Ashford Board of Education
Ashford, Connecticut
Regular Meeting Agenda
August 20, 2015
7:30 pm
Ashford School
Library Media Center

1. Call To Order
2. Persons to be Heard
3. Communications
4. Approval of Minutes: 07/16/2015
5. Distribution of Administrative Reports
   a. Superintendent
      - Budget
      - School Safety
      - Building and Grounds Committee
      - Curriculum
   b. Principal
   1. STEAM Initiative Status Report
      - Arts – New Emphasis on Visual Arts, Dance and Theater
      - Sciences
   2. Curriculum Report
      - Upgrade Plans – Status
      - Writing Initiative
      - Directions for Action
      - Closing Remarks
   c. Director of Pupil Personnel
6. New Business
   a. Approval of School Bus Specifications for RFP
   b. Approval of Ashford School Bus Routes
   c. Staff Resignation
   d. Staff Appointments
7. Old Business
   a. Second Reading: Curricular Exemptions
8. Next Meeting Date/Agenda Items
9. Adjournment

Ashford Board of Education Goals

The Ashford Board shall:

1. Initiate policies and practices, as well as devote appropriate resources, towards the improvement of Ashford students on Connecticut standardized testing.
2. Promote instructional practices rooted in the individual skills, talents, needs and performance of the student.
3. Initiate mechanisms for improved and effective communication with the community as well as town leaders and other town boards and committees.
4. Develop a three-year school improvement plan that presents, and explains, an optimal path towards educational excellence in Ashford.

All meetings, conferences, programs and activities at Ashford School are available, without discrimination, to individuals with disabilities as defined by the Rehabilitation Act of 1973 and/or Title II of the American with Disabilities Act. Individuals with disabilities requesting relocation of this meeting should call the Superintendent at 429-1927 or e-mail a request to jplongo@ashfordct.org not later than 2 working days prior to the meeting. Hearing impaired individuals may communicate their request for accommodations by using the e-mail address above, or calling the State of CT TDD relay service (800) 842-2880 or the national relay service number (800) 855-2880.

Enclosures: Minutes 7/16

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Employment Law Letter

Summer 2015

Labor & Employment Practice Group

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Disability Benefits a Trap for Unwary Employers

Often employers, especially state and local government entities that negotiate contracts with unions, agree to provide benefits to employees who become disabled, but don't pay enough attention to the details. Some recent examples that have been in the news illustrate just how costly such mistakes can be.

A Newtown police officer who suffered from PTSD after the Sandy Hook shootings applied for and was granted benefits under the town's disability insurance policy. The trouble was that the applicable collective bargaining agreement said, "Employees shall be eligible for Long Term Disability benefits for the length of their disablement up to their normal retirement date," but the disability insurance policy the town bought only provided benefits for mental illness for twenty-four months.

The issue ended up in arbitration, with the town arguing they shouldn't be obligated to self-insure for the additional cost of providing benefits up to normal retirement, which it estimated to be over $380,000. The majority of the arbitration panel disagreed, saying the "plain language" of the union contract supported the officer's claim. Obviously, someone should have looked at the insurance policy more carefully, to be sure it conformed to what employees had been promised.

Many disability insurance policies provide more generous benefits for the first few years than they do for the longer term. For example, some policies say benefits are payable for a limited period if an employee is unable to perform the duties of his or her own occupation, but are only payable thereafter if the employee is unable to engage in any gainful employment. The latter standard is closer to what Social Security provides.

The same distinction is sometimes drawn in pension systems that provide disability benefits, and a good example of that is Connecticut's state employee pension plan. If a worker is disabled from performing his or her own job, there is supposed to be a medical review after two years to see whether there is "suitable and comparable" employment the worker can do. A recent whistleblower complaint alerted state auditors to the fact that the state had not been conducting these examinations for some time, allegedly because of disputes over how the term "suitable and comparable" should be interpreted.

According to recent reports, the state and its unions have negotiated a fix for this problem, but nobody has publicly disclosed the terms. Given the generous level of state employee benefits, adoption of a more rigorous standard would be fiscally prudent

but seems unlikely.

Our opinion is that this problem should have been addressed long ago. If there was a dispute over the standard to be applied in medical reviews, the state should have applied whatever standard it believed was appropriate and let the unions challenge it. Who knows how much money from the already underfunded state employee pension plan has been wasted because of this issue, or how much more would have been wasted if it were not for the whistleblower?

Union "Prisoner" Shirts Prohibited by AT&T

A few years ago, when AT&T was negotiating a new contract with its unions in Connecticut, the workers started wearing T-shirts with "Inmate #" on the front and "Prisoner of AT$T" on the back, with vertical stripes suggesting the bars of a jail, as a way of putting pressure on the company. AT&T responded by prohibiting the wearing of such shirts by employees who interacted with customers, and issued one-day suspensions to workers who violated that order.

The union ran to the NLRB, alleging an unfair labor practice. A majority of the Board ruled that the order violated the employees' right to wear union apparel at work. They said that customers would not confuse the shirts with real prison uniforms. Not surprisingly, AT&T disagreed with the decision, and went to court.

A federal appeals court has now overturned the NLRB decision, stating that the issue was not whether customers might think they were dealing with convicts, but whether AT&T reasonably believed the shirts might hurt its public image. In a rebuke to today's notoriously pro-labor NLRB, the court said that common sense "sometimes matters," and that the company's action was a reasonable effort to protect its reputation.

The court rejected the Board's reasoning that the company had not disciplined employees who wore other unprofessional apparel, such as shirts that said "Support your local hookers" (with an image of a fishing lure), or "If I want your opinion, I'll take the tape off your mouth." Those messages did not directly disparage the company. Further, the court said allowing one or two unprofessional shirts didn't require an employer to allow any and all unprofessional attire.

Our opinion is that the NLRB's decision made no sense, and we applaud AT&T's action in going to court, even though its negotiations with the union were successfully resolved. If it hadn't done so, or hadn't prevailed, unions everywhere might have adopted similar tactics.

Educator Salary Cap Reinterpreted by Attorney General

The state's pension plan that covers public school teachers and administrators, including superintendents, allows retired professionals to remain employed by local boards of education, provided they do not receive a salary greater than 45% of the maximum salary for the position in question. Presumably the intent is to assure that their salary plus their pension does not produce a lot more income than they would receive if they hadn't retired.

However, many educators have negotiated deals that comply with the salary cap, but include other benefits that push the value of their contract considerably higher. Some superintendents who are approaching retirement age have applied for a pension, but have continued working in their same position with a reduced salary plus deferred income that effectively restores their cut in pay. The Administrator for the Teachers' Retirement Board ("TRB") has long considered such an arrangement to be acceptable under TRB rules, until recently.

In response to an inquiry from the TRB Administrator, Attorney General George Jepsen has ruled that for purposes of applying

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the 45% cap, the term "salary" includes the value of any fringe benefits the educator may receive. His opinion states that the obvious intent of the legislature was to limit the total compensation of an educator reemployed during retirement, and to permit other forms of payment to exceed the salary cap "would result in no limit at all."

Some local school officials still feel there is an ambiguity in the statute, and that the appropriate fix would be for the legislature to clarify it. The General Assembly might also address the question of what to do about existing arrangements under which local school districts are contractually bound to provide benefits to educators who, according to the Attorney General's opinion, are not entitled to them.

Our opinion is that the legislature never considered this issue, and if it had, it might have used a word like "compensation" rather than "salary" in defining the earnings cap for retirees. Since the wording of the statute is what led to this problem, it seems logical that the legislature should clarify the wording in order to accurately reflect its intent.

How to Guarantee You'll Be Sued

The front page story in a recent edition of the Connecticut Law Tribune, with the headline "Firing Line," provides a textbook example of how to make so many bad HR decisions that you're sure to get sued, not once but multiple times. The facts, as reported by the Law Tribune, would provide the basis for an issue-spotting law school exam.

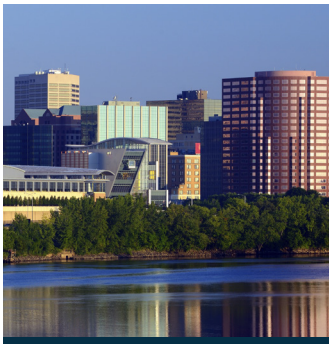
Several members of the same family (the father, two daughters and a son-in law) worked for many years for Fairfield Caterers, an entity jointly owned by two business men. The father was responsible for sales for wedding venues. When he was 70 years old, the owners allegedly decided that young brides could not relate well to someone of his age. They told his two daughters it was time for him to retire.

When that didn't happen, they fired him, on his 71st birthday. He of course filed a complaint with the CHRO. Allegedly, the owners pressured the daughters to get their father to withdraw his complaint, but he didn't. They then hired an investigator, presumably to get some "dirt" on the family. They discovered that the father had accepted payments from vendors, which the owners called kickbacks and he called tips, and that one of the daughters (Kelli) had done the same thing, so they fired her as well, even though she was pregnant at the time.

Her husband, who had worked for the business since before the two were married, told the owners that what they had done was illegal. He was promptly demoted, and claimed they made his life so miserable that he quit. After the other daughter (Holly) protested the treatment of her father and sister, she too was fired. Holly brought a lawsuit, which is still pending. Her father's case has been settled on undisclosed terms, but presumably it involved some substantial payment, since the facts seemed egregious.

The focus of the Law Tribune story was on the resolution of Kelli's case. After a lengthy jury trial, Kelli was awarded almost $300,000 in back pay, and then in addition, almost $250,000 for attorney fees and costs. The total of over half a million dollars was to be split between the two owners.

* Editor of this newsletter. Questions or comments? Email bclemow@goodwin.com.



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Our advice to employers is that if they don't have sophisticated HR staff in house, they should consult with counsel before firing people. Some sound legal advice might have saved Fairfield Caterers a lot of money in the long run. As an example, a lawyer likely would have recommended a retirement incentive, which could have accomplished the desired result at a fraction of the cost.

Legal Briefs
and Footnotes

Orchestra Players Can't Unionize: In 2005, the Connecticut State Board of Labor Relations ruled that musicians who played for the Waterbury Symphony Orchestra could not unionize, because their employment relationship was too tenuous. The same issue was presented to the SBLR this year, with the same result. Although musicians are required to comply with certain symphony rules, most of them play in less than half of any given season's performances, and someone who works every concert earns less than $2000. The majority of the Board concluded this was insufficient to meet the "economic realities" test for employee status.

No Retro Pay for Ex-Employee: If an employee resigns while his union contract is being renegotiated, and the contract is later settled with a pay increase that is retroactive to a date before his resignation, is he entitled to the additional compensation? A Canton police officer demanded four months' worth of a retroactive pay increase under just those circumstances. A divided arbitration panel rejected his claim, because he was not an employee at the time the increase was negotiated. This dispute could have been avoided if the contract had been worded so that the increase only applied to those who were employed as of a specific date.

Punitive Damages Revisited: We have reported before on the split of court authority on the question of whether punitive damages are allowed under Connecticut's Fair Employment Practices Act. Superior Court decisions have gone both ways. Now an Appellate Court has ruled that FEPA does not provide for punitive damages. Since it does allow recovery of litigation costs, which most courts use as a basis for computing punitive damages when such damages are available, granting punitive damages as well would effectively allow double recovery. It's a safe bet that this issue will end up before the Connecticut Supreme Court.

Commuting Injuries Compensable: Unlike most employees, municipal police officers are covered by workers compensation if they are injured on their way to or from work. But what if an officer has his kids in the car, so he can drop them off at day care on the way to work? A New Haven cop was injured in an accident on his morning commute, but the City contested workers compensation because he had children in the car. An Appellate Court ruled that he was not disqualified from benefits, because the day care facility was only slightly out of his way, and in any event, he had not yet deviated from his commuting route when the accident occurred.

Save the Dates:

Sexual Harassment Prevention Training
October 1st, 8th, and 29th
8:00 AM - 10:00 AM
Hartford Office

October 15th
1:30 PM - 3:30 PM
Stamford Office

Labor and Employment Fall Seminar
Friday, October 23rd
8:00 AM - 12:00 PM
Hartford Marriott Downtown

Register at www.shipmangoodwin.com

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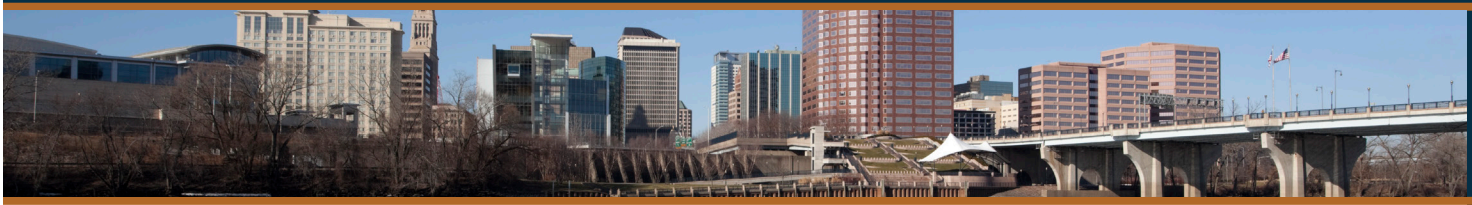
Employment Legislation Summary



2015 SESSION
CONNECTICUT GENERAL ASSEMBLY

In its 2015 session, the General Assembly passed a number of new laws affecting employers. Except as otherwise noted, the changes are effective **October 1, 2015**. *The following material summarizes these new laws, but the specific provisions should be reviewed in the context of specific situations. These new statutes are available online through the General Assembly website at http://www.cga.ct.gov/. We will be happy to send you copies of any of these new Public Acts upon your request.*

The State Budget

Civil Actions for past due payments to employee welfare funds; "Labor Peace Agreements" for certain state-funded hospitality projects; and paid FMLA implementation

Public Act 15-5 implements the state budget but also contains three sections affecting labor and employment laws. The first is section 112, which allows an employee to sue for unpaid wages over an employer's past due payments to an employee welfare fund. Employee welfare funds provide healthcare, disability, or retirement benefits for employees. To be covered, the payment must be past due under a written contract's terms or the rules and regulations adopted by the fund's trustees. The new law states that such past due amounts "shall be considered wages," bringing them under the preexisting wage and hour laws. Thus, the act allows an employee to be awarded up to twice the amount owed, plus costs and attorney's fees.

The labor commissioner can also (1) collect the past due payments, plus interest, or (2) bring a legal action to recover up to twice the amount owed, plus costs and attorney's fees. The act applies to all employers; however, it appears that the federal Employee Retirement Income Security Act (ERISA) may preempt this provision from applying to private sector employers and employees. Since ERISA generally does not apply to public employers and their employees, the net result appears to be that only public sector employers, including the state itself, will be affected by this new act.

The act also allows such an aggrieved employee to bring a civil action against (1) a sole proprietor or general partner, or officer, director, or member of a corporation or LLC who failed to make the required payment, or (2) any employee of a corporation or LLC, who was designated to make the payment but failed. Under the act these people can be found personally liable for the amount due, plus costs and attorney's fees. However, it appears that ERISA may also preempt this provision from applying to private sector employers and their employees. Section 112 takes effect October 1, 2015.

Next, section 113 of the new act requires the state, in certain state-backed "hospitality projects," to require contracts for hotel or concession area operation or management services to include a labor peace agreement between the contractor, including any of its subcontractors, tenants, or licensees, and the labor organization representing or seeking to represent the hotel's or concession area's employees.

Under the act, a "labor peace agreement" is an agreement that requires the labor organization and its members to refrain from engaging in labor

activity that may disrupt the hotel's or concession area's operations, including strikes, boycotts, work stoppages, and picketing. The requirement applies if the state has a "substantial proprietary interest" in the hospitality project. The state has such an interest if (1) it invested at least $6 million in the hospitality project or 20% of the project's costs, whichever is less, and must be reimbursed under a finance agreement, or (2) the project has a contract, lease, or license that entitles the state to receive rents, royalties, or other payments in connection with a property provided by the state and based on the project's revenue. The labor peace agreement must stay in effect until the state's financial investment is fully repaid.

For purposes of the new act, a "hospitality project" is a (1) capital project involving a restaurant, bar, club, cafeteria, or other food and beverage operation within a hotel's premises, or (2) concession area used to provide food and beverage or news and gift services within the premises of a state-owned or operated facility that is financed or contracted for by the state. A "capital project" is any acquisition, construction, rehabilitation, or remodeling of any structure (1) used or intended to be used for commercial purposes, and (2) financed in whole or in part with funds or property from, or arranged by, the state, including grants, loans, bonds, revenue bonds, tax increment financing, real property conveyances, or other means. ***Effective Date: January 1, 2016.***

Finally, the labor commissioner, in consultation with other state agencies, must establish procedures to implement an employee-funded paid family and medical leave (FML) program. Under PA 15-5 she must contract with a consultant to create an implementation plan for the program by October 1, 2015. At minimum, the plan must:

1. include a process to evaluate and establish mechanisms by which employees who elect to participate must contribute a portion of their salary or wages to this employee-funded paid FML program by possibly using existing technology and payroll deduction systems;

2. identify mechanisms for timely claim acceptance and processing; fraud prevention; and any staffing, infrastructure and capital needs associated with administering the program;

3. identify mechanisms for timely distributing employee compensation and any associated staffing, infrastructure, and capital needs; and

4. identify funding opportunities to assist with start-up costs and program administration, including federal funds.

The act also requires the labor commissioner, by October 1, 2015 and in consultation with the treasurer, to contract with a consultant to perform an actuarial analysis and report on the employee contribution level needed to ensure sustainable funding and administration for a paid FML compensation program. The commissioner must submit a report on the implementation plan and actuarial analysis to the Labor and Appropriations committees by February 1, 2016. ***Effective upon passage.***

Loss of an Operator License Due to a Drug or Alcohol Testing Program and Unemployment Benefits

Public Act 15-158 expands the circumstances under which a private-sector employer can discharge or suspend an employee without affecting the employer's unemployment taxes. It creates a "non-charge" against an employer's experience rate for employees discharged or suspended because they failed a drug or alcohol test while off duty and subsequently lost a driver's license needed to perform the work for which they had been hired. (The law disqualifies a person from operating a commercial motor vehicle for one year if he or she is convicted of driving under the influence (DUI.))

In effect, this allows the discharged or suspended employee to collect unemployment benefits without increasing the employer's unemployment taxes. However, with only two exceptions, a preexisting provision of the Unemployment Compensation Act disallows the application of non-charge provisions to public sector employers. As a result the new act will not benefit those employers.

Pay Equity and Fairness

This new law prohibits employers, including the state and municipalities, from taking certain steps to limit their employees' ability to share information about their wages. Under Public Act 15-196, such sharing consists of employees of the same employer (1) disclosing or discussing the amount of their own wages or other employees' voluntarily disclosed wages, or (2) asking about other employees' wages. The term "employee" is broadly defined under the act as "any individual employed or permitted to work by an employer," thus including, among others, supervisors and managers too.

Specifically, the act bans employers from prohibiting their employees from such sharing or requiring employees to sign a waiver or document that denies their right to such sharing. The act prohibits discharging, disciplining, discriminating or retaliating against, or otherwise penalizing employees for such sharing.

The act allows employees to bring a lawsuit for alleged violation in any court of competent jurisdiction. Such action must be brought within two years after the alleged violation. Employers can be found liable for compensatory damages, attorney's fees and costs, punitive damages, and any legal and equitable relief the court deems just and proper. ***Effective Date: July 1, 2015.***

Minor Changes to the Subsidized Training and Employment Program

Public Act 15-127 makes several changes in the Subsidized Training and Employment Program (STEP) and the Unemployed Armed Forces Member STEP. Under current law these programs provide grants to qualifying businesses and manufacturers to help offset the cost of training and compensating eligible new employees and unemployed veterans during their first 180 days on the job.

The new act does the following:

1. prohibits eligible businesses and manufacturers from receiving STEP grants for new employees hired to replace workers they (a) currently employ or (b) terminated, unless they demonstrate just cause for replacing or terminating the workers;

2. (a) requires the Department of Labor (DOL) to monitor the outside consultants or Workforce Investment Boards (WIB) it retains to run the programs, (b) allows DOL to pay for the monitoring with the funds set aside for covering STEP's marketing and operations costs, and (c) reduces the amount of funds set aside to cover such costs;

3. allows DOL to use certain funds set aside for the Unemployed Armed Forces Member STEP's administrative costs to cover transportation costs for eligible employees;

4. renames the STEP "new apprentice" program as the "preapprentice program" and expands the eligible employees for which businesses may receive the grants; and

5. specifies that the state and its political subdivisions do not qualify for STEP grants.

The act also eliminates obsolete provisions relating to the Fair Wage Board statute, which was repealed in 2013. PA 15-127 is effective October 1, 2015, except for the provisions eliminating obsolete statutes, which are effective upon passage.

Employee Online Privacy

Public Act 15-6 prohibits employers from requesting or requiring an employee or job applicant to (1) provide the employer with a username, password, or other way to access the employee's or applicant's personal online account (see below); (2) authenticate or access such an account in front of the employer; or (3) invite, or accept an invitation from, the employer to join a group affiliated with such an account.

It bars employers from firing, disciplining, or otherwise retaliating against an employee who (a) refuses to provide this access, or (b) files a complaint with a public or private body or court about the employer's

request for access or retaliation for refusing such access. In addition, it prohibits employers from refusing to hire an applicant because the applicant would not provide access to his or her personal online account.

Under the new act a "personal online account" is an online account the employee or applicant uses exclusively for personal purposes, unrelated to any of the employer's business purposes, including e-mail, social media, and retail-based Internet web sites. It does not include any account created, maintained, used, or accessed by an employee or applicant for the employer's business purposes.

PA 15-6 provides an exception for accounts and devices the employer provides. An employer may request or require an employee or applicant to provide access to any account or service (a) that is provided by the employer or by virtue of the employee's work relationship with the employer, or (b) that the employee uses for the employer's business purposes. Regarding devices, the exception applies to any electronic communications device the employer supplied or paid for, in whole or in part. The act defines an "electronic communications device" as any electronic device capable of transmitting, accepting, or processing data, including a computer, computer network and computer system, as defined in state law, and a cellular or wireless telephone.

The new act also has a limited exception for employer investigations. Employers conducting certain investigations can require employees or applicants to provide access to a personal online account, but they cannot require disclosure of the username, password, or other means of accessing the account. (For example, an employee under investigation could be required to privately access an account and then allow the employer to see the account's contents.)

Employers can require this access when conducting investigations to ensure compliance with (a) applicable state or federal laws, (b) regulatory requirements, or (c) prohibitions against work-related employee misconduct. Employers can also require access for investigations into an employee's or applicant's unauthorized transfer of the employer's proprietary information, confidential information, or financial data to or from a personal online account operated by an employee, applicant, or other source. The investigations must be based on the employer receiving specific information about the employee's or applicant's personal online account activity or unauthorized transfer of information.

Employers may discharge, discipline, or otherwise penalize an employee or applicant who transferred the employer's proprietary information, confidential information, or financial data to or from the employee's or applicant's personal online account without the employer's permission.

Covered employers include the state and its political subdivisions, but the act does not apply to a state or local law enforcement agency conducting a preemployment investigation of law enforcement personnel. In addition, PA 15-6 allows an employer, in compliance with state and federal law, to monitor, review, access, or block electronic data (1) stored on an electronic communications device paid for, in whole or in part, by the employer, or (2) traveling through, or stored on, an employer's network.

The act allows employees and applicants to file a complaint with the labor commissioner, who can impose civil penalties on employers of up to $25 for initial violations against job applicants and $500 for initial violations against employees. Penalties for subsequent violations can be up to $500 for violations against applicants and up to $1,000 for violations against employees. The commissioner can ask the Attorney General to bring a civil suit to recover any of the above civil penalties. Any party aggrieved by the commissioner's decision may appeal to the Superior Court.

Protections for Workplace Interns

Public Act 15-56 prohibits employers from discriminating against or sexually harassing their workplace interns. In effect, this new law simply gives interns protections similar to those of paid employees.

The new act defines an "intern" as a person working

for an employer (1) who is not paid by the employer, (2) who the employer has not committed to hiring, and (3) where the internship is designed to supplement training that may enhance the intern's employability. The act defines "employer" as any person engaged in business in the state, who provides a position for an intern, including the state and any political subdivision.

A violation of PA 15-56's provisions will be a "discriminatory practice" under state human rights law, which means the intern may file complaints of alleged violation with the Commission on Human Rights and Opportunities and pursue civil action in Superior Court. The discrimination the act prohibits flows from the same protected classes applied to employee discrimination claims: race, color, religious creed, age, sex, gender identity or expression, sexual orientation, marital status, national origin, ancestry, present or past history of mental disability, intellectual disability, learning disability or physical disability, including, but not limited to, blindness, with exception for bona fide occupational qualifications or need. The act's prohibition covers hiring, firing, and advertising internships. The act also bans an employer from firing or taking other discriminatory steps against an intern for filing a complaint or testifying in a proceeding about a discrimination complaint.

Finally, in addition to the employer not committing to hiring the intern and both parties agreeing that the intern will not be paid for his or her work, the act sets out other conditions of an intern's working situation. The intern's work must:

1. supplement training given in an educational environment that may enhance the intern's employability,
2. provide experience for the intern's benefit,
3. not displace any of the employer's employees,
4. be performed under the employer's supervision or that of an employee of the employer, and
5. provide no immediate advantage to the employer providing the training and may occasionally impede the employer's operations.

New Procedural Changes for CHRO Case Processing; and Defining "Domestic Worker"

Public Act 15-249 makes various procedural changes affecting discrimination complaints filed with the Commission on Human Rights and Opportunities (CHRO) including the following:

1. shortens certain time frames for CHRO's processing of complaints;
2. allows the respondent (i.e., the alleged wrongdoer) to elect to participate in pre-answer conciliation;
3. prohibits the same person from being assigned to conduct the mandatory mediation conference and investigate the complaint;
4. transfers certain responsibilities from the CHRO executive director to the CHRO legal counsel; and
5. makes minor, technical, and conforming changes.

PA 15-249 also brings domestic workers who work for employers with at least three employees under the employment-related anti-discrimination laws administered by CHRO. Among other things, this provides them with protections against employment-related discrimination based on their inclusion in one of the standard CHRO protected classes, such as their race, religion or gender, a right to a reasonable leave of absence for a disability resulting from a pregnancy and other pregnancy-related protections, and protections against sexual harassment. By law, employees covered under the CHRO statutes can enforce their rights by filing a complaint with the commission. The act takes effect on October 15, 2015, except for the provisions on domestic workers, which will not be effective until January 1, 2016.

Nurse Staffing Levels

Pursuant to Public Act 15-91 hospitals will be required to report annually to the Department of Public Health (DPH) on their prospective nurse staffing plans, rather than make the plans available to DPH upon request

as prior law required. It expands, in two stages, the information that must be included in the plans, such as the ratio of patients to certain nursing staff and differences between the prospective staffing levels and actual levels. In addition to the information already required by law, the act requires hospital nurse staffing plans developed and implemented after January 1, 2016 to include:

1. the number of direct patient care staff in three categories (registered nurses, licensed practical nurses, and assistive personnel), and the ratio of patients to each category, reported by patient care units;

2. the hospital's method for determining and adjusting direct patient care staffing levels; and

3. a description of supporting personnel assisting on each patient care unit.

Under the act, plans developed and implemented after January 1, 2017 also must include a description of any differences between the plan's staffing levels and actual staffing levels for each patient care unit, and the hospital's plan, if any, to address these differences or adjust staffing levels in future plans.

PA 15-91 also requires the DPH commissioner to annually report, beginning by January 1, 2016, to the Public Health Committee on hospital compliance with nurse staffing plan reporting requirements and recommendations for any additional reporting requirements.

Finally, the new act also requires certain health care employers to report to DPH annually, rather than upon the department's request, on the number of workplace violence incidents occurring on the employer's premises, and the specific area or department where they occurred. The first report is due by January 1, 2016, and the reports must cover incidents occurring in the prior year. For this purpose, a "health care employer" is any DPH-licensed institution (e.g., a hospital or nursing home) with at least 50 full or part-time employees. It includes facilities that care for or treat people with substance abuse issues or mental illness, Department of Developmental Services-licensed residential facilities for people with intellectual disability, and community health centers. PA 15-91 took effect on July 1, 2015, except the workplace violence provisions, which are not effective until October 1, 2015.

Employer's Failure to Pay Wages

With one exception, Public Act 15-86 requires, rather than allows, a court to award double damages plus court costs and attorney's fees if it finds that an employer failed to pay an employee's wages, accrued fringe benefits or arbitration award, or meet the law's requirements for an employee's minimum wage or overtime rates. Under the new act the double-damage requirement does not apply to employers who establish a good-faith belief that their underpayments were legal. Such employers must, however, pay full damages, plus court costs and attorney's fees. Existing law also allows the labor commissioner to collect unpaid wages and payments or bring a civil suit on the employee's behalf.

Labor and Free Market Capitalism Curriculum in Schools

The State Board of Education (SBE), within available appropriations and using available materials, is required by Public Act 15-17 to assist and encourage local and regional boards of education to include in their curricula labor history and law, including organized labor, the collective bargaining process, and existing legal protections in the workplace. In addition, this new curriculum item must include the history and economics of free-market capitalism and entrepreneurialism, and the role of labor and capitalism in developing the American and world economies. Under current law, SBE must similarly assist and encourage boards of education to include in their curricula topics such as the Holocaust, the Great Famine in Ireland, and African-American History.

Effective July 1, 2015

DIRECTIONS to HARTFORD OFFICE
One Constitution Plaza, Hartford, CT

FROM I-91, HEADING NORTH INTO HARTFORD:
Exit 29A (Capitol Area, exit is to left). Merge onto Whitehead Highway and take first exit on right (Columbus Boulevard). Turn right onto Columbus Blvd., proceed .3 miles to State Street. Turn left onto State Street and proceed one block to Market Street. Turn right onto Market Street and proceed .1 miles to Kinsley Street. Turn right onto Kinsley Street and enter second parking garage on right marked Kinsley Street South Garage.

FROM I-91, HEADING SOUTH INTO HARTFORD:
Exit 31 (State St.). At 2nd light, turn right onto Market St. Turn right at next light onto Kinsley Street. Enter second parking garage on right marked Kinsley Street South Garage.

FROM I-84, HEADING EAST INTO HARTFORD:
Exit 50 (Main St.). Go through 2 lights. At the 3rd light, turn right onto Market St. At 2nd light turn left onto Kinsley Street. Enter second parking garage on right marked Kinsley Street South Garage.

FROM I-84, HEADING WEST INTO HARTFORD:
Exit 54 (Downtown Hartford). Cross Founders Bridge/CT River. Proceed through light at end of bridge. At next light turn right onto Market Street. Take right at next light onto Kinsley Street. Enter second parking garage on right marked Kinsley Street South Garage.

ENTRY TO ONE CONSTITUTION PLAZA LOBBY:
From parking garage, access One Constitution Plaza Lobby via P4 level, reached by stairwell (located in center of garage) or elevator (located on Kinsley St. side). Shipman & Goodwin LLP sign is located at lobby entrance. Sign in at the registration desk in Lobby. Take elevator labeled “Shipman & Goodwin” to 19th Floor reception area.

PARKING:
Parking will be provided if you park in the KINSLEY ST. SOUTH GARAGE. Please bring your parking ticket with you for validation.

If you are using a GPS, you should enter the intersection of Kinsley Street and Market Street rather than the actual building address.

DIRECTIONS to STAMFORD OFFICE
300 Atlantic Street, Stamford, CT

MERRITT PARKWAY FROM NORTH:
Take Exit 35. Turn right onto High Ridge Rd. for approximately 2.5 miles. High Ridge Rd. will become Summer St., stay on Summer for approximately 1.5 miles. Take a left onto Broad St. At 1st light, take right onto Atlantic St. At 2nd light take left onto Tresser Blvd. At 1st light make left onto Edith Sherman St. Take immediate left into Public Parking for 300 Atlantic St.

I-95 SOUTH:
Take Exit 8. At 3rd light, take right onto Atlantic St. Go through 2 lights and at 3rd light take right onto Tresser Blvd. At next light take left onto Edith Sherman St. Take immediate left into Public Parking for 300 Atlantic St.

FROM NYC I-95 NORTH:
Take Exit 8. At end of ramp take left onto Atlantic St. Continue for 2 traffic lights and take right onto Tresser Blvd. At next light take left onto Edith Sherman St. Take immediate left into Public Parking for 300 Atlantic St.

PARKING:
Parking is provided in Public Parking garage for 300 Atlantic Street. Please bring your parking ticket to the seminar for validation.

OUR SCHOOL LAW PRACTICE:
The collective scope of experience of Shipman & Goodwin’s School Law practice is evident in the number of clients who rely on us, and how often we’re called upon as an authority in education law. Our School Law attorneys represent over 100 local and regional school districts throughout Connecticut and in neighboring states. We also represent numerous private schools, colleges and universities statewide. To learn more, visit our school law site:

www.ctschoollaw.com

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2015 Education Legislation Summary:

An Overview of Statutory Changes Affecting Connecticut School Districts

A Complimentary Workshop for Board Chairs, Superintendents, Assistant Superintendents, Principals, Assistant Principals and HR/Personnel Managers

Thursday, September 17, 2015
Hartford

Thursday, September 24, 2015
Stamford

2015 Education Legislation Summary

Presented by Shipman & Goodwin's School Law Practice Group

About the Workshop

In its 2015 session, the Connecticut General Assembly made a number of statutory changes that affect Connecticut school districts. This workshop is intended to give you an overview of some of the changes that were made in the area of education this year.

Workshop topics will include:

- *Expulsions for Students Preschool - Second Grade*
- *Seclusion and Restraint*
- *DCF Reporting Requirements*
- *Vaccination Exemptions*
- *Special Education Bill of Rights*
- *Alternative Education*
- *Bilingual Education Programs and ELL Student Services*
- *Graduation Requirements*
- *Chronic Absenteeism*
- *Mastery Testing*
- *Other legislation regarding Operations, Finance, Students and Employment*

SEPTEMBER 17 - HARTFORD

Where: One Constitution Plaza, Court Room
Hartford, CT 06103

Time: 8:00 AM to 10:30 AM
8:00 - 8:30 - Registration/breakfast
8:30 - 10:30 - Workshop

Speakers: Rebecca Santiago
Alyce Alfano

http://shipmangoodwin.com/rsvp.aspx?Show=13490

SEPTEMBER 24 - STAMFORD

Where: 300 Atlantic Street, Charter Oak Room
Stamford, CT 06901

Time: 9:45 AM to 12:00 PM
9:45 - 10:00 - Registration/breakfast
10:00 - 12:00 - Workshop

Speakers: Andreana Bellach
Alyce Alfano

http://shipmangoodwin.com/rsvp.aspx?Show=13491

Coffee and a light breakfast will be served.

Each participant is invited to bring a guest(s) to the workshop. When registering, please register your guest(s) as well. You may register online at the urls above or by clicking on the Events Tab and on the appropriate date on the calendar at **www.shipmangoodwin.com.**

Registration Form

Registration is on a first-come, first-served basis

Please indicate which session you wish to register for.

☐ September 17, 2015 – Hartford, CT
☐ September 24, 2015 – Stamford, CT

*No. Attendees: _____

Name(s): _____

_____

_____

Company: _____

Address: _____

_____

_____

Tel: _____

E-mail: _____

**Please contact us in advance if there will be more than 4 attendees from your district.*

Please register all attendees. You may also register online at www.shipmangoodwin.com for the appropriate date and session on our events calendar or return your completed registration form to:

SHIPMAN & GOODWIN LLP
Marketing Department
Attn: Jade Tarca
One Constitution Plaza
Hartford, CT 06103-1919
Tel: (800) 585-0331 Fax: (860) 251-5214
E-mail: jtarca@goodwin.com

Thinking Ahead to the Opening of School

by: Dr. James Longo, Superintendent of Schools, Article for the Ashford Citizen, July 2015

In most cases, July and August are great months to be a child. You don't have to get up and go to school, and maybe you get to play without adults telling you what to do every moment. Yes, you have more control over your daily activities in July and August than you do during the rest of the year. I hope that that is true for your children. I hope that they have opportunities to be creative and to play a little more freely than they do during the school year. A day in school should be good, but free play should be great!

I am writing this article because in a few weeks it is back to school, and we need children to be ready for another school year. It sounds simple. School begins, children go to school, and the cycle of learning renews itself in a different room with a different teacher and some different classmates. However, how simple it actually is depends a good deal on the child's readiness for school, and the feelings and attitude that he or she brings with them on that first day. That back-to-school attitude comes in part from experience, and in part from role models. That is where we become partners and we all do the little things that make the child's attitude toward another school year a bit more positive.

Learning is a complex matter. Scientists in universities and laboratories throughout the world are studying it, developing theories and ideal approaches in the ever-evolving fields of education, psychology, and brain science to name a few. I am not going to get into that here. This is neither the proper time nor place for such a dialogue. However, there are great books, resources, and places to get information on the subject if you are interested.

What I am going to do here is just mention a few things that you can do to increase the likelihood that your child is ready and experiences an optimal opening of school this year.

First, go to our school website and look for the welcome back brochure offered by the teachers in the grade that your child is entering. This brochure will orient you to the coming year by telling you a bit about the grade level's curriculum and expectations, and also the materials that your child will need to bring to their first day. We don't want you to go out and spend a lot of money on back to school supplies without seeing what the teachers hope your child will bring with them to the first day. Every grade is different and what the teacher would like the students to bring to school differs from year to year.

Next, look at the summer work packet put on the website by your child's grade level teachers. If you have not been having your child do any of the suggested summer work, now would be a good time to ease them into it. A little work each week as the

summer winds down gets them back into schoolwork without too much pressure or stress.

Another helpful way that you can make back to school more fun and less anxiety prone is how you discuss the fact that summer is ending and school will be opening soon. It seems like a small thing, but if you drop a few positive thoughts about the opening of school, and even engage in a little discussion about the coming year, that is encouraging and enthusiastic, it will help your child's readiness and attitude on that first day. This dialogue might even elicit fears or anxieties that you did not realize your child had. He or she may be more nervous about going back to school that you thought. Occasionally having seemingly spontaneous conversations about going back to school that allow your child to express his or her feelings, while you are being positive and supportive, might be really helpful and important to your child. Over the years I have had a number of parents tell me how glad they were that they took the time to discuss back to school casually and in a positive way.

We all know how important it is to be supportive, and willing to listen to our children, but we might not realize that back-to-school is an issue that can really benefit from a conversation or two.

We want you to know that we have been working diligently all summer to be ready to welcome your children back to school. Teachers and administrators have been meeting regularly to write curriculum and plan instruction, custodians have been cleaning and preparing the facility, and the central offices have been ordering materials and pulling it all together. Summer is a very busy time for us, and hopefully a time for the students to relax and recharge. There is not much more to say, but that we are looking forward to seeing you and your children, and that September is just around the corner!

Ashford Board of Education
Meeting Minutes — July 16, 2015
7:30 pm.

Note: Per C.G.S. 10-218, Board of Education meeting minutes are provided in a draft format within 48 hours of the date the meeting was held. With the exception of motions and votes recorded, these minutes are unofficial until they have been read and approved by a majority vote of the Board. Should edits be necessary, they will be made at a regularly scheduled meeting, noted in the meeting minutes, and so voted upon.

Call to Order

Board chair J. Rupert called the meeting to order at 7:37 p.m. Present were J. Rupert, K. Warren, J. Mozeiko, K. Rourke. Absent: D. Wesson, J. Lippert, and L. Donegan. Also present were Dr. Longo (Superintendent), T. Hopkins (Principal), Business Manager: D. Neel and staff member L. SanDiego. Present in the audience were: C. Silver-Smith and Don Bartolotta (YMCA program).

Persons to be Heard: C. Silver-Smith requested that whenever an email has been sent to her to please call her as she never received one of the emails that was sent. Some of the emails were being sent to her home email and not the BOF email. The BOF overlooked the fund transfer for FY 2014. This wasn't noticed until the FY 2015 when a letter was sent to the BOF by Dr. Longo. She explained to the Board that the funds in the Unexpended Education Funds account can only be used for items that have already been placed on the town's capital improvement plan. (attached to minutes). The balance can be rolled over from year-to-year until the balance reaches 3% of the budget. (sample attached to minutes).

Dr. Longo asked C. Silver-Smith how does he go to bid? Through the BOF or through the BOS? C. Silver-Smith believed he would go to the First Selectmen Mike Zambo. C. Silver-smith stated that she would like a member of the BOE to be present when requesting funds from the Unexpended Education Fund.

K. Rourke stated she would like to see the process of document with dates and times and when will the monies be transferred. C. Silver-Smith stated that would be done after the audit.

Dr. Longo asked C. Silver-Smith if it was necessary to send the BOF a letter every year and C. Silver-Smith said no. Some changes will be made in the Unexpended Education Funds Account (attached to minutes) and that will be one of the changes.

Don Bartolotta from Tolland would like to start a YMCA program for the children at the Ashford school this coming school year. He would like the BOE to administer the program and cover the insurance until Mr. Bartolotta can get the license for the YMCA at the school. This would take about eight months. He stated that five children were interested and he was going to follow through with phone calls to the 27 families that expressed interest in the program. Deadline date is Aug. 1st. He also stated that the staff is background checked yearly and they all receive medical/emergency training on issuing medications. The YMCA would close at 6 pm. (The flyer is attached to these minutes.) This will be discussed by the BOE under new business.

Communications: There were several communications: CABE, Marina Brand, 2 letters from the Bicknell Scholarship awardees; immunization, religious exempt, acknowledgement. (All these attached to these minutes.)

Approval of Minutes—June 15, 2015. **K. Rourke motioned to accept the minutes of June 15, 2015. J. Mozeiko seconded. Motion passed with K. Warren abstaining.**

Distribution of Administrative Reports: Dr. Longo presented his report and from the Administrative team. (Attached to these minutes).

New Business. Discussion of After School Care Program. **K. Rourke motioned to add the YMCA program and D. Neel (Business manager) to the agenda. J. Mozeika seconded. Motion passed unanimously.**

Discussion was held on the YMCA program. Will the Ashford School insurance cover this program until licensing. Dr. Longo stated that a rider could be attached to the present policy. Because of time restraints, J**. Mozeiko motioned that the Ashford School take on administrative and insurance liability role pending the resolution of the YMCA application for licensing and resolution of insurance coverage and costs. K. Rourke seconded. Motion passed unanimously.**

Business Manager—Don Neel spoke to the BOE on his role as business manager. They are now in the process of closing out the fiscal year. They should meet the schedule for the audit requirements. In the future, new software will be needed to be more efficient in the office.

New Hires: Katherine Truskoski has been hired full-time in the art department and Stephanie Noheimer has been hired full-time in the Physical Education/Health department. **J. Mozeiko motioned to accept Katherine Truskoski and and Stephanie Noheimer to the staff at the Ashford Elementary School. Seconded by K. Rourke. Motion passed unanimously.**

FY 15 Year-End Budget and Object Transfers: There were no transfers at this time.

BOE Summer Retreat: The Summer Retreat will be cancelled for July 23rd as there were too many members that couldn't make that date. Dr. Longo will be choosing another date.

Memorandum of Agreement with AEA: RE: Post Retirement Healthcare—J. Mozeiko motioned to go into executive session at this time to discuss the Memorandum of Understanding (MOU) and to invite Dr. Longo to attend. K. Rourke seconded. Motion passed unanimously.

The Board entered executive session at 9:30 pm. with J. Rupert, K. Warren, K. Rourke, J. Mozeiko, and Dr. Longo present .

The BOE came out of executive session at 9:37 pm with J. Rupert, K. Warren, K. Rourke, and J. Mozeiko along with Dr. Longo. **K. Rourke motioned to accept the Memorandum of Understanding with AEA: RE: Post Retirement Healthcare regarding medical benefits for teachers under Article 11C of their contract and to authorize the BOE chair to authorize the MOU. J. Mozeiko seconded. Motion passed unanimously.**

Adjournment: J. Mozeiko motioned to adjourn at 9:37 p.m.

Recorded by:

Kay M. Warren]
Secretary, Ashford Board of Education

Approved by the Ashford Board of Education

Ashford Board of Education
Ashford, Connecticut

Series 6000
Instruction

CURRICULAR EXEMPTIONS

Mandatory Curricular Exemptions:

Upon the written request of a parent or guardian received by the school district prior to planned instruction in the areas set forth below, the Board shall permit curricular exemptions for instruction in the following areas:

1. Dissection;
2. Family life education;
3. HIV/AIDS; or
4. Sexual abuse and assault awareness and prevention program.

Definitions:

"Dissection Instruction" is defined as instruction in which a student must participate in, or observe, the dissection of any animal.

"Family Life Education Instruction" is defined as instruction pertaining to family planning, human sexuality, parenting, nutrition and the emotional, physical, psychological, hygienic, economic and social aspects of family life.

"HIV/AIDS Instruction" is defined as ongoing and systematic instruction on Acquired Immune Deficiency Syndrome (AIDS) offered by the district pursuant to state law.

"Sexual abuse and assault awareness and prevention program" is defined as the state-wide program identified or developed by the Department of Children and Families, in collaboration with the Department of Education and Connecticut Sexual Assault Crisis Services, Inc. (or a similar entity) that includes age-appropriate educational materials designed for children in grades kindergarten to twelve, inclusive, regarding child sexual abuse and assault awareness and prevention that may include, but not be limited to, (A) the skills to recognize (i) child sexual abuse and assault, (ii) boundary violations and unwanted forms of touching and contact, and (iii) ways offenders groom or desensitize victims, and (B) strategies to (i) promote disclosure, (ii) reduce self-blame, and (iii) mobilize bystanders.

Written Request for Mandatory Exemption:

Parents who wish to exercise such exemptions must notify the school district in writing within the first two weeks of school.

Permissive Curricular Exemptions:

Except for the mandatory curricular exemptions noted above, or otherwise required by law, the Board does not require teachers to exempt students from any other aspect of the curriculum.

Alternative Assignments:

1. Any student excused from participating in, or observing, the dissection of any animal as part of classroom instruction shall be required to complete an alternate assignment to be determined by the teacher.

2. Any student excused from participating in the sexual abuse and assault awareness and prevention program shall be provided, during the period of time in which the student would otherwise be participating in such program, an opportunity for other study or academic work as determined by the teacher.

3. Any student excused from any other aspect of the curriculum may be required by the teacher to complete an alternative assignment as determined by the teacher.

Legal References:

Conn. Gen. Stat. § 10-16c.
Conn. Gen. Stat. § 10-16e.
Conn. Gen. Stat. § 10-18d.
Conn. Gen. Stat. § 10-19(b).
Conn. Gen. Stat. § 17a-101q.

Approved by the Ashford Board of Education:

ASHFORD BOARD OF EDUCATION

Curricular Exemption Request Form

I request that my child be exempted from instruction in the following areas:

Check all that apply:

1. Dissection ___
2. Family life education ___
3. HIV/AIDS ___
4. Sexual abuse and assault awareness and prevention program. ___

I recognize that teachers may require my child to complete alternative assignments in lieu of the curricular instruction planned in the area of exemption.

This form must be completed annually and returned to the school principal by _____.
Date

_____
Name of Student (Please Print)

_____ _____
Parent's/Guardian's Signature Date

Or

_____ _____
Student's Signature (if 18 years of age) Date