

NEW MILFORD BOARD OF EDUCATION

**New Milford Public Schools
50 East Street
New Milford, Connecticut 06776**

**POLICY SUB-COMMITTEE
MEETING NOTICE**

RECEIVED
TOWN CLERK

2019 SEP 27 P 12:51

NEW MILFORD, CT

**DATE: October 1, 2019
TIME: 6:45 P.M.
PLACE: Lillis Administration Building - Room 2**

AGENDA

New Milford Public Schools Mission Statement

The mission of the New Milford Public Schools, a collaborative partnership of students, educators, family, and community, is to prepare each and every student to compete and excel in an ever-changing world, embrace challenges with vigor, respect and appreciate the worth of every human being, and contribute to society by providing effective instruction and dynamic curriculum, offering a wide range of valuable experiences, and inspiring students to pursue their dreams and aspirations.

1. Call to Order

2. Public Comment

An individual may address the Board concerning any item on the agenda for the meeting subject to the following provisions:

- A. A three-minute time limit may be allocated to each speaker with a maximum of twenty minutes being set aside per meeting. The Board may, by a majority vote, cancel or adjust these time limits.
- B. If a member of the public comments about the performance of an employee or a Board member, whether positive, negative, or neutral, and whether named or not, the Board shall not respond to such comments unless the topic is an explicit item on the agenda and the employee or the Board member has been provided with the requisite notice and due process required by law. Similarly, in accordance with federal law pertaining to student confidentiality, the Board shall not respond to or otherwise discuss any comments that might be made pertaining to students.

3. Discussion and Possible Action

- A. Policies Recommended for Revision and Approval at Initial Board Presentation in accordance with Board Bylaw 9311:
 - 1. 4118.112/4218.112 Sexual and Other Unlawful Harassment
 - 2. 4155/4255 Military Leave
- B. Policies for Review:
 - 1. 1700 Possession of Firearms on School Property Prohibited
 - 2. 1800 Animals on School Property

4. Discussion

- A. Policy 6146 Graduation Requirements
- B. Upcoming 9000 Series Review

5. Items of Information

- A. Regulation Revisions:
 - 1. 4118.112/4218.112 Sexual and Other Unlawful Harassment
 - 2. 4155/4255 Military Leave

6. Public Comment

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7. Adjourn

Sub-Committee Members: Tammy McInerney, Chairperson

Joseph Failla

Wendy Faulenbach

J.T. Schemm

Alternates: Bill Dahl

Angela C. Chastain

**RECOMMENDED FOR REVISION AND
APPROVAL AT INITIAL BOARD PRESENTATION**

Language in **RED** constitutes an addition

COMMENTARY: Public Act 19-16 and Public Act 19-93 were passed in response to the national “#metoo” movement and are jointly referred to as Connecticut’s “Time’s Up Act.” Together these acts make a number of significant changes to Connecticut’s state sexual harassment laws all of which become effective October 1, 2019. The new acts give expanded legal authority to the Connecticut Commission on Human Rights and Opportunities (“CHRO”) which is the state agency responsible for addressing discrimination issues. Many of these changes are beyond the scope of this policy and the accompanying regulation, but are important to note. For instance, the CHRO statute of limitations periods will be extended from 180 to 300 days and the CHRO will now have the explicit authority to award employees attorneys’ fees and punitive damages. This will likely make CHRO complaints – whether meritorious or not – much more expensive for employers to defend and/or settle.

Additionally, the combined acts also make various changes that impact the Board’s policy and regulation. First, the acts explicitly define the term “corrective action” and provide that an employer may not take immediate corrective action in response to a sexual harassment complaint (e.g. relocating an employee, changing his/her work schedule, etc.) unless the employee who brought the complaint gives written consent. In the absence of such consent, the employer may defend a corrective action if it is reasonable and not detrimental to the complaining employee.

Secondly, the acts require all employers with three or more employees to email newly hired employees a copy of the employer’s sexual harassment policy (and any accompanying regulation) within three months of the new employee’s start date. The new legislation goes into extensive detail on what must be included in an employer’s policy and the communication to the employee, even going so far as to say that the email must include the subject line “Sexual Harassment Policy or words of similar import.” Sexual harassment policies must include information regarding the remedies available for sexual harassment. Notably, the new legislation required the CHRO to develop an internet web page concerning sexual harassment and the remedies available for sexual harassment, which can be cited in the email to new employees in lieu of the employer’s policy. A reference to this web page is included within the policy and legal recommends emailing the Board’s policy and regulation to all new employees, instead of just the CHRO page.

The new legislation also amends existing law with respect to employer sexual harassment training requirements. Under current law, supervisory employees who work for employers with 50 or more employees are required to undergo a two hour sexual harassment training within six months of hire or within six months of assuming a supervisory position. The new law amends this requirement to provide that all employees of employers with three or more employees must undergo sexual harassment training by October 1, 2019 (unless they already received such training after October 1, 2018) or within six months of hire. The new law further requires periodic supplemental training at least once every ten years thereafter. The CHRO is responsible for developing a video “or other interactive method of training and education” that satisfies this training requirement for employers.

Personnel -- Certified/Non-Certified**Sexual and Other Unlawful Harassment**

It is the policy of the New Milford Board of Education to maintain a working and learning environment that is free from sexual and other unlawful harassment. The Board will not tolerate the harassment of any applicant, employee, independent contractor, volunteer, student or visitor based on sex, sexual orientation, gender identity or expression, race, color, religion, national origin, ancestry, marital status, age, disability, genetic information or status as a veteran. All forms of harassment are prohibited whether verbal, physical or visual, and regardless of the medium through which it occurs. Such harassment violates Title VII of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972 and/or the Connecticut Fair Employment Practices Act.

This policy prohibits sexual and other unlawful harassment by employees, teachers, administrators, Board members, volunteers, and others contractually or otherwise under the control of the school system. It also protects against harassment by any third person who is on school premises, at a school workplace or who otherwise comes in contact with school personnel in connection with their employment at the school system.

Definition of Unlawful Harassment

Unlawful harassment means unwelcome and offensive conduct that has the purpose or effect of unreasonably interfering with an employee's performance and/or employment opportunities or that is sufficiently severe, pervasive or persistent so as to create an intimidating, hostile or offensive working environment. All forms of harassment are prohibited whether verbal, written, visual or physical and regardless of the medium through which it occurs.

Definition of Sexual Harassment

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

- Submission to the conduct is made either explicitly or implicitly a term or condition of an individual's employment;
- Submission to or rejection of the conduct by an individual is used as the basis of employment decisions affecting the individual;
- The conduct has the purpose or effect of substantially interfering with an individual's work performance, and/or is sufficiently severe, pervasive or persistent that it creates an intimidating, hostile or offensive work environment; or

Personnel -- Certified/Non-Certified

Sexual and Other Unlawful Harassment

- Such conduct constitutes sexual harassment whether or not a threat of adverse job consequences is carried out and whether or not the employee actually suffers any tangible adverse job consequences.

Sexual harassment includes a wide range of behaviors - from pressure or requests for sexual activities to unwelcome sexual comments and innuendo to verbal abuse of a sexual nature. Unwelcome sexual flirtations and advances, offensive touching of an individual, graphic or verbal commentaries about an individual's body, sexually degrading words used to describe an individual, and displays in the work place of sexually suggestive objects or pictures are some of the additional behaviors that constitute sexual harassment. Behavior appropriate in a social setting may not be appropriate in the school and work environment. Sexual harassment may be subtle and even unintentional. It may be directed towards members of the opposite or same sex.

Definition of Corrective Action

Corrective action means actions taken by an employer in response to an employee's claim of sexual harassment. Corrective action may include but is not limited to, employee relocation, assigning an employee to a different work schedule or other substantive changes to an employee's terms or conditions of employment.

The District shall not take immediate corrective action that modifies the conditions of a complaining employee's employment unless such employee agrees, in writing, to any modification of the terms of employment, or the District determines that such corrective action is reasonable and not of detriment to the employee who has brought a complaint of sexual harassment.

Examples of Sexual Harassment

While an exhaustive list is not possible, the following are examples of specific conduct that violate the law and policy and which, if severe and pervasive, constitute sexual harassment. In each case, such a determination will depend upon the totality of the circumstances, including the severity of the conduct and its pervasiveness. Sexual harassment includes, but is not limited to:

- Suggestive or obscene letters, notes, all electronic messages, voice mail messages, invitations, derogatory comments, slurs, jokes, epithets, touching, impeding or blocking movement, leering, gestures, noises, pulling at clothes, display of sexually suggestive objects, pictures or cartoons, sexual assault, attempted sexual assault;
- Continuing to express sexual interest after learning of or being informed that the interest is unwelcome;

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Sexual and Other Unlawful Harassment

- Coercive sexual behavior used to control, influence, or affect the career, salary and/or work environment of another employee, such as threats of reprisal, implying or withholding support for an appointment, promotion, transfer, or change of assignment;
- Discussion of one's own sexual activities or inquiries into others' sexual experiences;
- Suggesting a poor performance evaluation will be prepared or that a probationary period of employment will not be completed successfully;
- The creation of an atmosphere of sexual harassment or intimidation, or a hostile or offensive working environment; and
- Inappropriate attention of a sexual nature.

Remedies Available to Address Sexual Harassment

Victims of sexual harassment may have a number of remedies available to them including, but not limited to: cease and desist orders, back pay, compensatory damages, hiring, promotion or reinstatement.

Relationships at the Workplace

Sexual or romantic relationships between employees and students are strictly prohibited whether or not they constitute sexual harassment as defined in this policy. In addition, those working for the school system, and especially those in position of authority, should be sensitive to the questions about mutuality of consent that may be raised, and to the conflicts of interest that may exist, in personal relationships with other school personnel.

Examples of Other Unlawful Harassment

Unwelcome speech or conduct of an offensive or hostile nature based on an individual's race, color, national origin, sex, age, disability, religion, sexual orientation, gender identity or expression, marital status, ancestry, genetic information or status as a veteran is also prohibited by this policy. Examples of such unlawful harassment include, but are not limited to, the following:

4118.112(d)

4218.112(d)

Personnel -- Certified/Non-Certified

Sexual and Other Unlawful Harassment

- Intimidation and implied or overt threats of physical violence or physical acts of aggression or assault upon another or damage to another's property that is motivated by race, color, national origin, sex, age, disability, religion, sexual orientation, gender identity or expression, marital status, ancestry, genetic information, status as a veteran or any other basis prohibited by local, state and federal law;
- Depending upon the circumstances and context, demeaning jokes, taunting, slurs, derogatory nicknames, innuendos or other negative or offensive remarks relating to an individual's race, color, national origin, sex, age, disability, religion, sexual orientation, gender identity or expression, marital status, ancestry, genetic information, status as a veteran or any other basis prohibited by local, state and federal law;
- Depending upon the circumstances and context, graffiti, slogans, or visual displays such as cartoons, graphics or posters depicting slurs or derogatory sentiments relating to an individual's race, color, national origin, sex, age, disability, religion, sexual orientation, gender identity or expression, marital status, ancestry, genetic information, status as a veteran or any other basis prohibited by local, state and federal law.

Complaint Procedure

All members of the school community are responsible for helping to assure that sexual and other unlawful harassment is avoided. Any person who has observed or otherwise becomes aware of the conduct prohibited by this policy should bring the matter to the immediate attention of the Title IX Coordinator. The District's Title IX Coordinator is:

Ellamae Baldelli
Director of Human Resources
50 East Street
New Milford, CT 06776
860-210-2200

Supervisors and administrators who become aware of possible violations of this policy and fail to report them may be subject to discipline.

The Superintendent of Schools is authorized to develop and maintain regulations establishing a complaint procedure for reporting violations of this policy. Any person who feels he or she has been harassed or victimized in violation of this policy should process a complaint in accordance with the Complaint Procedure described in the accompanying regulations.

Personnel -- Certified/Non-Certified

Sexual and Other Unlawful Harassment

All complaints will be promptly investigated in as confidential a manner as practical and appropriate corrective action will be taken when warranted. Any employee, volunteer or other individual under the control of the school system who is determined after an investigation to have engaged in harassment in violation of this policy will be subject to discipline, including possible dismissal. He or she may also be personally liable in any legal action brought against him or her.

District employees and job applicants who feel that they have been the victim of sexual or other unlawful harassment may also file a complaint with the Connecticut Commission on Human Rights and Opportunities ("CHRO"). More information concerning the illegality of sexual harassment, remedies available to the victims of sexual information and CHRO complaint filing procedures is available online at:

https://www.ct.gov/chro/lib/chro/Sexual_Harassment_Flyer.pdf

Retaliation

Retaliation against an individual because she or he has reported harassment or has cooperated in an investigation of alleged harassment is a violation of Board policy and state and federal law. Such retaliation is a form of harassment and will be handled in the same manner as other forms of unlawful harassment.

Responsibilities of the Title IX Coordinator

The Title IX Coordinator is responsible for the following:

1. Ensuring that all complaints of unlawful harassment are investigated in a prompt and objective manner;
2. Ensuring the school district's compliance with various statutory record keeping, notice and training requirements in the area of harassment. This includes the requirement of posting in a prominent and accessible location information concerning the illegality of sexual harassment and remedies available to victims of sexual harassment;
3. Reviewing the Board's policy on harassment and these accompanying administrative regulations periodically for appropriate updating, and monitoring them on an on-going basis for effective implementation;
4. Ensuring that the Board's policy and administrative regulations are distributed to all employees annually;

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Sexual and Other Unlawful Harassment

5. Ensuring that the definition of "harassment" as well as the process by which any person may make a complaint of sexual, racial or other unlawful harassment is part of the orientation for all employees at the start of the school year and new employees during the school year;
6. Ensuring employees are aware of who is serving as Title IX Coordinator for personnel for the District and how he or she may be reached.

Sexual Harassment Training for Administrators and Supervisory Employees

~~Administrators and others with supervisory responsibilities~~ All district employees must attend a two-hour, school-sponsored sexual harassment training program ~~within six months of assuming such position with the school district and thereafter when required by the school district.~~ Such training shall include, at minimum, a description of the state and federal laws prohibiting sexual harassment, the definition of sexual harassment, a discussion of the types of conduct that may constitute sexual harassment, a description of the remedies available in such cases, a discussion of strategies to prevent sexual harassment and the warning that individuals who commit acts of sexual harassment may be subject to civil and criminal penalties.

Such training shall be provided to all existing employees by October 1, 2020, except that employees who received such training after October 1, 2018 shall not be required to attend such training a second time. Any new employee hired on or after October 1, 2019 shall receive such training not later than six months after his or her date of hire. All employees shall receive periodic supplemental training at least once every ten years after attending their initial sexual harassment training program.

Dissemination of Policy

A copy of this policy ~~and its accompanying administrative regulation, or appropriate summary shall be periodically distributed to all employees.~~ shall be emailed to all employees who have been assigned a New Milford Public Schools' email account and all employees who have not been assigned a New Milford Public Schools' email account but who have provided the District with a personal email account. Such email correspondence shall be sent by the District within three months of the employee's start date. A copy of this policy and its accompanying administrative regulation shall also be accessible via the District's website.

Personnel -- Certified/Non-Certified

Sexual and Other Unlawful Harassment

Legal References:

Connecticut General Statutes

10-153 Discrimination Based on Marital Status
46a-54(15) Commission powers
46a-60(a) Connecticut Fair Employment Practices Act
46a-81c Sexual Orientation Discrimination- Employment
Public Act 19-16 An Act Combatting Sexual Assault and Sexual Harassment
Public Act 19-93 An Act Concerning Sexual Harassment and Sexual Assault
R.S.C.A. 46a-54-200 through 46a-54-207

United States Code

20 U.S.C. 1681 Title IX of the Education Amendments of 1972
29 U.S.C. 623 Age Discrimination in Employment Act
29 U.S.C. 794 Section 504 of the Rehabilitation Act of 1973
42 U.S.C. 2000d and 2000e Titles VI and VII of the Civil Rights Act of 1964
42 U.S.C. 2000ff Genetic Information Nondiscrimination Act of 2008
42 U.S.C. 6101 Age Discrimination Act of 1975
42 U.S.C. 12101 Americans with Disabilities Act
29 C.F.R. 1604.11 EEOC Guidelines on Sexual Harassment

Policy adopted: December 9, 2003
Policy revised: November 7, 2005
Policy revised: June 14, 2011
Policy revised: October 11, 2011
Policy revised: May 12, 2015
Policy revised: February 27, 2018

NEW MILFORD PUBLIC SCHOOLS
New Milford, CT

**RECOMMENDED FOR REVISION AND
APPROVAL AT INITIAL BOARD PRESENTATION**

Language in **RED** constitutes an addition

COMMENTARY: Public Act 19-95 grants certain employment protections to members of the "Civil Air Patrol" – the official auxiliary unit of the United States' Air Force. Civil Air Patrol service members can be called upon to help military and law enforcement units in search and rescue and disaster relief support missions. An existing federal law – the Uniformed Services Employment and Reemployment Rights Act (USERRA) gives military reservists and others various employment protections including the right to reemployment upon return from service, eligibility to continue health insurance benefits, etc. USERRA does not apply to Civil Air Patrol members so the Act is designed to offer individuals who are members of the Civil Air Patrol with employment benefits similar to USERRA.

4155

4255

Personnel - Certified/Non-Certified

Military Leave

Military leaves of absences are provided by the New Milford Board of Education as required by the federal Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA) **and**, sections 10-156c, 10-156d, 7-462(a), 27-33a of the Connecticut General Statutes, **and Public Act 19-95**. The Board's policy and the corresponding regulation shall be interpreted to comply with those laws.

The school administration shall encourage employees to contact the Director of Human Resources if they have any questions regarding the Board's Military Leave policy and administrative regulations.

Legal References: 38 U.S.C. §§4301-4333 (The Uniformed Services Employment and Reemployment Rights Act of 1994, as amended)
C.G.S. §10-156c (Reserve Corps Field training for Teachers)
C.G.S. §10-156d (Teachers Serving in the Armed Services)
C.G.S. § 7-462(a) (Municipal and School Employees Serving in the Armed Services)
C.G.S. § 27-33a (Military Reserve and National Guard Meetings and Drills)
Public Act 19-95 An Act Concerning Employment Protection for Members of the Civil Air Patrol.

Policy adopted: December 9, 2003
Policy revised: October 18, 2005
Policy reviewed: February 24, 2015

NEW MILFORD PUBLIC SCHOOLS
New Milford, Connecticut



KeyCite Red Flag - Severe Negative Treatment

Enacted Legislation Amended by 2019 Conn. Legis. Serv. P.A. 19-108 (H.B. 6376) (WEST),

Connecticut General Statutes Annotated
Title 53a. Penal Code (Refs & Annos)
Chapter 952. Penal Code: Offenses (Refs & Annos)
Part XXI. Miscellaneous Offenses

C.G.S.A. § 53a-217b

§ 53a-217b. Possession of a weapon on school grounds: Class D felony

Effective: October 1, 2016

[Currentness](#)

(a) A person is guilty of possession of a weapon on school grounds when, knowing that such person is not licensed or privileged to do so, such person possesses a firearm or deadly weapon, as defined in [section 53a-3, \(1\)](#) in or on the real property comprising a public or private elementary or secondary school, or (2) at a school-sponsored activity as defined in subsection (h) of [section 10-233a](#).

(b) The provisions of subsection (a) of this section shall not apply to the otherwise lawful possession of a firearm (1) by a person for use in a program approved by school officials in or on such school property or at such school-sponsored activity, (2) by a person in accordance with an agreement entered into between school officials and such person or such person's employer, (3) by a peace officer, as defined in [subdivision \(9\) of section 53a-3](#), while engaged in the performance of such peace officer's official duties, (4) by a person while traversing such school property for the purpose of gaining access to public or private lands open to hunting or for other lawful purposes, provided such firearm is not loaded and the entry on such school property is permitted by the local or regional board of education, or (5) by a motor vehicle inspector, designated under [section 14-8](#) and certified pursuant to [section 7-294d](#), while engaged in the performance of such motor vehicle inspector's official duties.

(c) Possession of a weapon on school grounds is a class D felony.

Credits

(1992, June Sp.Sess., P.A. 92-1, § 1; 1993, P.A. 93-416, § 7, eff. Oct. 1, 1993; 1994, P.A. 94-221, § 1; 1998, P.A. 98-129, § 15; 2001, P.A. 01-84, § 8, eff. July 1, 2001; 2016, P.A. 16-55, § 10.)

C. G. S. A. § 53a-217b, CT ST § 53a-217b

The statutes and Constitution are current with enactments of Public Acts enrolled and approved by the Governor on or before July 23, 2019 and effective on or before July 23, 2019. Some statute sections may be more current, see credits for details.

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FOR DISCUSSION AND POSSIBLE ACTION

VERSION #1

COMMENTARY: The policy language closely tracks a statute in the criminal code – Conn. Gen. Stat. § 53a-217b – that concerns possession of a weapon on school grounds. The law specifies certain categories of people who can legally possess a firearm on school grounds. For instance, hunters traversing school property to get to a hunting area may carry unloaded firearms on school property. Also, motor vehicle inspectors are expressly allowed to carry firearms on school property.

Notably, the law permits “peace officers” to carry on school grounds while engaged in the performance of their duties. State and local police, corrections officers, judicial marshals, etc. are considered “peace officers”. The key part of the law here is that a peace officer is only allowed to carry a firearm on school grounds if carrying on school grounds is in the performance of their duties. An off-duty police officer picking their son or daughter up from school who has their firearm on them would technically be breaking the law and the policy (if they carried in knowing violation of the law). The same would apply to a retired police officer, but it should be noted that a retired police officer or other official who is working as a security guard and has a license to carry a firearm would not be violating the law or the policy because carrying the weapon would presumably be pursuant to an agreement to serve as a security guard.

Public Act 19-108 makes a technical change that designates certified Department of Motor Vehicle vehicle inspectors as “peace officers” for purposes of Conn. Gen. Stat. § 53a-3. As a result of this change, it is appropriate to remove the specific reference to motor vehicle inspectors below and replace it with the reference to “peace officers.” The new law becomes effective October 1, 2019.

1700(a)

Community Relations

Possession of Firearms on School Property Prohibited

The New Milford Board of Education prohibits all persons who are in possession of a firearm from entering school property, except those persons specifically authorized to do so by state or federal law and in accordance with the provisions of this policy. This prohibition includes individuals who are otherwise in lawful possession of an unloaded firearm and traversing school property for the purpose of gaining access to lands open to hunting or other lawful purposes. The prohibition does not apply to ~~police officers on duty~~ ; or ~~on duty peace officers as that term is defined under Subdivision (9) of Section 5a-3 of the General Statutes, or to on duty~~ qualified school resource officers who are authorized by the Board to carry a weapon in furtherance of their duties ~~or state motor vehicle inspectors while engaged in performance of their official duties.~~

Students are prohibited by the Board of Education from possessing firearms for any reason, whether otherwise lawful or not, in or on the real property comprising the public or private elementary or secondary school or at a school sponsored activity as defined in Subsection (h) of Section 10-233a.

Community Relations

Possession of Firearms on School Property Prohibited

(cf. 5114 - Suspension/Expulsion/Exclusion/Removal)

Legal Reference: Connecticut General Statutes

29-28 Permit for sale at retail of pistol or revolver. Permit to carry a pistol or revolver. Confidentiality of name and address of permit holder.

29-33 Sale, delivery or transfer of pistol and revolvers. Documentation requirements. Waiting period. Exempted transactions. Penalty.

53a-3 Definitions.

53a-217b Possession of a weapon on school grounds. Class D felony.

~~Public Act 16-55: An Act Concerning Recommendations by the Department of Motor Vehicles Regarding Hazardous Materials, Car Dealers, Electronic Registration, Student Transportation Vehicle Operators, Diversion Programs, Motor Vehicle Inspectors and Minor Revisions to the Motor Vehicle Statutes~~

Public Act 19-108 An Act Concerning Motor Vehicle Inspectors as Peace Officers

Policy adopted:
Policy revised:
Policy revised:

May 7, 2001
May 13, 2014
October 18, 2016

NEW MILFORD PUBLIC SCHOOLS
New Milford, Connecticut

FOR DISCUSSION AND POSSIBLE ACTION

VERSION #2

COMMENTARY: The suggested revision below adds language that would permit off-duty peace officers to carry firearms on school grounds if such officers are required to carry at all times by their employing law enforcement agency.

As the Policy Committee is aware, the law –specifically Conn. Gen. Stat. § 53a-217b – is ambiguous on this issue. Subsection (a) of the statute makes it a Class D felony for a person to possess a weapon on school grounds when such person is “not licensed or privileged to do so.” Subsection (b) of the statute then goes on to list individuals who are exempted from the law and specifically exempts “a peace officer, as defined in subdivision (9) of section 53a-3, while engaged in the performance of such peace officer's official duties . . .” The dilemma here is that it is unclear if an off-duty peace officer (i.e. state or local police officer, judicial marshal, correction official, etc.) is engaged in “official duties.” Arguably an off-duty officer is not on official duty if they are off the clock even if they are required to carry at all times. On one hand, Conn. Gen. Stat. § 53a-217b subsection (a) says that persons who are “not licensed or privileged” to carry on school grounds but do so may be guilty of a Class D felony, on the other hand subsection (b) only specifically exempts peace officers while engaged in official duties. Unfortunately, there are no court decisions addressing this apparent inconsistency in the law.

I believe that the Board could take the position that a person required to carry is someone licensed and privileged to do so even if off-duty and therefore could enact the below revision to the Policy. Presumably, the General Assembly did not mean to prevent state and local police officers, FBI agents, etc. from coming to their child's back to school night or PPT when they are off-duty but required to carry.

With this said, however, there may be risks in allowing off-duty law enforcement personnel to carry on school grounds. In the extremely unlikely event that some sort of shooting or violent incident were to occur, the Board could theoretically bear liability for enacting a policy that goes beyond state law. A lawyer could argue that the Board bears a “ministerial” duty to enact a policy consistent with state law and breaches that ministerial duty when it enacts a policy that is more lenient than state law allows. This is highly, highly unlikely, but it should be considered. In connection with this, the Board should check with its insurance broker to see if any amendment in this area could impact its general liability insurance policy.

Finally, as noted in a prior suggested revision to this policy, Public Act 19-108 makes a technical change that designates certified Department of Motor Vehicle vehicle inspectors as “peace officers” for purposes of Conn. Gen. Stat. § 53a-3. As a result of this change, it is appropriate to remove the specific reference to motor vehicle inspectors below and replace it with the reference to “peace officers.” The new law becomes effective October 1, 2019.

Community Relations

Possession of Firearms on School Property Prohibited

The New Milford Board of Education prohibits all persons who are in possession of a firearm from entering school property, except those persons specifically authorized to do so by state or federal law and in accordance with the provisions of this policy. This prohibition includes individuals who are otherwise in lawful possession of an unloaded firearm and traversing school property for the purpose of gaining access to lands open to hunting or other lawful purposes. The prohibition does not apply to ~~police officers on duty ; or~~ **on duty peace officers as that term is defined under Subdivision (9) of Section 5a-3 of the General Statutes, on duty** qualified school resource officers who are authorized by the Board to carry a weapon in furtherance of their duties, **or off-duty peace officers who are required by their employing law enforcement agency to carry a firearm at all times whether on or off official duty.** ~~or state motor vehicle inspectors while engaged in performance of their official duties.~~

Students are prohibited by the Board of Education from possessing firearms for any reason, whether otherwise lawful or not, in or on the real property comprising the public or private elementary or secondary school or at a school sponsored activity as defined in Subsection (h) of Section 10-233a.

(cf. 5114 - Suspension/Expulsion/Exclusion/Removal)

Legal Reference: Connecticut General Statutes

29-28 Permit for sale at retail of pistol or revolver. Permit to carry a pistol or revolver. Confidentiality of name and address of permit holder.

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Public Act 19-108 An Act Concerning Motor Vehicle Inspectors as Peace Officers

Policy adopted: May 7, 2001
 Policy revised: May 13, 2014
 Policy revised: October 18, 2016

NEW MILFORD PUBLIC SCHOOLS
 New Milford, Connecticut

FOR DISCUSSION AND POSSIBLE ACTION

COMMENTARY: The Americans with Disabilities Act ("ADA"), Section 504 of the Rehabilitation Act of 1973 ("Section 504") and the Individuals with Disabilities Education Act ("IDEA") all permit disabled individuals (students, employees and community members) to bring "service animals" into the school setting in certain circumstances and subject to certain restrictions. A service animal is ordinarily a trained dog; however, the ADA regulations also permit "miniature horses" to act as service animals (that is not a misprint).

Section III below includes voluntary provisions concerning non-service animals. The Board should determine if these provisions are appropriate.

The ADA, Section 504 and the IDEA do not require that school districts allow students, staff or community members to bring "emotional support animals" to school. Emotional support animals provide emotional support and comfort to their owners, but do not assist their owners with daily tasks. There are various emotional support animal certifications available on-line and elsewhere, but they do not carry the same weight as service animal certifications. Any animal can be an emotional support animal, but generally only dogs act as service animals.

Whether or not emotional support animals should be permitted on school property is up to the Board. There is no legal requirement that such animals be allowed and no prohibition against it. However, in making the decision on this issue the Board should be mindful of possible liability concerns and the potential for opening a Pandora's Box to all sorts of emotional support animal situations.

1800(a)

Community Relations

Animals on School Property

Due to health, safety, sanitation and classroom disruption concerns, the New Milford School District does not permit animals on school grounds except in accordance with this policy.

I. In General

Animals are permitted on school property when (1) permitted by law (e.g., service animals, law enforcement animals), or (2) when approved by the Superintendent of Schools or his or her designee. When making decisions regarding the admission of animals on school property, the Superintendent or designee shall consider the impact on educational programming and take into consideration the type of animal, the threat to students who may have allergies, and the safety of the students. Animals permitted on school property must be immunized against diseases common to the specific type of animal and proof of immunization must be provided upon request.

Community Relations

Animals on School Property

II. Service Animals

An individual with a disability is permitted to be accompanied by a service animal on school property as required by law, subject to the conditions of this policy.

A “service animal” means a dog (regardless of breed or size) or miniature horse that has been individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability. Other species of animals, whether wild or domestic, trained or untrained, are not service animals for the purposes of this definition. The work or tasks performed by a service animal must be directly related to the individual’s disability. The provision of emotional support, comfort or companionship are not “work or tasks” for purposes of this policy.

A. Requirements That Must Be Satisfied Before A Service Animal Will Be Permitted On School Property

Request: A student, staff member or community member who needs to be accompanied by a service animal on school property in order to accommodate his or her disability should notify the Superintendent of Schools or his or her designee before the animal is brought onto school property. The Superintendent or his or her designee may then ask whether the animal is required because of a disability and what work or tasks the animal has been trained to perform unless the work or tasks the animal is trained to perform are readily apparent.

Once the Superintendent or designee has received such notification, he or she will notify appropriate District personnel and vendors (school principal, bus company, etc.) of the presence of the service animal. Such requests should be renewed each school year.

Health and Vaccination: The service animal must be in good health and must be vaccinated and immunized against diseases common to that type of animal. All service animals must be kept free from fleas, ticks and other pests. Each school year the owner or handler of the animal must submit to the Superintendent or his or her designee a current veterinary health certificate and documentation from a licensed veterinarian that verifies that the service animal’s vaccinations and immunizations are current.

Control: A service animal must be under the control of his or her handler at all times. The service animal must have a harness (for guide dogs), a backpack, a vest identifying the dog as a trained service dog, a leash (blaze orange in color) for hearing dogs, or other tether unless either the handler is unable because of a disability to use a harness, backpack, vest, leash, or other tether, or the use of a harness, backpack, vest, leash, or other tether would interfere with the service animal’s safe, effective performance of work or tasks, in which case the service animal must be otherwise under the handler’s control.

Community Relations

Animals on School Property

B. Miniature Horses

The District will make reasonable modifications to its policies, practices, and procedures to permit the use of a miniature horse by an individual with a disability if the miniature horse has been individually trained to do work or perform tasks for the benefit of the individual with a disability. In determining whether reasonable modifications to any policies, practices, and procedures should be made to allow a miniature horse into a specific facility, the District shall consider the following factors:

1. The type, size, and weight of the miniature horse and whether the facility can accommodate these features;
2. Whether the handler has sufficient control of the miniature horse;
3. Whether the miniature horse is housebroken; and
4. Whether the miniature horse's presence in a specific facility compromises legitimate safety requirements that are necessary for safe operation.

All additional requirements outlined in this policy, which apply to service animals, shall apply to miniature horses.

C. Supervision and Care of Service Animals

The owner or handler of a service animal is responsible for the supervision and care of the animal, including any feeding, exercising, and clean up. However, these issues may be addressed by the 504 PPT team where appropriate based on the individual needs of a student.

D. Damages to School Property

The owner or handler of a service animal shall be held solely responsible in the event that a service animal damages or destroys school property or causes injury to personnel, students, or others.

E. Removal of Service Animals from School Property

The Superintendent of Schools or his or her designee may require an individual with a disability to remove a service animal from school property under the following circumstances:

1. The animal is out of control and the animal's handler does not take effective action to control it;

Community Relations

Animals on School Property

2. The animal is not housebroken;
3. The presence of the animal poses a direct threat to the health or safety of others; or
4. The presence of an animal would require a fundamental alteration to the service, program, or activity of the school division.

If the service animal is removed, the individual with a disability shall be provided with the opportunity to participate in the service, program, or activity without the service animal.

F. Health and Safety Concerns

If the presence of the service animal poses a health or safety risk to another member of the school community, as documented by a medical practitioner, the District will weigh the needs of all the parties and put together a plan to provide reasonable accommodations. Such accommodations may include the transfer of one of the individuals, or the exclusion of the service animal if the animal's presence poses an unwarranted threat to the health, safety and well-being of anyone who will come in contact with the service animal. Generally, allergies that are not life threatening are not a valid reason for prohibiting the presence of a service animal.

III. Non-Service Animals

A. The Use of Animals for Instructional Purposes

A non-service animal may be brought onto school grounds for instructional purposes where the presence of the animal directly supports learning strategies or the achievement of the objectives of an approved educational program. Under no circumstances shall animals that pose actual or potential safety risks and health risks to students and employees be allowed in schools or classrooms.

The following protocols must be met before an animal or animals may be brought onto school grounds for instructional purposes:

1. The appropriate building principal must approve the use of the animal for instructional purposes;
2. Prior to allowing the animal on school grounds, steps are taken to ensure that students and employees are not allergic to the presence of the animal or animals, and that the animal(s) will present no physical danger to students or employees, and that the animal(s) are free from any disease or parasite;

Community Relations

Animals on School Property

3. Prior to introducing any animal into classrooms or using any animal as part of the educational program, teachers shall make all efforts to ensure that students receive instruction in the proper care and handling of animals;
4. When animals are allowed in schools and classrooms, they shall be housed in suitable, sanitary, self-contained enclosures appropriate to the size of the animal. Animals shall not be allowed to roam freely in the classroom or school;
5. The sponsor of any animal must ensure that the animal's enclosure(s) is kept in a sanitary condition and that waste is properly disposed of.

B. Animals Brought onto School Grounds by Vendors

Outside vendors, contractors, or providers ("vendors") offering to bring animals onto school property to enhance educational programs must provide the District with the following prior to bringing any animals onto school property:

1. A Certificate of Insurance evidencing the vendor's insurance coverage in connection with the animal(s), including commercial general liability ("CGL") insurance policy coverage in the amount of \$1,000,000 per occurrence and \$2,000,000 general aggregate naming the New Milford Board of Education and the Town of New Milford, and their elected officials, employees, agents and volunteers as additional insureds.
2. An indemnification agreement in which the vendor agrees to indemnify, defend and hold harmless the New Milford Board of Education and the Town of New Milford, and their elected officials, employees, agents and volunteers from any claims, damages, suits, actions, liabilities and costs of any kind or nature, including attorneys' fees, arising from or caused by the provision of any services, the failure to provide any services or the use of any services or materials furnished (or made available) by the vendor, provided that such liability is not attributable to the Town's or District's School sole negligence.

C. Pet Dogs on School Grounds

The New Milford School District shall post signs advising the public that no dogs are allowed on school property. If a dog is allowed to walk or roam on school grounds, the proper authorities will be called.

Community Relations

Animals on School Property

D. Unique Circumstances or Requests

Circumstances or requests requiring special consideration shall be reviewed by the Superintendent of Schools in consultation with appropriate District personnel.

Legal Reference:

42 U.S.C. § 12132 Americans with Disabilities Act (ADA)
28 C.F.R. § 35.130(b)(7) General Prohibitions Against Discrimination
28 C.F.R. § 35.136 Service Animals
28 C.F.R. § 36.104 Definitions

Policy adopted: _____

NEW MILFORD PUBLIC SCHOOLS
New Milford, Connecticut

Instruction

Graduation Requirements

Pathways for the NMHS Graduate

Two Year College/Career Ready Pathway: Minimum requirement is a high school diploma and attainment of the distribution of credits as prescribed. It is recommended that the student take the most personally challenging course load during their high school tenure and integrate work in the field whenever possible (internships, job shadowing, work, etc.)

Four Year College Pathway: Minimum requirement is a high school diploma and attainment of the distribution of credits as prescribed. Most four-year colleges require that the graduate take four credits in English and math, three credits in science and social studies, and at least two credits in a world language.

Highly Competitive Colleges Pathway: Minimum requirement is a high school diploma and attainment of the distribution of credits as prescribed. Most highly competitive colleges require that the graduate take four credits in English, math, science and social studies, and at least three credits in a world language. It is also highly encouraged that the level of these courses be at the Advanced Placement level and at the very least honors level when available.

To graduate from the New Milford Public Schools, a student must earn a minimum number of credits, fulfill credit distribution requirements and meet district performance standards.

I. Academic credit distribution requirements

A. Students must complete the following credits:

Year of Graduation 2019-22	4.0	English
	4.0	Mathematics
	3.0	Social Studies (including 0.5 credit in civics and 1 credit for U.S. history)
	3.0	Science
	2.0	Physical Education
	1.0	Arts (Fine or Practical)
	0.5	Health
	8.5	Electives (including 0.5 in humanities and 0.5 in Financial Literacy)
	26.0 TOTAL CREDITS	

Instruction

Graduation Requirements

Commencing with the Class of 2023:

Humanities Cluster: 9 Credits

- No less than 3 credits in English
 - English I, II, III/AP (3 Credits)
- No less than 3 credits in Social Studies
 - Must include 1.0 credit in US History and 0.5 credit in Civics)
 - 1.5 additional credits in Social Studies (See Program of Studies)
- 3 additional credits of student choice (additional English, Social Studies, Level 4 or above in World Language, Art History, History of Jazz, History of American Musical Theater etc.)

STEM Cluster: 9 Credits

- No less than 3 credits in Science
 - Integrated Science, Biology, Chemistry (3 Credits)
- No less than 3 credits in Math (See Program of Studies)
 - Maximum of 1 credit awarded for successful completion (B-/80) of Geometry taken at the middle school
- 3 additional credits of student choice (additional Science, Math, Tech. Ed., Intro to Business, Computer Literacy, Business Computer Applications, Website Design I&II, Intro to Computer Programming, AP Computer Science A, AP Computer Science Principles etc.)

Health & Wellness Cluster: 2 Credits

- 1 credit in Physical Education
- 1 credit in Health & Safety Education
 - Must include 0.5 credit in Health 1
 - Additional 0.5 credit of student choice (*Health 2, Allied Health, Medical Technology, Emergency Medical Technician, Sports Medicine, Early Childhood, Child Development etc.)

World Language Cluster: 1 Credit

- 1 credit of any World Language course at New Milford High School
 - 1 credit awarded for successful completion (B-/80) of Part A & Part B of the same World Language course from grades 7 & 8 (Not including Conversational World Language Courses)

Additional requirements continued next page

Instruction

Graduation Requirements

Commencing with the Class of 2023:

Electives Cluster: 3 Credits <ul style="list-style-type: none"> • 1 credit in Practical or Fine Arts (See Program of Studies) • 0.5 credit in Personal Finance - Required by state law • 1.5 additional credits of student choice
Mastery Based: 1 Credit <ul style="list-style-type: none"> • 0.5 Credit in Assured Skills Experiences • 0.5 Credit in Assured Content Experiences
25.0 TOTAL CREDITS

II. Exemptions, modifications, and accommodations

- A. If a physician or advanced practice registered nurse certifies in writing that the physical education requirement is medically contraindicated because of the physical condition of the student, this requirement may be fulfilled by an elective.
- B. Exemptions: modifications and accommodations of graduation requirements will be made for any student with a disability as determined by the planning and placement team or 504 team.
- C. A maximum of two credits (1 credit in Geometry and 1 credit in World Language) may be granted for successful completion of courses taken at the middle school level that align with the high school curriculum.
- D. The Board may permit a student to graduate during a period of expulsion pursuant to Connecticut General Statutes 10-233d if the Board determines that the student has satisfactorily completed the necessary credits for graduation.
- E. In accordance with state law, the Board of Education may award a high school diploma to a veteran of World War II, the Korean hostilities, or the Vietnam Era who left high school to serve in the armed forces and did not receive a diploma as a consequence of such service as well as any person who withdrew from high school prior to graduation to work in a job that assisted the war effort during World War II, did not receive a diploma as a consequence of such work and has resided in the state for at least fifty consecutive years.

Instruction

Graduation Requirements

Early Graduation

Students may finish in six semesters provided all graduation requirements have been satisfied. Any student interested in being considered for early graduation must notify his/her counselor of his/her intentions no later than the end of the student's fifth semester. Students applying for early graduation must obtain the Early Graduation Policy statement and related application form from the Guidance Office and take course no. 990.

Course No.	Course	Prerequisites
990	Early Graduation	By Special Arrangement Only

(cf. 5121 - Examination/Grading/Rating)
 (cf. 5123 - Promotion/Acceleration/Retention)
 (cf. 6111 - School Calendar)
 (cf. 6141.4 – Independent Study)
 (cf. 6146.2 – Statewide Proficiency/Mastery Examinations)
 (cf. 6172.6 – Virtual/Online Courses/College/University Courses)

Legal reference:	Connecticut General Statutes
10-14n	State-wide mastery examination
10-161	Establishment of graduation date
10-18	Courses in United States history, government and duties and responsibilities of citizenship
10-19	Teaching about alcohol, nicotine or tobacco, drugs and acquired immune deficiency syndrome
10-221a	High school graduation requirements
10-223a	Promotion and graduation policies. Basic skills necessary for graduation, assessment process
Public Act No. 17-42	An Act Concerning Revisions to the High School Graduation Requirements

Policy adopted:	June 10, 2003	NEW MILFORD PUBLIC SCHOOLS
Policy revised:	June 27, 2005	New Milford, Connecticut
Policy revised:	June 8, 2010	
Policy revised:	October 11, 2011	
Policy revised:	September 10, 2013	
Policy revised:	October 8, 2013	
Policy revised:	May 21, 2019	

ITEM OF INFORMATION REGULATION REVISION
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COMMENTARY: Please see commentary for suggested revisions to BOE policy 4118.112/4218.112. The suggested changes to this regulation are meant to conform with the new law as discussed in connection with the policy.

4118.112(a)

4218.112(a)

Personnel – Certified/Non-Certified

Sexual and Other Unlawful Harassment

Complaint Procedures

It is the policy of the New Milford Board of Education to encourage victims of sexual, racial or harassment as defined by Board policy 4118.112/4218.112 to promptly report such complaints. Timely reporting of complaints facilitates the investigation and resolution of such complaints.

Any employee who feels that he/she has been harassed on the basis of sex, sexual orientation, gender identity or expression, race, color, religion, national origin, ancestry, marital status, age, disability, ~~or~~ genetic information **or any other basis prohibited by local, state and federal law** should bring this/her complaint to the Principal, Assistant Principal or District Title IX Coordinator. The Principal or Assistant Principal will immediately inform the District Title IX Coordinator upon receipt of any such complaint, or the Superintendent if the District Title IX Coordinator is the subject of the complaint.

All complaints will be investigated promptly and corrective action will be taken when allegations are verified. Confidentiality will be maintained to the extent practical. Any reprisals or retaliations found to have occurred as a result of reporting sexual or other unlawful harassment may result in disciplinary action against the retaliator, up to and including discharge. All reports of conduct that violates this policy shall be reviewed regardless of whether the report has been made in writing.

The school district will provide staff development for new district administrators and other supervisors and will publish its policy and complaint procedure to employees in an effort to maintain an environment free of sexual and other unlawful harassment.

Responsibilities of Personnel

All Employees. Any staff member who feels that he or she is a victim of sexual, racial or other unlawful harassment is strongly urged to immediately report the incident to the Building Principal or Title IX Coordinator. If possible, the victim should consider firmly and immediately notifying the offender that his or her behavior is unwelcome and request that it stop. It is extremely important for victims to report any form of harassment to the Building Principal or Title IX Coordinator even if the offender has been told that his or her behavior is unwelcome and

4118.112(b)

4218.112(b)

Personnel – Certified/Non-Certified

Sexual and Other Unlawful Harassment

has been asked to stop the unwelcome conduct. If the Building Principal is the subject of the complaint, then the employee must make the complaint to the Title IX Coordinator. If the Title IX Coordinator is the subject of the complaint, then the employee must make the complaint to the Superintendent.

Any employee, supervisor or administrator who has not been victimized but is aware of a possible violation of the Board's policy on sexual and other unlawful harassment should likewise report such information verbally or in writing. Administrators and supervisors who fail to report possible violations of this policy may be subject to discipline **up to and including termination of employment.**

Administrators. Any complaint or other communication from an applicant for employment, an employee, a visitor, a government agency, or an attorney concerning sexual and/or other harassment should be immediately shared with the District Title IX Coordinator, who has responsibility for the proper resolution of all reports and complaints. If notification to the District Title IX Coordinator is impractical or inappropriate under the circumstances, the Superintendent should be contacted. Any and all investigations should be conducted with the guidance of the District Title IX Coordinator or Superintendent of his or her designee.

Title IX Coordinator. The Title IX Coordinator shall be responsible for the investigation of all verbal and written complaints of alleged discrimination including unlawful harassment. The Title IX Coordinator shall ensure a prompt and equitable resolution of all complaints.

Notice of Board Policy and Administrative Regulation

A copy of the Board's sexual and other unlawful harassment policy and this accompanying administrative regulation, shall be emailed to all employees who have been assigned a New Milford Public Schools' email account and all employees who have not been assigned a New Milford Public Schools' email account but who have provided the District with a personal email account. Such email correspondence shall be sent by the District within three months of the employee's start date and shall bear the subject line "Sexual Harassment Policy."

Copies of the Board's sexual and other unlawful harassment policies and this accompanying administrative regulation shall also be accessible via the District's website.

Personnel – Certified/Non-Certified

Sexual and Other Unlawful Harassment

Reporting a Complaint of Unlawful Harassment

Any applicant or employee who feels that he/she has been harassed on the basis of race, color, national origin, sex, age, disability, religion, sexual orientation, gender identity or expression, marital status, ancestry, or genetic information should immediately bring his/her complaint to the attention of one of the following school officials: Building Principal or district's Title IX Coordinator.

The district's Title IX Coordinator is:

Ms. Ellamae Baldelli
Director of Human Resources
50 East Street
New Milford, CT 06776
860-210-2200

Upon any notice from an employee that illegal harassment may be occurring, the school official taking the complaint should inform the employee of the school district's policy and regulations, including the school district's legal obligation to investigate every report even where the complainant is hesitant to pursue the complaint. If the complaint is not in writing, the administrator should encourage the employee to commit the complaint to writing and provide the employee a form that he or she may use for this purpose. The administrator may assist the employee in writing the complaint.

The written complaint should state the following (the form in Appendix A may be provided for the convenience of the complainant, but is not required):

1. name of the complainant;
2. date that the complaint was made;
3. name(s) of the alleged harasser(s);
4. date and place of the alleged harassment;
5. names of any witnesses, if any;
6. list of documentary evidence, if any;
7. statement of the facts supporting this complaint of harassment.

The school official should document the complaint even if the complainant refuses to commit the complaint to writing. In such instance, the school official should ask the complainant to review the complaint for accuracy and ask the complainant sign. If the complainant chooses not to sign, the school official should note so on the official's report of the complaint.

4118.112(d)
4218.112(d)

Personnel – Certified/Non-Certified

Sexual and Other Unlawful Harassment

The administrator should advise the employee that confidentiality will be maintained to the extent possible and should advise participants in the investigation not to discuss the subject with others in the workplace. The administrator cannot make a blanket promise of complete confidentiality since information gained from the investigation may have to be disclosed to other school personnel or may be needed in subsequent government or court proceedings.

The administrator should carefully document his or her knowledge of all communications and efforts concerning employee complaints, including any employee failure to take advantage of the opportunities provided by the school district's policy and procedure. Such documentation should be maintained in a separate investigative file.

The Building Principal shall immediately forward the complaint to the district's Title IX Coordinator without screening or investigating the report.

If the Title IX Coordinator is the subject of the complaint, the complaint should be submitted to the Superintendent, who shall investigate or appoint a designee to do so. If the Superintendent is the subject of the complaint, it shall be submitted to the Board of Education and the Board shall appoint the investigator.

~~Administrators must attend a school approved sexual harassment training program within six months of assuming such position with the school district and thereafter when required by the school district.~~

Investigation of the Complaint

Investigator: The Title IX Coordinator is responsible for investigating or supervising the investigation of any complaints of unlawful harassment. The advice of legal counsel should be sought as necessary. The investigation may also be conducted by outside counsel or an outside investigator.

Interim measures: The investigator shall assess whether there is a necessity to take immediate interim measures to prevent further allegations of unlawful harassment or retaliation of any kind while the investigation is pending.

Investigation: The investigation shall be conducted with objectivity and completed in a timely manner. The investigator shall consult with all individuals believed to have relevant information including the complainant, the person(s) accused of the unlawful harassment, potential witnesses and other possible victims of the alleged harassment. The investigation shall be carried on

Personnel – Certified/Non-Certified

Sexual and Other Unlawful Harassment

discreetly, maintaining confidentiality insofar as possible while still conducting an effective and thorough investigation. Throughout the investigative process, the due process rights of the alleged harasser(s) shall be preserved. The investigator shall keep the complainant apprised of the status of the investigation on a periodic basis.

Documentation: The investigator should carefully document all aspects of the investigation. Documentation should be maintained in an investigative file. Documentation of disciplinary actions taken should be maintained in the employee's personnel file or the student's disciplinary file.

Written Report: After an impartial and prompt investigation of the complaint, the investigator should ascertain (1) whether the alleged conduct occurred, and (2) whether such conduct constitutes a violation of the Board's policy. In determining whether there is a violation of the policy, the investigator should consider the surrounding circumstances, the nature of the behavior, past incidents or patterns of behavior, the relationships between the parties involved and context in which the incidents occurred. If there is a violation, the investigator should determine what remedial action is necessary to eradicate the harassment and prevent any recurrence of such conduct in the future. The investigator should commit the findings and recommendations to writing and forward the report to the Superintendent of Schools. Unless unusual circumstances exist, the written report shall be completed without delay. If the Superintendent is the subject of the investigation, the Board of Education shall receive the findings and recommendations.

Notification of Results of Investigation: The results of the investigation will be communicated to the parties involved in a manner consistent with state and federal laws regarding data and records privacy.

Request for Review: If the complainant is unsatisfied with the results of the investigation, he/she may request a review by the Superintendent of Schools within 10 school days of the notification of the results of the investigation. The Superintendent (or designee) shall review the investigator's written report and further investigation may be conducted if necessary. The complainant may present additional evidence or witnesses for the reviewer to consider. Absent unusual circumstances, the Superintendent shall promptly notify the complainant in writing of the results of his/her review.

4118.112(f)
4218.112(f)

Personnel – Certified/Non-Certified

Sexual and Other Unlawful Harassment

Corrective Action: Corrective action means actions taken by an employer in response to an employee's claim of sexual harassment. Corrective action may include but is not limited to, employee relocation, assigning an employee to a different work schedule or other substantive changes to an employee's terms or conditions of employment.

If unlawful harassment in violation of Board policy is determined to have occurred, the school district will take prompt corrective action that is reasonably calculated to stop the harassment and prevent any recurrence of such behavior. As part of such remedial action, the offender may be subject to appropriate disciplinary action which may include, but is not limited to one or a combination of the following: counseling, awareness training, warning, reprimand, reassignment, transfer, suspension, termination or expulsion. School district action taken for violation of this policy shall be consistent with the requirements of applicable collective bargaining agreements, state and federal law, and other school district policies.

The District shall not take immediate corrective action that modifies the conditions of a complaining employee's employment unless such employee agrees, in writing, to any modification of the terms of employment, or the District determines that such corrective action is reasonable and not of detriment to the employee who has brought a complaint of sexual harassment.

Alternative Complaint Procedures

The Connecticut Commission of Human Rights and Opportunities (CHRO) investigates complaints of harassment based upon race, color, national origin, sex, age, disability, religion, sexual orientation, gender identity or expression, marital status, ancestry, or genetic information. CHRO may be contacted at 21 Grand Street, Hartford, CT 06106 (860-541-5737). More information concerning illegal harassment and remedies available to address illegal harassment is available at:

https://www.ct.gov/chro/lib/chro/Sexual_Harassment_Flyer.pdf

The U. S. Equal Employment Opportunity Commission (EEOC) investigates complaints of harassment based upon race, color, sex, religion, national origin, age, or disability. The EEOC may be contacted at John F. Kennedy Federal Building, 475 Government Center, Boston, MA 02203, 1-800-669-4000.

4118.112(g)
4218.112(g)

Personnel – Certified/Non-Certified

Sexual and Other Unlawful Harassment

The EEOC ~~and CHRO~~ apply **applies** a statute of limitation of one hundred and eighty (180) days to complaints of harassment. **The CHRO applies statute of limitation periods of either one hundred and eighty (180) days or three hundred (300) days depending on when the alleged harassment occurred.**

Regulation approved: December 9, 2003
Regulation revised: November 7, 2005
Regulation revised: June 14, 2011
Regulation revised: October 11, 2011
Regulation reviewed: February 24, 2015

NEW MILFORD PUBLIC SCHOOLS
New Milford, Connecticut

<p>ITEM OF INFORMATION REGULATION REVISION</p>
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COMMENTARY: Public Act 19-95 grants certain employment protections to members of the "Civil Air Patrol" – the official auxiliary unit of the United States' Air Force. Civil Air Patrol service members can be called upon to help military and law enforcement units in search and rescue and disaster relief support missions. An existing federal law – the Uniformed Services Employment and Reemployment Rights Act (USERRA) gives military reservists and others various employment protections including the right to reemployment upon return from service, eligibility to continue health insurance benefits, etc. USERRA does not apply to Civil Air Patrol members so the Act is designed to offer individuals who are members of the Civil Air Patrol with employment benefits similar to USERRA.

4155(a)

4255(a)

Personnel – Certified/Non-Certified

Military Leave

Military leaves of absences are provided to employees in the New Milford Public School District (District) as required by the federal Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA), and sections 10-156c, 10-156d, 7-462(a), 27-33a of the Connecticut General Statutes, and Public Act 19-95. These regulations shall be interpreted to comply with those laws.

Employees are encouraged to contact the Personnel office if they have any questions regarding the Military Leave policy of the Board of Education (Board) and these accompanying administrative regulations.

Leaves of Absence. Employees who need to be absent from their jobs in order to serve in the uniformed services of the United States generally are entitled to leaves of absence to perform their military service obligations whether such service is voluntary or involuntary. "Uniformed services" means service in the United States Army, Navy, Marine Corps, Air Force or Coast Guard or the reserve components of these forces; the Army National Guard or Air National Guard; the Civil Air Patrol; the Commissioned Corps of the Public Health Service, certain disaster response work (and authorized training for such work) and any other category of persons designated by the President in time of war or emergency. The type of service performed may include active and inactive duty, training activities, full-time National Guard Duty and any absence from work for an examination to determine the employee's fitness for military duty. The leave entitlements also apply to funeral honors duty performed by National Guard or reserve members.

The cumulative length service that causes a person's absences from his or her employment position generally may not exceed five years, or a period of three years in addition to war service or compulsory service in the armed forces plus ninety days, whichever is greater. Most types of services will be cumulatively counted. Exceptions may apply to this time limitation for the following reasons:

Personnel – Certified/Non-Certified

Military Leave

- Service required beyond five years to complete an initial period of obligated service;
- Service from which a person, through no fault of his or her own, is unable to obtain a release within the five year limit;
- Required training for reservists and National Guard members;
- Service to comply with a military order for active duty during domestic emergency or national security related situations;
- Service to comply with a military order for active duty (other than for training) because of a war or national emergency declared by the President or Congress;
- Active duty (other than for training) by volunteers supporting "operational missions" for which Selected Reservists have been ordered to active duty without their consent;
- Service by volunteers who are ordered to active duty in support of a "critical mission or requirement" in times other than war or national emergency and when no involuntary call up is in effect; and
- Federal service by members of the National Guard called into action by the President to suppress an insurrection, repel an invasion, or to execute the laws of the United States; and
- Service by a member of the Civil Air Patrol for the purpose of: (A) responding as a member of the Civil Air Patrol to an emergency declared by the Governor of Connecticut or the President of the United States; (B) responding as a member of the Civil Air Patrol to a request for assistance in an emergency, natural disaster or life-threatening event at the request of the United States Air Force or Coast Guard, the Department of Emergency Services and Public Protection, the Division of Emergency Management and Homeland Security within the Department of Emergency Services and Public Protection, the state police or a local police department in this state; or (C) participating as a member of the Civil Air Patrol in required emergency services training programs and exercises.

Advance Notice by the Employee. The employee or an appropriate officer of the military service branch must provide the District advance notice of military service unless military necessity prevents such notice or unless notice is otherwise impossible or unreasonable. Such notice may be oral or written. The District may request a copy of the employee's service orders.

Personnel – Certified/Non-Certified

Military Leave

Notice of Civil Air Patrol Service. Employees of the Board who are members of the Civil Air Patrol and who are trained and qualified to provide emergency services shall notify the Board that they may be called upon to participate in training or to serve in an emergency, natural disaster or life-threatening event by (1) by October 31, 2019, (2) by such employee's date of employment with the Board, or (3) by the date on which such employee joins the Civil Air Patrol, whichever is latest.

Benefits During Leave. Military leave will be unpaid unless otherwise provided by contract. The employee may elect to apply accrued vacation and/or emergency or personal days.

An employee may elect to continue his or her health care coverage with the District during his or her military leave, including continuation of dependent care coverage, under rules similar to COBRA. The maximum period of continuation coverage will be 24 months beginning on the date on which the military leave begins. When military duty is for less than thirty-one days, the employee is required to contribute his or her normal share of premium costs during the leave. When leave is for more than thirty days, the employee is required to pay 102 percent of the full premium for the duration of continuation coverage. The District will advise the employee of the terms and conditions by which these payments must be made. Coverage may be lost if the employee discontinues payments or if he or she completes military service and fails to apply for reemployment or fails to return to employment with the District.

The employee will not receive any additional benefits during his or her leave unless required by law or contract or provided to employees on leaves that are comparable to military leaves. The employee must pay the employee share of these benefits, if required.

An employee who knowingly provides clear written notice of his or her intent not to return to work after military service waives the benefits provided during the leave but retains the reemployment rights discussed below.

Reemployment Rights. Employees on military leave have reemployment rights following military service subject to certain conditions. The Board is not obligated to reemploy an employee when the employment from which he or she left to serve in the uniformed services is for a brief, non-recurrent period and there is no reasonable expectation that such employment will continue indefinitely or for a significant period. An individual qualifies for reemployment only when his or her separation from the service is honorable or satisfactory. Disqualifying service includes separation with a dishonorable or bad conduct discharge, separation under "other than honorable" conditions, dismissal of a commissioned officer in certain situations involving a court martial or by order of the President in time of war, and separation from the rolls for being absent without authority for more than three months or imprisoned by a civilian court.

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Military Leave

Time limits apply for returning to work, depending on the military activity and duration of leave as follows:

- When the military leave is for the purpose of attending military reserve or National Guard meetings or drills or reserve corps field training and is less than 31 days in duration, or is for the purpose of taking a fitness-for-service exam, the employee is expected to return to work by the beginning of the first regularly scheduled work day falling eight hours after the end of the calendar day he or she arrives home. For example, an employee who returns home at 10:00 p.m. may be required to report as early as 6:00 a.m. the next day. This time limit will be excused only if, due to no fault of the employee, timely reporting back to work would be impossible or unreasonable, in which case the employee must report back to work as soon as possible.
- When service is of 31 to 189 days in a uniformed service other than the armed forces, the employee must submit an application for reemployment no later than 14 days after completion of his or her service.
- When service is in the armed forces (the United States Army, Navy, Marine Corps, Coast Guard and Air Force) for any duration, or in another uniformed service for 181 days or more, the employee must submit an application for reemployment within 90 days after completion of service.

The District will extend these reporting or application deadlines for up to two years for persons who are hospitalized or convalescing because of a disability incurred or aggravated during the period of military service. This two-year extension will be further extended by the minimum time required to accommodate a circumstance beyond an individual's control that would make reporting within the two-year period impossible or unreasonable. A person who fails to report to work or to apply for reemployment within the required time limits will be subject to the District's rules and applicable contract provisions governing unexcused absences.

Return to Work Documentation. An employee returning to work after military service may be asked to furnish evidence of work qualifications, including certification of physical fitness and mental competence for the type of work being considered.

The employee may also be asked to provide additional documentation showing that:

- His or her application for reemployment is timely,
- He or she has not exceeded the length of service limitation (see **Leaves of Absence** above), and

Personnel – Certified/Non-Certified

Military Leave

- His or her separation from service was for a qualifying reason (see **Reemployment Rights** above).

If the employee does not provide satisfactory documentation because it is not readily available or does not exist, the District will still reemploy the person. However, if documentation later becomes available that shows one or more reemployment requirement was not satisfied, the District may terminate the employee's employment.

If an employee has been absent for military service for 91 or more days, the District may delay making retroactive pension contributions until the employee submits satisfactory documentation.

Job Placement. An employee whose military service lasted less than 91 days will be promptly re-employed in the position the employee would have attained had the employee not been absent if all qualifications for the position are met. If the employee is not or cannot become qualified for the advance position through reasonable efforts by the District, reemployment will be offered in the same position held prior to military service if the employee is qualified. If the employee is not and cannot become qualified for the same position through reasonable efforts by the District, a position that is the nearest approximation in status and pay will be offered. Reasonable efforts may include re-fresher training or training necessary to update the returning employee's skills in situations where the employee is no longer qualified due to technological advances.

An employee with 91 or more days of service will be offered reemployment under these same conditions except that the District may offer a position that is equivalent in status and pay to the position the employee would have attained had the employee not been absent.

Reasonable accommodations will be made for returning employees with disabilities incurred or aggravated while in the service or protected by state and federal non-discrimination laws and USERRA.

An employee may not be entitled to reemployment if the District's circumstances have changed so that employment of the person would be impossible or unreasonable. For example, the District has no obligation to reemploy an employee who would have been impacted by a reduction-in-force.

Benefits Upon Reemployment. Upon re-employment, the returning employee is entitled to the seniority and all rights and benefits based on seniority that he or she would have attained with reasonable certainty had he or she remained continuously employed as long as he or she pays any required employee contributions. A right or benefit is seniority based if it is determined by or accrues with length of service, and is not compensation for work performed or subject to a significant contingency other than continued employment. For instance, pension is a seniority-based benefit but vacation may or may not be depending on the terms of the controlling Board policy, collective bargaining agreement, or individual employment agreement.

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Military Leave

If the Board or, the Town of New Milford on behalf of the Board, provides a pension benefit, an employee on military leave will not be considered as having a break in service for purposes of his or her pension plan and the military service time will be considered for benefit vesting and accrual purposes consistent with state law. Employer contributions to the returning employee's pension plan will be computed according to the formula prescribed by the pension plan. If the formula includes pay that is not certain, the pay received or the hours worked by the employee during the 12-month period (or shorter, if there has been less than 12 months of employment) immediately preceding military service will be used. For example, a returning custodian expected to work overtime is entitled to retroactive pension contributions determined by the regular pay the custodian would have received, including any pay increases, plus overtime pay based on that regular rate and computed according to the average number of overtime hours the custodian worked during the twelve month (or shorter) period preceding the military leave. A returning employee will receive retroactive pension contributions only to the extent the employee makes his or her contributions to the plan. A payment schedule will be established for both employee and employer contributions that begins with the date of reemployment and lasts for a period of time equal to three times the period of military service, but no longer than five years.

When reemployed, the employee also will be entitled to any rights and benefits not based on seniority that employees on comparable leaves of absences receive when they return to work. Additionally, the employee and his or her dependents are entitled receive health insurance benefits and additional benefits provided other employees. With respect to enrollment in a health plan, USERRA requires that there be no waiting period and no exclusion of pre-existing conditions, other than disabilities determined by the Secretary of Veteran's Affairs to be connected with the military service.

Employee Protections. Absent a contract that provides greater protection, the District will discharge the returning employee only for cause for one year after the date of reemployment if his or her military service was for more than six months and for six months after the date of reemployment if his or her military service was for 31 to 180 days.

The District will not discriminate against individuals who have served, are serving or have a future obligation to serve in the military based on their military obligations. The District also will not retaliate against anyone who files a complaint under the law, participates in an investigation under the law, or exercises his or her legal rights.

Record-keeping. The District will retain all documentation that ensures or relates to the preservation of an employee's rights and benefits under the Board's military leave policy and these administrative regulations.

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Military Leave

Posting of Notice. The District shall post, in a conspicuous place which is readily available for viewing by its employees, a notice in the workplace informing employees of their rights under the Uniformed Services Employment and Reemployment Rights Act of 1994. Such notice may be printed from the federal Department of Labor web site at http://www.dol.gov/vets/programs/userra/USERRA_Private.pdf

Legal References: 38 U.S.C. §§4301-4333 (The Uniformed Services Employment and Reemployment Rights Act of 1994, as amended; the Veteran's Benefits Improvement Act of 2004)

C.G.S. §10-156c (Reserve Corp. Field training for Teachers)

C.G.S. §10-156d (Teachers Serving in the Armed Services)

C.G.S. § 7-462(a) (Municipal and School Employees Serving in the Armed Services)

C.G.S. § 27-33a (Military Reserve and National Guard Meetings and Drills)

Public Act 19-95 An Act Concerning Employment Protection for Members of the Civil Air Patrol.

CURRENT 2019/20

students 10-1-19	CRS #	Title	Avg. Coeff.	# Sign ups 19-20	Projected Enrollment 19-20	Projected # of sections 19-20	Sections offered	Actual sections per Sem.re:FTE	Avg. class size	Actual Avg. Class Size	Staff	Sections Sem. 1	Sections Sem. 2
326	5	PE 9	94	352	330.6	11.8	13	6.5	25.1		Grant	5	5
320	25	PE 10	102	324	331.9	11.9	13	6.5	24.6		Arnauckas	5	5
678	36	PE 11/12	101	666	675.5	24.1	24	12.0	28.3		Swann	5	5
											Murray, S	5	5
								25.0			Murray, V	5	5
												25	25
											Flynn	5	5
		Adap. Wellness				2.0		1.0			Duggan	3	3
345	60	Health 1	96	352	339.2	13.6	16.0	8.0	21.6		Benson	5	5
		Health 2									Schlicher	5	5
30	44	Sports Med	95	42	39.8	1.6	2.0	1.0	15.0				
43	65	Allied Health	79	47	37.0	1.5	2.0	2.0	21.5			18	18
16	70	Med Tech	77	24	18.6	0.7	1.0	1.0	16.0				
25	80	Child Devl	83	39	32.4	1.3	2.0	2.0	12.5				
4	59	EMT	87	7	6.1	0.2	1.0	1.0	4.0			43	
50	78	ErlyChildA	95	54	51.3	2.1	4.0	2.0	12.5				
								18.0					

43 = ✓

Projected 2020/21

students 10-1-19	CRS #	Title	Avg. Coeff.	# Sign ups 19-20	Projected Enrollment 19-20	Projected # of sections 19-20	Sections offered	Actual sections per Sem.re:FTE	Avg. class size	Actual Avg. Class Size	Staff	Sections Sem. 1	Sections Sem. 2
326	5	PE 9	94	352	330.6	11.8	13	6.5	25.1		Grant	5	5
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678	36	PE 11/12	101	666	675.5	24.1	24	12.0	28.3		Swann	5	5
											Murray, S	5	5
								25.0			Murray, V	5	5
												25	25
											Flynn	5	5
		Adap. Wellness				2.0		1.0			Duggan	3	3
345	60	Health 1	96	352	339.2	13.6	16.0	8.0	21.6		Benson	5	5
326		Health 2					18.0	9.0	18.1		Schlicher	5	5
30	44	Sports Med	95	42	39.8	1.6	2.0	1.0	15.0				
43	65	Allied Health	79	47	37.0	1.5	2.0	2.0	21.5			18	18
16	70	Med Tech	77	24	18.6	0.7	1.0	1.0	16.0				
25	80	Child Devl	83	39	32.4	1.3	2.0	2.0	12.5				
4	59	EMT	87	7	6.1	0.2	1.0	1.0	4.0			43	
50	78	ErlyChildA	95	54	51.3	2.1	4.0	2.0	12.5				
								27.0					

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Proposed solutions to the 2020/21 PE/Health dilemma:

1. Amend Policy #6146 and reduce the graduation requirement of 2 PE credits for the class of 2021 & 2022 from 2 to 1 credit
 - a. Note: the state requirement is 1 credit. The PE requirement for class of 2023 is 1 credit. Policy #6146 reflects this change
2. Hire 2.0 FTE Health/PE teachers for the 2020/21 School Year