

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

### **Nondiscrimination**

In compliance with regulations of Title VI 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 Board of Education adopts the following Equal Employment Opportunity and Equal Education Opportunity Policies.

Board of Education employees, students, members as well as any contractor, vendor, individual, and organization working for or within the schools shall honor this policy.

A notice shall be posted in school offices, the central office, and faculty lounges.

The policy shall also be distributed to all employees. Students and parents shall be informed annually. This statement shall appear on applications for employment, contracts, correspondence with employment agencies, bulletins, handbooks, announcements, or other materials used to recruit students or employees and in school publications. The policy shall be published annually in one local newspaper.

The Superintendent of Schools shall appoint a coordinator(s) for Title IX, Section 504, Title VI and any other applicable statutes, which may require a coordinator.

A person(s) who feels that discrimination has occurred may file a complaint with the appropriate coordinator in accordance with the complaint procedures contained in this policy.

### **Equal Employment Opportunity**

Both federal and state law prohibit 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 Board of Education does not discriminate on the basis of race, color, religious creed, age, marital status, national origin, sex, sexual orientation, past or present history of mental disorder, mental retardation, learning disability, 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.

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

### **Nondiscrimination** (continued)

#### **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 Board of Education. Every student has the right to participate fully in classroom instruction and extracurricular activities which shall not be abridged or impaired because of age, sex, sexual orientation, race, religion, national origin, pregnancy, parenthood, marriage, or for any reason not related to his/her individual capabilities. Civil Rights Coordinators for the Board of Education shall monitor compliance with this policy. The names of the Civil Rights Coordinators will be published on an annual basis and posted prominently by the administration. 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
- 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
- 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

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

### **Nondiscrimination** (continued)

### **Equal Education Opportunity** (continued)

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:

- Attempted rape/rape
- Inappropriate touching
- Sexual name-calling
- Sexual rumors
- Display of unwanted affections
- Overly personal conversation
- Corner/blocking
- Harassing telephone calls
- Inappropriate gestures
- Leers
- Sexually explicit jokes/cartoons/pictures
- Sexually explicit comments

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 employees personal rights have been denied or violated.

Employees wishing to discuss these regulations or rights under this policy, or wish to discuss or file a grievance should contact the district's Civil Rights Coordinator/s or any administrator.

Forms are available in guidance offices or from the Civil Rights Coordinator/s. Contact with the Civil Rights Coordinator/s should take place within forty (40) calendar days of the alleged occurrence.

## Personnel -- Certified/Non-Certified

### Nondiscrimination (continued)

Legal Reference: Civil Rights Act of 1964, Title VA, 42 U.S.C. 2000-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 1972,34 CFR Section 106.  
*Mentor Savings Bank. FSB v. Vinson*, 477 U.S. 57 (1986)  
Connecticut General Statutes  
46a-60 Discriminatory employment practices prohibited.  
Constitution of the State of Connecticut, Article I, Section 20

Policy adopted: March 3, 2004

ANSONIA PUBLIC SCHOOLS  
Ansonia, Connecticut

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

### **Nondiscrimination**

#### **Discrimination Grievance Procedure**

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

Any person who wishes to inquire or to register a complaint concerning alleged discrimination in the Public Schools shall have an opportunity to bring such concerns to the attention of the Civil Rights Officers or Superintendent, who has the authority to resolve such complaints. Any student, parent or employee in making a complaint or inquiry shall utilize the following grievance procedure. 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 neat 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:** If the complainant is not satisfied with the decision of the Superintendent, within ten (10) working days after receipt of the Superintendent's decision shall file a complaint in writing with the Board of Education. Within twenty (20) working days after receipt of such complaint, the Board of Education must hold a hearing and within five (5) working days of the hearing make a determination concerning the claim(s) of discrimination. The determination of the Board of Education shall be final.

**ANSONIA BOARD OF EDUCATION  
Ansonia, Connecticut**

**Discrimination Grievance Form**

Any student, parent/guardian, employee or employment applicant who feels that he/she has been discriminated against on the basis of race, color, age, national origin, sex, sexual orientation, religion, marital status, or physical/mental/emotional handicap may discuss and/or file a grievance with either of the Civil Rights Coordinators of the Public Schools. Reporting should take place within 40 calendar days of the alleged discrimination.

Civil Rights Coordinators: W. Christon (Title VI), W. Christon (Title IX), and S. Kaufman (504)

Name of Presenter/Complainant: \_\_\_\_\_

*Circle One:*    Employee        Employment Applicant        Student        Parent/Guardian

Home address: \_\_\_\_\_

Telephone: \_\_\_\_\_

Date of claim: \_\_\_\_\_

Date of Incident: \_\_\_\_\_

1.    Statement of Incident/Issue (include all pertinent information: who, how, where, when, how often, feelings, witness; attach additional pages as needed.) \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

2.    Statement of perceived basis of discrimination (re: age, race, gender, sexual orientation, etc.) \_\_\_\_\_  
\_\_\_\_\_

3.    Please attach any additional information/documentation as necessary.

Signature of Presenter: \_\_\_\_\_

Signature of Civil Rights Coordinator: \_\_\_\_\_

Date received: \_\_\_\_\_

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

### **Sexual Harassment**

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

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

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

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

Any person who believes he or she has been the victim of sexual harassment by a student, employee, individual under contract or volunteer of the Board of Education is encouraged to promptly report such complaint to the Superintendent of Schools or Assistant Superintendent of Schools. Complaints will be investigated promptly and corrective action will be taken when allegations are verified. Confidentiality will be maintained by all persons involved in the investigation and no reprisals or retaliation will be allowed to occur as a result of the good faith reporting of charges of sexual harassment.

Legal References:     Civil Rights Act of 1964, Title VII, 42 U.S.C. S2000-e2(a)  
                              29 C.F.R. S1004.11 (EEOC Guidelines on Sexual Harassment)  
                              20 U.S.C. S1681-1688 (Title IX)  
                              Connecticut General Statutes  
                              46a-60 Discriminatory employment practices prohibited.

Policy adopted:        March 3, 2004

ANSONIA PUBLIC SCHOOLS  
Ansonia, Connecticut

## **Sexual Harassment Is Illegal**

And is Prohibited By The Connecticut Discriminatory Employment Practices Act (Section 46a-60(A)(8) of The Connecticut General Statutes) and Title VII of the Civil Rights Act of 1964 (42 United States Code Section 2000e Et. Seq.)

Sexual Harassment means “any unwelcome sexual advances or requests for sexual favors or any conduct of a sexual nature when:

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

Examples of Sexual Harassment include: unwelcome sexual advances, suggestive or lewd remarks, unwanted hugs, touches, kisses: requests for sexual favors, retaliation for complaining about sexual harassment; derogatory or pornographic posters, cartoons or drawings.

Remedies for Sexual Harassment may include: cease and desist orders, back pay, compensatory damages, hiring, promotion or reinstatement. Individuals who engage in acts of sexual harassment may also be subject to civil and criminal penalties.

If you feel that you have been discriminated against, contact:

The Connecticut Commission on Human Rights and Opportunities, 90 Washington Street, Hartford, Connecticut 06106. (Telephone Number 566-3350; TDD Number 566-2301). Connecticut law requires that a formal written complaint be filed with the commission within 180 days of the date when the alleged harassment occurred.

Copies of the Ansonia Board of Education Sexual Harassment Policy are available from the principal in each building and the Superintendent of Schools.

If you need additional information contact:

1. The School Principal
2. The Superintendent of Schools
3. The Permanent Commission on The Status of Women, 90 Washington Street, Hartford, Connecticut 06106. (Telephone & TDD Number 566-5702).

ANSONIA PUBLIC SCHOOLS  
Ansonia, Connecticut

SEXUAL HARASSMENT FORMAL COMPLAINT FORM

Name and position of complainant: \_\_\_\_\_

Date of complaint: \_\_\_\_\_

Name of alleged sexual harasser: \_\_\_\_\_

Date and place of incident: \_\_\_\_\_

\_\_\_\_\_

Description of misconduct: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Name of witnesses (if any): \_\_\_\_\_

\_\_\_\_\_

Has the incident been reported before? \_\_\_\_\_

If yes, when? \_\_\_\_\_

To whom was it reported? \_\_\_\_\_

What was the resolution? \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Reasons for dissatisfaction:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

ANSONIA PUBLIC SCHOOLS  
Ansonia, Connecticut

SEXUAL HARASSMENT COMPLAINT - APPEAL FORM

Name and position of complainant: \_\_\_\_\_

Date of appeal: \_\_\_\_\_

Date of original complaint: \_\_\_\_\_

Have there been any prior appeals? \_\_\_\_\_

If yes, when? \_\_\_\_\_

\_\_\_\_\_

To whom? \_\_\_\_\_

\_\_\_\_\_

Description of decision being appealed: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Why is the decision being appealed? \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

## Personnel -- Certified/Non-Certified

### Harassment

#### Harassment Complaint Procedure

If an individual believes that he/she is being or has been harassed, that person should immediately inform the harasser that his/her behavior is unwelcome, offensive, in poor taste, unprofessional, or highly inappropriate.

If the offensive behavior **is repeated** following a request to the harasser that it cease, the employee shall have the option of pursuing either an **informal** complaint procedure designed to educate the harasser and to eliminate the problem, or a formal complaint procedure that is defined below.

Any employee who makes an **informal** oral complaint of harassment to his or her supervisor, site administrator, or the Assistant Superintendent (*or Superintendent's designee in the absence of an Assistant Superintendent*), or Compliance Officer will be provided a copy of these regulations and will be encouraged to pursue the **formal** procedure should the **informal** investigation and intervention, if required, prove unsuccessful in eliminating the objectionable behavior. **HOWEVER, IT IS NOT NECESSARY FOR THE PERSON BEING HARASSED TO WAIT UNTIL THE OFFENSIVE BEHAVIOR IS REPEATED BEFORE FILING A COMPLAINT. OFFENSIVE BEHAVIOR OF AN EGREGIOUS NATURE WOULD WARRANT AN IMMEDIATE AND FORMAL COMPLAINT BE FILED.**

If, following requests to cease objectionable, harassing behavior, said behavior continues, and if the **informal** procedure has also proven unsatisfactory, or unacceptable, the employee may pursue the **formal** complaint procedure which involves submitting a written complaint to his or her supervisor, site administrator, or the Assistant Superintendent (*or Superintendent's designee in the absence of an Assistant Superintendent*) or Compliance Officer. The complaint should list the name of the complainant, the date of the complaint, the date of the alleged harassment, the name(s) of the harasser(s), where such harassment occurred, and a detailed statement of the circumstances constituting the alleged harassment.

All formal complaints and informal complaints involving staff are to be forwarded immediately to the Assistant Superintendent (*or the Superintendent's designee in the absence of an Assistant Superintendent*) unless that individual is the subject of the complaint, in which case the complaint should be forwarded directly to the Superintendent.

Upon receiving a formal complaint, the building level administrator in concert with the Assistant Superintendent (*or the Superintendent's designee in the absence of an Assistant Superintendent*), or Compliance Officer will, as soon as possible, commence an effective, thorough, objective and complete investigation of the complaint. The investigator shall consult with all individuals reasonably believed to have relevant information, including the complainant and the alleged harasser, any witnesses to the conduct, and victims of similar conduct that the investigator reasonably believes may exist.

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

### **Harassment**

#### **Harassment Complaint Procedure** (continued)

The investigation shall be free of stereotypical assumptions about either party. The investigation shall be carried on discreetly, maintaining confidentiality insofar as possible while still conducting an effective and thorough investigation. Throughout the entire investigative process, the due process rights of the alleged harasser will be upheld. The investigator shall make a written report summarizing the results of the investigation and proposed disposition of the matter, and shall provide copies to the complainant, the alleged harasser, and, as appropriate, to all others directly concerned.

If the complainant is dissatisfied with the result of the investigation, he or she may file a written appeal to the Superintendent, who shall review the investigator's written report, the information collected by the investigator together with the recommended disposition of the complaint to determine whether the alleged conduct constitutes harassment. The Superintendent may also conduct a reasonable investigation, including interviewing the complainant and alleged harasser and any witnesses with relevant information. After completing this review, the Superintendent shall respond to the complainant, in writing, as soon as possible.

If after a thorough investigation, there is reasonable cause to believe that harassment has occurred, the district shall take all reasonable actions to ensure that the harassment ceases and will not recur. Actions taken in response to situations of harassment may include reprimand, reassignment, transfer, suspension, expulsion, disciplinary action, or discharge from employment.

The harasser and any other involved individuals, if appropriate, will be informed that appropriate action shall be taken if further acts of harassment or retaliation occur. If further acts of harassment or retaliation do occur, appropriate action shall be taken.

All employees, and supervisors shall be provided copies of the Board of Education policy concerning harassment and the policy will be reproduced in all employee and student handbooks.

All supervisory employees shall be provided with training concerning sexual harassment policy upon initial hire by the Board.

ANSONIA PUBLIC SCHOOLS  
Ansonia, Connecticut

REPORT FORM FOR COMPLAINTS OF DISCRIMINATION

Complainant: \_\_\_\_\_

Home Address: \_\_\_\_\_

Home Phone: \_\_\_\_\_

School building: \_\_\_\_\_

Date of Alleged Incident(s): \_\_\_\_\_

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

Race

Color

National Origin

Gender

Disability

Religion

Ancestry

Age

Sexual Orientation

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

\_\_\_\_\_

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

\_\_\_\_\_

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

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

When and where incident occurred: \_\_\_\_\_

List any witnesses who were present: \_\_\_\_\_

\_\_\_\_\_

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

\_\_\_\_\_  
Complainant's Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Received By

\_\_\_\_\_  
Date

## Personnel -- Certified/Non-Certified

### Disabilities

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

Disabled employees who can no longer perform essential job functions are encouraged to advise their supervisors or administrators of the nature of their disability and which functions cannot be performed. The Board will consider suggestions for reasonable accommodations to enable an employee to perform essential job functions but reserves the right to discharge an employee who is no longer able to perform essential job functions even with reasonable accommodations.

Legal Reference: Connecticut General Statutes

10-209 Records not to be public.

19-581 AIDS testing and medical information.

46a-60 Discriminatory employment practices prohibited.

Federal Law

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

American Disability Act of 1989.

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

Policy adopted: March 3, 2004

ANSONIA PUBLIC SCHOOLS  
Ansonia, Connecticut

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

### **Alcohol, Drugs, and Tobacco**

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

#### **Alcohol and Drugs**

The Board of Education recognizes the importance of maintaining a drug-free environment for its staff and students. In compliance with federal and state requirements, employees are prohibited from the unlawful manufacture, distribution, dispensing, possession 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 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 successfully complete an appropriate rehabilitation program, may not be renewed or his/her employment may be suspended or terminated, at the discretion of the Board.

#### **Tobacco**

No smoking is allowed by the general public, school employees or any others within the school and on school grounds at any time.

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.

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

### **Alcohol, Drugs, and Tobacco (continued)**

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

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

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

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

54 Fed. Reg. 4946 (1989)

Connecticut General Statutes

1-21b Smoking prohibited in certain places.

Policy adopted: March 3, 2004

ANSONIA PUBLIC SCHOOLS  
Ansonia, Connecticut

## **Personnel – Certified/Students**

### **Psychotropic Drug Use**

School personnel shall not recommend the use of psychotropic medications for any student enrolled in the school system, nor shall the use of psychotropic medications be required as a condition of school attendance for any child.

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

However, school health or mental health personnel, including school nurses or nurse practitioners, the District's Medical Advisor, school psychologists, school social workers, and school counselors and the District's Director of Special Services/Special Education.) may recommend that a student be evaluated by an appropriate medical practitioner.

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

Nothing in this policy shall be construed to prohibit a Planning and Placement Team (PPT), Section 504 Multidisciplinary Team, or other child study team from discussing with parents and/or guardians of the child the appropriateness of consultation with, or evaluation by, medical practitioners with the consent of the parents and/or guardians of a child. The PPT or Section 504 Team may recommend a medical evaluation as part of an initial evaluation or reevaluation to determine a child's eligibility for special education, related services, accommodations, or an appropriate educational program for a child. If a child is taking psychotropic medications or the family is considering use of such medications, school personnel may, with the consent of the student's parent or guardian obtained in writing, consult with the child's medical practitioner regarding such use.

For purposes of this policy "psychotropic drugs" means 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 medication and antidepressants.

In order to promote understanding and appropriate communication regarding a recommendation for a medical evaluation, the following procedure is established by the Board:

1. Only a member of the school health or mental health staff (school nurses, nurse practitioners, school social workers, school psychologists, school counselors, or the district's medical advisor, may initiate a recommendation for a medical evaluation. In the event that a member of the school staff who is not a member of the school health or mental health staff (i.e., a teacher, administrator, or other staff) has a concern that a student may be in need of a medical evaluation, the staff member will refer this concern to an appropriate member of the school health or mental health staff for further action.

## Personnel – Certified/Students

### Psychotropic Drug Use (continued)

2. A member of the school health staff (school nurse, nurse practitioner, or district medical advisor) who is responsible for maintaining a child's school health record and who requires a medical evaluation or information in order to ensure that the student is in compliance with state laws and regulations for compulsory school attendance may speak directly with the parent or guardian regarding the need for such medical evaluations or information. All such contacts with the parent or guardian shall be recorded in the school health record in accordance with the normal procedures of the school health staff. School health staff shall also maintain a record of the parent or guardian's response to the request, any follow-up required, whether the information is obtained by the school health staff, and what information is obtained. If there is a request from the school health personnel to be able to communicate directly with the medical practitioner who will be performing the evaluation or supplying further information, the school health personnel will obtain written consent from the parent or guardian for such communication.
3. In the event that school health or mental health staff has a concern regarding a student's potential need for a medical evaluation for purposes other than maintaining the student's school health record, the school health or mental health staff will notify the appropriate school administrator and will request a meeting of the appropriate child study team (Planning and Placement Team, Section 504 Team, multi-disciplinary team, child study team) to review the concern with the parent or guardian. The recommendation of the school health or mental health staff for a medical evaluation shall be recorded in the minutes of the meeting in accordance with normal meeting procedures. The child study team shall also maintain a record of the parent or guardian's response to the request, any follow-up required, whether the requested information is obtained by the team, and what information is obtained. If there is a request from the child study team for school health or mental health personnel to be able to communicate directly with the medical practitioner who will be performing the evaluation or supplying further information, the child study team will obtain written consent from the parent or guardian for such communication.
4. If a student is taking psychotropic medication or the family is considering the use of psychotropic medication and the school health or mental health staff desires to communicate with the medical practitioner (or vice versa) concerning such use or possible use, written consent will be obtained from the parent or guardian prior to initiating any such communication. Parents, guardians, and school staff who wish to initiate such communication between the medical practitioner and school staff will be directed to the appropriate school health or school mental health personnel to obtain consent and conduct the requested communication. Records will be maintained of such communications with the medical practitioner, including the date and time of the contact and a brief summary of the information exchanged.

## Personnel – Certified/Students

### Psychotropic Drug Use (continued)

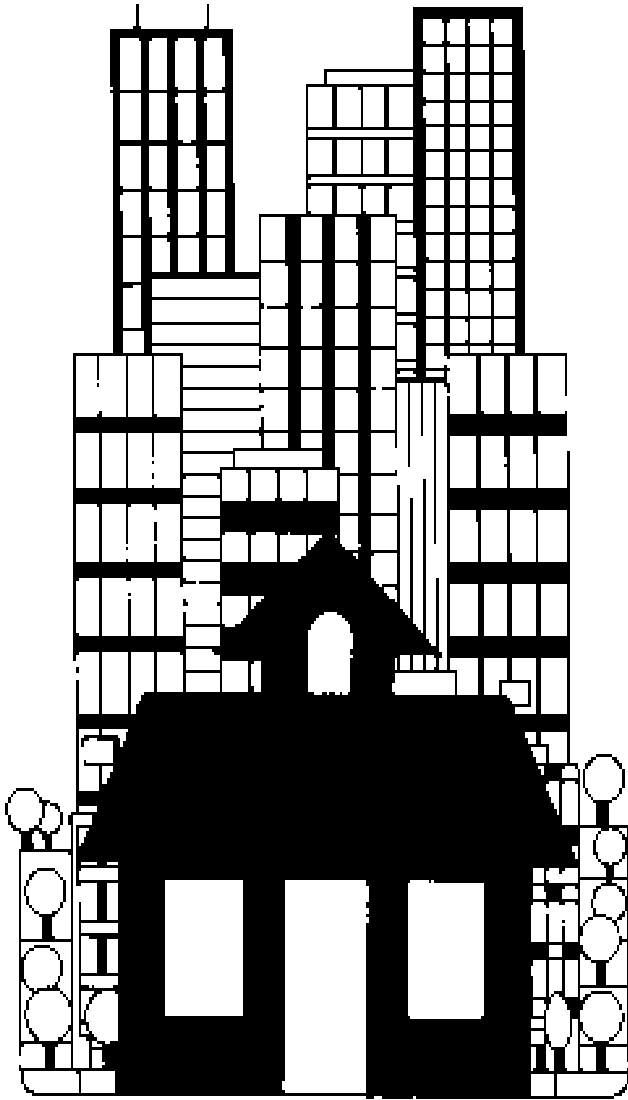
(cf. 5141.4 - Reporting of Child Abuse and Neglect)

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

Policy adopted: March 3, 2004

ANSONIA PUBLIC SCHOOLS  
Ansonia, Connecticut

## WORKPLACE MONITORING (P.A. 98-142)



**A**s of October 1, all Connecticut employers, including school districts, are required to put their employees on notice of any “electronic monitoring” which may occur in the workplace. This new law passed by the General Assembly covers monitoring of e-mail, voice mail, and possibly even magnetic access cards as well as security cameras, telephone monitoring and other forms of surveillance. Employers are required to post a notice listing the types of electronic monitoring which may occur in the workplace and are subject to a \$500 fine for the first violation.

The only exception to the notice requirement is for situations where the employer has reason to believe that employees are engaged in illegal conduct or are violating the rights of others, and that monitoring may produce evidence of such conduct. The exception also applies to criminal investigations.

It appears that the exception swallows the rule. However, the most significant change in this legislation is the posting requirement. It is recommended that the attached notice, or one similar, be used to alert employees to the types of electronic monitoring which may occur. The notice provided, based upon a posting notice developed by *Shipman and Goodwin* is both a policy and the posting notice. In addition, in a previous Update mailing, this topic was discussed in greater detail and sample policies pertaining to electronic mail, 4118.4/4218.4 were provided.

**4118.4**  
**4218.4**

## **Personnel – Certified/Non-Certified**

### **Electronic Monitoring**

The Board of Education hereby gives notice to all its employees of the potential use of electronic monitoring in its workplace. While the Board may not actually engage in the use of electronic monitoring, it reserves the right to do so when determined by the Board or the Superintendent of Schools in their discretion.

“Electronic monitoring,” means the collection of information on school district premises concerning employees’ activities or communications, by any means other than direct observation of the employees. Electronic monitoring includes the use of a computer, telephone, wire, radio, camera, electromagnetic, photoelectronic or photo-optical systems. The law does not cover the collection of information (A) for security purposes in any common areas of the Board of Education premises which are open to the public, or (B) which is prohibited under other state or federal law.

The following specific types of electronic monitoring may be used by this school district in its facilities:

- Monitoring of e-mail and other components of the school district’s computer system for compliance with policies.
- Video surveillance of employee parking areas for security purposes.
- Telephone monitoring (office, professional calls only) for quality control and performance assessment.
- Monitoring of electromagnetic card access system for security purposes.

The law also provides that, where electronic monitoring may produce evidence of misconduct, the school district may use electronic monitoring without any prior notice when the Board and/or the Superintendent have reasonable grounds to believe employees of the school system are engaged in conduct that (1) violates the law, (2) violates the legal rights of the Board of Education or other employees, (3) creates a hostile work environment, or (4) violates Board policy or regulation.

Questions about electronic monitoring in the workplace should be directed to the Superintendent of Schools or members of the administrative staff of the district.

**4118.6**

**4218.6**

## **Personnel – Certified/Non-Certified**

### **Cellular Telephones/Paging Devices/Beepers**

Board employees shall not use personal cellular telephones (including camcorders and camera cell phones), beepers, or pagers to conduct non-school related business while they are engaged in the provision of instruction to or supervision of students or a school sponsored activity.

Policy adopted: May 5, 2004

ANSONIA PUBLIC SCHOOLS  
Ansonia, Connecticut