

## **Affirmative Action/Recruitment and Selection (10-15c, 46a-60)**

### **Recruitment and Selection**

The Windham Charter School Corp. (WCSC) will maintain a recruitment program designed to attract and hold the best possible personnel who are highly qualified as defined by federal law.

The school recognizes the heterogeneity of the people who live in the region and believes that this characteristic should have an important bearing on all aspects of the school's activities.

The WCSC believes it is especially important that this heterogeneity of population be recognized in the recruitment and assignment of personnel.

To this end, WCSC, through its management agreement, shall develop and implement a written plan for minority staff recruitment. The administration is directed to make a serious effort to see that the recruitment procedures of the district produce a total staff representative of the total population of the region.

The school shall engage in fair and sound personnel practices in the appointment of all district employees. The administration, through its management agreement, shall be responsible for establishing recruitment, selection, and appointment procedures.

The administration shall insure that the school is in compliance with the provisions of Title I, the No Child Left Behind Act. Manuals and handbooks shall comply with federal law as to the qualifications for instructional personnel.

Legal Reference: Connecticut General Statutes

10-151 Employment of teachers. Notice and hearing on termination of contract.

10-153 Discrimination on account of marital status.

10-220 Duties of Boards of Education. (as amended by PA 98-252)

46a-60 Discriminatory employment practices prohibited.

20 U.S.C. Section 1119 No Child Left Behind Act

34 C.F.R. 200.55 Federal Regulations

Policy adopted: July 28, 2014

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**Affirmative Action/Recruitment and Selection (10-15c, 46a-60)  
Equal Employment Opportunity**

**Affirmative Action**

The Windham Charter School Corp. (WCSC) will provide equal employment opportunities for all persons without regard to race, color, religious creed, age, marital status, national origin, sex, sexual orientation, or physical disability.

WCSC requests an annual report from the administration concerning the extent to which the above-mentioned affirmative action program goals are being achieved.

No advertisement of employment opportunities may by intent or design restrict employment based upon discrimination as defined by law.

Legal Reference: Connecticut General Statutes

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 42 U.S.C. 2000e, et seq.

Policy adopted: July 28, 2014

## **Security Check/Fingerprinting/Criminal Records Check (10-221d)**

### **Personnel -- Certified/Non-Certified**

#### **Security Check/Fingerprinting**

Each applicant for a position within the school shall be asked whether he/she has ever been convicted of a crime and whether there are any criminal charges pending against him/her at the time of application. Each person hired by the school shall be required to submit to state and national criminal record checks.

1. No later than ten (10) calendar days after the school has notified a job applicant of a decision to hire the applicant, or as soon thereafter as practicable, the school, or designee, will supply the applicant with a packet containing all documents and materials necessary for the applicant to be fingerprinted. This packet shall also contain all documents and materials necessary to submit the completed fingerprints to the State Police Bureau of Identification for the processing of state and national criminal record checks.
2. No later than ten (10) calendar days after the school, or designee, has provided the successful job applicant with the fingerprinting packet, the applicant must arrange to be fingerprinted. Failure of the applicant to have his/her fingerprints taken within such ten-day period, without good cause, will be grounds for the withdrawal of the offer of employment.
3. Any person for whom criminal 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 record checks.
4. Upon receipt of a criminal record check indicating a previously undisclosed conviction, the school, or designee, will notify the affected applicant/employee in writing of the results of the record check and will provide an opportunity for the affected applicant/ employee to respond to the results of the criminal record check.
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. Substitute teachers, if they are continuously employed by the school, do not have to be refingerprinted after fulfilling the initial requirement.
7. School nurses shall also submit to a criminal history check pursuant to C.G.S. 29-17a.

8. Student teachers placed in schools as part of completing preparation requirements for the issuance of an educator certificate shall also be required to undergo the same criminal background checks already required for school employees.

Legal Reference: Connecticut General Statutes

10-221d Criminal history records checks of school personnel. Fingerprinting.  
Termination or dismissed. (as amended by PA 01-173, PA 04-181 and June 19  
Special Session, Public Act No. 09-1)

Policy adopted: July 28, 2014

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**Nondiscrimination (Title IX of Educational Amendments of 1972-34 C.F.R.§106.9)**

**Personnel -- Certified/Non-Certified**

**Nondiscrimination**

The Windham Charter School Corp. will not make employment decisions (including decisions related to hiring, assignment, compensation, promotion, demotion, disciplinary action and termination) on the basis of race, color, religion, age, sex, marital status, sexual orientation, national origin, ancestry, disability or genetic information, except in the case of a bona fide occupational qualification.

For the purposes of this policy, “genetic information” means the information about genes, gene products, or inherited characteristics that may derive from an individual or a family member.

Legal Reference: Connecticut General Statutes

10-153 Discrimination on account of marital status.

46a-60 Discriminatory employment practices prohibited.

46a-81a Discrimination on basis of sexual orientation

Federal Law

Title VII of the Civil Rights Act 1964

Section 504 and the Federal Vocational Rehabilitation Act of 1973, 20 U.S.C. 706(7)(b).

American Disability Act of 1989.

*Chalk v. The United States District Court of Central California.*

Title IX of the Education Amendments of 1972.

Civil Rights Act of 1987.

Policy adopted: July 28, 2014

## **Personnel -- Certified/Non-Certified**

### **Nondiscrimination Complaint Procedure**

Any student, employee, or citizen complaint alleging discrimination shall receive prompt and equitable attention according to the following guidelines:

1. The complainant shall discuss the alleged discriminatory act or practice with the Principal of the school. The Principal shall respond to the complainant within ten (10) calendar days.
2. If the complainant is not satisfied with the response, he/she may submit a written appeal to the Civil Rights Coordinator within ten (10) calendar days after receiving the response. The Compliance Officer shall respond in writing to the complainant within twenty (20) calendar days after the written appeal is received.
3. If the complainant is not satisfied with the response, he/she may submit a written appeal for a hearing to the Windham Charter School Corp. within fifteen (15) calendar days after receiving the written response.
4. The Windham Charter School Corp. shall schedule a hearing within thirty (30) calendar days following receipt of the appeal and inform all parties involved of the date, time and place of the hearing. The complainant shall have the right to counsel or other representation and to present witnesses. Windham Charter School Corp., or a committee appointed to hear such complaints, shall hear all aspects of the appeal and respond in writing to the complainant within thirty (30) calendar days after the hearing.

#### Legal Reference: Connecticut General Statutes

10-153 Discrimination on account of marital status.

46a-60 Discriminatory employment practices prohibited.

46a-81a Discrimination on basis of sexual orientation

Federal Law

Title VII of the Civil Rights Act 1964

Section 504 and the Federal Vocational Rehabilitation Act of 1973, 20 U.S.C. 706(7)(b).

American Disability Act of 1989.

*Chalk v. The United States District Court of Central California.*

Title IX of the Education Amendments of 1972.

Civil Rights Act of 1987.

Regulation approved: July 28, 2014

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## **Drug and Alcohol Use and Possession (10-221d & 49 C.F.R 382)**

### **Personnel -- Certified/Non-Certified**

#### **Employee Substance Abuse**

The Windham Charter School Corp. recognizes that substance abuse poses a serious threat to the health, safety, and well-being of its students and employees. Unless prescribed by a physician, no possession or use of alcohol or drugs is considered safe or reasonable. This policy is an integral part of the School Drug and Alcohol Prevention Program and represents one component of an effort to respond effectively to drug and alcohol related activities that may occur at school or at school-sponsored activities.

Any employee is in violation of this policy, whether or not school is in session, if he or she is on school grounds, on a school bus, or anywhere at a school-sponsored activity and he or she is under the influence of alcohol, drugs, or mood-altering substances or unlawfully manufactures, possesses, uses, dispenses, distributes, sells, or aids in the procurement of alcohol, narcotics, restricted drugs, mood-altering substances, or any substances purported to be a restricted substance or drug paraphernalia. Such employee shall be subject to discipline up to and including suspension or termination, referral for prosecution, and intervention pursuant to the provisions and procedures outlined in the administrative regulations. Copies of these standards of conduct and sanctions shall be provided to all employees.

A drug and alcohol awareness program for employees shall be developed and maintained. The program shall include information about the dangers of drug abuse in the workplace, the policy of maintaining a drug-free workplace, the availability of any drug counseling, rehabilitation, and employee assistance programs and the penalties that may be imposed upon employees for drug abuse violations occurring in the workplace. Information about counseling and rehabilitation programs will be provided to employees as described in administrative regulations.

As a condition of employment, employees shall abide by the terms of this policy and shall notify the Windham Charter School Corp. of any criminal drug statute conviction for a violation occurring in the workplace within five (5) days of the conviction. The federal agency(ies) which grant(s) funds to the Windham Charter School Corp. will be notified of the conviction within ten (10) days, and appropriate personnel action will be taken against the employee within thirty (30) days as set forth in the administrative regulations.

The Windham Charter School Corp. reserves the right to use any other measures not provided for specifically in any rule or regulation enumerated herein, based on the nature of the individual substance abuse problem.

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.  
54 Fed. Reg. 4946 (1989)  
Connecticut General Statutes  
1-21b Smoking prohibited in certain places.

Policy adopted: July 28, 2014

## **Employee Substance Abuse**

### **Drug and Alcohol Prevention Program**

These regulations represent one component of a school-wide effort to respond effectively to drug, mood-altering substance, and alcohol-related situations that may occur at school or at school-sponsored activities, whether or not school is in session. These procedures are intended to provide a consistent disciplinary means to respond to drug, mood-altering substance, and alcohol related incidents. The Windham Charter School Corp. will provide a safe and healthy environment for employees with due consideration for their legal rights and responsibilities.

### **Counseling and Rehabilitation Programs**

Counseling and rehabilitation programs are listed in an addendum to these regulations. The addendum shall be updated from time-to-time.

### **Disciplinary Action**

#### **Definitions**

1. **Cooperative Behavior** - means the willingness of an employee to work with appropriate personnel in a reasonable and helpful manner, complying with requests and recommendations made by such personnel.
2. **Uncooperative Behavior** - means resistance or refusal, either verbal, physical or passive, on the part of the employee to comply with the reasonable requests or recommendations of administrative personnel. Defiance, assault, deceit, and flight shall constitute examples of uncooperative behavior. Uncooperative behavior shall also include the refusal to comply with the recommendations of any counseling or rehabilitation program in which the employee is participating.
3. **Conviction** - means a finding of guilt (including a plea of nolo contendere) or imposition of a sentence, or both, by any judicial body charged with the responsibility to determine violation of the federal and state (including the District of Columbia) criminal drug statutes.

#### **Procedures**



1. If an administrator has reasonable cause to suspect that a school employee is manufacturing, possessing, using, dispensing, distributing, or selling an illicit drug, the following will occur:
  - a. The police will be notified.
  - b. The school will investigate the allegations. The Principal may suspend the employee with or without pay during such investigation.
  - c. If the employee is convicted or if the investigation establishes that such misconduct occurred, termination of employment may result.
2. If an administrator has reasonable cause to suspect that a school employee is dispensing or selling alcohol on school property, the following will occur:
  - a. The police will be notified.
  - b. The school will investigate the allegations. The Principal may suspend the employee with or without pay during such investigation.
  - c. If the employee is convicted or if the investigation establishes that such misconduct occurred, termination of employment may result.
3. If an administrator has reasonable cause to suspect that a school employee possesses, uses, or is under the influence of alcohol on school property or at school functions, the following will occur:
  - a. If currently under the influence, the employee will be sent home without pay.
  - b. If the employee recognizes his/her problem and demonstrates cooperative behavior, appropriate disciplinary action will be taken. Such discipline may include: verbal counseling by the appropriate administrator, referral to counseling or rehabilitation programs, a letter of reprimand, suspension, and termination.
  - c. If the employee refuses to recognize the problem or will not participate in a counseling or rehabilitation program (uncooperative behavior) appropriate disciplinary action will be taken. Such discipline may include: a letter of reprimand, suspension with or without pay, or termination.

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).

Regulation approved: July 28, 2014

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## **Psychotropic Drug Use (10-212b)**

### **Personnel – Certified**

#### **Students**

### **Prohibition on Recommendation for Psychotropic Drugs**

The Windham Charter School Corp. prohibits school personnel from recommending the use of psychotropic drugs for any child. For the purposes of this policy, the term “recommend” shall mean to directly or indirectly suggest that a child should use psychotropic drugs.

Psychotropic drugs are defined as 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 medications and anti-depressants.

However, school health or mental health personnel, including school nurses or nurse practitioners, school psychologists, school social workers, and school counselors may recommend that a student be evaluated by an appropriate medical practitioner.

The school, in cooperation with sending districts, shall follow procedures for identification, evaluation, placement and delivery of services to children with disabilities or suspected disabilities provided in state and federal statutes that govern special education.

Notwithstanding the foregoing, school medical staff may recommend that a child be evaluated by an appropriate medical practitioner.

Nothing in this policy shall be construed to prohibit a Planning and Placement Team from discussing with parents and/or guardians of a child the appropriateness of consultation with, or evaluation by, medical practitioners; or to prohibit school personnel from consulting with appropriate medical practitioners with the consent of the parents and/or guardians of a child.

The Windham Charter School Corp. recognizes that the refusal of a parent or other person having control of a child to administer or consent to the administration of any psychotropic drug to the child shall not, in and of itself, constitute grounds for the Department of Children and Families (DCF) to take such child into custody or for any court of competent jurisdiction to order that such child be taken into custody by the Department, unless such refusal causes such child to be neglected or abused, as defined in C.G.S. 46b-120.

The Principal, or his/her designee, shall promulgate this policy to staff and parents/guardians of students annually and upon the registration of new students.

Legal Reference: Connecticut General Statutes

10-212b Policies prohibiting the recommendation of psychotropic drugs by school personnel. (as amended by PA 03-211)

46b-120. Definitions

10-76a Definitions. (as amended by PA 00-48)

10-76b State supervision of special education programs and services.

10-76d Duties and powers of boards of education to provide special education programs and services. (as amended by PA 97-114 and PA 00-48)

10-76h Special education hearing and review procedure. Mediation of disputes. (as amended by PA 00-48)

State Board of Education Regulations.

34 C.F.R. 3000 Assistance to States for Education for Handicapped Children.

American with Disabilities Act, 42 U.S.C. §12101 et seq.

Individuals with Disabilities Education Act, 20 U.S.C. §1400 et seq.

Rehabilitation Act of 1973, Section 504, 29 U.S.C. § 794.

Policy adopted: July 28, 2014

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**Alcohol & Drug Free Workplace 49 C.F.R. 382.601; 41U.S.C. §§7010707**

**Personnel – Certified/Non-Certified**

**Alcohol, Drugs and Tobacco**

**Drug and Alcohol-Free Workplace**

All school workplaces are drug- and alcohol-free workplaces. All employees shall be prohibited from:

1. Unlawful manufacture, dispensing, distribution, possession, use, or being under the influence of a controlled substance while on school premises or while performing work for the school.
2. Distribution, consumption, use, possession, or being under the influence of alcohol while on school premises or while performing work for the school.

For purposes of this policy a controlled substance is one that is:

1. Not legally obtainable;
2. Being used in a manner different than prescribed;
3. Legally obtainable, but has not been legally obtained; or
4. Referenced in Federal or State controlled substance acts.

As a condition of employment, each employee shall:

1. Abide by the terms of the school policy respecting a drug- and alcohol-free workplace; and
2. Notify his or her supervisor of his or her conviction under any criminal drug statute for a violation occurring on the school premises or while performing work for the school, no later than five (5) calendar days after such a conviction.

In order to make employees aware of dangers of drug and alcohol abuse, the school will:

1. Provide each employee with a copy of the School Drug- and Alcohol-Free Workplace policy;
2. Post notice of the School Drug- and Alcohol-Free Workplace policy in a place where other information for employees is posted;
3. Make available materials from local, state, and national anti-drug and alcohol-abuse organizations;

4. Enlist the aid of community and state agencies with drug and alcohol informational and rehabilitation programs to provide information to school employees;
5. Establish a drug-free awareness program to inform employees about:
  - a. The dangers of drug abuse in the workplace,
  - b. Available drug and alcohol counseling, rehabilitation, re-entry, and any employee assistance programs, and
  - c. The penalties that the school may impose upon employees for violations of this policy.

### **School Action Upon Violation of Policy**

An employee who violates this policy may be subject to disciplinary action, including termination. Alternatively, the school may require an employee to successfully complete an appropriate drug- or alcohol-abuse, employee-assistance rehabilitation program.

The Windham Charter School Corp. shall take disciplinary action with respect to an employee convicted of a drug offense in the workplace within thirty (30) days after receiving notice of the conviction.

Should employees be engaged in the performance of work under a federal contract or grant, or under a State contract or grant of \$5,000 or more, the Principal shall notify the appropriate State or Federal agency from which the school receives contract or grant monies of the employee's conviction within ten (10) days after receiving notice of the conviction.

#### Legal Reference: Connecticut General Statutes

Controlled Substances Act, 21 U.S.C. §812; 21 C.F.R. 1308.11-1308.15

Drug-Free Workplace Act of 1988, 41 U.S.C. §701 et. seq.

Drug-Free Schools and Community Act, P.L. 99-570, as amended by P.L. 101-226 (199)

Safe and Drug-Free School and Communities Act of 1994, 20 U.S.C. §7101 et. seq.

Drug-Free Workplace Act, 30 ILCS 580/1 et. seq.

Policy adopted: July 28, 2014

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