's race, color, religion, sex, national origin/ethnicity, physical attributes or disability, parental or marital status, sexual orientation, or age when such conduct/harassment:

1. is sufficiently severe, persistent or pervasive that it affects an individual's ability to participate in or benefit from an educational program or activity or creates an intimidating, threatening or abuse education environment;
2. has the purpose or effect of substantially or unreasonably interfering with an individual's work performance;
3. otherwise adversely affects an individual's employment opportunities;

Harassment as set forth above may include, but is not limited to:

- verbal, physical, or written intimidation or abuse;
- repeated remarks of a demeaning or condescending nature;
- repeated demeaning jokes, stories, or activities directed at the individual.

Personnel -- Certified/Non-Certified (policy)

Harassment (continued)

For purposes of this policy, **sexual harassment** shall consist of unwelcome sexual advances; requests for sexual favors; and other inappropriate verbal, written, graphic or physical conduct of a sexual nature when:

1. acceptance of such conduct is made, either explicitly or implicitly, a term or condition of an individual's continued employment;
2. submission to or rejection of such conduct by an individual is used as the basis for decisions affecting the individual; and
3. such conduct is sufficiently severe, persistent or pervasive that it has the purpose or effect of substantially interfering with the employee's job performance or creating an intimidating, hostile or offensive working environment.

Examples of conduct that may constitute sexual harassment include, but are not limited to sexual flirtations, advances, touching or propositions; verbal abuse of a sexual nature; graphic or suggestive comments about an individual's dress or body; sexually degrading words to describe an individual; jokes; pin-ups; calendars; objects; graffiti; vulgar statements; abusive language; innuendoes; references to sexual activities; overt sexual conduct; or any conduct that has the effect of unreasonably interfering with an employees' ability to work or creates an intimidating, hostile or offensive working environment.

Each staff member shall be responsible to maintain an educational environment free from all forms of unlawful harassment.

Should harassment be alleged, it is the policy of this Board that it shall be thoroughly investigated, that there shall be no retaliation against the victim of the alleged harassment, and that the problem/concern shall be appropriately addressed.

In order to maintain a work environment that discourages and prohibits unlawful harassment, the Board designates the Superintendent or his/her designee as the District's Compliance Officer.

The Compliance Officer shall publish and disseminate this policy and the complaint procedure annually to students, parents, employees, independent contractors, vendors and the public. The publication shall include the position, office address and telephone number of the District's Compliance Officer.

BETHANY PUBLIC SCHOOLS
Bethany, Connecticut

Personnel -- Certified/Non-Certified (policy)

Harassment (continued)

The Board directs that complaints of harassment shall be investigated promptly and corrective action be taken when allegations are substantiated. Confidentiality of all parties shall be maintained consistent with the District's legal and investigative obligations.

The school administrator or his/her designee shall be responsible to complete the following duties when receiving a complaint of unlawful harassment:

1. Inform the employee of the right to file a complaint and the complaint procedure.
2. Notify the complainant and the accused of the progress at appropriate stages of the procedure.
3. Refer the complainant to the Compliance Officer if the building Principal is the subject of the complaint.

(cf. 5145.52 – Harassment)

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

29 CFR 1604.11, EEOC Guidelines on Sex Discrimination.

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

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

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

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

Personnel -- Certified/Non-Certified (policy)

Harassment (continued)

Legal References: (continued)

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

Burlington Industries, Inc. v. Ellerth, No. 97-569, (U.S. Supreme Court, June 26, 1998)

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

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

Connecticut General Statutes

46a-60 Discriminatory employment practices prohibited.

10-15c Discrimination in public schools prohibited. School attendance by five-year olds. (Amended by P.A. 97-247 to include “sexual orientation”)

10-153 Discrimination on account of marital status.

17a-101 Protection of children from abuse.

Policy adopted: September 9, 1991

Policy revised: October 1992

Policy revised: November 12, 2003

Personnel -- Certified/Non-Certified (regulation)

Harassment

Harassment Complaint Procedure

Step 1 – Reporting

An employee or third party who believes he/she has been subject to conduct that constitutes a violation of this policy is encouraged to immediately report the incident to the school administrator. If the school administrator is the subject of the complaint, the incident shall be reported directly to the District's Compliance Officer.

The complainant is encouraged to use the report form available from the school administrator, but oral reports are acceptable.

Step 2 – Investigation

Upon receiving a complaint of unlawful harassment, the school administrator shall immediately notify the Compliance Officer, who shall then authorize the school administrator to investigate the complaint, unless the school administrator is the subject of the complaint or is unable to conduct the investigation.

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

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

Step 3 – Investigative Report

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

Disciplinary actions shall be consistent with Board policies and district procedures, applicable bargaining unit agreements and applicable state and federal laws.

Employees knowingly making a false complaint under this policy shall be subject to disciplinary action, including termination.

Personnel -- Certified/Non-Certified (regulation)

Harassment

Harassment Complaint Procedure (continued)

Step 4 – Appeal Procedure

1. The complainant, if not satisfied with a finding of no violation of the policy or with the corrective action, may submit a written appeal to the Compliance Officer within fifteen (15) days.
2. The Compliance Officer shall review the investigation and the investigative report and may also conduct an investigation.
3. The Compliance Officer shall prepare a written response to the appeal within fifteen (15) days. Copies of the response shall be provided to the complainant, the accused and the building Principal who conducted the initial investigation.

Step 6 – Alternate Procedure

If the Compliance Officer is the superintendent, and is the subject of the complaint, the administrator receiving the complaint shall forward it to either Board of Education co-chair who will then notify the other co-chair and forward the complaint to the Board's attorney for investigation. The Board's attorney will prepare a written report to the Board of Education for Board action based on the findings of the investigation.

Regulation approved: November 12, 2003

BETHANY PUBLIC SCHOOL DISTRICT
REPORT FORM FOR COMPLAINTS OF UNLAWFUL HARASSMENT

Complainant: _____

Home Address: _____

Home Phone: _____

School building: _____

Date of Alleged Incident(s): _____

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

Race	Color	National Origin	Gender	Disability
Ancestry	Sexual Orientation	Religion	Age	

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

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

Describe the incident as clearly as possible, including what force, if any, was used; verbal statements (i.e. threats, derogatory remarks, demands, etc.) what if any, physical contact was involved. Attach additional pages if necessary: _____

When and where incident occurred: _____

List any witnesses who were present: _____

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

Complainant's Signature

Date

Received by

Date

Personnel – Certified /Non-Certified

Disabilities/Communicable and Infectious Diseases

The board of education prohibits discrimination against a qualified individual with a disability with regard to job application procedures, hiring, advancement, employee compensation, or job training. The board will afford qualified disabled individuals reasonable accommodations. The Supreme Court of the United States has recognized that individuals with a communicable disease may be considered disabled.

Disabled employees who can no longer perform essential job functions are encouraged to advise their supervisors or administrators of the nature of their disability and which functions cannot be performed. The board will consider any reasonable suggestions of accommodation that would enable performance of those functions so long as the accommodation will not impose an undue hardship on the operation of the school system.

Legal Reference: Connecticut General Statutes

10-209 Records not to be public

29-581 AIDS testing and medical information.

46a-60 Discriminatory employment practices prohibited

Section 504 and the Federal Vocational Rehabilitation Act of 1973, 20 U.S.C. 706(7)(b).

American Disability Act of 1989.

Chalk v. The United States District Court of Central California, 840F. 2d 701 (9th Cir. 1988).

Policy adopted: April 6, 1992

Personnel - Certified/Non-Certified

Disabilities/Communicable and Infectious Diseases

Medical Examinations

The school board may make pre-employment inquiries into the ability of an applicant to perform job-related functions. Medical examinations may be required after an offer of employment has been extended to an applicant and before commencement of employment duties. Any information obtained from such medical examinations will be collected and maintained on separate forms and in separate medical files and will be treated with confidentiality.

An employee who is not qualified to perform their duties or whose medical condition or disability poses a direct threat to the health or safety of individuals in the workplace, once properly established by medical evidence and after proper procedural due process procedures, may be relieved of their duties or reassigned.

The board of education may lawfully refuse to assign a person having a communicable disease, which is transmittable through the handling of food to such duty or position as specified in the Federal Register Food and Drug Administration Regulations of May, 1991.

Privacy

The confidentiality of medical records of applicants or employees shall be strictly observed in accordance with the state and federal laws. Medical records shall be maintained separately from an applicant or employee personnel file. Such information may be released in limited circumstances:

- A. Upon signed release by the individual;
- B. To inform supervisor or administrator about any restriction or accommodation to accomplish work or duties of the employee;
- C. Emergency medical treatment;
- D. In compliance with state or federal law.

Connecticut General Statutes Section 19a-581 through 585, "Aids Testing And Medical Information", provides that no person shall request HIV-related testing or disclose HIV-related information without written or oral informed consent of such individual.

Disabilities/Communicable and Infectious Diseases

Alternative Accommodations

The Supreme Court has recognized that individuals with contagious diseases will be considered as having a disability. Disabled certified employees who can no longer perform essential job functions are encouraged to advise their administrators of the nature of their disability, indicating which functions cannot be performed and suggest accommodations that would enable them to perform those functions. Accommodations will be considered if such accommodation does not impose an undue hardship on the operation of the school system.

A certified employee is not qualified to perform his/her duties, whose medical condition or disability poses a direct threat to health or safety of individuals in the workplace, if it has been properly established by medical evidence and the employee has been afforded proper procedural due process safeguards.

(cf. 4112.4 /4212.4 - Health Examinations)

Legal Reference: Connecticut General Statutes

19-581 through 585 AIDS testing and medical information.

10-209 Records not be public.

46a-60 Discriminatory employment practices prohibited.

Section 504 and the Federal Vocational Rehabilitation Act of 1973, 20 U.S.C. 706(7)(b).

American Disability Act of 1989.

Chalk v. The United States District Court of Central California, 840 F. 2d 701 (9th Cir. 1988).

Regulation approved: 4/6/92

BETHANY PUBLIC SCHOOLS
Bethany, Connecticut

Personnel - Certified

Drugs and Alcohol

All employees of the Bethany Public School shall be notified through receipt of these regulations that the unlawful manufacture, distribution, dispensing, possession or use of illegal drugs and alcohol is prohibited on school premises and during any school activities.

Employees who violate these standards of conduct will be subject to disciplinary action and referral for criminal prosecution. Disciplinary action may include but is not limited to, a letter of reprimand, suspension, or termination from employment.

The Bethany Public Schools may further require that an employee in violation of these standards enroll in and successfully complete an appropriate substance abuse rehabilitation program.

Employees may obtain information about drug and alcohol counseling, rehabilitation, and re-entry programs from the office of the Superintendent of Schools.

Legal Reference: Connecticut General Statutes

21a-243 regulation re schedules of controlled substances.

21 a-240 Definitions, dependency-producing drugs.

54 Fed. Reg. 4946 (1989).

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.

Policy adopted: September 9, 1991

BETHANY PUBLIC SCHOOLS
Bethany, Connecticut

Personnel - Certified

Duties of Personnel

All employees of the school district are subject to the policies of the Bethany 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 and 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.

(cf. 6141.321 - Student Use of the Internet)
(cf. 6141.322 - Web Sites/Pages) .

4118.5(b)
4218.5

Personnel - Certified-Non-Certified

Rights, Responsibilities and Duties

Acceptable Computer Network Use (continued)

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: October 11, 2000

BETHANY PUBLIC SCHOOLS
Bethany, Connecticut

Personnel - Certified-Non-Certified**Rights, Responsibilities and Duties****Acceptable Computer Network Use**

The intent of these administrative regulations rules is to provide employees with general requirements for utilizing the school unit's computers, networks and Internet services. The administrative regulations may be supplemented by more specific administrative procedures and rules governing day-to-day management and operation of the computer system.

These rules provide general guidelines and examples of prohibited uses for illustrative purposes but do not attempt to state all required or prohibited activities by users. Employees who have questions regarding whether a particular activity or use is acceptable should seek further guidance from the building principal or appropriate administrator.

Failure to comply with Board policy 4118.5/4218.5, these regulations and/or other established procedures or rules governing computer use may result in disciplinary action, up to and including discharge. Illegal uses of the school unit's computers will also result in referral to law enforcement authorities.

A. Access to School Computers, Networks and Internet Services

The level of access that employees have to school unit computers, networks and Internet services is based upon specific employee job requirements and needs.

B. Acceptable Use

Employee access to the school unit's computers, networks and Internet services is provided for administrative, educational, communication and research purposes consistent with the school unit's educational mission, curriculum and instructional goals. General rules and expectations for professional behavior and communication apply to use of the school unit's computers, networks and Internet services.

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.

Personnel - Certified-Non-Certified

Rights, Responsibilities and Duties

Acceptable Computer Network Use (continued)

C. Prohibited Use

The employee is responsible for his/her actions and activities involving school unit computers, networks and Internet services and for his/her computer files, passwords and accounts. General examples of unacceptable uses which are expressly prohibited include but are not limited to the following:

1. Any use that is illegal or in violation of other Board policies, including harassing, discriminatory or threatening communications and behavior, violations of copyright laws, etc. ;
2. Any use involving materials that are obscene, pornographic, sexually explicit or sexually suggestive;
3. Any inappropriate communications with students or minors;
4. Any use for private financial gain, or commercial, advertising or solicitation purposes;
5. Any use as a forum for communicating by e-mail or any other medium with other school users or outside parties to solicit, proselytize, advocate or communicate the views of an individual or non-school-sponsored organization; to solicit membership in or support of any non-school-sponsored organization; or to raise funds for any non-school-sponsored purpose, whether for-profit or not-for-profit. No employee shall knowingly provide school e-mail addresses to outside parties whose intent is to communicate with school employees, students and/or their families for non-school purposes. Employees who are uncertain as to whether particular activities are acceptable should seek further guidance from the building principal or appropriate administrator.
6. Any communication that represents personal views as those of the school unit or that could be misinterpreted as such;
7. Downloading or loading software or applications without permission from the system administrator;

Personnel - Certified-Non-Certified

Rights, Responsibilities and Duties

Acceptable Computer Network Use (continued)

8. Opening or forwarding any e-mail attachments (executable files) from unknown sources and/or that may contain viruses;
9. Sending mass e-mails to school users or outside parties for school or non-school purposes without the permission of the system administrator or other designated administrator;
10. Any malicious use or disruption of the school unit's computers, networks and Internet services or breach of security features;
11. Any misuse or damage to the school unit's computer equipment;
12. Misuse of the computer passwords or accounts (employee or other users);
13. Any communications that are in violation of generally accepted rules of network etiquette and/or professional conduct;
14. Any attempt to access unauthorized sites;
15. Failing to report a known breach of computer security to the system administrator;
16. Using school computers, networks and Internet services after such access has been denied or revoked; and
17. Any attempt to delete, erase or otherwise conceal any information stored on a school computer that violates these rules.

Personnel - Certified-Non-Certified

Rights, Responsibilities and Duties

Acceptable Computer Network Use (continued)

D. No Expectation of Privacy

The school unit retains, control, custody and supervision of all computers, networks and Internet services owned or leased by the school unit. The school unit reserves the right to monitor all computer and Internet activity by employees and other system users. Employees have no expectation of privacy in their use of school computers, including e-mail messages and stored files.

E. Confidentiality of Information

Employees are expected to use appropriate judgment and caution in communications concerning students and staff to ensure that personally identifiable information remains confidential.

F. Staff Responsibilities to Students

Teachers, staff members; and volunteers who utilize school computers for instructional purposes with students have a duty of care to supervise such use. Teachers, staff members and volunteers are expected to be familiar with the school unit's policies and rules concerning student computer and Internet use and to enforce them. When, in the course of their duties, employee volunteers become aware of student violations, they are expected to stop the activity and inform the building principal [or other appropriate administrator].

G. Compensation for Losses, Costs and/or Damages

The employee shall be responsible for any losses, costs or damages incurred by the school unit related to violations of policy 4118.5/4218.5 and/or these regulations.

H. School Unit Assumes No Responsibility for Unauthorized Charges, Costs or Illegal Use

The school unit assumes no responsibility for any unauthorized charges made by employees including but not limited to credit card charges, subscriptions, long distance telephone charges, equipment and line costs, or for any illegal use of its computers such as copyright violations.

Personnel - Certified-Non-Certified

Rights, Responsibilities and Duties

Acceptable Computer Network Use (continued)

I. Employee Acknowledgment Required

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 policy 4118.5/4218.5 and these regulations. The acknowledgment form will be retained in the employee's personnel file.

Regulation approved: October 11, 2000

BETHANY PUBLIC SCHOOLS
Bethany, Connecticut

4118.5(f)
4218.5

(Form)

EMPLOYEE COMPUTER AND INTERNET USE
ACKNOWLEDGMENT FORM

No employee shall be allowed to use school computers or the Internet until he/she has signed and returned this acknowledgment.

I have read policy 4118.5/4218.5 - Acceptable Computer Network Use and its Administrative Regulations - Acceptable Computer Network Use and understand their terms and conditions.

Signature

Date

Prohibition on Recommendations for Psychotropic Drugs

The Board of Education, consistent with state statutes, prohibits school personnel from recommending the use of psychotropic drugs for any child. For the purposes of this policy, the term “recommend” shall mean to directly or indirectly suggest that a child should use psychotropic drugs.

Notwithstanding the foregoing, school medical, administrative, or pupil personnel staff may recommend to a parent or guardian that a child be evaluated by an appropriate medical practitioner.

Nothing in this policy shall be construed to prohibit a planning and placement team from discussing with parents and/or guardians of a child the appropriateness of consultation with, or evaluation by, medical practitioners; or to prohibit school personnel from consulting with appropriate medical practitioners with the consent of the parents and/or guardians of a child.

Legal References: Public Act 01-124

Policy Adopted: November 14, 2001
Policy Revised: October 8, 2003

Bethany Public School District
Bethany, Connecticut

Personnel - Certified

Temporary and Part-Time Personnel

The Board of Education has the responsibility to employ such persons as may be needed to conduct the business of the school district. Such employment requires the official action of the Board of Education.

The Board of Education recognizes that there are times when extraordinary conditions warrant that the Superintendent of Schools hire temporary personnel in advance of official action by the Board in order to insure the continuity of the district's functions and program.

Policy adopted: September 9, 1991

BETHANY PUBLIC SCHOOLS
Bethany, Connecticut

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: September 9, 1991

BETHANY PUBLIC SCHOOLS
Bethany, Connecticut

Personnel - Certified

Consultants

The Board of Education encourages the use of consultants when it is clear they can provide valuable and necessary specialized services not normally required on a continuing basis and which cannot be provided by district personnel because of limitations of time, experience or knowledge.

Funds for consultant help should be provided for in planning specific projects or programs and will be charged to that particular budget category.

Policy adopted: September 9, 1991

BETHANY PUBLIC SCHOOLS
Bethany, Connecticut

Personnel -- Certified

Staff Development

"Staff development" is viewed by the Board of Education as a continuous systematic effort to improve educational programs in this 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) 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 and attitudes. The Board of Education and teachers' organizations support the principle of continuing training of teachers and the improvement of instruction.

All employees shall be provided opportunities for the development of increased competence beyond that which they may attain through the performance of their assigned duties.

Special effort shall be made to prepare teachers and other school personnel to meet the needs of students of diverse cultural and ethnic backgrounds. Planning and implementation of such programs shall be done cooperatively by administration, teachers and parent advisory groups. Special effort shall also be given to administrators and/or supervisors in training pursuant to their obligations in the evaluation of the teacher.

Staff development activities should respond directly to the educational needs of the student body, including, (a) content areas such as language arts including reading, writing, speaking, listening, viewing and enacting; math, social studies and science; (b) methodological areas such as motivation, teaching techniques, and classroom management; and (c) affective areas of interpersonal relations of students and faculty, student growth and development and staff communication, problem solving, and decision making. The in-service program shall fulfill all applicable statutory requirements, especially those delineated in CGS 10-220a.

Personnel -- Certified

Staff Development (continued)

The Board encourages the staff to explore opportunities in areas such as the following:

1. Released time and leaves of absence for travel and study.
2. Visits to other classrooms and other schools for purposes of problem solving, experimenting and interacting professionally with colleagues.
3. Conferences involving other personnel from the district, county, state, region and nation for purposes of problem solving, experimenting and interacting professionally with colleagues.
4. Writing of professional journal articles.
5. Opportunities for curriculum development.
6. Training classes and workshops offered within the district, which fulfill "Connecticut's Guidelines for the Issuance of Continuing Education Units Required for Certification."
7. Further training at, or in cooperation with, institutions of higher learning, as provided by law.
8. A professional library for the certified staff, made available for optimum reference use.
9. Professional educational conferences.

The Superintendent is to report annually to the Board of Education on the professional development program and its effect with recommendations for changes as needed.

(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.
10-226f Coordinator of intergroup relations.
10-226g Intergroup relations training for teachers.
10-145b Teaching certificates.
PA 95-58 An Act Concerning Teacher Evaluations, Tenure and Dismissal.

Policy adopted: September 9, 1991

Policy revised: October 11, 2000

BETHANY PUBLIC SCHOOLS
Bethany, Connecticut

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, child abuse and youth suicide.
3. Growth and development of exceptional children, including gifted and talented children and children with 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.
5. Cardiopulmonary resuscitation and other emergency life saving procedures.
6. Computer and other information technology as applied to student learning and classroom instruction, communications and data management.
7. 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)
8. Elementary or middle school teachers must include 15 hours of training in the use of computers in the classroom every five years.
9. 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)

B. Optional In-Service Topics for Certified Personnel

- Holocaust education and awareness
- African-American History
- Puerto-Rican history
- Native American history
- Personal Financial Management
- The historical events surrounding the Great Famine in Ireland

Personnel – Certified

Continuing Education Units (CEUs)

The Board of Education believes in the importance of teachers holding a professional certificate participating in continuing educational units (CEUs) as part of their professional and educational development on a regular basis. This belief is based upon the knowledge that student learning is directly affected by teacher competence and that teacher competence is enhanced by ongoing professional development and continuous learning. Teachers, like students, must be continual learners.

State law requires the successful completion of 9 CEUs every five years in order for a holder to maintain a professional educator certificate. In order to achieve this goal, the Board will make available annually at no cost to its certified employees, not fewer than eighteen, 60-minute instructional contact hours of professional development activities for CEUs. Only CEUs awarded by providers approved by the State Department of Education may be used to fulfill the CEU requirements.

The specific professional development activities to be made available will be determined with the advice and assistance of the professional staff. The time, location and substance of these professional development activities shall be approved by the Board.

All professional development for which CEUs are issued must focus on improved student learning. All learning experiences for which CEUs are awarded should enrich or improve the skills, knowledge and abilities of educators to improve student learning. Professional development, for which CEUs can be offered include workshop presentations, time spent in learning, problem solving, experimenting, interacting with colleagues, developing curriculum and writing professional journal articles. The focus for professional development activities in establishing a link between effective teaching and increased learning shall be *Connecticut's Common Core of Learning, Connecticut Framework, K-12 Curriculum Goals and Standards, Connecticut's Common Core of Teaching and Connecticut Guidelines for Teacher Evaluation and Professional Development*.

The Board of Education may award a CEU equivalent to any of its employees for the successful completion of professional development activities which are not necessarily offered by an approved CEU provider. Any combination of CEUs and CEU equivalents can be used toward the 9 CEU requirement. All 9 CEUs may be earned as CEU equivalents.

Legal Reference: Connecticut General Statutes
 10-145b Teaching certificates
 10-220a In-service training
 PA 95-58 An Act Concerning Teacher Evaluations, Tenure, and
 Dismissals

Policy adopted: October 11, 2000

BETHANY PUBLIC SCHOOLS
Bethany, Connecticut

Personnel -- Certified

Continuing Education Units (CEUs)

Board's Role

The Board shall, through its Superintendent or his/her designee, determine the specific professional development activities to be made available with the advice and assistance of the teachers employed by such Board, including representatives of the bargaining unit for such teachers.

The Board is not responsible for costs incurred by any staff member electing to obtain CEUs) or CEU equivalents in a program other than the 18 hours of professional development activities approved by the Board.

The Board shall attest to the State Department of Education in such form and at such time as the Commissioner shall prescribe, that professional development activities for continuing education unit credit are granted in accordance with the procedure established by the State Board of Education.

Focus of CEU Activities

All professional development for which CEUs are issued must focus on improved student learning. All learning experiences for which CEUs are awarded should enrich or improve the skills, knowledge and abilities of educators to improve student learning. Professional development, for which CEUs can be offered include workshop presentations, time spent in learning, problem solving, experimenting, interacting with colleagues, developing curriculum and writing professional journal articles. The focus for professional development activities in establishing a link between effective teaching and increased learning shall be *Connecticut's Common Core of Learning, Connecticut Framework: K-12 Curriculum Goals and Standards, Connecticut's Common Core of Teaching and Connecticut Guidelines for Teacher Evaluation and Professional Development*.

Superintendent's (or his/her designee's) Role

The Superintendent (or his/her designee) will be responsible for managing the CEU program. At the beginning of each school year the Superintendent (or his/her designee) will report to the Board his/her plan for offering the CEUs for certified staff holding professional educator certificates. Additionally, the Superintendent (or his/her designee) will submit a personal plan for obtaining continuing education units.

BETHANY PUBLIC SCHOOLS
Bethany, Connecticut

Personnel -- Certified

Continuing Education Units (CEUs)

Teacher's Role

It is the responsibility of the teacher to maintain a record of his/her CEUs or CEU equivalents, earned during each consecutive five-year period, and for providing the State Department of Education with documentation of earned CEUs for updated certification.

CEU Equivalents

The Board will award CEU equivalents to its certified employees who hold a professional educator certificate for successful completion of professional development activities pre-approved by the Superintendent or his/her designee and carried out by a group or individual working in direct support of those goals and objectives. One CEU equivalent equals ten, 60-minute instructional periods. CEU equivalents shall not be awarded to activities for which the employee earns CEUs. The acquisition, not implementation, of skills, knowledge, and abilities in direct support of the goals and objectives of the district will be considered appropriate activities for earning CEU equivalents.

Legal Reference: Connecticut General Statutes
 10-145b Teaching certificates
 10-220a In-service training
 PA 95-58 An Act Concerning Teacher Evaluations, Tenure, and
 Dismissals

Personnel - Certified**Travel: Reimbursement**

The Bethany Board of Education shall reimburse employees and officials of the district for authorized travel and related expenses incurred in the general performance of their positions and official functions. Reimbursable expenses include costs for travel, the utilization of private vehicles (Internal Revenue Service standard rate), registration costs associated with attending meetings or conferences, and other related expenses required for attendance and/or participation in such activities.

Policy 4134

Personnel – Certified

Tutoring

It is expected that every effort will be made by the principal and the teacher to resolve the learning problems of a student at school before recommending that parents engage the services of a tutor or seek other outside professional help. The Board of Education believes that by maintaining high quality instructional staff and providing for a rich, varied curriculum, the need for individual tutoring is minimized. The Board of Education expects that teachers will provide extra help and support for students experiencing academic difficulty in their class.

It is further expected that after consultation with and authorization by the school administrator or through a recommendation of the Planning and Placement Team (PPT), school staff may recommend or advise that parents engage a tutor or seek other outside professional help.

The Superintendent is directed to establish such rules as will protect both the school system and the teachers from charges of conflict of interest, should individual tutoring be recommended.

A Bethany Public School teacher shall not tutor for pay any student currently enrolled in her or his own class and/or classroom during the school year.

In the case of students with disabilities, no staff member, unless specifically authorized by a properly convened PPT, Superintendent, or designated administrator, is authorized to make recommendations regarding tutoring or any other service, which might be considered to be a part of a student's educational program.

Legal Reference: Connecticut General Statutes
53-392a to 53-392e All related to academic crimes

53-302b Preparation of assignments for students
attending educational institutions prohibited.

Policy adopted: September 9, 1991
Policy revised: November 14, 2001
Policy revised: March 10, 2010

Personnel – Certified

Tutoring

Administrative Regulations:

1. Teachers may tutor students for pay during the summer vacation period, provided that (a) the student is not enrolled in such teacher's class for the school year following such summer vacation; (b) the parent(s) has requested such teacher to tutor their child; (c) the teacher has not initiated such tutoring for pay; (d) none of the student's siblings are currently enrolled in such teacher's class for the coming school year; and (e) the building administrator has been informed of the tutoring arrangement and given his/her approval.
2. Notwithstanding the above, Performing Arts Teachers may give lessons in the performing arts to students for pay after school hours, provided that (a) the parents have requested such teacher to provide such lessons; (b) the teacher has not initiated such tutoring for pay; and (c) the building administrator has been informed about the arrangements for such lessons and given his /her approval.
3. Parents seeking tutoring services during the school year shall be directed to the appropriate administrator. The Superintendent shall maintain a list of teachers who are willing to tutor students, after school hours, during the school year, including the subjects and grade levels in which such teacher is qualified to offer tutoring services. Upon request from an administrator and/or parent, the superintendent shall provide a list of such qualified teachers to such administrator and/or parent, provided such teacher is not barred from offering tutoring services by any of the above policy and/or regulations.

Personnel - Certified**Organizations/Units****Teacher-Administrator-Board of Education Relationships**

Recognizing that providing a high quality education for children is the paramount aim of this school system, and good morale in the teaching staff is necessary for the best education of the children, the Board of Education encourages the participation of staff members in the activities of their professional organizations and encourages the organizations to exercise their rights and responsibilities that are clearly established by law:

1. The Board of Education, under law, has the final responsibility of establishing policies for the school system.
2. The Superintendent and staff have the responsibility of carrying out the policies established.
3. The certified teaching personnel have the ultimate responsibility for providing excellent education in the classroom.

Attainment of Goals

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

Teachers and Teachers' Organization

It is recognized that teachers have the right to join, or to refrain from joining, any organization for their professional or economic improvement and for the advancement of public education, but that membership in any organization shall not be required as a condition of employment of a teacher in the schools of the district.

Employee Organizations

All employees are free to join or not to 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 his/her individual legal or ethical rights and privileges.

Organizations/Units

Employee Organizations (continued)

Employees shall not be interfered with, intimidated, restrained, coerced or discriminated against, either by the school district or by 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.

Policy Development and Review

The Superintendent is directed to consult with appropriate personnel and employee organizations in suggesting and establishing the desired policies and regulations relating to Board of Education teacher-administrator relationships and other matters as provided by law.

The Board of Education will annually review these policies and will consider suggested revisions or additions which will improve these relationships and promote the educational welfare of the children attending the schools of the district.

Bargaining Units

Unit clarification petitions concerning the appropriate composition of an existing bargaining unit shall be filed with the Commissioner of Education.

Legal Reference: Connecticut General Statutes

10-153a Rights concerning professional organization and negotiations.

10-153b Selection of teachers' representatives.

10-153c Disputes as to elections.

10-153e Strikes prohibited. Interference with the exercise of employees' rights prohibited.

46a-60 Discriminatory employment practices prohibited.

Policy adopted: September 9, 1991

BETHANY PUBLIC SCHOOLS
Bethany, Connecticut

Personnel - Certified/Non-Certified/Non-Union**Non-School Employment**

Personnel of the school district may receive compensation for outside activities as long as these activities do not interfere with the proper discharge of their assigned duties or do not cause poor public relations within the community. It is expected that any outside activity should be carried on in a businesslike and ethical manner.

Policy adopted: September 9, 1991

BETHANY PUBLIC SCHOOLS
Bethany, Connecticut

Personnel - Certified/Non-Certified/Non-Union

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. Such immunity 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.

Employee Protection (continued)

Legal Reference: Connecticut General Statutes
10-235 Indemnification of teachers, board and commission members and employees in damage suits; expenses of litigation.

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.

10-236 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-18-19 Use of reasonable physical force or deadly physical force generally in defense of person.

Policy adopted: September 9, 1991

BETHANY PUBLIC SCHOOLS
Bethany, Connecticut

Personnel -- Certified**Leaves and Vacations**

Employed personnel of the school district may wish or be required to be absent for several reasons:

1. Those beyond their control, such as personal sickness or injury, jury duty, military service or emergencies.
2. Those governed by compassion or conviction, such as family illness, bereavement, and other personal reasons.
3. Those stemming from occupational status such as attendance at meetings, conventions, in-service courses and seminars, and other patterns of additional study.
4. Those provided by scheduled vacations.

The Board of Education recognizes that absences for such reasons are justifiable and will provide for employee absences as authorized by law.

Legal Reference: Connecticut General Statutes
10-156 Sick leave.

10-156b Tenure and sick leave rights of teacher on regionalization of school and dissolution of regional school district.

10-156c Military leave.

10-156d Reemployment after military leave.

1-4 Days designated as legal holidays.

Policy adopted: September 9, 1991

BETHANY PUBLIC SCHOOLS
Bethany, Connecticut

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) as amended. 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.

Eligible employees are entitled to take unpaid leave for a covered family member's service in the Armed Forces, for any one or for a combination of the following reasons:

- A "qualifying exigency" as defined by Department of Labor regulations arising out of a covered family member's active duty or call to active duty in the Armed Forces in support of a contingency plan; and/or
- To care for a covered family member who has incurred an injury or illness in the line of duty while on active duty in the Armed Forces provided that such duty or illness may render the family member medically unfit to perform duties of the member's office, grade, rank or rating.

When leave is due to a "qualifying exigency" of a service member, an eligible employee may take up to 12 work weeks of leave during any 12 month period. When such leave is to care for an injured or ill service member, an eligible employee may take up to 26 work weeks of leave during a single 12 month period to care for the service member. Leave to care for an injured or ill service member, when combined with other FMLA-qualifying leave, may not exceed 26 weeks in a single 12 month period.

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.

Personnel -- Certified/Non-Certified

Personal Leaves

Family and Medical Leave Act (continued)

The Board, in compliance with state statute, shall provide to its employees who are a party to a civil union with the same family and medical leave benefits under the federal Family Medical Leave Act (FMLA) as are provided to employees who are party to a marriage. In addition, the Board shall allow its employees leave time under this policy to serve as organ or bone marrow donors.

(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, as amended by H.R. 4986, the National Defense Authorization Act for Fiscal Year 2008, Section 585.

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).

Connecticut General Statutes

46b-3800 Applicability of statutes to civil unions and parties to a civil union.

PA 07-245 An Act Concerning Family and Medical Leave for Municipal Employees.

Policy adopted: March 7, 1994

Policy revised: January 14, 2009

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 the district's fiscal year, July 1 through June 30. *(Note: the district has the option of designating another 12-month period based on calendar year or other criteria set out in the act. The other options include calendar year; the 12-month period measured forward from the date of an employee's first FMLA leave date; 12 month period measured backward from the date the employee takes any FMLA leave.)* 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.

Personnel -- Certified/Non-Certified

Personal Leaves

Family and Medical Leave Act (continued)

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. (29 C.F.R. 825.114.)

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. (29 C.F.R. 825.118.)

Types of Leave

An eligible employee may take FMLA leave for:

- the birth and first-year care of a child;
- the adoption or foster placement of a child;
- the serious illness of an employee's spouse, parent or child; ~~and~~
- the employee's own serious health condition that keeps the employee from performing the essential functions of his/her job;
- to care for an eligible member* of the Armed Forces who is undergoing medical treatment, recuperation, or therapy, or is otherwise on the temporary disability list for a serious injury or illness; and
- a qualifying exigency as defined by Department of Labor regulations of a spouse, child, or parent of the employee who is on active duty in the Armed Forces or has been notified of an impending call or order to active duty in the Armed Forces in support of a contingency operation.

The district shall require, an employee to use accrued paid vacation, personal or family leave for purposes of a family leave. The district shall 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.

(*spouse, son, daughter, parent or next of kin)

Personnel -- Certified/Non-Certified

Personal Leaves (continued)

Spouses Employed by the School District

If a husband and wife 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.

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.

Personnel -- Certified/Non-Certified

Personal Leaves

Employee Entitlement to Service Member FMLA

The federal FMLA entitles eligible employees to take leave for a covered family member's service in the Armed Forces. Except as listed in this section, an employee's rights and obligations to service member FMLA leave are governed by existing FMLA policy and regulations.

Service member FMLA provides eligible employees unpaid leave for a covered family member's service in the Armed Forces, for any one or for a combination of the following reasons:

- A "qualifying exigency" arising out of a covered family member's active duty or call to active duty in the Armed Forces in support of a contingency plan; and/or
- To care for a covered family member who has incurred a serious injury or illness in the line of duty while on active duty in the Armed Forces including a member of the National Guard or Reserves, provided that such duty or illness may render the family member medically unfit to perform duties of the member's office, grade, rank or rating.

When leave is due to a "qualifying exigency" of a service member, an eligible employee may take up to 12 work weeks of leave during any 12 month period.

When such leave is to care for an injured or ill service member, an eligible employee may take up to 26 work weeks of leave during a single 12 month period to care for the service member. Leave to care for an injured or ill service member, when combined with other FMLA-qualifying leave, may not exceed 26 weeks in a single 12 month period.

Service member FMLA runs concurrent with any other leave entitlements provided under federal, state or local law.

Definitions

- Active Duty:** Duty under a call or order to active duty under a provision of law referred to in 10 U.S.C. §101(a)(13)(B).
- Contingency Operation:** Has the same meaning given such term in 10 U.S.C. §101(a)(13).

Personnel -- Certified/Non-Certified

Personal Leaves

Definitions (continued)

Covered Service Member: A member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness.

Next of Kin: The nearest blood relative of an individual.

Outpatient Status: With respect to a covered service member, this means the status of a member of the Armed Forces assigned to:

- (a) a military medical treatment facility as an outpatient; or
- (b) a unit established for the purpose of providing command and control of members of the Armed Forces receiving medical care as outpatients.

Leave to Care for a Covered Service Member

If the necessity for leave is foreseeable based on planned medical treatment, the employee shall:

1. make a reasonable effort to schedule the treatment so as not to disrupt unduly the operations of the district; and
2. provide the district with at least 30 days' notice, before the date the leave is to begin, of the employee's intention to take leave. If the date of the treatment requires leave to begin in less than 30 days, the employee shall provide such notice as is practicable.

The Board of Education may require that a request for leave to care for a covered service member be supported by a certification issued by the health care provider of the person in need of care. The employee shall provide, in a timely manner, a copy of such certification to the district.

Personnel -- Certified/Non-Certified

Personal Leaves

Certification will be sufficient if it states:

1. the date on which the serious health condition or serious injury or illness commenced;
2. the probable duration of the condition; and
3. the appropriate medical facts within the knowledge of the health care provider regarding the condition.

If leave is to be taken on an intermittent or reduced leave schedule for planned medical treatment, the certification must contain the dates on which such treatment is expected to be given and the duration of such treatment.

Leave Related to Active Duty or a Call to Active Duty

If the necessity for leave because of a qualifying exigency arising from the fact that a family member is on active duty or has been notified of an impending call to active duty is foreseeable, the employee shall give such notice to the district as is reasonable and practicable.

The Board may require that a request for leave because of a qualified exigency arising from the fact that the employee's spouse, son, daughter, or parent is on active duty or has been notified of an impending call to active duty be supported by a certification issued in accordance with regulations issued by the Secretary of Labor. If the Secretary issues a regulation requiring such certification, the employee shall provide, in a timely manner, a copy of such certification to the school district.

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 (continued)

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.

The district, when a request for FMLA leave is received, will provide the employee the following information, listing the employee's 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.

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 health care provider designated or approved by the district may not be employed by the school system on a regular basis. In the case of a third opinion, the opinion of

Personnel -- Certified/Non-Certified

Personal Leaves

Certification (continued)

the third health provider will be binding on both the school district and the employee. 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

Restoration (continued)

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 or certification if the employee does not possess the appropriate certification or license.

Personnel -- Certified/Non-Certified

Personal Leaves (continued)

Instructional Employees

Special rules apply to instructional employees. Instructional employees are those employees whose principal function is to teach and instruct students in a class, 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

- to care for a family member, or
- for the employees own serious health condition and
- is foreseeable based on planned medical treatment (i.e. chemotherapy, prenatal visits, physical therapy etc.) and
- 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:

- (1) take the leave for a period of a particular duration, not greater than the duration of the planned treatment; or
- (2) 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:

Personnel -- Certified/Non-Certified

Personal Leaves

Instructional Employees (continued)

- (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 work week 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.

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.

Failure to Return

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.

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

Eligible employees must apply for vacation to the Superintendent of Schools at least eight (8) weeks in advance of the desired starting date. Special consideration shall be given to emergencies. All applications are subject to final approval by the Superintendent.

3. Accrued Vacation Credit

An employee who anticipates termination in this district may take accrued vacation prior to the termination date with proper approval.

4. Cancellation of Vacation in Emergency

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

Holidays

Except as otherwise approved by the Board of Education, holidays shall be those designated in C.G.S.1-4.

Legal Reference: Connecticut General Statutes

1-4 Days designated as legal holidays.

Policy adopted: September 9, 1991

Personnel - Certified

Leave for Governmental Service

Any teacher entering military service shall be reinstated upon return there from in the position previously occupied at a salary level thereafter to which he/she would have been entitled had his/her employment by the Board not been interrupted by the period of military service.

Policy adopted: September 9, 1991

BETHANY PUBLIC SCHOOLS
Bethany, Connecticut

Personnel - Certified**Jury Duty**

Any teacher who is called for jury duty shall receive the necessary leave to fulfill this legal obligation. This leave shall not be deducted from sick leave or from personal days. The staff member shall receive a rate of pay equal to the difference between the professional salary and the jury fee. However, teachers, due to the nature of their employment, are encouraged to request that they be excused from jury duty.

Policy adopted: September 9, 1991

BETHANY PUBLIC SCHOOLS
Bethany, Connecticut

Personnel - Non-Certified/Non-Union**Recruitment and Selection**

It is the responsibility of the Superintendent of Schools and of persons designated by the Superintendent to determine the personnel needs of the school district and to locate suitable candidates to recommend for employment to the Board of Education. An estimate of the cost of the recruitment and selection program will be made annually by the Superintendent and presented to the Board of Education for inclusion in the annual budget.

No inquiry in regard to an employee's race, color, religious creed, sex or national origin shall be made of a person proposed for or seeking employment.

Prior to initial employment, a physician shall certify to the Superintendent of Schools that said employee is in good health and in fit condition for service. It shall be the duty of the Superintendent of Schools to see that persons nominated for employment shall meet all qualifications established by law and by the Board of Education for the type of position for which nomination is made.

(cf. 4111.1 - Affirmative Action)

Legal Reference: Connecticut General Statutes

46a-60 Discriminatory employment practices prohibited.

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

Policy adopted: September 9, 1991

BETHANY PUBLIC SCHOOLS
Bethany, Connecticut

Personnel - Non-Certified/Non-Union

Affirmative Action: Recruitment and Selection

The Board of Education will provide equal employment opportunities for all persons without regard to race, color, religious creed, age, marital status including civil union partners, national origin, sex, 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.

The Board of Education requests an annual report from the Superintendent of Schools concerning the extent to which the above-mentioned affirmative action program goals are being achieved.

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.

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

Public Act 05-10 An Act Concerning Civil Unions

Policy approved: September 9, 1991

Policy revised: May 10, 2006

BETHANY PUBLIC SCHOOLS
Bethany, Connecticut

Personnel – Certified / Non-Certified

Recruitment & Selection Expectations for School Faculty and Staff

The Bethany Board of Education is responsible for the governance of the Bethany Public School District. This includes the employment of highly qualified and dedicated personnel to administer, teach, and perform other functions in the district. The Board has high expectations and strives to promote high levels of student achievement in a safe, pleasant, and well-managed learning environment.

The “No Child Left Behind” legislation has elevated expectations for public schools and those individuals charged with educating the nation’s youth. With regard to employment, the NCLB legislation requires that “highly qualified” individuals be employed in schools.

The Board of Education is proud of its staff and wishes to clarify the expectations and characteristics of staff members of the Bethany Public School District who provide a productive educational experience to all children. This group of dedicated employees includes certified staff and other support personnel who make the educational process effective.

The Bethany Board of Education supports the concept that a career in education provides an opportunity for a select group of highly capable and motivated individuals to make a significant and positive impact on the lives of children, our future generation. Those individuals who work in Bethany’s schools serve as role models to youth and make the local, regional, national, and international community a better place for all.

All employees of the Bethany public school district have the potential to influence students in a positive way. This includes certified personnel as well as teacher assistants, secretaries, custodians, cafeteria workers, bus drivers, and all support staff. Some of the attributes indicated in this policy will apply specifically to those who work in the classrooms and directly with students, while others apply to those who have other involvement with students.

Employment in the Bethany School District offers many benefits. Bethany provides competitive rates of pay and benefits and a pleasant working environment. However, most importantly, it is the intrinsic reward of dedicating one’s efforts for the benefit of the community that provides the greatest benefit. In Bethany, it is hoped that this reward is the joy of helping children grow and learn from early childhood to pre-adolescence during seven or more years of exciting learning experiences.

Most Bethany students spend more of their educational years at Bethany Community School than in any other secondary school, college, or university. This school and its staff have a dramatic impact upon the lives of thousands of individuals through the years.

Personnel – Certified / Non-Certified

The Bethany Board recognizes the importance for its employees to be a good match with the school community. The requirements and expectations for employment vary with different districts, towns, and schools. Each district and school seeks those whom have the attributes and characteristic considered important in that particular school community. Subsequently, the Board seeks to recruit and retain only those whose interests, aspirations, dedication, enthusiasm, qualifications, and positive attitude are consistent with the culture of the Bethany school community.

The Bethany Board of Education expects potential and current employees to demonstrate the characteristics and attributes described as follows:

- Exhibit a positive attitude toward the school, community, and mission of the district
- Be dedicated to the school and district and support its goals and mission
- Promote the positive image of the school and community
- Act and dress in a professional manner
- Exhibit creativity and enthusiasm in one's work
- Be a problem solver
- Relate well and work cooperatively with teams, colleagues, parents, students, and community
- Demonstrate commitment to self improvement and professional development
- Be willing to participate in school activities as a positive part of the school community
- Be conscientious and responsible – meet deadlines, schedules, follow through with day-to-day tasks, record keeping, documentation, etc.
- Communicate effectively and positively
- Encourage and promote student growth, learning, and performance at high levels
- Demonstrate respect, caring, and sensitivity to all
- Contribute to the improvement of the school
- Be attentive to student needs (learning, emotional, physical, psychological, safety, etc)
- Demonstrate an understanding of and sensitivity to children
- Understand and be sensitive to individuals with special needs and disabilities
- Maintain a neat, safe, secure, and orderly environment
- Implement current curriculum and teaching strategies as prescribed
- Work effectively with individuals of differing goals, interests, personalities, abilities, etc.
- Possess an open mind – be receptive to new ideas and constructive criticism
- Offer students enrichment opportunities and experiences
- Demonstrate a high level of competence in the essential functional skills of the job assigned (technology, math, writing, communication, clerical tasks, maintenance, etc.)
- Have pride in the school – support and participate in the initiative to have the school and district be the best it can be.

Additionally, certified staff should be familiar with, and reflect in their practice, the Connecticut State Department of Education's Common Core of Learning and the Common Core of Teaching.

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.

The records will be disclosed in accordance with the FOIA. Should the employee reasonably believe that the release of this information would be an invasion of their privacy, a written objection must be received from the teacher or employee's collective bargaining representative, within four 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.

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.

Legal Reference: Connecticut General Statutes
1-19b Agency administration. Disclosure of personnel, birth and tax records.
1-20a Objection to disclosure of personnel or medical files.
1-21i(b) Denial of access to public records or meetings.
10-151a Access of teacher to supervisory records and reports in personnel file.
10-151c Records of teacher performance and evaluation not public, records.

Policy adopted: September 9, 1991
Policy revised: October 11, 2000

BETHANY PUBLIC SCHOOLS
Bethany, Connecticut

Personnel - Non-Certified/Non-Union

Nepotism: Employment of Relatives

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

1. No spouse, minor child or dependent of the Bethany Board of Education member shall be appointed to a full-time position in this school district.
2. Persons related otherwise by blood or marriage to a Board of Education member may be employed following full disclosure of the relationship by the Board of Education member in a public meeting and sufficient vote of appointment without counting the vote of the related Board of Education member.
3. A spouse or child of a Board of Education member may be employed for limited term or short-term employment on a competitive basis among persons who are eligible.
4. Persons related by blood or marriage to member of the administrative staff shall not be appointed to a position that is in a line relationship involving supervision and evaluation of the position.
5. Members of the same family may be employed at the same department or work location when approved in writing by the Superintendent or the Superintendent's designee (Exception: members of the same family shall not be approved in direct line of supervision.)

It is the intent of these rules to avoid any situation where a conflict of interest can arise either on the part of the member of the Board of Education or a member of the administrative staff.

Regulation approved: September 9, 1991

BETHANY PUBLIC SCHOOLS
Bethany, Connecticut

Personnel - Non-Certified/Non-Union

Assignment

Non-certified and non-union personnel will be assigned by the Superintendent or designee, primarily by employing a person for a specific position. Employees shall possess any required license or certificate prior to commencing work.

Policy adopted: September 9, 1991

BETHANY PUBLIC SCHOOLS
Bethany, Connecticut

Personnel - Non-Certified/Non-Union

Work Day

The work day shall be seven (7) hour day with one half hour for lunch while school is in session. When school is not in session, working hours for all office personnel shall be a six (6) hour day with one half hour for lunch at the discretion of the administrator.

When school is cancelled due to adverse weather condition, office personnel will not be required to work unless requested by the Superintendent or immediate superior.

In case of emergency (i.e., storm, no heat, no water, etc.) all personnel, except those necessary to meet the emergency, may be released at the discretion of the administrator.

Policy adopted: September 9, 1991

BETHANY PUBLIC SCHOOLS
Bethany, Connecticut

Personnel - Non-Certified/Non-Union**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/Non-Union

Evaluation/Supervision

The Board of Education endorses a continuous process of evaluation of all employees of the school district.

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

Policy adopted: September 9, 1991

BETHANY PUBLIC SCHOOLS
Bethany, Connecticut

Personnel - Non-Certified/Non-Union

Dismissal/Suspension

The Superintendent is directed to develop regulations which will permit orderly and fair procedures for the dismissal, suspension or demotion of any employee for reasons of incompetence, malfeasance, immoral or improper conduct, insubordination, failure to conform to the policies and regulations of the district, mental and/or physical illness or disability, and actions which are, in the opinion of the Board of Education, inimical to the welfare of the district, the staff, or the students.

Policy adopted: September 9, 1991

BETHANY PUBLIC SCHOOLS
Bethany, Connecticut

Personnel - Non-Certified/Non-Union**Dismissal/Suspension****Definitions**

"Suspension" means temporary removal of an employee from a position without loss of pay, as a disciplinary measure, or removal from a position preliminary to a decision by the Board on charges leading to dismissal or demotion.

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

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

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 district is alleged, the policy or regulation shall be set forth in the notice. The notice must contain the specific action or omission with which the employee is charged. A general charge will not serve this purpose.

A proceeding maybe brought by, or on behalf of, the employee to restrain any further proceedings under any notice of disciplinary action violative of this provision.

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 Board of Education has determined what disciplinary action to take, if any, against the employee.

Regulation approved: September 9, 1991

BETHANY PUBLIC SCHOOLS
Bethany, Connecticut

Personnel - Non-Certified/Non-Union

Just Cause

One or more of the following causes may be grounds for suspension, demotion or dismissal of any person employed in the non-certified service:

1. Incompetency or inefficiency in the performance of the duties of the assigned position.
2. Insubordination (including, but not limited to, refusal to do assigned work).
3. Carelessness or negligence in the performance of duty or in the care or use of district property.
4. Discourteous, offensive or abusive language or conduct toward other employees, students or the public.
5. Dishonesty.
6. Drinking alcoholic beverages on the job, or reporting for work while intoxicated.
7. Use and possession of harmful drugs on school grounds without medical supervision.
8. Personal conduct unbecoming an employee of the district.
9. Engaging in political activity during assigned hours of employment or otherwise in violation of applicable policies or regulations of the district.
10. Conviction of any crime involving moral turpitude, including a sex offense.
11. Repeated or unexcused absence or tardiness.
12. Abuse of leave privileges.
13. Falsifying any information supplied to the school district, including but not limited to, information supplied on application forms, employment records, or any other school district record.
14. Persistent violation of or refusal to obey safety rules and regulations made applicable to public schools by the Board of Education, the Superintendent, or by any appropriate state or governmental agency.

Just Cause (continued)

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

Regulation approved: September 9, 1991

BETHANY PUBLIC SCHOOLS
Bethany, Connecticut

Personnel – Certified / Non-Certified

Exit Interview

In an effort to continually improve the working atmosphere in the Bethany Public Schools, a voluntary exit interview will be offered to each employee departing the system

Each employee will be given the opportunity to complete an exit interview questionnaire and to discuss his/her employment experiences with administrator (s) and board member(s) of the employee's choosing.

The questionnaire and interview notes will be rendered anonymous and will be kept in a confidential file in the office of the Superintendent of Schools.

Personnel - Certified/Non-Certified/Non-Union

Nondiscrimination

The conditions or privileges of employment in the school district, including the wages, hours, terms and benefits, shall be applied without regard to race, color, religious creed, age, marital status, national origin, sex, ancestry, present or past history of mental disorder, mental retardation, pregnancy, or physical disability. The Bethany Board of Education seeks to extend the advantages of public education with full equality of educational opportunity to all students and personnel: The Board, any employee or any other person may not aid or compel the performance of an, unfair labor practice as defined by law.

Harassment

It is the policy of 'the Board of Education that any form of sexual harassment is forbidden in the workplace, whether by supervisory or non-supervisory personnel; by individuals under contract, or volunteers subject to the control of the Board. Sexual harassment is defined as unwelcome conduct of a sexual nature, whether verbal or physical, including, but not limited to, insulting or degrading sexual remarks or conduct; threats or suggestions that' an employee's submission to or rejection of, unwelcome conduct will in any way influence an employment decision regarding that employee, or conduct of a sexual nature which substantially interferes with an employee's work performance, or creates an intimidating, hostile or offensive work environment, such as the display in the workplace of sexually suggestive objects or pictures.

Sexual harassment in the workplace whether by supervisory or non-supervisory employees will-result in disciplinary action up to and including dismissal.

Discipline

No employee will be disciplined, reprimanded; reduced in rank or compensation or deprived of any professional advantage without just cause.

Association Membership

No employee shall suffer any professional disadvantage by reason of the employee's membership in an employee association or participation in its lawful activities.

Personnel – Certified / Non-Certified / Non-Union

Grievances

No employee, employee association representative, member of any employee organization or any other participant in a grievance procedure shall suffer reprisals in any other way or suffer any professional disadvantage by reason of their opposition to any unfair labor practices or because of participation in the processing of any grievance. The Superintendent will provide procedures for alleged violations of Board policies, administrative regulations, and school district operations in general when not otherwise covered in employee organization agreements.

(cf.4111 - Recruitment and Selection)

(cf.4135 - Organizations/Units)

Legal Reference: Connecticut General Statutes
46a-60 Discriminatory employment practices prohibited

10-153 Discrimination on account of marital status

10-153a Rights concerning professional organization and regulations

Policy adopted: September 9, 1991
Policy revised: October 1992

BETHANY PUBLIC SCHOOLS
Bethany, Connecticut

Personnel – Certified / Non-Certified / Non-Union

Sexual Harassment Procedure

It is the express policy of the Board to encourage victims of sexual harassment to report such claims. Employees are encouraged to promptly report complaints of sexual harassment to the Superintendent. Complaints will be investigated promptly and corrective action will be taken when allegations are verified. Confidentiality will be maintained by all persons involved in the investigation and no reprisals or retaliation will be allowed to occur as a result of the good faith reporting of charges of sexual harassment.

Legal References: 42 U.S.C. S2000e ("Title VII")
29 C.F.R. 51604.11 (EEOC Guidelines on Sexual Harassment)

Connecticut General Statutes S46a-60

BETHANY PUBLIC SCHOOLS
Bethany, Connecticut

Personnel - Certified/Non-Certified/Non-Union

Nondiscrimination

The conditions or privileges of employment in the school district, including the wages, hours, terms and benefits, shall be applied without regard to race, color, religious creed, age, marital status, including civil union partners, national origin, sex, ancestry, present or past history of mental disorder, mental retardation, pregnancy or physical disability. The Bethany Board of Education seeks to extend the advantages of public education with full equality of educational opportunity to all students and personnel: The Board, any employee or any other person may not aid or compel the performance of an unfair labor practice as defined bylaw.

Discipline

No employee will be disciplined, reprimanded, reduced in rank or compensation or deprived of any professional advantage without just cause.

Association Membership

No employee shall suffer any professional disadvantage by reason of the employee's membership in an employee association or participation in its lawful activities.

Grievances

No employee, employee association representative, member of any employee organization-or any other participant in a grievance procedure shall suffer reprisals in any other way or suffer any professional disadvantage by reason of their opposition to any unfair labor practices or because of participation in the processing of any grievance. The Superintendent will provide procedures for alleged violations of Board policies, administrative regulations, and school district operations in general when not otherwise covered in employee organization agreements.

(cf. 4111 - Recruitment and Selection)
(cf.4135 - Organizations/Units)

Legal Reference: Connecticut General Statutes
46a-60 Discriminatory employment practices prohibited
10-153 Discrimination on account of marital status
10-153a Rights concerning professional organization and regulations
Public Act 05-10 An Act Concerning Civil Unions

Policy adopted: September 9, 1991
Policy Revised: January 1994
Policy revised: February 8, 2006

BETHANY PUBLIC SCHOOLS
Bethany, Connecticut

Sexual Harassment

It is the policy of the Board of Education to maintain a learning and working environment that is free from sexual harassment. The Board of Education prohibits any form of sexual harassment.

It shall be a violation of this policy for any student, employee, volunteer or other individual subject to the control of the Board to harass a student, employee, individual under contract or volunteer through conduct or communication of a sexual nature as defined by this policy.

Sexual harassment is defined as unwelcome conduct of a sexual nature, whether verbal or physical, including but not limited to, insulting or degrading sexual remarks or conduct, threats or suggestions that an individual's submission to or rejection of unwelcome conduct will in any way influence a decision regarding that person's 'employment or education or create an intimidating, hostile or offensive work or educational environment.

Sexual harassment by a student, employee, individual under contract or volunteer will result in disciplinary action up to and including dismissal or expulsion.

Legal References:

- 42 U. C. C. 2000 (e) (Title VII)
- 29 C. F. R. 1604.11 (EEOC Guidelines on Sexual Harassment)
- 20 U. S. C. 1681-1688 (Title IX)
- Connecticut General Statutes 46a-60(a)(8)
- Public Act 05-10 An Act Concerning Civil Unions

Personnel

Sexual Harassment

Unwelcome sexual advances, requests for sexual favors and other inappropriate oral, written or physical conduct of a sexual nature constitute sexual harassment when:

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

- Submission to or rejection of such conduct by an individual is used as the basis of employment decisions affecting the individual;

- The conduct has the purpose or effect of having a negative impact, upon the individual's work performance, or of creating an intimidating, hostile or offensive work environment

- Submission to, or rejection of, the conduct by the individual is used as the basis for any decision affecting the individual regarding job benefits and/or working conditions.

Examples of Sexual Harassment

While an exhaustive list is not possible, the following are examples of specific behaviors that if unwelcome and of a sexual nature could constitute sexual harassment:

- Suggestive or obscene letters, notes, invitations, derogatory comments, slurs, jokes, epithets, touching, impeding or blocking movement, leering, gestures, noises, pulling at clothes, display of sexually suggestive objects, pictures or cartoons, sexual assault, attempted sexual assault.

- Continuing to express sexual interest after learning of or being informed that the interest is unwelcome;

- Coercive sexual behavior used to control, influence, or affect the career, salary and/or work environment of another employee, such as threats of reprisal, implying or withholding support for an appointment, promotion, transfer, or change of assignment;

- Suggesting a poor performance evaluation will be prepared or that a probationary period of employment will not be completed successfully;

- The creation of an atmosphere of sexual harassment or intimidation, or a hostile or offensive working environment;

- Inappropriate attention of a sexual nature.

Personnel

Sexual Harassment

Sexual or romantic relationships between board employees and students are unacceptable whether or not they constitute sexual harassment as defined in this regulation. Further, any conduct of an employee toward a student which could constitute sexual harassment of the student by the employee will constitute a violation of board policy and this regulation.

Complaint Procedures

Questions, complaints and other issues concerning sexual harassment will normally be handled by the building principal who may be reached at 393-3350. The Superintendent of Schools is also responsible for compliance with Title IX of the Education Amendments of 1972 which prohibits sexual harassment as well as other forms of sex discrimination. If an employee believes that he/she is or has been the victim of sexual harassment, the employee should make a written complaint to the building principal or his/her designee. Complaint forms may be obtained from the office of the superintendent as well as the office of the building principal. The written complaint should state the name of the complainant and the date of the complaint, the date or dates of the alleged harassment, the name or names of the alleged harasser or harassers, and a statement of the circumstances on which the alleged harassment occurred. In the event the person against whom the complaint is made is the individual with whom the complaint would normally be filed, the complaint should be forwarded directly to the superintendent of schools. Upon the filing of a written complaint, the complainant shall be provided a copy of this regulation.

Within five (5) days of receipt of the complaint, the principal shall commence an investigation of the complaint. As part of such investigation, the investigator shall consult all individuals reasonably believed to have relevant information, including the complainant and the alleged harasser, any witnesses to the alleged conduct and any victims of similar conduct whom the investigator reasonably believes may exist. The investigation shall insure confidentiality insofar as possible and to the extent consistent with a thorough investigation. The investigator shall make a written report summarizing the results of the investigation and shall provide copies of the report to the complainant and the alleged harasser.

4118.112(c)
4218.112(c)

Personnel

Sexual Harassment

If the report results in a determination that sexual harassment has occurred, appropriate action shall be taken to insure, to the extent possible, that the harassment ceases and will not reoccur. Appropriate action may include re-assignment, transfer, and/or disciplinary action up to and including termination of employment.

Each year all employees and supervisors shall be provided copies of this regulation or shall otherwise be informed of the content of this regulation and the requirements of board policy prohibiting sexual harassment.

BETHANY PUBLIC SCHOOLS
Bethany, Connecticut

Personnel – Certified / Non-Certified**Disabilities / Communicable and Infectious Diseases**

The board of education prohibits discrimination against a qualified individual with a disability with regard to job application procedures, hiring, advancement, employee compensation, or job training. The board will afford qualified disabled individuals reasonable accommodations. The Supreme Court of the United States has recognized that individuals with a communicable disease may be considered disabled.

Disabled employees who can no longer perform essential job functions are encouraged to advise their supervisors or administrators of the nature of their disability and which functions cannot be performed. The board will consider any reasonable suggestions of accommodation that would enable performance of those functions so long as the accommodation will not impose an undue hardship on the operation of the school system.

Legal Reference: Connecticut General Statutes

10-209 Records not to be public.

19-581 AIDS testing and medical information.

46a-60 Discriminatory employment practices prohibited.

Section 504 and the Federal Vocational Rehabilitation Act of 1973, 20 U.S.C. 706(7)(b).

American Disability Act of 1989.

Chalk v. The United States District Court of Central California, 840F. 2d 701 (9th Cir. 1988).

Policy adopted: April 6, 1992

BETHANY PUBLIC SCHOOLS
Bethany, Connecticut

Personnel - Non-Certified/Non-Union

Drugs and Alcohol

All employees of the Bethany Public School shall be notified through receipt of these regulations that the unlawful manufacture, distribution, dispensing, possession or use of illegal drugs and alcohol is prohibited on school premises and during any school activities.

Employees who violate these standards of conduct will be subject to disciplinary action and referral for criminal prosecution. Disciplinary action may include but is not limited to, a letter of reprimand, suspension, or termination from employment.

The Bethany Public Schools may further require that an employee in violation of these standards enroll in and successfully complete an appropriate substance abuse rehabilitation program.

Employees may obtain information about drug and alcohol counseling, rehabilitation, and re-entry programs from the office of the Superintendent of Schools.

Legal Reference: Connecticut General Statutes

21 a-243 regulation re schedules of controlled substances.

21 a-240 Definitions, dependency-producing drugs.

54 Fed. Reg. 4946 (1989).

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.

Policy adopted: September 9, 1991

BETHANY PUBLIC SCHOOLS
Bethany, Connecticut

Personnel - Non-Certified/Non-Union

Duties

The duties and responsibilities of the members of the non-certified and non-union service shall be as fixed and prescribed in the job description as approved for each class by the Board of Education.

Job descriptions will be maintained and be made available in a separate manual.

Policy adopted: September 9, 1991

BETHANY PUBLIC SCHOOLS
Bethany, Connecticut

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.

(cf. 6141.321 - Student Use of the Internet)
(cf. 6141.322 - Web Sites/Pages)

Personnel - Certified-Non-Certified

Rights, Responsibilities and Duties

Acceptable Computer Network Use (continued)

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: October 11, 2000

BETHANY PUBLIC SCHOOLS
Bethany, Connecticut

Personnel - Certified-Non-Certified**Rights, Responsibilities and Duties****Acceptable Computer Network Use**

The intent of these administrative regulations rules is to provide employees with general requirements for utilizing the school unit's computers, networks and Internet services. The administrative regulations may be supplemented by more specific administrative procedures and rules governing day-to-day management and operation of the computer system.

These rules provide general guidelines and examples of prohibited uses for illustrative purposes but do not attempt to state all required or prohibited activities by users. Employees who have questions regarding whether a particular activity or use is acceptable should seek further guidance from the building principal or appropriate administrator.

Failure to comply with Board policy 4118.5/4218.5, these regulations and/or other established procedures or rules governing computer use may result in disciplinary action, up to and including discharge. Illegal uses of the school unit's computers will also result in referral to law enforcement authorities.

A. Access to School Computers, Networks and Internet Services

The level of access that employees have to school unit computers, networks and Internet services is based upon specific employee job requirements and needs.

B. Acceptable Use

Employee access to the school unit's computers, networks and Internet services is provided for administrative, educational, communication and research purposes consistent with the school unit's educational mission, curriculum and instructional goals. General rules and expectations for professional behavior and communication apply to use of the school unit's computers, networks and Internet services.

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.

Personnel - Certified-Non-Certified

Rights, Responsibilities and Duties

Acceptable Computer Network Use (continued)

C. Prohibited Use

The employee is responsible for his/her actions and activities involving school unit computers, networks and Internet services and for his/her computer files, passwords and accounts. General examples of unacceptable uses which are expressly prohibited include but are not limited to the following:

1. Any use that is illegal or in violation of other Board policies, including harassing, discriminatory or threatening communications and behavior, violations of copyright laws, etc.;
2. Any use involving materials that are obscene, pornographic, sexually explicit or sexually suggestive;
3. Any inappropriate communications with students or minors;
1. Any use for private financial gain, or commercial, advertising or solicitation purposes;
2. Any use as a forum for communicating by e-mail or any other medium with other school users or outside parties to solicit, proselytize, advocate or communicate the views of an individual or non-school-sponsored organization; to solicit membership in or support of any non-school-sponsored organization; or to raise funds for any non-school-sponsored purpose, whether for-profit or not-for-profit. No employee shall knowingly provide school e-mail addresses to outside parties whose intent is to communicate with school employees, students and/or their families for non-school purposes. Employees who are uncertain as to whether particular activities are acceptable should seek further guidance from the building principal or appropriate administrator.
6. Any communication that represents personal views as those of the school unit or that could be misinterpreted as such;
7. Downloading or loading software or applications without permission from the system administrator;
8. Opening or forwarding any e-mail attachments (executable files) from unknown sources and/or that may contain viruses;
9. Sending mass e-mails to school users or outside parties for school or non-school purposes without the permission of the system administrator for other designated administrator;

Personnel - Certified-Non-Certified**Rights, Responsibilities and Duties****Acceptable Computer Network Use (continued)**

10. Any malicious use or disruption of the school unit's computers, networks and Internet services or breach of security features;
11. Any misuse or damage to the school unit's computer equipment;
12. Misuse of the computer passwords or accounts (employee or other users);
13. Any communications that are in violation of generally accepted rules of network etiquette and/or professional conduct;
14. Any attempt to access unauthorized sites;
15. Failing to report a known breach of computer security to the system administrator;
16. Using school computers, networks and Internet services after such access has been denied or revoked; and
17. Any attempt to delete, erase or otherwise conceal any information stored on a school computer that violates these rules.

D. No Expectation of Privacy

The school unit retains, control, custody and supervision of all computers, networks and Internet services owned or leased by the school unit. The school unit reserves the right to monitor all computer and Internet activity by employees and other system users. Employees have no expectation of privacy in their use of school computers, including e-mail messages and stored files.

E. Confidentiality of Information

Employees are expected to use appropriate judgment and caution in communications concerning students and staff to ensure that personally identifiable information remains confidential.

Personnel - Certified-Non-Certified

Rights, Responsibilities and Duties

Acceptable Computer Network Use (continued)

F. Staff Responsibilities to Students

Teachers, staff members; and volunteers who utilize school computers for instructional purposes with students have a duty of care to supervise such use. Teachers, staff members and volunteers are expected to be familiar with the school unit's policies and rules concerning student computer and Internet use and to enforce them. When, in the course of their duties, employee volunteers become aware of student violations, they are expected to stop the activity and inform the building principal [or other appropriate administrator].

G. Compensation for Losses, Costs and/or Damages

The employee shall be responsible for any losses, costs or damages incurred by the school unit related to violations of policy 4118.5/4218.5 and/or these regulations.

H. School Unit Assumes No Responsibility for Unauthorized Charges, Costs or Illegal Use

The school unit assumes no responsibility for any unauthorized charges made by employees including but not limited to credit card charges, subscriptions, long distance telephone charges, equipment and line costs, or for any illegal use of its computers such as copyright violations.

I. Employee Acknowledgment Required

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 policy 4118.5/4218.5 and these regulations. The acknowledgment form will be retained in the employee's personnel file.

4118.5(d)

**4218.5
(Form)**

EMPLOYEE COMPUTER AND INTERNET USE
ACKNOWLEDGMENT FORM

No employee shall be allowed to use school computers or the Internet until he/she has signed and returned this acknowledgment.

I have read policy 4118.5/4218.5 - Acceptable Computer Network Use and its Administrative Regulations - Acceptable Computer Network Use and understand their terms and conditions.

Signature

Date

Personnel

4119/4219

Prohibition on Recommendations for Psychotropic Drugs

The Board of Education, consistent with state statutes, prohibits school personnel from recommending the use of psychotropic drugs for any child. For the purposes of this policy, the term “recommend” shall mean to directly or indirectly suggest that a child should use psychotropic drugs.

Notwithstanding the foregoing, school medical, administrative, or pupil personnel staff may recommend to a parent or guardian that a child be evaluated by an appropriate medical practitioner.

Nothing in this policy shall be construed to prohibit a planning and placement team from discussing with parents and/or guardians of a child the appropriateness of consultation with, or evaluation by, medical practitioners; or to prohibit school personnel from consulting with appropriate medical practitioners with the consent of the parents and/or guardians of a child.

Legal References: Public Act 01-124

Policy Adopted: November 14, 2001

Policy Revised: October 8, 2003

BETHANY PUBLIC SCHOOLS
Bethany, Connecticut

Personnel - Non-Certified/Non-Union

Visitations; Conferences; Course Reimbursement

In the event that a non-union employee is required by the Board to take a course necessary for job performance, the cost of the entire course shall be paid by the Board. In the event the employee is required by state statute to accumulate course credit of continuing education credit, the Board shall pay up to \$300 during any calendar year toward the accumulation of those credits.

Personnel -- Non-Certified/Non-Union**Travel; Reimbursement**

The Bethany Board of Education shall reimburse employees and officials of the district for expenses incurred while authorized to use their private vehicle, or for registration costs associated with attending authorized meetings or conferences.

Whenever twelve month, non-union personnel are required to use their motor vehicle for school business, they shall be reimbursed at the same rate as specified in all contracts with other non-certified personnel.

Policy adopted: September 9, 1991

BETHANY PUBLIC SCHOOLS
Bethany, Connecticut

Personnel - Non-Certified/Non-Union

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 district are binding on district employees. The Board of Education has the final responsibility for establishing policies of 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 the 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, non-union, 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 to join employee organizations. Decisions affecting the individual employee are made without regard to membership or non-membership in such organization. Each employee is entitled to individual legal or ethical rights and privileges. Employees shall not be interfered with, intimidated, restrained, coerced or discriminated against by the school district 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 district 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: September 9, 1991

BETHANY PUBLIC SCHOOLS
Bethany, Connecticut

Personnel -- Non-Certified/Non-Union**Non-School Employment**

Personnel of the school district may receive compensation for outside activities as long as these activities do not interfere with the proper discharge of their assigned duties or do not cause poor public relations within the community. It is expected that any outside activity should be carried on in a businesslike and ethical manner.

Policy adopted: September 9, 1991

BETHANY PUBLIC SCHOOLS
Bethany, Connecticut

Personnel --Non-Certified/Non-Union

Salaries

Prior to budget establishment, but no later than February 15, the salaries for each employee for the following year will be negotiated individually by the Superintendent of Schools and/or a committee of the Board.

Policy adopted: September 9, 1991

BETHANY PUBLIC SCHOOLS
Bethany, Connecticut

Personnel - Non-Certified/Non-Union

Insurance/Health & Welfare Benefits

Health Insurance

Employees and their dependents, will receive the same health insurance, under the same conditions, as those received by the teaching staff.

Life Insurance

Each employee will be entitled to the same coverage as that provided to the teaching staff.

Personnel - Non-Certified/Non-Union

Insurance Premium Payments for Retirees

Upon retirement all non-union twelve month employees shall have the option to continue in the Medical and Life Insurance plans in effect at the time of retirement at his/her own expense, in accordance with the standard policies and practices of their respective carriers. The responsibility for paying premiums shall rest solely with the employee. The Board will not assume responsibility for sending bills or reminders.

Policy adopted: September 9, 1991

BETHANY PUBLIC SCHOOLS
Bethany, Connecticut

Personnel - Certified/Non-Certified/Non-Union**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. Such immunity 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.

Employee Protection (continued)

Legal Reference: Connecticut General Statutes
10-235 Indemnification of teachers, board and commission members and employees in damage suits; expenses of litigation.

10-233b Removal of pupils from class.

10-233c Suspension of pupils.

10-2338 Boards to report school violence. Reports of principals to police authority.

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-18-19 Use of reasonable physical force or deadly physical force generally in defense of person.

4248.1

Personnel - Non-Union

Severance Pay

Upon retirement or death, a twelve month non-union employee or his/her estate shall be paid for all accumulated sick days not to exceed fifty (50) days. This sum of money shall be computed at the rate of \$30.00 per day of accumulated sick leave. The employee is eligible for severance pay after five (5) years of service.

Policy adopted: September 9, 1991

BETHANY PUBLIC SCHOOLS
Bethany, Connecticut

Personnel - Non-Certified/Non-Union

Sick Leave

Each twelve month non-union employee shall be allowed fifteen (15) days sick leave with full pay each contract year. Unused sick days shall be accumulated from year to year up to one hundred and fifty (150) days to be used in case of personal illness.

Policy adopted: September 9, 1991

BETHANY PUBLIC SCHOOLS
Bethany, Connecticut

Personnel - Non-Certified/Non-Union

Bereavement Leave

All 10 month non-certified and non-union personnel will be granted four (4) days per school year for the death or critical illness of an immediate family member or parent of spouse. Immediate family is defined as including parent, brother or sister, husband or wife, son or daughter.

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) as amended. 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.

Eligible employees are entitled to take unpaid leave for a covered family member's service in the Armed Forces, for any one or for a combination of the following reasons:

- A "qualifying exigency" as defined by Department of Labor regulations arising out of a covered family member's active duty or call to active duty in the Armed Forces in support of a contingency plan; and/or
- To care for a covered family member who has incurred an injury or illness in the line of duty while on active duty in the Armed Forces provided that such duty or illness may render the family member medically unfit to perform duties of the member's office, grade, rank or rating.

When leave is due to a "qualifying exigency" of a service member, an eligible employee may take up to 12 work weeks of leave during any 12 month period. When such leave is to care for an injured or ill service member, an eligible employee may take up to 26 work weeks of leave during a single 12 month period to care for the service member. Leave to care for an injured or ill service member, when combined with other FMLA-qualifying leave, may not exceed 26 weeks in a single 12 month period.

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.

Personnel -- Certified/Non-Certified

Personal Leaves

Family and Medical Leave Act (continued)

The Board, in compliance with state statute, shall provide to its employees who are a party to a civil union with the same family and medical leave benefits under the federal Family Medical Leave Act (FMLA) as are provided to employees who are party to a marriage. In addition, the Board shall allow its employees leave time under this policy to serve as organ or bone marrow donors.

(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, as amended by H.R. 4986, the National Defense Authorization Act for Fiscal Year 2008, Section 585.

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).

Connecticut General Statutes

46b-3800 Applicability of statutes to civil unions and parties to a civil union.

PA 07-245 An Act Concerning Family and Medical Leave for Municipal Employees.

Policy adopted: March 7, 1994

Policy revised: January 14, 2009

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 the district's fiscal year, July 1 through June 30. *(Note: the district has the option of designating another 12-month period based on calendar year or other criteria set out in the act. The other options include calendar year; the 12-month period measured forward from the date of an employee's first FMLA leave date; 12 month period measured backward from the date the employee takes any FMLA leave.)* 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.

Personnel -- Certified/Non-Certified

Personal Leaves

Family and Medical Leave Act (continued)

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. (29 C.F.R. 825.114.)

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. (29 C.F.R. 825.118.)

Types of Leave

An eligible employee may take FMLA leave for:

- the birth and first-year care of a child;
- the adoption or foster placement of a child;
- the serious illness of an employee's spouse, parent or child; ~~and~~
- the employee's own serious health condition that keeps the employee from performing the essential functions of his/her job;
- to care for an eligible member* of the Armed Forces who is undergoing medical treatment, recuperation, or therapy, or is otherwise on the temporary disability list for a serious injury or illness; and
- a qualifying exigency as defined by Department of Labor regulations of a spouse, child, or parent of the employee who is on active duty in the Armed Forces or has been notified of an impending call or order to active duty in the Armed Forces in support of a contingency operation.

The district shall require, an employee to use accrued paid vacation, personal or family leave for purposes of a family leave. The district shall 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.

(*spouse, son, daughter, parent or next of kin)

Personnel -- Certified/Non-Certified

Personal Leaves (continued)

Spouses Employed by the School District

If a husband and wife 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.

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.

Personnel -- Certified/Non-Certified

Personal Leaves

Employee Entitlement to Service Member FMLA

The federal FMLA entitles eligible employees to take leave for a covered family member's service in the Armed Forces. Except as listed in this section, an employee's rights and obligations to service member FMLA leave are governed by existing FMLA policy and regulations.

Service member FMLA provides eligible employees unpaid leave for a covered family member's service in the Armed Forces, for any one or for a combination of the following reasons:

- A "qualifying exigency" arising out of a covered family member's active duty or call to active duty in the Armed Forces in support of a contingency plan; and/or
- To care for a covered family member who has incurred a serious injury or illness in the line of duty while on active duty in the Armed Forces including a member of the National Guard or Reserves, provided that such duty or illness may render the family member medically unfit to perform duties of the member's office, grade, rank or rating.

When leave is due to a "qualifying exigency" of a service member, an eligible employee may take up to 12 work weeks of leave during any 12 month period.

When such leave is to care for an injured or ill service member, an eligible employee may take up to 26 work weeks of leave during a single 12 month period to care for the service member. Leave to care for an injured or ill service member, when combined with other FMLA-qualifying leave, may not exceed 26 weeks in a single 12 month period.

Service member FMLA runs concurrent with any other leave entitlements provided under federal, state or local law.

Definitions

- Active Duty:** Duty under a call or order to active duty under a provision of law referred to in 10 U.S.C. §101(a)(13)(B).
- Contingency Operation:** Has the same meaning given such term in 10 U.S.C. §101(a)(13).

Personnel -- Certified/Non-Certified

Personal Leaves

Definitions (continued)

Covered Service Member: A member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness.

Next of Kin: The nearest blood relative of an individual.

Outpatient Status: With respect to a covered service member, this means the status of a member of the Armed Forces assigned to:

- (a) a military medical treatment facility as an outpatient; or
- (b) a unit established for the purpose of providing command and control of members of the Armed Forces receiving medical care as outpatients.

Leave to Care for a Covered Service Member

If the necessity for leave is foreseeable based on planned medical treatment, the employee shall:

1. make a reasonable effort to schedule the treatment so as not to disrupt unduly the operations of the district; and
2. provide the district with at least 30 days' notice, before the date the leave is to begin, of the employee's intention to take leave. If the date of the treatment requires leave to begin in less than 30 days, the employee shall provide such notice as is practicable.

The Board of Education may require that a request for leave to care for a covered service member be supported by a certification issued by the health care provider of the person in need of care. The employee shall provide, in a timely manner, a copy of such certification to the district.

Personnel -- Certified/Non-Certified

Personal Leaves

Certification will be sufficient if it states:

1. the date on which the serious health condition or serious injury or illness commenced;
2. the probable duration of the condition; and
3. the appropriate medical facts within the knowledge of the health care provider regarding the condition.

If leave is to be taken on an intermittent or reduced leave schedule for planned medical treatment, the certification must contain the dates on which such treatment is expected to be given and the duration of such treatment.

Leave Related to Active Duty or a Call to Active Duty

If the necessity for leave because of a qualifying exigency arising from the fact that a family member is on active duty or has been notified of an impending call to active duty is foreseeable, the employee shall give such notice to the district as is reasonable and practicable.

The Board may require that a request for leave because of a qualified exigency arising from the fact that the employee's spouse, son, daughter, or parent is on active duty or has been notified of an impending call to active duty be supported by a certification issued in accordance with regulations issued by the Secretary of Labor. If the Secretary issues a regulation requiring such certification, the employee shall provide, in a timely manner, a copy of such certification to the school district.

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 (continued)

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.

The district, when a request for FMLA leave is received, will provide the employee the following information, listing the employee's 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.

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 health care provider designated or approved by the district may not be employed by the school system on a regular basis. In the case of a third opinion, the opinion of

Personnel -- Certified/Non-Certified

Personal Leaves

Certification (continued)

the third health provider will be binding on both the school district and the employee. 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

Restoration (continued)

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 or certification if the employee does not possess the appropriate certification or license.

Personnel -- Certified/Non-Certified

Personal Leaves (continued)

Instructional Employees

Special rules apply to instructional employees. Instructional employees are those employees whose principal function is to teach and instruct students in a class, 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

- to care for a family member, or
- for the employees own serious health condition and
- is foreseeable based on planned medical treatment (i.e. chemotherapy, prenatal visits, physical therapy etc.) and
- 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:

- (1) take the leave for a period of a particular duration, not greater than the duration of the planned treatment; or
- (2) 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:

Personnel -- Certified/Non-Certified

Personal Leaves

Instructional Employees (continued)

- (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 work week 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.

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.

Failure to Return

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.

Personnel - Non-Certified/Non-Union

Vacations

Non-Certified

Non-certified employees on the regular non-certified salary schedule who are employed full-time are allowed vacation with pay each year according to terms established by employee agreement(s) and the current regulations established by the school district. Less than one year's service merits vacation in proportion to the time served. Part-time employees working on an intermittent basis are not entitled to vacation time.

Non-certified employees receive holidays specified in law and in their contracts. Holidays falling within the employee's vacation time do not count as vacation days.

The term of employment to be used for determining vacation time shall be based on the time served by the employee during the fiscal year.

Non-Union

Two weeks paid vacation shall be granted to all twelve month non-union personnel who have been in the employ of the Board continuously for one year by June 30.

Employees who have been in the employ of the Board less than one year by June 30 will receive one day of vacation for each full month they are employed, not to exceed ten (10) days.

One additional vacation day will be granted for each year of employment after five years of continuous employment to a maximum of three (3) weeks.

In computing time for vacations, time lost for occupational injury, special leave, holidays and jury duty shall be considered as time worked.

Employees shall not be allowed to accumulate vacations from year to year except at the discretion of the Superintendent. Also, it shall not be the practice of the Board to compensate an employee in lieu of time off for vacation.

Holidays falling within an employee's vacation shall not be considered vacation time.

In computing vacation pay, the rate to be used will be the rate or salary in effect at the time the vacation is taken.

Vacations

The employee's preference in the scheduling of a vacation shall be granted, unless the choice interferes with efficient operation.

(cf. 4254 - Holiday Leave)

Legal Reference: Connecticut General Statutes

1-4 Days designated as legal holidays.

Personnel - Non-Union

Holiday Leave

The following days in each year shall be construed for holiday leave for twelve month non-union personnel when they fall on a normal work day:

New Years Day	Independence Day
Martin Luther King Day	Labor Day
Lincoln's Birthday	Columbus Day
Washington's Birthday	Veterans Day
Good Friday	Thanksgiving (2)
Memorial Day	Christmas (2)

When a scheduled holiday falls on Sunday, twelve month personnel shall be entitled to the next working day off. When the scheduled holiday falls on a Saturday, the holiday will be observed on Friday.

Qualifications for Holiday Pay

To be eligible for holiday pay an individual must be a permanent employee. He/she must work the last full scheduled day before the holiday and the first full scheduled day after the holiday except for the following:

1. If an employee is on vacation, holiday pay will be paid if he/she worked the last full scheduled day before vacation and the first full scheduled day after vacation.
2. If an employee has a bona fide personal illness, proof of which maybe required at the discretion of the administration.
3. If an employee is absent because of a death in the immediate family.
4. If the employee is absent for a reason beyond their control and with the approval of the Superintendent.

Legal Reference: Connecticut General Statutes
1-4 Days designated as legal holidays.

Policy adopted: September 9, 1991

BETHANY PUBLIC SCHOOLS
Bethany, Connecticut

Personnel - Non-Certified/Non-Union**General and Special Leave****General Leave**

Other extended leaves for reasons not specifically set forth in this policy may be granted at the discretion of the Board.

Special Leave

All twelve month non-union employees shall be accorded four (4) days per year for business or personal requirements which include such considerations as legal requirements, marriage of a member of the immediate family, graduation of member of immediate family, recognized religious holidays, and emergencies which cannot be met on non-duty time. Such leave must be approved in advance by the Superintendent or Principal.

Personnel - Non-Certified/Non-Union**Jury Duty**

Employees who receive summons for jury duty should notify their supervisor as soon as possible so that plans can be made to re-allocate their work.

The Board reserves the right to petition the proper authorities for the release of particular employees from jury duty if their services are urgently needed by the school at the time of their proposed service as jurors.

The Board will compensate employees who render services as jurors in an amount equal to the difference between their current base per diem salary and the amount paid to them for jury service.