

West Hartford Public School District

**Agenda Item:** Motion by Carol A. Blanks, Robert Levine, and Deb Polun to Accept Revised Policies 4040, 4160, and 5720 -- **First Reading**

**Meeting Date:** February 6, 2018

**From:** Carol A. Blanks, Robert Levine, Deb Polun

**Through:** Tom Moore, Superintendent of Schools

**Recommendation:**

THAT the Board of Education accept as a First Reading the following policies which were revised by the Board Policy Subcommittee:

- 4040--Nepotism; Employment of Relatives
- 4160--Publication or Creation of Materials, Copyrights and Patents
- 5720--Search and Seizure

Note: Words/letters in (*italics*) within parentheses are being removed from the current policies, and words/letters in **Bold** are being added to the current policies.

**Background:**

The Board is in the process of reviewing and revising, where appropriate, all of its policies and bylaws. Board Code Books are divided into seven sections or series: 1000s Community Relations, 2000s Administration, 3000s Business, 4000s Personnel, 5000s Students, 6000s Instruction, and 8000s Bylaws.

The Board has appointed a subcommittee currently comprised of Carol A. Blanks, Robert Levine, and Deb Polun to meet regularly with Kimberly Boneham, Deputy Corporation Counsel, and Andrew Morrow, Assistant Superintendent for Administration. The Policy Subcommittee has spent many hours considering its own recommendations, input from Corporation Counsel and the administration, and reviewing certain policies and bylaws from other districts.

As reviewed, revised, and new policies and bylaws are approved by the full Board, they are put on the West Hartford Public Schools website.

Carol A. Blanks, Robert Levine, Deb Polun, and Andy Morrow will be available to answer any questions.

**Agenda Item:  
V.B.**

WEST HARTFORD PUBLIC SCHOOLS

POLICY 4040

**Personnel – Certified/Non-Certified**

***(Nepotism; Husband/Wife Employment)***

*(Board of Education members and school administrators in order to avoid both the reality and appearance of conflict of interest will make public any relationships the board members or administrators have with any possible candidate for a position for which the board member or administrator must give approval or has influence in such appointment.*

*For the purpose of this policy, relationship is defined as a member of the immediate family which means the mother, father, grandmother, grandfather, or a grandchild of the board member or administrator, or of the spouse of the board or administrator, and the spouse, son, son-in-law, daughter, daughter-in-law, brother, sister, or any relative living in the immediate household of the board member or administrator, or other close friendships or business relationships that could be construed as possibly causing a bias or loss of objectivity on the part of the board member or administrator.*

*The board member or administrator who has such relationship with any employee of the school system as of the effective date of this policy shall declare such relationship immediately. So far as possible, no administrator shall have supervisory relationship to any member or his/her family.*

*A board member should not vote on any action of the board which will directly affect a member of the immediate family of the member, unless required to do so by a majority of the members of the board of education, and only after full disclosure of the relationship has been made.)*

*(Legal Reference: Connecticut General Statutes:  
46a-60 Discriminatory unfair employment practices prohibited)*

*(Adopted: December 7, 1987)*

**Nepotism; Employment of Relatives**

**Board of Education members and school administrators, in order to avoid both the reality and appearance of conflict of interest, will immediately make public any relationship the Board members or administrators have with any possible candidate for a position for which the Board member or administrator must give approval or has influence in such appointment.**

**A Board member should not vote on any action of the Board which will directly affect a member of the immediate family of the member, unless requested to do so by a majority of the members of the Board of Education, and only after full disclosure of the relationship has been made.**

Individuals shall not be appointed to any full-time, part-time, or temporary position which would create a supervisor/employee relationship within any one department between two individuals who are related by blood, marriage, or law.

As used in this policy, the word "Department" shall mean and include those levels of organization under the Superintendent's office into which the various structural areas of operation of the school district are divided.

In the event of marriage between employees of the district, 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 that 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.

The degrees of relationship included in the above restrictions are as follows:

**By Blood:** Parent, child, grandparent, grandchild, brother, sister, uncle, aunt, nephew, niece, first cousin

**By Marriage:** Husband, wife, stepparent, stepchild, father-in-law, mother-in-law, sister-in-law, brother-in-law, daughter-in-law, son-in-law, half-sister, half-brother, uncle, aunt, nephew, niece

**By Law:** Guardianship relationships, adoptive parent/child relationships

In the appointment and selection of new employees, the district shall adhere to this policy. All current supervisor/employee relationships established prior to the adoption of this policy will not be affected by this policy as long as they remain in present assignments.

**Legal Reference:** Connecticut General Statutes:  
7-479 Conflicts of Interest

Adopted: December 7, 1987

**Revised:**

WEST HARTFORD PUBLIC SCHOOLS

**POLICY 4160**

**Personnel - Certified**

*(Publication or Creation of Materials)*

*(Professional staff members shall be encouraged to write and publish educational materials whether it be for local use, periodicals or books.)*

*(Copyrights and Patents)*

*(Educational materials created by staff at the instigation and/or direction of superiors shall be considered "work made for hire" under Sections 201(b) and 101 of the Copyright Act and shall be solely the property of the school district.*

*It is also understood that educational materials created by an employee during the employee's leisure hours when the employee is not fulfilling his/her contractual duties to the school district are the property of the employee.)*

**Publication or Creation of Materials**

**Staff members are encouraged to contribute professional articles and news items to local, state, and national agencies. As a matter of professional ethics, all professional articles should be cleared through the office of the Superintendent of Schools in the event that the school system or any of its separate departments is mentioned.**

**The school system retains the right to legal claim on all products created by its employees on the job with the assistance of school system funds.**

**Copyrights and Patents**

**The Board of Education recognizes that staff members under contract to the school system may, in carrying out their professional responsibilities, develop patentable or copyrightable educational materials for use in the school program. It is understood by the Board of Education and the staff members that such materials developed as part of regular employment are equally the properties of the school system and the employees.**

**The school system retains the right to legal claim on all products created by its employees on the job with the assistance of school system funds.**

Adopted: December 7, 1987

Revised:

WEST HARTFORD PUBLIC SCHOOLS

**POLICY 5720**

**Students – Civil & Legal Responsibilities**

**Search & Seizure**

**Desks, School Lockers, and Automobiles**

Desks and school lockers are property of the schools. Parking personal vehicles is a privilege afforded to students. The right to inspect desks and lockers assigned to students, and personal automobiles parked on school property may be exercised by school officials to safeguard students, their property and school property, with reasonable care for the Fourth Amendment rights of students.

The exercise of that right to inspect also requires protection of each student's personal privacy and protection from coercion. An authorized school administrator may search a student's locker, desk, or personal automobile parked on school property under the following conditions:

1. There is reason to believe that the student's desk, locker, or personal automobile contains contraband material.
2. The probable presence of contraband material poses a serious threat to the maintenance of discipline, order, safety, and health in the school.
3. The student has been informed in advance that school board policy allows desks, lockers, and personal automobiles parked on school property to be inspected if the administration has reason to believe that materials injurious to the best interests of students and the school are contained therein.

A student may be searched if there are reasonable grounds for suspecting that the search will turn up evidence that the student has violated or is violating either the law or the rules of the school. The scope of the search must be reasonably related to the objectives of the search and the nature of the infraction.

**Breathalyzers and Passive Alcohol Screening Devices**

**Use of breathalyzers and other passive alcohol screening devices may be used only on the express authorization of the Superintendent, in accordance with such procedures as the Superintendent may devise.**

Legal Reference: Connecticut General Statute:

10-221 Boards of Education to prescribe rules, policies, and procedures

New Jersey v. T.L.O., 469 U.S. 325 (1985).

Safford Unified School District #1 v. Redding, 129 S.Ct. 2633 (2009)

Revised: February 26, 1992

Revised: October 6, 2009

**Revised:**