CHAPTER 4000 – PERSONNEL CERTIFIED AND NON-CERTIFIED

ACES Governing Board employs personnel and retains the services of accountants, attorneys, appraisers and other consultants.

Concepts and Roles in Personnel

All parts of the agency exist to facilitate the educational development of the students and consumers. A dynamic and efficient staff dedicated to education is necessary to constantly improve the education program for the students and consumers. To this end, the development of the personnel policies for certified and non-certified staff is essential. The philosophy of ACES generally will be reflected in these policies.

Through the personnel policies the Governing Board will establish an environment that will attract and maintain the best-qualified people whose mission will be to empower our students, member districts, and other clients to meet educational and life challenges in the changing global environment by providing collaborative, customized, cost effective solutions to meet identified needs of our educational community.

The long-range goals on which these policies will be based are:

1. To recruit, select, employ and retain the best qualified personnel.
2. To provide staff compensation and benefit programs sufficient to attract and retain qualified employees;
3. To provide an in-service training program for all employees to improve their performance.
4. To conduct an employee evaluation program that will contribute to the continuous improvement of staff performance.
5. To assign personnel to ensure that they are used as effectively as possible.
6. To develop employee relationships necessary to obtain and retain maximum staff performance and satisfaction.

Implementation of the adopted personnel policies should include channels of communication and procedures for handling of professional and ethical problems through which all persons or groups affected may express their suggestions, concerns, and opinions.

Legal Reference: Connecticut General Statutes

10-220 Duties of boards of education
46a-60 Discriminatory employment practices prohibited.

Policy revised: November 13, 2014
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Recruitment and Selection

The Board of Governors desires the Executive Director to develop and maintain a recruitment program designed to attract and hold the best possible personnel who are “highly qualified” as defined by federal law.

Minority Recruitment Plan

To this end the Board of Governors shall develop and implement a written plan for minority staff recruitment. ACES is committed to recruiting and maintaining a staff that represents the rich diversity of our communities. This commitment translates into recruiting by the ACES administration, in addition to the following:

1. Collaboration with schools of education at area colleges and universities to identify minority candidates
2. Participation in regional and statewide recruitment efforts
3. Networking with community resources
4. Advertising in minority specific newspapers and journals
5. Encouraging young people to consider careers in public education
6. Participating in the RESC Alliance/Minority Teacher Recruitment Alliance

The schools and programs shall engage in fair and sound personnel practices in the appointment of all district employees. The administration shall be responsible for establishing recruitment, selection and appointment procedures.

Legal Reference: Connecticut General Statutes
It is ACES Policy to offer equal opportunity to all qualified employees and applicants for employment without regard to race, color, religion, sex, age, marital status, national origin, ancestry, sexual orientation or disability (including but not limited to intellectual disability, past or present history of mental disorder, past or present history of physical disability, past or present history of learning disability), gender identity or expression, and genetic information.

Affirmative action shall be taken to ensure the fulfillment of this policy. This equal opportunity policy also includes: hiring, placement, upgrading, transfer or promotion, recruitment, advertising or solicitation for employment, rates of pay or other forms of compensation, training, and layoff or termination.

**Legal Reference: Connecticut General Statute**

- 10-153 Discrimination on account of marital status
- 46a-60 Discriminatory employment practices prohibited
- 46a-81a Discrimination on the basis of sexual orientation
- Title VII, Civil Rights Act of 1964 as amended
- Presidential Executive Orders 11246 and 11375
- Equal Employment Opportunity Act of 1972
- Equal Pay Act of 1963
- Age Discrimination in Employment Act of 1967
- Connecticut Fair Employment Practices Act, Sec. 504
- Rehabilitation Act of 1973
- Title IX (Sex Equity)
- Age Discrimination Act of 1975
- Vietnam Era Veterans Readjustment Assistance Act of 1974

*Policy revised: November 13, 2014*
### 4111.2 Employment of Staff

The Executive Director shall have the authority to employ personnel and to negotiate the terms and conditions of their employment, subject to confirmation by the Governing Board and compliance with all applicable laws.

It is the Board of Governor’s intent to activate and maintain a sufficient number of positions to accomplish the agency’s goals and objectives. The Board of Governors shall employ staff as appropriate.

The Executive Director will ensure that parents/guardians of students in Title I schools are informed of their right to know the professional qualifications of their child’s teacher and will describe where and how this information may be obtained. The Executive Director will monitor Title I schools to ensure that parent/guardians of all students are notified when those students are taught for four or more consecutive weeks by a teacher who is not highly qualified as defined by law.

**Legal Reference: Connecticut General Statutes**

- 10-15 Employment of teachers. Notice and hearing on termination of contract
- 10-153 Discrimination on account of marital status
- 46a-60 Discriminatory employment practices prohibited

*Policy revised: November 13, 2014*

### 4112 Appointment Hiring of Certified Staff

It is the policy of the Governing Board to appoint the most qualified applicants to positions of employment within the Public Schools. The Executive Director shall be responsible for the appointment of all teachers as defined in CGS 10-151. Such appointments in accordance with the procedures set forth in Section 10-151 of the Connecticut General Statutes, and in accordance with any applicable collective bargaining agreement.

*Policy revised: November 13, 2014*

### 4112.0 Certification (Certified Staff)

Every “teacher” as defined by Connecticut General Statutes shall be certified according to the provisions of applicable state law.
It is the responsibility of the employee to submit proof of appropriate certification to the Office of Human Resources prior to the commencement of employment. ACES will maintain a record of the employee’s credential as required by law.

It shall be the sole responsibility of the certified employee to see that his/her credentials for certification are completed before the date of expiration and to file the completed certification with the Office of Human Resources.

In the event of a lapse in certification, the employee will have opportunity to be heard to determine if the information is true that the certification has lapsed. If the information regarding the lapse of certification is true, the employee’s status shall be immediately changed to “substitute” (per diem) with no benefits and his /her salary will be reduced to the current rate of pay for substitutes. If an employee fails to obtain appropriate certification within 40 days s/he may be subject to termination of employment. If, within a reasonable period of time following a lapse in certification, an employee provides evidence of appropriate certification, the employee’s salary and benefits shall be reinstated, retroactive to the effective date of certification.

**Legal Reference: Connecticut General Statutes §10-220**

10-145d-400 (as amended by PA 04-138, An Act Concerning National Board Certification)

- Part I Definitions
- Part II General Conditions
- Part III Types of Certifications
- Part IV Special Authorizations
- Part V Reissue and Cross Endorsement of Certificates
- Part VI Early Childhood, Elementary or Middle School Certificates
- Part VII Middle Grades
- Part VIII Secondary Academic
- Part IX Special Subjects or Instructional Areas
- Part X Applied Curriculum and Technology Subjects
- Part XI Vocational Technical
- Part XII Special Education: Blind, Partially Sighted of Hearing Impaired
- Part XIII Special Services Certificates
- Part XIV Administrative
- Part XV Adult Education
- Part XVI Discontinued Endorsements and Prior Authorization
- Part XVII Appeal Process

34 C.F.R. 200.55 – Federal Regulations Regarding

*Policy revised: November 13, 2014*
4112.02 Delegation of Authority

The Executive Director may delegate to any employee(s) of ACES any powers or duties relating to the administration of Personnel Policies. The delegation of such powers or duties, however, shall not relieve the Executive Director of responsibility for the action taken under such delegation.

Policy revised: April 11, 1985

4112.03 Probationary Period

The Executive Director shall establish appropriate probationary periods compliant with State law and all collective bargaining agreements and ACES policies (60 working days for non-certified).

At any time during the probationary period, the Executive Director may terminate any employee that is in violation of ACES policy or State law.

Policy revised: November 13, 2014

4112.04 Compensation Schedule

The Executive Director shall prepare and recommend to The Board of Governors the compensation for each class of positions at ACES.

Policy revised: November 13, 2014

4112.05 Tuition Reimbursement

The ACES Governing Board is interested in retaining its employment staff and understands the career ladder opportunities that a large organization can provide to its workforce. Additionally, the board is cognizant of shortage areas in the field of education and believes it is imperative to meet the demands in several certificate and licensure fields. To that end, the board shall budget funds to provide non-certified employees with tuition reimbursement for course and degree work related to an area of need as identified by the Assistant Executive Director for Personnel and Special Services. The Executive Director shall establish the guidelines to provide employees with tuition reimbursement in the Administrative Regulation to this policy.

The following are identified as shortage areas for ACES and will be our priority:

- Special Education
The board will allocate $20,000 yearly and the Executive Director and/or his designee will develop a set of criteria for eligibility and distribution of funds.

Policy revised: November 13, 2014

4112.06 Payroll Deductions

Voluntary Payroll Deductions

Upon written request of at least two (2) percent of the total ACES staff, as determined on September 15 of each year, the Executive Director is authorized to add voluntary payroll deductions, consistent with Federal and/or State Laws or regulations, until the maximum number of deductions permitted by ACES payroll software is reached. Deductions allowed as part of the date of adoption of this policy will be allowed to continue.

In allowing any voluntary deduction, ACES does not endorse or otherwise assume any opinion on the worthiness of the deduction.

Involuntary Deductions

Involuntary deductions shall include but not be limited to IRS garnishments, court orders, union dues, judgments against an employee and other legally mandated deductions.

Policy revised: November 13, 2014

4112.1 Hiring of Non-Certified Staff

It is the policy of the Board that the Executive Director 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 Executive Director or his/her designee shall be responsible for appointments to all positions of employment within the Agency which do not require a certificate issued by the State Board of Education.

Legal Reference: Connecticut General Statutes §10-220

Policy revised: November 13, 2014
4112.4 Health Examinations

Upon initial offer of employment, candidates whose position requires Safety Management Training, must pass a physical examination. The Executive Director may at any time require a health examination of any employee of ACES. The cost of said examinations shall be borne by ACES.

The Board of Governors may make pre-offer inquiries into the ability of an applicant to perform job-related functions to verify that they can perform the bona fide occupation qualifications. Medical examinations may be required after an offer of employment has been extended to an applicant and before commencement of employment duties. Any information obtained from such medical examinations will be collected and maintained on separate forms in separate medical files and will be treated confidentially.

An employee who is not qualified to perform their duties or whose medical condition or disability poses a direct threat to the health or safety of individuals in the workplace, once properly established by medical evidence and after proper due process procedures, may be relieved of their duties.

Health Examinations for Drivers

Employees who allow their physical examination to expire prior to obtaining or renewing their license will be required to pay the costs of a new or other physical.

Policy revised: November 13, 2014

4112.41 Return to Work After a Work-Related Injury or Illness

ACES, in concert with our workers’ compensation carrier, supports returning to work an ACES employee who is physically unable to perform the duties of his/her regular job due to a work-related injury or illness. To this end, at ACES discretion, opportunities will be offered on a temporary basis and will generally be for a period not longer than four (4) months from the date of doctor’s authorization to return to such modified status. While on this alternative assignment, ACES will attempt to assign the employee work that will be consistent with his/her work restrictions. This work may be full or part-time and may consist of duties and tasks different from those of the employee’s regular position.

ACES may determine that such alternative assignment/s is not available for operational reasons. In this event, ACES will continue to review such opportunities for the employee for the duration of his/her leave or employment, whichever is shorter.
If after one year from the date of injury the employee is unable to return to work full-duty without restrictions, ACES will seek to initiate the separation of the employee’s service with ACES.

Policy revised: May 11, 2000

4112.5 Security Check/Fingerprinting

Each applicant shall be asked whether he/she has ever been convicted of a crime, whether there are any criminal charges pending against him/her at the time of application, and whether the applicant is included on the Abuse and Neglect Registry of the Connecticut Department of Children and Families (“DCF”) the “Registry”. Applicants shall not be required to disclose any arrest, criminal charge or conviction that has been erased. All offers of employment will be conditional upon the successful outcome of a reference check and a background record check. This will include of the following: criminal background, Department of Developmental Services (DDS) Registry, and the Department of Children and Families (DCF) Registry.

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, may be grounds for disqualification from consideration for employment or discharge from employment.

Agency personnel shall cross-reference the Connecticut Department of Public Safety’s sexual offender registry prior to hiring any new employee. Registration as a sexual offender constitutes grounds for denial of employment opportunities.

Falsification of Records

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 Reference: Connecticut General Statutes

10-221d Criminal history records checks of school personnel. Fingerprinting. Termination or dismissed. (as amended by PA 01-173 and PA 04-181)
29-17a Criminal history checks. Procedure. Fees.

Policy revised: November 13, 2014
4112.51 Reference Checks

The Board of Governors believes that it is critical that references on applicants be checked prior to an offer of employment.

The Executive Director or his/her designee is directed to develop guidelines pertaining to the checking of applicant references.

(cf 5125 – Student Records)

Legal References: Connecticut General Statutes

1-200 through 1-241 of the Freedom of Information Act.
5-193 through 5-269 State Personnel Act
10-151c Records of teacher performance and evaluation not public records.
10-221d Criminal history record checks of school personnel. Fingerprinting. Termination or dismissal.

Policy revised: November 13, 2014

4112.6 Personnel Files

The Personnel File of each ACES employee will be maintained in the Office of Human Resources. Contents of this file shall include but not be limited to the following:

1. Application for Employment at ACES, Certification records
2. Copies of correspondence between staff member and ACES
3. Copies of correspondence about the staff member that have been shared with the staff member including supervisory records and reports of competence, personal character and efficiency as related to evaluation of performance
4. Copies of work assignments
5. References for initial employment
6. Transcripts or other academic records
7. Other material approved by the Assistant Executive Director.

Files containing medical information regarding an employee will be kept separate from other personnel files.
Each employee shall have the right to review and request copies of his/her file upon reasonable notice during the regular hours of the Human Resources Office and at a cost per page.

**Legal Reference: Connecticut General Statute**

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

*Policy revised: November 13, 2014*

**4112.7 Orientation**

Orientation shall assist new staff in becoming acquainted and adjusted to the community and the agency – including policies of the Board of Governors, rules and regulations, and the instructional program.

Administrators, coordinators, directors, and experienced staff may be assigned specific roles in carrying out orientation programs.

*Policy revised: November 13, 2014*

**4112.8 Employment of Relatives**

It is the policy of ACES that individuals shall not be appointed to any full-time, part-time or temporary position which would create a direct supervisor/employee relationship between two individuals who are related by blood, marriage, civil union or law.

In the event of marriage between employees of ACES, creating a relationship which violates this policy, one of the persons affected must transfer to a location compatible with policy provisions, or in cases of refusal to transfer, be terminated from the location by the end of the school/fiscal year or within six months from the date the relationship was established, whichever is the greater period.

In the appointment and selection of new employees, the agency shall adhere to this policy.

(cf. 9270 – Conflict of Interest)
4114 Assignment and Transfer

The Executive Director shall make such assignment(s), reassignments and transfers of employees as are necessary in his/her professional judgment to secure the highest efficiency of the entire staff.

Transfers will be made in the best interests of the agency, subject to provisions of applicable collective bargaining agreements if one so exists for an employee group.

Policy revised: November 13, 2014

4115 Supervision and Evaluation

The Executive Director shall continuously evaluate or cause to be evaluated each staff member.

All staff members should refer to the appropriate evaluation plan provided by the agency for specific details in regards to individual evaluation. Evaluation tools will be in alignment with the job description of each employee, state law and/or regulations where applicable.

Legal Reference: Connecticut General Statutes

7-479 Conflicts of Interest
46b-38nn Equality of benefits, protections and responsibilities (civil unions)
46b-3800 applicability of statutes to civil unions and parties to a civil union

Policy revised: November 13, 2014
4116 Personnel – Certified

Probationary/Tenure Status

All certified personnel may attain tenure as provided by law (C.G.S. 10-151)

The Board of Governors will expect thorough and competent evaluations of all personnel before they become candidates for tenure.

Procedures for continuation or termination of a contract, failure to renew a teacher’s contract, or appeals thereof shall be in accordance with Connecticut General Statute 10-151.

(cf. 4115 – Evaluation/Supervision)
(cf. 4117.4 - Dismissal/Suspension)

Legal Reference: Connecticut General Statutes

10-151 Employment of teachers. Notice and hearing on termination of or failure to renew contract. Appeal

Non-Teaching Duties

Within each building, Administrators will plan and assign non-teaching duties as required and permitted by bargaining units agreement language and practices for the effective operation of the building.

Policy revised: November 13, 2014

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4117.2 Acceptance of Resignation

The Executive Director is authorized to accept resignations of all certified and non-certified personnel and report these resignations to the Board of Governors at its next regularly scheduled meeting.

Policy revised: November 13, 2014

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4118.11 Sex Discrimination and Sexual Harassment in the Workplace

It is the policy of the Board of Governors to maintain a working environment free from harassment, insults or intimidation on the basis of an employee's sex and free from discrimination based on sex. Verbal or physical conduct by a supervisor or co-worker relating to an employee’s sex which has the effect of creating an intimidating, hostile or offensive work
environment, unreasonably interfering with the employee's work performance, or adversely affecting the employee's employment opportunities is prohibited.

**Title IX**

The Board of Governors agrees to comply with Title IX of the Education Amendments of 1972 and the Regulations promulgated pursuant thereto. The Board of Governors designates the Assistant Executive Director for Personnel and Special Services as Compliance Officer. The Board of Governors shall, at least annually, notify all students, consumers, parents/guardians, employees and labor organizations with which it deals of the name, address and phone number of the Compliance Officer and the procedure for processing grievances.

Sex discrimination is defined as when an employer refuses to hire, disciplines or discharges any individual, or otherwise discriminates against an individual with respect to his or her compensation, terms, conditions, or privileges of employment on the basis of the individual’s sex. Sex discrimination is also defined as when a person, because of his or her sex, is denied participation in, or the benefits of, a program that receives federal financial assistance.

**Harassment**

Sexual harassment is a form of sex discrimination. While it is difficult to define sexual harassment precisely, it does include any unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

1. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment;
2. Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or
3. Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive work environment.

Although not an exhaustive list, the following are examples of the type of conduct prohibited by the policy against sexual harassment:

1. Unwelcome sexual advances from a co-worker or supervisor, such as unwanted hugs, touches, or kisses;
2. Unwelcome attention of a sexual nature, such as degrading, suggestive or lewd remarks or noises;
3. Dirty jokes, derogatory or pornographic posters, cartoons or drawings;
4. The threat or suggestion that continued employment advancement, assignment or earnings depend on whether or not the employee will submit to or tolerate harassment;
5. Circulating, showing, or exchanging emails, text messages, digital images or websites of a sexual nature;
6. Using computer systems, including email, instant messaging, text messaging, blogging or the use of social networking websites, or other forms of electronic communications, to engage in any conduct prohibited by this policy.

Training

Each year, if the Board of Governors deems it appropriate, employees will receive training regarding sexual harassment and related matters. Such training may include a review of this regulation and procedures, discussion, films, or other activities.

Any infraction of this policy by supervisors or co-workers should be reported immediately to the Title IX Coordinator, the Executive Director, or his/her designee in accordance with the district’s sex discrimination and sexual harassment grievance procedure. Retaliation against any employee for complaining about sex discrimination or sexual harassment is prohibited under this policy and illegal under state and federal law. Violations of this policy will not be permitted and may result in discipline up to and including discharge from employment. Individuals who engage in acts of sex discrimination or sexual harassment may also be subject to civil and criminal penalties.

Legal References: United States Constitution, Article XIV

   Title IX of the Education Amendments of 1972, 20 USCS § 1681, et seq.
   Title IX of the Education Amendments of 1972, 34 CFR § 106, et seq.
   Connecticut General Statutes § 46a-60 Discriminatory employment practices prohibited.
   Conn. Agencies Regs. §§ 46a-54-200 through § 46a-54-207

Policy revised: November 13, 2014

4118.13 Personnel – Certified/Non Certified - Conflict of Interest

The Board of Governors wishes to avoid any conflict of interest on the part of its employees regarding their personal interests and the interests of the agency in dealing with suppliers, contractors and all organizations or individuals doing or seeking to do business with the agency.

Employees will not engage in, or have a financial interest in, any activity that raises a reasonable question of conflict of interest with their duties and responsibilities as employees. This means that:
1. Any device, publication or any other item developed during the employee’s paid time shall be district property;
2. Employees will not engage in any work where the source of information concerning customer, client or employer originates from information obtained throughout the school agency.

**Legal Reference:** Connecticut General Statutes

7-479 Conflicts of interest

*Policy revised: November 13, 2014*

### 4118.22 Code of Ethics

All staff members are expected to adhere to the CT Code of Professional Responsibility for Educators and ACES mission and beliefs. For the purpose of this policy, “educators” includes all ACES employees.

The Code of Professional Responsibility for Educators (CT State Department of Education) is a set of principles for employees to honor and follow. These principles and standards guide conduct and judicious appraisal of conduct in activities that have professional and ethical implications.

ACES is vested by the public with a trust and responsibility requiring the highest ideals of professionalism. Therefore, the educator accepts both the public trust and responsibilities to practice the profession according to the greatest possible degree of ethical conduct and standards.

**Reference:** Connecticut Education Association Code of Ethics

- Connecticut Code of Professional Responsibility for teachers
- Regulation of Connecticut State Agencies
- CGS 10-145d-4001

*Policy revised: November 13, 2014*
**4118.231 Smoking, Drinking, and Use of Drugs on School Premises**

**4118.231.1 Drug Free Work Place**

No employee of ACES shall unlawfully manufacture, distribute, dispense, possess or use on or in the workplace any alcoholic beverage, narcotic drug, hallucinogenic drug, amphetamine, barbiturate, marijuana or any other controlled substance, as defined in Schedules I through V of Section 202 of the Controlled Substances Act (21 U.S.C. 812).

Workplace is defined to mean the site for the performance of work done including:

- Any ACES building or premises
- Any ACES owned vehicle used to transport students and consumers to and from ACES
- Any ACES sponsored or ACES approved activity where students and consumers are under the jurisdiction of ACES

As a condition of employment at ACES, each employee shall abide by the terms of ACES policy respecting a drug free workplace. Any violation of this policy by an ACES employee shall be subject to disciplinary action which may include immediate dismissal.

Disciplinary sanctions (consistent with local, State and Federal law) against employees ACES Policy Manual including non-renewal, suspension, termination and enrollment and successful completion of an appropriate substance abuse rehabilitation program shall be in accordance with prescribed ACES policies and administrative procedures.

*Policy revised: September 25, 1991*

**4118.231.2 Staff Smoking**

Staff, in accordance with state law, are prohibited from smoking in school buildings. Area Cooperative Educational Services recognizes that smoking represents a health and safety hazard which can have serious consequences for the smoker and non-smoker. Because of the Board of Governor's grave concern for the safety of the system-both people and property and in order to protect the staff from an environment that may be harmful to them and because of possible harm to personal well-being, the Board of Governors hereby designates all buildings and vehicles owned or leased by Area Cooperative Educational Services to be non-smoking areas.

For the purposes of this policy, "smoking" will mean all uses of smoking materials and tobacco, including cigars, cigarettes, pipes, chewing tobacco, and snuff.

There shall be no smoking or other use of tobacco products on any ACES’ property or during the course of any trip or agency activity sponsored by or under the supervision of the ACES Governing Board or its authorized agents.
The ACES Governing Board hereby directs the Executive Director or his/her designee to develop the necessary procedure and rules to insure the implementation and enforcement of the non-smoking policy.

**Legal Reference:** Drug-Free Workplace Act, 102 Stat. 4305-4308
Drug-Free Schools and Community Act, P.L. 99-570, as amended by P.L. 101-226(199)

- 21 U.S.C. 812, Controlled Substances Act I through V, 202
- 21 C.F.R. 1300.11 through 1300.15 regulation

**Connecticut General Statutes**

- 1-21b Smoking prohibited in certain places


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4118.233 Weapons and Dangerous Instruments

4118.233.1 Workplace Violence Prevention Policy

ACES is committed to providing its employees a reasonably safe and healthy working environment, free from intimidation, harassment, threats and/or violent acts.

No employee of ACES or other person shall possess or store a deadly weapon, or dangerous instrument, on ACES property, including ACES owned vehicles, or on any property in which ACES conducts any of its programs or shall possess such weapon while he/she is with ACES students or consumers.

Weapon means any firearm, including a BB gun, whether loaded or unloaded, any knife (excluding a small pen or pocket knife), including a switchblade or other knife having an automatic spring release device, a stiletto, any police baton or nightstick or any martial arts weapon or electronic defense weapon.

Dangerous Instrument means any instrument, article, or substance that, under the circumstances, is capable of causing death or serious physical injury.

This policy shall not apply to an employee or other person who is permitted by agreement in writing signed by the Executive Director to possess a firearm on ACES property as long as the employee or other person complies with the terms of said agreement.

This policy shall not apply to a peace officer, as defined in subdivision 9 of Section 53a-3 of the Connecticut General Statutes while engaged in the performance of his official duties.
Any employee violating this policy shall be subject to immediate disciplinary action up to and including termination of employment. Any other person violating this policy shall be considered a trespasser and subject to arrest.

**Legal Reference: Connecticut General Statutes**

10-221 Board of Education to prescribe rules

*Policy revised: July 12, 2000*

### 4118.234 (a) Prohibition on Recommendations for Psychotropic Drugs

In accordance with Conn. Gen. Stat. § 10-212b, the Board of Education prohibits school personnel from recommending the use of psychotropic drugs for any child. Moreover, personnel may not require that a child obtain a prescription for a controlled substance (as defined in the Controlled Substances Act, 21 USC 801 et seq.) in order for the child to: 1) attend school; 2) receive an initial evaluation or reevaluation to determine a child's eligibility for special education; or 3) receive special education and related services. Notwithstanding the foregoing, school health or mental health personnel may recommend that a child be evaluated by an appropriate medical practitioner and school personnel may consult with such practitioner with the consent of the parents or guardian of such child, in accordance with the procedures outlined below.

#### I. Definitions

For purposes of this policy, the following definitions apply:

A. **Psychotropic drugs** means prescription medications for behavioral or social-emotional concerns, such as attentional deficits, impulsivity, anxiety, depression and thought disorders, and includes, but is not limited to, stimulant medication and antidepressants.

B. **Recommend** means to directly or indirectly suggest that a child should use psychotropic drugs.

C. **School health or mental health personnel** means:
   1. school nurses or nurse practitioners appointed pursuant to Conn. Gen. Stat. § 10-212;
   2. school medical advisors appointed pursuant to Conn. Gen. Stat. § 10-205;
   3. school psychologists;
   4. school social workers;
   5. school counselors;
   6. school administrators;
   7. other school personnel (such as a teacher designated as a child's Case Manager) who have been identified by a Planning and Placement Team, Section 504 team, Student Assistance Team or similar group of district professionals as the person responsible for communication with a parent or guardian about a child's need for medical evaluation;
8. a school professional staff member designated by the Executive Director to communicate with a child’s parent or guardian about a child’s need for medical evaluation.

II. Procedures

A. A school health or mental health personnel, as defined above, may communicate with other school personnel about a child who may require a recommendation for a medical evaluation, provided that 1) there is a legitimate educational interest in sharing such information; and 2) such communication shall remain confidential, to the extent required by law.

B. A school health or mental health personnel, as defined above, may communicate a recommendation to a parent or guardian that a child be evaluated by a medical practitioner provided that 1) based on such person’s professional experience, objective factors indicate that a medical evaluation may be necessary to address concerns relating to the child’s education and overall mental health; and 2) any communication includes the basis for the recommendation.

C. If a parent or guardian determines that it is necessary to share medical information, including results of any medical evaluation, with school personnel, he or she may do so at any time. School personnel who receive such information directly from a parent must maintain the confidentiality of such information, to the extent required by law.

D. Any school personnel with a legitimate educational interest in obtaining information from a child’s medical practitioner outside the school who is not a school employee must obtain prior, written consent from the child’s parent or guardian to communicate with such outside medical practitioners. Any school health or mental health personnel, as defined above, may request written consent from the parent or guardian. To be valid, the written consent must:
   1. be signed by the child’s parent or guardian;
   2. be dated;
   3. provide the child’s name;
   4. provide the name of the medical practitioner and relevant contact information, to the extent known; and
   5. indicate the scope of the consent.

Nothing in this policy shall be construed to prevent school personnel from consulting with a medical practitioner who has information concerning a child, as long as the school district has obtained consent from the parent(s) or guardian(s) of the child, in accordance with the Section II.D., above. Nothing in this policy shall prevent a planning and placement team from recommending a medical evaluation as part of an initial evaluation or reevaluation, as needed to determine a child’s (i) eligibility for special education and related services, or (ii) educational needs for an individualized education program.

Legal Reference: Connecticut General Statutes

Conn. Gen. Stat. § 10-212b
Public Act 06-18, An Act Concerning Special Education
34 C.F.R. § 300.174 Prohibition on mandatory medication.
4118.24 (a) Staff/Student Non-Fraternization

The relationship between staff and the student or consumer should be one of cooperation, understanding and mutual respect. The staff has the responsibility to provide an atmosphere conducive to learning and to motivate each student/consumer to perform to his/her capacity.

Adults who have contact with students and consumers through activities have the responsibility not to betray or misuse their privileged position. Students and consumers develop a special trust in staff by virtue of the agency’s authority and the important role the schools/the agency plays in their lives. Adults must never take advantage of students’ or consumers’ vulnerability or of their confidence that adults within the agency will behave appropriately in relationships with them.

Staff are expected to regard each student and consumer as an individual and to accord each the rights and respect due to any individual.

Staff must maintain appropriate professional boundaries to preserve the professional atmosphere necessary to achieve the mission of the agency.

Any action or comment by a member of the staff which involves romantic or sexual involvement with a student or consumer is considered to be highly unethical and is unacceptable to the Board of Governors. This includes, but is not limited to, inappropriate conversations (including electronic communications and social media), inappropriate touching, dating, cohabitating or other inappropriate conduct.

(cf. 4118.112/4218.112 – Sexual Harassment)
(cf. 4118.23/4218.23 – Conduct)
(cf. 5141.4 – Child Abuse/Neglect)

Legal Reference:

CGS 10-53a-71 Sexual assault in the second degree: Class C or B felony
CGS 10-151 Employment of teachers. Definitions. Notice and hearing on failure to renew or termination of contract. Appeal
4118.3 Duties of Personnel

All employees of the school district are subject to policies of the ACES Governing Board, applicable laws, and current employee agreements.

Job descriptions shall determine the job classification of employees on salary schedules. In each instance employees shall meet the requirements set forth in the job description.

Policy revised: November 13, 2003

4118.5 Acceptable Computer Network Use (AUP)

Employee Use of the District’s Computer Systems and Electronic Communications

Introduction

Computers, computer networks, electronic devices, Internet access, and electronic mail are effective and important technological resources. The Board of Education has installed computers, a computer network, including Internet access and an e-mail system, and may provide electronic devices that access the system, such as personal laptops, Smartphones, I-Pads or other tablet computers, I-Phones, Androids or other mobile or handheld electronic devices, to enhance the educational and business operations of the district. In these regulations, the computers, computer network, electronic devices, Internet access and e-mail system are referred to collectively as "the computer systems."

These computer systems are business and educational tools. As such, they are being made available to employees of the district for district-related educational and business purposes. All users of the computer systems must restrict themselves to appropriate district-related educational and business purposes. Incidental personal use of the computer systems may be permitted solely for the purpose of e-mail transmissions and similar communications, including access to the Internet on a limited, occasional basis. Such incidental personal use of the computer systems is subject to all rules, including monitoring of all such use, set out in these regulations. Moreover, any such incidental personal use shall not interfere in any manner with work responsibilities.

These computer systems are expensive to install, own and maintain. Unfortunately, these computer systems can be misused in a variety of ways, some of which are innocent and others deliberate. Therefore, in order to maximize the benefits of these technologies to the district, our employees and all our students, this regulation shall govern all use of these computer systems.

Monitoring

It is important for all users of these computer systems to understand that the Board of Education, as the owner of the computer systems, reserves the right to monitor the use of the computer systems to ensure that they are being used in accordance with these regulations. The Board of
Education intends to monitor in a limited fashion, but will do so as needed to ensure that the systems are being used appropriately for district-related educational and business purposes and to maximize utilization of the systems for such business and educational purposes. The Executive Director reserves the right to eliminate personal use of the district’s computer systems by any or all employees at any time.

The Executive Director or the Assistant Executive Director for Finance and Operations may direct the system administrator and others managing the computer systems to access email or monitor activity on the computer system or electronic devices accessing the computer systems at any time and for any reason or no reason. Typical examples include when there is reason to suspect inappropriate conduct or there is a problem with the computer systems needing correction. Further, under the direction of Executive Director or the Assistant Executive Director for Finance and Operations, the system administrator and others managing the computer systems can access or monitor activity on the systems despite the use of passwords by individual users, and can bypass such passwords. In addition, review of emails, messages or information stored on the computer systems, which can be forensically retrieved, includes those messages and/or electronic data sent, posted and/or retrieved using social networking sites, including, but not limited to, Twitter, Facebook, LinkedIn, YouTube, and MySpace.

**Why Monitor?**

The computer systems are expensive for the Board to install, operate and maintain. For that reason alone it is necessary to prevent misuse of the computer systems. However, there are other equally important reasons why the Board intends to monitor the use of these computer systems, reasons that support its efforts to maintain a comfortable and pleasant work environment for all employees.

These computer systems can be used for improper, and even illegal, purposes. Experience by other operators of such computer systems has shown that they can be used for such wrongful purposes as sexual harassment, intimidation of co-workers, threatening of co-workers, breaches of confidentiality, copyright infringement and the like.

Monitoring will also allow the Board to continually reassess the utility of the computer systems, and whenever appropriate, make such changes to the computer systems as it deems fit. Thus, the Board monitoring should serve to increase the value of the system to the district on an ongoing basis.

**Privacy Issues**

Employees must understand that the Board has reserved the right to conduct monitoring of these computer systems and can do so despite the assignment to individual employees of passwords for system security. Any password systems implemented by the district are designed solely to provide system security from unauthorized users, not to provide privacy to the individual system user.
The system's security aspects, message delete function and personal passwords can be bypassed for monitoring purposes.

Therefore, employees must be aware that they should not have any expectation of personal privacy in the use of these computer systems. This provision applies to any and all uses of the district’s computer systems and electronic devices that access same, including any incidental personal use permitted in accordance with these regulations.

Use of the computer system represents an employee’s acknowledgement that the employee has read and understands these regulations and any applicable policy in their entirety, including the provisions regarding monitoring and review of computer activity.

**Prohibited Uses.**

Inappropriate use of district computer systems is expressly prohibited, including, but not limited to, the following:

- Sending any form of solicitation not directly related to the business of the Board of Education;
- Sending any form of slanderous, harassing, threatening, or intimidating message, at any time, to any person (such communications may also be a crime);
- Gaining or seeking to gain unauthorized access to computer systems;
- Downloading or modifying computer software of the district in violation of the district's licensure agreement(s) and/or without authorization from supervisory personnel;
- Sending any message that breaches the Board of Education's confidentiality requirements, including the confidentiality rights of students;
- Sending any copyrighted material over the system;
- Sending messages for any purpose prohibited by law;
- Transmission or receipt of inappropriate e-mail communications or accessing inappropriate information on the Internet, including vulgar, lewd or obscene words or pictures;
- Using computer systems for any purposes, or in any manner, other than those permitted under these regulations;
- Using social networking sites such as Facebook, Twitter, MySpace and LinkedIn in a manner that disrupts or undermines the effective operation of the school district; is used to engage in harassing, defamatory, obscene, abusive, discriminatory or threatening or similarly inappropriate communications; creates a hostile work environment; breaches confidentiality obligations of school district employees; or violates the law, Board policies and/or the other school rules and regulations.

In addition, if a particular behavior or activity is generally prohibited by law and/or Board of Education policy, use of these computer systems for the purpose of carrying out such activity and/or behavior is also prohibited.

**Electronic Communications**

The Board expects that all employees will comply with all applicable Board policies and standards of professional conduct when engaging in any form of electronic communication, including texting, using the district’s computer system, or through the use of any electronic
device or mobile device owned, leased, or used by the Board. As with any form of communication, the Board expects district personnel to exercise caution and appropriate judgment when using electronic communications with students, colleagues and other individuals in the context of fulfilling an employee’s job-related responsibilities.

**Disciplinary Action**

Misuse of these computer systems will not be tolerated and will result in disciplinary action up to and including termination of employment. Because no two situations are identical, the Board reserves the right to determine the appropriate discipline for any particular set of circumstances.

**Complaints of Problems or Misuse**

Anyone who is aware of problems with, or misuse of these computer systems, or has a question regarding the appropriate use of the computer systems, should report this to his or her supervisor or to the Office of Human Resources.

Most importantly, the Board urges any employee who receives any harassing, threatening, intimidating or other improper message through the computer systems to report this immediately. It is the Board's policy that no employee should be required to tolerate such treatment, regardless of the identity of the sender of the message.

**Legal References: Connecticut General Statutes:**

Section 31-48b  
Section 31-48d

*Policy revised: November 13, 2014*

**4118.6 Cell Phone Usage**

Staff members are prohibited from using cell phones or devices for personal reasons while working with or driving students or consumers unless in the case of emergencies. This prohibits their use in classrooms, ACES owned vehicles, and during student/consumer related activities.

(cf. 5131.81 – Use of Beepers – Paging Devices/Cellular Telephones)

*Policy revised: November 13, 2014*
4119 Staff Conduct

The Board of Governors reaffirms one of the oldest beliefs in education: One of the best methods of instruction is that of setting a good example.

The Board of Governors expects that all staff of the agency will strive to set the kind of example that will serve them well in their own conduct and behavior, which will contribute toward an appropriate atmosphere.

Legal reference:

20 USCA – No Child Left Behind

Policy revised: November 13, 2014

4131 Activities - Staff Development

Within its purpose and mission statements, ACES places great emphasis on the provision of quality programs and services. In order to attain and sustain this level, it is necessary to attract the highest quality staff possible and to insure the continued development of these individuals.

In order to assist ACES staff to maintain and improve their effectiveness in providing programs and services amid the rapid changes and growing needs, the Governing Board will:

1. Provide for a planned, ongoing professional development program for all staff including the necessary funds and time for planning and implementation.
2. Instruct the Executive Director to establish a planning committee and other input groups composed of representatives of all classifications of staff. The Committee shall be responsible to the Executive Director for
   a. assessing immediate and long term needs at four levels: agency, program, job classification and individual
   b. planning, development and evaluating programs designed to meet assessed needs
3. Instruct the Executive Director to report annually to the Governing Board on the staff development program and its effect with recommendations for changes as needed.

Policy revised: October 10, 1991
4133 Travel Reimbursement

4133.1 Reimbursement for Use of Personal Vehicles by Staff

ACES shall reimburse staff at a per mile rate for prior approved, work related utilization of their own vehicle. Said per mile rate for each fiscal year shall be the IRS non-taxed reimbursement rates in force as of July 1 of that fiscal year.

Policy revised: June 14, 1990

4147.1 OSHA Blood borne Pathogens Standard

It is the obligation of ACES to promote safe work practices and to maintain a safe work environment in an effort to minimize the incidents of illness and injury experienced by its employees. Thus, ACES recognizes its responsibility to limit occupational exposure for its employees to blood and other potentially infectious materials.

The ACES Governing Board herewith establishes as policy the protection of its employees from blood borne pathogens and other potentially infectious materials and authorizes the Executive Director to establish procedures to ensure such protection.

Policy revised: December 14, 1992

4148.2 Indemnification of Staff and Board Members-Damage Suits

The Governing Board shall protect and save harmless any member of the Board of Governors or any staff member employed by the Board of Governors from financial loss and expense, including legal fees and costs, if any, arising out of any claim, demand, suit or judgment by reason of alleged negligence or other act resulting in bodily injury to or death of any person, or in accidental damage to or destruction of property, within or without school buildings, or other acts including, but not limited to infringement of any persons civil rights, resulting in any injury, which acts are not wanton, reckless or malicious, provided such staff member, at the time of the acts resulting in such injury, damage or destruction, was acting in the discharge of his or her duties or within the scope of employment or under the direction of the Governing Board.

Policy revised: November 13, 2014
4148.3 Indemnification of Personnel Assaulted in the Line of Duty

The Governing Board of ACES shall protect and save harmless any employee of ACES from financial loss and expense, including payment of expense reasonably incurred for medical or other service necessary as a result of an assault upon such employee while the employee was acting in the discharge of his or her duties, which expenses are not paid by the individual employee's insurance, workers compensation or any other source not involving an expenditure by the employee.

Any staff member absent from work as a result of injury sustained during an assault or for a court appearance in connection with such assault shall continue to receive his or her full salary, while so absent, except that the amount of any worker's compensation award may be deducted from salary payments during such absence. The time of absence shall not be charged against such employee's sick leave, vacation time or personal leave days.

Legal Reference: Connecticut General Statute

10-235 Indemnification of teachers, board members, employees and certain volunteers and students in damage suits; expenses of litigation
10-236 Indemnification of educational personnel assaulted in the line of duty.

Policy revised: April 11, 1985

4150.2 Military Leave

Each employee of ACES who is a member of the reserve corps of any branch of the armed forces of the United States, as defined by the General Statutes, shall be entitled to absent him/herself from duties at ACES as is required by State and Federal laws.

The District shall post a notice to person entitled to rights and benefits under USERRA, of the rights, benefits, or obligations of such persons and the District. Such notice shall be posted where the District customarily places notices for its employees.

Legal Reference: The Uniformed Services Employment Reemployment Rights Act (USERRA, 1994 as amended)

Veterans Benefits Improvement Act of 2004, P.L. 108-454 §201,203
20 CFR Part 1002, Notice of Rights and Duties Under the Uniformed Services Employment and Reemployment Rights Act; Intermit Final Rule
CT General Statute 10-156(d)

Policy revised: November 13, 2014
4152.6 Family and Medical Leave

ACES is committed to carrying out the provisions of the Family and Medical Leave Act of 1993. Each staff member will receive proper notification as to the requirements of the act and the procedures to be utilized at ACES.

Policy revised: November 13, 2014

4153 Vacations and Holidays

Vacations and Holidays are provided to employees as detailed in collective bargaining agreements or in the ACES staff handbook for those employees not covered by collective bargaining agreements.

Policy revised: November 13, 2014

4153.1 Religious Holidays

Religious holidays are provided to employees as detailed in collective bargaining agreements or in the ACES staff handbook for those employees not covered by collective bargaining agreements.

Policy revised: November 13, 2014

4153.2 Holidays

Holidays are provided to employees as detailed in collective bargaining agreements or in the ACES staff handbook for those employees not covered by collective bargaining agreements.

Policy revised: November 13, 2014

4153.3 Vacation

Vacation days are provided to employees as detailed in collective bargaining agreements or in the ACES staff handbook for those employees not covered by collective bargaining agreements.

Policy revised: November 13, 2014