

**BOE Policy Committee Agenda
Wednesday, October 28, 2020
Virtual Meeting 8:30 A.M.**

In consideration of public health, open meetings and the Governor’s Executive Order No. 7B dated March 10, 2020 regarding PROTECTION OF PUBLIC HEALTH AND SAFETY DURING COVID- 19 PANDEMIC AND RESPONSE - FURTHER SUSPENSION OR MODIFICATION OF STATUTES; this meeting will include an option for the public to phone in to listen to the audio of the meeting. Please note that public comment will be received by phone at the beginning and end of this meeting.

**Joining Info: Join by phone
 (US) +1 570-915-0124 PIN: 137 613 150#**

CALL TO ORDER

PUBLIC PARTICIPATION

APPROVE MINUTES October 14, 2020

UNFINISHED NEW BUSINESS

Discussion and possible action:

Item	Reports
Policy 5145.42 – Racial Harassment The committee will review questions from the BOE.	<ul style="list-style-type: none">• Committee to re-review
Policy 4118.237/4218.237/5141.8 – Face Masks/Coverings S. Connell will invite D. Culbert to a virtual policy meeting to discuss the language in the regulation.	<ul style="list-style-type: none">• S. Connell to invite D. Culbert to an upcoming virtual meeting.
Policy 4112.6 – Personnel Records S. D’Eramo will send this CABE policy to Gwen at Shipman and Goodwin and ask for their input.	<ul style="list-style-type: none">• S. Connell will invite S. D’Eramo to an upcoming virtual meeting.
Policy 4112.8 – Nepotism, Husband/Wife Employment L. Rodrigue will reach out to other Superintendents in the area for input on this policy.	<ul style="list-style-type: none">• S. Connell will invite S. D’Eramo to an upcoming virtual meeting.• L. Rodrigue will bring back input from other Superintendents.

UPDATE FROM THE SUPERINTENDENT

PUBLIC PARTICIPATION

ADJOURNMENT

Students

Nondiscrimination

Racial Harassment of Students

The Board of Education is committed to safeguarding the rights of all students within the school district to learn in an environment that is free from racial* discrimination, including harassment. The Board recognizes that racial harassment of students can originate from a person of the same or different race of the victim including peers, employees, Board members or any individual who foreseeably might come in contact with students on school grounds or at school-sponsored activities.

Racial harassment of students consists of different treatment on the basis of race and is recognized in two different forms:

1. when the district's employees or agents, acting within the scope of official duties, treat a student differently than other students solely on the basis of race; or
2. when the education environment is not kept free from discrimination because the harassing conduct is so severe, pervasive or persistent that it interferes with or limits the ability of a student to participate in or benefit from the services, activities or privileges provided.

The Board also prohibits any retaliatory behavior against complainants or any witnesses. Any student who believes that he/she has been subject to racial harassment should report the alleged misconduct immediately so that corrective action, up to and including discharge of an employee or suspension of a student, may be taken at once. The complainant shall not be discouraged from reporting an incident of alleged racial harassment. In the absence of a victim's complaint, the Board, upon learning of, or having reason to suspect the occurrence of any racial harassment, will ensure that an investigation is promptly commenced by appropriate individuals.

The ~~Superintendent of Schools~~ Diversity Compliance Coordinator, in collaboration with the Superintendent and District Administrative Team, is directed to support the development and implementation of specific procedures on reporting, investigating, and remedying allegations of racial harassment. Such procedures are to be consistent with any applicable provisions contained in the district's policy manual, collective bargaining agreements, the tenure laws as well as other federal and state laws on racial harassment. Training programs shall be established ~~for students and employees~~ to raise awareness of the issues surrounding racial harassment and to implement preventative measures to help reduce incidents of racial harassment. Through yearly staff and student development efforts, members of the school community will review district protocols in identifying and reporting instances of bullying and harassment, as well as the disciplinary measures when such behaviors occur.

~~A copy of this policy and its accompanying regulation is to be distributed to all personnel and students and posted in appropriate places.~~

***For the sake of simplicity and clarity, the term "race" shall be used throughout this discussion to refer to all forms of discrimination prohibited by Title VI – that is, race, color, and national origin.**

Students

Nondiscrimination

Racial Harassment of Students (continued)

Reporting Incidents of Bullying, Harassment, and Racism

Students and staff are expected to report any incidents of bullying, harassment, or racism that occur on school grounds, during after school activities, or during off campus school events. School personnel are required to follow appropriate protocols for handling issues brought forward, including reporting incidents to school administrators who are responsible for investigating incidents and employing appropriate disciplinary measures consistent with school policy. Students in grades K-12 are encouraged to reach out to trusted adults when they either witness or experience issues related to bullying, harassment, and racism. An Anonymous Alert app is available to students in grades 9-12 for students to report issues of concern confidentially.

False Reporting

Any person who knowingly files false charges against an employee or a student in an attempt to demean, harass, abuse, or embarrass that individual shall be subject to disciplinary action consistent with school policy and student disciplinary policies.

(cf. 0521 - Equal Opportunity - Nondiscrimination)

(cf. 4118.113/4218.113 - Harassment)

(cf. 5114 - Suspension/Expulsion/Due Process)

(cf. 5131 - Student Conduct)

(cf. 5131.2 - Assault)

(cf. 5131.21 - Terroristic Threats/Acts)

(cf. 5144 - Discipline)

(cf. 5145.5 - Sexual Harassment)

(cf. 5145.51 - Peer Sexual Harassment)

Legal Reference: Civil Rights Act of 1964, Title VI, 42 U.S.C. §2000 et seq. 34 CFR Part 1000

Policy adopted:

cps 7/00

**5145.42
Form #1**

_____ **PUBLIC SCHOOLS**
_____, **Connecticut**

REPORT OF RACIAL HARASSMENT

This form is to be used by any employee or student who has either observed or been subject to racial harassment. To insure full investigation, it should be completed as accurately as possible. It is not, however, critical to be 100 percent precise. An investigation may require the complainant to be interviewed.

Date: _____

Please Print

Name of complainant making a charge of racial harassment: _____

Address _____ of _____ complainant:

Telephone Number: _____

Position or grade: _____

Names of individuals involved in the harassment and indicate whether they are students or employees: _____

Complainant's signature

Please see the _____ Board of Education's policy on Racial Harassment for more information on the topic. Present this Report to your most immediate supervisor not involved in the harassment.

Report Number

_____ PUBLIC SCHOOLS
_____, Connecticut

INVESTIGATIVE REPORT OF ALLEGED RACIAL HARASSMENT

Note: If additional space is needed, please attach separate sheets as referenced by report number.

Name of complainant: _____

School and/or Position: _____

Nature of complaint _____ Student _____ Employee

Specific complaint: _____

Date complaint filed: _____

Name(s) of Respondent _____ Date notified: _____

Respondent's answer _____ Agrees with the facts
_____ Disagrees with the facts

Explanation

Date complainant notified: _____

Complainant's response _____ Agrees with the facts
_____ Disagrees with the facts

Explanation

INVESTIGATIVE REPORT OF ALLEGED RACIAL HARASSMENT
(continued)

Complainant's Witnesses	
Name	Position

_____ Date Interviewed: _____
(name of witness)

_____ response:
(name of witness)

_____ Date Interviewed: _____
(name of witness)

_____ response:
(name of witness)

Respondent's Witnesses	
Name	Position

INVESTIGATIVE REPORT OF ALLEGED RACIAL HARASSMENT
(continued)

_____ Date Interviewed: _____
(name of witness)

_____ response:
(name of witness)

_____ Date Interviewed: _____
(name of witness)

_____ response:
(name of witness)

Other records/documents reviewed:

	Name of Document	Date Reviewed
1.	_____	_____
2.	_____	_____
3.	_____	_____
4.	_____	_____

Summary of Review of above records/documents:

Investigator's Summary:

Suggested Corrective Action:

Investigator's Signature Date

Students

Nondiscrimination

Racial Harassment of Students

A student can be subject to racial* harassment by a student, employee, Board member or any individual who foreseeably might come in contact with the student on school grounds or at school activities. The following are examples of incidents which might constitute racial harassment:

1. unwanted verbal comments, racial name calling, racial or ethnic slurs, slogans, graffiti;
2. school security treating black students more severely than white students;
3. intimidating actions such as cross-burning or painting swastikas; and
4. teacher repeatedly treating minority students in a racially derogatory manner.

Procedures

The Board of Education shall designate a Compliance Officer to carry out the district's responsibilities for redressing grievances pursuant to policy 5145.6, Student Grievance Procedures. In addition, the Board will designate a second individual for ensuring compliance with Title VI so that students who believe that they have been subjected to racial harassment will have a second avenue of complaint, if the alleged harasser is the Compliance Officer.

The Superintendent of Schools shall notify all students and employees of the name, office address and telephone number of both designees and of the grievance procedures that provide for prompt investigation and equitable resolution of student racial harassment complaints.

The Superintendent shall implement specific and continuing steps to notify students, parents, employees, and prospective students or employees that the school district does not discriminate on the basis of race in the educational programs or activities which it operates. Such notification shall include publication in: local newspapers; newspapers and magazines operated by the district or by student, alumnae, or alumni groups for or in connection with the district; and memoranda or other written communications distributed to every student and employee.

All reports of racial harassment will be held in confidence, subject to all applicable laws and any relevant provisions found in the district's policy manual and collective bargaining agreements.

Consistent with federal and state law, and all applicable provisions contained in the district's policy manual and collective bargaining agreements, the following procedures shall be employed in handling any report, investigation and remedial action concerning allegations of racial harassment:

Students

Nondiscrimination

Racial Harassment of Students

Procedures (continued)

Students who believe they have been subjected to racial harassment are to report the incident to the Diversity Compliance Coordinator or the second designee as described above. The Diversity Compliance Coordinator or designee shall notify the Building Principal and the Superintendent of all complaints. The student can pursue his/her complaint informally or file a formal complaint.

Investigation of a Complaint

Upon receipt of a formal or informal complaint, a prompt, thorough and impartial investigation of the allegations must follow. This investigation is to be conducted diligently. All witnesses shall be interviewed and if requested, the victim shall speak with an individual of the same race. Complainants are to be notified of the outcome of the investigation.

Informal Complaints

In addition to notification to the Compliance Officer or the alternate designee as described above, students who believe they have been subjected to racial harassment may request that an informal meeting be held between themselves and the Building Principal or Superintendent. The student may also request a meeting with a counselor or administrator of the same race. Parents or guardians of the student shall be notified of their right to attend the interview with their child. The purpose of such a meeting will be to discuss the allegations and remedial steps available.

The Building Principal or Superintendent Diversity Compliance Coordinator will then promptly discuss the complaint with the alleged harasser. The alleged harasser shall be informed of his/her right to representation by counsel. Should the alleged harasser deny the allegations, the Building Principal or Superintendent Diversity Compliance Coordinator is to inform the complainant of the denial and request a formal written complaint to file with his/her report to the next level of management on what has transpired to date. If the complainant submits a formal complaint, a copy of the complaint shall accompany the Building Principal's or Superintendent's Diversity Compliance Coordinator's report with a recommendation for further action.

Should the harasser admit the allegations, the Building Principal or Superintendent Diversity Compliance Coordinator is to obtain a written assurance that the unwelcome behavior will stop. Depending on the severity of the charges, the Building Principal or Superintendent Diversity Compliance Coordinator may impose further disciplinary action. Thereafter, the Building Principal or Superintendent Diversity Compliance Coordinator is to prepare a written report of the incident and inform the complainant of the resolution. The complainant is to indicate on the report whether or not he/she is satisfied with the resolution.

Students

Nondiscrimination

Racial Harassment of Students

Informal Complaints (continued)

If the complainant is satisfied with the resolution, the incident will be deemed closed. However, the complaint may be reopened for investigation if a recurrence of racial harassment is reported. The Building Principal or Superintendent Diversity Compliance Coordinator is to inform the complainant to report any recurrence of the harassment or any retaliatory action that might occur. Should the complainant be dissatisfied with the resolution, he/she is to file a formal written complaint.

If during the Building Principal or Superintendent's Diversity Compliance Coordinator informal attempt to resolve the complaint, the alleged harasser admits the allegations but refuses to give assurance that he/she will refrain from the unwelcome behavior, the Building Principal or Superintendent Diversity Compliance Coordinator is to file a report with the next appropriate level in the complaint procedure. The report is to indicate the nature of the complaint, a description of what occurred when the Building Principal or Superintendent informed the alleged harasser of the allegations against him/her, the harasser's response to the allegations, and a recommendation that stronger corrective measures be taken. This report should be accompanied by the student's formal complaint.

Formal Complaints

Formal complaints may be submitted either to initially report any incidence of racial harassment, or as a follow-up to an unsatisfactory resolution of an informal attempt to resolve a complaint. In the latter case, the formal written complaint is to be submitted to the Building Principal or Superintendent Diversity Compliance Coordinator originally consulted, who will then forward it to the next appropriate level of management, e.g., the Superintendent or the Board of Education, for appropriate action.

The formal written complaint will consist of any appropriate forms and a copy of any applicable Building Principal or Superintendent Diversity Compliance Coordinator reports. The appropriate forms solicit the specifics of the complaint, e.g., date and place of incident, description of racial misconduct, names of any witnesses, and any previous action taken to resolve the matter.

The Superintendent or the Board shall take immediate, appropriate and corrective action upon a determination of racial harassment. The Superintendent or the Board shall notify the complainant of any findings and action taken.

Students

Nondiscrimination

Racial Harassment of Students (continued)

Remedial Action

If the investigation reveals that racial harassment has occurred, appropriate sanctions will be imposed in a manner consistent with any applicable law, district policies and regulations and collective bargaining agreements. Depending on the gravity of the misconduct, sanctions may range from a reprimand up to and including dismissal of an employee or suspension of a student.

Anyone subjecting complainants or witnesses to any form of retaliation will also be subject to disciplinary action in the manner prescribed by law and consistent with any applicable provisions in the district's policy manual or collective bargaining agreements. If the investigation reveals that no racial harassment has occurred, or if the complainant is not satisfied with the remedial action taken after a finding of racial harassment, the complainant may appeal to the next appropriate level in the complaint procedure. The appeal must include a copy of the original complaint, all relevant reports, the specific action being appealed, and an explanation of why the complainant is appealing.

Post Remedial Action

Following a finding of harassment, victims will be periodically interviewed by the appropriate Building Principal or ~~Superintendent~~ Diversity Compliance Coordinator to ensure that the harassment has not resumed and that no retaliatory action has occurred. In the discretion of the district, these follow-up interviews will continue for an appropriate period of time. A report will be made of any victim's response.

Complaint Records

Upon written request, complainants should receive a copy of any resolution reports filed by the Building Principal or ~~Superintendent~~ Diversity Compliance Coordinator concerning his/her complaint. Upon substantiation, copies should also be filed with the student or employment records of both the complainant and the alleged harasser.

Investigation in the Absence of a Complaint

The Board will, in the absence of a victim's complaint, ensure that an investigation is commenced by the appropriate individuals, upon learning of, or having reason to suspect, the occurrence of any racial harassment.

***For the sake of simplicity and clarity, the term "race" shall be used throughout this discussion to refer to all forms of discrimination prohibited by Title VI -- that is, race, color, and national origin.**

Students

Nondiscrimination

Racial Harassment of Students (continued)

(cf. 0521 - Equal Opportunity - Nondiscrimination)

(cf. 4118.113/4218.113 - Harassment)

(cf. 5114 - Suspension/Expulsion/Due Process)

(cf. 5131 - Student Conduct)

(cf. 5131.2 - Assault)

(cf. 5131.21 - Terroristic Threats/Acts)

(cf. 5144 - Discipline)

(cf. 5145.5 - Sexual Harassment)

(cf. 5145.51 - Peer Sexual Harassment)

Legal Reference: Civil Rights Act of 1964, Title VI, 42 U.S.C. §2000 et seq. 34 CFR Part 1000

Regulation approved:

cps 7/00

_____ PUBLIC SCHOOLS
_____, Connecticut

Harassment Complaint Form

Name: _____

Date: _____ School: _____

Who was responsible for the harassment? _____

Describe the harassment: _____

(attach additional pages if necessary)

Date(s), time(s), and place (places) the harassment occurred: _____

Where there other individuals involved in the harassment? _____
If so, name the individual(s) and what their role was _____

Did anyone witness the harassment? _____ If so, name the witness(es) _____

What was your reaction to the harassment? _____

Describe any prior incidents _____

Signature of Complainant or Parents/Legal Guardian

copy: Student/Parents



Series C-19
COVID-19 Policies and Regulations

POLICY CONCERNING USE OF FACE COVERINGS IN SCHOOL (NEW)

The Newtown Board of Education (the “Board”) recognizes the importance of protecting the health and safety of students, staff, and the community during the COVID-19 pandemic. As such, and in accordance with requirements and guidelines issued by the Connecticut State Department of Education (“SDE”), the Board requires that all individuals entering a school building, a Newtown Public Schools (“District”) facility, or a District transportation vehicle wear an appropriate face covering. An appropriate face covering shall consist of a cloth mask or disposable procedure-style mask that completely covers the individual’s nose and mouth. ~~*[Optional: An appropriate face covering shall not include “neck gaitors,” bandanas or exhalation valve masks.]*~~ Any individual who presents for entrance into a school building, District facility or District transportation vehicle who is not wearing an appropriate face covering shall be provided an appropriate face covering by the District.

Compliance with this policy shall be mandatory for all individuals while in a school building, District facility and/or District transportation vehicle, unless an applicable exception applies. Any individual who refuses to wear an appropriate face covering at all times while in a school building, District facility or District transportation vehicle shall be denied admission and/or required to leave the premises, unless an applicable exception applies. In addition, failure to comply with this policy may lead to disciplinary action for students and staff, and exclusion from school property for members of the community, in accordance with applicable laws, rules, regulations, and/or Board policies.

~~*[Optional: All individuals participating in or attending any school-sponsored activities must wear an appropriate face covering, whether or not those activities occur in a school building, District facility or District transportation vehicle, unless an applicable exception applies or the Administration, in consultation with the local health department, determines that face coverings are not required for athletes participating in certain athletic activities.]*~~

The Board authorizes the Superintendent or designee to develop administrative regulations and/or protocols to implement this policy. Such administrative regulations and/or protocols shall outline authorized exceptions to the requirement that all individuals wear an appropriate face covering in the school buildings, District facilities and District



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transportation vehicles and may identify additional face covering rules as related to the safe operation of the school community.

Legal References:

Connecticut General Statutes § 10-221

Adapt, Advance, Achieve: Connecticut's Plan to Learn and Grow Together, Connecticut State Department of Education, as amended by Addendums 1-11 (June 29, 2020 through August 31, 2020).

ADOPTED: _____

REVISED: _____

Temporary Policy Rev. 9/2/2020



Series C-19
COVID-19 Policies and Regulations

PROTOCOLS CONCERNING USE OF FACE COVERINGS IN SCHOOL (NEW)

In accordance with requirements and guidelines issued by the Connecticut State Department of Education (“SDE”), the Newtown Public Schools (“District”) requires that all individuals entering a school building, a District facility, or a District transportation vehicle wear an appropriate face covering. An appropriate face covering shall consist of a cloth mask or disposable procedure-style mask that completely covers the individual’s nose and mouth. ~~*[Optional: An appropriate face covering shall not include “neck gaitors,” bandanas or exhalation valve masks.]*~~ Any individual who presents for entrance into a school building, District facility or District transportation vehicle who is not wearing an appropriate face covering shall be provided an appropriate face covering by the District.

Compliance with these protocols shall be mandatory for all individuals while in a school building, District facility and/or District transportation vehicle, unless an applicable exception applies. Any individual who refuses to wear an appropriate face covering at all times while in a school building, District facility or District transportation vehicle shall be denied admission and/or required to leave the premises, unless an applicable exception applies. In addition, failure to comply with these protocols may lead to disciplinary action for students and staff, and exclusion from school property for members of the community, in accordance with applicable laws, rules, regulations, and/or Board policies.

~~*[Optional: All individuals participating in or attending any school-sponsored activities must wear an appropriate face covering, whether or not those activities occur in a school building, District facility or District transportation vehicle, unless an applicable exception applies or the Administration, in consultation with the local health department, determines that face coverings are not required for athletes participating in certain athletic activities.]*~~

Students and all individuals being transported on District transportation vehicles are required to wear appropriate face coverings (face coverings must be worn prior to boarding and while exiting the vehicle), in accordance with the District’s Transportation Protocols. Please see below for additional procedures for face covering exemption requirements.

Students, staff and all individuals inside school buildings and District facilities are required to wear appropriate face coverings except if: (i) the individual cannot wear the face covering because the individual has difficulty breathing, is unconscious, or



incapacitated; (ii) the individual cannot remove the face covering without assistance; (iii) the individual has a documented medical reason making it unsafe to wear a mask; (iv) the student is in preschool; or (v) the individual has a disability that causes the individual to be unable to wear a face covering.

Important Note: The need for a medical exemption for the wearing of face coverings of the styles recommended for use in schools for source control is rare. Medical contraindications to the wearing of cloth or other similar loose fitting masks generally are limited to individuals suffering from severe chronic obstructive pulmonary disease (COPD) such as might be seen with cystic fibrosis, severe emphysema, heart failure, or significant facial burns that would cause extreme pain or interfere with the healing of a skin graft. These severe medical conditions will be rare in students or staff capable of presenting to the school for work or instruction (in most cases these individuals would not be able to move about freely without significant assistance). In addition, for anyone suffering from any of these underlying conditions, the strong recommendation would be for that person to remain at home and engage in fully virtual learning due to their risk of developing severe complications if they did become infected with COVID-19. Mild or intermittent respiratory or other common conditions such as asthma, cardiovascular diseases, kidney disease, or other similar conditions generally are not considered contraindications to the wearing of loose-fitting face coverings.

Face coverings may only be removed within the school building for the following reasons: (i) eating/drinking; (ii) on school grounds with appropriate social distancing implemented; and (iii) educational or medical activities requiring removal of masks (speech and language, evaluations, etc.) **ONLY** under circumstances when the school has implemented appropriate and District-approved mitigating measures (such as gowns, face shields, additional social distancing, physical barriers for District employees and/or students).

If a student claims a medical or disability-related exemption from wearing a face covering, the District shall follow the Decision Tree - Face Covering Exemptions in these Protocols. If the District determines the request is based on medical need, the parent or guardian and the **student's treating physician** must complete the Face Covering Exemption Request Form. If the District determines the request is based on disability (skill deficit), the District shall promptly convene a Planning and Placement Team ("PPT") Meeting or Section 504 Team meeting as appropriate to discuss and consider necessary programming revisions, accommodations, modifications, etc.

If a staff member claims a medical or disability-related exemption from wearing a face covering, the District shall comply with all applicable laws, rules, regulations, and requirements regarding the evaluation of, and response to, any such claim.



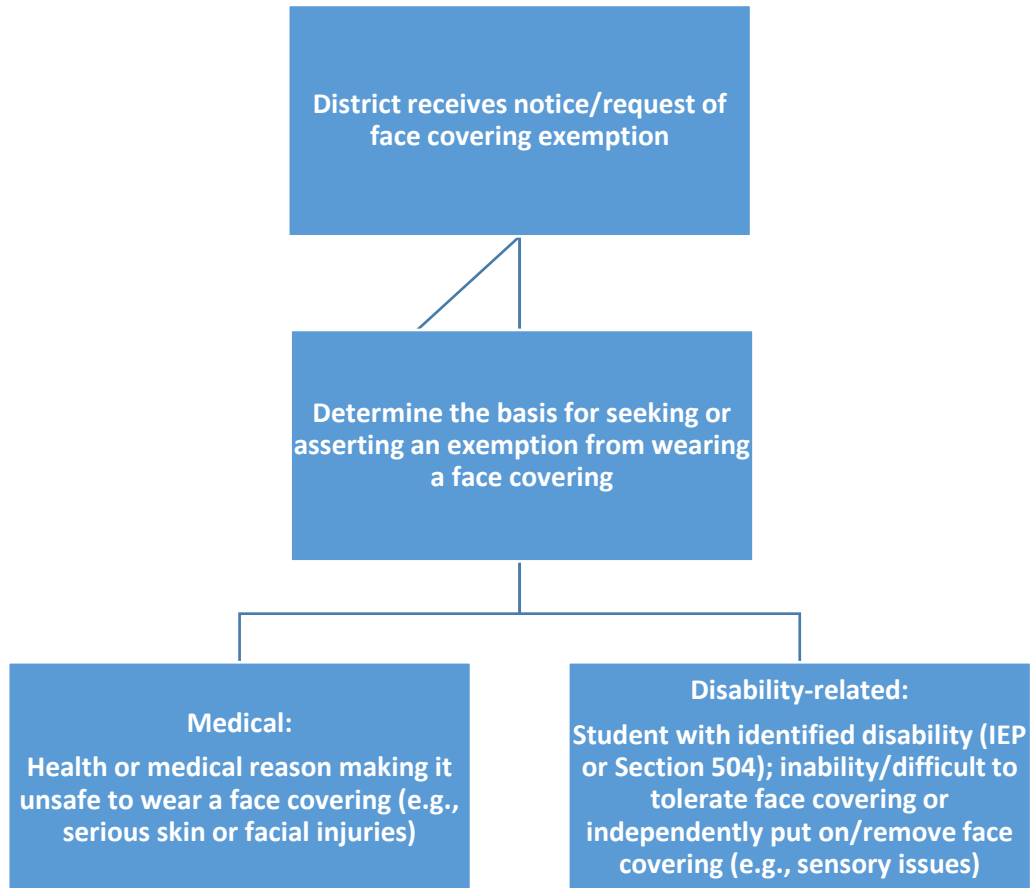
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Students shall be offered face covering breaks during the school day as determined appropriate by the Administration. A face covering break consists of the student removing the face covering from the student's own nose and mouth for a short period of time. School district personnel supervising students shall only permit a face covering break when individuals who are indoors are a minimum of 12 feet apart ~~*[note: consult with local health department to determine whether more than 12 feet is required when indoors without masks]*~~ or other District-approved mitigating measures (such as physical barriers) have been implemented, and when individuals who are outdoors are a minimum of 6 feet apart. When practicable, school district personnel supervising students shall schedule mask breaks outdoors.



Decision-Making Tree - Face Covering Exemptions





SAMPLE

[Board of Education/School Letterhead]

FACE COVERING

MEDICAL/HEALTH EXEMPTION FORM

COVID-19 is a highly contagious virus that spreads by respiratory droplets released when individuals talk, cough or sneeze. Many individuals infected with COVID-19 are asymptomatic and contagious. Federal and state public health agencies, including the United States Centers for Disease Control and Prevention (CDC), recommend that individuals wear a face covering to limit the spread of COVID-19.

The Connecticut State Department of Education and _____ Public Schools require ALL students, beginning in kindergarten, to wear face coverings during the school day. Any student seeking a medical exemption to the face covering requirement must have the student's treating physician complete the below Medical/Health Exemption Form. As noted below, _____ Public Schools will consult with the student's treating physician to determine what reasonable accommodations, if any, would allow the student to wear a face covering during the school day. In light of the significant public health and safety requirements, the _____ Public Schools require that any request for medical exemption be completed and submitted to _____, the [title] at _____ [email].

Students submitting requests for medical exemption are subject to COVID-19 containment strategies pending the completion of the exemption review process. COVID-19 containment strategies may include assignment to home-based remote learning to mitigate the possibility of infection to the student or others in the physical school building.

Name of Child: _____ Date of Birth: _____

Address of Child: _____

Name of Parent(s): _____

Address of Parent(s): _____

(if different from child)



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Contact Information for Treating Physician

Name: _____

Address: _____

Phone: _____ Fax: _____ Email: _____

THE _____ PUBLIC SCHOOLS RESERVES THE RIGHT TO DENY MASK EXEMPTION REQUESTS WITHOUT SUFFICIENT INFORMATION TO DETERMINE THE HEALTH-RELATED NECESSITY OF SUCH REQUEST.

I HEREBY CONSENT TO SCHOOL OFFICIALS OF THE _____ PUBLIC SCHOOLS CONSULTING WITH THE ABOVE-NAMED TREATING PHYSICIAN IN CONNECTION WITH THE REQUEST FOR A MEDICAL EXEMPTION FROM WEARING A FACE COVERING DURING THE COVID-19 PANDEMIC. I UNDERSTAND THAT MY CHILD'S TREATING PHYSICIAN IS AUTHORIZED TO EXCHANGE HEALTH/MEDICAL AND EDUCATIONAL INFORMATION RELATED TO THE FACE COVERING MEDICAL EXEMPTION REQUEST SUBMITTED ON BEHALF OF MY CHILD, _____ [NAME OF STUDENT], WITH THE _____ PUBLIC SCHOOLS . I UNDERSTAND THAT THE PURPOSE OF THE EXCHANGE OF SUCH INFORMATION IS TO DETERMINE WHETHER A MEDICAL EXEMPTION IS NECESSARY AND/OR WHETHER THERE ARE ANY REASONABLE ACCOMMODATIONS THAT SHOULD BE CONSIDERED IN CONNECTION WITH THE FACE COVERING EXEMPTION REQUEST. I UNDERSTAND THAT THIS AUTHORIZATION WILL EXPIRE ON JUNE 30, 2021, UNLESS I REVOKE THIS AUTHORIZATION AT AN EARLER TIME BY SUBMITTING WRITTEN NOTICE OF THE



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WITHDRAWAL OF CONSENT. I ACKNOWLEDGE THAT HEALTH/MEDICAL RECORDS, ONCE SHARED WITH THE _____ PUBLIC SCHOOLS, WILL BE EDUCATION RECORDS UNDER FEDERAL EDUCATION RECORD LAWS (FERPA) AND MAY NOT BE PROTECTED BY THE HIPAA PRIVACY RULE. I ALSO UNDERSTAND THAT REFUSAL TO CONSENT TO THE EXCHANGE OF INFORMATION DESCRIBED ABOVE WILL NOT AFFECT ACCESS TO HEALTHCARE.

PRINT NAME
PARENT/GUARDIAN

DATE

SIGNATURE
PARENT/GUARDIAN



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The section below must be completed by the student's treating physician to verify a health or medical reason that prohibits the student from wearing a face covering in the school building and/or on school grounds or to identify possible accommodations for the student to wear a face covering within the school building or on school grounds. Upon completion, this form must be provided by the treating physician directly to the _____ Public Schools, care of [insert contact name] at [address].

The treating physician MUST consult with school health supervisory personnel prior to completing this form. The contact information for the school health supervisory personnel for this matter (COVID-19 Liaison at _____ Public Schools) is:

Medical Verification

Yes No

I have consulted with school health supervisory personnel regarding the student's ability to wear a face covering due to a verified medical or health reason.

After consultation with school health supervisory personnel, I have determined that reasonable accommodations would permit the student to wear a face covering for parts or all of the school day.

If yes, to the above question:

I have determined that the following reasonable accommodations would permit the student to wear a face covering during the school day (examples include, without limitation, face covering breaks at specified intervals, use of face shield when a face covering is contraindicated, use of bandana or looser fitting face covering):

-
-
-

After consultation with school health supervisory personnel, I have determined that the student cannot wear a face covering during the entire school day due to a verified medical or health reason.

The student has been diagnosed with the following medical condition(s) that prevent the student from wearing a face covering at all times during the school day:



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*** Documentation supporting the above diagnosis MUST be submitted to the _____ Public Schools along with this Medical Verification Form.**

By signing below, I verify that the above information is accurate to the best of my professional knowledge.

Signature of Treating Physician

Date

Print Name of Treating Physician

CT License No.

Personnel -- Certified/Non-Certified

Personnel Records

Personnel records shall be kept on all current employees and shall include information usually expected in good personnel administration.

A file shall be kept for all resigned or retired employees, including such essential information as shall seem appropriate to the administration as specified by state and federal laws.

The Superintendent, on behalf of the Board, shall notify an employee and a collective bargaining representative, if any, in writing when a request is made for disclosure of the employee's personnel, medical or similar files, if the Superintendent reasonably believes disclosure would invade the employee's privacy.

~~The records will be disclosed unless written objection is received from the teacher or employee's collective bargaining representative, within seven business days from the receipt by employee or collective bargaining representative.~~

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

~~Records maintained or kept on file by the State Department of Education or the Board of Education that are records of a teacher's performance and evaluation shall not be released without the written consent of the teacher. Such records are not public records subject to FOI.~~

~~Records maintained or kept on file by the State Department of Education or the Board, that are records of a teacher's personal misconduct shall be deemed to be public records, and subject to disclosure under the Freedom of Information Act. Disclosure of such records of a teacher's personal misconduct shall not require the consent of the teacher. (*"Teacher" includes all certified employees below the rank of Superintendent.*)~~

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

The Superintendent shall comply with state and federal law, including the Freedom of Information Act (FOIA), when a request is made for disclosure of an employee's personnel, medical or similar files.

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

Personnel -- Certified/Non-Certified

Personnel Records (continued)

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

~~**NOTE:** The information to be provided upon request regarding teachers shall indicate whether the student's teacher has met state certification for the grade level and/or subjects taught. Information pertaining to a paraprofessional should indicate the educational background of the individual, including secondary school diploma or its equivalent, study at an institution of higher education and any degree earned.~~

Legal Reference: Connecticut General Statutes

- 1-206 Denial of access to public records or meetings.
- 1-213 Agency administration. Disclosure of personnel, birth and tax records.
- 1-214 Objection to disclosure of personnel or medical files (as amended by PA 18-93)
- 1-215 Record of arrest as public record
- 10-151a Access of teacher to supervisory records and reports in personnel file.
- 10-151c Records of teacher performance and evaluation not public records. (as amended by PA 02-138 and PA 13-122)

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

The Americans with Disabilities Act

~~Section 1112(e)(6) The Every Student Succeeds Act (ESSA)~~

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

Policy adopted:

**NEWTOWN PUBLIC SCHOOLS
Objection to Release of Personnel Records**

The Newtown Public Schools shall provide notice to an employee and the employee's collective bargaining representative, if any, whenever the District receives a request to inspect or copy records contained in an employee's personnel or medical files and similar files, and the Superintendent or designee reasonably believes that the disclosure of such records would legally constitute an invasion of privacy (the "Notice"). The employee or the employee's collective bargaining representative, if any, may object to the release of records that the Superintendent or designee has determined legally constitute an invasion of privacy.

This form shall be used by an employee or employee's collective bargaining representative who is objecting to the release of information that the Superintendent or designee has deemed to be an invasion of privacy. Such records will be disclosed to the requesting party UNLESS this form is received by the District within seven (7) business days from the receipt by the employee or the employee's collective bargaining representative, if any, of the Notice or, if there is no evidence of receipt of written notice, not later than nine (9) business days from the date the Notice is actually mailed, sent, posted or otherwise given.

Date: _____

Name, address and phone number of employee concerned:

Name, address and phone number of employee's collective bargaining representative, if any:

Description of the records that the Superintendent reasonably believes would legally constitute an invasion of privacy and the disclosure of which the employee or representative objects.

Under the penalties of false statement, to the best of my knowledge, information and belief, there are good grounds to support my objection to the release of the records described above and my objection is not intended to delay the process.

Signature of employee or employee's collective bargaining representative

Print name

Date



SHIPMAN & GOODWIN LLP™
COUNSELORS AT LAW

**Series 4000
Personnel**

[A Board of Education Policy on nepotism is not required by law and is, therefore, a discretionary decision for the Board of Education. This model policy is provided for the Board's consideration.]

NEPOTISM

Purpose

It is the policy of the Board to recruit and hire qualified applicants for employment within the [_____] Public Schools, while avoiding both nepotism and the appearance of nepotism.

Definitions

“Immediate family” means a spouse, child, parent, sister, brother, half-sister or half-brother.

“Relative” means a sister-in-law, brother-in-law, mother-in-law, father-in-law, daughter-in-law, son-in-law, step parent, aunt, uncle, niece, nephew, first cousin, grandparent, step child, foster child, grandchild or individual living in the same household.

“Familial relationship” means a relationship between a member of one’s immediate family or a relative, as defined within this policy.

Prohibitions on Hiring

No relative or immediate family member of the Superintendent shall be hired to any position of employment.

No immediate family members of a Board member or any other district level administrator shall be hired to any position of employment.

Restrictions on Employment of Relatives

No individuals shall be hired in a position of employment that would result in a supervisory or evaluative relationship between a current employee and a relative.

No employee may be involved in the process of screening for advancement in the application process, interviewing or hiring his or her relatives.

Employees will not be hired, promoted, transferred or assigned to work in positions in the same school or work unit or department in which a relative is already employed, unless the Superintendent of Schools approves such an assignment in writing.

No administrator shall supervise any of his or her relatives.

Employees will not be hired, promoted, transferred or assigned to work in positions in which they will have access to confidential information regarding a relative, such as, but not limited to, information regarding benefits selections, confidential medical information or personnel records that are not subject to public disclosure.

Restrictions on Employment of Immediate Family Members

No employee may be involved in the process of screening for advancement in the application process, interviewing or hiring of an immediate family member.

Employees will not be hired, promoted, transferred or assigned to work in positions in the same school or work unit or department in which an immediate family member is already employed, unless the Superintendent of Schools approves such an assignment in writing.

No person who is a member of the immediate family of a building administrator or department supervisor may be nominated for or transferred or otherwise assigned to any position within that administrator's building or supervisor's department. No administrator or supervisor shall supervise any member of his or her immediate family.

Employees will not be hired, promoted, transferred or assigned to work in positions in which they will have access to confidential information regarding an immediate family, such as, but not limited to, information regarding benefits selections, confidential medical information or personnel records that are not subject to public disclosure.

Disclosure Requirements

A Board member or administrator who has an existing familial relationship with an employee, as defined above, or who has had a change in circumstances which creates a familial relationship with any employee of the [_____] Public Schools, shall declare such relationship to the Superintendent or Chair of the Board immediately.

If a change in circumstances creates a familial relationship between an employee and his or her supervisor, the Board, through its Superintendent, reserves the right to seek a transfer of any employee in order to resolve any concerns about the operations of the district with respect to nepotism or the appearance of nepotism. The Superintendent may also provide for the evaluation and/or supervision of the employee outside of the typical chain of command in order to resolve any concerns about nepotism or the appearance of nepotism.

A Board member or administrator who knows that a relative or immediate family member has applied for a position with the [_____] Public Schools shall declare such relationship to the Superintendent or the Chair of the Board as soon practicable.

In addition to the requirements set forth above regarding familial relationships, if a romantic relationship develops between an employee and (1) an administrator who has a supervisory or

evaluative relationship with the employee, or (2) a member of the Board, the affected administrator or member of the Board shall declare such relationship to the Superintendent.

Recusal

A member of the Board should not vote on any action of the Board which will directly affect a relative or member of his or her immediate family.

Discharge and Denial of Re-Employment

No current employee will be discharged or denied re-employment pursuant to an applicable recall provision based on this Policy.

ADOPTED: _____

REVISED: _____