

WESTPORT BOARD OF EDUCATION

*AGENDA

(Agenda Subject to Modification in Accordance with Law)

PUBLIC CALL TO ORDER:

6:30 p.m. Staples High School, Room 333, Pupil Services Conference Room

ANTICIPATED EXECUTIVE SESSION: Non-Renewal of Certificated Employees, Litigation, and Negotiations

RESUME PUBLIC SESSION

PLEDGE OF ALLEGIANCE: Staples High School, Cafeteria B (Room 301), 8:00 p.m.

ANNOUNCEMENTS FROM BOARD AND ADMINISTRATION

PUBLIC QUESTIONS/COMMENTS ON NON-AGENDA ITEMS (15 MINUTES)

MINUTES: February 8 and March 8, 2010

DISCUSSION/ACTION:

- | | |
|---|------------------------|
| 1. Non-Renewal of Certificated Employees | Dr. Landon
Ms. Cion |
| 2. Board of Education Policies
P 4118.24 Staff/Student Non-Fraternization
P 4118.25 Suspected Abuse/Neglect of Children | (Encl.) Dr. Landon |
| 3. Revised 2009-2010 School Calendar | Dr. Landon |

ADJOURNMENT

*A 2/3 vote is required to go to executive session, to add a topic to the agenda of a regular meeting, or to start a new topic after 10:30 p.m. The meeting can also be viewed on cable TV on channel 78.

PUBLIC PARTICIPATION WELCOME USING THE FOLLOWING GUIDELINES:

- Comment on non-agenda topics will occur during the first 15 minutes *except* when staff or guest presentations are scheduled.
- Board will not engage in dialogue on non-agenda items.
- Public may speak as agenda topics come up for discussion or information.
- Speakers on non-agenda items are limited to 2 minutes each, except by prior arrangement with chair.
- Speakers on agenda items are limited to 3 minutes each, except by prior arrangement with chair.
- Speakers must give name and use microphone.
- Responses to questions may be deferred if answers not immediately available.
- Public comment is normally not invited for topics listed for action after having been publicly discussed at one or more meetings.

WESTPORT PUBLIC SCHOOLS

ELLIOTT LANDON
Superintendent of Schools

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To: Board of Education
From: Elliott Landon
Subject: Board of Education Policies P 4118.24, P4118.25
Date: March 22, 2010

Enclosed with the agenda materials for the meeting of March 22 are two (2) proposed policies that were reviewed by the Board on March 8, 2010.

The first of these, P 4118.24, deals with the matter of staff/student non-fraternization. Essentially, this policy proposal consists of modifications to the current policy to make it more consistent with our statutory obligations and more explicit with regard to whom it is applicable. This policy has been revised as a result of questions raised by the Board. Those revisions may be found in bold and underlined print within the context of the policy document.

Additionally, pursuant to the request of the Board, an Administrative Regulation has been prepared to accompany this policy.

The second, P 4118.25, is a new policy that deals with the responsibility of staff where the abuse/neglect of children is discovered. This policy, as with the first, more explicitly defines staff responsibility with regard to statutory requirements.

Since the Board has had the opportunity to review these policies at a previous meeting, they are being presented to you at the meeting of March 22 for your approval.

ADMINISTRATIVE RECOMMENDATION

Be It Resolved, That upon the recommendation of the Superintendent of Schools, the Board of Education approves Policy P 4118.24 and Policy P 4118.25, said policies to accompany the Minutes of the meeting of March 22, 2010.



Personnel

Staff/Student Non-Fraternization

~~Adults~~ **Staff members** who have contact with children and adolescents through school activities have the responsibility not to betray or misuse their privileged position. Students develop a special trust in school staff by virtue of the school system's authority and the important role the schools play in their lives. ~~Adults~~ **Staff members** must never take advantage of students' vulnerability or of their confidence that ~~adults~~ **staff members** in school will behave appropriately in relationships with them.

It is the policy of the Westport Board of Education to prohibit any sexual relationship, contact or sexually nuanced behavior or communication (verbal or non-verbal) between a staff member and a student, while the student is enrolled in the school system. The prohibition extends to students of the opposite sex or the same sex as the staff member, and applies regardless of whether the student or the staff member is the initiator of the behavior and whether or not the student welcomes or reciprocates the attention.

Definitions:

Staff Members: Part-time and full-time employees, and those individuals who are employed as substitutes, consultants, coaches, tutors, bus drivers, bus monitors, student-teachers, interns, volunteers and others who work with or have contact with children under the auspices of, or through contract with, the Board of Education. **This term shall include all professional employees.**

Professional Employee: a person employed by a school who (A) holds a certificate from the State Board of Education, (B) is a member of a faculty where certification is not required, (C) is an administration officer of a school, or (D) is a registered nurse employed by or assigned to a school.

Professional Communication: any communication made privately and in confidence by a student to a professional employee of such student's school in the course of the latter's employment.

Prohibited Behavior: includes, but is not limited to: flirting and bantering with sexual overtones, dating, courting or engaging in a personal relationship on or off campus that is sexually motivated or nuanced, having any physical sexual contact or sexual intercourse with any student.

Complaints: should be reported to the Principal, who will investigate to determine whether a violation has occurred. The Principal will inform the Superintendent that the investigation is being conducted.

Violations: will result in disciplinary action up to and including dismissal. Employees' due process rights will be safeguarded.

The Principal will consult with the Director of Pupil Services and the Director of Human Resources to determine whether any alleged violation falls into the category of sexual harassment and/or child abuse or sexual abuse; if so it might need to be addressed according to those policies and/or also reported to the police or another agency.

Procedures: Procedures for filing complaints and for conducting investigations will be developed by the Superintendent.

Professional Communications

Prompt and open home-school communications and understanding have been and will continue to be central to the philosophy of the Westport schools.

Connecticut law provides that C.G.S. 10-154a states: Sec. 2 "Any such professional employees "shall not be required to disclose any information acquired through a professional communication with a student, when such information concerns alcohol or drug abuse or any alcoholic or drug problem of such student..."¹ Specifically excluded from this provision of law is information of a criminal nature which, when learned by a professional employee, is required to be reported to appropriate law enforcement officials.

This law makes it possible for a student to share his/her certain problems with or seek help from a trusted adult without fear of immediate incrimination. **This protection applies only to professional communications between a student and a professional employee that concern alcohol or drug abuse or any alcohol or drug problem of the student.** In responding to this plea for help, and in recognition of their professional obligations to continue to maintain good home-school communications, and to protect a child's health and welfare, ~~teachers', school counselors, and administrators~~ **professional employees** who elect to maintain this confidence should use the following guidelines to provide that help as effectively as possible.

- a. Inform the student that, if in their judgment, maintaining the confidence is not in the student's best interest they will feel obliged to break it.

¹ Conn. Gen. Stat. § 10-154a applies only to professional employees who, through professional communications with students, acquire information concerning alcohol or drug abuse or any alcohol or drug problem of a student, as those terms are defined in this policy. Significantly, it does not apply to all staff members, and it does not apply to all communications between students and professional employees. Conn. Gen. Stat. § 10-154a(a)(2) defines the term "professional employee" as follows: "a person employed by a school who (A) holds a certificate from the State Board of Education, (B) is a member of a faculty where certification is not required, (C) is an administration officer of a school, or (D) is a registered nurse employed by or assigned to a school." Furthermore, the term "professional communication" is defined as follows: "any communication made privately and in confidence by a student to a professional employee of such student's school in the course of the latter's employment."

- b. Encourage the student to discuss the matter with his/her parents.
 - c. If not the student's counselor, encourage the student to confer with his/her counselor.
 - d. Make the student aware of the school's supportive and rehabilitative interest and inform him/her of the school and community resources available to him/her.
 - e. Make the student aware of the potential hazard to his/her health and inform him/her about the laws pertaining to drug and alcohol use and abuse.
2. Every member of the school staff bears a professional and personal obligation as an adult to act wisely and responsibly in the best interest of a child.

If the point is reached at which the ~~confidant~~ **professional employee** feels he/she has failed in his/her efforts to persuade the student to seek the help he/she needs, fear for the student's health and safety or of the danger posed to others, and elects to break the confidence, the following procedures are recommended:

- a. Inform the student of his/her strong concern for his/her welfare and need to divulge the confidence.
 - b. Arrange for a conference to include the student, his/her parents, his/her Principal and his/her school counselor.
3. Each principal will arrange to inform his/her faculty, student and parent body about Connecticut General Statutes 10-154a and these administrative guidelines.
 4. **Notwithstanding anything contained in this policy**, if the professional employee receives physical evidence that a crime has been or is being committed by the student, such evidence must be turned over to school administrators or to law enforcement officials within two days from when it is received. In turn, a school administrator receiving such evidence must turn it over to either the Commissioner of Consumer Protection or the appropriate law enforcement officials within three days of receipt.

Legal Reference: Connecticut General Statutes

10-154a Professional communication between teacher or nurse and student. Surrender of physical evidence obtained from students.

Staff/Student Relationships

Communication by Staff to Students and Parents through Electronic Media

1. Electronic communications to students and parents by staff are considered permanent communications. If made through the electronic communications system of the Westport Public Schools, such incoming and outgoing communications will be archived for five years.
2. Electronic communications to students are only to deal strictly with school related matters.
3. Communications to parents through electronic communications are only to address matters pertaining to the work of a particular student. If a parent “conference” is employed, these communications are to address only the work of a particular class. Under no circumstances are communications to parents to be used to air personal concerns to groups of parents, or to communicate about private political, entrepreneurial, avocational, religious, charitable, or other activities.

Personnel

Reports of Suspected Abuse or Neglect of Children

Conn. Gen. Stat. Section 17a-101 et seq. requires certain educational personnel (school teachers, school administrators, school superintendents, school guidance counselors, school coaches and paraprofessionals) as well as registered and licensed practical nurses, psychologists, social workers, mental health professionals, and certain professional counselors who have reasonable cause to suspect or believe that a child has been abused or neglected to report such abuse and/or neglect. In furtherance of this statute and its purpose, it is the policy of the Board of Education to require ALL EMPLOYEES of the Board of Education to report suspected abuse and/or neglect, in accordance with the procedures set forth below. For purposes of this policy, school employees also include any person who, under a contract with the Board, and in the performance of his or her duties, has regular contact with students and who provides services to or on behalf of students enrolled in a public elementary, middle or high school.

1. Scope of Policy

This policy applies not only to employees who are required by law to report suspected child abuse and/or neglect, but to ALL EMPLOYEES of the Board of Education.

2. Definitions

For the purposes of this policy:

"Abused" means that a child (a) has had physical injury or injuries inflicted upon him or her other than by accidental means, or (b) has injuries which are at variance with the history given of them, or (c) is in a condition which is the result of maltreatment, such as, but not limited to, malnutrition, sexual molestation or exploitation, deprivation of necessities, emotional maltreatment or cruel punishment.

"Neglected" means that a child (a) has been abandoned, or (b) is being denied proper care and attention, physically, educationally, emotionally or morally, or (c) is being permitted to live under conditions, circumstances or associations injurious to his well-being, or (d) has been abused.

"Statutory mandated reporter" means an individual required by Conn. Gen. Stat. Section 17a-101 to report suspected abuse and/or neglect of children. In the public school context, the term "statutory mandated reporter" includes teachers, school administrators, school superintendents, school guidance counselors, school

coaches, paraprofessionals, registered and licensed practical nurses, psychologists, social workers, mental health professionals, certified alcohol and drug counselors and any other licensed professional counselor.

3. What Must Be Reported

A report must be made when any employee of the Board of Education in the ordinary course of such person's employment or profession has reasonable cause to suspect or believe that a child under the age of eighteen:

- a) has been abused or neglected;
- b) has had nonaccidental physical injury, or injury which is at variance with the history given for such injury, inflicted upon him/her; or
- c) is placed at imminent risk of serious harm.

4. Reporting Procedures for Statutory Mandated Reporters

The following procedures apply only to statutory mandated reporters, as defined above.

When an employee of the Board of Education who is a statutory mandated reporter and who, in the ordinary course of the person's employment, has reasonable cause to suspect or believe that a child has been abused or neglected or placed at imminent risk of serious harm, the following steps shall be taken.

- (1) The employee shall make an oral report as soon as practicable, but not later than twelve hours after having reasonable cause to suspect or believe that a child has been abused or neglected or placed at imminent risk of serious harm. Such oral report shall be made by telephone or in person to the Commissioner of Children and Families or the local law enforcement agency.
- (2) The employee shall also make an oral report as soon as practicable to the Superintendent or the Superintendent's designee.
- (3) In cases involving suspected or believed abuse or neglect by a school employee, the Superintendent or his/her designee shall immediately notify the child's parent or guardian that such a report has been made.
- (4) Within 48 hours of making an oral report the employee shall submit a written report to the Commissioner of Children and

Families or his/her representative containing all of the required information.

- (5) The employee shall immediately submit a copy of the written report to the Superintendent or the Superintendent's designee.
- (6) If the report concerns suspected abuse or neglect by a school employee holding a certificate, authorization or permit issued by the State Department of Education, the Superintendent shall submit a copy of the written report to the Commissioner of Education or his/her representative.

5. Reporting Procedures for Employees Other Than Statutory Mandated Reporters

The following procedures apply only to employees who are not statutory mandated reporters, as defined above.

- a) When an employee who is not a statutory mandated reporter and who, in the ordinary course of the person's employment or profession, has reasonable cause to suspect or believe that a child has been abused or neglected or placed at imminent risk of serious harm, the following steps shall be taken.
 - (1) The employee shall make an oral report as soon as practicable, but not later than twelve hours after the employee has reasonable cause to suspect or believe that a child has been abused or neglected or placed at imminent risk of serious harm. Such oral report shall be made by telephone or in person to the Superintendent of Schools or his/her designee, to be followed by an immediate written report to the Superintendent or his/her designee.
 - (2) If the Superintendent or his/her designee determines that there is reasonable cause to suspect or believe that a child has been abused or neglected or placed at imminent risk of serious harm, he/she shall cause reports to be made in accordance with the procedures set forth for statutory mandated reporters, set forth above.
- b) Nothing in this policy shall be construed to preclude an employee reporting suspected child abuse and/or neglect from reporting the same directly to the Commissioner of Children and Families.

6. Contents of Reports

Any oral or written report made pursuant to this policy shall contain the following information, if known:

- a) The names and addresses of the child and his/her parents or other person responsible for his/her care;
- b) the age of the child;
- c) the gender of the child;
- d) the nature and extent of the child's injury or injuries, maltreatment or neglect;
- e) the approximate date and time the injury or injuries, maltreatment or neglect occurred;
- f) information concerning any previous injury or injuries to, or maltreatment or neglect of the child or his/her siblings;
- g) the circumstances in which the injury or injuries, maltreatment or neglect came to be known to the reporter;
- h) the name of the person or persons suspected to be responsible for causing such injury or injuries, maltreatment or neglect; and
- i) whatever action, if any, was taken to treat, provide shelter or otherwise assist the child.

7. Investigation of the Report

If the suspected abuser is a school employee, the Superintendent shall thoroughly investigate the report. Recognizing the fact that the Department of Children and Families ("DCF") is the lead agency for the investigation of child abuse and neglect reports, the Superintendent's investigation shall be coordinated with DCF and/or the police in order to minimize the number of interviews of any child and to share information with other persons authorized to conduct an investigation of child abuse and neglect. When investigating a report, the Superintendent shall endeavor to obtain, when possible, the consent of parents or guardians or other persons responsible for the care of the child to an interview with a child, except in those cases in which there is reason to believe that the parents or guardians or other persons responsible for the care of such child are the perpetrators of the alleged abuse, or where DCF has indicated that obtaining such consent will interfere with its investigation.

The investigation shall include an opportunity for the suspected abuser to be heard with respect to the allegations contained within the report. During the course of

an investigation of suspected abuse by a school employee, the Superintendent may suspend the employee with pay or may place the employee on administrative leave with pay, pending the outcome of the investigation.

a) Evidence of Abuse by a School Employee Holding a Certificate, Authorization or Permit Issued by the State Department of Education

If, upon completion of the investigation by the Commissioner of Children and Families (“Commissioner”), the Superintendent has received a report from the Commissioner that he or she has reasonable cause to believe that a child has been abused by a school employee who holds a certificate, permit, or authorization issued by the State Department of Education, and that the Commissioner has recommended that such employee be placed on the child abuse and neglect registry, the Superintendent shall make a written request to the Commissioner that he or she provide all records, whether or not created by DCF, concerning such investigation to the Superintendent. In addition, the Superintendent shall suspend the employee, if not previously suspended, with pay and without diminution or termination of benefits.

Within seventy-two (72) hours after such suspension the Superintendent shall notify the Board of Education and the Commissioner of Education, or his or her representative, of the reasons for and the conditions of the suspension. The Superintendent shall disclose records received from DCF to the Commissioner of Education and the Board of Education or its attorney for purposes of review of employment status or the status of such employee's certificate, permit or authorization. For certified personnel, such suspension shall remain in effect until the Board of Education acts pursuant to the provisions of Conn. Gen. Stat. Section 10-151.

Regardless of the outcome of any investigation by the Commissioner of Children and Families and/or the police, the Superintendent and/or the Board, as appropriate, may take disciplinary action, up to and including termination of employment, in accordance with the provisions of any applicable statute, if the Superintendent's investigation produces evidence that a child has been abused by a school staff member who holds a certificate, permit or authorization issued by the State Department of Education.

If the contract of employment of such certified school employee is terminated as a result of an investigation into reports of child abuse and neglect, the Superintendent shall notify the Commissioner of Education, or his or her representative, within seventy-two (72) hours after such termination.

b) Evidence of Abuse by Other School Staff

If the investigation by the Superintendent and/or the Commissioner of Children and Families produces evidence that a child has been abused by a non-certified school staff member, the Superintendent and/or the Board, as appropriate, may take disciplinary action, up to and including termination of employment.

8. Delegation of Authority by Superintendent

The Superintendent may appoint a designee for the purposes of receiving and making reports, notifying and receiving notification, or investigating reports pursuant to this policy.

9. Disciplinary Action for Failure to Follow Policy

Except as provided in Section 10 below, any employee who fails to comply with the requirements of this policy shall be subject to discipline, up to and including termination of employment.

10. Non-discrimination Policy

The Board of Education shall not discharge or in any manner discriminate or retaliate against any employee who, in good faith makes, or in good faith does not make, a report pursuant to this policy, or testifies or is about to testify in any proceeding involving abuse or neglect.

Legal References:

Connecticut General Statutes:

Section 10-151

Section 17a-101 et seq.

Section 17a-103

Public Act 09-242, "An Act Concerning Sexual Activity between School Workers and Students and Including School Superintendents as Mandated Reporters of Child Abuse or Neglect"

ADOPTED: _____

REVISED: _____