

NEW MILFORD BOARD OF EDUCATION
New Milford Public Schools
50 East Street
New Milford, Connecticut 06776

POLICY SUB-COMMITTEE
MEETING NOTICE

DATE: February 28, 2017
TIME: 6:45 P.M.
PLACE: Lillis Administration Building - Rm. 2

RECEIVED
TOWN CLERK

2/28/17
2017 FEB 24 P 12:56

NEW MILFORD, CT

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/Bylaws for Review:

- 1. 4112.5/4212.5 Criminal History Inquiries, Employment Reference Checks and Disclosure of Employee Information to Prospective Employers
- 2. 9115 Annual Organizational Meeting of the Board

4. Items of Information

A. Regulation Revision:

- 1. 4112.5/4212.5 Security Check/Fingerprinting

B. AFIS Agreement

5. Discussion

A. Policies for Discussion:

- 1. 1212 School Volunteers
- 2. 6146 Graduation Requirements
- 3. 9130 Board Committees
- 4. 9323 Construction of the Agenda

6. Public Comment

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- 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.

7. Adjourn

**Sub-Committee Members: J.T. Schemm, Chairperson
Wendy Faulenbach
Dave Littlefield
Tammy McInerney**

**Alternates: Bill Dahl
Brian McCauley**

FOR FIRST REVIEW

COMMENTARY: Significant changes were made to this policy last fall to comply with the major changes and new requirements imposed by Public Act 16-67 – commonly known as the “Pass the Trash” act. The changes below are relatively minor and designed to more closely align with the language of the new law. A reference to administrative regulations on fingerprinting and Board maintenance and access to “criminal justice information” has been added.

4112.5(a)

4212.5(a)

Personnel – Certified/Non-Certified

Criminal History Inquiries, Employment Reference Checks and Disclosure of Employee Information to Prospective Employers

I. Background Checks

The New Milford Public School System requires all applicants for employment to: **1.** State whether ~~he or she has~~ **they have** ever been convicted of a crime or whether criminal charges are pending against ~~him or her at the time of application~~ **them**; **2.** ~~to~~ submit to a records check of the Department of Children and Families (“DCF”) child abuse and neglect registry **before hire** and; **3.** ~~to~~ submit to satisfactory state and national criminal history records checks within thirty days from ~~their~~ **the** date of **initial** employment. Additionally, applicants for positions involving direct student contact must provide the Board with information, authorizations and releases allowing the Board to investigate an applicant’s abuse, neglect or sexual misconduct history prior to hire.

[NOTE – Public Act 16-67 amended the applicable background check statutes to eliminate the phrase “at the time of application” with respect to pending criminal charges.]

A. Criminal History Checks

When stating whether they have ever been convicted of a crime or whether criminal charges are pending against ~~him or her~~ **them** ~~at the time of application~~ applicants must disclose convictions and charges inside or outside the State of Connecticut. Applicants must specify the relevant jurisdiction, approximate date, location and nature of each conviction or charge.

Applicants must also state if they are enrolled in a program of deferred adjudication (e.g., accelerated rehabilitation, pre-trial drug or alcohol education pursuant to C.G.S. §54-56g, and, if so, identify the jurisdiction in which such program is pending and provide an explanation of the nature of such program.

Applicants are not required to disclose the existence of criminal charges or convictions if the records have been erased and the school system will not **automatically** refuse employment to an applicant because ~~he or she~~ **such applicant** had a prior arrest, criminal charge or conviction, the records of which were erased. Specifically, applicants will not be required to disclose the existence of any arrests, criminal charges or convictions that have been erased pursuant to Connecticut General Statutes §§ 46b-146, 54-76o, or 54-142a which includes erasure of (a) a

4112.5(b)
4212.5(b)

finding of delinquency or that a child was a member of a family with services needs, (b) an adjudication as a youthful offender, (c) a criminal charge that has been dismissed or nulled, (d) a criminal charge for which the applicant had been found not guilty, and (e) a conviction for which the applicant received an absolute pardon.

All applicants are required to submit to satisfactory state and national criminal history records checks within thirty days from their date of employment. This requirement applies to workers who are placed within a school under a public assistance employment program, who are employed by a provider of supplemental service pursuant to the No Child Left Behind Act or who are in a nonpaid, noncertified position completing preparation requirements for the issuance of an educator certificate where such workers perform services involving direct student contact. Such checks will include fingerprinting or any other method of positive identification required by the State Police Bureau of Identification and the Federal Bureau of Investigation and will be at the expense of the employee. Fingerprinting and submission to state and national records checks does not apply to students employed by the school district where the student attends school. ***Security check and fingerprinting activities shall be performed by Board personnel in accordance with applicable administrative regulations. Additionally, criminal justice information accessed or maintained by the New Milford Public Schools shall be maintained in accordance with applicable administrative regulations.***

A copy of any notice of a conviction of a crime by a person holding a certificate, authorization or permit issued by the State Department of Education or a person employed by a provider of supplemental services shall be sent to the State Board of Education.

Criminal history records checks notifying the school system of a conviction previously not disclosed by the employee or a conviction that is related to the employee's fitness for the job are grounds for termination of employment. When a certified employee's contract of employment is terminated for such reason, the termination will be conducted in accordance with the statutory provisions governing certified-employee terminations found in section 10-151 of the Connecticut General Statutes. When a non-certified employee is dismissed for such reason, the employee will be notified of the reason for dismissal.

B. Abuse, Neglect or Sexual Misconduct Inquiries

In addition to criminal background investigations, the school system performs employment reference checks before hiring applicants. ***Prior to offering employment to any applicant the Board shall make a documented good faith effort to contact each current and any former employer of the applicant that was a local or regional board of education, governing council of a state or local charter school or interdistrict magnet school operator or if such employment otherwise caused the applicant to have contact with children.*** The Board shall not offer employment to an applicant for a position, including any position which is contracted for, if such applicant would have direct student contact without first performing the activities described in this section.

4112.5(c)
4212.5(c)

1. List of Prior School Employers: At the outset of the application process the Board shall require applicants for positions having direct student contact to provide the Board with a list of the name, address and telephone number of each current or former employer, if such current or former employer was a local or regional board of education, governing council of a state or local charter school or interdistrict magnet school operator or if such employment otherwise caused the applicant to have contact with children.

2. Contact Authorization: In addition to providing the Board with a list of current and prior school employers, applicants for positions having direct student contact must also provide the Board with written authorization that consents to and authorizes the disclosure of certain information by the employers identified in the list of school employers described above. Such authorization must authorize the identified employers to provide the Board with the following information:
 - a. The dates of employment of the applicant;

 - b. A statement as to whether the employer has knowledge that the applicant:
 - (i) was the subject of an allegation of abuse or neglect or sexual misconduct for which there is an investigation pending with any employer, state agency or municipal police department or which has been substantiated;

 - (ii) was disciplined or asked to resign from employment or resigned from or otherwise separated from any employment while an allegation of abuse or neglect or sexual misconduct was pending or under investigation, or due to a substantiation of abuse or neglect or sexual misconduct; or

 - (iii) has ever had a professional or occupational license, certificate, authorization or permit suspended or revoked or has ever surrendered such a license, certificate, authorization or permit while an allegation of abuse or neglect or sexual misconduct was pending or under investigation, or due to a substantiation of abuse or neglect or sexual misconduct.

4112.5(d)
4212.5(d)

3. State Department of Education Authorization: Additionally, applicants for positions having direct student contact must provide the Board with written authorization that consents to and authorizes disclosure by the State Department of Education (“SDE”) of information and related records concerning:
 - a. The applicant’s eligibility status for employment for a position requiring a certificate, authorization or permit issued by the State Board of Education;
 - b. Whether the SDE has knowledge that a finding of abuse or neglect or of sexual molestation has been substantiated by DCF against the applicant and any information concerning such a finding; and
 - c. Whether the SDE has received notification that the applicant has been convicted of a crime or of criminal charges pending against the applicant and any information concerning such charges.
4. Release: Applicants for positions having direct student contact must further provide the Board with written authorization that releases the employers identified in the applicant’s current and former employer list as described above and the SDE from liability that may arise from such disclosure or release of records pursuant to the preceding paragraphs.
5. Written Statement Concerning Abuse or Neglect or Sexual Misconduct: Finally applicants for positions having direct student contact must provide the Board with a written statement of whether he or she:
 - a. Has been the subject of an abuse or neglect or sexual misconduct investigation by any employer, state agency or municipal police department, unless the investigation resulted in a finding that all allegations were unsubstantiated;
 - b. Has ever been disciplined or asked to resign from employment or resigned from or otherwise separated from any employment while an allegation of abuse or neglect was pending or under investigation by DCF, or an allegation of sexual misconduct was pending or under investigation or due to an allegation substantiated pursuant to Section 17a-101g of the Connecticut General Statutes of abuse or neglect, or of sexual misconduct or a conviction for abuse or neglect or sexual misconduct; or

4112.5(e)
4212.5(e)

- c. Has ever had a professional or occupational license or certificate suspended or revoked or has ever surrendered such a license or certificate while an allegation of abuse or neglect was pending or under investigation by the SDE or an investigation of sexual misconduct was pending or under investigation, or due to an allegation substantiated by the SDE of abuse or neglect or of sexual misconduct or a conviction for abuse or neglect or sexual misconduct;
6. Prior Employer Contact: Board personnel shall conduct a review of the employment history of the applicant by making a good faith effort to contact those employers listed by the applicant as required above. Such review shall be conducted using a form developed by the SDE. Such review may be conducted by Board personnel either telephonically or through written communication. A good faith effort requires that Board personnel make at least three telephonic requests of listed prior employers on three separate days.
7. State Department of Education Contact: Board personnel shall request that the SDE provide the Board with information concerning:
 - a. The eligibility status for employment of any applicant for a position requiring a certificate, authorization or permit issued by the State Board of Education;
 - b. Whether the SDE has knowledge that a finding has been substantiated by DCF of abuse or neglect or of sexual misconduct against the applicant and any information concerning such a finding; and
 - c. Whether the SDE has received notification that the applicant has been convicted of a crime or of criminal charges pending against the applicant and any information concerning such charges.

The Board shall not offer employment to any applicant who had any previous employment contract terminated by a local or regional board of education, governing council of a state or local charter school or interdistrict magnet school operator or who resigned from such employment if such person has been convicted of a violation of Connecticut General Statutes section 17a-101a, when an allegation of abuse or neglect or sexual assault has been substantiated.

II. State Department of Education Notification

Should the Board receive information that an applicant for a position with the Board or an employee of the Board has been disciplined for a finding of abuse or neglect or sexual misconduct it shall notify the SDE of such information.

III. Temporary Employment Pending Background Check Inquiry

- A. The Board may employ or contract with an applicant on a temporary basis for a period not to exceed ninety days, pending the Board's review of requested information as described above, provided that *prior to the commencement of employment*:
1. The applicant has provided the Board with all requested information, authorizations and releases;
 2. The Board has no knowledge of information pertaining to the applicant that would disqualify the applicant from employment with the Board; and
 3. The applicant affirms that the applicant is not disqualified from employment with the Board.

IV. Board Responses to Background Check Inquiries

A. Background Check Inquiries From Local and Regional Boards of Education, Charter and Magnet Schools

The Board authorizes and directs its human resources personnel to provide the following information concerning a current or former Board employee to representatives of a local or regional board of education, governing council of a state or local charter school or interdistrict magnet school operator if such information is requested pursuant to a pre-employment background check inquiry:

1. Dates of employment;
2. Positions held with the Board;
3. Salary or rate of pay;
4. A statement as to whether the Board has knowledge that the current or former employee:
 - (a) has been the subject of an allegation of abuse or neglect or sexual misconduct for which there is an investigation pending with any employer, state agency or municipal police department or which has been substantiated;
 - (b) has been disciplined or asked to resign from employment or resigned from or otherwise separated from any employment while an allegation of abuse or neglect or sexual misconduct was pending

4112.5(g)

4212.5(g)

or under investigation, or due to a substantiation of abuse or neglect or sexual misconduct;

- (c) has ever had a professional or occupational license, certificate, authorization or permit suspended or revoked or has ever surrendered such a license, certificate, authorization or permit while an allegation of abuse or neglect or sexual misconduct was pending or under investigation, or due to a substantiation of abuse or neglect or sexual misconduct;

- 5. Any other information that the Board has concerning a finding of abuse or neglect or sexual misconduct by a subject of any such inquiry.

B. Background Check Inquiries From Contractors

The Board authorizes and directs its human resources personnel to provide any information the Board has concerning whether there was a finding of abuse or neglect or sexual misconduct against a current or former Board employee to representatives of a contractor that places applicants in positions involving direct student contact if such information is requested pursuant to a pre-employment background check inquiry conducted by the contractor.

V. Substitute Teachers

A. Criminal History Checks

Substitute teachers may satisfy the requirement for state and national criminal history investigations by submitting to the Board the results of state and national criminal history records checks completed within the year prior to employment with the Board. The Board considers substitute teachers to be continuously employed for purposes of criminal history records check requirements as long as the Board employs him or her at least one day of each school year. Notwithstanding their continuous employment, all substitute teachers must submit to state and national criminal history record checks at least once every five years.

B. Abuse, Neglect or Sexual Misconduct Inquiries

The Board shall not offer employment to a person as a substitute teacher unless such person and the Board have complied with the abuse, neglect and sexual misconduct investigation requirements set forth in Section I, B of this policy. The Board shall determine which such persons are employable as substitute teachers and maintain a list of such persons. The Board

shall only hire persons as substitute teachers who are listed on such list. Such person shall remain on such list as long as such person is continuously employed by the Board and as long as the Board does not have any knowledge as to why a person should be removed from such list.

VI. Prohibitions on Employment

The Board shall NOT employ a person whose employment contract was previously terminated by a board *of education, governing council of a state or local charter school, interdistrict magnet school operator or other school employer* or who resigned from such employment if such person:

Has been convicted of a crime involving an act of child abuse or neglect as described in Conn. Gen. Stat. § 46b-120 or sexual assault against a student being educated by a local or regional board of education or technical high school other than as part of an adult education program as described in Conn. Gen. Stat. §§53a-70, 53a-70a, 53a-71, 53a-72a, 53a-72b or 53a-73a; or has been convicted of the crime of failing to make a mandated report in a timely manner or intentionally and unreasonably interfering with or preventing the making of a mandated report in violation of Conn. Gen. Stat. §17a-101a regardless of whether the allegation of abuse or neglect or sexual assault has been substantiated.

Legal References: Connecticut General Statutes:

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

31-51i Erased Criminal Records

~~10-221d Criminal History Records Check~~ ***Criminal history and child abuse and neglect registry records checks of school personnel. Fingerprinting. Termination or dismissal. Denial of application for and revocation of certification.***

Conn. Gen. Stat. Ann. § 10-221d (West)

10-222c Hiring Policy

~~Public Act 16-67, An Act Concerning the Disclosure of Certain Education Personnel Records, Criminal Penalties for Threatening in Educational Settings and the Exclusion of a Minor's Name from Summary Process Complaints~~

[NOTE – The reference to Public Act 16-67 can be deleted now since the language of the act has been codified in the Connecticut General Statutes at § 10-221d and § 10-222c as listed above.]

Policy adopted: December 9, 2003
Policy revised: October 18, 2005
Policy revised: June 14, 2011
Policy revised: October 13, 2015
Policy revised: October 18, 2016

NEW MILFORD PUBLIC SCHOOLS
New Milford, Connecticut

Bylaws of the Board

Annual Organizational Meeting of the Board

It is the policy of the Board to conduct an annual meeting, held the ~~second~~ *third* Tuesday in December, for the purpose of organization and the election of officers.

1. The meeting shall be called to order by the Superintendent or Acting Superintendent.
2. Upon nomination from the floor, the Board Chairperson shall be elected by a recorded vote of the Board and take office upon election.
3. Upon nominations from the floor, the Board shall elect by recorded vote the Vice-Chairperson, Secretary and Assistant Secretary.
4. Election of any officer shall require a majority vote of the Board members present.
5. Requests to serve on specific standing committees shall be submitted by Board members to the Board Chairperson (refer to policy 9130).

(cf. 9120 - Officers)

Bylaw adopted by the Board: January 9, 2001
Bylaw revised by the Board: November 14, 2006

NEW MILFORD PUBLIC SCHOOLS
New Milford, Connecticut

ITEM OF INFORMATION REGULATION REVISION

COMMENTARY -- The changes below are designed to align the regulation more closely with language in Public Act 16-67 and to incorporate language from federal FBI criminal history database regulations (i.e. 28 CFR § 16.34).

4112.5(a)
4212.5(a)

Personnel – Certified/Non-Certified

Security Check/Fingerprinting

Each applicant for a position within the public school system shall be asked whether ~~he/she~~ *has they have* ever been convicted of a crime and whether there are any criminal charges pending against ~~them~~ *him/her* ~~at the time of application~~. Prior to ~~hiring~~ *hire*, each applicant for a position with the Board of Education shall submit to a records check of the Department of Children and Families child abuse and neglect registry. Each person hired by the school system, including nonpaid, noncertified individuals completing requirements for certification who will have direct student contact, shall be required to submit to state and national criminal *history* record checks. In order to process such record checks, the following procedure will be followed:

1. No later than ten calendar days after the Superintendent or his/her designee has notified a job applicant of a decision to hire the applicant, or as soon thereafter as practicable, the Superintendent or his/her designee will supply the applicant with a packet containing all documents and materials necessary for the applicant to be fingerprinted by the Personnel Office. This packet shall also contain all documents and materials necessary for the Regional Service Center to submit the completed fingerprints to the State Police Bureau of Identification for the processing of state and national criminal *history* record checks.
2. No later than ten calendar days after the Superintendent or his/her designee has provided the successful job applicant with the fingerprinting packet, the applicant must arrange to be fingerprinted. Failure of the applicant to have his/her fingerprints taken within such ten-day period, without good cause, will be grounds for the withdrawal of the offer of employment.
3. Any person for whom criminal *history* records checks are required to be performed pursuant to this policy must pay all fees and costs associated with the fingerprinting process and/or the submission or processing of the requests for criminal *history* record checks.
4. Upon receipt of a criminal *history* record check indicating a previously undisclosed conviction, the Superintendent or his/her designee will notify the affected applicant/employee in writing of the results of the record check. ~~and will provide an opportunity for the affected applicant/employee to respond to the results of the~~

~~criminal record check.~~ In addition, the State Department of Education Certification Bureau will be notified ~~on~~ *of* any such record ***in accordance with the law and applicable Board policies.***

[NOTE – The requirement that applicant/employees be given the opportunity to respond to the results of criminal history record checks in writing was eliminated as part of Public Act 16-67.]

5. ~~Decisions regarding the effect of a conviction upon an applicant/employee, whether disclosed or undisclosed by the applicant/employee, will be made on a case-by-case basis. Notwithstanding the foregoing, the~~ ***The*** falsification or omission of any information on a job application or in a job interview, including, but not limited to information concerning criminal convictions or pending criminal charges, shall be grounds for disqualification from consideration for employment or discharge from employment.

[NOTE – The deleted language has been moved to section 8 below where it fits more appropriately.]

6. Adult education teachers and substitute teachers, if they are continuously employed by the district, do not have to be refingerprinted after fulfilling the initial requirement. Continuous employment for the purpose of this regulation means “employed at least one day of each school year” by the board of education.
7. ***Board personnel shall provide applicants with written or electronic notification that fingerprints will be used to check the criminal history records of the FBI. Applicants shall be afforded the opportunity to complete or challenge the accuracy of information in their FBI criminal history records, and shall further be advised that procedures for obtaining a change, correction, or updating of an FBI criminal history record are set forth at Title 28 Code of Federal Regulations, Section 16.34.***

[NOTE – Federal regulations relating to the FBI criminal history database require the provisions above when fingerprints are searched against the FBI database.]

- 7 8. ***Decisions regarding the effect of a conviction upon an applicant/employee, whether disclosed or undisclosed by the applicant/employee, will be made on a case-by-case basis, however, The the*** Board shall NOT employ a person whose employment contract was previously terminated by a ~~board~~ ***a local or regional board of education, governing council of a state or local charter school or interdistrict magnet school operator*** or who resigned from such employment if such person:

4112.5(c)
4212.5(c)

Has been convicted of a violation of Connecticut General Statutes section 17a-101a, when an allegation of abuse or neglect or sexual assault has been substantiated, Has has been convicted of a crime involving an act of child abuse or neglect as described in Conn. Gen. Stat. § 46b-120 or sexual assault against a student being educated by a local or regional board of education or technical high school other than as part of an adult education program as described in Conn. Gen. Stat. §§53a-70, 53a-70a, 53a-71, 53a-72a, 53a-72b or 53a-73a; or

Has been convicted of the crime of failing to make a mandated report in a timely manner or intentionally and unreasonably interfering with or preventing the making of a mandated report in violation of Conn. Gen. Stat. §17a-101a regardless of whether the allegation of abuse or neglect or sexual assault has been substantiated.

[NOTE – The added language comes directly from new language in Public Act 16-67 prohibiting boards of education from hiring individuals that fall within the above described category.]

Legal Reference: **28 CFR § 16.34 Procedure to obtain change, correction or updating of identification records.**

Connecticut General Statutes

~~10-221d Criminal history records checks of school personnel. Fingerprinting. Termination or dismissal.~~ **Criminal history and child abuse and neglect registry records checks of school personnel. Fingerprinting. Termination or dismissal. Denial of application for and revocation of certification.**

10-222c Hiring policy

~~Public Act 15-205, An Act Protecting School Children~~

Regulation approved: December 9, 2003
Regulation revised: May 21, 2013
Regulation revised: September 15, 2015

NEW MILFORD PUBLIC SCHOOLS
New Milford, Connecticut

COMMENTARY – The language for this regulation’s new appendix comes directly from the Connecticut Department of Emergency Services and Public Protection by way of the FBI. Federal law requires that so-called “non-criminal justice agencies” – such as local boards of education – that access or maintain “criminal justice information” maintain written “policies” governing the handling of such information. Such policies do not have to be formal board policies, and given the level of detail involved an administrative regulation on the subject matter is likely more appropriate. Criminal record history information – which all Connecticut boards of education must access pursuant to the background check requirements imposed by Conn. Gen. Stat. § 10-221 and § 10-222c --- is considered a subset of criminal justice information.

*Comprehensive guidance on such issues is found within the FBI’s Criminal Justice Information Services (CJIS) Security Policy, which may be accessed at:
<https://www.fbi.gov/services/cjis/cjis-security-policy-resource-center>]*

Appendix A Regulation 4112.5/4212.5

Criminal History Record Information (CHRI) Proper Access, Use and Dissemination Procedures

Purpose

The intent of this administrative procedure is to ensure the protection of the Criminal Justice Information (CJI) and its subset of Criminal History Record Information (CHRI) until such time as the information is purged or destroyed in accordance with applicable record retention rules. This procedure was developed using the FBI’s Criminal Justice Information Services (CJIS) Security Policy.

Scope

This regulation applies to any electronic or physical media containing FBI CJI while being stored, accessed or physically moved from a secure location within the New Milford Public Schools. In addition, this regulation applies to any authorized person who accesses, stores, and/or transports electronic or physical media.

Criminal Justice Information (CJI) and Criminal History Record Information (CHRI)

CJI is the term used to refer to all of the FBI CJIS provided data necessary for law enforcement and civil agencies to perform their missions including, but not limited to biometric, identity history, biographic, property, and case/incident history data.

CHRI, is a subset of CJI and for the purposes of this document is considered interchangeable. Due to its comparatively sensitive nature, additional controls are required for the access, use and dissemination of CHRI. In addition to the dissemination restrictions outlined below, Title 28,

Part 20, Code of Federal Regulations (CFR), defines CHRI and provides the regulatory guidance for dissemination of CHRI.

Proper Access, Use, and Dissemination of CHRI

Information obtained from the Interstate Identification Index (III) is considered CHRI. Rules governing the access, use, and dissemination of CHRI are found in Title 28, Part 20, CFR. The III shall be accessed only for an authorized purpose. Further, CHRI shall only be used for an authorized purpose consistent with the purpose for which III was accessed. Dissemination to another agency is authorized if (a) the other agency is an Authorized Recipient of such information and is being serviced by the accessing agency, or (b) the other agency is performing noncriminal justice administrative functions on behalf of the authorized recipient and the outsourcing of said functions has been approved by appropriate CJIS Systems Agency (CSA) or State Identification Bureau (SIB) officials with applicable agreements in place.

Personnel Security Screening

Access to CJI and/or CHRI is restricted to authorized personnel. Authorized personnel is defined as an individual, or group of individuals, who have been appropriately vetted through a national fingerprint-based record check and have been granted access to CJI data. Agencies located within states having passed legislation authorizing or requiring civil fingerprint-based background checks for personnel with access to CHRI for the purposes of licensing or employment shall submit fingerprint-based record check within 30 days of employment or assignment on all personnel with who have direct access to CJI, those who have direct responsibility to configure and maintain computer systems and networks with direct access to CJI, and any persons with access to physically secure locations or controlled areas containing CJI. Agencies located within states without this authorization or requirement are exempted from the fingerprint-based background check requirement until such time as appropriate legislation has been written into law.

Security Awareness Training

Basic security awareness training shall be required within six months of initial assignment, and biennially thereafter, for all personnel who have access to CJI.

Physical Security

A physically secure location is a facility or an area, a room, or a group of rooms within a facility with both the physical and personnel security controls sufficient to protect the FBI CJI and associated information systems. The perimeter of the physically secure location shall be prominently posted and separated from non-secure locations by physical controls.

Only authorized personnel will have access to physically secure non-public locations. The New Milford Public Schools will maintain and keep current a list of authorized personnel. All physical access points into the agency's secure areas will be authorized before granting access. The agency will implement access controls and monitoring of physically secure areas for

protecting all transmission and display mediums of CJI. Authorized personnel will take necessary steps to prevent and protect the agency from physical, logical and electronic breaches.

Media Protection

Controls shall be in place to protect electronic and physical media containing CJI while at rest, stored, or actively being accessed. "Electronic media" includes memory devices in laptops and computers (hard drives) and any removable, transportable digital memory media, such as magnetic tape or disk, backup medium, optical disk, flash drives, external hard drives, or digital memory card. "Physical media" includes printed documents and imagery that contain CJI.

The agency shall securely store electronic and physical media within physically secure locations or controlled areas. The agency shall restrict access to electronic and physical media to authorized individuals. If physical and personnel restrictions are not feasible then the data shall be encrypted per Section 5.10.1.2 of the CJIS Security Manual.

Media Transport

Controls shall be in place to protect electronic and physical media containing CJI while in transport (physically moved from one location to another) to prevent inadvertent or inappropriate disclosure and use. The agency shall protect and control electronic and physical media during transport outside of controlled areas and restrict the activities associated with transport of such media to authorized personnel.

Media Sanitization and Disposal

When no longer usable, hard drives, diskettes, tape cartridges, CDs, ribbons, hard copies, print-outs, and other similar items used to process, store and/or transmit FBI CJI shall be properly disposed of in accordance with measures established by the New Milford Public Schools.

Physical media (print-outs and other physical media) shall be disposed of by one of the following methods:

- 1) shredding using New Milford Public Schools issued shredders.
- 2) placed in locked shredding bins for a private contractor to come on-site and shred, witnessed by New Milford Public Schools personnel throughout the entire process.
- 3) incineration using New Milford Public Schools incinerators or witnessed by New Milford Public Schools personnel onsite at agency or at contractor incineration site, if conducted by non-authorized personnel.

[NOTE – Only include whatever methods are appropriate for New Milford. The other methods listed can be deleted.]

Electronic media (hard-drives, tape cartridge, CDs, printer ribbons, flash drives, printer and copier Hard-drives, etc.) shall be disposed of by one of the following methods:

- 1) **Overwriting (at least 3 times)** - an effective method of clearing data from magnetic media. As the name implies, overwriting uses a program to write (1s, 0s, or a combination of both) onto the location of the media where the file to be sanitized is located.
- 2) **Degaussing** - a method to magnetically erase data from magnetic media. Two types of degaussing exist: strong magnets and electric degausses. Note that common magnets (e.g., those used to hang a picture on a wall) are fairly weak and cannot effectively degauss magnetic media.
- 3) **Destruction** - a method of destroying magnetic media. As the name implies, destruction of magnetic media is to physically dismantle by methods of crushing, disassembling, etc., ensuring that the platters have been physically destroyed so that no data can be pulled.

IT systems that have been used to process, store, or transmit FBI CJI and/or sensitive and classified information shall not be released from New Milford Public Schools' control until the equipment has been sanitized and all stored information has been cleared using one of the above methods.

Account Management

The agency shall manage information system accounts, including establishing, activating, modifying, reviewing, disabling, and removing accounts. The agency shall validate information system accounts at least annually and shall document the validation process.

All accounts shall be reviewed at least annually by the designated CJIS point of contact (POC) or his/her designee to ensure that access and account privileges commensurate with job functions, need-to-know, and employment status on systems that contain Criminal Justice Information. The POC may also conduct periodic reviews.

Remote Access

The New Milford Public Schools shall authorize, monitor, and control all methods of remote access to the information systems that can access, process, transmit, and/or store FBI CJI. Remote access is any temporary access to an agency's information system by a user (or an information system) communicating temporarily through an external, non-agency controlled network (e.g., the Internet).

The New Milford Public Schools shall employ automated mechanisms to facilitate the monitoring and control of remote access methods. The New Milford Public Schools shall control all remote accesses through managed access control points. The New Milford Public Schools may permit remote access for privileged functions only for compelling operational needs but shall document the rationale for such access in the security plan for the information system.

Utilizing publicly accessible computers to access, process, store or transmit CJI is prohibited. Publicly accessible computers include but are not limited to: hotel business center computers, convention center computers, public library computers, public kiosk computers, etc.

Personally Owned Information Systems

A personally owned information system shall not be authorized to access, process, store or transmit CJI unless the agency has established and documented the specific terms and conditions for personally owned information system usage. A personal device includes any portable technology like camera, USB flash drives, USB thumb drives, DVDs, CDs, air cards and mobile wireless devices such as Androids, Blackberry OS, Apple iOS, Windows Mobile, Symbian, tablets, laptops or any personal desktop computer. When bring your own devices (BYOD) are authorized, they shall be controlled using the requirements in Section 5.13 of the CJIS Security Policy.

Reporting Information Security Events

The agency shall promptly report incident information to appropriate authorities to include the state CSA or SIB's Information Security Officer (ISO). Information security events and weaknesses associated with information systems shall be communicated in a manner allowing timely corrective action to be taken. Formal event reporting and escalation procedures shall be in place. Wherever feasible, the agency shall employ automated mechanisms to assist in the reporting of security incidents. All employees, contractors and third party users shall be made aware of the procedures for reporting the different types of event and weakness that might have an impact on the security of agency assets and are required to report any information security events and weaknesses as quickly as possible to the designated point of contact.

Policy Violation/Misuse Notification

Violation of any of the requirements contained in the CJIS Security Policy or Title 28, Part 20, CFR, by any authorized personnel will result in suitable disciplinary action, up to and including loss of access privileges, civil and criminal prosecution and/or termination.

Likewise, violation of any of the requirements contained in the CJIS Security Policy or Title 28, Part 20, CFR, by any visitor can result in similar disciplinary action against the sponsoring employee, and can also result in termination of services with any associated consulting organization or prosecution in the case of criminal activity.

Legal Reference: Title 28, Part 20, CFR



STATE OF CONNECTICUT
DEPARTMENT OF EMERGENCY SERVICES AND PUBLIC PROTECTION

**Automated Fingerprint Identification System (AFIS) Agreement
for Fingerprint Card Submissions
by and between
the State of Connecticut Department of Emergency Services and Public Protection
and
Public School, Board of Education**

WHEREAS, the State of Connecticut Department of Emergency Services and Public Protection (hereinafter "DESPP") operates a central Automated Fingerprint Identification System (hereinafter "AFIS"); and

WHEREAS, **Public School, Board of Education** (hereinafter "BOE"), is established pursuant to Connecticut General Statutes (C.G.S.) § 10-220 and has been authorized to submit hard copy fingerprint cards to AFIS pursuant to the limited purposes set forth in C.G.S. § 10-212, § 10-221d, the Adam Walsh Act of 2006 (AWA), and the National Child Protection Act 1993/Volunteers for Children Act of 1998 (NCPA/VCA), as applicable.

WHEREAS, the BOE is a qualified entity pursuant to the NCPA/VCA.

NOW, THEREFORE, DESPP and BOE, by and through their Commissioners or other authorized individuals, enter into this Agreement to permit BOE to send hard copy fingerprint cards to the State Police Bureau of Identification (SPBI) for submission to AFIS and receive back the results of the state and/or national criminal history record information (CHRI) via email.

1. **Effective Date.** This Agreement shall be effective upon signature by both parties.
2. **Authority to Enter Agreement.** DESPP is authorized to enter into this agreement through the Commissioner of the Department of Emergency Services and Public Protection, pursuant to the authority provided under C.G.S. § 4-8.
3. **Duration of Agreement.** This Agreement shall remain in full force and effect unless terminated by DESPP, giving BOE written notice of such intention at least thirty (30) days in advance. DESPP reserves the right to suspend or revoke access to CHRI without notice in the event of a breach of the conditions of this Agreement. Notwithstanding any provisions in this Agreement, DESPP, through a duly authorized employee, may terminate the Agreement whenever DESPP makes a written determination that such termination is in the best interests of the State. DESPP shall notify BOE in writing of termination pursuant

to this section, which notice shall specify the effective date of termination and the extent to which BOE must complete its performance under the Agreement prior to such date.

4. **DESPP Responsibilities.** DESPP shall:

- a) Electronically process BOE applicant prints as required and report results of required state and/or national record checks via a generic email.
- b) Identify a liaison as the primary point of contact for any issues related to this agreement.

5. **BOE Responsibilities.** BOE shall:

- a) Provide qualifying fingerprints that meet submission criteria pursuant to the specific purposes pursuant to C.G.S. §10-212, §10-221d, the AWA, and/or the NCPA/VCA.
- b) Assign a Local Agency Security Officer (hereinafter "LASO") in accordance with the United States Department of Justice (USDOJ) FBI Criminal Justice Information Services Security Policy (hereinafter "CJIS Security Policy").
- c) Ensure appropriate security measures as applicable to the physical security of communication equipment; personnel security to include screening requirements; technical security to protect against unauthorized use; and security of criminal justice information (hereinafter "CJI") in accordance with the provisions of the CJIS Security Policy. BOE shall further:
 - a. Assign a generic email to be used by DESPP to communicate CJI, CHRI and related notifications only.
 - b. Ensure that CJI is maintained in a physically secure location or controlled area as defined in the CJIS Security Policy.
 - c. Ensure that all persons with access to physically secure locations or controlled areas, including, but not limited to, support personnel, contractors, vendors, and custodial workers, are escorted by authorized personnel at all times. Authorized personnel are BOE personnel who have been appropriately trained and vetted through the screening process and have been granted access to CJI for the specific purposes provided in the C.G.S. §10-212, §10-221d, the AWA, and/or the NCPA/VCA. The use of cameras or other electronic means to monitor a physically secure location or controlled area does not constitute an escort.
 - d. Ensure that access to CJI, in any form, is limited to BOE personnel requiring access to such information for the specific purposes provided in the C.G.S. §10-212, §10-221d, the AWA, and/or the NCPA/VCA.
 - e. Ensure that all BOE personnel accessing CJI are properly trained before access to CJI is authorized. Training must include Security Awareness Training in accordance with the provisions of the CJIS Security Policy.
 - f. Ensure that BOE personnel having access to CJI sign an acknowledgment form attached hereto as Attachment A acknowledging that they have received copies of this Agreement and Attachment A and that they are responsible for complying with the terms contained therein. Such forms shall be maintained in the official personnel files of such personnel.

- d) Ensure that all security incidents are reported to the CJIS Security Officer (“CSO”) or their designee. If a person already has access to CJJ and is subsequently arrested and/or convicted, continued access to CJJ shall be determined by the CSO. If the CSO or their designee determines that access to CJJ by the person would not be in the public interest, access shall be denied and BOE shall be notified in writing of the access denial.
- e) Comply with all audit requirements for CJIS Systems, including, but not limited to, appropriate and reasonable quality assurance procedures.
- f) Ensure that, prior to fingerprinting, all persons fingerprinted are provided with a copy of the Noncriminal Justice Applicant’s Privacy Rights form.
- g) Ensure that, prior to fingerprinting, all persons fingerprinted pursuant to NCPA/VCA are provided with a NCPA/VCA Waiver and Consent Form (Waiver). A copy of the Waiver shall be maintained for a minimum of one year from the date of fingerprint submission.
- h) Violations of the CJIS Security Policy can result in the suspension or termination of system access for BOE, individual suspension or termination of access to CJJ, criminal and/or administrative investigation, arrest, and/or prosecution and conviction for violation of state and federal statutes designated to protect confidentiality and integrity of CJJ and related data.

6. **Transaction Fees.** BOE applicants shall remit full payment for all transactions with the submission of hard copy fingerprint cards. Fees shall be calculated as follows:

Statute	Category	State Fee	Federal Fee
C.G.S. §10-212	BOE Nurse or Nurse Practitioner	\$0.00	\$12.00
C.G.S. §10-221d	BOE Employee	\$0.00	\$12.00
AWA	Individual employed, under consideration for employment, or otherwise in a position in which the individual would work with or around children in the school.	\$50.00	\$12.00
AWA Volunteer	Volunteers in a position in which the individual would work with or around children in the school.	\$50.00	\$10.75
NCPA/VCA	Individuals who provide treatment, education, training, instruction, supervision, or recreation to children, the elderly, or individuals with disabilities on behalf of the BOE.	\$50.00	\$12.00
NCPA/VCA Volunteer	Volunteers who provide treatment, education, training, instruction, supervision, or recreation to children, the elderly, or individuals with disabilities on behalf of the BOE.	\$50.00	\$10.75

The fingerprinting fee at a Connecticut State Police location shall be fifteen (\$15.00) dollars, and the fingerprinting fee varies if fingerprints are taken by a local police location. Fees are subject to change due to legislative enactments and federal assessments.

7. Modification or Amendment of the Agreement. This Agreement may not be modified or amended unless in writing signed by an authorized representative of both parties.

8. Indemnification

BOE shall indemnify and hold harmless the State of Connecticut, the State of Connecticut Department of Emergency Services and Public Protection, its officers, agents, employees, commissions, boards, departments, divisions, successors and assigns from and against all actions (pending or threatened and whether at law or in equity in any forum), liabilities, damages, losses, costs and expenses, including but not limited to reasonable attorneys' and other professionals' fees, resulting from (i) misconduct or negligent or wrongful acts (whether of commission or omission) of BOE or any of its officers, representatives, agents, servants, consultants, employees or other persons or entities with whom BOE is in privity of oral or written contract; (ii) liabilities arising directly or indirectly in connection with this Agreement out of the acts of BOE and (iii) damages, losses, costs and expenses, including but not limited to, attorneys' and other professionals' fees, that may arise out of such claims and/or liabilities.

10. The following documents are incorporated by reference and made part of this MOU:

- a. CJIS Security Policy;
- b. National Crime Prevention and Privacy Compact, 42 U.S.C. Section 14616; and
- c. Title 28, Code of Federal Regulations, Parts 20 and 25, Section 50.12, and Chapter IX.

THE DEPARTMENT OF EMERGENCY SERVICES AND PUBLIC PROTECTION

By: _____ (Date)
Dora B. Schiro
Commissioner
Duly Authorized Pursuant to C.G.S. Section 4-8

BOE

By: _____ (Date)
NAME
TITLE
Duly Authorized

ATTACHMENT A

ACKNOWLEDGEMENT

I, _____, acknowledge the following:

1. I have received a copy of the Agreement between the State of Connecticut Department of Emergency Services and Public Protection (“DESPP”) and the **BOE** concerning access to the DESPP Automated Fingerprint Identification System (“AFIS”).
2. I understand that I am being allowed to submit applicant prints via hard copy fingerprint cards into AFIS pursuant to a Federal Bureau of Investigation-approved state or federal statute.
3. I understand that I am not authorized to submit any other fingerprints into AFIS except those authorized by the Agreement.
4. I will fully cooperate with state or federal personnel regarding any audit, system check, and user privilege inquiries.
5. I understand that I am responsible for complying with the Agreement between the State of Connecticut DESPP and the **BOE** and that noncompliance may result in suspension or revocation of user privileges and/or other action as provided by law.

Signature

Date

cc: Official Personnel File



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February 22, 2017

Via e-Mail

Mr. Joshua Smith
Superintendent of Schools
New Milford Public Schools
50 East Street
New Milford, Connecticut 06776

Re: DESPP's Proposed AFIS' Agreement

Dear Superintendent Smith:

This letter is being sent to you in response to a request for a legal opinion as to whether the Board of Education should enter into a proposed memorandum of understanding with the State of Connecticut's Department of Emergency Services and Public Protection ("DESPP") regarding DESPP's Automated Fingerprint Identification System ("AFIS"). For the reasons explained in this letter, the Board has little choice but to enter into DESPP's proposed agreement as proposed. While the agreement would place a number of burdensome security obligations on the district, DESPP is free to impose these obligations and is in fact required to do so under federal law. Accordingly, it is my recommendation that the Board of Education enter into the agreement as proposed.

DESPP'S PROPOSED AGREEMENT

DESPP'S proposed AFIS' agreement has been sent by DESPP to virtually every public school district in Connecticut. In essence the agreement is a contract between DESPP and individual boards of education to allow the individual board of education executing the agreement to send fingerprint cards to the State Police Bureau of Identification ("SPBI") and to receive back the results of state and national criminal history record checks. SPBI is a division of DESPP.

The terms of the agreement are very one-sided. Amongst other things, the agreement requires boards of education to assign a "Local Agency Security Officer" per FBI requirements, assign a generic e-mail for use by DESPP to communicate criminal justice information ("CJI") and criminal history record information ("CHRI") only, ensure that physical access to CJI is maintained in a physically secure location or controlled area and that persons with access to such areas are escorted by authorized personnel who have been appropriately trained and vetted.

Furthermore, the agreement, at least as written, is for an unlimited duration and can only be terminated by DESPP.

Our firm has been in contact with DESPP Auditor Versie L. Jones in regards to the proposed DESPP agreement. DESPP's position is that the terms of the agreement are non-negotiable and that board of education execution of the agreement is mandated by federal law as set forth below.

BACKGROUND

Connecticut Law

State law mandates that boards of education conduct criminal history record checks for new job applicants and that such criminal history record checks be performed by the submission of fingerprints to the SPBI/DESPP. Specifically, Conn. Gen. Stat. § 10-221d – which was significantly amended last year – mandates that local and regional boards of education undertake substantial background check activities as part of their hiring process. Amongst other requirements, Conn. Gen. Stat. § 10-221d mandates that boards of education require each applicant for a position in a public school to: 1. State whether they have been convicted of a crime or whether criminal charges are pending against them; 2. Submit to a DCF child abuse and neglect registry check prior to hire, and; 3. Submit to state and national criminal history record checks within thirty days from the date of employment. Conn. Gen. Stat. § 10-221d goes on to say that if a board of education receives notice of a criminal conviction that the applicant did not previously disclose then the board may terminate or dismiss the employee.

Conn. Gen. Stat. § 29-17a sets forth procedures for criminal history records checks as required by Conn. Gen. Stat. § 10-221d. Criminal history records checks made pursuant to Conn. Gen. Stat. § 29-17a shall be requested from the SPBI and not any other source. The statute provides that state criminal records history checks shall be conducted by the SPBI, but that the SPBI shall forward national criminal records history checks to the FBI, unless the FBI permits direct submission of fingerprints by the requesting party.

Federal Law

The acquisition, security and dissemination of fingerprints and fingerprint data is governed by a complex web of interrelated federal statutes, regulations, rules and guidelines. While numerous federal statutes include particular provisions of interest, the National Crime Prevention and Privacy Compact (the "Compact") is the most comprehensive law on the subject. The Compact is essentially an agreement between the federal government and participating states, such as Connecticut, with respect to the exchange of criminal history records. Connecticut ratified the Compact in the year 2000.

As a participating state in the Compact, Connecticut is required to regulate the dissemination and maintenance of criminal record history information accessed from the Interstate Identification System (“III”) – a cooperative federal-state system for the exchange of criminal history records that includes state criminal history repositories and the federal “National Identification Index” and federal “National Fingerprint File” both of which are maintained by the FBI. Rules and regulations regarding the dissemination and maintenance of criminal history information contained within the III are found within the FBI’s Criminal Justice Information Services (“CJIS”) Security Policy.¹ The CJIS Security Policy addresses all Criminal Justice Information (“CJI”),² and thus has a wider scope than just information covered by the III System. The CJIS Security Policy is designed to be a comprehensive policy that incorporates presidential directives, federal laws and FBI directives.

In Section 5.1.1 (page 15) the CJIS Security Policy states that “[b]efore exchanging CJI, agencies shall put formal agreements in place that specify security controls. The exchange of information may take several forms including electronic mail, instant messages, web services, facsimile, hard copy, and information systems sending, receiving and storing CJI.” Thereafter, in Section 5.1.1.6 the CJIS Security Policy further states that:

A NJCA (public) – [non-criminal justice agency] – designated to request civil fingerprint-based background checks, with the full consent of the individual to whom a background check is taking place, for noncriminal justice functions, shall be eligible for access³ to CJI. Access shall be permitted when such designation is authorized pursuant to federal law or state statute approved by the U.S. Attorney General. **A NCJA (public) receiving access to CJI shall enter into a signed written agreement with the appropriate signatory authority of the CSA/SIB – [CJIS system agencies/state identification bureaus] – providing the access. An example of a NCJA (public) is a county school board.**

(Emphasis added)

As the highlighted language shows the FBI’s CJIS Security Manual requires local boards of education to enter into written agreements with state authorities such as DESPP regarding access and security protocols for CJI.

¹ Copy available at: <https://www.fbi.gov/services/cjis/cjis-security-policy-resource-center> .

² “CJI” is defined under the Security Policy to include biometric data (i.e. fingerprints), identity history data, biographic data, property data and case/incident history. Section 4.1 (page 10).

³ “Access” is defined under the Security Policy to mean “[t]he physical or logical ability, right or privilege to view, modify or make use of Criminal Justice information.” Appendix A.

ANALYSIS AND CONCLUSION

New Milford essentially has no choice but to enter into the DESPP AFIS agreement as proposed. Conn. Gen. Stat. § 29-17a mandates that state and federal criminal history record checks (e.g. fingerprinting) be requested through the SPBI which in turn is subject, pursuant to Connecticut's membership in the Compact, to the CJIS Security Policy with respect to the security and dissemination of criminal history data. There do not appear to be any state law restrictions on the SPBI's ability to condition the release of criminal history data upon a board of education's enactment of certain security provisions. Therefore, New Milford and other Connecticut boards of education essentially have no choice but to enter into the DESPP AFIS agreement.

If a board of education refused to enter into DESPP's proposed AFIS agreement then they would have no way to ensure their compliance with Conn. Gen. Stat. § 10-221d. Since Conn. Gen. Stat. § 10-221d requires state and national criminal history record checks, and since Conn. Gen. Stat. § 29-17a mandates that such checks be processed through the SPBI, boards of education are basically at the mercy of DESPP/SPBI. Nothing in the statutes restricts DESPP/SPBI's ability to condition the release of criminal history background information. As such, New Milford is required to enter into the proposed agreement with DESPP.⁴

I trust that this information is helpful. Should you require anything further on this issue please contact me.

Very Truly Yours,

/s/ Zachary D. Schurin

Zachary D. Schurin

⁴ The fact that RESCs may arrange for fingerprinting and forward fingerprints to the SPBI on a board of education's behalf does not change the analysis. The CJIS Security Policy requires signed written agreements with local agencies *accessing* criminal justice information. While a RESC may arrange for fingerprinting and forward fingerprints on a board of education's behalf, Conn. Gen. Stat. § 10-221d ultimately requires (albeit implicitly) hiring boards of education to review criminal history information to see if the applicant was convicted of a crime that he or she did not disclose in their required personal disclosure under the statute. As such, hiring boards of education must ultimately access such information even if RESCs arrange for and process fingerprints to the SPBI initially.

Community Relations

School Volunteers

The Board of Education recognizes that volunteers can make many valuable contributions to our schools. The Board endorses a program encouraging community residents to take an active role in improving schools and to become school volunteers in schools subject to suitable regulations and safeguards. Appropriate recognition of volunteer services shall be made by the Board and school district administration.

The Board of Education encourages the use of volunteers to: (1) increase students' educational attainment, (2) provide enrichment experiences for students, (3) increase the effective utilization of staff time and skills, (4) give more individual attention to students, and (5) promote greater community involvement.

The Superintendent shall establish procedures for securing and screening resource persons and volunteers. No person who is a "sex offender," as defined by Connecticut General Statutes §54-250, "Registration of Sexual Offenders" shall be used.

Securing and Screening Volunteers

The Building Principal or his/her designee directs the use of volunteers within the school. Specifically, the Principal or designee directs volunteer recruitment, screening, placement, and training within the following perimeters:

1. **Qualifications.** Volunteers may come from all backgrounds and all age groups. The main qualification for a volunteer is that he or she has a desire to give his or her time and talent in order to enrich student learning opportunities and the school community generally.
2. **Persons Not Allowed to Serve as Volunteers.** No person who has a criminal record of any felony conviction may serve as a volunteer. Criminal background checks shall be required of all prospective volunteers. Every time a new list of registered sex offenders is received, the Building Principal or his/her designee shall review it for any person's name who has submitted a volunteer information form during that school year. Whenever someone submits a new volunteer information form, the Building Principal or designee shall review the sex offender list.
3. **Recruitment.** School personnel may recruit volunteers through the following resources: parent(s)/guardians, parent organizations, retired teachers and other senior citizen groups, community businesses, local volunteer centers, and universities. If a staff member, other than the Principal, recruits a volunteer, the staff member must provide the volunteer's name and address to the Principal.
4. **Role.** Volunteers serve only in an auxiliary capacity under the direction and supervision of a staff member; they are not a substitute for a member of the school staff. Volunteers do not have access to confidential student school records.

Community Relations

School Volunteers

Securing and Screening Volunteers (continued)

5. **Selection, Placement, and Supervision.** Volunteer selection and placement shall be on the basis of the volunteer's qualifications and availability and the school's needs. A volunteer will be assigned to a staff member only with the staff member's consent. The relationship between a volunteer and staff member should be one of mutual respect and confidence.
6. **Screenings.** Screening volunteers is critical because of the vulnerability of the population the school district serves. Each volunteer must register in the school's main office at the beginning of each visit and wear a name tag while in the building. Unless he or she has already done so during the current academic year, the volunteer must complete an information form and waiver. Absent an indication on the form that the volunteer may not qualify, e.g. the volunteer is a convicted felon; the volunteer may proceed to the assigned activity.
A request to volunteer or to continue volunteering will be denied if the volunteer behaves in any manner that demonstrates he or she is not a good role model or is otherwise detrimental to the school environment. Examples of such behavior include: swearing, failing to be dependable, failing to follow the supervisor's instructions, committing any criminal act on school grounds or at a school activity, touching a student in a rude or overly forceful manner, failing to dress in an appropriate manner, or violating any school rule.
7. **Training.** Each academic year, when a person first completes the volunteer registration form, the Principal or designee should give the person a copy of this administrative procedure along with other pertinent information. The staff member to whom the volunteer is assigned is responsible for explaining his or her expectations of the volunteer. The Principal or designee should arrange appropriate training opportunities for those volunteer activities requiring a skill or knowledge base, e.g., working in the computer lab.

Legal Reference: Connecticut General Statutes
 10-4g Programs to encourage participation in the educational process
 10-28b School Volunteers
 10-235 Indemnification of teachers, board members, employees and certain
 volunteers and students in damage suits; expenses of litigation.

Policy adopted: May 7, 2001
 Policy revised: June 9, 2009
 Policy reviewed: October 15, 2013

NEW MILFORD PUBLIC SCHOOLS
 New Milford, Connecticut

NEW MILFORD PUBLIC SCHOOLS
New Milford, Connecticut

Volunteer Information Form and Waiver of Liability

Only one form needs to be completed by a volunteer each school year. Please print clearly in ink:

Information Form

Name: _____
Last First Middle Telephone

Address: _____
Street City Zip Code

Personal physician: _____ Phone _____

Emergency adult contact: _____ Phone _____

Are you now or have you ever been a school volunteer? _____

At which school? _____ Year? _____

The name of any child or ward attending this school: _____

Criminal Conviction Information

Are you a sex offender? _____

Have you ever been convicted of a felony? _____

If you answered YES, list all offenses

Offense(s): _____

Date(s): _____

Place(s): _____

If requested, are you willing to consent to a criminal background investigation? _____

Waiver of Liability

The School District does not provide liability insurance coverage to non-district personnel serving as volunteers for the School District. The purpose of this waiver is to provide notice to prospective volunteers that they do not have insurance coverage by the School District and to document the volunteer's acknowledgment that they are providing volunteer service at their own risk. However, C.G.S. 10-235 provides that the district must indemnify and hold harmless volunteers from civil liability in most situations as long as the volunteer is approved by the Board of Education to carry out a duty prescribed by the Board and performs services under the direction of a certified teacher. Therefore the district must pay any damages awarded to a plaintiff in an action brought alleging negligence or other act resulting in injury, including infringement of that person's civil rights.

Volunteer Information Form and Waiver of Liability

Waiver of Liability (continued)

By my signature below:

1. I acknowledge that the School District does not provide insurance coverage for me for any loss, injuries, illness, or death resulting from the volunteer's unpaid service to the School District.
2. I agree to assume all risk for death or any loss, injury, illness or damage of any nature or kind, arising out of my supervised or unsupervised service to the School District. agree to waive any and all claims against the School District, or its officers, Board Members, employees, agents or assigns, for loss due to death, injury, illness or damage of any kind arising out of the volunteer's supervised or unsupervised service to the School District.
3. I authorize the New Milford Public Schools to make an independent review of only criminal or police records for the purpose of approving my request to volunteer to work with students in the district. I understand that there will be no cost for the background review and that the personal information required to conduct the background review (social security number and birth date) as well as the results of the review will not be retained by the school district.

Date: _____ Signature of Volunteer: _____
 Printed Name of Volunteer _____

For School Use Only

General description of assignment(s):

- supervising students as needed by a teacher
- supervising students during a regularly scheduled activity
- assisting with academic programs
- assisting at the resource center or main office
- other _____

Name of supervising staff member: _____

"Sex offender list" checked by _____ on _____ (mandatory).

The date on which the criminal background check was received and reviewed. _____

Reviewed by: _____
 Signature Date

FOR DISCUSSION

6146(a)

Instruction

Graduation Requirements

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 2013, 2014	4.0 English 3.0 Mathematics 3.0 Social Studies (including 0.5 credit in civics and 1 credit for U.S. history) 3.0 Science 1.0 Physical Education 1.0 Arts (Fine or Practical) 0.5 Health 7.0 Electives <hr style="width: 10%; margin-left: 0;"/> 22.5 TOTAL CREDITS
Year of Graduation 2015	4.0 English 3.0 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 7.0 Electives <hr style="width: 10%; margin-left: 0;"/> 23.5 TOTAL CREDITS
Year of Graduation 2016	4.0 English 3.0 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 8.0 Electives (including 0.5 in humanities) <hr style="width: 10%; margin-left: 0;"/> 24.5 TOTAL CREDITS

Instruction

Graduation Requirements

Year of Graduation 2017	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)
	<hr/>	
	26.0	TOTAL CREDITS

- B. A credit shall consist of not less than the equivalent of a forty-minute class period for each school day of a school year unless such credit is earned at an institution accredited by the Department of Higher Education or regionally accredited.

II. District's performance standards

These performance standards identify the basic skills that students are expected to achieve in order to graduate. A New Milford High School graduate must complete all academic requirements and demonstrate basic skills in Reading & Writing, Quantitative Thinking (Math & Science) and Information Literacy. The Superintendent of Schools or designee shall develop administrative regulations regarding performance standards for each basic skill, including the method(s) of assessing a student's level of competency in such skills. The assessment criteria must include, but not be based exclusively on, the results of the state or national high school state-wide mastery examination.

III. Options if graduation requirements are not met

The Board of Education is dedicated to providing students who may have difficulty fulfilling these requirements with different options and multiple opportunities to meet the academic and performance standards for graduation.

Those students who have not successfully completed the assessment criteria will be afforded alternative means of meeting this criteria. The following is not an inclusive list:

- Pass 0.5 credit of English 4
- Completion of a research project, approved in advance by the Science Department, that involves data collection, and is graded according to an established rubric
- Pass Departmental Exam covering the topics of arithmetic, algebra, geometry and statistics

Instruction

Graduation Requirements

III. Options if graduation requirements are not met (cont.)

- Pass 0.5 credit of Practical Math
- English Writing SAT I of 450 or better
- Math Reasoning SAT I of 450 or better
- Math SAT II Math Level 1C of 450 or better

Seniors who are not eligible for graduation with their class due to a failure to meet the district graduation requirements in one or more subjects may select one of the following options:

1. Successful completion of a summer course or summer courses comparable (as determined by the Principal) to the subject(s) in which the student was deficient
2. Enroll in an on-line course in accordance with Policy 6172.6 (Virtual/On-line Courses/College/University Courses)
3. Make arrangement for re-testing to meet performance standards
4. Return to school in September as a fifth year senior

IV. 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. Only credits for courses taken in grades nine through twelve shall satisfy graduation requirements except that the Superintendent of Schools or designee may grant credit for certain courses identified in subsection (e) of Section 10-221a of the Connecticut General Statutes.
- 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 seven 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 by May 1 of the junior year. 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. 6145.6 - Travel and Exchange Programs)
 (cf. 6142.2 – Statewide Proficiency/Mastery Examinations)

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

Policy adopted: June 10, 2003
 Policy revised: June 27, 2005
 Policy revised: June 8, 2010
 Policy revised: October 11, 2011
 Policy revised: September 10, 2013
 Policy revised: October 8, 2013

NEW MILFORD PUBLIC SCHOOLS
 New Milford, Connecticut

FOR DISCUSSION

9130(a)

Bylaws of the Board

Board Committees

In order to better serve the school system, the Board shall establish certain committees to serve in an advisory capacity to the Superintendent and the Board, and to fulfill its responsibilities as required by law.

It is the policy of the Board to maintain certain Standing Committees, namely: Operations, Learning, Facilities and Policy; and to establish certain Ad-Hoc Committees, as needed. The committees shall operate within the standards set forth by this policy.

Standing Committees

Not later than the January regular meeting of the Board, the Standing Committees shall be appointed by the Board Chairperson to serve until the next annual meeting. Each committee shall consist of four Board members and two alternates. The alternates will only participate in committee meetings when one or more of the assigned board members are not present at the committee meeting. The Board Chairperson appoints the Chairperson for each committee from the members of the committee. The Board Chairperson is an ex-officio member of all standing committees.

Any member of the Board who is interested in serving on a standing committee shall notify the Chairperson promptly concerning his or her interest.

- A. Each Board member must serve on at least one standing committee.
- B. No Board member may serve on more than three standing committees.
- C. No Board member may chair more than one standing committee.

Any member of the Board may attend standing committee meetings (excluding Executive Session, unless otherwise permitted under the Freedom of Information Act); however, they are not able to participate in any discussion or vote. At all times, the total number of Board members participating in a committee meeting shall be one less than the number that represents a quorum of the Board.

Standing Committee Chairpersons and members on standing committees shall serve for the same term as the Board Chairperson.

(cf. 9132 – Standing Committees)

Bylaws of the Board

Ad-Hoc (Special/Temporary) Committees

Ad-Hoc (Special/Temporary) committees shall be established by the Board or Board Chairperson, whenever advisable, to address specific problems and projects. These committees shall include a minimum of two and a maximum of three Board members and may include members of the staff and/or community who would be able to provide expertise. Ad-Hoc committees shall be appointed as soon as possible after their establishment and shall be dissolved when their report has been accepted by the Board or at the next annual organizational meeting or upon a motion for dissolution passed by a majority vote, or upon completion of the assigned task whichever comes first. Ad-Hoc Committees supersede any standing committee.

Ad Hoc committee members shall be appointed by the Chairperson. Any Board member interested in serving on an Ad Hoc committee shall notify the Chairperson promptly concerning his/her interest. Any Board member who is interested in attending Ad Hoc committee meetings may do so. Board members who are not members of the Ad Hoc Committee may not 1) attend any executive session of the Ad Hoc Committee, unless otherwise permitted under the Freedom of Information Act, or 2) participate in any discussion or vote.

In the event of vacancies on Ad Hoc committees, the Chairperson shall appoint new committee members. All appointments expire when the committee as a whole expires.

The duties of each Ad Hoc committee shall be outlined at the time the committee is appointed.

Conduct of Committee Business

So that Board Committees shall operate in a consistent and effective manner, the following standards shall apply:

1. Board committee appointments shall be determined by the Board Chairperson as guided by the best interests of the Board. To make this determination, the Board Chairperson shall consider:
 - The requests by Board members to serve on specific committees. Requests to serve on specific Standing Committees shall be submitted by Board members, in the form of a prioritized list, to the Board Chairman at the annual meeting of the Board.

Bylaws of the Board

Conduct of Committee Business (continued)

- The individual background, talents and experiences of Board members.
 - The synergetic quality of the committee as a whole.
2. Standing Committees shall plan to meet once a month. Additional meetings may be called by the Committee Chairperson whenever he/she deems necessary, or upon a request of two committee members.
 3. All committees of the Board of Education shall follow the provisions of the Freedom of Information Act as required by statute.
 4. All Standing Committee meetings shall have a written agenda, prepared by the Committee Chairperson and the Superintendent or his/her designee; and posted at least twenty-four hours before the meeting. The agenda shall include all assignments as may be directed by the Board. *An agenda item requested in writing to the Chair by at least three members shall automatically be added to the agenda.*
 5. The proceedings of all Standing Committee meetings shall be recorded and distributed to Board members in a timely manner.
 6. Recommendations to be considered for Board action, as determined by a vote of the committee members present, shall be placed on the agenda of a regular Board meeting as a formal motion.
 7. All committee meetings shall be open to the public; however, an executive session may be called in accordance with the provisions of the Freedom of Information Act.
 8. All committees shall post agendas and keep minutes of business conducted at meetings in accordance with the provisions of the Freedom of Information Act. The minutes shall be kept on file in the Superintendent's office and be made available at all times to the Board of Education members.

Legal Reference: Connecticut General Statutes
 1-200 through 1-241 of the Freedom of Information Act.
 1-200 Definitions.
 1-225 Meetings of government agencies to be public.

Bylaw adopted by the Board:	January 9, 2001	NEW MILFORD PUBLIC SCHOOLS
Bylaw revised by the Board:	November 7, 2005	New Milford, Connecticut
Bylaw revised by the Board:	November 14, 2006	
Bylaw revised by the Board:	June 9, 2009	
Bylaw revised by the Board:	December 14, 2010	
Bylaw revised by the Board:	April 10, 2012	

Bylaws of the Board

Construction of the Agenda

The Superintendent in cooperation with the Chairperson of the Board of Education shall prepare an agenda for each meeting. Any member of the Board of Education may call the Chairperson of the Board of Education and request any item to be placed on the agenda no later than 72 hours prior to the legally required public posting of the agenda. Such request shall be taken into consideration. *An agenda item requested in writing to the Chair by at least three members shall automatically be added to the agenda.*

In addition, the Chairperson of the Board of Education shall call a meeting whenever he/she is requested in writing so to do by three of the members of the Board of Education. If no meeting is called within 14 days after such a request has been made, one may be called by any three members by giving the usual written notice to the other members, with the agenda for the requested special meeting included and properly posted in accordance with the law.

Posting of the Agenda

At least 24 hours prior to the time of the meeting, the agenda shall be posted in Town Hall and shall be available at the Board's central offices. Any subsequent business not included in such filed agendas may be considered and acted upon at regular Board meetings upon the affirmative vote of two-thirds of the members of the Board of Education present and voting; however, no such additional items may be considered by the Board at special or emergency meetings.

Reference: Connecticut General Statutes

1-225 Meetings of government agencies to be public.

10-218 Officers. Meetings.

Bylaw adopted by the Board: January 9, 2001
Bylaw revised by the Board: November 7, 2005
Bylaw revised by the Board: November 14, 2006
Bylaw revised by the Board: March 10, 2009

NEW MILFORD PUBLIC SCHOOLS
New Milford, Connecticut

Number of Credits Required for Graduation

District	Credits Required for Graduation	Capstone Y/N
Bethel	25	Y-1 credit and .5 Community Service 60 hours
New Fairfield	25	N
Berlin	27	Y-Capstone 1 Credit
Cromwell	22	N
Farmington	22	N
Milford	25	N
Newington	25	N
Old Saybrook	24 Class of 2022-25	Community Service 30 hours
Region 19	23	N
Shelton	25.7	Y-Capstone 1 Credit
Rocky Hill	22	Y-Capstone 1 Credit
South Windsor	24/25 in 2019	Y-Capstone 1 Credit
Southington	22	N
Stonington	25	Community Service/Senior Project-Encouraged, not required or expected of all seniors
Wallingford	25	Community Service Hours-30 hours beginning in the summer of grade 8
Watertown	23-Will go to 26 beginning with the class of 2020	Y-Capstone 1 Credit
West Hartford	21.75	N
Wethersfield	22.5	N
Windsor	25	20 hours of verified community service

Graduation Rates with Credit Increase

