



Newtown Public Schools

Policy Sub-Committee Agenda *AMENDED*
July 14, 2026

BOE Conference Room 1
Municipal Building
3 Primrose Street
Newtown, CT 06470
5:00 PM

As citizens of our community, we will conduct ourselves in accordance with Newtown's Core Character Attributes as displayed in our character tree. We will be responsible for our actions and show respect for each other. We will interact peacefully, productively, and politely. We will be trustworthy and honest and show compassion toward others. Newtown's continued success is contingent upon our ability to persevere, to follow through with our commitments, and to stay focused on the greater good.

AGENDA

1. **CALL TO ORDER**
2. **PUBLIC PARTICIPATION**
3. **APPROVAL OF MINUTES**
4. **DISCUSSION AND POSSIBLE ACTION**
 - A. Review Bylaws
 1. Code of Conduct for Board Members
 2. Meeting Conduct
 3. Removal of Board Members
 4. Filling Vacancies
 - B. Review Current Newtown Bylaws
 1. 9010 Limits of Authority
 2. 9012 Legal Responsibilities of Board of Education
 3. 9020 Public Statements
 4. 9020.1 Advocacy
 5. 9020.3 Recognition of Individual Accomplishment
 6. 9030 Commitment to Democratic Principles in Relation to Community, Staff & Students
 7. 9124 Recording Secretary
 8. 9125 Attorney
 - C. Bylaws to Rescind after Adoption of Replacement Bylaws
 1. 9221 Method of Filling Vacancies

2. 9325 Meeting Conduct

D. Policies Recommended for First Read

1. 6163.1 Selection of Library Media Resources, Displays, and Programs
2. 4100 Appointment of Non-Administrative Certified Personnel
3. 4200 Appointment of Non-Certified Personnel
4. 4112.8 Nepotism
5. 4113 Employment and Student Teacher Checks

E. Policies to Rescind after Adoption of Replacement Policies

1. 6163.1 Selection of Library Media Resources
2. 4100 Certified Personnel
3. 4112.8 Nepotism
4. 4113/4213 Employment and Student Teacher Checks

F. Non-Mandated Policies To Be Rescinded

1. 0523 Equity and Diversity
2. 2020 Resolution on Diversity and Equity
3. 4000 Concepts and Roles in Personnel
4. 4111/4211 Recruitment and Selection
5. 4111.3 Plan for Minority Recruitment and Selection
6. 4112.52/4212.52 Use and Disclosure of Criminal Justice Information
7. 4112.6/4212.6 Personnel Records
8. 4114/4214 Assignment/Transfer/Reassignment
9. 4115 Evaluation of Certified Staff

G. Recommend to Renumber and Move to Personnel - 4000 Series

1. 2100 Addition of School and District Administrator Positions
2. 2131 Role of the Superintendent
3. 2141 Appointment of the Superintendent
4. 2151 Hiring of Administrators
5. 2400 Evaluation of the Superintendent

5. **PUBLIC PARTICIPATION**

6. **ADJOURN**

MINUTES

Anne Uberti, Superintendent
Doria Linnetz
Don Ramsey
Sarah Connell
Kara DiBartolo

1. CALL TO ORDER

- a. The Meeting was called to order at 5:30 PM

2. PUBLIC PARTICIPATION

- a. None

The committee acknowledged the presence of an ex officio member, Alison Plante.

3. APPROVAL OF MINUTES

MOTION: *Mr. Ramsey moved to approve the minutes of April 7, 2026. Ms. Linnetz seconded. Motion passes unanimously.*

4. DISCUSSION AND POSSIBLE ACTION

a. Review Policies

i. Policy 5155 - Wellness

1. K.DiBartolo reviewed the mandatory updates following the required triennial WELLSAT assessment.
2. The key revisions include an expanded description and role of the District Wellness Committee along with compliance language with the USDA nutrition standards which include requirements for staff training and certification in child nutrition.
3. The committee discussed the difficulty enforcing nutrition rules during fundraisers and after-school events. A.Uberti stated that there are stricter standards during the school day and more flexibility after school. She continued that there are ongoing efforts to improve food quality and student engagement.

ii. Policy 1200 - Use of School Facilities

1. A. Uberti proposed to include language of a waiver of rental and associated fees for town emergency preparedness, training or response activities. The committee agreed.

iii. 3521R - Use of Private Transportation

1. A.Uberti created a regulation that clarifies that staff should not transport students in personal vehicles based on legal guidance and

liability concerns. This regulation provides staff protection and clear guidance for declining requests.

- iv. 5151.5R - Suicide Prevention and Intervention Guidelines
 - 1. A. Uberti worked with D. Petersen-Mailloux on this policy and incorporated the state-mandated COlumbia Suicide Severity Rating Scale (CSSRS). There will be continued use of SOS (Signs os Suicide) as a universal screener. A.Uberti also removed the outdated resource links.
 - 2. S. Connell will remove the outdated resource - Resiliency Center.
- v. 2131 - Superintendent
 - 1. A.Uberti revised this policy to clarify the distinction between Board responsibilities vs. Superintendent responsibilities. This will replace the existing policy.

b. Bylaws Recommended for First Read

- i. Code of Conduct for Board Members
 - 1. The committee discussed the ambiguity around disciplinary action authority and consideration of two-thirds vote vs simple majority.
 - 2. The committee agreed to discuss this bylaw with legal counsel before moving it forward.
- ii. Committees
 - 1. This bylaw clarifies that the Board Chair appoints committee members and chairs.
 - 2. There were no concerns from the committee.
- iii. Filling Vacancies
 - 1. The committee determined that there are inconsistencies with town charter requirements. The charter specifies a 45-day window for party appointment, then full Board appointment, then Board Chair appointment after 90 days.
 - 2. The committee agreed to postpone for revision to align with the Charter.
- iv. Conflict of Interest
 - 1. The committee had no recommendations for revisions.
- v. Meeting Conduct
 - 1. The committee agreed to postpone pending legal review.
- vi. Oath of Office
 - 1. This bylaw is state-required and the committee did not have any recommendations for revisions.
- vii. Removal of Board Officers
 - 1. This discussion was similar to Code of Conduct and weather removal should require a two-thirds vote.
 - 2. The committee agreed to postpone until further guidance.
- viii. Role of Board members
 - 1. The committee agreed with this bylaw. It was also discussed to include more public-facing, explanatory language outside policy for clarity.

MOTION: *Mr. Ramsey moved to move the following policies and bylaws forward to the full Board: Policy 1200, Policy 2131, Policy 5155, Committees, Conflict of Interest, Oath of Office and Role of Board Members. Ms. Linnetz seconded. Motion passes unanimously.*

MOTION: *Mr. Ramsey moved to move the following regulations forward as an item of information for the full board: 3541R and 5151.5R. Ms. Linnetz seconded. Motion passes unanimously.*

MOTION: *Mr. Ramsey moved to recommend rescinding the following policies and bylaws: Bylaw 9272, Bylaw 9130, Bylaw 9270, Bylaw 9000 and rescind and replace for Policy 2131, Policy 1200 and Policy 5155. Ms. Linnetz seconded. Motion passes unanimously.*

5. PUBLIC PARTICIPATION

- a. None

6. ADJOURNMENT

MOTION: *Mr. Ramsey moved to adjourn the meeting. Ms. Linnetz seconded. Motion passes unanimously.*

Meeting adjourned at 6:30 pm.

Series 9000
Bylaws

CODE OF CONDUCT FOR BOARD MEMBERS

It is the policy of the Newtown Board of Education (the “Board”) that all members of the Board will:

1. adhere to all Board policies, rules and regulations;
2. conduct themselves in a fair and impartial manner;
3. refrain from interfering with the implementation of a Board policy decision by the administration;
4. refrain from interfering with the duties of any school district official; and
5. refrain from divulging to anyone any aspect of matters considered and discussed in executive session.

Each member of the Board shall act in complete accordance with the provisions and tenor of this policy. Should any member of the Board fail to so act, such failure shall constitute cause for censure or other such disciplinary action as deemed appropriate by the Board.

Procedures for Censure or Other Disciplinary Action

The following procedures shall be used in lieu of any procedures set forth in Robert’s Rules of Order with respect to any proposed action to censure or take other disciplinary action regarding a Board member for cause:

- 1) The Board shall review the performance and/or conduct of the Board member in open or executive session (as determined by the Board and the Board member in accordance with the Freedom of Information Act) at a regular or special meeting of the Board, prior to initiating any action to censure or take other disciplinary action regarding a Board member for cause.
- 2) If the Board determines as a result of such discussion that censure or other disciplinary action concerning a Board member may be appropriate, the Board shall provide the Board member with:
 - a) reasonable written notice of the Board’s intent to consider censure or other disciplinary action, including the factual basis for the claimed “cause” for the censure or disciplinary action against the member, with such notice to be provided after being authorized by majority vote of those Board members present and voting; and
 - b) an informal opportunity to be heard by the Board regarding such possible censure or other disciplinary action, at which the Board member shall have the

right to be represented by counsel at the Board member's own expense and to present relevant evidence to the Board. The informal opportunity to be heard shall take place in open or executive session (as determined by the Board and the Board member in accordance with the Freedom of Information Act) at a regular or special meeting of the Board.

- 3) Any action to censure or take other disciplinary action regarding a Board member for cause following such informal hearing shall require an affirmative vote ~~by a majority~~ **by two-thirds majority** of all members of the Board.

Legal References:

Connecticut General Statutes
10-220 Duties of boards of education.

ADOPTED: _____
REVISED: _____

Series 9000
Bylaws

MEETING CONDUCT

1. Definitions

For purposes of this policy:

- A. “Electronic equipment” means any technology that facilitates real-time public access to meetings, including, but not limited to, telephonic, video, or other conferencing platforms.
- B. “Electronic transmission” means any form or process of communication not directly involving the physical transfer of paper or another tangible medium, which (A) is capable of being retained, retrieved and reproduced by the recipient, and (B) is retrievable in paper form by the recipient.

2. Meeting Conduct

- A. Meetings of the Newtown Board of Education (the “Board”) shall be conducted by the Chairperson in a manner consistent with the adopted bylaws of the Board and the provisions of law, including the Freedom of Information Act.
- B. All Board meetings shall commence at, or as close as practicable to, the stated time, provided there is a quorum.
- C. All regular and special Board meetings shall be guided by an agenda that will have been prepared and delivered in advance to all Board members and other designated persons and made available to the public in accordance with the Freedom of Information Act.
- D. Robert's Rules of Order shall govern the proceedings of the Board except as otherwise provided by these bylaws.
- E. In the event that a Board meeting is interrupted by any person or group of persons so as to render the orderly conduct of such meeting unfeasible and order cannot be restored by the removal of individuals who are willfully interrupting the meetings, the Chairperson may order the room cleared and continue in session.
 - 1. Only matters appearing on the agenda may be considered in such a session.

2. Duly accredited representatives of the press or other news media, except those participating in the disturbance, shall be allowed to attend any such session.
3. Nothing in these bylaws shall prohibit the Board from establishing a procedure for readmitting an individual or individuals not responsible for willfully disturbing the meeting.

3. Smoking

- A. Smoking of any kind, including using an electronic nicotine or cannabis delivery system or vapor product, will not be permitted in any room in which a meeting of the Board is being conducted, nor during the time immediately prior to the meeting.
- B. When applicable, a sign notifying the public that no smoking is allowed in the room designated for the meeting will be prominently posted.

4. Procedures for Board Member Participation By Means of Electronic Equipment

- A. The Board shall provide Board members the opportunity to participate in meetings by means of electronic equipment, except that the Board is not required to adjourn or postpone a meeting if a Board member loses the ability to participate because of an interruption, failure, or degradation of that member's connection by electronic equipment, unless the member's participation is necessary to form a quorum. Conditions for participation are as follows:
 1. If a quorum of the Board members attend a meeting, other than an executive session, by means of electronic equipment from the same physical location, members of the public must be permitted to attend such meeting in such physical location.
 2. Any physical or demonstrable material that is used in the course of the proceedings must be present in the physical location, if any, where the public is located.
 3. All those in attendance at the meeting, at whatever location, must be able to hear and identify all participants in the proceeding, including their individual remarks and votes.
 4. Any vote taken at a meeting during which a Board member participates by means of electronic equipment shall be taken by roll call, unless the vote is unanimous.

5. The minutes of the meeting shall record a list of Board members who attended the meeting in person and a list of Board members who attended the meeting by means of electronic equipment.

Any Board member who participates orally in a meeting conducted by means of electronic equipment shall make a good faith effort to state such member's name and title, if applicable, at the outset of each occasion that such member participates orally during an uninterrupted dialogue or series of questions and answers.

- B. When a Board member is participating in a meeting by means of electronic equipment, the Chairperson shall take the necessary steps to ensure that the conditions enumerated above are met. In addition, the Chairperson shall take the necessary steps to ensure that a Board member participating by means of electronic equipment has adequate opportunity for participation in Board discussion, including the opportunity to take the floor and make motions.

[Note: Boards that do not wish to provide for public participation by means of electronic equipment may elect not to include the following section. However, Boards should be prepared to accommodate any changes necessitated by pandemic-related conditions in the event such conditions warrant a return to fully remote Board meetings.]

5. Procedures for Public Participation By Means of Electronic Equipment

The Board may hold a public meeting that is accessible to the public by means of electronic equipment or by means of electronic equipment in conjunction with an in-person meeting. If the Board allows for the public to participate by means of electronic equipment, it shall do so in accordance with the following procedures:

- A. Not less than forty-eight (48) hours before the Board conducts a regular meeting by means of electronic equipment, the Board shall provide direct notification in writing or by electronic transmission to each member of the Board, and post a notice that the Board intends to conduct the meeting solely or in part by means of electronic equipment, (a) in the Board's Administrative Offices; (b) in the office of the Town Clerk; and (c) on the Board's Internet web site, if any.
- B. Not less than twenty-four (24) hours prior to any such meeting, the Board shall post the agenda for any such meeting in the same manner as the notice of the meeting as set forth in Section 5.A.
- C. Such notice and agenda shall include instructions for the public to attend and provide comment or otherwise participate in the meeting, by means of

electronic equipment or in person, as applicable and permitted by law. Any such notice and agenda shall be posted in accordance with the provisions of Connecticut General Statutes § 1-225.

- D. If the Board holds a meeting, other than an executive session or special meeting, solely by means of electronic equipment:
1. The Board shall provide any member of the public
 - a. upon a written request submitted not less than twenty-four (24) hours prior to such meeting, with a physical location and any electronic equipment necessary to attend such meeting in real-time, and
 - b. the same opportunities to provide comment or testimony and otherwise participate in such meeting that such member of the public would be accorded if such meeting were held in person, except that the Board is not required (i) to adjourn or postpone a meeting if a member of the public loses the ability to participate because of an interruption, failure or degradation of such person's connection to the meeting by electronic equipment, or (ii) to offer members of the public who attend a meeting by means of electronic equipment the opportunity for public comment, testimony, or other participation if the provision of such opportunity is not required by law for members of the public who attend such meeting in person.
 2. The Board shall not be required to adjourn or postpone the meeting if a member of the public loses the ability to participate because of an interruption, failure, or degradation of such person's connection to the meeting by means of electronic equipment.
 3. The Board shall ensure that such meeting is recorded or transcribed, excluding any portion of the meeting that is conducted in executive session. Such transcription or recording shall be posted on the Board's Internet web site and made available to the public to view, listen to, and copy in the Board's Administrative Offices not later than seven (7) days after the meeting and for not less than forty-five (45) days thereafter.
 4. If a quorum of Board members attend a meeting by means of electronic equipment from the same physical location, the Board shall permit members of the public to attend such meeting in such physical location.

- E. If the Board holds a special meeting and any portion of such meeting is to be conducted by means of electronic equipment, it must include in the notice of such meeting if the meeting will be conducted solely or in part by means of electronic equipment.
 - 1. Not less than twenty-four (24) hours prior to such meeting, the Board shall post such notice and an agenda of the meeting in accordance with applicable law.
 - 2. If such meeting is to be conducted by means of electronic equipment, such notice and agenda shall include instructions for the public, by means of electronic equipment or in person, to attend and provide comment or otherwise participate in the meeting, as applicable and permitted by law.
- F. Any member of the public who participates orally in a meeting conducted by means of electronic equipment shall make a good faith effort to state such member's name and title, if applicable, at the outset of each occasion that such member participates orally during an uninterrupted dialogue or series of questions and answers.
- G. Whenever a meeting being conducted by means of electronic equipment is interrupted by the failure, disconnection or, in the Chairperson's determination, unacceptable degradation of the electronic means of conducting a meeting, or if a Board member necessary to form a quorum loses the ability to participate because of the interruption, failure or degradation of such member's connection by electronic equipment, the Board may, not less than thirty (30) minutes and not more than two (2) hours from the time of the interruption or the Chairperson's determination, resume the meeting (1) in person, if a quorum is present in person, or (2) if a quorum is restored by means of electronic equipment, solely or in part by such electronic equipment.
 - 1. In each case of resumption of such meeting, electronic access shall be restored to the public if such capability has been restored.
 - 2. The Board shall, if practicable, post a notification on its Internet web site and inform attendees by electronic transmission of the expected time of resumption or of the adjournment or postponement of the meeting, as applicable, and may announce at the beginning of any meeting what preplanned procedures are in place for resumption of a meeting in the event of an interruption.

- H. In the event that a Board meeting is interrupted by any person or group of persons so as to render the orderly conduct of such meeting unfeasible, and if such person or group of persons is attending such meeting by means of electronic equipment, the Chairperson may terminate such person's or group of persons' attendance by electronic equipment until such time as such person or group of persons conforms to order or, if need be, until such meeting is closed.

[Note: The following section is optional:]

6. Public Address

- A. *The Board may permit any individual or group to address the Board concerning any subject that lies within its jurisdiction during a portion of the Board's regular [or special] meetings so designated for such purpose.*

(1) *_____ minutes may be allotted to each speaker and a maximum of _____ minutes to each subject matter. The Board may modify these limitations at the beginning of a meeting if the number of persons wishing to speak makes it advisable to do so.*

(2) *A Board member shall be appointed by the Chairperson prior to the meeting to act as timekeeper for the meeting, if deemed necessary by the Chairperson.*

(3) *No boisterous conduct shall be permitted at any Board meeting. Persistence in boisterous conduct shall be grounds for summary termination, by the Chairperson, of that person's privilege of address.*

(4) *All speakers must identify themselves by name and address.]*

Legal References:

Connecticut General Statutes

Public Act 22-3, "An Act Concerning Remote Meetings Under the Freedom of Information Act."

1-200 Definitions

1-206 Denial of access to public records or meetings. Appeals. Notice. Orders. Civil penalty. Petition for relief from vexatious requester.

- Service of process upon commission. Frivolous appeals. Appeal re
state hazardous waste program records
- 1-225 Meetings of government agencies to be public. Recording of votes.
Schedule and agenda of certain meetings to be filed and posted on
web sites. Notice of special meetings. Executive sessions
- 1-232 Conduct of meetings
- 19a-342 Smoking prohibited. Exceptions. Signs required. Penalties

Freedom of Information Commission Advisory Opinion #41 (April 9, 1980)

ADOPTED: _____

REVISED: _____

5/6/2022

Series 9000
Bylaws

REMOVAL OF BOARD OFFICERS

It is the policy of the Newtown Board of Education (the “Board”) that officers of the Board will:

1. adhere to all Board policies, rules and regulations;
2. conduct themselves in a fair and impartial manner; and
3. carry out the duties of their respective offices in accordance with law.

An officer of the Board may be removed for cause by a majority vote of the entire Board. A vote to remove a Board officer shall only take place at a regular meeting or a special meeting called for that purpose. “Cause,” which means a reasonable ground for removal, includes, but is not limited to, any conduct that:

1. specifically relates to and affects the administration of the office in a manner deemed to be deleterious to Board operations;
2. negatively and directly affects the rights and interests of the public;
3. violates Board policies, rules and regulations; or
4. interferes with the orderly and efficient operation of the Board.

Procedures for Removal

The following procedures shall be used in lieu of any procedures set forth in Robert’s Rules of Order with respect to any proposed action to remove or take other disciplinary action regarding an officer of the Board for cause:

- 1) The Board shall review the performance and/or conduct of an officer of the Board in open or executive session (as determined by the Board and the Board officer in accordance with the Freedom of Information Act) at a regular or special meeting of the Board, prior to initiating any action to remove or take other disciplinary action regarding a Board officer for cause.
- 2) If the Board determines as a result of such discussion that formal action is necessary, the Board shall provide the Board officer with:
 - a) reasonable written notice of the Board’s intent to consider removal or other disciplinary action, including the factual basis for the claimed “cause” for removal of the officer from office, with such notice to be provided after being authorized by a two thirds majority vote of those Board members present and voting; and

- b) an informal opportunity to be heard by the Board regarding such possible removal or other disciplinary action, at which the Board officer shall have the right to be represented by counsel at the Board member's own expense and to present relevant evidence to the Board. The informal opportunity to be heard shall take place in open or executive session (as determined by the Board and the Board officer in accordance with the Freedom of Information Act) at a regular or special meeting of the Board.
- 3) Any action to remove or take other disciplinary action regarding a Board officer for cause following such informal hearing shall require an affirmative vote by a **two thirds** majority of all members of the Board.

Service as a Board officer is a privilege, the purpose of which is to assist the Board in conducting its business in an appropriate, orderly and efficient manner. Therefore, any Board member serving as an officer shall have no legally protected right to continue in that position.

Legal References:

Connecticut General Statutes

10-218 Officers. Meetings.

10-220 Duties of boards of education.

LaPointe v. Board of Education of the Town of Winchester, 274 Conn. 806 (2005).

ADOPTED: _____

REVISED: _____

9/9/2022

Series 9000
Bylaws

FILLING VACANCIES ON THE BOARD

1. Per Newtown's Charter, if a vacancy occurs in the office of any member of the local Board of Education, then the successor shall be determined by:
 - (1) A majority vote of the remaining members of the same political party of the former member provided said vote occurs within 45 days of vacancy;
 - (2) A majority vote of the remaining members regardless of party affiliation after 45 days.
 - (3) Should the vacancy still not be filled after 90 days, then the current Chair of the Board of Education shall appoint the successor.
 - (4) Should all seats on the Board of Education become simultaneously vacant, then a special election shall be called to fill all seats
 - (5) Any successor(s) so appointed shall serve until the next regular town election for Board of Education positions, at which election a successor shall be elected for the unexpired portion of the term, the official ballot specifying the vacancy to be filled.
2. The vacancy will be publicly posted.
3. In filling the vacancy, the Board shall consider, but not exclusively, recommendations from town committees of the appropriate registered political parties, as well as other appropriate sources. The Board may interview persons so identified.
4. If a vacancy occurs on the Newtown Board of Education (the "Board"), the remaining members of the Board shall fill such vacancy at a meeting or a special meeting convened for that purpose.
5. A member resigning from the Board should present a written letter of resignation to the Board Chair and Newtown Town Clerk.

Legal Reference:

Connecticut General Statutes
10-219 Procedures for filling vacancy on local board of education

ADOPTED: _____
REVISED: _____

Bylaws of the Board

Limits of Authority

The responsibility of individual Board members is one of trust to the Board and to the District. This trust can best be upheld when relationships are established with regard to the Board, administration, staff and citizenry. Such relationships as established by the Board are as follows:

1. Board member's primary responsibility is to serve the District as a member of the Board of Education whose authority is derived from its compliance with statutory requirements, and its bylaws, policies and regulations. As an individual, Board member's legal authority exists at such time the Board is in session.
2. Individual Board members shall be granted authorization to conduct Board business upon Board approval. Such authorization will be with regard to such matters as, but not restricted to, educational needs, facility needs, transportation, budget preparations, negotiations, and those matters pertaining to the function of a standing committee or the responsibility of an officer of the Board.
3. Personnel records other than those made available to the entire Board by the Superintendent of Schools shall not be made available to individual Board members unless it is appropriate and necessary in order to fulfill specific responsibilities set forth by the Board.
4. Board members shall exercise respect in those matters pertaining to the responsibilities of the Superintendent of Schools whose authority for administering the educational program and conducting school business is vested in his/her office and his/her professional and non-professional staff.
5. Board members shall uphold the position that they are without legal authority outside of meetings of the Board and shall conduct their relationships with school staff, district citizens and all media of communication on the basis of this fact.

Legal Reference: Connecticut General Statutes

10-220 Duties of boards of education.

10-232 Restrictions on employment of members of the board of education.

Adopted: 4/10/12

Bylaws of the Board

Legal Responsibilities of Board of Education

The Board of Education shall have authority to take all action necessary or advisable to meet its responsibilities under state statute and Town Charter including but not limited to the following:

1. To annually establish, with the Superintendent of Schools, educational priorities for the school district.
2. Create, abolish, modify and maintain such positions, schools, divisions and classifications as may be necessary for the efficient administration of the educational enterprise.
3. To employ a Superintendent of Schools in accordance with state statutes.
4. To consider and adopt an annual budget, prepared by the Superintendent of Schools.
5. To determine the number, classification, duties and remuneration of employees.
6. To establish policy for employment, promotion and dismissal of personnel in accordance with state statutes.
7. To provide for the appraisal of the performance of personnel.
8. To initiate and approve the acquisition and disposition of school sites and to initiate and approve plans for school buildings.
9. To consider any specific recommendations made by the Superintendent of Schools.
10. To keep the citizenry informed of purposes, values, conditions and needs of public education in the Town.
11. To consider, revise and adopt any changes in the curriculum.
12. To take any other actions required or permitted by law.
13. To make reasonable provision to implement the educational interests of the State, as defined by law, so that
 - (a) each child shall have for the period prescribed in the General Statutes equal opportunity to receive a suitable program of educational experiences;

- (b) the school district shall finance at a reasonable level an educational program designed to achieve this end;
 - (c) the school district shall provide educational opportunities for its students to interact with students and teachers from other racial, ethnic and economic backgrounds;
 - (d) the mandates in the General Statutes pertaining to education within the jurisdiction of the State Board of Education shall be implemented.
14. To maintain a safe school setting and shall in accordance with the statutes maintain records of allegations, investigations, and reports that child has been abused or neglected by a school employee, as defined in C.G.S. (53a-65).

Legal Reference: Connecticut General Statutes

10-220 Duties of boards of education.

Adopted: 4/10/12

Revised: 9/17/19

Bylaws of the Board

Public Statements

The Newtown Board of Education recognizes that communication is a continuous two-way process. The Board believes that it is important to keep the public informed about educational programs. Communication will be a concurrent responsibility of the Board of Education and the Superintendent of Schools.

The Board shall utilize methods to provide releases to the press and brief summaries of Board meeting actions to interested members of the public. These methods will include, but not limited to, the Newtown Public Schools website and an electronic distribution system that the public may opt into to receive such information directly. Press releases relative to Board of Education action shall be released only by the Board Chairperson or the delegated agent of the board.

The Superintendent shall maintain a communication program to keep the public informed of the school district's progress in accomplishing its goals and priorities, including programs established to achieve them, which shall include but not be limited to, public meetings, publications in local newspapers, school newsletters, PTA meeting and other digital methods.

(cf. 1112.2 – School News Releases)

(cf. 1120 – Board of Education Meetings)

Revised: 9/17/19

Bylaws of the Board

Public Statements

Advocacy

The Board of Education believes that advocacy is a critical part of its activity and an important responsibility of school Board members. Advocacy is engagement in the political process at local, state and national levels to influence the public policies that affect Boards of Education and school children.

Education advocacy requires the Board of Education to publicly state what is needed to achieve effective public education. It is a recognition that the Board of Education has an important message to deliver to all governmental levels, the media and community, that affect educational policy and power to influence outcomes.

Education must be a priority in local, state and national policy and actions. Advocacy is necessitated by the many laws mandated on the school district by the state and federal government as well as regulations promulgated by State and Federal Departments of Education.

In order to communicate what is needed to achieve effective public education, the Board of Education will among things:

- Work with local PTAs, community groups, staff and community members to build a coalition for effective education advocacy.
- Use varied available means of communication, such as newsletter, general media, electronic options like websites and email, and public forums to communicate local educational needs on a broad level.
- Stay engaged at the state and federal level to influence legislation that affects local education issues.

Adopted: 4/10/12

Bylaws of the Board**Public Statements****Recognition of Accomplishments by Citizens, Students, Staff Members or Members of the Board****Recognition for Individual Accomplishment**

The Board is committed to recognizing and reinforcing the positive efforts and performance of individuals involved in the school system. The Superintendent shall develop procedures to honor the distinguished or exceptional achievements of citizens, students, and staff. This should also include retiring staff who have contributed to the school system over an extended period of time. This may be done by recognition at Board meetings, letters of recognition, or other appropriate methods.

Adopted: 4/10/12

Revised: 9/17/19

Bylaws of the Board

Commitment to Democratic Principles in Relation to Community, Staff, Students

Board-Staff Communications

The Newtown Board of Education recognizes the need to maintain open communication between itself and the staff. Essentially, communications with staff deal with three general areas -- administration, policy and philosophy. While the Board recognizes the necessity for Board-staff communications, it also recognizes that administrative matters must be dealt with through its chief administrator. Hence, the basic line of communication for administrative matters shall be through the Superintendent.

1. Staff Communications to the Board

All formal reports to the Board or any Board committee from administrators, supervisors, teachers or other staff members shall be submitted through the Superintendent. This necessary procedure shall not be construed as denying the right of any employee to appeal to the Board from administrative decisions on important matters, provided that the Superintendent shall have been notified of the forthcoming appeal and that it is processed in accordance with the Board's policy on complaints and grievances. (cf. 4135.4 and 4235.4 re Complaints/Grievances)

Staff members are also reminded that Board meetings are public meetings. As such, they provide an excellent opportunity to observe and participate first hand the Board's deliberations on problems of staff concern. Communications to the Board could include informal written documents and public participation.

2. Board Communication to Staff

All official communications, policies and directives of staff interest and concern will be communicated to staff members through the Superintendent, and the Superintendent will employ all such media as are appropriate to keep staff fully informed of the Board's problems, concerns and actions. (cf. 9020 - Public Statements)

3. Visits to Schools

Individual Board members interested in visiting schools or classrooms in an official capacity will make arrangements for visitations through the administrators of the various schools. Such visits shall be regarded as informal expressions of interest in school affairs and not as "inspections" or visits for supervisory or administrative purposes. Official visits by Board members will be conducted only under Board authorization and with the full knowledge of staff, including the Superintendent, building administrators and other supervisors.

4. Social Interaction

Staff and Board members share an interest in the schools and in education generally, and it is to be expected that when they meet at social affairs and other functions, they will informally discuss such matters as educational trends, issues, and innovations and general school district problems. Individual Board members have no special authority except when they are convened at a legal meeting of the Board or vested with special authority by Board action. Board of Education members are expected to avoid discussion of:

- A. Matters that are, or have the potential of becoming, the subject of an executive session;
- B. Information and data contained in personnel records protected by the privacy act;
- C. Contested issues that may require final resolution by the Board.

(cf. 2220 - Representative and Deliberative Groups re staff involvement in decision making)

(cf. 5145 - Civil and Legal Rights & Responsibilities)

(cf. 9133 - Special/Advisory Committee re: staff advisory committee and student advisory committee)

Legal Reference: Connecticut General Statutes

10-220 Duties of boards of education.

Adopted: 4/10/12

Bylaws of the Board

Recording Secretary/Clerk

The Board of Education shall hire an individual who will serve as Recording Secretary.

The Recording Secretary/Clerk shall be responsible for accurate records of the proceedings of the Board; and for the preservation of reports of committees and communications addressed to the Board, reports of the Chairperson/President, reports of the Superintendent, and noticing of all meetings.

Legal Reference: Connecticut General Statutes

10-218 Officers.

10-224 Duties of secretary.

10-225 Salaries of secretary and attendance officers.

Adopted: 4/10/12

Bylaws of the Board

Attorney

The attorney of the Newtown Board of Education shall be the legal advisor of the Board and its officers in questions related to their official duties. The Board of Education may appoint, either on a full-time or retainer basis, an attorney or attorneys to serve as school attorney. The primary function of the attorney is to provide professional legal counsel and representation for the Board and Superintendent.

To ensure the prudent and cost-effective use of legal services, the District will limit and designate the persons with the authority to request services or advice from contracted legal counsel. The persons authorized to confer with and/or seek the legal advice of the Board attorney include the Superintendent or his/her designee, Business Manager, Special Education Director, and Chairperson of the Board. The Board may authorize a specific member to confer with legal counsel on its behalf. Legal counsel will not be used unnecessarily to make management decisions or to obtain readily available information such as district policies.

Legal services required by the District may include, but not be limited to:

1. Providing general legal advice to the Board and/or administration;
2. Assisting with labor negotiations;
3. Assisting with personnel matters;
4. Assisting with expulsions and other disciplinary matters;
5. Conduct and/or assist with pending or actual litigation involving the District;
6. Other specialized legal services; and
7. Attendance at Board meetings or other activities as appropriate.

The performance of the school attorney(s) shall be subject to annual evaluation by the Newtown Board of Education and the Superintendent. Such evaluation shall include the areas of efficiency and adequacy of advice; results obtained for the District; reasonableness of fees; and responsiveness to and interactions with the Board, administration, and community.

The Board retains the right to terminate the service of any attorney.

Bylaw adopted by the Board: 11/6/2019

Instruction**Selection of Library Media Resources, Displays, and Programs**

The Newtown Board of Education (the “Board”) is legally responsible for all matters relating to the operation of its schools, including the library media centers. The Board recognizes the school library media center as a place for voluntary inquiry, the dissemination of information, and free expression, where students have access to a broad range of ideas and perspectives. The Board has adopted this policy after consulting with the Superintendent of Schools, the Assistant Superintendent (as the Director of Curriculum), and a certified school librarian employed by the Board, as required by state statute. The Board delegates to the Superintendent of Schools the authority and responsibility for library materials in all formats, library displays, and student programs. Responsibility for selection and maintenance of library materials rests with professionally trained library personnel (“library media specialists”) acting under the supervision of the building administrator, Assistant Superintendent, and Superintendent, using the Board’s selection and weeding criteria and procedures as described in this policy. The Board shall review and update this policy every five (5) years.

Definitions

For the purposes of this policy:

- **“Individual with a vested interest”** means any school staff member employed by the Board, any student currently enrolled in the District, or a parent/guardian of a student currently enrolled in the District.
- **“Remove”** means deliberately taking library material out of a library’s collection. “Remove” does not include the process of “weeding” (clearing materials that are no longer useful).
- **“Library and Other Educational Material”** means any material maintained in a school library media center or otherwise made available to students, including but not limited to books, periodicals, digital resources, databases, audiovisual materials, and software, whether or not such materials are required for classroom instruction.

Selection Criteria

The Board has developed library media materials selection criteria with the following goals:

- To implement the educational goals and instructional objectives of the Newtown Public Schools (the “District”);
- To assist library media specialists in the selection of library materials;
- To inform the public about criteria upon which library selections are made;
- To maintain a well-balanced and broad collection of materials for information, reference, and research;
- To represent differing viewpoints on controversial issues;
- To provide a diverse collection that contains content by and about a wide array of people and cultures to authentically reflect a variety of ideas, information, stories, and experiences;
- To promote critical thinking and a love of lifelong learning by offering students a wide array of print and non-print materials;
- To provide recreational media resources; and
- To ensure all materials, displays, and programs are evaluated and made accessible in accordance with the protections against discrimination set forth in Connecticut General Statutes §10-15c, including, but not limited to, discrimination based on race, color, sex, gender identity, religion, national origin, sexual orientation, or disability.

The District shall not remove any library materials, displays, or programs because of the origin, background, or viewpoints expressed in them or those of the creator. The removal, exclusion, or censoring of any material on the sole basis that an individual with a vested interest finds such material offensive is prohibited.

Selection and Age Appropriateness Procedures

Selection of library media materials will be based upon consideration of the following:

- Relevancy or permanent value;
- Accuracy;
- Readability;
- Clear presentation and format;
- Educational significance;
- Need and value to the collection; and
- Such other resources, including recommended reading lists, as determined by the library media specialists.

Materials will also be evaluated for age appropriateness, in alignment with existing, Board-approved curricula, for:

- Elementary (grades PK–4);
- Intermediate (grades 5–6);
- Middle School (grades 7–8); and
- High School (grades 9–12).

In evaluating age appropriateness, the following criteria will apply:

Library media specialists will consult recognized review sources (“Library Review Resources”), including but not limited to:

- School Library Journal
- Kirkus
- Booklist
- Young Adult Library Services Association (YALSA) Best Books for Young Adults
- Common Sense Media
- Follett Titlewave

If there is agreement as to age appropriateness from at least two Library Review Resources and the material aligns with District curricular offerings for the relevant school level, the library media specialist may follow those recommendations.

If there is no agreement among Library Review Resources, or if materials are not reviewed by such sources, the library media specialist shall conduct an independent evaluation and make a recommendation, which will be reviewed in consultation with the building administrator and Assistant Superintendent (acting as Director of Curriculum).

Materials Containing Holistic Pedagogical Value

The Board recognizes that materials may include depictions of violence, explicit content, strong language, or other sensitive subject matter. Such content shall be evaluated as part of a holistic review of a material’s literary, artistic, and educational merit, as well as its age appropriateness.

Library materials shall not be excluded solely because of the presence of such content. Rather, materials will be evaluated in their full context and may only be excluded for legitimate pedagogical reasons or in accordance with professionally accepted standards of collection development and maintenance.

If a library media specialist determines that a material containing such content is appropriate for inclusion based on its overall merit, the specialist shall prepare a written **Rationale for Selection**. This rationale shall be reviewed and approved by the building administrator and Assistant Superintendent (acting as Director of Curriculum) and maintained on record.

Gifts and Donated Materials

Gifts or donated materials are subject to the same selection criteria as purchased materials. Such materials will only be accepted after review in accordance with this policy. Materials that do not meet the established criteria will not be added to the School Library Collection.

Library Review Procedure, Collection Maintenance, and Weeding

Library media specialists will regularly review library and other educational materials using professionally accepted standards of collection maintenance and weeding (clearing materials no longer useful). This ongoing review is distinct from the reconsideration process and is conducted as part of routine professional practice.

Weeding shall be conducted systematically and may include consideration of:

- Worn or damaged materials;
- Superseded editions;
- Unnecessary duplication;
- Materials that are factually inaccurate;
- Age appropriateness; and/or
- Materials with little to no circulation over an extended period of time.

Material Reconsideration Requests

Prior to or concurrent with submitting a formal reconsideration request, a parent/guardian or eligible student is encouraged to engage in an informal discussion with the library media specialist and/or building administrator to share concerns and seek clarification. Participation in an informal discussion is voluntary and shall not be required prior to submitting a formal reconsideration request, nor shall it delay the initiation or timelines of the formal reconsideration process.

The Board acknowledges that, despite careful selection, requests to reconsider library materials, displays, or programs (“Material for Reconsideration”) may occur. Requests may be submitted by a parent or guardian of a student currently enrolled in the District or by an eligible student currently enrolled in the District (“Requestor”) using the Initial Reconsideration Request form.

Materials under reconsideration shall remain available during the review process.

Initial Reconsideration Request

Upon receipt of a request, the library media specialist shall:

- Notify the building administrator and Assistant Superintendent (acting as Director of Curriculum);
- Review the material in its entirety; and

- Determine whether the material meets the Selection Criteria.

If the library media specialist determines that the material may not meet the Selection Criteria, the material shall be referred for review by the building administrator and Assistant Superintendent (acting as Director of Curriculum) prior to any removal decision.

Following such review:

- If the material is determined not to meet the Selection Criteria, it shall be removed;
- If the material meets the Selection Criteria, it shall be retained.

The Requestor shall be notified of the outcome within ten (10) school days, unless additional time (not to exceed fifteen (15) school days) is required to develop or review a Rationale for Selection.

If applicable, a copy of the approved Rationale for Selection shall be provided to the Requestor.

Final Reconsideration Request and Review Committee

If the Requestor disagrees with the outcome of the initial review, a Final Reconsideration Request may be submitted to the Superintendent.

Upon receipt, the Superintendent (or designee) shall appoint a Review Committee consisting of:

- The Superintendent (or designee);
- The building principal (or designee);
- The Assistant Superintendent (acting as Director of Curriculum);
- A representative from the Board;
- At least one grade-level-appropriate teacher;
- Two parents/guardians (one with a student age 13 or younger and one with a student age 14 or older), who are not the Requestor; and
- A certified school librarian.

The Review Committee shall:

- Review the material in its entirety;
- Evaluate the request; and
- Issue a written decision.

The reconsideration process, including both initial and final review stages, shall be completed within sixty (60) school days of receipt of the Initial Reconsideration Request.

The Requestor may appeal the Review Committee's decision to the Board of Education. The Board's review shall be based on the record developed during the reconsideration process, unless the Board determines that additional information is necessary. In conducting its review, the Board may consider both the process followed and the substantive determination of the Review Committee. The Board may affirm, modify, or overturn the decision. If a decision of the Review Committee is appealed to the Board of Education, the Board shall publish its final decision on the District's Internet website in accordance with state law.

Moratorium on Reconsideration Requests

The District will not be required to reconsider the same material within three (3) years of a prior determination, unless new information, circumstances, or concerns are presented that were not previously considered.

Legal Protections

Any library media specialist or school staff member who, in good faith, implements this policy shall be immune from civil or criminal liability that might otherwise be incurred.

Library Media Restrictions and Reconsideration of Library Media Materials Instructions

These procedures are established in accordance with the Board of Education Policy on the Selection of Library Media Resources, Displays, and Programs.

Guiding Principles

- Parents and/or guardians have the right to determine what library and other educational materials their child(ren) has(have) access to and may choose to restrict access to specific materials.
- Eligible students currently enrolled in the District may participate in the reconsideration process in accordance with Board policy.
- The school library media center supports voluntary inquiry, the dissemination of information, and free expression for all students.
- Library media specialists responsible for selecting materials are duly qualified to make such selections and will follow the procedures set forth in Board policy.
- Collaborative conversations between library media specialists, administrators, and parents/guardians are essential to building and maintaining strong home-school connections and should be the first step in addressing concerns.
- The principal will review the selection criteria and reconsideration process with library media staff annually.
- When library media materials are challenged, the principles of the freedom to read, listen, and view must be upheld.
- Access to library materials will not be restricted during the reconsideration process.
- Any decision to remove materials does not necessarily reflect negatively on the professional judgment involved in the original selection or use of the materials.

Library Media Resource Restriction Requests

Parents/guardians who wish to restrict their child from accessing specific library materials may complete the NPS Library Media Resource Restriction Form. The form will be shared with families electronically prior to the start of each school year and submitted to the library media specialist at the child's school. This process allows parents/guardians to manage their child's access and is intended to serve as a partnership tool between home and school.

All submitted forms will be maintained as part of the student's educational record and handled in accordance with the Family Educational Rights and Privacy Act (FERPA).

Instructions

1. Requests must identify specific titles of materials to be restricted for the individual student.
2. Requests that seek to restrict access based on general topics or themes will not be honored.
3. A separate form must be completed for each child.

4. Before submitting a request, parents/guardians should verify that the material is part of the collection of their child's school library.
5. Requests should be limited to a reasonable number of specific titles per submission. If a parent/guardian seeks to restrict a large number of materials, a meeting with the building principal and library media specialist will be required to discuss appropriate options.
6. Parents/guardians selecting this option are expected to communicate directly with their child regarding any restrictions.
7. While this process may reduce the likelihood that a student will access certain materials, it does not guarantee that a student will not encounter such content through browsing, peer interaction, or other means.
8. Library collections are continually updated. Parents/guardians are encouraged to periodically review available materials and update restriction requests as needed

Reconsideration of Library Media Materials

Reconsideration of library and other educational materials shall follow the procedures established in Board policy.

- Requests for reconsideration may be submitted only by a parent or guardian of a student currently enrolled in the District or by an eligible student currently enrolled in the District.
- Materials subject to reconsideration shall remain available during the review process.
- The reconsideration process includes both an initial review and, if requested, a final review by a Review Committee in accordance with Board policy.
- Forms included in the regulation must be submitted to initiate the review process.
- The process shall be completed within the timelines established in Board policy.

Implementation and Review

The building principal, in collaboration with the library media specialist, is responsible for implementing these procedures at the school level.

These procedures shall be reviewed periodically to ensure continued alignment with Board policy and applicable state law.

Initial Reconsideration Request Form

Privacy Notice: This form may be subject to a **Freedom of Information Act (FOIA)** request. Questions regarding FOIA may be directed to the building principal.

Instructions:

1. You must be an **Individual with a Vested Interest**, as defined in the policy, to submit this form.

Eligibility (Check one):

☐ **Staff Member** employed by the Board.

☐ **Parent/Guardian** of a student currently enrolled in the District.

☐ **Student** currently enrolled in the District.

2. You are encouraged to have an informal discussion with the library media specialist before filing.
3. This form is an attestation that you have read, viewed, or attended the material/program in its entirety.

Requester Name: _____

Address/Phone/Email: _____

Item for Reconsideration:

☐ **Library Material** (Title/Author): _____

☐ **Library Display** (Description/Location): _____

☐ **Student Program** (Name/Date): _____

Objection Details: *Please cite specific passages, pages, or aspects of the display/program you question (use additional paper if needed):*

What action are you requesting?

☐ Re-evaluation of age-appropriateness

☐ Removal from collection/program cancellation

☐ Other: _____

Signature: _____ **Date:** _____

Decision to be issued within 10 school days (up to 15 if a new Rationale is required).

Final Reconsideration Request Form

Instructions:

1. This form is for use only after an **Initial Reconsideration Request** has been completed.
2. The **Review Committee** must issue a final decision not later than **sixty (60) school days** from the date the **Initial Request** was first received.

Requester Name: _____

Date Initial Request was filed: _____

Basis for Appeal:

*Explain how the material/program fails to comply with the criteria set forth in **Policy 6131.1**:*

Additional Resources: Are there resources or diverging viewpoints you wish the Review Committee to consider that were not part of the initial review?

Action Requested:

☐ Re-evaluation of age-appropriateness

☐ Removal from circulation

☐ Moved to a different school level (e.g., Middle to High School)

☐ Other: _____

Signature: _____ **Date:** _____

Submit to: Superintendent of Schools, 3 Primrose Street, Newtown, CT 06470

APPOINTMENT OF NON-ADMINISTRATIVE CERTIFIED PERSONNEL

Pursuant to Section 10-151 of the Connecticut General Statutes, the Board of Education delegates to the Superintendent of Schools the authority to appoint all non-administrative certified personnel who are required to hold a certificate issued by the Connecticut State Board of Education.

In exercising this delegated authority, the Superintendent shall ensure that appointments are made in accordance with applicable federal and state law, Board of Education policy, and any applicable collective bargaining agreements.

Legal Reference:

Connecticut General Statutes §10-151

ADOPTED: _____

REVISED: _____

APPOINTMENT OF NON-CERTIFIED PERSONNEL

It is the policy of the Board of Education to appoint the most qualified applicants to positions of employment within the Public Schools, subject to the provisions of any applicable collective bargaining agreement. The Superintendent of Schools or his/her designee shall be responsible for appointments to all positions of employment within the Public Schools which do not require a certificate issued by the State Board of Education.

Legal Reference:

Connecticut General Statutes § 10-220

ADOPTED:_____

REVISED:_____

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. Pursuant to Conn. Gen Stat. §§ 7-148(c)(10)(B) and 7-148h, a municipality can adopt its own ethics code and establish a board or agency to investigate allegations of unethical conduct.

NEPOTISM***Purpose***

It is the policy of the Newtown Board of Education (the "Board") to recruit and hire qualified applicants for employment within the Newtown Public Schools (the "District"), 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 of Schools ("Superintendent") shall be hired to any position of employment.

No immediate family member 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 of 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 approves such an assignment in writing.

No administrator or supervisor 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.

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.

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 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 member, 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 District, 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 his or her relative or immediate family member has applied for a position with the District 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 that 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: _____

Technical Rev. 9/16/20

EMPLOYMENT AND STUDENT TEACHER CHECKS

As set forth below, each applicant for a position with the Newtown Public Schools (the “District”), and each student who is enrolled in a teacher preparation program with the District, as defined in section 10-10a of the Connecticut General Statutes, and completing a student teaching experience in the District (collectively referred to as “applicants”), shall be asked to provide in writing: (1) whether the applicant has ever been convicted of a crime; (2) whether there are any criminal charges pending against the applicant at the time of the application and, if charges are pending, to state the charges and the court in which such charges are pending; and (3) whether the applicant is included on the Abuse and Neglect Registry of the Connecticut Department of Children and Families (“DCF”) (the “Registry”). If the applicant’s current or most recent employment occurred out of state, the applicant will also be asked whether the applicant is included on an equivalent database and/or abuse/neglect registry maintained in that other state.

Applicants shall not be required to disclose any arrest, criminal charge or conviction that has been erased. An employment application form that contains any question concerning the criminal history of the applicant shall contain the following notice, in clear and conspicuous language:

Pursuant to section 31-51i(d) of the Connecticut General Statutes, the applicant is hereby notified that (1) the applicant is not required to disclose the existence of any erased criminal history record information, (2) erased criminal history record information are records pertaining to a finding of delinquency or that a child was a member of a family with service needs, an adjudication as a youthful offender, a criminal charge that has been dismissed or nolle, a criminal charge for which the person has been found not guilty or a conviction for which the person received an absolute pardon or criminal records that are erased pursuant to statute or by other operation of law, and (3) any person with erased criminal history record information shall be deemed to have never been arrested within the meaning of the general statutes with respect to the proceedings so erased and may so swear under oath.

In addition, the District shall conduct an employment history check for each applicant for a position, as set forth below.

For the purposes of this policy:

“Sexual misconduct” means any verbal, nonverbal, written, or electronic communication, or any other act directed toward or with a student that is designed to establish a sexual relationship with the student, including a sexual invitation, dating or soliciting a date, engaging in sexual dialog, making sexually suggestive comments, self-disclosure or physical exposure of a sexual or erotic nature, and any other sexual, indecent, or erotic contact with a student.

“Abuse or neglect” means abuse or neglect as described in Conn. Gen. Stat. § 46b-120, and includes any violation of Conn. Gen. Stat. §§ 53a-70 (sexual assault in the first degree), 53a-70a (aggravated sexual assault

in the first degree), 53a-71 (sexual assault in the second degree), 53a-72a (sexual assault in the third degree), 53a-72b (sexual assault in the third degree with a firearm), or 53a-73a (sexual assault in the fourth degree).

“Former employer” means any person, firm, business, educational institution, nonprofit agency, corporation, limited liability company, the state, any political subdivision of the state, any governmental agency, or any other entity that such applicant was employed by during any of the previous twenty years prior to applying for a position with a local or regional board of education.

I. Employment History Check Procedures

A. The District shall not offer employment to an applicant for a position, including any position that is contracted for, if such applicant would have direct student contact, prior to the District:

1. Requiring the applicant:

- a. to list the name, address, and telephone number of each current employer or former employer (please note the definition of “former employer” above, including the applicable twenty year reporting period) during any of the previous twenty years, if:
 - (i) such current or former employer is/was a local or regional board of education, council of a state or local charter school, interdistrict magnet school operator, or a supervisory agent of a nonpublic school, and/or
 - (ii) the applicant’s employment with such current or former employer caused the applicant to have contact with children.
- b. to submit a written authorization that
 - (i) consents to and authorizes disclosure by the employers listed under paragraph I.A.1.a of this policy of the information requested under paragraph I.A.2 of this policy and the release of related records by such employers,
 - (ii) consents to and authorizes disclosure by the Connecticut State Department of Education (the “Department”) of the information requested under paragraph I.A.3 of this policy and the release of related records by the Department, and
 - (iii) releases those employers and the Department from liability that may arise from such disclosure or release of records pursuant to paragraphs I.A.2 or I.A.3 of this policy; and
- c. to submit a written statement of whether the applicant
 - (i) 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,

- (ii) 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 Conn. Gen. Stat. § 17a-101g of abuse or neglect, or of sexual misconduct or a conviction for abuse or neglect or sexual misconduct, or
 - (iii) 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 DCF or an investigation of sexual misconduct was pending or under investigation, or due to an allegation substantiated by DCF of abuse or neglect or of sexual misconduct or a conviction for abuse or neglect or sexual misconduct;
- 2. Conducting a review of the employment history of the applicant by contacting those employers listed by the applicant under paragraph I.A.1.a of this policy. Such review shall be conducted using a form developed by the Department, which shall request the following:
 - a. the dates employment of the applicant, and
 - 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, unless such substantiation was reversed as a result of an appeal to DCF;
 - (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, unless such substantiation was reversed as a result of an appeal to DCF; 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, unless such substantiation was reversed as a result of an appeal to DCF. Such review may be conducted telephonically or through written communication. Notwithstanding the provisions of

subsection (g) of Conn. Gen. Stat. § 31-51i, not later than five (5) business days after the District receives a request for such information about an employee or former employee, the District shall respond with such information. The District may request more information concerning any response made by a current or former employer for information about an applicant, and, notwithstanding subsection (g), such employer shall respond not later than five (5) business days after receiving such request.

3. Requesting information from the Department concerning:
 - a. the eligibility status for employment of any applicant for a position requiring a certificate, authorization or permit,
 - b. whether the Department has knowledge that a finding has been substantiated by DCF pursuant to Conn. Gen. Stat. § 17a-101g of abuse or neglect or of sexual misconduct against the applicant and any information concerning such a finding, and
 - c. whether the Department 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.
- B. Notwithstanding the provisions of subsection (g) of Conn. Gen. Stat. § 31-51i, if the District receives information that an applicant for a position with or an employee of the District has been disciplined for a finding of abuse or neglect or sexual misconduct, it shall notify the Department of such information.
- C. The District shall not employ an applicant for a position involving direct student contact who does not comply with the provisions of paragraph I.A.1 of this policy.
- D. The District may employ or contract with an applicant on a temporary basis for a period not to exceed ninety (90) calendar days, pending the District's review of information received under this section, provided:
 1. The applicant complied with paragraph I.A.1 of this policy;
 2. The District has no knowledge of information pertaining to the applicant that would disqualify the applicant from employment with the District; and
 3. The applicant affirms that the applicant is not disqualified from employment with the District.
- E. The District shall not enter into a collective bargaining agreement, an employment contract, an agreement for resignation or termination, a severance agreement, or any other contract or agreement or take any action that:

1. Has the effect of suppressing information relating to an investigation of a report of suspected abuse or neglect or sexual misconduct by a current or former employee;
 2. Affects the ability of the District to report suspected abuse or neglect or sexual misconduct to appropriate authorities; or
 3. Requires the District to expunge information about an allegation or a finding of suspected abuse or neglect or sexual misconduct from any documents maintained by the District, unless, after investigation, such allegation is dismissed or found to be false.
- F. The District shall not offer employment to a person as a substitute teacher, unless such person and the District comply with the provisions of paragraph I.A.1 of this policy. The District shall determine which such persons are employable as substitute teachers and maintain a list of such persons. The District shall not hire any person as a substitute teacher who is not on such list. Such person shall remain on such list as long as such person is continuously employed by the District as a substitute teacher, as described in paragraph III.B.2 of this policy, provided the District does not have any knowledge of a reason that such person should be removed from such list.
- G. In the case of an applicant who is a contractor, the contractor shall require any employee with such contractor who would be in a position involving direct student contact to supply to such contractor all the information required of an applicant under paragraphs I.A.1.a and I.A.1.c of this policy and a written authorization under paragraph I.A.1.b of this policy. Such contractor shall contact any current or former employer (please note the definition of “former employer” above, including the applicable twenty year reporting period) of such employee that was a local or regional board of education, council of a state or local charter school, interdistrict magnet school operator, or a supervisory agent of a nonpublic school, or if the employee’s employment with such current or former employer caused the employee to have contact with children, and request, either telephonically or through written communication, any information concerning whether there was a finding of abuse or neglect or sexual misconduct against such employee. Notwithstanding the provisions of subsection (g) of Conn. Gen. Stat. § 31-51i, such employer shall report to the contractor any such finding, either telephonically or through written communication. If the contractor receives any information indicating such a finding or otherwise receives any information indicating such a finding or otherwise has knowledge of such a finding, the contractor shall, notwithstanding the provisions of subsection (g) of Conn. Gen. Stat. § 31-51i, immediately forward such information to the District, either telephonically or through written communication. If the District receives such information, it shall determine whether such employee of the contractor may work in a position involving direct student contact at any school in the District. No determination by the District that any such employee of the contractor shall not work under any such contract in any such position shall constitute a breach of such contract.
- H. Any applicant/employee who knowingly provides false information or knowingly fails to disclose information required in subdivision (1) of subsection (A) of this section shall be subject to discipline by the District that may include:
1. denial of employment, or

2. termination of the contract of a certified employee, in accordance with the provisions of Conn. Gen. Stat. § 10-151, or
 3. termination of a non-certified employee in accordance with applicable law and/or any applicable collective bargaining agreement, contract or District policy.
- I. If the District provides information in accordance with paragraph I.A.2 or I.G of this policy, the District shall be immune from criminal and civil liability, provided the District did not knowingly supply false information.
 - J. Notwithstanding the provisions of Conn. Gen. Stat. § 10-151c and subsection (g) of Conn. Gen. Stat. § 31-51i, the District shall provide, upon request by another local or regional board of education, governing council of a state or local charter school, interdistrict magnet school operator, or supervisory agent of a nonpublic school for the purposes of an inquiry pursuant to paragraphs I.A.2 or I.G of this policy or to the Commissioner of Education pursuant to paragraph I.B of this policy any information that the District has concerning a finding of abuse or neglect or sexual misconduct by a subject of any such inquiry.
 - K. Prior to offering employment to an applicant, the District shall make a documented good faith effort to contact each current and any former employer (please note the definition of “former employer” employer above, including the applicable twenty year reporting period) of the applicant that was a local or regional board of education, governing council of a state or local charter school, interdistrict magnet school operator, or supervisory agent of a nonpublic school, or if the applicant’s employment with such current or former employer caused the applicant to have contact with children in order to obtain information and recommendations that may be relevant to the applicant’s fitness for employment. Such effort, however, shall not be construed to require more than three telephonic requests made on three separate days.
 - L. The District shall not offer employment to any applicant who had any previous employment contract terminated by a local or regional board of education, council of a state or local charter school, interdistrict magnet school operator, or a supervisory agent of a nonpublic school, or who resigned from such employment, if the person has been convicted of a violation of Conn. Gen. Stat. § 17a-101a, when an allegation of abuse or neglect or sexual assault has been substantiated.

II. DCF Registry Checks

Prior to hiring any person for a position with the District, and before a student who is enrolled in a teacher preparation program in the District, as defined in section 10-10a of the Connecticut General Statutes, and completing a student teaching experience with the District, begins such student teaching experience, the District shall require such applicant or student to submit to a records check of information maintained on the Registry concerning the applicant.

For any applicant whose current or most recent employment occurred out of state, the District shall request that the applicant provide the District with authorization to access information maintained concerning the applicant by the equivalent state agency in the state of most recent employment, if such state maintains

information about abuse and neglect and has a procedure by which such information can be obtained. Refusal to permit the District to access such information shall be considered grounds for rejecting any applicant for employment.

The District shall request information from the Registry or its out of state equivalent promptly, and in any case no later than thirty (30) calendar days from the date of employment. Registry checks will be processed according to the following procedure:

- A. No later than ten (10) calendar days after the Superintendent or the Superintendent's designee has notified a job applicant of a decision to offer employment to the applicant, or as soon thereafter as practicable, the Superintendent or the Superintendent's designee will either obtain the information from the Registry or, if the applicant's consent is required to access the information, will supply the applicant with the release form utilized by DCF, or its out of state equivalent when available, for obtaining information from the Registry.
- B. If consent is required to access the Registry, no later than ten (10) calendar days after the Superintendent or the Superintendent's designee has provided the successful job applicant with the form, the applicant must submit the signed form to DCF or its out of state equivalent, with a copy to the Superintendent or the Superintendent's designee. Failure of the applicant to submit the signed form to DCF or its out of state equivalent within such ten-day period, without good cause, will be grounds for the withdrawal of the offer of employment.
- C. Upon receipt of Registry or out-of-state registry information indicating previously undisclosed information concerning abuse or neglect investigations concerning the successful job applicant/employee, the Superintendent or the Superintendent's designee will notify the affected applicant/employee in writing of the results of the Registry check and will provide an opportunity for the affected applicant/employee to respond to the results of the Registry check.
- D. If notification is received by the Superintendent or the Superintendent's designee that that the applicant is listed as a perpetrator of abuse or neglect on the Registry, the Superintendent or the Superintendent's designee shall provide the applicant with an opportunity to be heard regarding the results of the Registry check. If warranted by the results of the Registry check and any additional information provided by the applicant, the Superintendent or the Superintendent's designee shall revoke the offer of employment and/or terminate the applicant's employment if the applicant has already commenced working for the District.

III. Criminal Records Check Procedure

- A. Each person hired by the District shall be required to submit to state and national criminal records checks within thirty (30) calendar days from the date of employment. Each student who is enrolled in a teacher preparation program, as defined in section 10-10a of the Connecticut General Statutes, and completing a student teaching experience with the District, shall be required to submit to state and national criminal records checks within sixty (60) calendar days from the date such student begins to perform such student teaching experience. Record checks will be processed according to the following procedure:

1. No later than five (5) calendar days after the Superintendent or the Superintendent's designee has notified a job applicant of a decision to hire the applicant, or as soon thereafter as practicable, the Superintendent or the Superintendent's designee will provide the applicant with a packet containing all documents and materials necessary for the applicant to be fingerprinted on-site by District personnel. This packet shall also contain all documents and materials necessary for District personnel to submit the completed fingerprints to the State Police Bureau of Identification for the processing of state and national criminal records checks. The Superintendent or the Superintendent's designee will also provide each applicant with the following notifications before the applicant obtains the applicant's fingerprints: (1) Agency Privacy Requirements for Noncriminal Justice Applicants; (2) Noncriminal Justice Applicant's Privacy Rights; (3) and the Federal Bureau of Investigation, United States Department of Justice Privacy Act Statement.
2. No later than ten (10) calendar days after the Superintendent or the Superintendent's designee has provided the successful job applicant with the fingerprinting packet, the applicant must arrange to be **fingerprinted on-site by District personnel**. Failure of the applicant to have the applicant's 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 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 records checks. Fees and costs associated with the fingerprinting process and the submission and process of requests are waived for student teachers, in accordance with state law.
4. Upon receipt of a criminal records check indicating a previously undisclosed conviction, the Superintendent or the Superintendent's 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 records check. The affected applicant/employee may notify the Superintendent or the Superintendent's designee in writing within five (5) calendar days that the affected applicant/employee will challenge such individual's criminal history records check. Upon written notification to the Superintendent or the Superintendent's designee of such a challenge, the affected applicant/employee shall have ten (10) calendar days to provide the Superintendent or the Superintendent's designee with necessary documentation regarding the affected applicant/employee's record challenge. The Superintendent or the Superintendent's designee may grant an extension to the preceding ten-day period during which the affected applicant/employee may provide such documentation for good cause shown.
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 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.

6. Notwithstanding anything in paragraph III.A.5 of this policy, above, no decision to deny employment or withdraw an offer of employment on the basis of an applicant/employee's criminal history record shall be made without affording the applicant/employee the opportunities set forth in paragraph III.A.4 of this policy, above.

B. Criminal Records Check for Substitute Teachers:

A substitute teacher who is hired by the District must submit to state and national criminal history records checks according to the procedures outlined above, subject to the following:

1. If the state and national criminal history records checks for a substitute teacher have been completed within one year prior to the date the District hired the substitute teacher, and if the substitute teacher arranged for such prior criminal history records checks to be forwarded to the Superintendent or the Superintendent's designee, then the substitute teacher will not be required to submit to another criminal history records check at the time of such hire.
2. If a substitute teacher submitted to state and national criminal history records checks upon being hired by the District, then the substitute teacher will not be required to submit to another criminal history records check so long as the substitute teacher is continuously employed by the District, that is, employed for at least one day of each school year, by the District, provided a substitute teacher is subjected to such checks at least once every five years.

IV. Sex Offender Registry Checks

District personnel shall cross-reference the Connecticut Department of Public Safety's sexual offender registry prior to hiring any new employee and before a student who is enrolled in a teacher preparation program, as defined in section 10-10a of the Connecticut General Statutes, and completing a student teaching experience with the District, begins such student teaching experience. Registration as a sexual offender constitutes grounds for denial of employment opportunities and opportunities to perform student teaching experiences in the District.

V. Credit Checks

The District may also ask a prospective employee for a credit report for employment for certain District positions, where the District's receipt of a credit report is substantially related to the employee's potential job. "Substantially related to the current or potential job" is defined to mean "the information contained in the credit report is related to the position for which the employee or prospective employee who is the subject of the report is being evaluated because of the position." Prior to asking for a credit report, the District will determine whether the position falls within one of the categories as described in this paragraph. The position must: (1) be a managerial position which involves setting the direction or control of the District; (2) involve access to employees' personal or financial information; (3) involve a fiduciary responsibility to the District, including, but not limited to, the authority to issue payments, collect debts, transfer money or enter into

contracts; (4) provide an expense account or District debit or credit card; or (5) involve access to the District's nonfinancial assets valued at two thousand five dollars or more.

When a credit report will be requested as part of the employment process, the District will provide written notification to the prospective employee regarding the use of credit checks. That notification must be provided in a document separate from the employment application. The notification must state that the District may use the information in the consumer credit report to make decisions related to the individual's employment. The District will obtain written, signed consent before performing the credit or other background checks.

If the District intends to take an action adverse to a potential employee based on the results of a credit report, the District must provide the prospective employee with a copy of the report on which the District relied in making the adverse decision, as well as a copy of "A Summary of Your Rights Under the Fair Credit Reporting Act," which should be provided by the company that provides the results of the credit check. The District will give the potential employee a reasonable amount of time, i.e., at least five days, to dispute any of the information in the report prior to making any final employment decision.

If an adverse action is taken based on information from the report, the District will notify the prospective employee either orally, in writing or via electronic means that the adverse action was taken based on the information in the consumer report. That notice must include the name, address and phone number of the consumer reporting company that supplied the credit report; a statement that the company that supplied the report did not make the decision to take the unfavorable action and cannot provide specific reasons for the District's actions; and a notice of the person's right to dispute the accuracy or completeness of any information the consumer reporting company furnished, and to get an additional free report from the company if the person asks for it within sixty (60) calendar days.

VI. Notice of Conviction

If, at any time, the District receives notice of a conviction of a crime by a person holding a certificate, authorization or permit issued by the State Board of Education, the District shall send such notice to the State Board of Education. In complying with this requirement, the District shall not disseminate the results of any national criminal history records check.

VII. School Nurses

School nurses or nurse practitioners appointed by, or under contract with, the District shall also be required to submit to a criminal history records check in accordance with the procedures outlined above.

VIII. Personal Online Accounts

For purposes of this policy, "personal online account" means any online account that is used by an employee or applicant exclusively for personal purposes and unrelated to any business purpose of the District, including, but not limited to, electronic mail, social media and retail-based Internet web sites. "Personal online account" does not include any account created, maintained, used or accessed by an employee or applicant for a business purpose of the District.

A. During the course of an employment check, the District may not:

1. request or require that an applicant provide the District with a user name and password, password or any other authentication means for accessing a personal online account;
 2. request or require that an applicant authenticate or access a personal online account in the presence of District personnel; or
 3. require that an applicant invite a supervisor employed by the District or accept an invitation from a supervisor employed by the District to join a group affiliated with any personal online account of the applicant.
- B. The District may request or require that an applicant provide the District with a user name and password, password or any other authentication means for accessing:
1. any account or service provided by District or by virtue of the applicant's employment relationship with the District or that the applicant uses for the District's business purposes, or
 2. any electronic communications device supplied or paid for, in whole or in part, by the District.
- C. In accordance with applicable law, the District maintains the right to require an applicant to allow the District to access the applicant's personal online account, without disclosing the user name and password, password or other authentication means for accessing such personal online account, for the purpose of:
1. conducting an investigation for the purpose of ensuring compliance with applicable state or federal laws, regulatory requirements or prohibitions against work-related employee misconduct based on the receipt of specific information about activity on an applicant's personal online account; or
 2. conducting an investigation based on the receipt of specific information about an applicant's unauthorized transfer of the District's proprietary information, confidential information or financial data to or from a personal online account operated by an applicant or other source.

IX. Policy Inapplicable to Certain Individuals

This policy shall not apply to:

- A. A student employed by the District who attends a District school.
- B. A person employed by the District as a teacher for a noncredit adult class or adult education activity, as defined in Conn. Gen. Stat. § 10-67, who is not required to hold a teaching certificate pursuant to Conn. Gen. Stat. § 10-145b for such position.

X. Falsification of Records

Notwithstanding any other provisions of this policy, the falsification or omission of any information on a job application or in a job interview, including but not limited to information concerning abuse or neglect investigations or pending criminal applications, shall be grounds for disqualification from consideration for employment or discharge from employment.

Legal References: Conn. Gen. Stat. § 10-212

Conn. Gen. Stat. § 10-221d

Conn. Gen. Stat. § 10-222c

Conn. Gen. Stat. § 31-40x

Conn. Gen. Stat. § 31-51i

Conn. Gen. Stat. § 31-51tt

Public Act 24-41, “An Act Concerning Educator Certification, Teachers, Paraeducators and Mandated Reporter Requirements.”

Elementary and Secondary Education Act, reauthorized as the Every Student Succeeds Act, Pub. L. 114-95, codified at 20 U.S.C. § 1001 *et seq.*

Fair Credit Reporting Act, 15 U.S.C. § 1681 *et seq.*

ADOPTED: _____

REVISED: _____

Agency Privacy Requirements for Noncriminal Justice Applicants

Authorized governmental and non-governmental agencies/officials that conduct a national fingerprint-based criminal history record check on an applicant for a noncriminal justice purpose (such as employment or a license, immigration or naturalization matter, security clearance, or adoption) are obligated to ensure the applicant is provided certain notices and that the results of the check are handled in a manner that protects the applicant's privacy. All notices must be provided in writing.¹ These obligations are pursuant to the Privacy Act of 1974, Title 5, United States Code (U.S.C.), Section 552a, and Title 28, Code of Federal Regulations (CFR), Section 50.12, among other authorities.

- Officials must ensure that each applicant receives an adequate written FBI Privacy Act Statement (dated 2013 or later) when the applicant submits the applicant's fingerprints and associated personal information.²
- Officials must advise all applicants in writing that procedures for obtaining a change, correction, or update of an FBI criminal history record are set forth at 28 CFR 16.34. Information regarding this process may be found at <https://www.fbi.gov/services/cjis/identity-history-summary-checks> and <https://www.edo.cjis.gov>.
- Officials must provide the applicant the opportunity to complete or challenge the accuracy of the information in the FBI criminal history record.
- Officials should not deny the employment, license, or other benefit based on information in the FBI criminal history record until the applicant has been afforded a reasonable time to correct or complete the record or has declined to do so.
- Officials must use the criminal history record for authorized purposes only and cannot retain or disseminate it in violation of federal statute, regulation or executive order, or rule, procedure or standard established by the National Crime Prevention and Privacy Council.³

The FBI has no objection to officials providing a copy of the applicant's FBI criminal history record to the applicant for review and possible challenge when the record was obtained based on positive fingerprint identification. If agency policy permits, this courtesy will save the applicant the time and additional FBI fee to obtain the applicant's record directly from the FBI by following the procedures found at 28 CFR 16.30 through 16.34. It will also allow the officials to make a more timely determination of the applicant's suitability.

Each agency should establish and document the process/procedures it utilizes for how/when it gives the applicant the FBI Privacy Act Statement, the 28 CFR 50.12 notice, and the opportunity to correct the applicant's record. Such documentation will assist State and/or FBI auditors during periodic compliance reviews on use of FBI criminal history records for noncriminal justice purposes.

If you need additional information or assistance, contact:

Connecticut Records: Department of Emergency Services and Public Protection State Police Bureau of Identification (SPBI) 1111 Country Club Road Middletown, CT 06457 860-685-8480	Out-of-State Records: Agency of Record OR FBI CJIS Division-Summary Request 1000 Custer Hollow Road Clarksburg, West Virginia 26306
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Noncriminal Justice Applicant's Privacy Rights

¹ Written notification includes electronic notification, but excludes oral notification.

² See <https://www.fbi.gov/services/cjis/compact-council/privacy-act-statement>

³ See 5 U.S.C. 552a(b); 28 U.S.C. 534(b); 34 U.S.C. § 40316 (formerly cited as 42 U.S.C. § 14616), Article IV(c); 28 CFR 20.21(c), 20.33(d), 50.12(b) and 906.2(d).

As an applicant who is the subject of a national fingerprint-based criminal history record check for a noncriminal justice purpose (such as an application for a job or license, an immigration or naturalization matter, security clearance, or adoption), you have certain rights which are discussed below. All notices must be provided to you in writing.⁴ These obligations are pursuant to the Privacy Act of 1974, Title 5, United States Code (U.S.C.) Section 552a, and Title 28 Code of Federal Regulations (CFR), 50.12, among other authorities.

- You must be provided an adequate written FBI Privacy Act Statement (dated 2013 or later) when you submit your fingerprints and associated person information. This Privacy Act Statement must explain the authority for collecting your fingerprints and associated information and whether your fingerprints and associated information will be searched, shared, or retained.⁵
- You must be advised in writing of the procedures for obtaining a change, correction, or updating of your criminal history record as set forth at 28 CFR 16.34.
- You must be provided the opportunity to complete or challenge the accuracy of the information in your FBI criminal history record (if you have such a record).
- If you have a criminal history record, you should be afforded a reasonable amount of time to correct or complete the record (or decline to do so) before the officials deny you the employment, license, or other benefit based on information in the FBI criminal history record.
- If agency policy permits, the officials may provide you with a copy of your FBI criminal history record for review and possible challenge. If agency policy does not permit it to provide you a copy of the record, you may obtain a copy of the record by submitting fingerprints and a fee to the FBI. Information regarding this process may be obtained at <http://www.fbi.gov/services/cjis/identity-history-summary-checks> and <https://www.edo.cjis.gov>.
- If you decide to challenge the accuracy or completeness of your FBI criminal history record, you should send your challenge to the agency that contributed the questioned information to the FBI. Alternatively, you may send your challenge directly to the FBI by submitting a request via <https://www.edo.cjis.gov>. The FBI will then forward your challenge to the agency that contributed the questioned information and request the agency to verify or correct the challenged entry. Upon receipt of an official communication from that agency, the FBI will make any necessary changes/corrections to your record in accordance with the information supplied by that agency. (See 28 CFR 16.30 through 16.34.)
- You have the right to expect that officials receiving the results of the criminal history record check will use it only for authorized purposes and will not retain or disseminate it in violation of federal statute, regulation or executive order, or rule, procedure or standard established by the National Crime Prevention and Privacy Compact Council.⁶
- If you need additional information or assistance, please contact:

Connecticut Records:

**Department of Emergency Services and Public Protection
State Police Bureau of Identification (SPBI)
1111 Country Club Road
Middletown, CT 06457
860-685-8480**

Out-of-State Records:

**Agency of Record
OR
FBI CJIS Division-Summary Request
1000 Custer Hollow Road
Clarksburg, West Virginia 26306**

⁴ Written notification includes electronic notification, but excludes oral notification.

⁵ <https://www.fbi.gov/services/cjis/compact-council/privacy-act-statement>

⁶ See 5 U.S.C. 552a(b); 28 U.S.C. 534(b); 34 U.S.C. § 40316 (formerly cited as 42 U.S.C. § 14616), Article IV(c); 28 CFR 20.21(c), 20.33(d) and 906.2(d).

Federal Bureau of Investigation
Privacy Act Statement

This privacy act statement is located on the back of the FD-258 fingerprint card.

Authority: The FBI's acquisition, preservation, and exchange of fingerprints and associated information is generally authorized under 28 U.S.C. 534. Depending on the nature of your application, supplemental authorities include Federal statutes, State statutes pursuant to Pub. L. 92-544, Presidential Executive Orders, and federal regulations. Providing your fingerprints and associated information is voluntary; however, failure to do so may affect completion or approval of your application.

Principal Purpose: Certain determinations, such as employment, licensing, and security clearances, may be predicated on fingerprint-based background checks. Your fingerprints and associated information/biometrics may be provided to the employing, investigating, or otherwise responsible agency, and/or the FBI for the purpose of comparing your fingerprints to other fingerprints in the FBI's Next Generation Identification (NGI) system or its successor systems (including civil, criminal, and latent fingerprint repositories) or other available records of the employing, investigating, or otherwise responsible agency. The FBI may retain your fingerprints and associated information/biometrics in NGI after the completion of this application and, while retained, your fingerprints may continue to be compared against other fingerprints submitted to or retained by NGI.

Routine Uses: During the processing of this application and for as long thereafter as your fingerprints and associated information/biometrics are retained in NGI, your information may be disclosed pursuant to your consent, and may be disclosed without your consent as permitted by the Privacy Act of 1974 and all applicable Routine Uses as may be published at any time in the Federal Register, including the Routine Uses for the NGI system and the FBI's Blanket Routine Uses. Routine uses include, but are not limited to, disclosures to: employing, governmental or authorized non-governmental agencies responsible for employment, contracting licensing, security clearances, and other suitability determinations; local, state, tribal, or federal law enforcement agencies; criminal justice agencies; and agencies responsible for national security or public safety.

As of 3/30/2018