

HAMPTON BOARD OF EDUCATION
PERSONNEL
CERTIFIED 4100/NONCERTIFIED 4200

4000 SERIES

POLICY APPROVED/REVIEWED/REAPPROVED

4000.1	<u>TITLE IX</u>	02/24/2021
4111	<u>RECRUITMENT AND SELECTION</u>	01/25/2017
4111.1/4211.1	<u>EQUAL OPPORTUNITY EMPLOYMENT</u>	07/24/2019
4111.3	<u>MINORITY RECRUITMENT PLAN</u>	08/26/2015
4112.1/4212.2	<u>PROVISIONS OF NEGOTIATED AGREEMENTS/CONTRACTS</u>	08/28/2013
4112.5/4212.5	<u>SECURITY CHECK/FINGERPRINTING</u>	08/23/2017
4112.51/4212.51	<u>REFERENCE CHECKS</u>	08/28/2013
4112.6/4212.6	<u>PERSONNEL RECORDS</u>	08/28/2019
4112.61/4212.61	<u>USE AND DISCLOSURE OF EMPLOYEE MEDICAL INFO (HIPAA)</u>	01/22/2014
4112.8/4212.8	<u>NEPOTISM: EMPLOYMENT OF RELATIVES</u>	10/28/2011
4114	<u>ASSIGNMENT & TRANSFER</u>	08/26/2015
4115	<u>EVALUATION</u>	11/05/2005
4117.3	<u>PERSONNEL REDUCTION IN FORCE (RIF)</u>	08/26/2015
4117.4	<u>NON-RENEWAL/SUSPENSION</u>	08/28/2019
4117.5	<u>TERMINATION OF EMPLOYMENT</u>	08/28/2019
4118.11/4218.11	<u>NONDISCRIMINATION</u>	08/28/2019
4118.112	<u>SEXUAL HARASSMENT</u>	08/28/2013
4118.13	<u>CONFLICT OF INTEREST</u>	08/28/2013
4118.21	<u>ACADEMIC FREEDOM</u>	11/20/2013
4118.23	<u>CONDUCT</u>	02/26/2014
4118.231/4213.231	<u>SMOKING, DRINKING, AND USE OF DRUGS ON SCHOOL PREMISES</u>	09/26/2012
4118.232	<u>DRUG & ALCOHOL-FREE WORKPLACE</u>	03/30/2011
4118.233	<u>WEAPONS AND DANGEROUS INSTRUMENTS</u>	08/28/2019
4118.234	<u>PSYCHOTROPIC DRUG USE</u>	06/22/2016
4118.24	<u>STAFF/STUDENT NON-FRATERNIZATION</u>	08/26/2015
4118.3/4218.3	<u>DUTIES OF PERSONNEL</u>	08/28/2019
4118.4/4218.4	<u>ELECTRONIC MAIL</u>	08/26/2015
4119/4219	<u>STAFF CONDUCT</u>	08/28/2019
4120	<u>TEMPORARY/PART TIME PERSONNEL</u>	08/28/2019
4121	<u>SUBSTITUTE TEACHERS</u>	11/02/2005
4122	<u>STUDENT TEACHERS</u>	11/02/2005
4126	<u>CONSULTANTS</u>	02/26/2014
4127	<u>TEACHER IN CHARGE</u>	08/28/2019
4131	<u>STAFF DEVELOPMENT</u>	10/28/2011
4132	<u>PUBLICATION OR CREATION OF MATERIAL</u>	06/26/2019
4132.1	<u>COPYRIGHTS & PATENTS</u>	11/02/2005
4133/4233	<u>TRAVEL REIMBURSEMENTS</u>	08/28/2019
4134	<u>TUTORING</u>	07/24/2019
4135/4235	<u>ORGANIZATIONS & UNITS</u>	07/24/2019
4135.2	<u>COMMUNICATION WITH BOARD OF EDUCATION</u>	08/28/2019
4135.4/4235.4	<u>STAFF COMPLAINTS AND CONCERNS</u>	08/28/2019
4138	<u>NON-SCHOOL EMPLOYMENT</u>	06/26/2019

HAMPTON BOARD OF EDUCATION

PERSONNEL

CERTIFIED 4100/NONCERTIFIED 4200

4000 SERIES

POLICY APPROVED/REVIEWED/REAPPROVED

4147/4247	<u>EMPLOYEE SAFETY</u>	06/26/2019
4147.1/4247.1	<u>OCCUPATIONAL EXPOSURE TO BLOODBORNE PATHOGENS</u>	08/20/2009
4148/4248	<u>EMPLOYEE PROTECTION</u>	08/20/2009
4150	<u>LEAVES</u>	07/24/2019
4152.6/4252.6	<u>FAMILY, MEDICAL AND PREGNANCY RELATED LEAVES</u>	07/24/2019
4212.42	<u>DRUG AND ALCOHOL TESTING FOR SCHOOL BUS DRIVERS</u>	03/04/2009
4214	<u>ASSIGNMENT AND TRANSFER</u>	11/02/2005
4215	<u>SUPERVISION AND EVALUATION</u>	11/02/2005
4217.4	<u>DISMISSAL/SUSPENSION</u>	08/28/2019

HAMPTON BOARD OF EDUCATION

5145.44/4000.1

Students

Personnel --Certified/Non-Certified

Title IX

The Board of Education (Board) policy is to maintain a learning and working environment free from any form of sex discrimination or sexual harassment. The Board agrees to comply with Title IX of the Education Amendments of 1972 and the Regulations as amended in the Final Rule promulgated pursuant thereto.

The Board, as required, shall respond whenever any employee has notice of sexual harassment, including allegations of sexual harassment. Title IX applies to persons in this District because its education programs or activities receive Federal financial assistance. This policy applies to all of the District's programs or activities, whether such programs or activities occur on or off campus.

The District's response shall be triggered by notice to a Title IX Coordinator, or to an official with authority to institute corrective measures on the recipient's behalf, which charges a school with actual knowledge.

Definitions

Sex discrimination for purposes of this Title IX policy occurs when an individual, because of his or her sex, is denied participation in or the benefits of any program or activity receiving federal financial assistance. It includes when the District, as an employer, refuses to hire, disciplines or discharges any individual, or otherwise discriminates against an individual with respect to such individual's compensation, terms, conditions or privileges of employment on the basis of the individual's sex.

Sexual harassment for purposes of this Title IX policy includes any of the three types of misconduct on the basis of sex, all of which jeopardize the equal access to education that Title IX is designed to protect:

1. Any instance of *quid pro quo* harassment by a school's employee;
2. Any unwelcome conduct that a reasonable person would find so severe, pervasive, and objectively offensive that it denies a person's equal access to the District's educational programs or activities; or
3. Any instance of sexual assault (as defined in 20 U.S.C.1092 (f)(6)(A)(v)), dating violence (as defined in 34U.S.C. 12291(a)(10)), domestic violence (as defined in 34U.S.C.12291(a)(8)), or stalking, (as defined in 34 U.S.C. 12291(a)(30).

(This definition does not make sexual harassment dependent on the method by which the harassment is carried out.)

Program or activity includes those locations, events, or circumstances over which the District exercises substantial control over both the alleged harasser (respondent) and the context in which the sexual harassment occurred.

Actual knowledge means notice of sexual harassment or allegations of sexual harassment to the District's Title IX Coordinator or to any employee of the school district.

Title IX Coordinator is the individual designated and authorized by the Board to coordinate the District's Title IX compliance efforts.

HAMPTON BOARD OF EDUCATION

Deliberately indifferent means a response to a Title IX sexual harassment report that is not clearly unreasonable in light of the known circumstances.

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

Respondent is the individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment.

Formal complaint is the document filed by a complainant or signed by the Title IX Coordinator alleging sexual harassment against a respondent and requesting that the District investigate the allegation of sexual harassment.

Document filed by a complainant is a document or electronic submission that contains the complainant's physical or digital signature, or otherwise indicates that the complainant is the person filing the formal complaint.

Supportive measures are individualized services reasonably available that are non-punitive, non-disciplinary and not unreasonably burdensome to the other party while designed to ensure equal educational access, protect safety, or deter sexual harassment. These measures are without charge to a complainant or a respondent and may be offered before or after the filing of a formal complaint or when no complaint has been filed.

Notifications

The District shall notify all students, employees, applicants for admission and employment, parents or legal guardians of students, and all unions/bargaining units of the Title IX Coordinator's contact information. Such information shall include the name or title, office address, e-mail address, and telephone number of the Title IX Coordinator. The required contact information shall also be prominently displayed on District and school websites.

Reporting Procedures/Formal Complaint

Any person may report sex discrimination, including sexual harassment, whether or not the person reporting is the person alleged to be the victim of conduct that would constitute sex discrimination or sexual harassment. Such report may be made in person, by mail, by telephone, or by e-mail, using the contact information listed for the Title IX Coordinator, or by any other means that results in the Title IX Coordinator receiving the person's verbal or written report.

Such report may be made at any time, including during non-business hours, by using the Title IX Coordinator's listed telephone number, e-mail address or by mail to the office address.

Any third party as well as the complainant may report sexual harassment. This includes parents and guardians of students.

At the time of filing a formal complaint, the complainant must be participating in or attempting to participate in the education program or activity of the District with which the formal complaint is filed.

District/School's Mandatory Response Obligations

The District and its schools recognize its mandatory obligations to respond promptly to Title IX sexual harassment in a manner that is not deliberately indifferent, as defined. The following mandatory response obligations will be fulfilled:

HAMPTON BOARD OF EDUCATION

1. Supportive measures shall be offered to the person alleged to be the victim ("complainant"). A respondent will not be disciplined without the District first following the Title IX grievance process, which includes investigating formal complaints of sexual harassment.
2. The Title IX Coordinator to discuss promptly with the complainant the availability of supportive measures, consider the complainant's wishes with respect to such measures, inform the complainant of the availability of such measures with or without filing of a formal complaint, and explain to the complainant the process for filing a formal complaint.
3. Follow a grievance procedure that complies with the Title IX Final Rule before the imposition of any disciplinary sanctions or other actions that are not supportive measures, against a respondent.
4. The rights protected under the U.S. Constitution, including the First Amendment, Fifth Amendment and Fourteenth Amendment shall not be restricted when complying with Title IX.
5. Sexual harassment allegations in any formal complaint will be investigated. The formal complaint can be filed by a complainant or signed by the Title IX Coordinator.
6. The complainant's wishes regarding whether the District/school investigates shall be respected unless the Title IX Coordinator determines that signing a formal complaint to initiate an investigation over the wishes of the complainant is not clearly unreasonable in light of the known circumstances.
7. Compliance efforts, where applicable, to be coordinated with special education staff members.

If the allegations in a formal complaint do not meet the definition of sexual harassment contained within this policy, or did not occur in the District's educational; program or activity against a person in the United States, the District will, as required, dismiss such allegations for purposes of Title IX but may still address the allegations in any manner deemed appropriate by the District.

Notice of Allegation to the Parties

The District shall provide notice to the parties upon receipt of a formal complaint and on an ongoing basis if the District decides to include additional allegations during the course of the investigation.

The notice shall inform the parties of the allegations that potentially constitute sexual harassment as defined in this policy and include the identities of the parties involved in the incident, sufficient details about the allegations, including the identities of the parties if known, the conduct allegedly constituting sexual harassment, and the date and location of the alleged incident, if known.

The written notice shall also include notice of the applicable grievance process, and advise the parties that they may have an advisor of their choice and that the parties may inspect and review evidence obtained in the investigation.

The notice shall also inform the parties of any provisions in the District's code of conduct that prohibits knowingly making false statements or knowingly submitting false information during the grievance process.

Grievance Process

The District, as required, will utilize a consistent, transparent grievance process for resolving formal complaints of sexual discrimination and/or sexual harassment. Such process, as detailed in the administrative regulation accompanying this policy, applies to all District schools equally.

A presumption that the respondent is not responsible for the alleged conduct shall be maintained until a determination is made regarding responsibility at the conclusion of the grievance process.

HAMPTON BOARD OF EDUCATION

Investigations

Allegations contained in any formal complaint will be investigated. Written notice shall be sent to both the complainant(s) and respondent(s) of the allegations upon receipt of the formal complaint.

During the grievance process and when investigating:

1. The burden of gathering evidence and burden of proof remains with the District.
2. The parties will be provided equal opportunity to present fact and expert witnesses and evidence.
3. The ability of the parties to discuss the allegations or gather evidence shall not be restricted.
4. The parties shall have the same opportunity to select an advisor of their choice, who may be, but need not be, an attorney.
5. The District shall send written notice of any investigative interviews or meetings.
6. The District shall send the parties, and their advisors, evidence directly related to the allegations, electronically or hard copy, with at least 10 days for the parties to inspect, review and respond to the evidence.
7. The District shall send the parties, and their advisors, an investigative report, electronically or hard copy, that summarizes relevant information with at least 10 days for the parties to respond.
8. After the District has sent the investigative report to the parties and before reaching a determination regarding responsibility, the decision maker(s) shall afford each party an opportunity to submit written, relevant questions that a party wants asked of any party or witness, provide each party with the answers, and allow for additional, limited follow-up questions from each party.

Note: The final Title IX regulations specify that the decision-maker(s) in the investigation and adjudications of formal complaints cannot be the same person as the Title IX Coordinator or investigator(s).

The District shall dismiss allegations of sexual harassment that do not meet the definition contained in this policy or if such conduct did not occur in a District educational program or activity against a person in the United States. Such dismissal is for Title IX purposes.

The District, in its discretion, may dismiss a formal complaint or allegations therein if the Title IX Coordinator is informed by the complainant in writing to withdraw the formal complaint or allegations therein, if the respondent is no longer enrolled or employed by the District, or if specific circumstances prevent the District from gathering sufficient evidence to reach a determination.

The District shall give the parties written notice of a dismissal, mandatory or discretionary, and the reasons for such dismissal.

The District, in its discretion, may consolidate formal complaints where the allegations arise out of the same facts.

The privacy of an individual's medical, psychological, and similar treatment records will be protected. Such records will not be accessed by the District unless the party's voluntary, written consent is obtained. [The District cannot access, consider, disclose, or otherwise use a party's records that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or para professional acting in their recognized capacity or assisting in that capacity, and which are made and maintained in connection with the provision of treatment to the party, unless the district obtains that party's voluntary, written consent to do so.]

HAMPTON BOARD OF EDUCATION

Questions and evidence about the complainant's sexual predisposition or prior sexual behavior, per the Title IX Final Rule, are considered irrelevant, unless such questions and evidence about the complainant's prior sexual behavior are offered to prove that someone other than the respondent committed the conduct alleged by the complainant, or offered to prove consent.

Standard of Evidence and Written Determination

The District's Grievance Process, as required by the Title IX Final Rule, shall state whether the standard of evidence to determine responsibility is the preponderance of evidence standard or the clear and convincing evidence standard. The District shall provide the same standard of evidence to all formal complaints of sexual harassment whether the respondent is a student or an employee, including a faculty member.

The Board has chosen to use as the District's standard of evidence the preponderance of evidence standard. (*previous existing standard*) clear and convincing evidence standard. (*a higher bar*)

The decision maker, who cannot be the Title IX Coordinator or the investigator, shall issue a written determination regarding responsibility with findings of fact, conclusions about whether the alleged conduct occurred, rationale for the result as to each allegation, any disciplinary sanctions imposed on the respondent, and whether remedies will be provided to the complainant.

Such written determination shall be sent simultaneously to the parties and include information about how to file an appeal.

Appeals

The District shall offer both parties an appeal from a determination regarding responsibility and from the District's dismissal of a formal complaint or any allegations therein, based on the following:

1. Procedural irregularity that affected the outcome of the matter;
2. Newly discovered evidence that could affect the outcome of the matter; and/or
3. Title IX personnel (Title IX Coordinator, investigator(s), or decision maker(s)) that had a conflict of interest or bias, that affected the outcome of the matter.
4. Additional reasons identified by the District and offered equally to both parties.

The District shall provide both parties a reasonable opportunity to submit a written statement in support of, or challenging the outcome. The appeal decision-maker shall issue simultaneously to the parties, a written decision describing the appeal result and the rationale for the result. (*The appeal decision-maker may not be the same person as the decision-maker(s) that reached the determination of responsibility or dismissal, the investigator(s) or the Title IX Coordinator.*)

Informal Resolution Process

The District may exercise the option to offer and to facilitate an informal resolution option, such as, but not limited to, mediation or restorative justice, provided both parties give voluntary, informed, written consent to attempt informal resolution.

The Board shall not require as a condition of enrollment or continuing enrollment, or employment or continuing employment, or enjoyment of any other right, the waiver of the right to a formal investigation and adjudication of formal complaints of sexual harassment. The District will not require the parties to participate in an informal resolution process and will not offer such process unless a formal complaint is filed.

HAMPTON BOARD OF EDUCATION

At any time prior to agreeing to a resolution, the Board recognizes the right of any party to withdraw from the informal resolution process and to resume the grievance/investigative process with respect to the formal complaint.

The Board specifically prohibits the offering or facilitating of an informal resolution process to resolve any allegation that an employee sexually harassed a student.

Record Keeping

The District shall maintain for a period of seven years the records of each sexual harassment investigation, any disciplinary sanctions imposed on the respondent or remedies provided to the complainant; any appeal and the results of the appeal; informal resolution, if any, and the results of informal resolution; and the materials used to train coordinators, investigators, decision-makers and facilitators of informal resolution.

The District shall also create and maintain for a period of seven years records of any actions, including any supportive measures, taken in response to a report or formal complaint of sexual harassment. In each instance, it shall be documented the basis or the conclusion reached and the measures taken to restore or preserve access to the District's educational program or activity. Reasons must be cited when supportive measures are not provided to a complainant.

Retaliation

The District shall maintain confidentiality regarding the identity of complainants, respondents, and witnesses, except as may be permitted by the Family Educational Rights and Privacy Act (FERPA), as required by law, or as necessary to carry out a Title IX proceeding.

The District expressly prohibits retaliation against any individual for exercising Title IX rights

No school or person may intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by Title IX, or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in a Title IX investigation or proceeding.

Complaints alleging retaliation may be filed according to the grievance procedures pertaining to sex discrimination.

The Board recognizes that the following does not constitute retaliation:

1. The exercise of rights protected under the First Amendment of the U.S. Constitution.
2. The charging of an individual with a code of conduct violation for making a materially false statement in bad faith in the course of a grievance proceeding, provided, however, that a determination regarding responsibility, alone, is not sufficient to conclude that any party made a bad faith materially false statement.

The charges against an individual for code of conduct violations that do not involve sex discrimination or sexual harassment, but arise out of the same facts or circumstances as a report or complaint of sex discrimination, or a report or formal complaint of sexual harassment, for the purpose of interfering with any right or privilege secured by Title IX, constitutes retaliation.

HAMPTON BOARD OF EDUCATION

Training

The Board shall provide and/or make available training for any person designated as a Title IX coordinator, investigator, and decision maker and any person designated to facilitate an informal resolution process. Such training shall include:

- The definition of sexual harassment under the new Final Rule
- The scope of the District's education programs and activities;
- The manner in which to conduct an investigation and grievance process, including appeals, hearings and informal resolution process, as applicable;
- How to serve impartially, including the avoidance of prejudgment of the facts at issue, conflicts of interest, and bias;
- The promotion of impartial investigations and adjudications of sexual harassment;
- A presumption that the respondent is not responsible for the alleged conduct until a determination is made regarding responsibility at the conclusion of the grievance process;
- Description of the range or list of the possible remedies the district may provide a complainant and disciplinary sanctions that can be imposed on a respondent, following determinations of responsibility;
- The utilization of the preponderance of evidence standard or the clear and convincing evidence standard;
- Issues of relevance of questions and evidence; and
- The creation of the investigative report to fairly summarize relevant evidence.

The District shall, as required, retain its training materials for a period of seven years and to make such materials available on its website (or upon request if the district does not maintain a website).

Nondiscrimination Notice

The Board of Education, in compliance with federal and state law, affirms its policy of equal educational opportunity for all students and equal employment opportunity for all persons. The Board shall not discriminate on the basis of sex in the education programs or activities it operates. This policy of nondiscrimination in the education program or activity also extends to employment and admission.

Notice of the Board's nondiscrimination policy and grievance procedure, including how to file or report sexual harassment and how the District will respond shall be provided to applicants for admission and employment; students; parents or legal guardians; and unions or professional organizations holding agreements with the District.

This notice of nondiscrimination shall be posted on district and school websites and placed in any handbooks provided to the above cited groups.

(cf. 0521 – Nondiscrimination)

(cf. 0521.1 – Grievance Procedure for Section 504, Title IX, and Title VII)

(cf. 4118.11/4218.11 – Nondiscrimination)

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

(cf. 5131.911 – Bullying/Safe School Climate Plan)

HAMPTON BOARD OF EDUCATION

(cf. 5145.5 – Sexual Harassment)

(cf. 5145.51 – Peer Sexual Harassment)

Legal Reference: United States Constitution, Article XIV

Civil Rights Act of 1964, Title VII, 42 U.S.C. S2000-e2(a).

Equal Employment Opportunity Commission Policy Guidance (N-915.035) on Current Issues of Sexual Harassment, Effective 10/15/88.

Title IX of the Education Amendments of 1972, 20 USCS §1681, *et seq.*

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

Title IX Final Rule, 34 CFR §106.45, *et seq.*, May 6, 2020

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

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

The Clery Act, 20 U.S.C. §1092(f)

The Violence Against Women Act, 34 U.S.C. §12291(a)

Mentor Savings Bank, FSB v. Vinson 477 US.57 (1986)

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

Connecticut General Statutes

[46a-60](#) Discriminatory employment practices prohibited.

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

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

P.A. 19-16 An Act Combatting Sexual Assault and Sexual Harassment

Policy Presented: 01 27 2021

Policy Approved: 02 24 2021

HAMPTON BOARD OF EDUCATION

4111/4211

PERSONNEL — CERTIFIED/NON-CERTIFIED

RECRUITMENT AND SELECTION

The Board desires the Superintendent to develop and maintain a recruitment program designed to attract and hold the best possible personnel who are highly qualified as defined by federal law in the District's schools. All District teachers teaching in a core academic subject area, as defined in the No Child Left Behind Act, must be determined to be "highly qualified."

The Hampton 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 in each local 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.

The Superintendent shall insure that the District is in compliance with the provisions of all applicable federal and state laws. Manuals and handbooks shall comply with federal law as to the qualifications for instructional personnel. Staffing pattern reviews as required by law shall be conducted annually.

A retired teacher receiving benefits from the Teachers Retirement System (TRS) may be reemployed by the Board for up to one full school year in a position (1) designated by the Commissioner of Education as a subject shortage area, or (2) at a school located in a priority school district for the school year in which the teacher is being employed. Such employment may be for up to one full school year. Such reemployment may be extended for an additional school year, provided the Board (a) submits a written request for approval to the Teachers' Retirement Board, (b) certifies that no qualified candidates are available prior to the reemployment of such teacher and (c) indicates the type of assignment to be performed, the anticipated date of rehire and the expected duration of the assignment.

The salary of such teacher shall be fixed at an amount at least equal to that paid other teachers in the District with similar training and experience for the same type of service. Upon Board approval of such employment, the retired teacher shall be eligible for the same health insurance benefits provided to active teachers employed by the District. No retirement benefits shall be paid during this period of reemployment.

Except as indicated below, and in the first paragraph in this section, a certified educator receiving retirement benefits from the Teachers Retirement System (TRS) may not be employed in a certified position receiving compensation paid out of public money appropriated for school purposes except that such educator may be employed in such a position and receive no more than forty-five percent of the maximum salary level for the assigned position. Any certified educator who receives in excess of such amount shall reimburse the Board for the amount of such excess.

Commencing July 1, 2016, to June 30, 2018, the exemption from the limitation on the compensation of a reemployed certified educator apply to an educator who (A) is receiving retirement benefits from TRS based on thirty-four or more years of credited service, (B) is reemployed in a district designated as an alliance district

HAMPTON BOARD OF EDUCATION

(pursuant to C.G.S. [10-262u](#)), and (C) was serving in the district on July 1, 2015.

On and after July 1, 2016, a certified educator receiving retirement benefits from the system may be employed and receive compensation, health insurance benefits, and other employment benefits provided to active teachers employed by such school system provided such teacher does not receive a retirement income during such employment. Payment of such teacher's retirement income shall resume on the first day of the month following the termination of such employment.

On the application form, an applicant for any position in the school district shall disclose any previous relationship with the Superintendent or any Board member. Previous relationships will include any business, financial, personal, political or family connections. This will also include school relationships such as knowing the individual in high school, college, or graduate school.

The Superintendent shall provide the Board with full disclosure of any prior knowledge or relationship with any candidate recommended for employment.

Legal Reference: Connecticut General Statutes

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

[10-153](#) Discrimination on account of marital status.

[10-183v](#) Reemployment of teachers, as amended by PA 10-111, An Act Concerning Education Reform in Connecticut and P.A. 16-91, An Act Making Changes to the Teacher's Retirement System

[10-220](#) Duties of Boards of Education. (as amended by PA 98-252) 46a-60
Discriminatory employment practices prohibited.

[20](#)U.S.C. Section 1119 N Child Left Behind Act 34 C.F.R. 200.55 Federal Regulations

P.L. 114-95 Every Student Succeeds Act, S.1177-55, 56

Presented: 12/21/2016

Final Approval: 1/25/17

HAMPTON BOARD OF EDUCATION
4111.1/4211.1

PERSONNEL — CERTIFIED AND NON-CERTIFIED

EQUAL EMPLOYMENT OPPORTUNITY

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

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

Legal Reference: Connecticut General Statutes

[4a-60](#) Nondiscrimination and affirmative action provisions in contracts of the state and political subdivisions rather than municipalities

[4a-60a](#) Contracts of the state and political subdivisions, other than municipalities, to contain provisions re nondiscrimination on the basis of sexual orientation

[10-153](#) Discrimination on account of marital status.

[46a](#) 60 Discriminatory employment practices prohibited.

[46a-81a](#) Discrimination on the basis of sexual orientation

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

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

Title II of the Genetic Information Nondiscrimination Act of 2008

Tentative Approval: 06/26/2019

Final Approval: 07/24/2019

HAMPTON BOARD OF EDUCATION
4111.3

PERSONNEL - CERTIFIED

MINORITY RECRUITMENT PLAN

The Board of Education recognizes that the increasing diversity of individuals and cultures is a growing characteristic of our state and the nation which should have significant bearing on the activities of the school district. Further the State of Connecticut has determined that the educational interests of the state require efforts by each school district to provide educational opportunities for its students to interact with teachers from other racial, ethnic and economic backgrounds in order to reduce racial, ethnic and economic isolation.

To this end, the Board of Education believes that the importance of diversity of individuals and cultures should be recognized in the recruitment and assignment of personnel in order to help promote an intellectually and culturally dynamic environment that enables all students to gain an increased awareness and appreciation of the diverse world in which all are connected.

Accordingly, the Superintendent of Schools shall develop and maintain a written plan for minority staff recruitment as approved by the Board and shall report to the Board annually on implementation of the plan. Consistent with the Board's policies on Affirmative Action (4111.1) and Nondiscrimination (4118.11), said plan for minority staff recruitment shall provide for an energetic effort to attract talented minority educators and other minority personnel to serve in available positions within the district, with the long range goal of achieving staffing of the school district which is broadly representative of the populations of the regional and state communities of which the district is a part.

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)

46-60a Discriminatory employment practices
prohibited.

Tentative Approval: 10/05/2005

Final Approval: 11/02/2005

Reapproved: 08/26/2015

HAMPTON BOARD OF EDUCATION
4112.1/4212.1

PERSONNEL — CERTIFIED AND NON-CERTIFIED

PROVISIONS OF NEGOTIATED AGREEMENTS/CONTRACTS

All articles in negotiated agreements/contracts with teachers' and administrators' bargaining representatives shall have the effect of Board of Education policy. In cases of conflict between negotiated agreements/contracts and Board of Education policies or administrative regulations, agreements/contracts take precedence.

Legal Reference: Connecticut General Statutes

10-153a through 10-153j

Tentative Approval: 10/05/2005

Final Approval: 11/02/05

Presented: 07/24/2013

Reapproved: 08/23/2013

HAMPTON BOARD OF EDUCATION

4112.5 / 4212.5

PERSONNEL -- CERTIFIED/NON-CERTIFIED

SECURITY CHECK/FINGERPRINTING

In order to create a safe and orderly environment for students, all offers of employment will be conditional upon the successful outcome of a criminal record check. In addition, any person applying for employment with the Board shall submit to a record check of the Department of Children and Families Child Abuse and Neglect Registry before the person may be hired.

Applicants, as required, shall make disclosures containing (1) current and past employers' contact information; (2) authorization allowing contact with such employers; and (3) statements about any past misconduct, discipline, or licensure penalties as a result of sexual misconduct or abuse allegations.

The District, prior to hiring such applicants, applicants, will (1) ensure that they complete the above stated three requirements; (2) review applicants' employment history after making a documented, good faith effort to contact previous employers for information; and (3) request any available information about applicants from SDE.

The background/reference checks shall be done in compliance with the statutory guidelines contained in Board policy #4112.51/4212.51, as amended.

District employees shall within 30 days after they are hired submit to state and national criminal checks. District students employed by the school system are exempted from this requirement.

Workers placed in a school under a public assistance employment program shall also submit to the criminal check if such individuals will have direct contact with students.

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

Student teachers placed in District schools as part of completing preparation requirements for the issuance of an educator certificate, effective July 1, 2010, shall also be required to undergo the same criminal background checks already required for school employees.

Criminal Justice Information

Criminal Justice Information (CJI) is to be maintained in accordance with the administrative regulation pertaining to the use and disclosure of criminal justice information.
(cf. 4112.51/4212.51 - Employment/Reference Checks)

Legal Reference: Connecticut General Statutes

10-221d Criminal history records checks of school personnel. Fingerprinting. Termination or dismissed. (as amended by PA 01-173, PA 04-181 and June 19 Special Session, PA 09-1, PA 11-93 and PA 16-67)

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

HAMPTON BOARD OF EDUCATION

PA 16-67 An Act Concerning the Disclosure of Certain Education Personnel Records

Criminal Justice Information Services (CJIS) Security Policy, Version 5.4, U.S. Department of Justice, Federal Bureau of Investigation, Criminal Justice Information Services Division, October 6, 2015.

Presented: 07/26/17

Approved: 08/23/17

HAMPTON BOARD OF EDUCATION
4112.51/4212.51

PERSONNEL -- CERTIFIED/NON-CERTIFIED

REFERENCE CHECKS

The Board of Education believes that it is critical that references on applicants be checked prior to an offer of employment. The administration, therefore, is directed to make a documented good faith effort to contact an applicant's former employer(s) for recommendations and information about the person's fitness for employment prior to an offer of employment. References should be checked with prior employers listed on the application even if those references are not specifically listed on the "references" section of the employment application.

The Superintendent of Schools or his/her designee is directed to develop guidelines pertaining to the checking of applicant references.
(cf 5125 - Student Records)

Legal References: Connecticut General Statutes

1-200 through 1-241 of the Freedom of Information Act.

1-193 through 5-269 -State Personnel Act

1Q-1 51c Records of teacher performance and evaluation not public records. 1Q-22 1d Criminal history records checks of school personnel. Fingerprinting. Termination or dismissal.

Federal Family Educational Rights and Privacy Act of 1974 (section 438 of the General Education Provisions Act, as amended, added by section 513 of P.L.

93 568, codified at 20 U.S.C. 1232g.).

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

Tentative Approval: 07/24/2013

Final Approval: 08/28/2013

HAMPTON BOARD OF EDUCATION
4112.6/4212 .6

PERSONNEL - CERTIFIED AND NON-CERTIFIED

PERSONNEL RECORDS

Personnel records shall be maintained securely and confidentially in the central office for all current employees and shall include information customarily kept in personnel files. Files also shall be maintained for past employees, including years of employment, salaries, and such other basic and essential information as the Superintendent of Schools shall require.

There shall be only one personnel file for each employee, and Principals shall not maintain employee files separate from the official employee file in the Central Office.

Requests for access to personnel files, except from an employee to see his or her own file, shall be referred to the Superintendent who shall determine whether disclosure of such records would legally constitute invasion of employee privacy. If the Superintendent believes disclosure is not an invasion of privacy, requested information shall be disclosed, but professional courtesy suggests the employee should be notified of such disclosure.

If the Superintendent determines disclosure would invade employee privacy, the employee/s and collective bargaining representatives if any, shall be notified in writing of the request. If the Superintendent does not receive a written objection, from the employee or bargaining representative, within seven business days from receipt of their notification, or if there is no evidence of receipt not later than nine business days from the date the notice was mailed, sent, posted, or otherwise given, requested records shall be disclosed. However, if an objection is received in a timely manner on the form prescribed, the Superintendent shall not disclose requested information unless directed to do so by the Freedom of Information Commission. Notwithstanding an objection filed by an employee's bargaining representative, the employee may subsequently approve disclosure of records by filing a written notice with the Superintendent.

Employee or bargaining representative objections to disclosure of records shall be made in writing on a form developed by the Superintendent including a signed statement by the employee or bargaining representative, under penalties of false statement, that to the best of respondent's knowledge, information, and belief, there is good grounds to support the objection and that the objection is not interposed for delay.

The records may be disclosed when the Superintendent does not believe such disclosure would legally constitute an invasion of privacy. The records, in such a situation, shall first be disclosed to the requestor, followed within a reasonable time after disclosure, with the sending of a written or electronic copy or brief description of such request to the employee and any applicable collective bargaining representative. Disclosure shall only be considered an invasion of privacy where (1) such records do not pertain to a legitimate matter of public interest and (2) disclosure of such records would be highly offensive to a reasonable person.

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

HAMPTON BOARD OF EDUCATION

Notwithstanding earlier provisions of this policy, personnel evaluations of certified employees, except the Superintendent, are not public records subject to disclosure - unless the employee consents in writing to the release of such records.

Each employee's own file shall be available for his or her inspection at reasonable times, and, upon request, employees will be provided a copy of information contained in his or her file.

In accordance with federal law, (ESSA), the District shall notify parents at the beginning of each school year of their right to request information regarding the professional qualifications and degrees of teachers and the qualifications of paraprofessionals for any teacher or paraprofessional who is employed by a school receiving Title I funds and who provides instruction to their child at that school. The District will provide such information on request in a timely manner. The District shall also provide notification to the parent/guardian of a child who has been assigned or has been taught for four or more consecutive weeks by a teacher not meeting applicable state certification at the grade level and subject area in which the teacher has been assigned.

Files containing medical information regarding an employee will be kept separate from other personnel files.

Legal Reference: Connecticut General Statutes

[1-213](#) Agency administration. Disclosure of personnel, birth and tax records.

[1-214](#) Objection to disclosure of personnel or medical files (as amended by PA 18-93)

[1-215](#) Record of arrest as public record.

[1-206](#) 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. (as amended by PA 02-138 and PA 13-122)

Perkins v. Freedom of Information Commission, 228 Conn. 158 (1993)

The Americans with Disabilities Act

Section 1112(c)(6) The Every Student Succeeds Act (ESSA)

Section 1112(e)(1)(B) The Every Student Succeeds Act (ESSA)

Tentative Approval: 07/24/19

Final Approval: 08/28/19

HAMPTON BOARD OF EDUCATION
4112.61/4212.61

PERSONNEL — CERTIFIED/NON-CERTIFIED

USE AND DISCLOSURE OF EMPLOYEE MEDICAL HEALTH INFORMATION (HIPAA)

Other than health information contained in employment records held by the District in its role as employer, all information in the District's possession which is related to employee past, present and future health conditions and that identifies the individual employee or could reasonably be utilized to identify the employee, will be protected under the terms of the Health Insurance Portability and Accountability Act of 1996 (HIPAA).

To the extent the District possesses personally identifiable health information regarding employees, aside from health information contained in employment records held by the District in its role as employer, the Superintendent or his/her designee shall act as the Privacy Officer to oversee the administration of privacy of such records. The Superintendent or his/her designee shall provide all employees with the following information regarding such records:

1. The use and disclosure of personally identifiable health information;
2. Each employee's rights to privacy with respect to his/her personally identifiable health information;
3. Duties under HIPAA with respect to employee's personally identifiable health information;
4. Each employee's rights to file a complaint with the District, Health Benefit Plan, and/or the Secretary of the United States Department of Health and Human Services; and
5. The person or office that an employee can contact for further information about privacy practices.

In addition, the District shall notify the administrator of each of the District's health benefit plans of the requirement under HIPAA that it take reasonable steps to maintain the privacy of each employee's personally identifiable health information and to inform each employee about the information set forth above in items 1 through 5. Further, the District shall notify the administrator of the health benefit plan of the requirement under HIPAA that it provide reasonable notice to all employees of whom the benefit plan designates as the Privacy Officer to oversee the administration of privacy of the benefit plan and to receive complaints.

(cf. 4112.6/4212.6 - Personnel Records)

Legal Reference: 42 U.S.C. 1320d-1320d-8, P.L. 104-191, Health Insurance Portability and
Accountability Act of 1996 (HIPAA)
65 Fed. Reg. 50312-50372
65 Fed. Reg. 92462-82829
63 Fed. Reg. 43242-43280
67 Fed. Reg. 53182-53273

Tentative Approval: 01/22/2014

Final Approval: 02/26/2014

HAMPTON BOARD OF EDUCATION
4114

PERSONNEL — CERTIFIED

ASSIGNMENT AND TRANSFER

The assignment and transfer of all certified staff personnel shall be the responsibility of the Superintendent of Schools or designee consistent with any existing provisions in negotiated agreements.

Requests for transfer within the school system may be made at any time and must be in writing. Transfers are subject to availability of position, vacancies, and qualifications of employee.

Transfers will be made in the best interests of the school system, subject to provisions of applicable employee organization agreements and Hampton Board of Education policies.

Not later than the regular October meeting of the Board of Education the Superintendent shall provide Board members a staff listing of regular assignments and/or changes in staff assignment.
(cf. [4112.1/4212.1](#) Provisions of Negotiated Agreement)

Tentative Approval: 07/22/2015

Final Approved: 08/26/2015

HAMPTON BOARD OF EDUCATION

4112.8 / 4212.8

PERSONNEL -CERTIFIED AND NON-CERTIFIED

NEPOTISM: EMPLOYMENT OF RELATIVES

It is the policy of the Board of Education that individuals shall not be appointed to any full-time, part-time or temporary position which would create a supervisor/employee relationship within any one department between two individuals who are related by blood, marriage, civil union or law.

As used in this policy, the word "Department" shall mean and include those levels of organization under the Superintendent's office into which the various structural areas of operation of the school district are divided.

In the event of marriage or civil union between employees of the District, creating a relationship which violates this policy, one of the persons affected must transfer to a location compatible with policy provisions, or in cases of refusal to transfer, be terminated from that location by the end of the school/fiscal year or within six months from the date the relationship was established, whichever is the greater period.

The degrees of relationship included in the above restrictions are as follows:

By Blood: Parent, child, grandparent, grandchild, brother, sister, uncle, aunt, nephew, niece, first cousin.

By Marriage: Husband, wife, stepparent, stepchild, father-in-law, mother-in-law, sister-in-law, brother-in-law, daughter-in-law, son-in-law, half-sister, half-brother, uncle, aunt, nephew, niece.

By Law: Guardianship relationships, adoptive parent/child relationships, partner in a civil union.

In the appointment and selection of new employees, the District shall adhere to this policy. All current supervisor/employee relationships established prior to the adoption of this policy will not be affected by this policy so long as they remain in present assignments.

(cf. 9270 -Conflict of interest)

Legal Reference: Connecticut General Statutes

7-479 Conflicts of Interest

46b-38nn Equality of benefits, protections and responsibilities (civil unions) 46b-38oo applicability of statutes to civil unions and parties to a civil union.

Tentative Approval: 09/28/2011

Final Approval: 10/26/2011

HAMPTON BOARD OF EDUCATION
4115

PERSONNEL - CERTIFIED

SUPERVISION AND 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, teacher evaluation shall be accomplished using a teacher evaluation plan which demonstrates a clear link between teacher evaluation, professional development and improved student learning.

Appraisal of teaching performance should serve three purposes:

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

Evaluation of teacher performance must be a cooperative, continuing process designed to improve student learning and the quality of instruction. The Superintendent shall 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 State Department of Education and other such guidelines as may be mutually agreed upon, 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. Further, claims of failure to follow such guidelines shall be subject to the grievance procedure in the collective bargaining agreements negotiated subsequent to July 1, 2004.

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.

(cf. 2400 – Evaluation of Administrators and Administration)

(cf. 4131 – Staff Development)

Legal Reference: Connecticut General Statutes

10-145b Teaching certificates

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

10-151b Evaluation by superintendent of certain educational personnel. (amended by PA 04-137, An Act Concerning Teachers' Evaluations)

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

HAMPTON BOARD OF EDUCATION

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

Tentative Approval: 10/05/2005

Final Approval: 11/05/2005

HAMPTON BOARD OF EDUCATION
4117.3

PERSONNEL — CERTIFIED

PERSONNEL REDUCTION IN FORCE (RIF)

Introduction

The Board of Education may reduce the number of certified personnel employed, because of reduced enrollment within the district, lack of funds, elimination or reduction of a special program, or for other reasons.

When a reduction in force (RIF) plan is not included in negotiated agreements with certified personnel, this policy for selecting staff members to be released, with consideration of seniority, needs of the schools and quality and effectiveness of the individuals, will govern reductions in force.

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 thirty (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 initial certification.
3. Non-tenured teachers holding provisional certification.
4. Non-tenured teachers holding professional certification.
5. Tenured teachers holding provisional certification.
6. Tenured teachers holding professional 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.

HAMPTON BOARD OF EDUCATION

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

[10-151](#) Employment of teachers. Notice and hearing on termination of contract.

Tentative Approval: 07/25/2015

Final Approval: 08/26/2015

HAMPTON BOARD OF EDUCATION
4117.4

PERSONNEL — CERTIFIED

NON-RENEWAL/SUSPENSION

Non-Renewal

Prior to obtaining tenure, a certified employee's contract may be non-renewed provided that the employee is notified in writing prior to May 1st by the Superintendent. A teacher so notified may request not later than three calendar days after such teacher receives such notice of non-renewal, a written statement of the reasons for non-renewal of the contract, and the district will furnish such a statement not later than four (4) calendar days of the receipt of the request. The teacher may also file with the Board of Education not later than (10) calendar days of receipt of the notice of non-renewal for a hearing before the Board or, if indicated in such request designated by the Board, before a single impartial hearing officer chosen by the teacher and the Superintendent. The hearing shall commence not later than fifteen calendar days after receipt of such request unless an extension, not to exceed fifteen calendar days, is mutually agreed upon.

A teacher who has not attained tenure shall not be entitled to a hearing concerning non-renewal if the reason for such non-renewal is either elimination of position or loss of position to another teacher. The Board shall rescind a non-renewal decision only if the Board finds such decision to be arbitrary and capricious.

Suspension

A certified employee may be suspended by the Board of Education for an alleged or actual violation of any of the reasons for termination in C.G.S. 10-151(c) or 10-151(d) when insufficient cause for dismissal is considered to exist, or may be suspended pending Board or legal action for dismissal of the employee on charges of violation of one or more of said causes for termination. The Superintendent may suspend an employee pending Board action when, in the opinion of the Superintendent, continuation of the employee in the position presents a clear danger to the students, staff, property or reputation of the district, or to the employee.

Legal Reference: Connecticut General Statutes

10-151(b) Employment of teachers. Definitions. Tenure, etc. (as amended by P.A. 12-116, An Act Concerning Educational Reform)

10-151(c) Employment of teachers. (as amended by P.A. 11-136, An Act Concerning Minor Revisions to the Education Statutes.)

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

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

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

Tentative Approval: 07/24/2013

Final Approval: 08/28/2013

Reviewed: 08/28/2019

**HAMPTON BOARD OF EDUCATION
4117.5**

PERSONNEL — CERTIFIED

TERMINATION OF EMPLOYMENT

The Board of Education is greatly concerned about former employees of school districts who have resigned their positions pursuant to settlement agreements after having been served with disciplinary charges or told they would be subjected to disciplinary action. Such termination or settlement agreements often prohibit the disclosure of their terms to prospective employers, thus preventing prospective employers from becoming fully apprised of the reason(s) the individuals left their former positions and taking appropriate action.

No school personnel or Board member, with the exception of the Superintendent of Schools and/or his or her designee, will make any statement concerning the reason(s) that an individual has left employment with the district. The Superintendent and his or her designee will seek legal counsel concerning the nature of statements which are permissible in the particular case.

The district will also report any serious misconduct to the appropriate authorities, including, but not limited to, the State Department of Education and local authorities.

Tentative Approval: 09/28/2011
Final Approval: 10/26/2011
Reviewed: 08/28/2019

**HAMPTON BOARD OF EDUCATION
4118.11/4218.11**

PERSONNEL — CERTIFIED AND NON-CERTIFIED

NONDISCRIMINATION

In compliance with regulations of Title VII of the Civil Rights Act 1964, Title IX of the Education Amendments of 1972 and Section 504 of the Rehabilitation Act of 1973, the Civil Rights Act of 1987 and the American With Disabilities Act, the Hampton Board of Education adopts the following Equal Employment Opportunity and Equal Education Opportunity Policies.

Equal Employment Opportunity

Both federal and state law prohibits discriminatory practices in hiring and employment. The Board of Education prohibits discriminatory acts in all district matters dealing with employees and applicants for positions and requires equal employment opportunities for all employees and applicants. As an equal opportunity employer, the Hampton Board of Education does not discriminate on the basis of race, color, religious creed, age, marital status, national origin, ancestry, sex, sexual orientation, genetic information, gender identity or expression, disability, (including pregnancy), status as a Veteran, or any classification protected by state or federal law, regarding any individual who can perform the essential functions of the job with or without reasonable accommodations physical disability (including blindness) or other disability (except in the case of a bona fide occupational qualification or need.)

Equal Education Opportunity

Pursuant to the IDEA, Americans With Disabilities Act (ADA) and Section 504 of the Rehabilitation Act of 1973, no otherwise qualified individual with handicaps shall, solely by reason of such handicap, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program of the Hampton Board of Education.

Every student has the right to participate fully in classroom instruction and extracurricular activities and shall not be abridged or impaired because of age, sex, sexual orientation, gender identity or expression, race, religion, color, national origin, disability (including pregnancy), parenthood, marital status, or for any reason not related to his/her individual capabilities.

The Civil Rights Coordinators for the Hampton Board of Education have the responsibility to monitor the compliance of this policy. The names and location of the Civil Rights Coordinators are set forth below. Further compliance with policy is a responsibility of all district administrators in accordance with the procedures set forth in the attached regulations.

Students shall not be discriminated against, including but not limited to, in the areas of:

- Admission
- Use of School Facilities
- Vocational Education
- Competitive Athletics
- Student Rules, Regulations and Benefits

HAMPTON BOARD OF EDUCATION

- Financial Assistance
- School-sponsored Extracurricular Activities
- Enrollment in Courses
- Counseling and Guidance
- Physical Education
- Graduation Requirements
- Treatment as a Married and/or Pregnant Student
- Health Services
- Most Other Aid, Benefits or Services

Employee/or applicants shall not be discriminated against, including but not limited to, the areas of:

- Hiring and Promotion
- Compensation
- Job Assignments
- Leaves of Absence
- Fringe Benefits
- Labor Organization
- Contracts or Professional Agreements

Sexual harassment has been established as a form of sexual discrimination and is defined as follows:

"Any unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature, when (1) submission to such conduct is made either explicitly or implicitly a term or condition of employment or participation in an educational function (2) submission or rejection of such conduct by an individual is used as the basis for employment or educational decisions affecting the individual or (3) such conduct has the purpose or effect of unreasonably interfering with an individual's work or educational performance or creating an intimidating, hostile or offensive working environment."

Examples of specific behaviors (that are unwanted and sexual in nature) that could constitute sexual harassment include, but not be limited to:

Inappropriate Touching	Sexually explicit comments
Sexual name calling	Sexual rumors
Inappropriate public display of affections	Overly personal a conversation
Gestures	Corner/blocking
Sexually explicit jokes/cartoons/pictures	Leers
Pulling at clothes	Attempted rape/rape
Harassing telephone calls	

HAMPTON BOARD OF EDUCATION

If an employee believes that he or she has been discriminated against in regard to either of the preceding policies, a grievance may be filed charging that the employee's personal rights have been denied or violated.

Employees wishing to discuss these regulations or rights under this policy, the need for a reasonable accommodation, or wish to discuss or file a grievance, should contact the District's Civil Rights Coordinators or an administrator.

Forms are available in our Guidance Office or from our Civil Rights Coordinators. Contact with the Civil Rights Coordinators should take place within forty (40) calendar days of the alleged occurrence.

Discrimination Grievance Procedure

The purpose of this procedure is to secure, at the lowest possible administrative level, equitable solutions to problems which may arise concerning claims of discrimination. Evidence of reprisal against a complainant or witness shall be viewed as a violation of this policy.

Any person who wishes to inquire or to register a complaint concerning alleged discrimination in the Hampton Public Schools shall have an opportunity to bring such concerns to the attention of the Civil Rights Officers or Superintendent, who has the authority to resolve such complaints. The following grievance procedure shall be utilized by any student, parent or employee in making a complaint or inquiry. Officials shall be governed by this procedure.

Level I: The complainant shall discuss the alleged discriminatory act or practice with the Civil Rights Officers or the individual closest to the daily decision-making level. This will normally be a Principal, teacher, counselor, Department Chairperson, Head Custodian, or Cafeteria Manager. If satisfaction cannot be achieved through informal discussion, the following procedure must be initiated.

Level II: The complainant shall, within forty (40) calendar days of the alleged incident, on forms provided, put the complaint in writing and file it with either of the Civil Rights Officers. Within five (5) working days a conference must be held. Within five (5) working days following the conference, the complaint must be resolved to the satisfaction of both parties or referred to the Superintendent of Schools. Within five (5) working days, the Civil Rights Officer shall notify the Superintendent and must notify the complainant of this notification. The Board will be apprised by the Superintendent of any grievance reaching Level II.

Level III: Within ten (10) working days after receipt of such complaint, the Superintendent must hold a hearing; and within five (5) working days of the hearing, resolve the complaint, negotiate a long-term solution or refer the matter to the Board of Education for consideration.

Level IV: The Board of Education, Superintendent and the Civil Rights Officers shall proceed in accordance with appropriate laws or regulations.

Legal Reference: Connecticut General Statutes

[10-153](#) Discrimination on account of marital status.

[46a-51](#) Definitions

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

HAMPTON BOARD OF EDUCATION

[46a](#)-60 Discriminatory employment practices prohibited.

P.A. 11-55 An Act Concerning Discrimination

Federal Law

Title VII of the Civil Rights Act 1964

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

American Disability Act of 1989, as amended by the ADA Amendments Act of 2008

Chalk v. The United States District Court of Central California.

Title IX of the Education Amendments of 1972.

Civil Rights Act of 1987.

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

Title II of the Genetic Information Nondiscrimination Act of 2008

Presented: 07/24/19

Approved: 08/28/19

HAMPTON BOARD OF EDUCATION

4118.112/4218.112

PERSONNEL — CERTIFIED AND NON-CERTIFIED

SEXUAL HARASSMENT

The Board of Education is committed to safeguarding the right of all employees within the school district to a work environment that is free from all forms of sexual harassment. Therefore, the Board condemns all unwelcome behavior of a sexual nature which is either designed to extort sexual favors from an employee as a term or condition of employment, or which has the purpose or effect of creating an intimidating, hostile, or offensive working environment. The Board also strongly opposes any retaliatory behavior against complainants or any witnesses.

Any employee who believes that he or she has been subjected to sexual harassment should report the alleged misconduct immediately so that appropriate corrective action may be taken at once. In the absence of a victim's complaint, the Board, upon learning of, or having reason to suspect, the occurrence of any sexual misconduct, will ensure that an investigation is promptly commenced by appropriate individuals.

The Superintendent of Schools is directed to develop and implement specific procedures on reporting, investigating and remedying allegations of sexual harassment.

A copy of this policy and its accompanying regulation are to be distributed to all supervisory and non-supervisory personnel and posted in appropriate places.

Legal References: Civil Rights Act of 1964, Title VII, 42 U.S.C. S2000-e2(a)

Equal Employment Opportunity Commission Policy Guidance (N-915.035) on Current Issues of Sexual Harassment, Effective 10/15/88

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

29 CFR Para. 1604.11 (EEOC)

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)

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

Connecticut General Statutes

46a-60 Discriminatory employment practices prohibited.

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Tentative Approval: 10/05/2005

Final Approval: 11/02/2005

Reapproved 08/28//2013

HAMPTON BOARD OF EDUCATION
4118.13/4218.13

PERSONNEL — CERTIFIED AND NON-CERTIFIED

CONFLICT OF INTEREST

The Board of Education wishes to avoid any conflict of interest on the part of its employees regarding their personal interests and the interests of the school district in dealing with suppliers, contractors and all organizations or individuals doing or seeking to do business with the school district. For this reason, the Board of Education prohibits employees from directly or indirectly soliciting any gift; or accepting or receiving any gift having a value of twenty-five dollars (\$25) or more, whether in the form of money, services, loan, travel, entertainment, hospitality, thing or promise, or any other form, under circumstances in which it could be reasonably inferred that the gift was intended to influence the Board member or employee in the performance of his/her official duties or was intended as a reward for any official action on his/her part.

Legal Reference: Connecticut General Statutes
7-479 Conflicts of interest.

Tentative Approval: 10/05/2005
Final Approval: 11/02/2005
Presented: 07/24/2013
Reapproved: 08/28/2013

HAMPTON BOARD OF EDUCATION

4118.21

PERSONNEL — CERTIFIED

ACADEMIC FREEDOM

Teachers shall be free to discuss controversial ideas and to select and employ materials and methods of instruction. Such freedoms should be used judiciously and prudently to promote the free exercise of intelligence and learning.

However, academic freedom is not an absolute; it must be exercised within the law and the basic ethical responsibilities of the teaching profession. Those responsibilities include:

1. Understanding of our democratic tradition and its methods;
2. Concern for the welfare, growth, maturity, and development of children;
3. Appropriate presentation of appropriate material for children's intellectual and emotional development;
4. Good taste and judgment in selecting and employing materials and methods of instruction.

(cf. 4112.1/4212.1 Provisions of Negotiated Agreements)

(cf. 1220 Citizens' Advisory Committees)

(cf. 1312 Public Complaints)

(cf. 5145.2 Freedom of Speech/Expression)

(cf. 6144 Controversial Issues)

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

Legal Reference: Amendment to U.S. Constitution Article I

Connecticut Constitution, ARTICLE FIRST

Academic Freedom Policy (adopted by Connecticut State Board of Education, 9/9/81)

Tentative Approval: 10/23/2013

Final Approval: 11/20/2013

HAMPTON BOARD OF EDUCATION
4118.23/4218.23

PERSONNEL -- CERTIFIED/NON-CERTIFIED

CONDUCT

The Board of Education recognizes that school children are often influenced by the conduct displayed by teachers and other members of a school's staff. The Board expects that staff will strive to set the kind of example for students that will serve them well in their own conduct and behavior and contribute toward an appropriate school atmosphere.

Employees are expected to report for work appropriately dressed, on time and fully prepared to perform their duties. They are expected to perform their duties in a timely and efficient manner, and to refrain from inappropriate conduct. Every employee is expected to deal effectively with students, parents and other staff members, both superior and subordinate.

The personal life of an employee will be the concern and warrant the attention of the Board only as it may directly affect the employee's fitness to perform the job, his/her fitness to be placed in a position of trust with children, the property of the district, or constitute a conflict of interest.

Disciplinary action, when necessary, will be applied in accord with laws, policies, and collective bargaining agreements.

Tentative Approval: 01/22/2014

Final Approval: 02/26/2014

HAMPTON BOARD OF EDUCATION
4118.231/4218.231

PERSONNEL — CERTIFIED AND NON-CERTIFIED

SMOKING, DRINKING, AND USE OF DRUGS ON SCHOOL PREMISE

Introduction

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

Alcohol and Drugs

The Hampton Board of Education recognizes the importance of maintaining a drug-free environment for its staff and students. In compliance with federal and state requirements, employees are prohibited from the unlawful manufacture, distribution, dispensing, possession or use on or in the workplace any alcohol, narcotic drug, hallucinogenic drug, amphetamine, barbiturate, marijuana or any other controlled substance. Controlled drugs are further defined in Schedules I through V of Section 202 of the Controlled Substances Act (21 U.S.C. 812) and as further defined by regulation at 21 C.F.R. 1300.11 through 1300.15.

The "workplace" is defined to mean the site for the performance of work done. That includes any school building or any school premises; any school-owned vehicle or any other school-approved vehicle used to transport students to and from school or school activities; off school property during any school-sponsored or school-approved activity, event or function, such as a field trip or athletic event, where students are under the jurisdiction of the school district.

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

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

An employee who violates the terms of this policy may be required to complete successfully an appropriate rehabilitation program, or may not be renewed, or his/her employment may be suspended or terminated, at the discretion of the Board.

Tobacco

There shall be no smoking or other use of tobacco products on school property during regular school hours, on transportation provided by the Board of Education, or during the course of any trip sponsored by the Board or under the supervision of the Board or its authorized agents.

Promulgation of Rules

A copy of this policy, and the consequences of violating the policy, shall be distributed to all employees of the Board of Education. Failure to comply with the policy may result in disciplinary action as detailed by the administration.

HAMPTON BOARD OF EDUCATION

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

Drug-Free Schools and Community Act, P.L. 99-570, as amended by P.L. 101-226 (1991)

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

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

54 Fed. Reg. 4946 (1989)

Connecticut General Statutes

19a-342 Smoking prohibited in certain places

Tentative Approval: 08/22/2012

Final Approval: 09/26/2012

HAMPTON BOARD OF EDUCATION
4118.232/4218.232

PERSONNEL – CERTIFIED/NON-CERTIFIED

ALCOHOL, DRUGS AND TOBACCO

DRUG AND ALCOHOL-FREE WORKPLACE

All District workplaces are drug- and alcohol-free workplaces. All employees shall be prohibited from:

1. unlawful manufacture, dispensing, distribution, possession, use, or being under the influence of a controlled substance while on District premises or while performing work for the District.
2. distribution, consumption, use, possession, or being under the influence of alcohol while on District premises or while performing work for the District.

For purposes of this policy a controlled substance is one that is:

1. not legally obtainable;
2. being used in a manner different than prescribed;
3. legally obtainable, but has not been legally obtained; or
4. referenced in Federal or State controlled substance acts.

As a condition of employment, each employee shall:

1. abide by the terms of the District policy respecting a drug- and alcohol-free workplace; and
2. notify his or her supervisor of his or her conviction under any criminal drug statute for a violation occurring on the District premises or while performing work for the District, no later than 5 calendar days after such a conviction.

In order to make employees aware of dangers of drug and alcohol abuse, the District will:

1. provide each employee with a copy of the District Drug- and Alcohol-Free Workplace policy;
2. post notice of the District Drug- and Alcohol-Free Workplace policy in a place where other information for employees is posted;
3. make available materials from local, state, and national anti-drug and alcohol-abuse organizations;
4. enlist the aid of community and state agencies with drug and alcohol informational and rehabilitation programs to provide information to District employees;
5. establish a drug-free awareness program to inform employees about:
 - a. the dangers of drug abuse in the workplace,
 - b. available drug and alcohol counseling, rehabilitation, re-entry, and any employee assistance programs, and
 - c. the penalties that the District may impose upon employees for violations of this policy.

District Action Upon Violation of Policy

An employee who violates this policy may be subject to disciplinary action, including termination. Alternatively, the Board may require an employee to successfully complete an appropriate drug- or alcohol-abuse, employee-assistance rehabilitation program.

HAMPTON BOARD OF EDUCATION

The Board of Education shall take disciplinary action with respect to an employee convicted of a drug offense in the workplace within 30 days after receiving notice of the conviction.

Should District employees be engaged in the performance of work under a federal contract or grant, or under a State contract or grant of \$5,000 or more, the Superintendent shall notify the appropriate State or Federal agency from which the District receives contract or grant monies of the employee's conviction within 10 days after receiving notice of the conviction.

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

Tentative Approval: 02/23/2011

Final Approval: 03/31/2011

HAMPTON BOARD OF EDUCATION
4118.233/4218.233

PERSONNEL — CERTIFIED AND NON-CERTIFIED

WEAPONS AND DANGEROUS INSTRUMENTS

All dangerous instruments and illegal weapons (guns, knives, etc.) are prohibited on school property, student transportation and at school-sponsored activities. Such instruments and weapons shall be confiscated. Any violation will be reported to the police. Appropriate disciplinary or legal action shall be pursued by school officials.

(cf. 5114 Suspension/Expulsion/Exclusion/Removal)
(cf. 5131.7 Weapons and Dangerous Instruments)

Legal Reference: Connecticut General Statutes
10-221 Board of Education to prescribe rules.

Tentative Approval: 10/23/2013
Final Approval: 11/20/2013
Reviewed: 08/28/2019

HAMPTON BOARD OF EDUCATION
4118.234/5141.231

PERSONNEL — CERTIFIED/STUDENTS

PSYCHOTROPIC DRUG USE

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

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

Communications between and among school health, mental health personnel and other school personnel pertaining to a child in possible need of a recommendation for a medical evaluation shall be accomplished through the District's established child study teams and/or the planning and placement team and its procedures, in conformity with state and federal special education statutes.

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

The Superintendent of Schools or his/her designee shall promulgate this policy to district staff and parents/guardians of students annually and upon the registration of new students.

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

Legal Reference: Connecticut General Statutes

10-212b Policies prohibiting the recommendation of psychotropic drugs by school personnel. (as amended by PA 03-211)

46b-120. Definitions

10-76a Definitions. (as amended by PA 00-48)

10-76b State supervision of special education programs and services.

10-76d Duties and powers of boards of education to provide special education programs and services. (as amended by PA 97-114 and PA 00-48)

10-76h Special education hearing and review procedure. Mediation of disputes. (as amended by PA 00-48)

State Board of Education Regulations.

34 C.F.R. 3000 Assistance to States for Education for Handicapped Children.

American with Disabilities Act, 42 U.S.C. §12101 et seq.

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

Rehabilitation Act of 1973, Section 504, 29 U.S.C. § 794.

Policy Presented: 04/27/16

Policy Approved: 06/22/16

HAMPTON BOARD OF EDUCATION
4118.24/4218.24

PERSONNEL – CERTIFIED AND NON-CERTIFIED

STAFF/STUDENT NON-FRATERNIZATION

The relationship between the teacher and the student should be one of cooperation, understanding and mutual respect. The teacher has the responsibility to provide an atmosphere conducive to learning and to motivate each student to perform to his/her capacity.

Staff members are expected to regard each student as an individual and to accord each the rights and respect due to any individual. Neither insults, disparaging names, nor sarcasm shall be used as a way of forcing compliance with a staff member's requirements of expectations.

The Board believes that students and staff members should interact with each other in a warm, open, and positive fashion. However, there must be maintained a certain distance in order to preserve the businesslike atmosphere that is necessary to achieve the educational mission of the school. In recognition of the fact that sexual harassment, whether verbal or physical, may create a psychological harmful atmosphere, inhibit performance, undermine the integrity of the staff-student relationship and constitute a form of illegal sex discrimination, the Board prohibits all forms of sexual remarks or conduct between staff and students of the District.

(cf. 4118.112/4218.112 – Sexual Harassment)

(cf. 4118.23/4218.23 – Conduct)

(cf. 5141.4 – Child Abuse/Neglect)

Legal Reference: Connecticut General Statutes

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

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

Tentative Approval: 11/02/2005

Final Approval: 12/07/2005

Reapproved: 08/26/2015

HAMPTON BOARD OF EDUCATION
4118.3/4218.3

PERSONNEL — CERTIFIED AND NON-CERTIFIED

DUTIES OF PERSONNEL

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

Job descriptions setting forth personnel duties and responsibilities shall include at least 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.

Job descriptions shall determine the job classification of employees on salary schedules. In each instance employees 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.

Tentative Approval: 10/23/2013
Final Approval: 11/20/2013
Reviewed: 08/28/2019

**HAMPTON BOARD OF EDUCATION
4118.4/4218.4**

PERSONNEL — CERTIFIED AND NON-CERTIFIED

RIGHTS, RESPONSIBILITIES AND DUTIES

ELECTRONIC MAIL

Electronic mail is an electronic message that is transmitted between two or more computers or electronic terminals, whether or not the message is converted to hard copy format after receipt and whether or not the message is viewed upon transmission or stored for later retrieval. Electronic mail includes all electronic messages that are transmitted through a local, regional, or global computer network.

All district electronic mail systems are owned by the district and are intended for the purpose of conducting official district business only. District electronic mail systems are not intended for personal use by employees of the district and employees should have no expectation of privacy when using the electronic mail systems.

Users of district E-mail systems are responsible for their appropriate use. All illegal and improper uses of the electronic mail system, including but not limited to pornography, obscenity, harassment, solicitation, gambling and violating copyright or intellectual property rights are prohibited. Use of the electronic mail system for which the district will incur an expense without expressed permission of an administrator is prohibited.

Electronic messages are not for private or confidential matters. Because there is no guarantee of privacy or confidentiality, other avenues of communication should be used for such matters. Except for directory information, student records will not be transmitted by electronic mail. Care should be taken when forwarding an electronic mail message. If the sender of an electronic mail message does not intend for the mail to be forwarded, the sender should clearly mark the message "Do Not Forward".

In order to keep district electronic mail systems secure, users may not leave the terminal "signed on" when unattended and may not leave their password available in an obvious place near the terminal or share their password with anyone except the electronic mail system administrator. The district reserves the right to bypass individual passwords at any time and to monitor the use of such systems by employees.

The district retains the right to review, store and disclose all information sent over the district electronic mail systems for any legally permissible reason, including but not limited to determining whether the information is a public record, whether it contains information discoverable in litigation and to access district information in the employee's absence.

Except as provided herein, district employees are prohibited from accessing another employee's electronic mail without the expressed consent of the employee. All district employees should be aware that electronic mail messages can be retrieved even if they have been deleted and that statements made in electronic mail communications can form the basis of various legal claims against the individual author or the district.

Electronic mail sent or received by the Board, the district or the district's employees may be considered a public record subject to public disclosure or inspection. All Board and district electronic mail communications may be monitored.

HAMPTON BOARD OF EDUCATION

District employees will be subject to disciplinary action for violation of this policy.

The Superintendent will ensure that all district employees have notice of this policy and that each district employee is given an acknowledge form to sign stating they have received and read the policy. The form will be maintained in the employee's personnel file.

Note: It is recommended that each employee acknowledge in writing, receiving and reading the policy. Notice is essential to defending a claim of invasion of privacy. The notice should be documented in the employee's personnel file.

(cf. 5125 - Student Records)

Legal Reference: Connecticut General Statute

The Freedom of Information Act.

31-48d - Employers engaged in electronic monitoring required to give prior notice to employees

Tentative Approval: 07/22/2015

Final Approval: 08/26/2015

**HAMPTON BOARD OF EDUCATION
4119**

PERSONNEL – CERTIFIED AND NON-CERTIFIED

STAFF CONDUCT

The Board reaffirms one of the oldest beliefs in education: One of the best methods of instruction is that of setting a good example.

The Board expects that the staff of the district will strive to set the kind of example for students that will serve them well in their own conduct and behavior which will contribute toward an appropriate school atmosphere.

To that end, in dress, conduct, language and interpersonal relationships all staff should recognize that they are being continuously observed by students while on duty or attending school functions and that their actions and demeanor will be reflected in the conduct of the students.

The personal life of an employee will not be the concern nor warrant the attention of the Board unless it directly prevents the employee from effectively performing assigned functions during duty hours, or as it violates local, state, or national law or contractual agreements.

All staff members have the responsibility to become familiar with, and abide by, the laws of the State of Connecticut as they may affect their work, the policies of the Board, and the administrative regulations designed to implement them. All staff members shall be expected to carry out their assigned duties, support and enforce Board policies and administrative regulations, submit required reports, protect District property, oversee students and contribute to the education and development of the District's students.

The Superintendent and building Principals shall assume the major responsibility for interpreting this policy.

Federal Compliance

All employees will be provided with an explanation of both their responsibilities and their rights under law in terms of the actions they may take to maintain order, discipline, and an appropriate educational environment. Training will be provided that defines approved actions, and informs employees that they may be liable for harm when they engage in criminal, grossly negligent or reckless conduct, or act with flagrant indifference to the rights and safety of another person who suffers harm as a result. The Superintendent will develop rules that prescribe the circumstances under which the District administration and/or parents/guardians are to be notified of actions taken, any written documentation of actions taken that is necessary, and other appropriate procedures including staff training.

Presented: 07/24/19

Approved: 08/28/19

HAMPTON BOARD OF EDUCATION
4120

PERSONNEL - CERTIFIED

TEMPORARY AND PART-TIME PERSONNEL

The Board of Education shall employ such persons as may be needed to conduct the business of the school district in accordance with Board policy and state statutes and regulations of the Commissioner of Education.

The Superintendent of Schools may hire temporary personnel in advance of official action by the Board if required to insure the continuity of the district's functions and program. The Superintendent shall report such actions to the Board at the first available opportunity at a Board meeting.

Legal Reference Connecticut General Statutes

[4-124w](#) Office of Workforce Competitiveness. Responsibilities.

[10-21c](#) Donation of teaching services by private sector specialists; neighborhood assistance.

[10a-163](#) Teacher incentive loan program for training in areas of teacher shortages, Eligibility requirements, Loan repayment and forgiveness provisions.

[12-631](#) Definitions.

Tentative Approval: 07/24/19

Final Approval: 08/28/19

HAMPTON BOARD OF EDUCATION
4121

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 Certificate of qualification for teachers.

Tentative Approval: 10/05/2005

Final Approval: 11/02/2005

HAMPTON BOARD OF EDUCATION
4122

PERSONNEL - CERTIFIED

STUDENT TEACHERS

The Superintendent of Schools shall cooperate with teacher preparatory institutions in placement of student teachers within the school system. In accepting and placing student teachers, the Superintendent shall consider local school needs including the best interests of students and the qualifications of available cooperating teachers.

The Superintendent shall report assignment of student teachers to the Board of Education in the fall and the spring of each school year.

Legal Reference: Connecticut General Statutes

10-220a In-service training. Professional development. Institutes for educators.

Cooperating and beginning teacher programs, regulations.

Tentative Approval: 10/05/2005

Final Approval: 11/02/2005

HAMPTON BOARD OF EDUCATION
4126

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 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 budgeted in planning specific projects or programs and will be charged to appropriate budget categories.

Tentative Approval: 01/22/2014

Final Approval: 02/26/2014

HAMPTON BOARD OF EDUCATION
4127

PERSONNEL - CERTIFIED

TEACHER IN CHARGE/ASSISTANT TEACHER IN CHARGE

The purpose of appointing a Teacher in Charge and an Assistant Teacher in Charge is to provide a designated staff member to be responsible for safety and management in the absence of Administration. The responsibilities of the Teacher in Charge/Assistant Teacher in Charge include but are not limited to:

1. Becoming active in special disciplinary problems that may occur.
2. Being responsible for the following of proper procedures in the event of an accident.
3. Ensuring that all daily routine school operations are maintained.

The Teacher in Charge will contact the Administration whenever possible in the event of an emergency or special disciplinary situation.

It is the responsibility of the Administration to appoint the Teacher in Charge/Assistant Teacher in Charge.

Tentative Approval: 07/24/2019

Final Approval: 08/28/2019

HAMPTON BOARD OF EDUCATION
4131

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) and the Connecticut Academic Performance Test (CAPT) in addition to other indices; and
- what teachers need to know and be able to do to improve instruction that advances student learning.

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

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

The members chosen by the Board to be on the Professional Development Committee shall serve at the pleasure of the Board.

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, including the use of computers in the classroom, classroom management, and second language acquisition 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.

The Superintendent shall provide the staff with opportunities in areas such as the following:

HAMPTON BOARD OF EDUCATION

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 full and up-to-date professional library for the certified staff made available for optimum reference use.
9. Professional educational conferences.

The Board will allow any paraprofessional or noncertified employee of the District to participate on a voluntary basis, in any in-service training program provided to certified staff on those topics mandated per C.G.S. 10-220a, subsection (a).

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. (as amended by PA 04-227, PA 08-160, June 19 Special Session, Public Act No. 09-1 and PA 10-91)
10-226f Coordinator of intergroup relations.
10-226g Intergroup relations training for teachers.
10-145b Teaching certificates
10-153b Selection of teachers' representatives

Tentative Approval: 09/28/2011

Final Approval: 10/26/2011

Connecticut General Statutes 10-220a - In-service Training**A. Required In-service Topics for Certified Personnel**

1. Nature and the relationships of drugs and alcohol to health and personality development and procedures for discouraging their abuse.
2. Health and mental health risk reduction education including, but not limited to the prevention of risk-taking behavior by children and the relationship of such behavior to substance abuse, pregnancy, sexually transmitted diseases, including HIV-infection and AIDS, violence, teen dating, domestic violence, child abuse and youth suicide.
3. Growth and development of exceptional children, including handicapped and gifted and talented children including, but not limited to, children with attention deficit hyperactivity disorder or learning disabilities who may require special education, and methods for identifying, planning and working effectively with special needs children in a regular classroom
4. School violence prevention and conflict resolution and the prevention of and response to youth suicide.
5. Identification and prevention of bullying and response to bullying, as defined in 10-222d, subsection (a) as amended
6. Cardiopulmonary resuscitation and other emergency life saving procedures.
7. Computer and other information technology as applied to student learning and classroom instruction, communications and data management.
8. Teaching of the language arts, reading and reading readiness and assessment of reading performance including methods of teaching language skills necessary for reading, comprehension skills, phonics and the structure of the English language for teachers in grades kindergarten to three, inclusive. (15 hours every 5 years)
9. Second language acquisition in districts required to provide a program of bilingual education pursuant to C.G.S. 10-17f.
10. Requirements and obligations of a mandated reporter regarding reporting of child abuse and neglect.
11. Elementary, middle, and high school teachers must include 15 hours of training in the use of computers in the classroom every five years. Teachers, regardless of grade level, who can demonstrate technology competency, in a manner determined by the Board of Education, based on statewide standards for teacher competency in the use of instructional technology, shall be exempted from this requirement.
12. 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 and genocide education and awareness.
- African-American history.
- Puerto-Rican history.
- Native American history.
- Personal Financial Management.
- The historical events surrounding the Great Famine in Ireland.
- Domestic Violence and Teen Dating Violence

HAMPTON BOARD OF EDUCATION
4132

PERSONNEL - CERTIFIED

PUBLICATION OR CREATION OF MATERIALS

Staff members are encouraged to contribute professional articles and news items to local, State and national agencies. As a matter of professional ethics, all professional articles should be cleared through the Office of the Superintendent of Schools in the event that the school system or any of its separate departments is mentioned.

The school system retains the right to legal claim on all products created by its employees on the job with the assistance of the school system funds.

(cf. 4132.1 – Copyrights and Patents)

Tentative Approval: 10/05/2005

Final Approval: 11/02/2005

Reviewed: 06/26/2019

HAMPTON BOARD OF EDUCATION

4132.1

PERSONNEL - CERTIFIED

COPYRIGHTS AND PATENTS

The Board of Education recognizes that staff members under contract to the school system may, in carrying out their professional responsibilities, develop patentable or copyrightable educational materials for use in the school program. It is understood by the Board of Education and the staff members that such materials developed as part of regular employment are equally the properties of the school system and the employees.

The school system retains the right to legal claim on all products created by its employees on the job with the assistance of the school system funds.

(cf. 4132 – Publication or Creation of Materials)

Tentative Approval: 10/05/2005

Final Approval: 11/02/2005

HAMPTON BOARD OF EDUCATION
4133 / 4233

PERSONNEL – CERTIFIED AND NON-CERTIFIED

TRAVEL REIMBURSEMENT

At a mileage rate established by the Internal Revenue Service, the Board of Education shall reimburse employees and officials of the district for approved use of private vehicles in the course of performing job related responsibilities.

Tentative Approval: 07/24/19

Final Approval: 08/28/19

HAMPTON BOARD OF EDUCATION
4134

PERSONNEL – CERTIFIED

TUTORING

In accordance with standard professional ethics, no teacher shall teach privately (tutor) students of any school where such teacher has classes. This shall not apply to teachers of homebound children employed by the Board of Education. The instruction of students in a teacher's class shall be part of his/her regular duty. These students shall be entitled to all the reasonable amount of time that is needed or can be given to them.

Legal Reference: Connecticut General Statutes

[53-392a - 53-392e](#) All related to academic crimes.

[53-392b](#) Preparation of assignments for students attending educational institutions prohibited

Tentative Approval: 06/26/2019

Final Approval: 07/24/2019

PERSONNEL – CERTIFIED AND NON-CERTIFIED

ORGANIZATIONS AND UNITS

Teacher Administrator Board of Education Relationships

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. Therefore, the Board of Education encourages participation of staff members in activities of their professional organizations and encourages organizations to exercise their rights and responsibilities 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 schools of the district requires mutual understanding and cooperation among the Board of Education, the Superintendent and administrative staff, the certified personnel, the non-certified personnel and other citizens of the community. Free and open exchange of views is desirable, proper and necessary.

Teachers and Teachers' Organization

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 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.

The District will not deduct "agency fees" from a non-member's wages, nor may a union otherwise collect "agency fees" from a non-member, without the non-member employee's affirmative consent.

HAMPTON BOARD OF EDUCATION

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

The Board of Education will annually review 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.

Filing of Education Administrative Personnel Contracts

The Board of Education will file, in accordance with the requirement of Section 157 of June Special Session, Public Act 17-2, a signed copy of any contract for administrative personnel with the Town Clerk who shall post a copy of such contract on the Town's website. (a regional board of education shall file a copy of such contract with town clerk in each member town, which town clerk shall post a copy of the contract on the Town's website.)

"A signed copy of any contract for administrative personnel" is interpreted as referring to (1) any collective bargaining agreement with administrators, and (2) any individual signed employment contracts for administrative personnel.

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.

June 2017 Special Session PA 17-2, Section 157

Janus v. AFSCME Council 31.585 U.S. _____ 138 S. Ct. 248 (June 27, 2018)

Tentative Approval: 06/26/2019

Final Approval: 07/24/2019

**HAMPTON BOARD OF EDUCATION
4135.2**

PERSONNEL - CERTIFIED

COMMUNICATION WITH BOARD OF EDUCATION

Communications between the Board of Education and the staff shall be carried out through the Superintendent of Schools. At times it may be beneficial and necessary for a direct conference to be arranged between these two groups amid areas of mutual concern. In such cases the following guidelines shall be followed:

1. Meetings between the Board of Committees of the Board and a staff committee will be arranged by the Superintendent.
2. Requests for meetings with the Board shall be made in writing to the Superintendent and should include agenda items. These requests shall be brought to the attention of the Board by the Superintendent.
3. Issuance of publicity releases and the substance of such releases resulting from such meetings shall be approved by both groups.
4. If it is deemed desirable to invite representatives from outside either group as observers or consultants, such invitations shall be issued with the advance knowledge of the group concerned and approval of the Board.

Tentative Approval: 10/05/2005

Final Approval: 11/02/2005

Reviewed: 08/28/2019

HAMPTON BOARD OF EDUCATION
4135.4 / 4235.4

PERSONNEL – CERTIFIED AND NON-CERTIFIED

STAFF COMPLAINTS AND CONCERNS

It is the Board's desire that procedures for the settling of differences provide for prompt and equitable resolution of disagreements at the lowest possible administrative level. If unresolved, each employee will be assured the opportunity for an orderly presentation at the next highest level and review of complaints and concerns without fear of reprisal. If requested, the Board of Education may choose to hear the complaint.

The machinery set up for the resolution of grievances in contracts negotiated with recognized employee units shall apply only to violations, misinterpretations, or misapplications of the terms of the agreement.

(cf. [4112.1/4212.1](#) Provisions of Negotiated Agreements)

Tentative Approval: 07/24/19

Final Approval: 08/28/19

**HAMPTON BOARD OF EDUCATION
4138**

PERSONNEL – CERTIFIED/PERSONNEL – NON CERTIFIED

NON-SCHOOL EMPLOYMENT

Personnel of the school 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.

Tentative Approval: 04/29/99
Final Approval: 05/18/99
Reviewed: 06/26/19

HAMPTON BOARD OF EDUCATION

4147 / 4247

PERSONNEL – CERTIFIED AND NON-CERTIFIED

EMPLOYEE SAFETY

General

Employees are entitled to work under safe conditions and shall be provided necessary training in safety techniques and precautions. The Superintendent of Schools and administrative staff shall maintain safe and healthy work places in each school and district facility with safe equipment and proper materials; safe methods and practices shall be developed and practiced by staff and students.

Use of Physical Force

Employees may use reasonable force as necessary to protect themselves from attack, to protect another person or property, to quiet a disturbance which threatens physical injury to others, or to obtain possession of weapons or other dangerous objects.

Physical Assaults on Teachers, Administrators, Other School Personnel and Students

Employees shall report, as soon as possible, assaults on them in connection with their employment to their Principal or other immediate supervisor who shall further report such assault to the local police. The Principals or other supervisor shall notify the Superintendent of the incident.

The employee may also, in his/her discretion, file a complaint with the local police.

The Superintendent shall maintain records of any assaults for required reports to the Commissioner of Education.

Legal Protection of Employer

As required by the general statutes, the Board of Education shall indemnify Board members and employees.

(cf. 4112.1/4212.1 Provisions of Negotiated Agreements)

Legal Reference: Connecticut General Statutes

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

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

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

53a-18 Use of reasonable physical force...

Tentative Approval: 10/05/2005

Final Approval: 11/02/2005

Reviewed: 06/26/2019

HAMPTON BOARD OF EDUCATION

4147.1 / 4247.1

PERSONNEL - CERTIFIED/NON-CERTIFIED

OCCUPATIONAL EXPOSURE TO BLOODBORNE PATHOGENS

In accordance with the United States Department of Labor Occupational Safety and Health Administration regulations in dealing with “Safe Workplace” standards related to exposure to Bloodborne Pathogens, the Board has developed and will implement procedures to protect at risk employees. These procedures, contained in the Board of Education Exposure Control Plan (the “procedures”) are designed to comply in full with applicable federal and state law regulations. The procedures will be overseen by the Superintendent or his/her designee, who shall also be responsible for periodically reviewing and updating them. Copies of the procedures shall also be kept in the nurse’s office in the school and in the Central Office. The procedures will be monitored by the Connecticut Department of Labor.

It is the policy of the Board of Education, through these procedures, to take all necessary actions to protect its employees from infectious disease, and in particular, HIV and Hepatitis B Virus, a life threatening bloodborne pathogen.

The Board will further provide training and protective equipment to those persons who, by virtue of the performance of job duties, are at risk to come in contact with infectious disease. Finally, all at risk employees of the Board, as defined in the procedures, will be offered the vaccine for Hepatitis B Virus, a life threatening bloodborne pathogen.

Training, needed protective equipment and vaccination, as provided in these procedures, will be at no cost to the personnel and are provided as a precaution for personnel safety.

Legal Reference: 29 CFR Part 1910.1030 *Occupational Exposure to Bloodborne Pathogens*; Final Rule.

Connecticut State Agencies Regulations, Section 31-372-101-1910.1030.

Connecticut General Statutes, 31-372 Adoption of federal and state standards. Variance.

Tentative Approval: 04/29/99

Final Approval: 05/18/99

Reviewed: 08/20/09

4148 / 4248

PERSONNEL – CERTIFIED - NON-CERTIFIED

EMPLOYEE PROTECTION

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

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 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.

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.

Legal Reference: Connecticut General Statutes

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

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

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

52-557b Immunity from liability for emergency medical assistance, first aid or medication by injection.

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

Tentative Approval: 04/29/99

Final Approval: 05/18/99

Reviewed: 08/20/09

4150

PERSONNEL - CERTIFIED

LEAVES

Employed personnel of the school district may need 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 and negotiated agreements with bargaining units.

Legal Reference: Connecticut General Statutes

1-4 Days designated as legal holidays.

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.

Tentative Approval: 06/26/2019

Final Approval: 07/24/2019

4152.6 / 4252.6

PERSONNEL: CERTIFIED/NON-CERTIFIED

FAMILY, MEDICAL, AND PREGNANCY-RELATED LEAVES

The Board will provide leave to eligible employees consistent with the Family and Medical Leave Act of 1993 (FMLA) as amended and the Family Medical Leave Act as part of the National Defense Authorization Acts of 2008 and for Fiscal Year 2010 (which expanded certain leave to military families and veterans for specific circumstances) and 2013 Final Rules. Eligible employees (employment for at least one-year and at least 1,250 hours actually worked in the twelve-month period immediately preceding the commencement of the leave) 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 with equivalent benefits, pay and other conditions of employment after the termination of the leave in accordance with Board policy and collective bargaining agreements.

Paraprofessionals are also eligible to benefits equal to those under the federal FMLA if such paraprofessional was employed for at least one year and for at least 950 hours over the previous twelve-month period preceding the commencement of the leave. A paraprofessional is defined as a school employee who performs duties that are instructional in nature or delivers either direct or indirect services to students and/or parents and serves in a position for which a teacher has ultimate responsibility for the design and implementation of educational programs and services.

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 covered active duty or Federal call to covered active duty (including as a member of the National Guard or Reserves) in the Armed Forces including deployment to a foreign country or to international waters;
- To care for a covered family member who has incurred a serious injury or illness in the line of duty while on covered active duty in the Armed Forces (includes National Guard and 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: and/or
- To care for a covered family member who is a veteran who is undergoing medical treatment, recuperation or therapy for a service related illness or injury that was incurred or aggravated while on active duty and manifested itself before or after the member became a veteran, within five years after a veteran leaves service.
- To care for a parent of a military member called to active duty provided the military member is the spouse, (including same-sex marriages*), parent or child of the employee.

*Due to the Obergefell Supreme Court Decision, there is no distinction under the law between same sex and opposite sex spouses. It is advisable to refer to "marriage" and "spouse."

HAMPTON BOARD OF EDUCATION

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.

The District will maintain health insurance benefits at the same basis as is provided to other similarly situated employees. 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. Leave available for eligible employees under FMLA is not intended to supplement leave otherwise provided to such employees. The District may require the eligible employee substitute any accrued vacation or sick leave for any part of the twelve-week period that may be taken for the serious health condition of a spouse, child or parent, or for the employee's own serious health condition.

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.

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. The term "marriage" includes a same-sex marriage which all states must now recognize, or common law marriages that either was entered into in Connecticut or another state that recognizes such marriages or if entered into out of Connecticut is valid in the place where entered into and could have been entered into in at least one state. In addition, the Board shall allow its employees leave time under this policy to serve as organ or bone marrow donors.

The District, in compliance with FMLA's regulations, will post and keep posted on its premises, in conspicuous places where employees are employed, a notice explaining the provisions of the FMLA and providing information concerning the procedures for filing complaints of violations of the Act. Electronic posting may be utilized.

(cf. 4118.14 - Disabilities)

(cf. 4151.2 - Family Illness)

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

FMLA does not affect any federal or state law prohibiting discrimination, or supersede any state or local law or collective bargaining agreement which provides greater family or medical leave rights.

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. 29 U.S.C. §2601 et seq. and the National Defense Authorization act for Fiscal Year 2010, Public Law 111-84, section 565, Title V

Final Rule - published in Federal Register, Vol. 60, Nov. 4, Friday, January 6, 1995, as amended on February 3, 1995, March 30, 1995, and on November 17, 2008. Rules and Regulations (29 CFR Part 825).

Final Rule - published in Federal Register, Vol. 78, Wed. February 6, 2013

Final Rule - published in Federal Register, Vol. 80, No. 37 Wednesday, February 25, 2015

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.

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

PA 12-43 An Act Concerning Family and Medical Leave Benefits for Certain Municipal Employees

United States v. Windsor, U.S. 133 S. Ct. 2675 (2013)

Obergefell v. Hodges, No. 14-556, 135 S. Ct. 2584 (2015)

Tentative Approval: 06/26/2019

Final Approval: 07/24/2019

4212.42

PERSONNEL — CERTIFIED

DRUG AND ALCOHOL TESTING FOR SCHOOL BUS DRIVERS

The Hampton Public School district is dedicated to the establishment of a drug use and alcohol misuse prevention program that meets all applicable requirements of the Omnibus Transportation Employee Testing Act of 1991 (OTETA) and applicable state statutes pertaining to pre-employment and random drug testing of school bus drivers. The District shall adhere to federal and state law and regulations requiring a school bus driver's drug and alcohol testing program.

Contracts for transportation approved by this District shall contain assurance that the contractor will establish a drug and alcohol-testing program that meets the requirements of federal regulations, state statutes and this policy and will actively enforce the regulations of this policy as well as federal and state requirements.

This policy applies to all drivers and applicants for driver positions for the District who must have a Commercial Drivers License (CDL) to operate school vehicles.

In a continuing effort to prevent accidents and injuries resulting from the use of drugs and misuse of alcohol by drivers of commercial motor vehicles, the District shall establish a drug and alcohol misuse prevention program.

The District's program shall meet the requirements of the Omnibus Transportation Employee Testing Act of 1991 and C.G.S. 14-276a.

The Superintendent will develop administrative regulations as needed to implement the District's program including provisions for pre-employment, reasonable suspicion, random, post-accident, return-to-duty and follow-up testing as may be necessary. The regulations will also include training, education and other assistance to employees to promote a drug and alcohol-free environment.

Legal Reference: United States Code, Title 49 2717 Alcohol and controlled substances testing (Omnibus Transportation Employee Testing Act of 1991)

Code of Federal Regulations, Title 49

40 Procedures for Transportation Workplace Drug and Alcohol Testing Programs

382 Controlled Substance and Alcohol Use and Testing

395 Hours of Service Drivers

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

International Brotherhood of Teamsters V. Department of Transportation 932 F. 2d 1292 (1991)

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

Connecticut General Statutes

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

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

TENTATIVE APPROVAL: 01/22/2009

FINAL APPROVAL: 03/04/2009

4217.4

PERSONNEL - NON-CERTIFIED

DISMISSAL/SUSPENSION

Support staff dismissal procedures and employee terminations or suspensions are the responsibility of the Superintendent of Schools, or designee, and shall be in accordance with current state statutes and negotiated employee contracts and with appropriate consideration of an affected employee's constitutional and due process rights and protections.

(cf. [4212.1](#) Provisions of Negotiated Agreements)

(cf. [4212.6](#) Personnel Records)

(cf. [4214](#) Assignment/Transfer/Reassignment)

(cf. [4218.11](#) Nondiscrimination)

(cf. [4218.112](#) Sexual Harassment)

(cf. [4218.14](#) Disabilities)

(cf. [4218.231](#) Smoking, Drinking, and Use of Drugs on School Premises)

Tentative Approval: 07/24/18

Final Approval: 08/28/18

4215

PERSONNEL - NON-CERTIFIED

SUPERVISION AND EVALUATION

Employee performance is key to the success of an organization; therefore, effective employee supervision is a primary leadership responsibility for all administrators. A component of supervision is cooperative, continuing, employee evaluation which serves to:

1. improve the quality of employee work;
2. elevate the standards of employees' field of work;
3. help each employee grow personally and in job skills;
4. assist with administrative decisions on employee retention/dismissal.

The Superintendent shall evaluate or cause to be evaluated all support staff employees. Teachers and administrators share responsibility for developing effective evaluation procedures and instruments and for establishing and maintaining professional standards and constructive attitudes toward staff evaluation.

(cf. 4112.1/4212.1 Provisions of Negotiated Agreements)
(cf. 4112.6/4212.6 Personnel Records)

Tentative Approval: 10/05/2005
Final Approval: 11/02/2005

4214

PERSONNEL - NON-CERTIFIED

ASSIGNMENT AND TRANSFER

The assignment and transfer of all non-certified staff personnel shall be the responsibility of the Superintendent of Schools. Transfers will be made in the best interests of the school system, subject to provisions of applicable employee organization agreements and Board of Education policies.

Not later than the regular October meeting of the Board of Education the Superintendent shall provide Board members a staff listing of regular assignments.

Tentative Approval: 10/05/2005

Final Approval: 10/02/2005