

## Series 9000 - Bylaws of the Board

### 3. Methods of Operation

#### B. Meetings

##### (6) Minutes

The ~~Secretary of the Board's Recording Secretary of Education~~ shall keep minutes of all regular and special meetings of the Board, which shall be a complete and permanent record of Board meeting action, including resolutions and motions in full. Subcommittee chairs shall keep minutes of all subcommittee meetings. ~~Subcommittee chairpersons shall keep minutes of all meetings and shall be submitted for distribution".~~ Copies of the proceeding shall be made for distribution to the Board members with the agenda for the next regular meeting. ~~The official minutes of the Board of Education meetings and the master copy shall be kept in a fireproof vault.~~ Minutes should always reflect Board action and a summary of related discussion. Minutes shall not include a verbatim account of the meeting. Minutes shall be filed with the Town Clerk and be made available on the District's website to the public for review within seven days after each meeting.

#### Recording of Votes

Motions or resolutions shall be recorded as having passed or failed. ~~Individual~~ Board member votes and abstentions will be recorded. All motions and resolutions shall be numbered for each fiscal year beginning July 1.

#### Maintaining the Minutes

The minutes of regular and special meetings of the Board of Education shall include the following items~~be maintained as outlined below:~~

- I. Content
  - A. The date, place, and type of meeting.
  - B. Board mMembers present and members absent, by name.
  - ~~B.C.~~ Notation of Superintendent and other District officials participating.
  - D. Call to order, start time, and name and title of presiding officer.
  - ~~C.~~ and opening ceremony
  - ~~D.E.~~ Arrival of tardy members by name and time.
  - F. Departure of members by name before adjournment, or if absent when any agenda items are acted upon.
  - G. Any actions approving minutes of previous meetings or corrections to minutes of previous meetings.
  - H. Names, addresses and description of comments for those speaking during public comment.
  - I. A record of any reports from Board members, the Superintendent and staff.

~~E.~~ All motions and resolutions and their disposition, listing all votes, abstentions and absentees.

~~F.~~ ~~Record of written notice of special meetings~~

~~G.~~ K. Record of items of business to be considered at future regular or special meetings.

Legal Reference: Connecticut General Statutes  
10-218 Election of officers  
10-224 Duties of the secretary  
1-21 Meetings of government agencies

Bylaw adopted by the Board: December 2, 1997  
Bylaw revised: November 20, 2012

SUFFIELD PUBLIC SCHOOLS  
Suffield, Connecticut

## MEMORANDUM

TO: Model Policy Subscribers

FROM: Shipman & Goodwin LLP Model Policy Team

DATE: July 15, 2020

RE: COVID-19 Temporary Policy Packet

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Dear Model Policy Subscriber:

The last several months have presented boards of education and school district administrators with unprecedented challenges. Schools have been charged with addressing the myriad of operational issues related to the global pandemic, while also maintaining the provision of high quality education to students. While school districts prepare to reopen their physical doors in the fall of 2020 in accordance with “Adapt, Advance, Achieve: Connecticut’s Plan to Learn and Grow Together,” boards and administrators need to address existing policies and regulations to account for temporary changes in applicable laws, rules, and guidance; allow for certain flexibilities; and provide alternative rules for students and staff in the new school environment.

We have developed the following COVID-19 Temporary Policy Packet (the “Packet”) to assist boards and administrators in temporarily amending existing policies and administrative regulations, and adding temporary policies on new topics related to the COVID-19 pandemic, in accordance with the principles outlined above. The Packet is structured such that the board can adopt the entire Packet by appropriate review and vote, which would thereby amend all of the included policies and regulations and adopt new COVID-19 specific policies on a temporary basis.

The Packet includes an introductory policy entitled, “Policy Concerning the Temporary Policies and Regulations Related to the COVID-19 Pandemic” authorizing the temporary amendment and addition of specific policies and administrative regulations and providing that the amended and new policies and regulations will sunset after June 30, 2021, unless the board or the administration (as appropriate) shortens or extends the term of any such policy or regulation through appropriate board or administrative action. The introductory policy further provides that the temporary policy or regulation shall control in cases where there is a conflict between the existing policy or regulation and the Packet revision. We may modify or add to the Packet during the school year if changes in the any applicable laws, rules, and/or guidance necessitate such modifications and/or additions.

The amendments to existing policies in the Packet are based on the current version of our model policies. If an individual board has made revisions to our model policies, or has not adopted all of the revised policies, this must be taken into account when reviewing and adopting the Packet,

as the suggested temporary amendments may not be applicable or additional changes may be warranted. Additionally, school districts may maintain policies or regulations outside of the model policies that require temporary revision; we recommend that each board review its policy manual and consult with legal counsel, as appropriate, to determine if additional policies and/or regulations should be included in the Packet.

We have also developed a new policy requiring the school district administration to develop health and safety protocols related to the COVID-19 pandemic while school is in session. We recommend that these protocols be individualized and clearly delineate expectations of the school community during the health crisis. These protocols, along with the Packet, should be posted on the district and individual school webpages, published to the school community through email communications, and be available in hard copy in individual school offices and the central office. We further recommend that districts develop plain-language notices of the health and safety protocols to alert families and staff that compliance with the protocols is mandatory. Receipt of proper notice by students and staff is imperative to ensure the rules and expectations are communicated clearly, especially in the event the district seeks to impose discipline for failure to comply. These notices must be individualized for each district and school and thus we have not developed model documents for this purpose. We are happy to assist in developing or reviewing individualized notices upon request.

We recommend that these new policies and the temporary policy revisions be included in a new section of the board's policy manual titled "COVID-19 Temporary Policies and Revisions."

We hope this streamlined policy revision process is helpful to boards during this complicated, ever-changing time. If you have questions or concerns, please contact Jessica Richman Smith, [jsmith@goodwin.com](mailto:jsmith@goodwin.com), Gwen J. Zittoun, [gzittoun@goodwin.com](mailto:gzittoun@goodwin.com), or any other attorney within the School Law Practice Group.



- The temporary revisions allow the administration flexibility to limit or restrict non-essential visitors into the school buildings, and require any visitors to comply with the school's health and safety protocols.
- **Volunteers**
  - The temporary revisions allow the administration flexibility to limit or restrict non-essential volunteers into the school buildings, and require any volunteers to comply with the school's health and safety protocols.

***2000 Series: Administration***

- **NO CHANGES**

***3000 Series: Business***

- **Budget - NO CHANGES**
  - We reviewed this model policy to determine if temporary revisions were necessary in light of recent state guidance. We did not make any changes to this model policy because the policy already allows flexibility relative to a superintendent's ability to make line-item transfers. If your district has revised the model, please review your policy to determine if temporary flexibilities are required, in accordance with applicable law and guidance.
- **Purchasing - NO CHANGES**
  - We reviewed this model policy to determine if temporary revisions were necessary in light of recent state guidance. We did not make any changes to this model policy because the policy already allows flexibility relative to the bidding, quotation and proposal processes. If your district has revised the model, please review your policy to determine if temporary flexibilities are required, in accordance with applicable law and guidance.

***4000 Series: Personnel***

- **Employment Checks**
  - The policy was revised to indicate that timelines regarding state and national criminal record checks may be modified by the district in accordance with any executive order issued by the Governor or any order issued by the Commissioner of Education that is related to the COVID-19 pandemic or public health emergency.
- **Section 504 of the Rehabilitation Act (Section 504)/Americans with Disabilities Act (ADA) - NO CHANGES**
  - We reviewed this model policy to determine if temporary revisions were necessary in light of recent guidance from the Equal Employment Opportunity Commission

(EEOC). No revisions to this policy were made at this time. Boards that have revised the model policy should review their existing policy to determine if temporary revisions are needed. Schools should note, in any event, that Section 504/ADA may be implicated during the pandemic in a variety of ways, and thus the administration should be aware of these laws when implementing health and safety protocols.

- **Use of District Computer Systems**

- The policy and regulations were revised to clarify the board's responsibility relative to computer systems. Specifically, the revisions clarify that the board has installed computers and a computer network (including Internet access) on board premises and may provide other electronic devices that can access the network, but does not necessarily provide computers and Internet access in locations other than the board premises. The regulations and notice regarding electronic monitoring were also revised to specify that employees are expected to exercise appropriate judgment and may be monitored electronically when engaged in remote teaching or use of a digital teaching platform.

### *5000 Series: Students*

- **Attendance, Truancy and Chronic Absenteeism**

- The temporary revisions to this policy require schools to actively monitor student absences and collect data concerning medical absences to allow the district to identify trends that would suggest the spread of illness, such as COVID-19, in accordance with state guidance. Note that we anticipate receiving additional guidance from the State Department of Education concerning attendance and students who do not attend school during the COVID-19 pandemic. We may revise this policy in accordance with that guidance. We further recommend that boards review any policies linking receipt of graduation credits to class attendance, in accordance with the impending state guidance.

- **Health Assessments**

- The Health Assessments policy has been temporarily revised to address recent Department of Public Health guidance. Specifically, the revisions implement flexibilities in the timing for required health assessments upon initial entry to school, in either 6<sup>th</sup> or 7<sup>th</sup> grade, and in either 9<sup>th</sup> or 10<sup>th</sup> grade. Of note, the Department of Public Health has not at this time relaxed or otherwise amended the immunization requirements for school attendance.

- **Section 504 of the Rehabilitation Act (Section 504)/Americans with Disabilities Act (ADA) - NO CHANGES**

- We reviewed this model policy to determine if temporary revisions were necessary in light of recent state guidance. No revisions to this policy were made at this time. Boards that have revised the model policy should review their existing policy to determine if temporary revisions are needed. Schools should note, in any event, that Section 504/ADA may be implicated during the pandemic in a variety of ways, and

thus the administration should be aware of these statutes when implementing health and safety protocols.

- **Student Discipline**
  - The temporary revisions to this policy clarify that students may be disciplined, including suspended or expelled, for failing to comply with the school's health and safety protocols developed as a result of the COVID-19 pandemic. The revisions further provide that expulsion hearings may be held virtually if physical presence in school is limited or restricted.
- **Transportation**
  - This policy was temporarily revised to provide that the district will request that parents volunteer to transport their children to school, in accordance with state guidance. The revisions further clarify that parents are responsible for the safety of their children while walking to and at the bus stop, which includes following health and safety rules.
- **Use of District Computer Systems**
  - The policy and regulations were revised to clarify the board's responsibility relative to computer systems. Specifically, the revisions clarify that the board has installed computers and a computer network (including Internet access) on board premises and may provide other electronic devices that can access the network, but does not necessarily provide computers and Internet access in locations other than the board premises. Similarly, the policy was amended to clarify that the board will implement technology protection measures (*e.g.*, filtering technology) for board-owned computers or devices and board-provided Internet access, to the extent practicable. Finally, the regulations were amended to reflect current federal and state statutory definitions unrelated to COVID-19. These changes will also be included in our standard revisions to our model policies, which will be shared with model policy subscribers later this summer.
- **Use of Privately Owned Technological Devices by Students**
  - The policy was revised to reflect that privately owned technological devices, including desktop computers, may be used during instructional time if specifically permitted by instructional staff or necessary to access a digital learning platform or remote learning. The policy was also revised to reflect that the improper use of such technology is prohibited when utilized for school or at a school-sponsored activity, that searches of privately owned devices can only occur if such devices are on school property, and that reports of theft, loss or damage to such devices can be made if the suspected incident occurred on school property or at a school-sponsored activity.

### ***6000 Series: Instruction***

- **Credit for Online Courses - NO CHANGE**

- We revised this policy in April 2020 to address the closure of schools and to allow students to earn credit through distance learning programs. We include this policy here only to bring the recent revision to your attention. The revised policy is not included in the Temporary Policy Revisions, as the change was broad and permanent. The policy can be accessed in the client portal in Series 6000.

### ***9000 Series: Bylaws***

- **Meeting Conduct**

- This bylaw has been temporarily revised to permit a board of education to convene virtually and to limit or restrict public comment during virtual board meetings.

- **Public Meetings/Executive Sessions - NO CHANGES**

- We reviewed this model bylaw to determine if temporary revisions were necessary in light of recent state guidance, and determined that changes are not required at this time. If your district has revised the model, we recommend review of your bylaw to determine if any temporary changes are required, in accordance with applicable law and guidance.

- **Time, Place and Notice of Meetings - NO CHANGES**

- We reviewed this model bylaw to determine if temporary revisions were necessary in light of recent state guidance, and determined that changes are not required at this time. If your district has revised the model, we recommend review of your bylaw to determine if any temporary changes are required, in accordance with applicable law and guidance.

### ***Model Annual Notifications***

- The annual notifications document was revised to include temporary changes to the student discipline notice and the employee notice of electronic monitoring. The annual notification document was further revised to include the required employee notice under the Families First Coronavirus Response Act (FFRCA) and to note that school districts should review their green cleaning program notification.



**Series C-19  
COVID-19 Policies and Regulations**

**POLICY CONCERNING TEMPORARY POLICIES AND REGULATIONS  
RELATED TO THE COVID-19 PANDEMIC (NEW)**

The Suffield Board of Education (the “Board”) recognizes that the COVID-19 pandemic (the “COVID-19 Pandemic”) has prompted changes in laws, rules, and guidance affecting Board policy and school district operation, and requiring the Board and the administration of the Suffield Public Schools (the “Administration”) to implement certain changes consistent with such laws, rules, and guidance. The Board further recognizes that the circumstances surrounding the COVID-19 Pandemic are continually changing, and that the Board and the Administration must be prepared to adapt and evolve as appropriate and/or required. In all circumstances, the Board prioritizes safeguarding the health and safety of students and staff while continuing to educate students in accordance with state law.

In light of these circumstances, it is the policy of the Board to provide for temporary amendments to certain existing Board policies and administrative regulations, and to enact or authorize Board policies and administrative regulations on new topics, to the extent appropriate and/or required by applicable laws, rules, and guidance regarding the COVID-19 Pandemic (the “COVID-19 Policies and Regulations”). Such amendments and additions are guided by the need to (1) safeguard the health and safety of students and staff while continuing to educate students in accordance with state law; (2) adhere to all applicable laws, rules, and guidance; and (3) preserve flexibility for the Board and the Administration to account for further changes related to the COVID-19 Pandemic.

All COVID-19 Policies and Regulations shall be identified as such in the header of the Policy or Regulation with an indication that such policy or regulation is part of Series C19 (COVID-19 Policies and Regulations). COVID-19 Policies and Regulations that are amendments to existing policies or regulations shall have the identifier “C19” added after the applicable series number. In addition, all amendments to existing Board policies and administrative regulations shall be identified as such through the use of yellow highlighting and either bolded italicized text (for additions) or strikethrough text (for deletions). All Board policies and administrative regulations on new topics shall be identified as such in the title of the Policy or Regulation with the notation, “(NEW).” To the extent any conflict exists between a COVID-19 Policy and Regulation and an existing Board policy or administrative regulation, the COVID-19 Policy and Regulation shall control during any period in which the COVID-19 Policy and Regulation is in effect.



**SHIPMAN & GOODWIN** LLP<sup>SM</sup>

COUNSELORS AT LAW

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The COVID-19 Policies and Regulations shall remain in effect up to and including June 30, 2021, unless otherwise noted in the individual policy or unless the Board or the Administration (as appropriate) shortens or extends the term of any COVID-19 Policy and Regulation through appropriate Board or administrative action. Absent any further Board or administrative action (as appropriate), effective July 1, 2021, the COVID-19 Policies and Regulations shall be repealed automatically and the Board's policies and administrative regulations in effect prior to the enactment of the COVID-19 Policies and Regulations shall be reinstated.

The Board and/or the Administration (as appropriate) shall provide for further amendments to existing Board policies and administrative regulations, further additions to Board policies and administrative regulations, and revisions to any previously adopted COVID-19 Policies and Regulations to the extent appropriate, required, and/or warranted. In addition, the Board and the Administration shall have the authority to follow all applicable laws, rules, and guidance to the extent any such laws, rules, and guidance are not incorporated into any existing Board policy and/or administrative regulation. To the extent any conflict exists between any such laws, rules, and/or guidance and an existing Board policy or administrative regulation, the law, rule, and/or guidance shall control during any period in which the Board and the Administration exercise their authority to follow such law, rule, and/or guidance.

**Legal References:**

Connecticut General Statutes § 10-221

Adapt, Advance, Achieve: Connecticut's Plan to Learn and Grow Together, Connecticut State Department of Education (June 29, 2020)

ADOPTED: \_\_\_\_\_

REVISED: \_\_\_\_\_

*Temporary Policy Rev. 7/7/2020*



**Series C-19**  
**COVID-19 Policies and Regulations**

**POLICY CONCERNING HEALTH AND SAFETY**  
**PROTOCOLS RELATED TO THE COVID-19 PANDEMIC (NEW)**

The Suffield Board of Education (the “Board”) recognizes the importance of developing health and safety protocols to protect the health and safety of students, staff, and the community during the COVID-19 pandemic. The Board thus directs the administration of the Suffield Public Schools (the “Administration”) to develop health and safety protocols consistent with applicable laws, rules, regulations and requirements, and to consider current guidance in the development of such protocols.

Compliance with such health and safety protocols shall be mandatory for all individuals while on school property or participating in a school-sponsored activity, unless a legally recognized exemption or exception applies. Failure to comply with such health and safety protocols may lead to disciplinary action for students and staff, and exclusion from school property or the school-sponsored activity for members of the community, in accordance with applicable laws, rules, regulations, and/or Board policies.

The Administration shall provide appropriate notice of such health and safety protocols. Notice may be provided by way of electronic mail, regular mail, website posting, student handbooks, employee handbooks, and/or any other appropriate methods.

**Legal References:**

Connecticut General Statutes § 10-221

Adapt, Advance, Achieve: Connecticut’s Plan to Learn and Grow Together,  
Connecticut State Department of Education (June 29, 2020)

ADOPTED: \_\_\_\_\_

REVISED: \_\_\_\_\_

*Temporary Policy Rev. 7/10/2020*

Series 1000 - **C-19**  
Community/Board Operation

**POLICY REGARDING VISITORS AND OBSERVATIONS IN SCHOOLS**

***Temporary amendments related to the COVID-19 pandemic have been made to this policy and to the section 10 of the regulations. All temporary revisions appear in highlighted bold italics or strikethrough text.***

The \_\_\_\_\_ Board of Education (the “Board”) encourages visits by citizens, taxpayers, and parents to all school buildings. In order to promote a safe and productive educational environment for all students and staff, the Board requires all visitors to receive prior approval from the school Principal or his/her designee before being permitted to visit any school building. The Board, through the administration, reserves the right to limit visits in accordance with administrative regulations.

The Board further desires to work collaboratively with parents with an educational nexus with the district, its educational programs or the student being observed, to observe their students in their current classrooms or observe proposed educational placements in the Board’s schools. The Board, through the administration, reserves the right to limit observations of current and proposed educational placements in accordance with administrative regulations and the Board’s Guidelines for Independent Educational Evaluations.

Upon arrival, all visitors and observers must comply with any and all applicable building security procedures, including but not limited to utilizing security buzzers for access, complying with requests for photo identification, reporting directly to and signing in and out at the visitors’ reception area of the school office, prominently displaying visitors’ badges or other identification required for visitors to the school buildings, limiting access to those areas of the buildings and grounds for which the visitors/observers have authorized access, and complying with directives of school officials at all times. ***All visitors and observers permitted into school buildings or on school grounds must comply with all school health and safety protocols in place at the time, including any health screening protocols. Due to the COVID-19 pandemic, the Board may limit or restrict visitors based on the guidance of federal, state, and local health authorities.***

Legal References:

“Guidelines Regarding Independent Educational Evaluations at Public Expense and In-School Observations,” Connecticut State Department of Education (Mar. 28, 2018).

***“Adapt, Advance, Achieve: Connecticut’s Plan to Learn and Grow Together,” Connecticut State Department of Education (June 29, 2020), available at <https://portal.ct.gov/-/media/SDE/COVID-19/CTReopeningSchools.pdf>.***

ADOPTED: \_\_\_\_\_  
REVISED: \_\_\_\_\_

8/12/18

***Temporary Revisions 7/6/20***

**Series 1000  
Community/Board Operation**

**ADMINISTRATIVE REGULATIONS  
REGARDING VISITORS AND OBSERVATIONS IN SCHOOLS**

1. Any person wishing to visit a school building, and/or observe any student program, must obtain prior approval from the building Principal or responsible administrator of the respective school building or program.
2. A visitor to any school building or program must be able to articulate a legitimate reason for his/her proposed visit and/or observation. Where the visitation involves direct contact with district students, or observation of an identified student or student program, the visitor must have a sufficient educational nexus with the district, its educational programs or the student to support such request.
3. All visits must be reasonable in length and conducted in a manner designed to minimize disruption to the district's educational programs.
4. When a parent/guardian makes a request to observe an identified student or student program, the request will be reviewed with the student's parent/guardian to determine the purpose of the observation, specific questions being addressed, the location(s) of the observation, and the date, time and length of the observation.
5. When determining whether to approve a request to visit and/or observe individual students or student programs, the building Principal or responsible administrator shall consider the following factors:
  - a. the frequency of visits;
  - b. the duration of the visit;
  - c. the number of visitors involved;
  - d. the effect of the visit on a particular class or activity;
  - e. the age of the students;
  - f. the nature of the class or program;

- g. the potential for disclosure of confidential personally identifiable student information;
  - h. whether the visitor/observer has a legitimate educational interest in visiting the school;
  - i. whether the visitor/observer has professional ethical obligations not to disclose any personally identifiable student information;
  - j. any safety risk to students and school staff; and
  - k. compliance with the Board's Guidelines for Independent Educational Evaluations, if applicable.
6. The building Principal or responsible administrator has the discretion to limit, or refuse, requests for visits and/or observations of student programs in light of the above criteria. When a requested observation is refused, the building Principal or responsible administrator will provide the parent/guardian with the reason for the decision and will work to develop alternative ways for the parent/guardian to obtain the information the parent/guardian seeks.
7. If a building Principal or responsible administrator approves a request to visit a school building and/or observe a student program, arrangements must be made in advance to ensure that the visit will not disrupt educational programs. The length and scope of any visit shall be determined by the building Principal or responsible administrator in accordance with these regulations and accompanying Board policy. The building Principal or responsible administrator shall determine a reasonable amount of time for observations of individual students or student programs.
8. Upon arrival, all visitors must comply with any and all applicable building security procedures, including but not limited to utilizing security buzzers for access, complying with requests for photo identification, reporting directly to and signing in and out at the visitors' reception area of the school office, prominently displaying visitors' badges or other identification required for visitors to the school buildings, limiting access to those areas of the buildings and grounds for which the visitors have authorized access, and complying with directives of school officials at all times.
9. The district has an obligation to maintain the confidentiality of personally identifiable student information. All visitors and observers must restrict their visits and observations to the purpose identified in the request to visit or observe and are strictly prohibited from observing or collecting information on other students within the school. If the visitor/observer views, accesses or otherwise obtains personally identifiable student information concerning another student, the visitor/observer must notify the building Principal or responsible administrator as soon as possible.

**10. All visitors and observers permitted inside school buildings or on school grounds must comply with all school health and safety protocols in place at the time, including any health screening protocols.**

11. A refusal to comply with any of the Board’s policy provisions and/or regulations concerning visitors shall constitute grounds for denial of the visitor’s privileges, as determined appropriate by the building Principal or designee. Such refusal may also result in a referral to law enforcement personnel, as determined appropriate by the building Principal or designee.

Legal References:

“Guidelines Regarding Independent Educational Evaluations at Public Expense and In-School Observations,” Connecticut State Department of Education (Mar. 28, 2018).

***“Adapt, Advance, Achieve: Connecticut’s Plan to Learn and Grow Together,” Connecticut State Department of Education (June 29, 2020), available at <https://portal.ct.gov/-/media/SDE/COVID-19/CTReopeningSchools.pdf>.***

ADOPTED: \_\_\_\_\_

REVISED: \_\_\_\_\_

8/12/18

***Temporary Revisions 7/6/20***

Series 1000 - **CI9**  
Community/Board Operation

***Temporary amendments related to the COVID-19 pandemic have been made to this policy and to the regulations. All temporary revisions appear in highlighted bold italics or strikethrough text.***

**SCHOOL VOLUNTEERS, STUDENT INTERNS AND  
OTHER NON-EMPLOYEES**

The Board of Education recognizes the importance of school volunteers at all levels of schooling. Volunteers can enhance collaboration between the school and community, broaden the school's educational environment and ultimately enrich students' school experience. The Board further acknowledges that it may, from time to time, be asked to provide learning experiences for student interns within the school environments. In recognition of the benefit of having volunteers, interns and other such non-employees providing services within the schools, the Board supports the involvement of these individuals in accordance with suitable regulations and safeguards to be developed by the Administration.

Volunteers, interns and other such non-employees working within the schools ("volunteers") must work under the supervision of Suffield Public Schools staff. Volunteers are held to the same standards of conduct as school staff and must observe all Board of Education policies, including applicable policies on the confidentiality of student information.

Volunteers may be required to submit to state and federal criminal record checks and a record check of the Department of Children and Families ("DCF") Child Abuse and Neglect Registry. No person who is required to register as a sex offender under state or federal law, or whose name is currently listed on the DCF registry, may volunteer in the \_\_\_\_\_ Public Schools.

***All volunteers must comply with all school health and safety protocols in place at the time, including any health screening protocols. Due to the COVID-19 pandemic, the Board may limit or restrict volunteers based on the guidance of federal, state, and local health authorities.***

No employee of the Suffield Public Schools shall serve as a volunteer in any capacity, except as may be approved by the Superintendent or his/her designee based on the specific situation.

Persons interested in volunteering their services should contact the school principal.

Legal References:

- Connecticut General Statutes § 10-4g
- Connecticut General Statutes § 10-220
- Connecticut General Statutes § 10-235
- Connecticut General Statutes § 54-250 et seq.

***“Adapt, Advance, Achieve: Connecticut’s Plan to Learn and Grow Together,” Connecticut State Department of Education (June 29, 2020), available at <https://portal.ct.gov/-/media/SDE/COVID-19/CTReopeningSchools.pdf>.***

ADOPTED: \_\_\_\_\_

REVISED: \_\_\_\_\_

April 2014

***Temporary Revisions 7/6/20***

**Series 1000  
Community/Board Operation**

**ADMINISTRATIVE REGULATIONS REGARDING  
SCHOOL VOLUNTEERS, INTERNS AND OTHER NON-EMPLOYEES**

**Screening Procedure**

The following procedure has been established for screening volunteers, interns and other non-employees (“volunteers”) within the \_\_\_\_\_ Public Schools. For the purpose of this procedure, volunteers are defined as those individuals who volunteer their time to assist in schools for the benefit of the student body with the express knowledge, consent and direction of a \_\_\_\_\_ Public Schools employee. Student interns are defined as individuals currently enrolled in a post-secondary program for which an authorized internship is required or for which the student may be granted credit as part of an approved course of study. As with other volunteers, all student interns must be approved in advance by the building administrator or his/her designee and must be under the direction of a Board employee.

This procedure identifies those situations in which an individual may be required to submit to state and federal criminal record checks and a record check of the Department of Children and Families (“DCF”) Child Abuse and Neglect Registry within 10 days of application and/or request to volunteer within the \_\_\_\_\_ Public Schools. All results must be received by the **[Human Resources Office]** before the volunteer may commence his or her services. No person who is required to register as a sex offender under state or federal law, or whose name is currently listed on the DCF registry, may volunteer in the \_\_\_\_\_ Public Schools.

**Screening Procedure Definitions**

The District has identified two classifications of volunteers: Group I and Group II.

## **Group I**

Volunteers will be classified in Group I when they assist school staff members with school activities in the presence of a \_\_\_\_\_ Public Schools employee. Background checks will not be required of Group I volunteers. Group I volunteers are those who assist school staff members with school activities such as those listed below:

- a. assisting in a classroom, cafeteria, or library when a staff member is present; or
- b. accompanying a class on a field trip during the school day with a staff member; or
- c. helping in the school office during regular school hours; or
- d. assisting in the cafeteria or library during regular school hours; or
- e. assisting during extracurricular events, i.e., dances, fairs, open house, sporting events, etc.

## **Group II**

Volunteers will be classified in Group II when they provide services to students when not in the direct presence of a \_\_\_\_\_ Public Schools employee. Group II volunteers will be required to complete a consent form regarding the release of information concerning any prior or pending criminal offenses, and such volunteers will be required to submit to a record check of the Department of Children and Families (DCF) Abuse and Neglect Registry. Group II volunteers are those who engage in activities such as those listed below:

- a. accompanying a class on a field trip in which the plans include that students be divided into small groups supervised solely by the volunteer chaperone for any length of time; or
- b. chaperoning an overnight field trip; or
- c. working in direct contact with students without the direct presence of a \_\_\_\_\_ Public Schools employee;
- d. working as a student intern; or
- e. coaching.

Upon receipt of DCF Abuse and Neglect Registry results indicating that the volunteer is involved in an abuse or neglect investigation or that the volunteer is listed as a perpetrator of abuse or neglect on the Registry, the Superintendent or his or her designee will notify the volunteer of the results of the Registry check and will provide an opportunity for the volunteer to respond to the results of the Registry check. No person who is required to register as a sex offender under state or federal law, or whose name is currently listed on the DCF registry, may be approved to volunteer within the \_\_\_\_\_ Public Schools.

When a criminal record check of a volunteer reveals a criminal conviction, whether disclosed or undisclosed on the volunteer's consent form, the Superintendent will make a case-by-case determination as to whether to allow the individual to volunteer in the \_\_\_\_\_ Public Schools. Prior to any such decision by the Superintendent or designee, the Superintendent or designee shall inform the volunteer and shall provide an opportunity

for the volunteer to respond. Notwithstanding the foregoing, the falsification or omission of any information on a volunteer consent form, including, but not limited to, information concerning criminal convictions or pending criminal charges, may be grounds for the Superintendent or designee to prohibit the individual from becoming a volunteer.

### **Prior Approval Required**

All school volunteers (including student interns or other non-employee working in the schools) must be approved in advance by the building principal or other administrative designee. The school district, acting through the appropriate building administrator or his/her designee, reserves the right to discontinue or disallow the services of any volunteer at any time at the discretion of the administration. ***Due to the COVID-19 pandemic, the school district may limit or restrict volunteers based on the guidance of the federal, state, and local health authorities.***

### **Sign-in Procedure**

All volunteers must report to the school office upon arrival to sign in and must report to the office prior to departure to sign out. A sign-in/sign-out log will be maintained in each school office. Volunteers must indicate the purpose of their visit and include any other information (i.e. destination; provide proof of identification etc.) as may be required by the log. Additionally, volunteers will be provided with identification badges, which must be displayed during each visit. ***All volunteers must comply with all school health and safety protocols in place at the time, including any health screening protocols.***

Legal Reference:

- Connecticut General Statutes § 10-4g
- Connecticut General Statutes § 10-220
- Connecticut General Statutes § 10-235
- Connecticut General Statutes § 54-250 et seq.

***“Adapt, Advance, Achieve: Connecticut’s Plan to Learn and Grow Together,” Connecticut State Department of Education (June 29, 2020), available at <https://portal.ct.gov/-/media/SDE/COVID-19/CTReopeningSchools.pdf>.***

ADOPTED: \_\_\_\_\_

REVISED: \_\_\_\_\_

April 2014

***Temporary Revisions 7/6/20***

Series 1000 - **C-19**  
Community/Board Operation

**USE OF SCHOOL FACILITIES**

***Temporary amendments to this policy related to the COVID-19 pandemic have been made to sections A and F. All temporary revisions appear in highlighted bold italics or strikethrough text.***

**A. Application Procedures**

In accordance with Conn. Gen. Stat. § 10-239, the Board of Education may permit the use of any school facility for nonprofit educational or community purposes whether or not school is in session. The Board of Education may also grant the temporary use of any school facility for public, educational or other purposes, including the holding of political discussion, at such time the facility is not in use for school purposes. In addition, the Board shall grant such use for any purpose of voting under the provisions of Title 9 of the Connecticut General Statutes whether or not school is in session. In accordance with 20 U.S.C. § 7905, the Board of Education shall not deny equal access to or a fair opportunity to meet, or otherwise discriminate, against any group officially affiliated with the Boy Scouts of America (or any other youth group listed as a patriotic society in Title 36 of the United States Code) that wishes to conduct a meeting using school facilities pursuant to this policy. Such uses shall be governed by the following rules and procedures, and shall be subject to such restrictions as the Superintendent or his/her designee considers expedient.

Consistent with this policy, the Superintendent shall develop and promulgate Administrative Regulations and associated forms governing use of school buildings and facilities by community and other groups. Since the primary purpose of school facilities is for educational activities, such activities will have priority over all other requested uses. ***Due to the COVID-19 pandemic, the Superintendent may limit or restrict the use of school facilities by community and other groups based on the guidance of federal, state, and local health authorities and consistent with applicable law.***

Applications for use of facilities shall be submitted to the following individuals, in accordance with the Administrative Regulations:

<b><u>Facility</u></b>	<b><u>Application Submitted To</u></b>
For use of school buildings	Building Principal
For use of athletic fields and facilities	Athletic Director
For use of other school facilities	Superintendent of Schools

Groups requesting use of school buildings and facilities must identify the specific facilities desired, and approval will be for those specific facilities only. All school equipment on the premises shall remain in the charge and control of the building principal or responsible administrator, and shall not be used without the express written permission of the administrator.

Principals and other responsible administrators shall submit copies of each building use form with a notation of whether such uses have been approved. Approval of school facilities by the principal or other responsible party may be revoked at any time by the Superintendent or his/her designee.

## **B. Eligible Organizations and Priority of Use**

Administrators responsible for approving/disapproving requests for use of school district facilities will use the following guidelines regarding priority of usage of such facilities:

### Order of priority:

1. School-sponsored programs and activities.
2. Activities of school-related organizations (*e.g.* PTO, Booster Clubs, After Graduation Committees and similar organizations).
3. Town department or agency activities.
4. Activities of non-profit organizations operating within the Town, other than school-related organizations covered by category #2 above.
5. Activities of for-profit organizations operating within the Town.
6. Out-of-town organizations.

## **C. Restrictions on Use of School Facilities**

The following restrictions shall apply to the use of school facilities:

1. Illegal activities will not be tolerated.
2. Use or possession of tobacco, alcoholic beverages or unauthorized controlled substances shall not be permitted on school property.
3. Refreshments may not be prepared, served or consumed without the prior approval of the responsible administrator. Notwithstanding, only those beverages permitted by state law may be sold during the school day. The

responsible administrator may permit other beverages to be sold at the location of events occurring after the end of the regular school day or on the weekend as long as they are not sold from a vending machine or at a school store. Upon approval by the administrator, refreshments may be prepared, served and consumed only in areas designated by the responsible administrator.

4. Obscene advertising, decorations or materials shall not be permitted on school property.
5. Advertising, decorations or other materials that promote the use of illegal drugs, tobacco products, or alcoholic beverages shall not be permitted.
6. Activities that are disruptive of the school environment are not permitted.

Any violation of this Policy or any applicable Administrative Regulations may result in permanent revocation of the privilege to use school facilities against the organization and/or individuals involved.

#### **D. Fees and Other Costs**

Users of school facilities shall be responsible for the fees and costs set out in a fee schedule established by the Superintendent with the approval of the Board of Education. The following guidelines shall be incorporated into such fee schedule:

<u>Category</u>	<u>Fee</u>
1. School-sponsored programs and activities.	No rental fee or associated costs.
2. Activities of school-related organizations (e.g. PTO, Booster Clubs, After Graduation Committees and similar organizations).	No rental fee or associated costs.
3. Town department or agency activities.	Associated costs.
4. Activities of non-profit organizations operating within the Town, other than school-related organizations covered by category #2 above.	Associated costs.
5. Activities of for-profit organizations operating within the Town.	Rental fee and associated costs.
6. Out-of-town organizations.	Rental fee and associated costs.

“Associated costs” shall include, but shall not be limited to, fees for the services of any custodial personnel, food service personnel, security personnel or other personnel deemed by the responsible administrator to be necessary in connection with the use of a school district facility. Such costs shall be at the rates set forth in the fee schedule. Rental fees and/or associated costs otherwise applicable may be waived by the Superintendent or his/her designee if such waiver is deemed by the Superintendent or his/her designee to be in the best interest of the school system and/or the Town.

**E. Responsibility for Damage to Property or Loss of Property**

In order to use school district facilities, any organization or individual requesting such use must agree to assume responsibility for any damage to and/or theft or loss of any school district property arising out of the use of the facilities.

**F. Health and Safety Protocols**

*In order to use school district facilities, any organization or individual requesting such use must agree to abide by all health and safety protocols in place by the school district at the time of use, including but not limited to protocols relating to cleaning of the facilities, signage, and health screenings of individuals requesting access to the facilities.*

**Legal References:**

Conn. Gen. Stat. § 10-239  
Conn. Gen. Stat. § 10-215f  
Conn. Gen. Stat. § 10-221q  
Conn. Gen. Stat. Title 9

Boy Scouts of America Equal Access Act, 20 U.S.C. § 7905  
Patriotic and National Organizations, 36 U.S.C § 10101 et seq.

*“Adapt, Advance, Achieve: Connecticut’s Plan to Learn and Grow Together,” Connecticut State Department of Education (June 29, 2020), available at <https://portal.ct.gov/-/media/SDE/COVID-19/CTReopeningSchools.pdf>*

ADOPTED: \_\_\_\_\_

REVISED: \_\_\_\_\_

8/3/16

**Temporary Revisions 7/6/20**

**Series 1000  
Community/Board Operation**

**ADMINISTRATIVE REGULATIONS REGARDING  
USE OF SCHOOL FACILITIES**

**Application for Building Use**

**Organization  
Name:** \_\_\_\_\_

**Address:** \_\_\_\_\_

**City:** \_\_\_\_\_ **State:** \_\_\_\_\_ **Zip  
Code:** \_\_\_\_\_

**Contact Person:** \_\_\_\_\_ **Phone  
Number:** \_\_\_\_\_

**Activity to be  
carried on:**

**Note:** Activities that are not considered “school-sponsored” are charged as follows:

[List applicable fees]

**Date(s)  
Requested:** \_\_\_\_\_ **Time: From** \_\_\_\_\_ **To** \_\_\_\_\_

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The authorized agent for the organization above, and whose signature appears below, agrees that his/her organization will abide by the rules and regulations pertaining to the use of school facilities as prescribed by the Board of Education. The organization further agrees that any damage whatsoever to the building or any part thereof shall be repaired at the expense of the organization using the facilities.

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**Signatures:**

\_\_\_\_\_  
**Person Responsible for the Organization**

\_\_\_\_\_  
**Board of Education**



**Use of School Facilities**

The priority list for allocating use of school facilities shall be as follows:

1. Activities related directly to district curricular programs. (No rental fee or associated costs)
2. Activities related to district extracurricular programs. (No rental fee or associated costs)
3. Official activities of governmental agencies. (Associated costs)
4. Activities of local non-profit organizations. (Associated costs)
5. Activities of private, for profit organizations. (Rental fee and associated costs)
6. Out-of-town organizations. (Rental fee and associated costs)

**Facilities Available** (please select facility desired)

- 1. Gymnasium
- 2. Auditorium
- 3. Kitchen / Cafeteria
- 4. Classrooms
- 5. School Grounds
- 6. Other – Discuss with the **[name of person responsible for facilities use]**

**Equipment  
Needed:**

8/3/16

**Series 1000  
Community/Board Operation**

**ADMINISTRATIVE REGULATIONS REGARDING  
USE OF SCHOOL FACILITIES**

**INDEMNIFICATION AND RELEASE**

This form is valid for a period of one calendar year from the date signed for each application of usage which is made.

In consideration of the permission granted to it by the Board of Education to use the school building, grounds, facilities, and/or equipment, the undersigned does hereby indemnify and hold harmless the Board of Education and the Town of Suffield, their employees, agents, contractors and assigns against any and all loss or expense, including attorneys' fees, court costs, damages, liability and any other amounts for any and all bodily injuries, including death, and/or for any and all property damage sustained accidentally or otherwise sustained by any person arising out of or connected with the undersigned's use of the school building, grounds, facilities, and/or equipment.

The undersigned further waives the right to initiate and/or pursue in any manner any and all lawsuits and any other claims in any forum against the Board of Education or the Town of Suffield, its individual Board members, officers, employees, agents, contractors and assigns for any injury or harm connected to the undersigned's use of the Board's facilities, including but not limited to claims for negligent acts or omissions and/or claims for death and/or serious bodily injury and/or claims for property damage.

The undersigned assumes responsibility for any damage to and/or theft or loss of any school district property arising out of the use of the buildings, grounds, facilities, and/or equipment.

The undersigned has read and agrees to abide by the terms of the Board of Education policies pertaining to use of Board buildings, grounds, facilities, and/or equipment.

IN WITNESS WHEREOF, I hereunto set my hand this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

11/17/12

Series 4000-**C19**  
Personnel

## **FAMILIES FIRST CORONAVIRUS RESPONSE ACT LEAVE (NEW)**

***This entire policy is a temporary policy effective April 1, 2020 through December 31, 2020. Accordingly, the proposed policy language has not been highlighted or written in bold italics.***

### **STATEMENT OF POLICY**

In light of the global pandemic, and pursuant to the recently passed Families First Coronavirus Response Act (“FFCRA”), the Suffield Board of Education (the “Board”) is amending its policy on FMLA and adopting a sick leave policy as explained below. These amendments relate to the Emergency Paid Sick Leave Act (“EPSLA”) and the Emergency Family and Medical Leave Expansion Act (“EFMLEA”), and are effective from April 1, 2020 through December 31, 2020, or until further notice from the Board.

### **EPSLA & EFMLEA LEAVES**

#### **Qualifying Reasons for EPSLA and EFMLEA Leaves**

Under the FFCRA, an employee qualifies for leave under the EPSLA if the employee is unable to work (or unable to telework) because the employee:

1. is subject to a Federal, State, or local quarantine or isolation order related to COVID-19;
2. has been advised by a health care provider to self-quarantine related to COVID-19;
3. is experiencing COVID-19 symptoms *and* is seeking a medical diagnosis;
4. is caring for an individual subject to an order described in (1) or self-quarantine as described in (2);
5. is caring for his or her child whose school or place of care is closed (or child care provider is unavailable) for reasons related to COVID-19; or
6. is experiencing any other substantially similar condition specified by the Secretary of Health and Human Services, in consultation with the Secretaries of Labor and Treasury.

Under the FFCRA, an employee qualifies for EFMLEA leave if the employee is caring for his or her child whose school or place of care is closed (or child care provider is unavailable) for reasons related to COVID-19. The first two (2) weeks of EFMLEA leave are unpaid, while the remaining ten (10) weeks are paid as set forth below.

## Duration of EPSLA and EFMLEA Leaves

***For Qualifying Reasons (1)-(4) and (6):*** A full-time employee (individual working forty (40) hours per week) is eligible for eighty (80) hours of EPSLA leave. A part-time employee is eligible for the number of hours of EPSLA leave that the employee works on average over a two (2) week period.

***For Qualifying Reason (5):*** A full-time employee (individual working forty (40) hours per week) is eligible for an aggregate total of up to twelve (12) weeks of EFMLEA leave, so long as the childcare need exists for the duration of leave. A part-time employee is eligible for such leave for the number of hours that the employee is normally scheduled to work over that period. Employees may use their EPSLA leave concurrently with the first two (2) weeks of unpaid EFMLEA leave.

## Calculation of Pay for of EPSLA and EFMLEA Leaves

***For EPSLA Leave Reasons (1), (2), or (3):*** Employees taking leave are entitled to pay at either their regular rate or the applicable minimum wage, whichever is higher, up to \$511 per day and \$5,110 in the aggregate.

***For EPSLA Leave Reasons (4) or (6):*** Employees taking leave are entitled to pay at 2/3 their regular rate or 2/3 the applicable minimum wage, whichever is higher, up to \$200 per day and \$2,000 in the aggregate.

***For EPSLA leave reason (5) and EFMLEA leave:*** Employees taking leave are entitled to pay at 2/3 their regular rate or 2/3 the applicable minimum wage, whichever is higher, up to \$200 per day and \$12,000 in the aggregate. While the first two (2) weeks of EFMLEA leave is unpaid, an employee may use paid EPSLA leave to receive compensation during that period. If the employee opts *not* to use EPSLA leave for this purpose, the employee would be eligible to receive \$200 per day and \$10,000 in the aggregate for weeks 3 through 12 of EFMLEA leave.

## Determination of Eligibility Under a Qualifying Reason

Determination of an employee's eligibility for leave, including intermittent leave, will be made on a case-by-case basis and in accordance with the FFCRA, implementing regulations, and additional guidance provided by the United States Department of Labor.

## EPSLA & EFMLEA COORDINATION WITH OTHER LEAVE

### Sequence of Available Leaves

An employee may, but is not required to, use EPSLA leave during the first two (2) weeks of the unpaid portion of the EFMLEA leave period.

## EPSLA Leave Adds to Existing Leave Benefits

EPSLA leave is in addition to other accrued leave provided pursuant to the relevant collective bargaining agreement or Board policy.

## Effect of Use of Prior Federal FMLA Qualifying Leave on Eligibility for EFMLEA Leave

An employee's eligibility for EFMLEA leave depends on how much FMLA leave the employee has already taken during the twelve (12) months immediately preceding the start of EFMLEA. Any employee employed by the Board for at least thirty (30) days may take a total of 12 workweeks for EFMLEA leave during the applicable period. If an eligible employee has taken some, but not all, of twelve (12) workweeks under the federal FMLA during the 12-month period immediately preceding a request for EFMLEA, the employee may take the remaining portion of leave available. If the eligible employee has already taken twelve (12) workweeks of federal FMLA leave during this 12-month period, the employee may not take additional EFMLEA leave.

## **REQUIRED DOCUMENTATION FOR EPSLA, EFMLEA, AND FMLA LEAVES**

### EPSLA Leave

- All employees seeking EPSLA leave must provide the following:
  - Employee's name;
  - Date(s) for which leave is requested;
  - Qualifying reason for leave; and
  - A statement that the employee is unable to work because of the qualified reason for leave. This statement may be oral or written.
  
- In addition, employees must provide the following depending on the reason for taking EPSLA leave:
  - If an employee is taking EPSLA leave due to a quarantine or isolation order, the employee must identify the governmental entity that issued the order.
  - If an employee is taking EPSLA leave because a health care provider advised the employee to self-quarantine, the employee must identify the health care provider.
  - If an employee is taking EPSLA leave to care for a child whose school or place of care is closed, the employee must identify the name of the child being cared for, the name of the school or childcare provider that is closed or unavailable, and represent that no one else will be taking care of the child.

### EFMLEA Leave

- If an employee is taking EFMLEA leave to care for a child whose school or place of care is closed, the employee must identify the name of the child being cared for, the name of the school or childcare provider that is closed or unavailable, and represent that no one else will be taking care of the child.

Other FMLA Qualifying Leave

All existing certification requirements under the federal FMLA remain in effect if an employee is taking leave for one of the existing qualifying reasons under the federal FMLA. For example, if an employee is taking leave beyond the two (2) weeks of EPSLA leave because the employee's medical condition for COVID-19-related reasons rises to the level of a serious health condition, the employee must continue to provide medical certifications under the federal FMLA as required by the Board.

Legal References:

Families First Coronavirus Response Act, Pub. L. 116-127 §§3102, 5102, 134 Stat. 178 (2020).

Paid Leave Under the Families First Coronavirus Response Act, 29 CFR § 826 (2020).

ADOPTED: \_\_\_\_\_

Series 4000-**C19**  
Personnel

**EMPLOYMENT AND STUDENT TEACHER CHECKS**

***Temporary amendments to this policy related to the COVID-19 pandemic have been made to section III. All temporary revisions appear in highlighted bold italics or strikethrough text.***

***[On March 17, 2020, Governor Lamont issued Executive Order No. 7E, authorizing the Department of Emergency Services and Public Protection (“DESPP”) to suspend temporarily the availability of required fingerprinting. Via Executive Order No. 7M, Governor Lamont authorized commissioners and certain other government officials to extend, as necessary to respond to the COVID-19 pandemic, statutory or regulatory time requirements pertaining to their jurisdiction for a period not to exceed 90 days. Pursuant to Executive Order No. 7M, on April 21, 2020, Commissioner Cardona ordered a deferral, for a period of up to 90 days, of fingerprinting requirements while such fingerprinting was unavailable. Commissioner Cardona also stated that, once DESPP resumed collection and processing of fingerprints for criminal history records checks, districts must require that applicants hired during the deferral period be fingerprinted within 30 days of the time DESPP resumes such activities (60 days for student teachers).]***

***According to DESPP’s website, as of June 15, 2020, fingerprinting services resumed by appointment only. Therefore, any applicants/employees whose fingerprinting requirements had been deferred must be fingerprinted by July 15, 2020. At present, new hires and student teachers scheduled for the fall will not be affected, given the reinstatement of fingerprint processing.***

***However, in the event that fingerprinting is again suspended at some point during the 2020-2021 school year, this policy is revised to state that all timelines apply unless an order of the Governor or the Commissioner of Education provides otherwise].***

As set forth below, each applicant for a position with the district, and each student who is enrolled in a teacher preparation program, as defined in section 10-10a of the Connecticut General Statutes, and completing his or her student teaching experience in the district, shall be asked to provide in writing: (1) whether he/she has ever been convicted of a crime; (2) whether there are any criminal charges pending against him/her at the time of the application and, if charges are pending, to state the charges and the court in which such charges are pending; and (3) whether the applicant is included on the Abuse and Neglect Registry of the Connecticut Department of Children and Families (“DCF”) (the “Registry”). ***[Optional language: If the applicant’s current or most recent employment occurred out of state, the applicant will also be asked whether he/she is included on an equivalent database and/or abuse/neglect registry maintained in that other state].*** \*Applicants shall not be required to disclose any arrest, criminal charge or conviction that has been erased.

*[\*Note: This language is optional, as out-of-state registry checks are not required under Connecticut law. However, given that the intent of state law is to ensure access to all relevant background information, we have included this provision should districts wish to require this additional information.]*

In addition, the district shall conduct an employment history check for each applicant for a position, as set forth below.

For the purposes of this policy:

“Sexual misconduct means” any verbal, nonverbal, written, or electronic communication, or any other act directed toward or with a student that is designed to establish a sexual relationship with the student, including a sexual invitation, dating or soliciting a date, engaging in sexual dialog, making sexually suggestive comments, self-disclosure or physical exposure of a sexual or erotic nature, and any other sexual, indecent, or erotic contact with a student.

“Abuse or neglect” means abuse or neglect as described in Conn. Gen. Stat. § 46b-120, and includes any violation of Conn. Gen. Stat. §§ 53a-70 (sexual assault in the first degree), 53a-70a (aggravated sexual assault in the first degree), 53a-71 (sexual assault in the second degree), 53a-72a (sexual assault in the third degree), 53a-72b (sexual assault in the third degree with a firearm), or 53a-73a (sexual assault in the fourth degree).

“Former employer” means any person, firm, business, educational institution, nonprofit agency, corporation, limited liability company, the state, any political subdivision of the state, any governmental agency, or any other entity that such applicant was employed by during any of the previous twenty years prior to applying for a position with a local or regional board of education.

## I. Employment History Check Procedures

A. The district shall not offer employment to an applicant for a position, including any position that is contracted for, if such applicant would have direct student contact, prior to the district:

1. Requiring the applicant:

- a. to list the name, address, and telephone number of each current employer or former employer (please note the definition of “former employer” above, including the applicable twenty year reporting period) during any of the previous twenty years, if:
  - (i) such current or former employer is/was a local or regional board of education, council of a state or local charter school, interdistrict magnet school operator, or a supervisory agent of a nonpublic school, and/or
  - (ii) the applicant’s employment with such current or former employer caused the applicant to have contact with children.
- b. to submit a written authorization that

- (i) consents to and authorizes disclosure by the employers listed under paragraph I.A.1.a of this policy of the information requested under paragraph I.A.2 of this policy and the release of related records by such employers,
    - (ii) consents to and authorizes disclosure by the Department of Education of the information requested under paragraph I.A.3 of this policy and the release of related records by the department, and
    - (iii) releases those employers and the Department of Education from liability that may arise from such disclosure or release of records pursuant to paragraphs I.A.2 or I.A.3 of this policy; and
  - c. to submit a written statement of whether the applicant
    - (i) has been the subject of an abuse or neglect or sexual misconduct investigation by any employer, state agency or municipal police department, unless the investigation resulted in a finding that all allegations were unsubstantiated,
    - (ii) has ever been disciplined or asked to resign from employment or resigned from or otherwise separated from any employment while an allegation of abuse or neglect was pending or under investigation by DCF, or an allegation of sexual misconduct was pending or under investigation or due to an allegation substantiated pursuant to Conn. Gen. Stat. § 17a-101g or abuse or neglect, or of sexual misconduct or a conviction for abuse or neglect or sexual misconduct, or
    - (iii) has ever had a professional or occupational license or certificate suspended or revoked or has ever surrendered such a license or certificate while an allegation of abuse or neglect was pending or under investigation by DCF or an investigation of sexual misconduct was pending or under investigation, or due to an allegation substantiated by DCF of abuse or neglect or of sexual misconduct or a conviction for abuse or neglect or sexual misconduct;
2. Conducting a review of the employment history of the applicant by contacting those employers listed by the applicant under paragraph I.A.1.a of this policy. Such review shall be conducted using a form developed by the Department of Education, which shall request the following:
- a. the dates employment of the applicant, and
  - b. a statement as to whether the employer has knowledge that the applicant:

- (i) was the subject of an allegation of abuse or neglect or sexual misconduct for which there is an investigation pending with any employer, state agency, or municipal police department or which has been substantiated;
- (ii) was disciplined or asked to resign from employment or resigned from or otherwise separated from any employment while an allegation of abuse or neglect or sexual misconduct was pending or under investigation, or due to a substantiation of abuse or neglect or sexual misconduct; or
- (iii) has ever had a professional or occupational license, certificate, authorization or permit suspended or revoked or has ever surrendered such a license, certificate, authorization or permit while an allegation of abuse or neglect or sexual misconduct was pending or under investigation, or due to a substantiation of abuse or neglect or sexual misconduct. Such review may be conducted telephonically or through written communication. Notwithstanding the provisions of subsection (f) of Conn. Gen. Stat. § 31-51i, not later than five (5) business days after the district receives a request for such information about an employee or former employee, the district shall respond with such information. The district may request more information concerning any response made by a current or former employer for information about an applicant, and, notwithstanding subsection (f), such employer shall respond not later than five (5) business days after receiving such request.

3. Requesting information from the Department of Education concerning:

- a. the eligibility status for employment of any applicant for a position requiring a certificate, authorization or permit,
- b. whether the Department of Education has knowledge that a finding has been substantiated by DCF pursuant to Conn. Gen. Stat. § 17a-101g of abuse or neglect or of sexual misconduct against the applicant and any information concerning such a finding, and
- c. whether the Department of Education has received notification that the applicant has been convicted of a crime or of criminal charges pending against the applicant and any information concerning such charges.

- B. Notwithstanding the provisions of subsection (f) of Conn. Gen. Stat. § 31-51i, if the district receives information that an applicant for a position with or an employee of the board has been disciplined for a finding of abuse or neglect or sexual misconduct, it shall notify the Department of Education of such information.
- C. The district shall not employ an applicant for a position involving direct student contact who does not comply with the provisions of paragraph I.A.1 of this policy.

- D. The district may employ or contract with an applicant on a temporary basis for a period not to exceed ninety (90) calendar days, pending the district's review of information received under this section, provided:
1. The applicant complied with paragraph I.A.1 of this policy;
  2. The district has no knowledge of information pertaining to the applicant that would disqualify the applicant from employment with the district; and
  3. The applicant affirms that the applicant is not disqualified from employment with the district.
- E. The district shall not enter into a collective bargaining agreement, an employment contract, an agreement for resignation or termination, a severance agreement, or any other contract or agreement or take any action that:
1. Has the effect of suppressing information relating to an investigation of a report of suspected abuse or neglect or sexual misconduct by a current or former employee;
  2. Affects the ability of the district to report suspected abuse or neglect or sexual misconduct to appropriate authorities; or
  3. Requires the district to expunge information about an allegation or a finding of suspected abuse or neglect or sexual misconduct from any documents maintained by the district, unless, after investigation, such allegation is dismissed or found to be false.
- F. The district shall not offer employment to a person as a substitute teacher, unless such person and the district comply with the provisions of paragraph I.A.1 of this policy. The district shall determine which such persons are employable as substitute teachers and maintain a list of such persons. The district shall not hire any person as a substitute teacher who is not on such list. Such person shall remain on such list as long as such person is continuously employed by the district as a substitute teacher as described in paragraph III.B.2 of this policy, provided the district does not have any knowledge of a reason that such person should be removed from such list.
- G. In the case of an applicant who is a contractor, the contractor shall require any employee with such contractor who would be in a position involving direct student contact to supply to such contractor all the information required of an applicant under paragraphs I.A.1.a and I.A.1.c of this policy and a written authorization under paragraph I.A.1.b of this policy. Such contractor shall contact any current or former employer (please note the definition of "former employer" above, including the applicable twenty year reporting period) of such employee that was a local or regional board of education, council of a state or local charter school, interdistrict magnet school operator, or a supervisory agent of a nonpublic school, or if the employee's employment with such current or former employer caused the employee to have contact with children, and request, either telephonically or through written communication, any information concerning whether there was a finding of abuse or neglect or sexual misconduct against such employee.

Notwithstanding the provisions of subsection (f) of Conn. Gen. Stat. § 31-51i, such employer shall report to the contractor any such finding, either telephonically or through written communication. If the contractor receives any information indicating such a finding or otherwise receives any information indicating such a finding or otherwise has knowledge of such a finding, the contractor shall, notwithstanding the provisions of subsection (f) of Conn. Gen. Stat. § 31-51i, immediately forward such information to the district, either telephonically or through written communication. If the district receives such information, it shall determine whether such employee may work in a position involving direct student contact at any school in the district. No determination by the district that any such employee shall not work under any such contract in any such position shall constitute a breach of such contract.

- H. Any applicant who knowingly provides false information or knowingly fails to disclose information required in subdivision (1) of subsection (A) of this section shall be subject to discipline by the district that may include
  - 1. denial of employment, or
  - 2. termination of the contract of a certified employee, in accordance with the provisions of Conn. Gen. Stat. § 10-151.
- I. If the district provides information in accordance with paragraph I.A.2 or I.G of this policy, the district shall be immune from criminal and civil liability, provided the district did not knowingly supply false information.
- J. Notwithstanding the provisions of Conn. Gen. Stat. § 10-151c and subsection (f) of Conn. Gen. Stat. § 31-51i, the district shall provide, upon request by another local or regional board of education, governing council of a state or local charter school, interdistrict magnet school operator, or supervisory agent of a nonpublic school for the purposes of an inquiry pursuant to paragraphs I.A.2 or I.G of this policy or to the Commissioner of Education pursuant to paragraph I.B of this policy any information that the district has concerning a finding of abuse or neglect or sexual misconduct by a subject of any such inquiry.
- K. Prior to offering employment to an applicant, the district shall make a documented good faith effort to contact each current and any former employer (please note the definition of “former employer” employer above, including the applicable twenty year reporting period) of the applicant that was a local or regional board of education, governing council of a state or local charter school, interdistrict magnet school operator, or supervisory agent of a nonpublic school, or if the applicant’s employment with such current or former employer caused the applicant to have contact with children in order to obtain information and recommendations that may be relevant to the applicant’s fitness for employment. Such effort, however, shall not be construed to require more than three telephonic requests made on three separate days.
- L. The district shall not offer employment to any applicant who had any previous employment contract terminated by a local or regional board of education, council of a state or local charter school, interdistrict magnet school operator, or a supervisory agent of a nonpublic school, or who

resigned from such employment, if the person has been convicted of a violation of Conn. Gen. Stat. § 17a-101a, when an allegation of abuse or neglect or sexual assault has been substantiated.

## II. DCF Registry Checks

Prior to hiring any person for a position with the district, and before a student who is enrolled in a teacher preparation program, as defined in section 10-10a of the Connecticut General Statutes, and completing his or her student teaching experience with the district, begins such student teaching experience, the district shall require such applicant or student to submit to a records check of information maintained on the Registry concerning the applicant.

***[Optional: For any applicant whose current or most recent employment occurred out of state, the district shall request that the applicant provide the district with authorization to access information maintained concerning the applicant by the equivalent state agency in the state of most recent employment, if such state maintains information about abuse and neglect and has a procedure by which such information can be obtained. Refusal to permit the district to access such information shall be considered grounds for rejecting any applicant for employment.]***

The district shall request information from the Registry ***[or its out of state equivalent]*** promptly, and in any case no later than thirty (30) calendar days from the date of employment. Registry checks will be processed according to the following procedure:

- A. No later than ten (10) calendar days after the Superintendent or his/her designee has notified a job applicant of a decision to offer employment to the applicant, or as soon thereafter as practicable, the Superintendent or designee will either obtain the information from the Registry or, if the applicant's consent is required to access the information, will supply the applicant with the release form utilized by DCF, ***[or its out of state equivalent when available,]*** for obtaining information from the Registry.
- B. If consent is required to access the Registry, no later than ten (10) calendar days after the Superintendent or his/her designee has provided the successful job applicant with the form, the applicant must submit the signed form to DCF ***[or its out of state equivalent]***, with a copy to the Superintendent or his/her designee. Failure of the applicant to submit the signed form to DCF or its out of state equivalent within such ten-day period, without good cause, will be grounds for the withdrawal of the offer of employment.
- C. Upon receipt of Registry ***[or out-of-state registry]*** information indicating previously undisclosed information concerning abuse or neglect investigations concerning the successful job applicant/employee, the Superintendent or his/her designee will notify the affected applicant/employee in writing of the results of the Registry check and will provide an opportunity for the affected applicant/employee to respond to the results of the Registry check.
- D. If notification is received by the Superintendent or designee that that the applicant is listed as a perpetrator of abuse or neglect on the Registry, the Superintendent or designee shall provide the applicant with an opportunity to be heard regarding the results of the Registry check. If warranted by the results of the Registry check and any additional information provided by the

applicant, the Superintendent or designee shall revoke the offer of employment and/or terminate the applicant's employment if he or she has already commenced working for the district.

### III. Criminal Records Check Procedure

- A. Each person hired by the district shall be required to submit to state and national criminal record checks within thirty (30) calendar days from the date of employment. Each student who is enrolled in a teacher preparation program, as defined in section 10-10a of the Connecticut General Statutes, and completing his or her student teaching experience with the district, shall be required to submit to state and national criminal record checks within sixty (60) calendar days from the date such student begins to perform such student teaching experience. Record checks will be processed according to the following procedure, **except as noted in paragraph III.C. of this policy**:\*
1. No later than five (5) calendar days after the Superintendent or his/her designee has notified a job applicant of a decision to hire the applicant, or as soon thereafter as practicable, the Superintendent or his/her designee will provide the applicant with a packet containing all documents and materials necessary for the applicant to be fingerprinted by the \_\_\_\_\_ **[insert name of applicable law enforcement agency]**. This packet shall also contain all documents and materials necessary for the police department to submit the completed fingerprints to the State Police Bureau of Identification for the processing of state and national criminal record checks. The Superintendent or his/her designee will also provide each applicant with the following notifications before the applicant obtains his/her fingerprints: (1) Agency Privacy Requirements for Noncriminal Justice Applicants; (2) Noncriminal Justice Applicant's Privacy Rights; (3) and the Federal Bureau of Investigation, United States Department of Justice Privacy Act Statement.
  2. No later than ten (10) calendar days after the Superintendent or his/her designee has provided the successful job applicant with the fingerprinting packet, the applicant must arrange to be fingerprinted by the \_\_\_\_\_ **[insert name of applicable law enforcement agency]**. 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. Fees and costs associated with the fingerprinting process and the submission and process of requests are waived for student teachers, in accordance with state law.
  4. Upon receipt of a criminal record check indicating a previously undisclosed conviction, the Superintendent or his/her 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. The affected applicant/employee may notify the Superintendent or his/her designee in writing within

five (5) calendar days that the affected/employee will challenge his/her criminal history record check. Upon written notification to the Superintendent or his/her designee of such a challenge, the affected applicant/employee shall have ten (10) calendar days to provide the Superintendent or his/her designee with necessary documentation regarding the affected applicant/employee's record challenge. The Superintendent or his/her designee may grant an extension to the preceding ten-day period during which the affected applicant/employee may provide such documentation for good cause shown.

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. Notwithstanding anything in paragraph III.A.5 of this Policy, above, no decision to deny employment or withdraw an offer of employment on the basis of an applicant/employee's criminal history record shall be made without affording the applicant/employee the opportunities set forth in paragraph III.A.4 of this Policy, above.

#### **B. Criminal Records Check for Substitute Teachers:**

A substitute teacher who is hired by the district must submit to state and national criminal history record checks according to the procedures outlined above, subject to the following:

1. If the state and national criminal history record checks for a substitute teacher have been completed within one year prior to the date the district hired the substitute teacher, and if the substitute teacher arranged for such prior criminal history record checks to be forwarded to the Superintendent, then the substitute teacher will not be required to submit to another criminal history record check at the time of such hire.
2. If a substitute teacher submitted to state and national criminal history record checks upon being hired by the district, then the substitute teacher will not be required to submit to another criminal history record check so long as the substitute teacher is continuously employed by the district, that is, employed for at least one day of each school year, by the district, provided a substitute teacher is subjected to such checks at least once every five years.

#### **C. Criminal Records Check During the COVID-19 Pandemic**

***The timelines regarding state and national criminal record checks identified in paragraph III.A. and III.A.2 may be modified by the district in accordance with any executive order issued by the Governor or any order issued by the Commissioner of Education that is related to the COVID-19 pandemic or public health emergency and in effect at the time a person is offered a position or hired by the district or a student teacher is offered a position or begins to perform his or her student teaching experience within the district. Notwithstanding any such***

***modifications, the provisions of paragraphs III.A.3, III.A.4 and III.A.5 of this policy remain in effect. If any timelines are so extended or deferred, the district will continue to perform background checks to the greatest extent practicable and in accordance with applicable law.***

#### IV. Sex Offender Registry Checks

School district personnel shall cross-reference the Connecticut Department of Public Safety's sexual offender registry prior to hiring any new employee and before a student who is enrolled in a teacher preparation program, as defined in section 10-10a of the Connecticut General Statutes, and completing his or her student teaching experience with the district, begins such student teaching experience. Registration as a sexual offender constitutes grounds for denial of employment opportunities and opportunities to perform student teaching experiences in the school district.

#### V. Credit Checks

The district may also ask a prospective employee for a credit report for employment for certain district positions, where the district's receipt of a credit report is substantially related to the employee's potential job. Substantially related is defined to mean "the information contained in the credit report is related to the position for which the employee or prospective employee who is the subject of the report is being evaluated." Prior to asking for a credit report, the district will determine whether the position falls within one of the categories as described in this paragraph. The position must: (1) be a managerial position which involves setting the direction or control of the district; (2) involve access to employees' personal or financial information; (3) involve a fiduciary responsibility to the district, including, but not limited to, the authority to issue payments, collect debts, transfer money or enter into contracts; (4) provide an expense account or district debit or credit card; or (5) involve access to the district's nonfinancial assets valued at two thousand five dollars or more.

When a credit report will be requested as part of the employment process, the district will provide written notification to prospective employee regarding the use of credit checks. That notification must be provided in a document separate from the employment application. The notification must state that the district may use the information in the consumer credit report to make decisions related to the individual's employment.

The district will obtain consent before performing the credit or other background checks. If the district intends to take an action adverse to a potential employee based on the results of a credit report, the district must provide the prospective employee with a copy of the report on which the district relied in making the adverse decision, as well as a copy of "A Summary of Your Rights Under the Fair Credit Reporting Act," which should be provided by the company that provides the results of the credit check. The district will notify the prospective employee either orally, in writing or via electronic means that the adverse action was taken based on the information in the consumer report. That notice must include the name, address and phone number of the consumer reporting company that supplied the credit report; a statement that the company that supplied the report did not make the decision to take the unfavorable action and cannot provide specific reasons for the district's actions; and a notice of the person's right to dispute the accuracy or completeness of any information the consumer reporting company furnished, and to get an additional free report from the company if the person asks for it within sixty (60) calendar days.

VI. Notice of Conviction

If, at any time, the district receives notice of a conviction of a crime by a person holding a certificate, authorization or permit issued by the State Board of Education, the district shall send such notice to the State Board of Education. In complying with this requirement, the district shall not disseminate the results of any national criminal history records check.

VII. School Nurses

School nurses or nurse practitioners appointed by, or under contract with, the district shall also be required to submit to a criminal history records check in accordance with the procedures outlined above.

VIII. Personal Online Accounts

For purposes of these Administrative Regulations, “personal online account” means any online account that is used by an employee or applicant exclusively for personal purposes and unrelated to any business purpose of the district, including, but not limited to, electronic mail, social media and retail-based Internet web sites. “Personal online account” does not include any account created, maintained, used or accessed by an employee or applicant for a business purpose of the district.

- A. During the course of an employment check, the district may not:
  - 1. request or require that an applicant provide the district with a user name and password, password or any other authentication means for accessing a personal online account;
  - 2. request or require that an applicant authenticate or access a personal online account in the presence of the district; or
  - 3. require that an applicant invite a supervisor employed by the district or accept an invitation from a supervisor employed by the district to join a group affiliated with any personal online account of the applicant.
- B. The district may request or require that an applicant provide the district with a user name and password, password or any other authentication means for accessing:
  - 1. any account or service provided by district or by virtue of the applicant’s employment relationship with the district or that the applicant uses for the district’s business purposes, or
  - 2. any electronic communications device supplied or paid for, in whole or in part, by the district.
- C. In accordance with applicable law, the district maintains the right to require an applicant to allow the district to access his or her personal online account, without disclosing the user name and

password, password or other authentication means for accessing such personal online account, for the purpose of:

1. conducting an investigation for the purpose of ensuring compliance with applicable state or federal laws, regulatory requirements or prohibitions against work-related employee misconduct based on the receipt of specific information about activity on an applicant's personal online account; or
2. conducting an investigation based on the receipt of specific information about an applicant's unauthorized transfer of the district's proprietary information, confidential information or financial data to or from a personal online account operated by an applicant or other source.

IX. Policy Inapplicable to Certain Individuals

This policy shall also not apply to:

- A. A student employed by the district who attends a district school.
- B. A person employed by the district as a teacher for a noncredit adult class or adult education activity, as defined in Conn. Gen. Stat. § 10-67, who is not required to hold a teaching certificate pursuant to Conn. Gen. Stat. § 10-145b for his or her position.

X. Falsification of Records.

Notwithstanding any other provisions of this policy, the falsification or omission of any information on a job application or in a job interview, including but not limited to information concerning abuse or neglect investigations or pending criminal applications, shall be grounds for disqualification from consideration for employment or discharge from employment.

***[\* Note: This is a sample policy designed to provide compliance with the provisions of Connecticut General Statutes §§ 10-221d and 10-222c. Individual boards of education may wish to treat certain aspects of this policy differently. For example, a board of education may wish to do the required fingerprinting on-site, using board personnel. Also, a board of education may request a regional educational service center to arrange the taking and forwarding of the fingerprints, with the direction to provide the board of education with the results of the criminal history records checks.]***

Legal References:            Conn. Gen. Stat. § 10-212  
   Conn. Gen. Stat. § 10-221d  
   Conn. Gen. Stat. § 10-222c  
   Conn. Gen. Stat. § 31-40x

Conn. Gen. Stat. § 31-51i

Conn. Gen. Stat. § 31-51tt

Public Act 19-91, “An Act Concerning Various Revisions and Additions to the Education Statutes.”

Elementary and Secondary Education Act, reauthorized as the Every Student Succeeds Act, Pub. L. 114-95, codified at 20 U.S.C. § 1001 *et seq.*

Fair Credit Reporting Act, 15 U.S.C. § 1681 *et seq.*

ADOPTED: \_\_\_\_\_

REVISED: \_\_\_\_\_

8/28/2019

**Temporary revisions 7/6/2020**

# Agency Privacy Requirements for Noncriminal Justice Applicants

Authorized governmental and non-governmental agencies/officials that conduct a national fingerprint-based criminal history record check on an applicant for a noncriminal justice purpose (such as a job or license, immigration or naturalization matter, security clearance, or adoption) are obligated to ensure the applicant is provided certain notice and other information and that the results of the check are handled in a manner that protects the applicant's privacy.

- Officials must provide to the applicant written notice<sup>1</sup> that his/her fingerprints will be used to check the criminal history records of the FBI.
- Officials using the FBI criminal history record (if one exists) to make a determination of the applicant's suitability for the job, license, or other benefit must provide the applicant the opportunity to complete or challenge the accuracy of the information in the record.
- Officials must advise the applicant that procedures for obtaining a change, correction, or updating of an FBI criminal history record are set forth at Title 28, Code of Federal Regulations (CFR), Section 16.34.
- Officials should not deny the job, license, or other benefit based on information in the criminal history record until the applicant has been afforded a reasonable time to correct or complete the record or has declined to do so.
- Officials must use the criminal history record solely for the purpose requested and cannot disseminate the record outside the receiving department, related agency, or other authorized entity.<sup>2</sup>

The FBI has no objection to officials providing a copy of the applicant's FBI criminal history record to the applicant for review and possible challenge when the record was obtained based on positive fingerprint identification. If agency policy permits, this courtesy will save the applicant the time and additional FBI fee to obtain his/her record directly from the FBI by following the procedures found at 28 CFR 16.30 through 16.34. It will also allow the officials to make a more timely determination of the applicant's suitability.

Each agency should establish and document the process/procedures it utilizes for how/when it gives the applicant notice, what constitutes "a reasonable time" for the applicant to correct or complete the record, and any applicant appeal process that is afforded the applicant. Such documentation will assist State and/or FBI auditors during periodic compliance reviews on use of criminal history records for noncriminal justice purposes.

If you need additional information or assistance, contact:

<p><b>Connecticut Records:</b> <b>Department of Emergency Services and Public Protection</b> <b>State Police Bureau of Identification (SPBI)</b> <b>1111 Country Club Road</b> <b>Middletown, CT 06457</b> <b>860-685-8480</b></p>	<p><b>Out-of-State Records:</b> <b>Agency of Record</b> <b>OR</b> <b>FBI CJIS Division-Summary Request</b> <b>1000 Custer Hollow Road</b> <b>Clarksburg, West Virginia 26306</b></p>
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<sup>1</sup> Written notification includes electronic notification, but excludes oral notification.

<sup>2</sup> See 5 U.S.C. 552a(b); 28 U.S.C. 534(b); 42 U.S.C. 14616, Article IV(c); 28 CFR 20.21(c), 20.33(d), 50.12(b) and 906.2(d).

## Noncriminal Justice Applicant's Privacy Rights

As an applicant who is the subject of a national fingerprint-based criminal history record check for a noncriminal justice purpose (such as an application for a job or license, an immigration or naturalization matter, security clearance, or adoption), you have certain rights which are discussed below.

- You must be provided written notification<sup>3</sup> by \_\_\_\_\_ that your fingerprints will be used to check the criminal history records of the FBI.
- If you have a criminal history record, the officials making a determination of your suitability for the job, license, or other benefit must provide you the opportunity to complete or challenge the accuracy of the information in the record.
- The officials must advise you that the procedures for obtaining a change, correction, or updating of your criminal history record are set forth at Title 28, Code of Federal Regulations (CFR), Section 16.34.
- If you have a criminal history record, you should be afforded a reasonable amount of time to correct or complete the record (or decline to do so) before the officials deny you the job, license, or other benefit based on information in the criminal history record.<sup>4</sup>
- You have the right to expect that officials receiving the results of the criminal history record check will use it only for authorized purposes and will not retain or disseminate it in violation of federal statute, regulation or executive order, or rule, procedure or standard established by the National Crime Prevention and Privacy Compact Council.<sup>5</sup>
- If agency policy permits, the officials may provide you with a copy of your FBI criminal history record for review and possible challenge. If agency policy does not permit it to provide you a copy of the record, you may obtain a copy of the record by submitting fingerprints and a fee to the FBI. Information regarding this process may be obtained at <http://www.fbi.gov/about-us/cjis/background-checks>.
- If you decide to challenge the accuracy or completeness of your FBI criminal history record, you should send your challenge to the agency that contributed the questioned information to the FBI. Alternatively, you may send your challenge directly to the FBI at the same address as provided above. The FBI will then forward your challenge to the agency that contributed the questioned information and request the agency to verify or correct the challenged entry. Upon receipt of an official communication from that agency, the FBI will make any necessary changes/corrections to your record in accordance with the information supplied by that agency. (See 28 CFR 16.30 through 16.34.)
- If you need additional information or assistance, please contact:

<p><b>Connecticut Records:</b> <b>Department of Emergency Services and Public Protection</b> <b>State Police Bureau of Identification (SPBI)</b> <b>1111 Country Club Road</b> <b>Middletown, CT 06457</b> <b>860-685-8480</b></p>	<p><b>Out-of-State Records:</b> <b>Agency of Record</b> <b>OR</b> <b>FBI CJIS Division-Summary Request</b> <b>1000 Custer Hollow Road</b> <b>Clarksburg, West Virginia 26306</b></p>
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<sup>3</sup> Written notification includes electronic notification, but excludes oral notification.

<sup>4</sup> See 28 CFR 50.12(b).

<sup>5</sup> See 5 U.S.C. 552a(b); 28 U.S.C. 534(b); 42 U.S.C. 14616, Article IV(c); 28 CFR 20.21(c), 20.33(d) and 906.2(d).

Federal Bureau of Investigation  
United States Department of Justice  
Privacy Act Statement

**Authority:** The FBI's acquisition, preservation, and exchange of fingerprints and associated information is generally authorized under 28 U.S.C. 534. Depending on the nature of your application, supplemental authorities include Federal statutes, State statutes pursuant to Pub. L. 92-544, Presidential Executive Orders, and federal. Providing your fingerprints and associated information is voluntary; however, failure to do so may affect completion or approval of your application.

**Social Security Account Number (SSAN).** Your SSAN is needed to keep records accurate because other people may have the same name and birth date. Pursuant to the Federal Privacy Act of 1974 (5 USC 552a), the requesting agency is responsible for informing you whether disclosure is mandatory or voluntary, by what statutory or other authority your SSAN is solicited, and what uses will be made of it. Executive Order 9397 also asks Federal agencies to use this number to help identify individuals in agency records.

**Principal Purpose:** Certain determinations, such as employment, licensing, and security clearances, may be predicated on fingerprint-based background checks. Your fingerprints and associated information/biometrics may be provided to the employing, investigating, or otherwise responsible agency, and/or the FBI for the purpose of comparing your fingerprints to other fingerprints in the FBI's Next Generation Identification (NGI) system or its successor systems (including civil, criminal, and latent fingerprint repositories) or other available records of the employing, investigating, or otherwise responsible agency. The FBI may retain your fingerprints and associated information/biometrics in NGI after the completion of this application and, while retained, your fingerprints may continue to be compared against other fingerprints submitted to or retained by NGI.

**Routine Uses:** During the processing of this application and for as long thereafter as your fingerprints and associated information/biometrics are retained in NGI, your information may be disclosed pursuant to your consent, and may be disclosed without your consent as permitted by the Privacy Act of 1974 and all applicable Routine Uses as may be published at any time in the Federal Register, including the Routine Uses for the NGI system and the FBI's Blanket Routine Uses. Routine uses include, but are not limited to, disclosures to: employing, governmental or authorized non-governmental agencies responsible for employment, contracting licensing, security clearances, and other suitability determinations; local, state, tribal, or federal law enforcement agencies; criminal justice agencies; and agencies responsible for national security or public safety.

**Additional Information:** The requesting agency and/or the agency conducting the application-investigation will provide you additional information pertinent to the specific circumstances of this application, which may include identification of other authorities, purposes, uses, and consequences of not providing requested information. In addition, any such agency in the Federal Executive Branch has also published notice in the Federal Register describing any systems(s) of records in which that agency may also maintain your records, including the authorities, purposes, and routine uses for the system(s).



Series 4000- **CI9**  
Personnel

**POLICY REGARDING EMPLOYEE USE OF  
THE DISTRICT'S COMPUTER SYSTEMS AND ELECTRONIC  
COMMUNICATIONS**

***Temporary amendments to this policy related to the COVID-19 pandemic have been made to the body of the policy; the Introduction, Monitoring, and Electronic Communications sections of the Administrative Regulations, and to the Notice Regarding Electronic Monitoring. All temporary revisions appear in highlighted bold italics or strikethrough text.***

Computers, computer networks, electronic devices, Internet access, and e-mail are effective and important technological resources. The Board of Education ~~provides~~ **has installed** computers, **and** a computer network, including Internet access and an e-mail system, **on Board premises** and **may provide** other electronic devices that **can** access the network such as wireless and/or portable electronic hand-held equipment that can be used for word processing, wireless Internet access, image capture and recording, sound recording, information transmitting and/or receiving, storing, etc. (including, but not limited to, personal laptops, Smartphones, network access devices, Kindles, Nooks, cellular telephones, radios, personal cassette players, CD players, iPads or other tablet computers, walkie-talkies, Blackberries, personal data assistants, iPhones, Androids and other electronic signaling devices). **The Board's computers, computer networks, electronic devices, Internet access, and e-mail are** (referred to collectively as "the computer systems"), **and are provided** in order to enhance both the educational opportunities for our students and the business operations of the district.

These computer systems are business and educational tools. As such, they are made available to Board employees for business and education related uses. The Administration shall develop regulations setting forth procedures to be used by the Administration in an effort to ensure that such computer systems are used for appropriate business and education related purposes.

In accordance with applicable laws and the Administrative Regulations associated with this Policy, the system administrator and others managing the computer systems may access email or monitor activity on the computer system or electronic devices accessing the computer systems at any time and for any reason or no reason. Typical examples

include when there is reason to suspect inappropriate conduct or there is a problem with the computer systems needing correction. Further, the system administrator and others managing the computer systems can access or monitor activity on the systems despite the use of passwords by individual users, and can bypass such passwords. In addition, review of emails, messages or information stored on the computer systems, which can be forensically retrieved, includes those messages and/or electronic data sent, posted and/or retrieved using social networking sites, including, but not limited to, Twitter, Facebook, LinkedIn, YouTube, and MySpace.

Incidental personal use of the computer systems may be permitted solely for the purpose of e-mail transmissions and access to the Internet on a limited, occasional basis. Such incidental personal use of the computer systems, however, is subject to all rules, including monitoring of all such use, as the Superintendent may establish through regulation. Moreover, any such incidental personal use shall not interfere in any manner with work responsibilities.

**Users should not have any expectation of personal privacy in the use of the computer system or other electronic devices that access the computer system. Use of the computer system represents an employee's acknowledgement that the employee has read and understands this policy and any applicable regulations in their entirety, including the provisions regarding monitoring and review of computer activity.**

Legal References:

Conn. Gen. Stat. § 31-40x  
Conn. Gen. Stat. § 31-48d  
Conn. Gen. Stat. §§ 53a-182; 53a-183; 53a-250

Electronic Communication Privacy Act, 18 U.S.C. §§ 2510 through 2520

ADOPTED: \_\_\_\_\_  
REVISED: \_\_\_\_\_

***Temporary revisions 7/6/2020***

8/1/16



**Series 4000-*CI9*  
Personnel**

**ADMINISTRATIVE REGULATIONS REGARDING EMPLOYEE USE OF  
THE DISTRICT'S COMPUTER SYSTEMS AND ELECTRONIC  
COMMUNICATIONS**

Introduction

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

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

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

## Monitoring

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

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

Notwithstanding the above and in accordance with state law, the Board may not: (1) request or require that an employee provide the Board with a user name and password, password or any other authentication means for accessing a personal online account; (2) request or require that an employee authenticate or access a personal online account in the presence of **the a Board representative**; or (3) require that an employee invite a supervisor employed by the Board or accept an invitation from a supervisor employed by the Board to join a group affiliated with any personal online account of the employee. However, the Board may request or require that an employee provide the Board with a user name and password, password or any other authentication means for accessing (1) any account or service provided by Board or by virtue of the employee's employment relationship with the Board or that the employee uses for the Board's business purposes, or (2) any electronic communications device supplied or paid for, in whole or in part, by the Board.

In accordance with applicable law, the Board maintains the right to require an employee to allow the Board to access his or her personal online account, without disclosing the user name and password, password or other authentication means for accessing such personal online account, for the purpose of:

- (A) Conducting an investigation for the purpose of ensuring compliance with applicable state or federal laws, regulatory requirements or prohibitions against work-related employee misconduct based on the receipt of specific information about activity on an employee's personal online account; or

- (B) Conducting an investigation based on the receipt of specific information about an employee's unauthorized transfer of the Board's proprietary information, confidential information or financial data to or from a personal online account operated by an employee or other source.

For purposes of these Administrative Regulations, "personal online account" means any online account that is used by an employee exclusively for personal purposes and unrelated to any business purpose of the Board, including, but not limited to, electronic mail, social media and retail-based Internet web sites. "Personal online account" does not include any account created, maintained, used or accessed by an employee for a business purpose of the Board.

### Why Monitor?

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

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

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

### Privacy Issues

Employees must understand that the Board has reserved the right to conduct monitoring of these computer systems and can do so *despite* the assignment to individual employees of passwords for system security. Any password systems implemented by the district are designed solely to provide system security from unauthorized users, not to provide privacy to the individual system user.

*The system's security aspects, message delete function and personal passwords can be bypassed for monitoring purposes.*

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

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

### Prohibited Uses

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

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

**[If the Board does not have a formal social networking policy, the last bullet may be revised as follows:**

- ◆ **Using social networking sites such as Facebook, Twitter, MySpace and LinkedIn in a manner that disrupts or undermines the effective operation of the school district; is used to engage in harassing,**

**defamatory, obscene, abusive, discriminatory or threatening or similarly inappropriate communications; creates a hostile work environment; breaches confidentiality obligations of school district employees; or violates the law, Board policies and/or the other school rules and regulations.]**

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

#### Electronic Communications

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

#### Disciplinary Action

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

#### Complaints of Problems or Misuse

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

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

#### Implementation

This regulation is effective as of \_\_/\_\_/\_\_.

Legal References:

Conn. Gen. Stat. § 31-40x  
Conn. Gen. Stat. § 31-48d  
Conn. Gen. Stat. §§ 53a-182; 53a-183; 53a-250

Electronic Communication Privacy Act, 18 U.S.C. §§ 2510 through 2520

8/1/16

*[Note: Although we have included this sample notice in our model policy documents for the convenience of our Board of Education clients, the notice does not need to be approved as a Board policy].*

## **NOTICE REGARDING ELECTRONIC MONITORING**

**[To be posted in a conspicuous place  
readily available for viewing by employees]**

In accordance with the provisions of Connecticut General Statutes Section 31-48d, the Board of Education hereby gives notice to all its employees of the potential use of electronic monitoring in its workplace. While the Board may not actually engage in the use of electronic monitoring, it reserves the right to do so as the Board and/or the Administration deem appropriate in their discretion, consistent with the provisions set forth in this Notice.

“Electronic monitoring,” as defined by Connecticut General Statutes Section 31-48d, means the collection of information on the Board’s premises concerning employees’ activities or communications, by any means other than direct observation of the employees. Electronic monitoring includes the use of a computer, telephone, wire, radio, camera, electromagnetic, photoelectronic or photo-optical systems. The law does not cover the collection of information (A) for security purposes in any common areas of the Board’s premises which are open to the public, or (B) which is prohibited under other state or federal law.

The following specific types of electronic monitoring may be used by the Board in its workplaces: **[modify as appropriate for the school district in question]**

- Monitoring of e-mail and other components of the Board’s computer systems, including monitoring of electronic devices such as PDAs, Smartphones, and mobile or handheld devices that access the computer systems, for compliance with the Board’s policies and regulations concerning use of such systems.
- Video and/or audio surveillance within school buildings (other than in restrooms, locker rooms, lounges and other areas designed for the health or personal comfort of employees or for the safeguarding of their possessions), on school grounds and on school buses and other vehicles providing transportation to students and/or employees of the school system.
- Monitoring of employee usage of the school district’s telephone systems.
- ***Monitoring of employees when employees are engaging in remote teaching or use of a digital teaching platform.***

The law also provides that, where electronic monitoring may produce evidence of misconduct, the Board may use electronic monitoring without any prior notice when the Board has reasonable grounds to believe employees are engaged in conduct that (i) violates the law, (ii) violates the legal rights of the Board or other employees, or (iii) creates a hostile work environment.

Questions about electronic monitoring in the workplace should be directed to the Superintendent.

Legal References:

Connecticut General Statutes:

Section 31-48b

Section 31-48d

8/1/16



Series 5000 - **C-19**  
Students

**TRANSPORTATION**

***Temporary amendments to this policy related to the COVID-19 pandemic have been made to sections III and IV. All temporary revisions appear in highlighted bold italics or strikethrough text.***

I. Statement of Policy

The Board of Education will provide transportation for students under provisions of state law and regulations. In determining the provision of transportation, the superintendent of schools shall consider the guidelines contained in this policy and shall administer the operation so as to:

1. provide for the safety of students, including consideration of hazardous conditions whether or not described in this policy;
2. provide for appropriate supervision for students while on school transportation, consistent with the Board's student discipline policy; and
3. assist disabled students by providing appropriate specialized transportation when required by law.

II. Definitions

1. "School transportation" means the procedure, program, or implemented plan by which a pupil is transported to and/or from school from his/her residence or the assigned bus stop at public expense, whether by use of publicly owned equipment or by contract. Such transportation shall be over public roads approved and maintained by the municipality or the state of Connecticut, or private roads approved pursuant to C.G.S. Section 10-220c.
2. "Walking distance" means the linear measure of a prescribed or authorized pedestrian route between the pupil's residence and his/her school from a point at the curb or edge of a public or private road nearest the pupil's residence to a point at the entrance of the school, or a safe entrance to the school grounds located within one hundred feet of the school building entrance or the bus pick-up area, or the route

from the point on the public thoroughfare nearest the residence to the school bus or vehicle embarkation point established by the [ ] Board of Education.

3. "One mile walking distance" means a reasonable measurement of a route to be traversed extending from the point of measurement at least 5,280 feet, but not more than 5,380 feet.
4. "Grade K" means kindergarten, or a school program appropriate to a beginning pupil.
5. "Hazard" means a thing or condition, as prescribed in this policy under "Hazardous Conditions" that affects the safety of pupils walking to or from school and/or to or from a designated bus pick-up area.
6. "Sidewalk" means a portion of the landscape right of way approximately three feet wide, usually parallel to the traffic lanes which may be paved or unpaved, and marked by curbing, drainage ditch, grass area or fencing; apart from and independent of any white line safety markings along the street pavement.
7. "Raised walk area" means a portion of the landscape right of way approximately three feet wide, usually parallel to the traffic lanes which may be paved or unpaved, distinguished by some elevation above the street pavement level and marked by curbing, drainage ditch, grass area or fencing; apart from and independent of any painted safety markings along the street pavement.
8. "Walking route" means the route that the student is expected to travel between his/her residence to and from school and/or an assigned bus stop.
9. "Bus stop" shall be defined as a geographical location designated by the Board of Education, school administration or their designee where students can safely wait for purposes of embarking or disembarking a school bus.
10. "Pupil" means any individual of school age enrolled in a public or nonprofit private school located within the school district or contiguous school district as the case may be.

### III. Provision of Transportation

Transportation by private carrier may be provided whenever such practice is more economical than using school district-owned/leased facilities. ~~If parents volunteer, and the administration permits, parents may be reimbursed for transportation of eligible students whenever such practice is more economical or convenient for the school district.~~ ***The Board will request that parents volunteer to transport eligible students, without reimbursement, in order to reduce the number of students transported on buses to protect the health and safety of students and staff.***

In determining the provision of transportation for resident public and eligible private school students, the following guidelines regarding walking distances will be considered. Distance measurements will be based on the most direct route from the student's home beginning at a point at the curb or edge of a public road or highway nearest the home to the edge of the school property or bus pickup areas.

<u>Grade</u>	<u>Limit</u>
K	1 mile
1-3	1 mile
4-8	1 1/2 miles
9-12	2 miles

Students living within the stated distance limits will receive transportation when, in the opinion of the Superintendent of Schools, it is in the best interests of the district to provide transportation.

#### IV. Access to Bus Stops/Transportation

Parents and/or guardians are responsible for ensuring the safety of their children up until the point when students board the school bus or other school provided transportation, and after students get off the bus after school. This responsibility includes the selection of walking routes to/from any bus stop and/or the school building, **compliance with COVID-19 related safety precautions at the bus stop and along walking routes**, and the provision of supervision that is appropriate to the student's age, maturity and conditions along the walking route and/or at the bus stop at all times.

Given that bus pick up times may vary, the Board expects that parents and/or guardians will ensure that their children arrive at the bus stop in advance of any scheduled pick up time. **Bus pick up/drop off times and routes may change during the school year in connection with the COVID-19 pandemic and changing public health conditions. The Board will notify all parents and guardians in advance of such changes.**

#### V. Hazardous Conditions

The administration shall consider the following guidelines for hazardous conditions when making decisions regarding the transportation of children:

1. Except as provided in Paragraph 7 of this Section, a street or road, along a designated walking route to or from school and/or to or from a designated bus pick-up area, having an adjacent or parallel sidewalk or raised walk area shall be deemed hazardous when any one of the following conditions exist:
  - a) For pupils under age ten, or enrolled in grades K through 3:
    - (i) the absence of a pedestrian crossing light or crossing guard where three or more streets intersect, and a pupil is expected to cross the street; OR

- (ii) street crossings where there are no stop signs or crossing guards and the traffic count during the time that pupils are walking to or from school exceeds sixty vehicles per hour at the intersection, and a pupil is expected to cross the street.
  - b) For pupils over age ten, or enrolled in grades 4 through 12, the absence of a traffic light or stop signs or crossing guard at an intersection where three or more streets intersect which has a traffic count which exceeds ninety vehicles per hour during the time that pupils are walking to or from school, and such pupils are expected to cross the street;
  - c) For all pupils:
    - (i) any street, road, or highway with speed limits in excess of forty miles per hour which does not have pedestrian crossing lights or crossing guards or other safety provisions at points where pupils must cross when going to or from school or the bus stop; OR
    - (ii) the usual or frequent presence of any nuisance such as open man-holes, construction, snow plowed or piled on the walk area making walkways unusable, loading zones where delivery trucks are permitted to park on walkways, commercial entrances and exits where cars are crossing walking areas at speeds in excess of five miles per hour, and the like, including such nuisances which are hazardous or attractive to children.
2. Any street, road, or highway, along a designated walking route to or from school and/or to or from a designated bus pick-up area, that has no sidewalks or raised walk areas shall be deemed hazardous if any one of the following conditions exist:
- a) For pupils under age ten, or enrolled in grade K through 3:
    - (i) any street, road, or highway possessing a traffic count of sixty or more vehicles per hour at the time that pupils are walking to or from school; OR
    - (ii) any street, road, or highway possessing a speed limit in excess of thirty miles per hour.
  - b) For all pupils:
    - (i) the presence of man-made hazards including attractive nuisances, as stated in 1(c)(ii) above; OR
    - (ii) any roadway available to vehicles that does not have a minimum width of approximately twenty-two feet; OR
    - (iii) any roadway available to vehicles that, when plowed free of snow accumulations, does not have a minimum width of approximately twenty feet; OR

- (iv) any street, road, or highway where the line-of-sight visibility together with posted speed limits do not permit vehicular braking/stopping in accordance with the Connecticut Drivers Manual or Department of Transportation, Division of Design Standard, or other reasonable standard.
- 3. Any walkway, path, or bridge, along a designated walking route to or from school and/or to or from a designated bus pick-up area, in an area adjacent or parallel to railroad tracks shall be considered hazardous unless a suitable physical barrier along the entire pedestrian route is present and fixed between pupils and the track; and any crossing of railroad tracks carrying moving trains during hours that pupils are walking to or from school or to and from a designated bus pick-up area shall be deemed hazardous unless:
  - a) a crossing guard is present; OR
  - b) for pupil under age ten, an automatic control bar is present at crossings; OR
  - c) for pupils over age ten, a bar or red flashing signal light is operational.
- 4. For pupils in grades K through 4, the following conditions shall be deemed hazardous:
  - a) a lake, pond, stream, culvert, water-way, or bridge shall be deemed a hazard in the absence of a fence or other suitable barrier fixed between the pupil and the water; OR
  - b) any area adjacent to a roadway, sidewalk, or bridge, along a designated walking route to or from school and/or to or from a designated bus pick-up area, having a drop of three or more feet per four feet of travel length on either side of the established lanes, in the absence of a fence or other suitable barrier.
- 5. For pupils in grades K through 8, walking to or from school or the bus stop at any time prior to one-half hour before sunrise or any time one-half hour after sunset shall be deemed hazardous.
- 6. For all students, walking along any street, road, walkway, sidewalk, or path designated as a walking route which passes through an area which has a history of aggressive acts of molestation resulting in actual or threatened physical harm or moral degradation during the hours when pupils ordinarily walk to or from school shall be deemed hazardous.
- 7. It shall not be a “hazard” or “hazardous condition” for a pupil whose residence abuts a public street, road or highway to (1) wait for the bus on the private property

where the pupil resides for the school bus, until the school bus's flashing red lights are activated to stop traffic so that the student can enter onto or cross the public street, road or highway to get on a school bus; or (2) exit a school bus that is stopped on the public street, road or highway, when the bus's flashing red lights are activated to stop traffic so that the pupil can enter onto or cross such street, road or highway to access the private property where the pupil resides.

VI. Applicability and Exceptions

1. This policy is applicable to public roads approved and maintained by the municipality or state of Connecticut, or private roads approved for passage of school transportation vehicles in accordance with C.G.S. Section 10-220c.
2. Special Education pupils and pupils eligible for accommodations under Section 504 of the Rehabilitation Act shall be judged on an individual basis, and appropriate transportation provided.
3. The Superintendent of Schools may grant an exception to any guideline set forth in this policy where a peculiar condition or combination of conditions renders such condition(s) a hazard based upon reasonable judgment; or where under the circumstances, other conditions exist under which the safety of students necessitates a variance with the guidelines within this policy.

VII. Complaint Procedure

VII. Complaint Procedure

All complaints concerning school transportation safety shall be made in writing to the Superintendent of Schools or designee. The Superintendent or designee shall maintain a written record of all such complaints, and shall conduct appropriate investigations of the allegations in a timely manner. The investigation shall include 1) the review of the complaint raised with appropriate personnel responsible for transportation of students and 2) the opportunity for the parent or other person making the complaint to meet with the Superintendent to discuss the complaint and any possible resolution thereof. If a complaint covered by Section 10-186 of the Connecticut General Statutes, and is not resolved by the Superintendent, the Superintendent shall inform parent or guardian, or an emancipated minor or a pupil eighteen years of age or older, of his or her right to request a hearing regarding the complaint. Such hearing, if requested, shall be held in accordance with Section 10-186 of the Connecticut General Statutes, as it may be amended from time to time.

Legal Reference: Connecticut General Statutes

- 10-186 Duties of local and regional boards of education re: school attendance. Hearings. Appeals to state board. Establishment of hearing board. Readmission. Transfers.
- 10-187 Appeal from finding of hearing board.

- 10-220 Duties of boards of education.
- 10-220c Transportation of children over private roads. Immunity from Liability.
- 10-221c Development of policy for reporting complaints regarding school transportation safety.
- 10-273a Reimbursement for transportation to and from elementary and secondary schools.
- 10-280a Transportation for students in non-profit private schools outside school district.
- 10-281 Transportation for pupils in nonprofit private schools within school district.
- 14-275 Equipment and color of school buses.
- 14-275b Transportation of mobility impaired students.
- 14-275c Regulations re: school buses and motor vehicles used to transport special education students.

ADOPTED: \_\_\_\_\_

REVISED: \_\_\_\_\_

6/24/2020

***Temporary revisions 7/6/2020***



**SHIPMAN & GOODWIN** LLP<sup>SM</sup>  
COUNSELORS AT LAW

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Series 5000- **C19**  
Students

**USE OF PRIVATE TECHNOLOGY DEVICES BY STUDENTS**

***Temporary amendments to this policy related to the COVID-19 pandemic have been made to the body of the policy. All temporary revisions appear in highlighted bold italics or strikethrough text.***

Students may possess privately-owned technological devices on school property and/or during school-sponsored activities, in accordance with the mandates of this policy and any applicable administrative regulations as may be developed by the Superintendent of Schools.

**Definitions**

Board Technology Resources

For the purposes of this policy, “Board Technology Resources” refers to the Board’s computers and instructional technologies; communications and data management systems; informational technologies and the Internet; and any other technology resources owned and/or used by the school district and accessible by students.

Privately Owned Technological Devices

For the purposes of this policy, “Privately Owned Technological Devices” refers to privately owned **desktop computers**, wireless and/or portable electronic hand-held equipment that can be used for word processing, wireless Internet access, image capture and recording, sound recording, information transmitting and/or receiving, storing, etc. These devices may include, but are not limited to, **desktops**, personal laptops, Smartphones, network access devices, Kindles, Nooks, cellular telephones, radios, personal audio players, I-Pads or other tablet computers, walkie-talkies, Blackberries, personal data assistants, I-Phones, Androids and other electronic signaling devices.

**Use of Privately-Owned Technological Devices**

Privately-owned technological devices may not be used during instructional time, except as specifically permitted by instructional staff **or unless necessary for a student to access the district's digital learning platform or otherwise engage in remote learning during the COVID-19 pandemic.**

**On school property, at a school-sponsored activity, while in use for a remote learning activity, or while being used to access or utilize the Board's technology resources, the use** Use of any such device for an improper purpose is prohibited. Improper purposes include, but are not limited to:

- Sending any form of harassing, threatening, or intimidating message, at any time, to any person (such communications may also be a crime);
- Gaining or seeking to gain unauthorized access to Board technology resources;
- Damaging Board technology resources;
- Accessing or attempting to access any material that is obscene or contains pornography;
- Cyberbullying;
- Using such device to violate any school rule, including the unauthorized recording (photographic, video, or audio) of another individual without the permission of the individual or a school staff member; or
- Taking any action prohibited by any Federal or State law.

### **Search of Privately Owned Technological Devices**

A student's privately owned technological device may be searched **if the device is on Board property or in a student's possession at a school-sponsored activity and** 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. Any such search shall be reasonably related to the objectives of the search and not excessively intrusive in light of the age and sex of the student and the nature of the infraction.

### **Responsibility for Privately Owned Technological Devices**

Students are responsible for the safety and use of their privately owned technological devices. If a privately owned technology device is stolen, lost, or damaged, **while the device is on school property or during a school-sponsored activity,** a report should be made to the building principal, who will investigate the loss in a manner consistent with procedures for stolen or damaged personal property. Students and parents should be aware that the Board is not liable for any privately-owned technological device that is stolen, lost, or damaged while at school or during a school-sponsored activity. For that reason, students are advised not to share or loan their privately-owned technological devices with other students.

## Disciplinary Action

Misuse of the Board's technology resources and/or the use of privately-owned technological devices to access or utilize the Board's technology resources in an inappropriate manner or the use of such devices in any manner inconsistent with this policy will not be tolerated and will result in disciplinary action. For students, a violation of this policy may result in loss of access privileges, a prohibition on the use and/or possession of privately-owned technological devices on school property or at school-sponsored activities, and/or suspension or expulsion in accordance with the Board's policies related to student discipline.

***[OPTIONAL ADDITIONAL SECTIONS THAT APPLY IF THE BOARD OF EDUCATION INTENDS TO GRANT STUDENTS ACCESS TO A WIRELESS NETWORK OR OTHER MEANS OF CONNECTING WITH THE BOARD'S COMPUTER SYSTEMS WHILE AT SCHOOL OR ENGAGED IN DIGITAL LEARNING PLATFORMS]:***

### Access to Board Technology Resources

~~It is the policy of~~ **The** Suffield Board of Education ~~to may~~ permit students, using their privately owned technology devices, to access the Board's computers and instructional technologies; communications and data management systems; informational technologies and the Internet; and any other technology resources used by the school district and accessible by students. Additionally, it is the expectation of the Board of Education that students who access these resources while using privately-owned technology devices will act at all times appropriately in ways which are fully in accord with applicable policies concerning technology use as well as all local, state, and federal laws.

Through the publication and dissemination of this policy statement and others related to use of the Board's computer systems, as well as other instructional means, the Board educates students about the Board's expectations for technology users.

The Board technology resources shall only be used to access educational information and to promote learning activities both at home and at school. ~~The Board considers access to its technology resources to be a privilege and not a right.~~ Students are expected to act at all times appropriately in ways which are fully in accord with applicable policies concerning technology use as well as all local, state, and federal laws when using the Board technology resources. Failure to do so will result in the consequences outlined herein and in other applicable policies (including, but not limited to, the Safe School Climate Plan, the Student Discipline Policy and the Use of Computers Policy).

Students must abide by the procedures outlined in this policy and all policies and applicable regulations outlined in the Board's computer use and other applicable policies. Students will be given specific information for log-on and access procedures for using school accounts. No user may deviate from these log-on/access procedures. **Students are advised that the Board's network administrators have the capability to identify users and to monitor**

**all privately-owned technological devices while they are logged on to the network.** Students must understand that the Board has reserved the right to conduct monitoring of Board technology resources and can do so *despite* the assignment to individual users of passwords for system security. Any password systems implemented by the Board are designed solely to provide system security from unauthorized users, not to provide privacy to the individual system user. The system's security aspects, message delete function and personal passwords can be bypassed for monitoring purposes. Therefore, students should be aware that they should not have any expectation of personal privacy in the use of privately owned technological devices to access Board technology resources. This provision applies to any and all uses of the Board's technology resources and any privately-owned technological devices that access the same.

### **Harm to Board Technology Resources**

Any act by a student using a privately-owned technological device that harms the Board's technology resources or otherwise interferes with or compromises the integrity of Board technology resources will be considered vandalism and will be subject to discipline and/or appropriate criminal or civil action.

### **Closed Forum**

This policy shall not be construed to establish a public forum or a limited open forum.

### Legal References:

Conn. Gen. Stat. § 10-233j

Conn. Gen. Stat. § 31-48d

Conn. Gen. Stat. §§ 53a-182; 53a-183; 53a-250, *et seq.*

Electronic Communication Privacy Act of 1986, Public Law 99-508, codified at 28 U.S.C. §§ 2510 through 2520

ADOPTED: \_\_\_\_\_

REVISED: \_\_\_\_\_

7/11/16

**Temporary revisions 7/7/2020**

Series 5000 - **C19**  
Students

**POLICY REGARDING STUDENT USE OF  
THE DISTRICT'S COMPUTER SYSTEMS AND INTERNET SAFETY**

***Temporary amendments to this policy related to the COVID-19 pandemic have been made to the body of the policy and sections 1, 2, 4 and 5 and the legal references of the Administrative Regulations. All temporary revisions appear in highlighted bold italics or strikethrough text.***

Computers, computer networks, electronic devices, Internet access, and e-mail are effective and important technological resources. The Board of Education ~~provides~~ **has installed** computers, **and** a computer network, including Internet access and an e-mail system, **on Board premises and may provide** ~~as well as~~ other electronic devices that **can** access the network such as wireless and/or portable electronic hand-held equipment that can be used for word processing, wireless Internet access, image capture and recording, sound recording, information transmitting and/or receiving, storing etc. (including, but not limited to, laptops, Kindles, radios, I-Pads or other tablet computers). **The Board's computers, computer network, electronic devices, Internet access, and e-mail are** referred to collectively as "the computer systems"; **and are provided** in order to enhance both the educational opportunities for our students and the business operations of the district.

These computer systems are business and educational tools. As such, they are made available to students in the district for education related uses. The Administration shall develop regulations setting forth procedures to be used by the Administration in an effort to ensure that such computer systems are used by students solely for education related purposes. The Board will educate minor students about appropriate online behavior, including interacting with other individuals on social networking websites and in chat rooms and cyberbullying awareness and response. Additionally, the Board will implement a technology protection measure to block or filter Internet access to visual depictions that contain ~~obscene~~ **material that is obscene or obscene as to minors or contains** ~~contain~~ child pornography, ~~or are harmful to minors~~ and ensure that such filtering technology is operative during computer use by minor students **to the extent practicable when such students are using Board-owned computers or devices and Board-provided Internet access.**

As the owner of the computer systems, the Board reserves the right to monitor the use of the district's computers and computer systems.

Legal References:

Conn. Gen. Stat. § 10-221

Conn. Gen. Stat. §§ 53a-182b; 53a-183; 53a-250

Electronic Communication Privacy Act of 1986, Public Law 99-508, codified at 18 U.S.C. §§ 2510 through 2520

Children's Internet Protection Act, Pub. L. 106-554, codified at 47 U.S.C. § 254(h)

No Child Left Behind Act of 2001, Pub. L. 107-110, codified at 20 U.S.C. § 6777

Protecting Children in the 21st Century Act, Pub. Law 110-385, codified at 47 U.S.C. § 254(h)(5)(B)(iii)

ADOPTED: \_\_\_\_\_

REVISED: \_\_\_\_\_

***Temporary revisions 7/7/2020***

7/7/16

**Series 5000 - C19**  
**Students**

*[Note: The following administrative regulations are not part of the Board policy and therefore, do not require approval by the Board. These regulations provide further detail regarding student use of the district's computer systems and are provided for your convenience.]*

**ADMINISTRATIVE REGULATIONS REGARDING STUDENT USE OF  
THE DISTRICT'S COMPUTER SYSTEMS AND INTERNET SAFETY**

1. Introduction

***a. Access to District Computer Systems When Students are Physically Present on School Property***

***When students are physically present on school property, the Board is*** ~~We are~~ pleased to offer students access to the district's computers and computer networks, including access to electronic mail (e-mail) and the Internet, as well as electronic devices, (all of which will be referred to collectively as "computer systems".) Access to the school's computer systems will enable students to explore libraries, databases, ***websites,*** and bulletin boards while exchanging ~~messages~~ ***information*** with others. Such access is provided solely for education-related purposes. Use of the district's computer systems will be allowed only for students who act in a considerate and responsible manner in using such systems.

The Board of Education and the Administration believe in the educational value of such computer systems and recognize their potential to support our curriculum by expanding resources available for staff and student use. Our goal in providing this service is to promote educational excellence by facilitating resource sharing, innovation and communication.

These computer systems are expensive to purchase, install and maintain. As the property of the district, these computer systems must be carefully handled and their integrity preserved for the benefit of all. Therefore, ~~access to the computer systems is a privilege, and not a right. Students~~ ***students will be*** required to adhere to a set of policies and procedures, as set forth in detail below. Violations may lead to withdrawal of the access privilege and/or disciplinary measures in accordance with the Board's student discipline policy.

**b. Access to District Computer Systems When Students are Engaged in Remote Learning**

**During the COVID-19 pandemic, the Board and the Administration recognize that technology is integral to the delivery of instruction if the district implements any form of digital or remote learning. The district may therefore provide students with remote access to some or all of the district's computer systems so that students may access the district's virtual learning environment. Such access, if granted, is provided solely for education-related purposes. Use of the district's computer systems will be allowed only for students who comply with district policies and procedures concerning computer system use, and demonstrate the ability to use the computer systems in a considerate and responsible manner.**

**These computer systems are expensive to purchase, install and maintain. As the property of the district, these computer systems must be carefully handled and their integrity preserved for the benefit of all. Therefore, students will be required to adhere to a set of policies and procedures, as set forth in detail below. Violations may lead to withdrawal of the access privilege and/or disciplinary measures in accordance with the Board's student discipline policy.**

2. Definitions

**Obscene** – means any material or performance if, a) taken as a whole, it predominantly appeals to the prurient interest, b) it depicts or describes in a patently offensive way a prohibited ~~sex~~sexual act and c) taken as a whole, ~~does not have~~it lacks serious literary, artistic, **educational**, political or scientific value. ~~For the purposes of this section, "prohibited sex act" means erotic fondling, nude performance, sexual excitement, sado-masochistic abuse, masturbation or sexual intercourse.~~

**Obscene as to minors - means any material or performance if it depicts a prohibited sexual act and, taken as a whole, it is harmful to minors.**

**For purposes of this section, "harmful to minors" means that quality of any description or representation, in whatever form, of a prohibited sexual act, when a) it predominantly appeals to the prurient, shameful or morbid interest of minors, b) it is patently offensive to prevailing standards in the adult community as a whole with respect to what is suitable material for minors, and c) taken as a whole, it lacks serious literary, artistic, educational, political or scientific value for minors.**

**For the purposes of this section, "prohibited sexual act" means erotic fondling, nude performance, sexual excitement, sado-masochistic abuse, masturbation or sexual intercourse.**

**Child pornography** – means any visual depiction, including any photograph, film, video, picture, cartoon, or computer or computer-generated image or picture, whether made or produced by electronic, mechanical, or other means, of sexually explicit conduct, where -

- (a) the production of such visual depiction involves the use of a minor engaging in sexually explicit conduct;
- (b) such visual depiction is, or appears to be, of a minor engaging in sexually explicit conduct; **a digital image, computer image, or computer-generated image that is, or is indistinguishable from, that of a minor engaging in sexually explicit conduct; or**
- (c) such visual depiction has been created, adapted, or modified to appear that an identifiable minor is engaging in sexually explicit conduct.

**Harmful to minors** – any picture, image, graphic image file, or other visual depiction that:

- (a) taken as a whole and with respect to minors, appeals to a prurient interest in nudity, sex, or excretion;
- (b) depicts, describes or represents, in a patently offensive way with respect to what is suitable for minors, an actual or simulated sexual act or sexual contact, actual or simulated normal or perverted sexual acts, or a lewd exhibition of the genitals; and
- (c) taken as a whole, lacks serious literary, artistic, political, or scientific value as to minors.

### 3. Monitoring

Students are responsible for good behavior on school computer systems just as they are in a classroom or a school hallway. Communications on the computer systems are often public in nature and general school rules for behavior and communications apply. It is expected that users will comply with district standards and will act in a responsible and legal manner, at all times in accordance with district standards, as well as with state and federal laws.

It is important that students and parents understand that the district, *as the owner of the computer systems, reserves the right to monitor and review* the use of these computer systems. The district intends to monitor and review in a limited fashion, but will do so as needed to ensure that the systems are being used for district-related educational purposes.

As part of the monitoring and reviewing process, the district will retain the capacity to bypass any individual password of a student or other user. *The system's security aspects, such as personal passwords and the message delete function for e-mail, can be bypassed for these purposes.* The district's ability to monitor and review is not restricted or neutralized by these devices. The monitoring and reviewing process also includes, but is not limited to; oversight of Internet site access, the right to review emails sent and received, the right to track students' access to blogs, electronic bulletin boards and chat rooms, and the right to review a student's document downloading and printing.

Therefore, all users must be aware that *they should not have any expectation of personal privacy in the use of these computer systems.*

#### 4. Student Conduct

Students are permitted to use the district's computer systems for legitimate educational purposes. Personal use of district computer systems is expressly prohibited. Conduct which constitutes inappropriate use includes, but is not limited to the following:

- ◆ Sending any form of **a** harassing, threatening, or intimidating message, at any time, to any person (such communications may also be a crime);
- ◆ Gaining or seeking to gain unauthorized access to computer systems;
- ◆ Damaging computers, computer files, computer systems or computer networks;
- ◆ Downloading or modifying computer software of the district in violation of the district's licensure agreement(s) and/or without authorization from a teacher or administrator;
- ◆ Using another person's password under any circumstances;
- ◆ Trespassing in or tampering with any other person's folders, work or files;
- ◆ Sending any message that breaches the district's confidentiality requirements, or the confidentiality of students;
- ◆ Sending any copyrighted material over the system;
- ◆ Using computer systems for any personal purpose, or in a manner that interferes with the district's educational programs;
- ◆ Accessing or attempting to access any material that is obscene, **obscene as to minors, or** contains child pornography, **or is harmful to minors,** as defined above;
- ◆ Transmitting or receiving e-mail communications or accessing information on the Internet for non-educational purposes;
- ◆ Cyberbullying;
- ◆ Accessing or attempting to access social networking sites (e.g., Facebook, Twitter, MySpace, etc.) without a legitimate educational purpose.

In addition, as noted above, if a particular behavior or activity is generally prohibited by law, by Board policy or by school rules or regulations, use of these computer systems for the purpose of carrying out such behavior or activity is also prohibited.

*Misuse of the computer systems, or violations of these policies and regulations, may result in loss of access to such computer systems as well as other disciplinary action, including suspension and/or expulsion, depending on the specific conduct.*

Anyone who is aware of problems with, or misuse of these computer systems, or has a question regarding the proper use of these computer systems, should report this to his or her teacher or principal immediately. Most importantly, the Board and the Administration urge *any* student who receives *any* harassing, threatening, intimidating or other improper message through the computer system to report this immediately. It is the Board's policy that no student should be required to tolerate such treatment, regardless of the identity of the sender of the message. *Please report these events!*

#### 5. Internet Safety

The Administration will take measures: to assure the **digital** safety and security of students when using e-mail, chat rooms, **distance learning platforms**, and other forms of direct electronic communications; to prohibit unauthorized access, including “hacking” and other unlawful activities by minors online; to prohibit unauthorized disclosure, use, and dissemination of personally identifiable information regarding students; to educate minor students about appropriate online behavior, including interacting with other individuals on social networking websites and in chat rooms and cyber-bullying awareness and response; and to restrict students’ access to online materials **harmful to minors, including obscene materials that are obscene or obscene as to minors and or contain child pornography, to the extent practicable when students are using Board-owned computers or devices and Board-provided Internet access.**

#### 6. Student Use Agreement

Before being allowed to use the district’s computer systems, students and/or their parents/guardians must sign a computer system use agreement, stating that they have read and understood the district’s policies and regulations regarding the use of its computer systems.

#### Legal References:

Conn. Gen. Stat. § 10-221

Conn. Gen. Stat. §§ 53a-182b; 53a-183; 53a-250 *et. seq.* (computer-related offenses)

Conn. Gen. Stat. § 53a-193 (definition of obscene **and obscene as to minors**)

18 U.S.C. § 2256 (definition of child pornography)

Electronic Communication Privacy Act of 1986, Public Law 99-508, codified at 18 U.S.C. §§ 2510 through 2520

Children's Internet Protection Act, Pub. Law 106-554, codified at 47 U.S.C. § 254(h)

No Child Left Behind Act of 2001, Pub. L. 107-110, codified at 20 U.S.C. § 6777

Protecting Children in the 21st Century Act, Pub. Law 110-385, codified at 47 U.S.C. § 254(h)(5)(B)(iii)

Miller v. California, 413 U.S. 15 (1973) (definition of obscene)

ADOPTED: \_\_\_\_\_

REVISED: \_\_\_\_\_

**Temporary revisions 7/7/20**

7/7/16

Series 5000- **C19**  
Students

**ADMINISTRATIVE REGULATIONS REGARDING HEALTH  
ASSESSMENTS/SCREENINGS AND ORAL HEALTH ASSESSMENTS**

***Temporary amendments to these regulations related to the COVID-19 pandemic have been made to the body of the regulations. All temporary revisions appear in highlighted bold italics or strikethrough text.***

I. Health Assessments

The Suffield Board of Education (the “Board”) requires each student enrolled in the Suffield Public Schools (the “District”) to undergo health assessments as mandated by state law. The purpose of such health assessments shall be to ascertain whether a student has any physical disability tending to prevent him/her from receiving the full benefit of school work and to ascertain whether school work should be modified in order to prevent injury to the student or to secure a suitable program of education for him/her. Such health assessments must be conducted by one of the following qualified providers for health assessments: (1) a legally qualified practitioner of medicine; (2) an advanced practice registered nurse or registered nurse, who is licensed under state statute; (3) a physician assistant, who is licensed under state statute; (4) the school medical advisor; or (5) a legally qualified practitioner of medicine, an advanced practice registered nurse or a physician assistant stationed at any military base. The Board will provide written prior notice of the health assessments required under these administrative regulations to the parent or guardian of each student subject to assessment. The parent or guardian shall be provided a reasonable opportunity to be present during such assessment or he/she may provide for such assessment him/herself. No health assessment shall be made of any public school student unless it is made in the presence of the parent or guardian or in the presence of another school employee. Any student who fails to obtain the health assessments required by these administrative regulations may be denied continued attendance in the District.

II. Health Assessments Required:

***The Board recognizes that, due to the COVID-19 pandemic, “well” child appointments (“Health Appointments”) with qualified health care practitioners have been subject to cancelation and may be limited in availability prior to and during the 2020-2021 school year. Due to the unavailability of Health Appointments, there may be barriers for a student to obtain a required health assessment even if the student’s parents or guardians make every attempt to schedule the Health Appointment.***

***The Board is permitted to deny attendance to a student who fails to obtain health assessments required by law and Board policy. However, during the 2020-2021 school year given the unavailability of Health Appointments due to the COVID-19 pandemic, the Board is prioritizing keeping students in school where possible. The Board recognizes that being present in the classroom is especially important during the 2020-2021 school year due to the cancellation of classes in the spring of the 2019-2020 school year. Accordingly, the District administration, when appropriate, will work with parents and guardians to have a Health Appointment scheduled as soon as possible rather than deny attendance to a student. In addition, as set forth herein, the Board has provided for temporary flexibility regarding the submission of required health assessments in light of the COVID-19 pandemic.***

Prior to enrollment in the District ***or as soon as possible thereafter***, each student must undergo a health assessment, which shall include:

- (a) a physical examination which includes hematocrit or hemoglobin tests, height, weight, blood pressure, and a chronic disease assessment which shall include, but not be limited to, asthma. The assessment form shall include (A) a check box for the provider conducting the assessment, to indicate an asthma diagnosis, (B) screening questions relating to appropriate public health concerns to be answered by the parent or guardian, and (C) screening questions to be answered by such provider;
- (b) an updating of immunizations as required by state law;
- (c) vision, hearing, speech and gross dental screenings;
- (d) such other information, including health and developmental history, as the physician feels is necessary and appropriate.

The pre-enrollment assessment shall also include tests for tuberculosis, sickle cell anemia or Cooley's anemia, and tests for lead levels in the blood if, after consultation with the school medical advisor and the local health department, the Board determines that such tests are necessary. Such tests must be conducted by a registered nurse acting pursuant to the written order of a physician, or physician's assistant, licensed under state law, or an advanced practice registered nurse, licensed under state law.

Each student enrolled in the District must undergo a health assessment ***when entering in*** grade ***[the Board may choose to ~~set the screening requirement at entry to request the assessment in either grade six or grade seven]~~*** and ***when entering in*** grade ***[the Board may choose to ~~set the screening requirement at entry to request the assessment in either grade nine or grade ten]~~*** ***[Boards that previously set the screening requirement at entry to grade six and grade nine may choose to temporarily change the required times for screening to entry into, or during, grades seven and ten, respectively, to afford parents/guardians more time to schedule Health Appointments while***

***remaining compliant with the range of grades set forth in Connecticut General Statutes § 10-206***, which shall include:

- (a) a physical examination which includes hematocrit or hemoglobin tests, height, weight, blood pressure, and a chronic disease assessment which shall include, but not be limited to, asthma as defined by the Commissioner of Public Health pursuant to subsection (c) of section 19a-62a of the Connecticut General Statutes. The assessment form shall include (A) a check box for the provider conducting the assessment, to indicate an asthma diagnosis, (B) screening questions relating to appropriate public health concerns to be answered by the parent or guardian, and (C) screening questions to be answered by such provider;
- (b) an updating of immunizations as required by state law;
- (c) vision, hearing, postural and gross dental screenings;
- (d) such other information, including health and developmental history, as the physician feels is necessary and appropriate.

The grade six/seven and grade nine/ten assessments shall also include tests for tuberculosis and sickle cell anemia or Cooley's anemia if, after consultation with the school medical advisor and the local health department, the Board determines that such tests are necessary. Such tests must be conducted by a registered nurse acting pursuant to the written order of a physician, or physician's assistant, licensed under state law, or of an advanced practice registered nurse, licensed under state law.

The Board of Education shall provide such assessments free of charge to students whose parents or guardians meet the eligibility requirements for free and reduced price meals under the National School Lunch Program or for free milk under the special milk program.

### III. Oral Health Assessments:

- A. Prior to enrollment in the District ***or as soon as possible thereafter***, in grade ***[the Board may choose to request the assessment in either grade six or grade seven]*** and in grade ***[the Board may choose to request the assessment in either grade nine or grade ten]*** ***[Boards that previously set the screening requirement in grade six and grade nine may choose to temporarily change the required times for screening to grades seven and ten, respectively, to afford parents/guardians more time to schedule Health Appointments while remaining compliant with the range of grades set forth in Connecticut General Statutes § 10-206]***, the Board shall request that each student undergo an oral health assessment. Such oral health assessments must be conducted by one of the following qualified providers for oral health assessments: (1) a dentist licensed under state law; (2) a dental hygienist licensed under state law; (3) a legally qualified practitioner of medicine trained in conducting oral health assessments as a part of a training program approved by the

- Commissioner of Public Health; (4) a physician assistant licensed under state law and trained in conducting oral health assessments as part of a training program approved by the Commissioner of Public Health; or (5) an advanced practice registered nurse licensed under state statute and trained in conducting oral health assessments as part of a training program approved by the Commissioner of Public Health.
- B. The oral health assessment identified in subsection A above shall include a dental examination by a dentist, or a visual screening and risk assessment for oral health conditions by a dental hygienist, legally qualified practitioner of medicine, physician assistant, or advanced practice registered nurse. The assessment form shall include a check box for the qualified provider conducting the assessment to indicate any low, moderate or high risk factors associated with any dental or orthodontic appliance, saliva, gingival condition, visible plaque, tooth demineralization, carious lesions, restorations, pain, swelling or trauma.
  - C. No oral health assessment shall be made of any public school student unless the parent or guardian of the student consents to such assessment and such assessment is made in the presence of the parent or guardian or in the presence of another school employee. The parent or guardian shall be provided with prior written notice of an oral health assessment and be provided with a reasonable opportunity to opt his/her child out of such assessment or may provide for such oral health assessment him or herself.
  - D. If the Board of Education hosts a free oral health assessment event where qualified providers (identified in subsection A above) perform oral health assessments of children attending a public school, the Board shall notify the parents and guardians of such children of the event in advance and provide an opportunity for parents and guardians to opt their child(ren) out of such event. The Board shall infer parent/guardian consent for each child whose parent or guardian did not opt him or her out of the free oral health assessment event and shall provide such child with a free oral health assessment; however, such child shall not receive dental treatment of any kind unless the child's parent or guardian provides informed consent for such treatment.
  - E. Any student who fails to obtain an oral health assessment requested by the Board shall not be denied enrollment or continued attendance in the District.

#### IV. Screenings Required:

The Board will provide annually to each student enrolled in kindergarten and grades one and three to five, inclusive, a vision screening using a Snellen chart or equivalent screening device, such as an automated vision screening device. The Superintendent shall give written notice to the parent or guardian of each student (1) who is found to have any defect of vision or disease of the eyes, with a brief statement describing the defect or disease and a recommendation that the student be examined by an

optometrist or ophthalmologist licensed pursuant to state law, and (2) who did not receive such vision screening, with a brief statement explaining why such pupil did not receive such vision screening.

The Board will provide annually to each student enrolled in kindergarten and grades one and three through five, inclusive, audiometric screening for hearing. The Superintendent shall give written notice to the parent or guardian of each student (1) who is found to have any impairment or defect of hearing, with a brief statement describing the impairment or defect, and (2) who did not receive an audiometric screening for hearing, with a brief statement explaining why such student did not receive an audiometric screening for hearing.

The Board will provide postural screenings for (1) each female student in grades five and seven, and (2) each male student in grade eight or nine. The Superintendent shall give written notice to the parent or guardian of each student (A) who evidences any postural problem, with a brief statement describing such evidence, and (B) who did not receive a postural screening, with a brief statement explaining why such student did not receive such postural screening.

All of the screenings required under these administrative regulations will be performed in accordance with regulations applicable to such screenings as adopted by the State Board of Education.

V. Assessment/Screening Results:

The results of each assessment and screening required or requested by these administrative regulations shall be recorded on forms supplied by the State Board of Education. Each qualified provider performing health assessments or oral health assessments under these administrative regulations shall sign each form and any recommendations concerning a student shall be in writing. Assessment/screening forms shall be included in the cumulative health record of each student and they shall be kept on file in the school attended by the student. If a student transfers to another school district in Connecticut, his/her original cumulative health record shall be sent to the chief administrative officer of the new school district and a true copy retained by the Board. For a student leaving Connecticut, a copy of the records, if requested, should be sent and the original maintained.

Appropriate school health personnel shall review the results of each assessment and screening. If the reviewing school health personnel judge that a student is in need of further testing or treatment, the Superintendent shall give written notice to the parent or guardian of such student and shall make reasonable efforts to ensure that such further testing or treatment is provided. Reasonable efforts shall include determination of whether the parent or guardian has obtained the necessary testing or treatment for the student, and, if not, advising the parent or guardian how such testing or treatment may be obtained. The results of such further testing or treatment shall be recorded, kept on file and reviewed by

appropriate school health personnel in the same manner as the results of the health assessments and screenings required or requested under these administrative regulations.

The district shall report to the local health department and the Department of Public Health, on a triennial basis, the total number of children per school and on a district-wide basis having a diagnosis of asthma (1) at the time of public school enrollment, (2) in grade six or seven, and (3) in grade ten or eleven. The report shall contain the asthma information collected as required under Section II of this Policy and shall include information regarding each diagnosed child's age, gender, race, ethnicity and school.

VI. Exemption

Nothing in these administrative regulations shall be construed to require any student to undergo a physical or medical examination or treatment, or be compelled to receive medical instruction, if the parent or legal guardian of such student or the student, if he/she is an emancipated minor or is eighteen (18) years of age or older, notifies the teacher or principal or other person in charge of such student in writing that he/she objects on religious grounds to such physical or medical examination or treatment or medical instruction.

VII. Other Non-Emergency Invasive Physical Examinations and Screenings:

- A. In addition to the screenings listed above, the district may, from time to time, require students to undergo additional non-emergency, invasive physical examination(s)/screening(s).
- B. A non-emergency, invasive physical examination or screening is defined as:
  - 1. any medical examination that involves the exposure of private body parts; or
  - 2. any act during such examination that includes incision, insertion, or injection into the body, but does not include a hearing, vision, or scoliosis screening; and
  - 3. is required as a condition of attendance, administered by the school and scheduled by the school in advance; and
  - 4. is not necessary to protect the immediate health and safety of the student, or of other students.
- C. If the district elects to conduct any such examinations, then, at the beginning of the school year, the administration shall give direct notice to parents of affected students of the district's intent to conduct the non-emergency invasive physical examination(s) and/or screening(s) described in this subsection. Such notice shall include the specific or approximate dates during the school year of the administration of such non-emergency invasive physical examination(s)/screening(s).

- D. Upon request, the administration shall permit parents or students over the age of eighteen (18) (or emancipated minors) to opt out of participation in the non-emergency invasive physical examination(s)/screening(s) described in this subparagraph.

VIII. School Representative to Receive Information Concerning Health Assessments:

The Board designates [**insert name of responsible staff member**] as the representative for receipt of reports from health care providers concerning student health assessments and oral health assessments.

Legal References:

Connecticut General Statutes

- § 10-206 Health assessments
- § 10-206a Free health assessments
- § 10-208 Exemption from examination or treatment
- § 10-214 Vision, audiometric and postural screenings: When required; notification of parents re defects; record of results

Public Act 18-168, “An Act Concerning the Department of Public Health’s Recommendations Regarding Various Revisions to the Public Health Statutes,” Sections 8, 80 and 81.

State of Connecticut Department of Education, Bureau of Health/Nutrition, Family Services and Adult Education, Cumulative Health Records Guidelines (Revised Jan. 2012), [https://portal.ct.gov/-/media/SDE/School-Nursing/Publications/CHR\\_guidelines.pdf](https://portal.ct.gov/-/media/SDE/School-Nursing/Publications/CHR_guidelines.pdf)

***State of Connecticut Department of Education, Memorandum from Dr. Miguel A. Cardona, Commissioner of Education, to Superintendents of Schools, regarding “Health Assessments for 2020-2021 School Year.”***

Federal Law:

Elementary and Secondary Education Act of 1965, as amended by the Every Student Succeeds Act, Public Law 114-95, at 20 U.S.C. § 1232h(c)(2)(C)(iii).

ADOPTED: \_\_\_\_/\_\_\_\_/\_\_\_\_

REVISED: \_\_\_\_/\_\_\_\_/\_\_\_\_

***Temporary revisions 7/7/2020***



SAMPLE
NOTICE OF FREE ORAL HEALTH ASSESSMENT

The \_\_\_\_\_ Public Schools (the "District") shall hold a free oral health assessment event for students on \_\_\_\_\_ [insert date and time of event] at your student's school. The oral health assessment shall consist of [insert one of the following options depending on the professional staffing the oral health assessment event: (1) a dental examination by a dentist OR (2) a visual screening and risk assessment for oral health conditions by a dental hygienist, legally qualified practitioner of medicine, physician assistant, or advanced practice registered nurse.] The practitioner conducting the oral health assessment shall indicate any low, moderate or high risk factors associated with any dental or orthodontic appliance, saliva, gingival condition, visible plaque, tooth demineralization, carious lesions, restorations, pain, swelling or trauma. No student shall receive dental treatment of any kind as part of the free oral health assessment event.

This event is free of charge. You may be present during the oral health assessment of your student, if you so wish. When, based on the results of the assessment and in the judgment of school health personnel, your student is in need of further testing or treatment, you will be notified by the District.

You may elect for your student not to participate in the free oral health assessment event. If you do not want your student to participate, you must sign the form below and return that section of the form to \_\_\_\_\_ by \_\_\_\_\_. If you fail to return the form by this date, you have consented to the free oral health assessment and your student will participate. If your student does not participate in the school's event, you will be asked to provide documentation that your student has received an oral health assessment, in accordance with state law.

If you have questions or concerns regarding the free oral health assessment event, please contact \_\_\_\_\_.

FREE ORAL HEALTH ASSESSMENT EVENT - \_\_\_\_\_ [insert date of event]

Name of student: \_\_\_\_\_ Student's Date of Birth: \_\_\_\_\_

Student's Address: \_\_\_\_\_

Parent/Guardian Name (print): \_\_\_\_\_

As the parent/guardian of the above-named student, I elect for my student to not participate in the free oral health assessment. I understand that I will be asked by school officials to provide documentation that my student has received an oral health assessment by a qualified professional. I further understand that this "opt-out" is effective only for the free oral health assessment event being held on the date listed above.

Parent/Guardian Signature \_\_\_\_\_

Date \_\_\_\_\_

Revised 8/1/2018



## STUDENT DISCIPLINE

*Temporary amendments to this policy related to the COVID-19 pandemic have been made to sections I, III, IV and VIII of this policy. All temporary revisions appear in highlighted bold italics or strikethrough text.*

### I. Definitions

- A. **Dangerous Instrument** means any instrument, article or substance which, under the circumstances in which it is used or attempted or threatened to be used, is capable of causing death or serious physical injury, and includes a "vehicle" or a dog that has been commanded to attack.
- B. **Deadly Weapon** means any weapon, whether loaded or unloaded, from which a shot may be discharged, or a switchblade knife, gravity knife, billy, blackjack, bludgeon or metal knuckles. A weapon such as a pellet gun and/or air soft pistol may constitute a deadly weapon if such weapon is designed for violence and is capable of inflicting death or serious bodily harm. In making such determination, the following factors should be considered: design of weapon; how weapon is typically used (e.g. hunting); type of projectile; force and velocity of discharge; method of discharge (i.e. spring v. CO2 cartridge) and potential for serious bodily harm or death.
- C. **Electronic Defense Weapon** means a weapon which by electronic impulse or current is capable of immobilizing a person temporarily, but is not capable of inflicting death or serious physical injury, including a stun gun or other conductive energy device.
- D. **Emergency** means a situation in which the continued presence of the student in school poses such a danger to persons or property or such a disruption of the educational process that a hearing may be delayed until a time as soon after the exclusion of such student as possible.
- E. **Exclusion** means any denial of public school privileges to a student for disciplinary purposes.

- F. **Expulsion** means the exclusion of a student from school privileges for more than ten (10) consecutive school days and shall be deemed to include, but not be limited to, exclusion from the school to which such pupil was assigned at the time such disciplinary action was taken. The expulsion period may not extend beyond one (1) calendar year.
- G. **Firearm**, as defined in 18 U.S.C § 921, means (a) any weapon (including a starter gun) that will, is designed to, or may be readily converted to expel a projectile by the action of an explosive, (b) the frame or receiver of any such weapon, (c) a firearm muffler or silencer, or (d) any destructive device. The term firearm does not include an antique firearm. As used in this definition, a "**destructive device**" includes any explosive, incendiary, or poisonous gas device, including a bomb, a grenade, a rocket having a propellant charge of more than four ounces, a missile having an explosive or incendiary charge of more than one-quarter ounce, a mine, or any other similar device; or any weapon (other than a shotgun or shotgun shell which the Attorney General finds is generally recognized as particularly suited for sporting purposes) that will, or may be readily converted to, expel a projectile by explosive or other propellant, and which has a barrel with a bore of more than ½" in diameter. The term "destructive device" also includes any combination of parts either designed or intended for use in converting any device into any destructive device and from which a destructive device may be readily assembled. A "destructive device" does not include: an antique firearm; a rifle intended to be used by the owner solely for sporting, recreational, or cultural purposes; or any device which is neither designed nor redesigned for use as a weapon.
- H. **In-School Suspension** means an exclusion from regular classroom activity for no more than ten (10) consecutive school days, but not exclusion from school, provided such exclusion shall not extend beyond the end of the school year in which such in-school suspension was imposed. No student shall be placed on in-school suspension more than fifteen (15) times or a total of fifty (50) days in one (1) school year, whichever results in fewer days of exclusion.
- I. **Martial Arts Weapon** means a nunchaku, kama, kasari-fundo, octagon sai, tonfa or chinese star.
- J. **Removal** is the exclusion of a student from a classroom for all or part of a single class period, provided such exclusion shall not extend beyond ninety (90) minutes.
- K. **School Days** shall mean days when school is in session for students.

- L. **School-Sponsored Activity** means any activity sponsored, recognized or authorized by the Board and includes activities conducted on or off school property.
- M. **Seriously Disruptive of the Educational Process**, as applied to off-campus conduct, means any conduct that markedly interrupts or severely impedes the day-to-day operation of a school.
- N. **Suspension** means the exclusion of a student from school and/or transportation services for not more than ten (10) consecutive school days, provided such suspension shall not extend beyond the end of the school year in which such suspension is imposed; and further provided no student shall be suspended more than ten (10) times or a total of fifty (50) days in one school year, whichever results in fewer days of exclusion, unless such student is granted a formal hearing as provided below.
- O. **Weapon** means any BB gun, any blackjack, any metal or brass knuckles, any police baton or nightstick, any dirk knife or switch knife, any knife having an automatic spring release device by which a blade is released from the handle, having a blade of over one and one-half inches in length, any stiletto, any knife the edged portion of the blade of which is four inches and over in length, any martial arts weapon or electronic defense weapon, or any other dangerous or deadly weapon or instrument, unless permitted by law under Section 29-38 of the Connecticut General Statutes.
- P. Notwithstanding the foregoing definitions, the reassignment of a student from one regular education classroom program in the district to another regular education classroom program in the district shall not constitute a suspension or expulsion.
- Q. *For purposes of this policy, references to “school” and “classroom” shall include physical educational environments, as well as virtual educational environments, whether synchronous or asynchronous, which occur on Internet-based platforms that allow students to engage in remote learning.*

## II. Scope of the Student Discipline Policy

- A. ***Conduct on School Grounds or at a School-Sponsored Activity:***
  - 1. Suspension. Students may be **suspended** for conduct on school grounds or at any school-sponsored activity that **violates a publicized policy of the Board or is seriously disruptive of the educational process or endangers persons or property.**

2. Expulsion. Students may be **expelled** for conduct on school grounds or at any school-sponsored activity that either **(1) violates a publicized policy of the Board and is seriously disruptive of the educational process, or (2) endangers persons or property.**

B. *Conduct off School Grounds:*

Discipline. Students may be disciplined, including suspension and/or expulsion, for conduct off school grounds if such conduct **violates a publicized policy of the Board and is seriously disruptive of the educational process.**

C. *Seriously Disruptive of the Educational Process:*

In making a determination as to whether such conduct is seriously disruptive of the educational process, the Administration and the Board of Education may consider, but such consideration shall not be limited to, the following factors: **(1) whether the incident occurred within close proximity of a school; (2) whether other students from the school were involved or whether there was any gang involvement; (3) whether the conduct involved violence, threats of violence, or the unlawful use of a weapon, as defined in Section Conn. Gen. Stat. § 29-38, and whether any injuries occurred; and (4) whether the conduct involved the use of alcohol.** The Administration and/or the Board of Education may also consider **(5) whether the off-campus conduct involved the illegal use of drugs.**

III. Actions Leading to Disciplinary Action, including Removal from Class, Suspension and/or Expulsion

Conduct that is considered to violate a publicized policy of the Board of Education includes the offenses described below. Any such conduct may lead to disciplinary action (including, but not limited to, removal from class, suspension and/or expulsion in accordance with this policy):

1. Striking or assaulting a student, members of the school staff or other persons.
2. Theft.
3. The use of obscene or profane language or gestures, the possession and/or display of obscenity or pornographic images or the unauthorized or inappropriate possession and/or display of images, pictures or photographs depicting nudity.

4. Violation of smoking, dress, transportation regulations, or other regulations and/or policies governing student conduct.
5. Refusal to obey a member of the school staff, law enforcement authorities, or school volunteers, or disruptive classroom behavior.
6. Any act of harassment based on an individual's sex, sexual orientation, race, color, religion, disability, national origin, ancestry, gender identity or expression or any other characteristic protected by law.
7. Refusal by a student to identify himself/herself to a staff member when asked, misidentification of oneself to such person(s), lying to school officials or otherwise engaging in dishonest behavior.
8. Inappropriate displays of public affection of a sexual nature and/or sexual activity on school grounds or at a school-sponsored activity.
9. A walk-out from or sit-in within a classroom or school building or school grounds.
10. Blackmailing, threatening or intimidating school staff or students (or acting in a manner that could be construed to constitute blackmail, a threat, or intimidation, regardless of whether intended as a joke).
11. Possession of any weapon, weapon facsimile, deadly weapon, martial arts weapon, electronic defense weapon, pistol, knife, blackjack, bludgeon, box cutter, metal knuckles, pellet gun, air pistol, explosive device, firearm, whether loaded or unloaded, whether functional or not, or any other dangerous object or instrument. The possession and/or use of any object or device that has been converted or modified for use as a weapon.
12. Possession of any ammunition for any weapon described above in paragraph 11.
13. Unauthorized entrance into any school facility or portion of a school facility or aiding or abetting an unauthorized entrance.
14. Possession or ignition of any fireworks, combustible or other explosive materials, or ignition of any material causing a fire. Possession of any materials designed to be used in the ignition of combustible materials, including matches and lighters.

15. Possession, sale, distribution, use, or consumption of tobacco, electronic nicotine delivery systems (e.g. e-cigarettes), or vapor products, or the unlawful possession, sale, distribution, use or consumption of drugs, narcotics or alcoholic beverages (or any facsimile of tobacco, drugs, narcotics or alcoholic beverages, or any item represented to be tobacco, drugs or alcoholic beverages), including being under the influence of any such substances or aiding in the procurement of any such substances. For the purposes of this Paragraph 15, the term “electronic nicotine delivery system” shall mean an electronic device used in the delivery of nicotine or other substances to a person inhaling from the device, and includes, but is not limited to, an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe or electronic hookah and any related device and any cartridge or other component of such device, including, but not limited to, electronic cigarette liquid. For the purposes of Paragraph 15, the term “vapor product” shall mean any product that employs a heating element, power source, electronic circuit or other electronic, chemical or mechanical means, regardless of shape or size, to produce a vapor that may or may not include nicotine and is inhaled by the user of such product. For the purposes of this Paragraph 15, the term "drugs" shall include, but shall not be limited to, any medicinal preparation (prescription and non-prescription) and any controlled substance whose possession, sale, distribution, use or consumption is illegal under state and/or federal law.
16. Sale, distribution, or consumption of substances contained in household items; including, but not limited to glue, paint, accelerants/propellants for aerosol canisters, and/or items such as the aerators for whipped cream; if sold, distributed or consumed for the purpose of inducing a stimulant, depressant, hallucinogenic or mind-altering effect.
17. Possession of paraphernalia used or designed to be used in the consumption, sale or distribution of drugs, alcohol or tobacco, as described in subparagraph (15) above. For purposes of this policy, drug paraphernalia includes any equipment, products and materials of any kind which are used, intended for use or designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing or concealing, or injecting, ingesting, inhaling or otherwise introducing controlled drugs or controlled substances into the human body, including but not limited to items such as "bongs," pipes, "roach clips," vials, tobacco rolling papers, and any object or container used, intended or designed for use in storing,

concealing, possessing, distributing or selling controlled drugs or controlled substances.

18. The destruction of real, personal or school property, such as, cutting, defacing or otherwise damaging property in any way.
19. Accumulation of offenses such as school and class tardiness, class or study hall cutting, or failure to attend detention.
20. Trespassing on school grounds while on out-of-school suspension or expulsion.
21. Making false bomb threats or other threats to the safety of students, staff members, and/or other persons.
22. Defiance of school rules and the valid authority of teachers, supervisors, administrators, other staff members and/or law enforcement authorities.
23. Throwing snowballs, rocks, sticks and/or similar objects, except as specifically authorized by school staff.
24. Unauthorized and/or reckless and/or improper operation of a motor vehicle on school grounds or at any school-sponsored activity.
25. Leaving school grounds, school transportation or a school-sponsored activity without authorization.
26. Use of or copying of the academic work of another individual and presenting it as the student's own work, without proper attribution; or any other form of academic dishonesty, cheating or plagiarism.
27. Possession and/or use of a cellular telephone, radio, portable audio player, CD player, blackberry, personal data assistant, walkie talkie, Smartphone, mobile or handheld device, or similar electronic device, on school grounds or at a school-sponsored activity in violation of Board policy and/or administrative regulations regulating the use of such devices.
28. Possession and/or use of a beeper or paging device on school grounds or at a school-sponsored activity without the written permission of the principal or his/her designee.
29. Unauthorized use of or tampering with any school computer, computer system, computer software, Internet connection or

similar school property or system, or the use of such property or system for inappropriate purposes.

30. Possession and/or use of a laser pointer, unless the student possesses the laser pointer temporarily for an educational purpose while under the direct supervision of a responsible adult.
31. Hazing.
32. Bullying, defined as the repeated use by one or more students of a written, oral or electronic communication, such as cyberbullying, directed at another student attending school in the same district, or a physical act or gesture by one or more students repeatedly directed at another student attending school in the same school district, which:
  - a. causes physical or emotional harm to such student or damage to such student's property;
  - b. places such student in reasonable fear of harm to himself or herself, or of damage to his or her property;
  - c. creates a hostile environment at school for such student;
  - d. infringes on the rights of such student at school; or
  - e. substantially disrupts the education process or the orderly operation of a school.

Bullying includes, but is not limited to, repeated written, oral or electronic communications or physical acts or gestures based on any actual or perceived differentiating characteristics, such as race, color, religion, ancestry, national origin, gender, sexual orientation, gender identity or expression, socioeconomic status, academic status, physical appearance, or mental, physical, developmental or sensory disability, or by association with an individual or group who has or is perceived to have one or more of such characteristics.

33. Cyberbullying, defined as any act of bullying through the use of the Internet, interactive and digital technologies, cellular mobile telephone or other mobile electronic devices or any electronic communications.

34. Acting in any manner that creates a health and/or safety hazard for staff members, students, or the public, regardless of whether the conduct is intended as a joke, **including but not limited to violating school or district health and safety protocols developed in connection with the COVID-19 pandemic, such as, but not limited to, physical distancing and mask-wearing requirements.**
35. Engaging in a plan to stage or create a violent situation for the purposes of recording it by electronic means; or recording by electronic means acts of violence for purposes of later publication.
36. Engaging in a plan to stage sexual activity for the purposes of recording it by electronic means; or recording by electronic means sexual acts for purposes of later publication.
37. Using computer systems, including email, **distance learning platforms**, instant messaging, text messaging, blogging, or the use of social networking websites, or other forms of electronic communications, to engage in any conduct prohibited by this policy.
38. Use of a privately owned electronic or technological device in violation of school rules, including the unauthorized recording (photographic or audio) of another individual without permission of the individual or a school staff member.
39. Engaging in teen dating violence, defined as any act of physical, emotional or sexual abuse, including stalking, harassing and threatening, that occurs between two students who are currently in or who have recently been in a dating relationship.
40. Any action prohibited by any Federal or State law.
41. Any other violation of school rules or regulations or a series of violations which makes the presence of the student in school seriously disruptive of the educational process and/or a danger to persons or property.

#### IV. Discretionary and Mandatory Expulsions

- A. A principal may consider recommendation of expulsion of a student in **grades three to twelve, inclusive**, in a case where he/she has reason to believe the student has engaged in conduct described at Sections II.A. or II.B., above.

- B. A principal must recommend expulsion proceedings in all cases against any student in **grades kindergarten to twelve, inclusive**, whom the Administration has reason to believe:
1. was in **possession on school grounds** or at a **school-sponsored activity** of a **deadly weapon, dangerous instrument, martial arts weapon, or firearm** as defined in 18 U.S.C. § 921 as amended from time to time; or
  2. **off school grounds, possessed a firearm** as defined in 18 U.S.C. § 921, in violation of Conn. Gen. Stat. § 29-35, or **possessed and used a firearm** as defined in 18 U.S.C. § 921, a **deadly weapon, a dangerous instrument** or a **martial arts weapon** in the **commission of a crime** under chapter 952 of the Connecticut General Statutes; or
  3. was engaged **on or off school grounds in offering for sale or distribution a controlled substance** (as defined in Conn. Gen. Stat. § 21a-240(9)), whose manufacturing, distribution, sale, prescription, dispensing, transporting, or possessing with intent to sell or dispense, offering or administering is subject to criminal penalties under Conn. Gen. Stat. §§21a-277 and 21a-278.

The terms “**dangerous instrument,**” “**deadly weapon,**” “**electronic defense weapon,**” “**firearm,**” and “**martial arts weapon,**” are defined above in Section I.

- C. In any preschool program provided by the Board of Education or provided by a regional educational service center or a state or local charter school pursuant to an agreement with the Board of Education, no **student enrolled in such a preschool program** shall be expelled from such preschool program, except an expulsion hearing shall be conducted by the Board of Education in accordance with Section VIII of this policy whenever the Administration has reason to believe that that a student enrolled in such preschool program was in **possession of a firearm** as defined in 18 U.S.C. § 921, as amended from time to time, on or off school grounds or at a preschool program-sponsored event. The term “**firearm**” is defined above in Section I.
- D. Upon receipt of an expulsion recommendation, the Superintendent may conduct an inquiry concerning the expulsion recommendation.

If the Superintendent or his/her designee determines that a student should or must be expelled, he or she shall forward his/her recommendation to the Board of Education so that the Board can consider and act upon this recommendation.

E. In keeping with Conn. Gen. Stat. § 10-233d and the Gun-Free Schools Act, it shall be the policy of the Board to expel a student in grades kindergarten to twelve, inclusive, for one (1) full calendar year for the conduct described in Section IV.B(1), (2) and (3) of this policy and to expel a student enrolled in a preschool program for one (1) calendar year for the conduct described in Section IV.C. For any mandatory expulsion offense, the Board may modify the term of expulsion on a case-by-case basis.

V. Procedures Governing Removal from Class

- A. A student may be removed from class by a teacher or administrator if he/she deliberately causes a serious disruption of the educational process. When a student is removed, the teacher must send him/her to a designated area and notify the principal or his/her designee at once.
- B. A student may not be removed from class more than six (6) times in one school year nor more than twice in one week unless the student is referred to the building principal or designee and granted an informal hearing at which the student should be informed of the reasons for the disciplinary action and given an opportunity to explain the situation.
- C. The parents or guardian of any minor student removed from class shall be given notice of such disciplinary action within twenty-four (24) hours of the time of the institution of such removal from class.

VI. Procedures Governing Suspension

- A. The principal of a school, or designee on the administrative staff of the school, shall have the right to suspend a student for breach of conduct as noted in Section II of this policy for not more than ten (10) consecutive school days. In cases where suspension is contemplated, the following procedures shall be followed.
  - 1. Unless an emergency situation exists, no student shall be suspended prior to having an informal hearing before the principal or designee at which the student is informed of the charges and given an opportunity to respond. In the event of an emergency, the informal hearing shall be held as soon after the suspension as possible.
  - 2. If suspended, such suspension shall be an in-school suspension, except the principal or designee may impose an out-of-school suspension on any pupil:

- a. in grades three to twelve, inclusive, if, during the informal hearing, (i) the principal or designee determines that the student poses such a danger to persons or property or such a disruption of the educational process that he or she should be excluded from school during the period of suspension; or (ii) the principal or designee determines that an out-of-school suspension is appropriate based on evidence of (A) the student's previous disciplinary problems that have led to suspensions or expulsion of such student, and (B) previous efforts by the Administration to address the student's disciplinary problems through means other than out-of-school suspension or expulsion, including positive behavioral support strategies, or
  - b. in grades preschool to two, inclusive, if the principal or designee determines that an out-of-school suspension is appropriate for such pupil based on evidence that such pupil's conduct on school grounds is of a violent or sexual nature that endangers persons.
3. Evidence of past disciplinary problems that have led to removal from a classroom, suspension, or expulsion of a student who is the subject of an informal hearing may be received by the principal or designee, but only considered in the determination of the length of suspensions.
4. By telephone, the principal or designee shall make reasonable attempts to immediately notify the parent or guardian of a minor student following the suspension and to state the cause(s) leading to the suspension.
5. Whether or not telephone contact is made with the parent or guardian of such minor student, the principal or designee shall forward a letter promptly to such parent or guardian to the last address reported on school records (or to a newer address if known by the principal or designee), offering the parent or guardian an opportunity for a conference to discuss same.
6. In all cases, the parent or guardian of any minor student who has been suspended shall be given notice of such suspension within twenty-four (24) hours of the time of the institution of the suspension.
7. Not later than twenty-four (24) hours after the commencement of the suspension, the principal or designee shall also notify the

Superintendent or his/her designee of the name of the student being suspended and the reason for the suspension.

8. The student shall be allowed to complete any classwork, including examinations, without penalty, which he or she missed while under suspension.
9. The school Administration may, in its discretion, shorten or waive the suspension period for a student who has not previously been suspended or expelled, if the student completes an Administration-specified program and meets any other conditions required by the Administration. Such Administration-specified program shall not require the student and/or the student's parents to pay for participation in the program.
10. Notice of the suspension shall be recorded in the student's cumulative educational record. Such notice shall be expunged from the cumulative educational record if the student graduates from high school. In cases where the student's period of suspension is shortened or waived in accordance with Section VI.A(9), above, the Administration may choose to expunge the suspension notice from the cumulative record at the time the student completes the Administration-specified program and meets any other conditions required by the Administration.
11. If the student has not previously been suspended or expelled, and the Administration chooses to expunge the suspension notice from the student's cumulative record prior to graduation, the Administration may refer to the existence of the expunged disciplinary notice, notwithstanding the fact that such notice may have been expunged from the student's cumulative file, for the limited purpose of determining whether any subsequent suspensions or expulsions by the student would constitute the student's first such offense.
12. The decision of the principal or designee with regard to disciplinary actions up to and including suspensions shall be final.
13. During any period of suspension served out of school, the student shall not be permitted to be on school property and shall not be permitted to attend or participate in any school-sponsored activities, unless the principal specifically authorizes the student to enter school property for a specified purpose or to participate in a particular school-sponsored activity.

- B. In cases where a student's suspension will result in the student being suspended more than ten (10) times or for a total of fifty (50) days in a school year, whichever results in fewer days of exclusion, the student shall, prior to the pending suspension, be granted a formal hearing before the Board of Education. The principal or designee shall report the student to the Superintendent or designee and request a formal Board hearing. If an emergency situation exists, such hearing shall be held as soon after the suspension as possible.

VII. Procedures Governing In-School Suspension

- A. The principal or designee may impose in-school suspension in cases where a student's conduct endangers persons or property, violates school policy or seriously disrupts the educational process as determined by the principal or designee.
- B. In-school suspension may not be imposed on a student without an informal hearing by the building principal or designee.
- C. In-school suspension may be served in the school that the student regularly attends or in any other school building within the jurisdiction of the Board.
- D. No student shall be placed on in-school suspension more than fifteen (15) times or for a total of fifty (50) days in one school year, whichever results in fewer days of exclusion.
- E. The parents or guardian of any minor student placed on in-school suspension shall be given notice of such suspension within twenty-four (24) hours of the time of the institution of the period of the in-school suspension.

VIII. Procedures Governing Expulsion Hearing

A. ***Emergency Exception:***

Except in an emergency situation, the Board of Education shall, prior to expelling any student, conduct a hearing to be governed by the procedures outlined herein and consistent with the requirements of Conn. Gen. Stat. § 10-233d or Conn. Gen. Stat. § 10-233l, if applicable, as well as the applicable provisions of the Uniform Administrative Procedures Act, Conn. Gen. Stat. §§ 4-176e to 4-180a, and § 4-181a. Whenever an emergency exists, the hearing provided for herein shall be held as soon as possible after the expulsion.

B. ***Hearing Panel:***

1. Expulsion hearings conducted by the Board will be heard by any three or more Board members. A decision to expel a student must be supported by a majority of the Board members present, provided that no less than three (3) affirmative votes to expel are cast.
2. Alternatively, the Board may appoint an impartial hearing board composed of one (1) or more persons to hear and decide the expulsion matter, provided that no member of the Board may serve on such panel.

C. ***Hearing Notice and Rights of the Student and Parent(s)/Guardian(s):***

1. Written notice of the expulsion hearing must be given to the student, and, if the student is a minor, to his/her parent(s) or guardian(s) at least five (5) business days before such hearing.
2. A copy of this Board policy on student discipline shall also be given to the student, and if the student is a minor, to his/her parent(s) or guardian(s), at the time the notice is sent that an expulsion hearing will be convened.
3. The written notice of the expulsion hearing shall inform the student of the following:
  - a. **The date, time, place and nature of the hearing, *including if the hearing will be held virtually, via video conference.***
  - b. The legal authority and jurisdiction under which the hearing is to be held, including a reference to the particular sections of the legal statutes involved.
  - c. A short, plain description of the conduct alleged by the Administration.
  - d. The student may present as evidence relevant testimony and documents concerning the conduct alleged and the appropriate length and conditions of expulsion; and that the expulsion hearing may be the student's sole opportunity to present such evidence.
  - e. The student may cross-examine witnesses called by the Administration.

- f. The student may be represented by an attorney or other advocate of his/her choice at his/her expense or at the expense of his/her parent(s) or guardian(s).
- g. A student is entitled to the services of a translator or interpreter, to be provided by the Board of Education, whenever the student or his/her parent(s) or guardian(s) requires the services of an interpreter because he/she/they do(es) not speak the English language or is(are) disabled.
- h. The conditions under which the Board is not legally required to give the student an alternative educational opportunity (if applicable).
- i. Information concerning the parent's(s') or guardian's(s') and the student's legal rights and about free or reduced-rate legal services and how to access such services.
- j. The parent(s) or guardian(s) of the student have the right to have the expulsion hearing postponed for up to one week to allow time to obtain representation, except that if an emergency exists, such hearing shall be held as soon after the expulsion as possible.

D. ***Hearing Procedures:***

- 1. The hearing will be conducted by the Presiding Officer, who will call the meeting to order, introduce the parties, Board members and counsel, briefly explain the hearing procedures, and swear in any witnesses called by the Administration or the student.
- 2. The hearing will be conducted in executive session. A verbatim record of the hearing will be made, either by tape recording or by a stenographer. A record of the hearing will be maintained, including the verbatim record, all written notices and documents relating to the case and all evidence received or considered at hearing.
- 3. The Administration shall bear the burden of production to come forward with evidence to support its case and shall bear the burden of persuasion. The standard of proof shall be a preponderance of the evidence.
- 4. Formal rules of evidence will not be followed. The Board has the right to accept hearsay and other evidence if it deems that evidence

relevant or material to its determination. The Presiding Officer will rule on testimony or evidence as to it being immaterial or irrelevant.

5. The hearing will be conducted in two (2) parts. In the first part of the hearing, the Board will receive and consider evidence regarding the conduct alleged by the Administration.
6. In the first part of the hearing, the charges will be introduced into the record by the Superintendent or his/her designee.
7. Each witness for the Administration will be called and sworn. After a witness has finished testifying, he/she will be subject to cross-examination by the opposite party or his/her legal counsel, by the Presiding Officer and by Board members.
8. The student shall not be compelled to testify at the hearing.
9. After the Administration has presented its case, the student will be asked if he/she has any witnesses or evidence to present concerning the charges. If so, the witnesses will be sworn, will testify, and will be subject to cross examination and to questioning by the Presiding Officer and/or by the Board. The student may also choose to make a statement at this time. If the student chooses to make a statement, he or she will be sworn and subject to cross examination and questioning by the Presiding Officer and/or by the Board. Concluding statements will be made by the Administration and then by the student and/or his or her representative.
10. In cases where the student has denied the allegation, the Board must determine whether the student committed the offense(s) as charged by the Superintendent.
11. If the Board determines that the student has committed the conduct as alleged, then the Board shall proceed with the second portion of the hearing, during which the Board will receive and consider relevant evidence regarding the length and conditions of expulsion.
12. When considering the length and conditions of expulsion, the Board may review the student's attendance, academic and past disciplinary records. The Board may not review notices of prior expulsions or suspensions which have been expunged from the student's cumulative record, except as so provided in Section VI.A (9), (10), (11), above, and Section X, below. The Board may ask the Superintendent for a recommendation as to the discipline to be imposed.

13. Evidence of past disciplinary problems which have led to removal from a classroom, suspension or expulsion of a student being considered for expulsion may be considered only during the second portion of the hearing, during which the Board is considering length of expulsion and nature of alternative educational opportunity to be offered.
14. Where administrators presented the case in support of the charges against the student, such administrative staff shall not be present during the deliberations of the Board either on questions of evidence or on the final discipline to be imposed. The Superintendent may, after reviewing the incident with administrators, and reviewing the student's records, make a recommendation to the Board as to the appropriate discipline to be applied.
15. The Board shall make findings as to the truth of the charges, if the student has denied them; and, in all cases, the disciplinary action, if any, to be imposed. While the hearing itself is conducted in executive session, the vote regarding expulsion must be made in open session and in a manner that preserves the confidentiality of the student's name and other personally identifiable information.
16. Except for a student who has been expelled based on possession of a firearm or deadly weapon as described in subsection IV.B(1) and (2) above, the Board may, in its discretion, shorten or waive the expulsion period for a student who has not previously been suspended or expelled, if the student completes a Board-specified program and meets any other conditions required by the Board. The Board-specified program shall not require the student and/or the student's parents to pay for participation in the program.
17. The Board shall report its final decision in writing to the student, or if such student is a minor, also to the parent(s) or guardian(s), stating the reasons on which the decision is based, and the disciplinary action to be imposed. Said decision shall be based solely on evidence presented at the hearing. The parents or guardian or any minor student who has been expelled shall be given notice of such disciplinary action within twenty-four (24) hours of the time of the institution of the period of the expulsion.
18. ***The hearing may be conducted virtually, via video conference, at the direction of the Board, in the event school buildings are closed to students or individuals are provided limited access to school buildings as a result of the COVID-19 pandemic. Any***

***virtual hearing must provide the student the due process rights identified in this Subsection D.***

E. ***Presence on School Grounds and Participation in School-Sponsored Activities During Expulsion:***

During the period of expulsion, the student shall not be permitted to be on school property and shall not be permitted to attend or participate in any school-sponsored activities, except for the student's participation in any alternative educational opportunity provided by the district in accordance with this policy, unless the Superintendent specifically authorizes the student to enter school property for a specified purpose or to participate in a particular school-sponsored activity.

F. ***Stipulated Agreements:***

In lieu of the procedures used in this Section, the Administration and the parent(s) or legal guardian(s) of a student facing expulsion may choose to enter into a Joint Stipulation of the Facts and a Joint Recommendation to the Board concerning the length and conditions of expulsion. Such Joint Stipulation and Recommendation shall include language indicating that the parent(s) or legal guardian(s) understand their right to have an expulsion hearing held pursuant to these procedures, and language indicating that the Board, in its discretion, has the right to accept or reject the Joint Stipulation of Facts and Recommendation. If the Board rejects either the Joint Stipulation of Facts or the Recommendation, an expulsion hearing shall be held pursuant to the procedures outlined herein. If the Student is eighteen years of age or older, the student shall have the authority to enter into a Joint Stipulation and Recommendation on his or her own behalf.

If the parties agree on the facts, but not on the disciplinary recommendation, the Administration and the parents (or legal guardians) of a student facing expulsion may also choose to enter into a Joint Stipulation of the Facts and submit only the Stipulation of the Facts to the Board in lieu of holding the first part of the hearing, as described above. Such Joint Stipulation shall include language indicating that the parents understand their right to have a hearing to determine whether the student engaged in the alleged misconduct and that the Board, in its discretion, has the right to accept or reject the Joint Stipulation of Facts. If the Board rejects the Joint Stipulation of Facts, a full expulsion hearing shall be held pursuant to the procedures outlined herein.

IX. **Alternative Educational Opportunities for Expelled Students**

A. ***Students under sixteen (16) years of age:***

Whenever the Board of Education expels a student under sixteen (16) years of age, it shall offer any such student an alternative educational opportunity.

B. ***Students sixteen (16) to eighteen (18) years of age:***

1. The Board of Education shall provide an alternative educational opportunity to a sixteen (16) to eighteen (18) year-old student expelled for the first time if he/she requests it and if he/she agrees to the conditions set by the Board of Education. Such alternative educational opportunity may include, but shall not be limited to, the placement of a pupil who is at least seventeen years of age in an adult education program. Any pupil participating in an adult education program during a period of expulsion shall not be required to withdraw from school as a condition to his/her participation in the adult education program.
2. The Board of Education is not required to offer an alternative educational opportunity to any student between the ages of sixteen (16) and eighteen (18) who is expelled for a second, or subsequent, time.
3. The Board of Education shall count the expulsion of a pupil when he/she was under sixteen (16) years of age for purposes of determining whether an alternative educational opportunity is required for such pupil when he/she is between the ages of sixteen and eighteen.

C. ***Students eighteen (18) years of age or older:***

The Board of Education is not required to offer an alternative educational opportunity to expelled students eighteen (18) years of age or older.

D. **Content of Alternative Educational Opportunity**

1. For the purposes of Section IX, and subject to Subsection IX.E, below, any alternative educational opportunity to which an expelled student is statutorily entitled shall be (1) alternative education, as defined by Conn. Gen. Stat. § 10-74j and in accordance with the *Standards for Educational Opportunities for Students Who Have Been Expelled*, adopted by the State Board of Education, with an individualized learning plan, if the Board provides such alternative education, or (2) in accordance with the

*Standards for Educational Opportunities for Students Who Have Been Expelled*, adopted by the State Board of Education.

2. The Superintendent, or his/her designee, shall develop administrative regulations concerning alternative educational opportunities, which administrative regulations shall be in compliance with the standards adopted by the State Board of Education. Such administrative regulations shall include, but not limited to, provisions to address student placement in alternative education; individualized learning plans; monitoring of students placements and performance; and a process for transition planning.

E. ***Students identified as eligible for services under the Individuals with Disabilities Education Act (“IDEA”):***

Notwithstanding Subsections IX.A. through D. above, if the Board of Education expels a student who has been identified as eligible for services under the Individuals with Disabilities Education Act (“IDEA”), it shall offer an alternative educational opportunity to such student in accordance with the requirements of IDEA, as it may be amended from time to time, and in accordance with the *Standards for Educational Opportunities for Students Who Have Been Expelled*, adopted by the State Board of Education.

F. ***Students for whom an alternative educational opportunity is not required:***

The Board of Education may offer an alternative educational opportunity to a pupil for whom such alternative educational opportunity is not required by law or as described in this policy. In such cases, the Board, or if delegated by the Board, the Administration, shall determine the components, including nature, frequency and duration of such services, of any such alternative educational opportunity.

X. **Notice of Student Expulsion on Cumulative Record**

Notice of expulsion and the conduct for which the student was expelled shall be included on the student’s cumulative educational record. Such notice, except for notice of an expulsion of a student in grades nine through twelve, inclusive, based upon possession of a firearm or deadly weapon, shall be expunged from the cumulative educational record by the Board if the student graduates from high school.

In cases where the student’s period of expulsion is shortened or waived in accordance with Section VIII.D(14), above, the Board may choose to expunge the

expulsion notice from the cumulative record at the time the student completes the Board-specified program and meets any other conditions required by the Board.

If a student's period of expulsion was not shortened or waived, the Board may choose to expunge the expulsion notice from the student's cumulative record prior to graduation if such student has demonstrated to the Board that the student's conduct and behavior in the years following such expulsion warrants an expungement. In deciding whether to expunge the expulsion notice, the Board may receive and consider evidence of any subsequent disciplinary problems that have led to removal from a classroom, suspension or expulsion of the student.

If the student has not previously been suspended or expelled, and the Administration chooses to expunge the expulsion notice from the student's cumulative record prior to graduation, the Administration may refer to the existence of the expunged notice, notwithstanding the fact that such notice may have been expunged from the student's cumulative file, for the limited purpose of determining whether any subsequent suspension or expulsion by the student would constitute the student's first such offense.

XI. Change of Residence During Expulsion Proceedings

A. *Student moving into the school district:*

1. If a student enrolls in the district while an expulsion hearing is pending in another district, such student shall not be excluded from school pending completion of the expulsion hearing unless an emergency exists, as defined above. The Board shall retain the authority to suspend the student or to conduct its own expulsion hearing.
2. Where a student enrolls in the district during the period of expulsion from another public school district, the Board may adopt the decision of the student expulsion hearing conducted by such other school district. The student shall be excluded from school pending such hearing. The excluded student shall be offered an alternative educational opportunity in accordance with statutory requirements. The Board shall make its determination based upon a hearing held by the Board, which hearing shall be limited to a determination of whether the conduct which was the basis of the previous public school district's expulsion would also warrant expulsion by the Board.

B. *Student moving out of the school district:*

Where a student withdraws from school after having been notified that an expulsion hearing is pending, but before a decision has been rendered by

the Board, the notice of the pending expulsion hearing shall be included on the student's cumulative record and the Board shall complete the expulsion hearing and render a decision. If the Board subsequently renders a decision to expel the student, a notice of the expulsion shall be included on the student's cumulative record.

XII. Procedures Governing Suspension and Expulsion of Students Identified as Eligible for Services under the Individuals with Disabilities Education Act ("IDEA")

A. ***Suspension of IDEA students:***

Notwithstanding the foregoing, if the Administration suspends a student identified as eligible for services under the IDEA (an "IDEA student") who has violated any rule or code of conduct of the school district that applies to all students, the following procedures shall apply:

1. The Administration shall make reasonable attempts to immediately notify the parents of the student of the decision to suspend on the date on which the decision to suspend was made, and a copy of the special education procedural safeguards must either be hand-delivered or sent by mail to the parents on the date that the decision to suspend was made.
2. During the period of suspension, the school district is not required to provide any educational services to the IDEA student beyond that which is provided to all students suspended by the school district.

B. ***Expulsion and Suspensions that Constitute Changes in Placement for IDEA students:***

Notwithstanding any provision to the contrary, if the Administration recommends for expulsion an IDEA student who has violated any rule or code of conduct of the school district that applies to all students, the procedures described in this section shall apply. The procedures described in this section shall also apply for students whom the Administration has suspended in a manner that is considered under the IDEA, as it may be amended from time to time, to be a change in educational placement:

1. Upon the decision by the Administration to recommend expulsion or impose a suspension that would constitute a change in educational placement, the Administration shall promptly notify the parent(s)/guardian(s) of the student of the recommendation of expulsion or the suspension that would constitute a change in educational placement, and provide the parents(s)/guardian(s) a

copy of the special education procedural safeguards either by hand-delivery or by mail (unless other means of transmission have been arranged).

2. The school district shall immediately convene the student's planning and placement team ("PPT"), but in no case later than ten (10) school days after the recommendation for expulsion or the suspension that constitutes a change in placement was made. The student's PPT shall consider the relationship between the student's disability and the behavior that led to the recommendation for expulsion or the suspension which constitutes a change in placement, in order to determine whether the student's behavior was a manifestation of his/her disability.
3. If the student's PPT finds that the behavior was a manifestation of the student's disability, the Administration shall not proceed with the recommendation for expulsion or the suspension that constitutes a change in placement.
4. If the student's PPT finds that the behavior was not a manifestation of the student's disability, the Administration may proceed with the recommended expulsion or suspension that constitutes a change in placement.
5. During any period of expulsion, or suspension of greater than ten (10) days per school year, the Administration shall provide the student with an alternative education program in accordance with the provisions of the IDEA.
6. When determining whether to recommend an expulsion or a suspension that constitutes a change in placement, the building administrator (or his or her designee) should consider the nature of the misconduct and any relevant educational records of the student.

**C. *Removal of Special Education Students for Certain Offenses:***

1. School personnel may remove a student eligible for special education under the IDEA to an appropriate interim alternative educational setting for not more than forty-five (45) school days if the student:
  - a. Was in possession of a dangerous weapon, as defined in 18 U.S.C. 930(g)(2), as amended from time to time, on school grounds or at a school-sponsored activity, or

- b. Knowingly possessed or used illegal drugs or sold or solicited the sale of a controlled substance while at school or at a school-sponsored activity; or
  - c. Has inflicted serious bodily injury upon another person while at school, on school premises, or at a school function.
2. The following definitions shall be used for this subsection XII.C.:
- a. **Dangerous weapon** means a weapon, device, instrument, material, or substance, animate or inanimate, that is used for, or is readily capable of, causing death or serious bodily injury, except that such term does not include a pocket knife with a blade of less than 2.5 inches in length.
  - b. **Controlled substance** means a drug or other substance identified under schedules I, II, III, IV, or V in section 202(c) of the Controlled Substances Act, 21 U.S.C. 812(c).
  - c. **Illegal drug** means a controlled substance but does not include a substance that is legally possessed or used under the supervision of a licensed health-care professional or that is legally possessed or used under any other authority under the Controlled Substances Act or under any other provision of federal law.
  - d. **Serious bodily injury** means a bodily injury which involves: (A) a substantial risk of death; (B) extreme physical pain; (C) protracted and obvious disfigurement; or (D) protracted loss or impairment of the function of a bodily member, organ, or mental faculty.

XIII. Procedures Governing Expulsions for Students Identified as Eligible under Section 504 of the Rehabilitation Act of 1973 (“Section 504”)

- A. Except as provided in subsection B below, notwithstanding any provision to the contrary, if the Administration recommends for expulsion a student identified as eligible for educational accommodations under Section 504 who has violated any rule or code of conduct of the school district that applies to all students, the following procedures shall apply:
  - 1. The parents of the student must be notified of the decision to recommend the student for expulsion.
  - 2. The district shall immediately convene the student’s Section 504 team (“504 team”) for the purpose of reviewing the relationship

between the student's disability and the behavior that led to the recommendation for expulsion. The 504 team will determine whether the student's behavior was a manifestation of his/her disability.

3. If the 504 team finds that the behavior was a manifestation of the student's disability, the Administration shall not proceed with the recommended expulsion.
  4. If the 504 team finds that the behavior was not a manifestation of the student's disability, the Administration may proceed with the recommended expulsion.
- B. The Board may take disciplinary action for violations pertaining to the use or possession of illegal drugs or alcohol against any student with a disability who currently is engaging in the illegal use of drugs or alcohol to the same extent that such disciplinary action is taken against nondisabled students. Thus, when a student with a disability is recommended for expulsion based solely on the illegal use or possession of drugs or alcohol, the 504 team *shall not be required to meet* to review the relationship between the student's disability and the behavior that led to the recommendation for expulsion.

#### XIV. Procedures Governing Expulsions for Students Placed in a Juvenile Detention Center

- A. Any student who commits an expellable offense and is subsequently placed in a juvenile detention center or any other residential placement for such offense may be expelled by the Board in accordance with the provisions of this section. The period of expulsion shall run concurrently with the period of placement in a juvenile detention center or other residential placement.
- B. If a student who committed an expellable offense seeks to return to a school district after participating in a diversionary program or having been placed in a juvenile detention center or any other residential placement and such student has not been expelled by the board of education for such offense under subdivision (A) of this subsection, the Board shall allow such student to return and may not expel the student for additional time for such offense.

#### XV. Early Readmission to School

An expelled student may apply for early readmission to school. The Board delegates the authority to make decisions on readmission requests to the Superintendent. Students desiring readmission to school shall direct such

readmission requests to the Superintendent. The Superintendent has the discretion to approve or deny such readmission requests, and may condition readmission on specified criteria.

XVI. Dissemination of Policy

The Board of Education shall, at the beginning of each school year and at such other times as it may deem appropriate, provide for an effective means of informing all students, parent(s) and/or guardian(s) of this policy.

XVII. Compliance with Documentation and Reporting Requirements

- A. The Board of Education shall include on all disciplinary reports the individual student's state-assigned student identifier (SASID).
- B. The Board of Education shall report all suspensions and expulsions to the State Department of Education.
- C. If the Board of Education expels a student for sale or distribution of a controlled substance, as defined in Conn. Gen. Stat. § 21a-240(9), whose manufacture, distribution, sale, prescription, dispensing, transporting or possessing with the intent to sell or dispense, offering, or administration is the subject to criminal penalties under Conn. Gen. Stat. §§ 21a-277 and 21a-278, the Board shall refer such student to an appropriate state or local agency for rehabilitation, intervention or job training and inform the agency of its action.
- D. If the Board of Education expels a student for possession of a firearm, as defined in 18 U.S.C. § 921, or deadly weapon, dangerous instrument or martial arts weapon, as defined in Conn. Gen. Stat. § 53a-3, the Board shall report the violation to the local police.

Legal References:

Connecticut General Statutes:

Public Act 19-91, "An Act Concerning Various Revisions and Additions to the Education Statutes."

Public Act 19-13, "An Act Prohibiting the Sale of Cigarettes, Tobacco Products, Electronic Nicotine Delivery Systems and Vapor Products to Persons Under Age Twenty-One."

§ 10-16          Length of school year

- §§ 4-176e through 4-180a and § 4-181a Uniform Administrative Procedures Act
- § 10-222d Safe school climate plans. Definitions. Safe school climate assessments
- §§ 10-233a through 10-233f Suspension and expulsion of students.
- § 10-233l Expulsion and suspension of children in preschool programs
- § 10-253 School privileges for children in certain placements, nonresident children, children in temporary shelters, homeless children and children in juvenile detention facilities. Liaison to facilitate transitions between school districts and juvenile and criminal justice systems.
- § 21a-240 Definitions
- § 19a-342a Use of electronic nicotine delivery system or vapor product prohibited
- §§ 21a-408a through 408p Palliative Use of Marijuana
- § 29-38 Weapons in vehicles
- § 53a-3 Definitions
- § 53-344b Sale and delivery of electronic nicotine delivery system or vapor products to minors
- § 53-206 Carrying of dangerous weapons prohibited.

*Packer v. Board of Educ. of the Town of Thomaston*, 246 Conn. 89 (1998).  
*State v. Hardy*, 896 A.2d 755, 278 Conn. 113 (2006).  
*State v. Guzman*, 955 A.2d 72, 2008 Conn. App. LEXIS 445 (Sept. 16, 2008).

Connecticut State Department of Education, *Standards for Educational Opportunities for Students Who Have Been Expelled*, adopted January 3, 2018.

Federal law:

Individuals with Disabilities Education Act, 20 U.S.C. 1400 *et seq.*, as amended by the Individuals with Disabilities Education Improvement Act of 2004, Pub. L. 108-446.  
 Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794(a).  
 18 U.S.C. § 921 (definition of “firearm”)  
 18 U.S.C. § 930(g)(2) (definition of “dangerous weapon”)  
 18 U.S.C. § 1365(h)(3) (identifying “serious bodily injury”)  
 21 U.S.C. § 812(c) (identifying “controlled substances”)  
 34 C.F.R. § 300.530 (defining “illegal drugs”)  
 Gun-Free Schools Act, 20 U.S.C. § 7961  
*Honig v. Doe*, 484 U.S. 305 (1988)

ADOPTED: \_\_\_\_\_

REVISED: \_\_\_\_\_

12/23/2019

*Temporary revisions 7/5/2020*



**Series 5000  
Students**

**ADMINISTRATIVE REGULATIONS REGARDING ALTERNATIVE  
EDUCATIONAL OPPORTUNITIES FOR EXPELLED STUDENTS**

**I. Applicability of these Administrative Regulations**

These administrative regulations shall apply in cases when, pursuant to state law, a student in the Suffield Public Schools (the “District”) is entitled to an alternative educational opportunity during a period of expulsion.

**II. Responsible Personnel**

The building principal of the school from which the student has been expelled, or his/her designee(s), shall maintain responsibility for compliance with these administrative regulations relative to the individual student who is being provided with the alternative educational opportunity.

**III. Student Placement Procedures**

A. After a student has been expelled, and unless extraordinary circumstances exist, the building principal, or his/her designee(s), will take the following steps:

1. Meet with the expelled student’s parent(s)/guardian(s) prior to the student’s placement in an alternative educational setting to provide information concerning the potentially appropriate alternative educational opportunities for the student and to inform the parent(s)/guardian(s) and student of the right to apply for early readmission to school in accordance with Conn. Gen. Stat. Section 10-233d(j).
2. Consult with relevant school personnel from the school from which the student was expelled, who are knowledgeable about the student, to obtain information regarding the student’s academic, social, and behavioral history that will help inform the decision concerning an appropriate alternative educational opportunity. Such information may be gathered by written reports.

3. After placement options have been shared with the parent(s)/guardian(s), convene a placement meeting at which all alternative educational opportunities are explored and a placement decision is made.

B. The educational programming and placement for expelled students who are eligible to receive special education and related services under the Individuals with Disabilities Education Act (“IDEA”) shall be determined by the student’s Planning and Placement Team (“PPT”). In such case, Subsection A above shall not apply.

#### IV. Individualized Learning Plan

##### A. Development of the Individualized Learning Plan

After the student has been accepted into an alternative educational placement, the principal, or his/her designee, will develop an Individualized Learning Plan (“ILP”) that will govern the programming for the student for the period of expulsion. To develop the ILP, the principal, or his/her designee, will collaborate with school personnel from the school from which the student was expelled, the student and the parent/guardian, and will review all relevant student records.

##### B. Contents of the Individualized Learning Plan

1. The ILP will reference student records with information relevant to the provision of an alternative educational opportunity. These records may include:

- a. Student success plan (for students who have a student success plan as mandated by state law, the student success plan may inform the ILP but does not replace the ILP);
- b. Individualized education program (“IEP”);
- c. Section 504 Plan;
- d. Individualized health care plan or emergency care plan; and/or
- e. Other relevant academic and behavioral data.

2. The ILP will address the following:

- a. The student’s academic and behavioral needs and appropriate academic and behavioral goals and

interventions, including the student's core classes at the time of expulsion and the student's current placement or progress in the curriculum for those classes so that the student has an opportunity to continue to progress in the Board's academic program and earn graduation credits, if applicable;

- b. Benchmarks to measure progress towards the goals and ultimately, progress towards graduation;
- c. Provision for the timing and method for reviewing the student's progress in the alternative educational opportunity and for communicating that progress to the parent/guardian or student. For most students, monitoring and reviewing the student's progress will include monitoring the student's attendance, work completion and progress toward meeting the relevant academic standards for particular coursework, and thus progressing toward graduation, if applicable. The student's progress and grades will be communicated to the parents/guardians or student with the same frequency as similar progress for students in the regular school environment is reported and communicated to parents/guardians or students. The student's progress and grades will also be reported to the school from which the student was expelled;
- d. Provision for the timely transfer of the student's records both from the student's school to the alternative educational opportunity provider, and also from the alternative educational opportunity provider to the student's school; and
- e. The possibility of early readmission to the school from which the student was expelled and the early readmission criteria, if any, established by the Board of Education or Superintendent, as applicable.

V. Review of Student's Placement in Alternative Educational Opportunity and Individualized Learning Plan

- A. A review of the appropriateness of the placement must occur at least once per marking period.
- B. The placement review must include:

1. Review of the ILP to (1) assess progress and make adjustments as necessary and (2) determine its alignment with the goals of the student's IEP, where applicable; and
2. Consideration of opportunities for early readmission as set forth in the ILP, as established by the Board of Education or Superintendent, as applicable.

## VI. Transition Plan for Readmission

- A. Before a student is readmitted to the school from which the student was expelled, relevant staff should provide an opportunity to meet with the parents/guardians and student to discuss the student's readmission. As part of the readmission process and the student's ILP, the principal, or his/her designee, should consider:
  1. Efforts to readmit the student at a semester starting point (at the high school level);
  2. A plan to transfer the student's credits and records back to the school from which the student was expelled:
    - a. The District will award an expelled high school student appropriate high school credit for work satisfactorily completed during the period the student participates in the alternative educational opportunity and will transfer relevant records back to the school from which the student was expelled;
    - b. The District will provide an expelled student transferring to a new school district a progress summary of all work completed during the course of the student's expulsion, and will indicate the course credit earned by the student for that work.
  3. The student's need for academic and other supports upon returning to his/her school; and
  4. Efforts to connect the returning student with opportunities to participate in extracurricular activities.
- B. In the event the principal, or his/her designee, determines that a student's alternative educational opportunity is no longer beneficial to the student, but it remains inappropriate to return the student to the school from which the student was expelled, a plan for a different alternative educational

opportunity may be developed in accordance with the procedures outlines in these Administrative Regulations.

Legal References:

Connecticut General Statutes:

Conn. Gen. Stat. § 10-233d

Federal law:

Individuals with Disabilities Education Act, 20 U.S.C. 1400 *et seq.*, as amended by the Individuals with Disabilities Education Improvement Act of 2004, Pub. L. 108-446.

Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794(a).

Connecticut State Department of Education, *Standards for Educational Opportunities for Students Who Have Been Expelled* (January 3, 2018).

ADOPTED: \_\_\_\_\_

REVISED: \_\_\_\_\_

8/6/2018

[BOE LETTERHEAD]

(Date)

**CERTIFIED MAIL - RETURN RECEIPT REQUESTED & U.S. MAIL**

*(Parent) (If the Student is aged 18 or older, this notice should be sent directly to the student, with copies to the parent(s)).  
(Parent's/Student's Address)*

*(Non-custodial Parent, if applicable)  
(Parent's Address)*

**Re: Expulsion Hearing Concerning Student Name; D.O.B.; State-Assigned Student Identifier (SASID)**

Dear *(Parent/Guardian)*:

In accordance with the *(name of district)* Board of Education Policy (*policy # & title*), I am writing to advise you that the *(name of district)* Board of Education (the "Board") will hold a formal hearing concerning your *(son/daughter)*, *(Name of Student)* to consider the recommendation of *(name of administrator)* that *(he/she)* be expelled from school. ***[In cases where the district uses a hearing officer, add the following: Please be advised that the Board has appointed Attorney [Name], to serve as an impartial hearing officer in this matter.]*** This hearing is being held pursuant to Section 10-233d ***[In cases where a preschool student is recommended for expulsion, add the following: and Section 10-233l]*** and Sections 4-176e to 4-180a, inclusive, and Section 4-181a of the Connecticut General Statutes and the *(name of district)* Board of Education Policy (*policy # & title*), a copy of which is enclosed. The Board (***OR the hearing officer***) intends to conduct the hearing in executive session, due to the confidential nature of this hearing.

The hearing will address the allegations that your *(son/daughter)* (***for on or off-campus conduct***: violated Board Policy *cite Student Discipline Policy number and any other specific policy number on date* and seriously disrupted the educational process) (***and/or, for on-campus conduct***: endangered persons or property) by engaging in the following conduct:

***(The law governing these hearings requires a short, plain statement of the facts to be included within this notice letter, and should be inserted here.***

***Example: carrying a knife on the school bus on a specified date and brandishing it at other students on the bus).***

***(If the student has admitted to this conduct, note the admission here).***

The hearing has been scheduled for ***(date, time, place [note: unless an emergency exists, the this notice must be given to the student/parent/guardian at least five (5) business days before the hearing]). (If a manifestation determination must be held prior to the expulsion hearing, add the following language: Prior to the expulsion hearing, your (son's/daughter's) [planning and placement (PPT) team OR Section 504 team] will determine if your child's conduct constitutes a manifestation of (his/her) disability. The expulsion hearing will be canceled if the [PPT OR Section 504 team] determines that the conduct was a manifestation of your child's disability; otherwise, the hearing will proceed as scheduled.*** You and your ***(son/daughter)*** are asked to attend this hearing. Your ***(son/daughter)*** has the right to be represented by an attorney or other advocate at your expense, has the right to cross-examine administration witnesses, and may present relevant evidence, both documentary and testimonial, concerning the allegations. The hearing will be the parties' sole opportunity to present such evidence. The Board (***OR the hearing officer***) may also question witnesses. An opportunity will also be given for the administration and your ***(son/daughter)*** or his/her representatives to present argument concerning the evidence presented at the hearing. If you need the services of a translator or an interpreter for this hearing, please let me know as soon as possible.

Unless the administration has determined that an emergency exists, you have the right to have the expulsion hearing postponed for up to one week to allow time to obtain representation. If you would like to request a postponement, please let me know as soon as possible.

The administration may recommend expulsion from school for up to one calendar year. The Board (***OR the hearing officer***) has discretion to adopt any period of expulsion up to one calendar year.

As mentioned above, your ***(son/daughter)*** has a right to be represented, at your own expense, an attorney or other advocate at the expulsion hearing. Obtaining an attorney or other advocate is the responsibility of the family. Very low income families may be able to obtain free or reduced rate advice or legal representation through Statewide Legal Services, Inc. ("SLS"). To apply for such assistance, those families should contact SLS immediately at 1-800-453-3320.

In the event your ***(son/daughter)*** is expelled as a result of the scheduled hearing, and your ***(son/daughter)*** is under sixteen (16) years of age, the Board will offer your child an alternative educational opportunity during any period of exclusion from school as determined by the Administration in accordance with applicable law and Board policy. If your ***(son/daughter)*** is between sixteen (16) and eighteen (18) and has not been

expelled before, the Board shall also offer to your (*son/daughter*) an alternative educational opportunity if she/he wishes to continue her/his education. Please know however, that the Board is not required to offer an alternative educational opportunity to any student between sixteen (16) and eighteen (18) years of age who have previously been expelled or to students who are eighteen (18) years of age or older.

If you have any questions, please call my office at (*number*).

Sincerely,

*(Name of Superintendent)*  
*(Name of District)* Public Schools

Cc: *(Name of District)*, Chairman, *(Name of District)* Board of Education  
*(Name of Special Education director, where applicable)*  
*(Name of Principal at school that student attends)*  
*(Name of Board of Education Attorney, where applicable)*  
*(Name of Administration's Attorney, where applicable)*

9/3/2019



**SHIPMAN & GOODWIN LLP™**

COUNSELORS AT LAW

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**AGREEMENT**

NAME OF SUPERINTENDENT, (Superintendent of Schools for NAME OF DISTRICT), NAME OF STUDENT and NAME(S) OF PARENT(S)/GUARDIAN(S) (the parent(s)/guardian(s) of NAME OF STUDENT) agree as follows with respect to the Superintendent's request that NAME OF STUDENT be expelled from \_\_\_\_\_ School:

1. NAME OF STUDENT (D.O.B. \_\_\_\_\_; SASID \_\_\_\_\_) is currently enrolled as a \_\_\_\_\_ grade student at \_\_\_\_\_ School.
2. NAME OF STUDENT admits that he/she engaged in the following conduct (*insert a short, plain statement of the conduct*) on or about \_\_\_\_\_, 20\_\_.
3. NAME OF STUDENT's conduct, as described above, violates \_\_\_\_\_ Board of Education Policy \_\_\_\_\_ (Student Discipline) (*Cite other policies here as appropriate*), and is considered by the district administration to be seriously disruptive of the educational process. (*For conduct that occurs on school grounds or at a school-sponsored activity, you may alternatively or additionally state whether such conduct is considered to endanger persons or property*). (*If the student has admitted to this conduct, note the admission here*).
4. Students are notified of applicable Board policies regarding prohibited conduct by publication in the student handbook.
5. (*Optional Section for students with disabilities*): A manifestation determination was made on (*date*) concerning this conduct and it was determined that the conduct was not a manifestation of the student's disability.
6. Students are notified of applicable Board policies regarding prohibited conduct by publication in the student handbook.
7. Subject to the approval of the \_\_\_\_\_ Board of Education (the "Board"), NAME OF STUDENT shall be expelled, effective \_\_\_\_\_, 20\_\_ and continuing through \_\_\_\_\_, 20 \_\_\_\_, under the following conditions:
  - a) During the period of expulsion, the Board will provide NAME OF STUDENT with an alternative education opportunity deemed appropriate by the Administration in accordance with applicable law and Board policy.

**(Optional alternative language if the parties agree to an alternative educational opportunity other than that required by the state standards:**

**The NAME OF PARENT(S) and NAME OF STUDENT understand and acknowledge that, pursuant to Section 10-233d of the Connecticut General Statutes, NAME OF**



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**STUDENT is entitled to an alternative educational opportunity during the Expulsion Period which shall be (1) alternative education, as defined by Section 10-74j of the Connecticut General Statutes, with an individualized learning plan, if the Board provides such alternative education, or (2) in accordance with the standards adopted by the State Board of Education, pursuant to section 3 of public act 17-220 (a “Statutory Alternative Educational Opportunity”). The NAME OF PARENT(S) and NAME OF STUDENT hereby waive NAME OF STUDENT’s right to a Statutory Alternative Educational Opportunity and accordingly waive the application of the *Standards of Educational Opportunities for Students Who Have Been Expelled*, adopted by the Connecticut State Board of Education, and the Board’s Administrative Regulations concerning the implementation of said standards. In lieu of a Statutory Alternative Educational Opportunity, the NAME OF PARENT(S) and NAME OF STUDENT agree that during the Expulsion Period, the Board will provide NAME OF STUDENT with an alternative educational opportunity as follows:**

*[Describe alternative educational opportunity agreed to by parties.]*

**If NAME OF STUDENT becomes ineligible to attend the \_\_\_\_\_ Public Schools pursuant to Board Policy and/or if the Parents withdraw NAME OF STUDENT from his/her enrollment as a student at [name of school], the Board will have no obligation to provide NAME OF STUDENT with the alternative educational opportunity described herein.**

- b) During the period of expulsion, NAME OF STUDENT will not be permitted to be on school grounds and will not be permitted to attend or participate in any school-sponsored activities, except as authorized in writing in advance by the Superintendent of Schools.

*(Optional Sections regarding early readmission):*

- c) Prior to \_\_\_\_\_, the Superintendent will review NAME OF STUDENT’s conduct, as well as his/her attendance and effort level in the alternative educational opportunity [list other conditions as applicable], for the purpose of determining, in the Superintendent’s sole discretion, whether NAME OF STUDENT should be readmitted to school on or about \_\_\_\_\_.
- d) If the Superintendent determines that NAME OF STUDENT should be readmitted to school early in accordance with the preceding section, and if NAME OF STUDENT subsequently commits any offense that would warrant suspension and/or expulsion under the policies of the Board, the Superintendent may reinstate NAME OF STUDENT’s expulsion for the remainder of the expulsion period, through (*date*), without the need for any further proceedings before the Board.

*(Optional Section for expungement if the expulsion is the student’s first expulsion):*



- e) Prior to (*date*), the Superintendent will review NAME OF STUDENT’s conduct, as well as his/her attendance and effort level since the expulsion, for the purpose of determining, in the Superintendent’s sole discretion, whether the expulsion hearing record of NAME OF STUDENT should be expunged from his/her educational record as of (*date*).
- 8. All parties to this Agreement request that this Agreement be presented to the Board for the Board’s consideration, in lieu of the submission of any other evidence by the Superintendent and/or NAME OF STUDENT or his/her parents, and they agree that this Agreement is sufficient for the Board to expel NAME OF STUDENT from school.
- 9. NAME OF STUDENT and NAME OF PARENT(S)/GUARDIAN(S) understand and acknowledge that, pursuant to Section 10-233d of the Connecticut General Statutes and Board Policy, NAME OF STUDENT is entitled to an expulsion hearing before the \_\_\_\_\_ Board of Education to contest NAME OF STUDENT’s proposed expulsion from the \_\_\_\_\_ Public Schools. NAME OF STUDENT and NAME OF PARENT(S)/GUARDIAN(S) further understands and acknowledges that at such hearing NAME OF STUDENT and NAME OF PARENT(S)/GUARDIAN(S) would have the right to call witnesses and to introduce documentary evidence, to cross examine witnesses called by the Administration, and to be represented by an attorney or other advocate at their own expense. Accordingly, NAME OF STUDENT and NAME OF PARENT(S)/GUARDIAN(S) waive NAME OF STUDENT’s right to an expulsion hearing pursuant to Section 10-233d of the Connecticut General Statutes.
- 10. The Superintendent, NAME OF STUDENT and NAME OF PARENT(S)/GUARDIAN(S) understand that this Agreement is subject to the approval of the Board. In the event that the Board does not approve this Agreement, the Superintendent, NAME OF STUDENT and NAME OF PARENT(S)/GUARDIAN(S) agree that the expulsion hearing concerning NAME OF STUDENT shall be rescheduled to a mutually agreeable date for the purposes of conducting an evidentiary hearing before the Board concerning the Superintendent’s expulsion request. NAME OF STUDENT and NAME OF PARENT(S)/GUARDIAN(S) agree that NAME OF STUDENT will remain out of school until the evidentiary hearing has been completed. NAME OF STUDENT and NAME OF PARENT(S)/GUARDIAN(S) also agree that the Board’s consideration of this proposed Agreement will not disqualify any member of the Board from serving as a Board member in the evidentiary hearing, and they hereby waive any right to make such a claim in any proceeding in any forum.
- 11. NAME OF STUDENT and NAME OF PARENT(S)/GUARDIAN(S) enter into this Agreement voluntarily and with a full understanding of the provisions of this Agreement.

Date: \_\_\_\_\_

\_\_\_\_\_  
NAME OF SUPERINTENDENT  
Superintendent of Schools



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COUNSELORS AT LAW

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\_\_\_\_\_  
NAME OF STUDENT  
Student

Date: \_\_\_\_\_

\_\_\_\_\_  
NAME OF PARENT/GUARDIAN  
OF STUDENT

Date: \_\_\_\_\_

\_\_\_\_\_  
NAME OF PARENT/GUARDIAN  
OF STUDENT

Date: \_\_\_\_\_

9/3/2019



**Note: This is a sample Individualized Learning Plan drafted in accordance with the Standards for Educational Opportunities for Students Who Have Been Expelled, which was approved by the State Board of Education on January 3, 2018. The specific goals and benchmarks can be customized to meet the needs of individual students.**

[                    ] **Public Schools**  
**Individualized Learning Plan**

**Student Name:** \_\_\_\_\_ **Date of Birth:** \_\_\_\_\_ **Gr.** \_\_\_\_\_

**School Prior to Expulsion:** \_\_\_\_\_ **SASID:** \_\_\_\_\_

Does the student have an Individualized Education Program?     Yes     No

Does the student have a Section 504 Plan?                                     Yes     No

Records Reviewed with Relevant Information for the Provision of an Alternative Educational Opportunity	
<input type="checkbox"/> Student Success Plan <input type="checkbox"/> Individualized Education Program (IEP) <input type="checkbox"/> Behavioral Intervention Plan (BIP) <input type="checkbox"/> Section 504 Plan <input type="checkbox"/> Individualized Health Care Plan/Emergency Care Plan	<input type="checkbox"/> Report Cards and Current Grades <input type="checkbox"/> Attendance Records <input type="checkbox"/> Disciplinary/Behavioral Records <input type="checkbox"/> Other: _____ <input type="checkbox"/> Other: _____

ILP Developed Through Collaboration With (check all that apply):	
<input type="checkbox"/> Parent/Guardian: _____ <input type="checkbox"/> Parent/Guardian: _____ <input type="checkbox"/> Student: _____ <input type="checkbox"/> Administrator: _____ <input type="checkbox"/> School Counselor: _____	<input type="checkbox"/> Teacher: _____ <input type="checkbox"/> Teacher: _____ <input type="checkbox"/> Other (specify): _____ <input type="checkbox"/> Other (specify): _____ <input type="checkbox"/> Other (specify): _____



**Records Transferred**

Date of transfer of relevant student records from the student's school to provider of alternative educational opportunity: _____	Date of transfer of records from provider of alternative educational opportunity to the student's school: _____
--	---

**Records Distribution and Storage**

Copies of the Individualized Learning Plan will be distributed to the following locations and/or individuals and stored in accordance with the District's student records policy:

- Student's cumulative file
- The Student's receiving school or alternative educational placement
- Student's parent/guardian

*[Note: Districts should insert or delete locations where this record may be kept in accordance with their student records policies and practices]*

**Student's Classes Prior to Expulsion**

Core Class	Placement/Progress in Class at Time of Expulsion <i>(e.g. current grade, current unit, etc.)</i>

*Note: If the student receives special education and related services, the alternative educational opportunity provider must also refer to the student's IEP.*



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**NEEDS**

**Academic Needs**

See IEP (*if applicable*)

Other:

**Behavioral Needs**

See IEP (*if applicable*)

Other:

**GOALS**

**Academic Goals**

See IEP (*if applicable*)

Satisfactory work completion

Satisfactory progress in coursework and toward meeting relevant academic standards

Other:

**Benchmarks to Measure Progress Toward Academic Goals**

See IEP (*if applicable*)

Passing grades on midterm progress reports

Passing grades on report card

Other:

Progress monitoring *mm/dd/yy*:

**Behavioral Goals**

See IEP (*if applicable*)

Satisfactory attendance

Satisfactory compliance with behavioral expectations and disciplinary policies

Other:



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**Benchmarks to Measure Progress Toward Behavioral Goals**

<input type="checkbox"/> See IEP ( <i>if applicable</i> )	<input type="checkbox"/> Fewer than _____ teacher referrals to administration for disciplinary matters	<input type="checkbox"/> Fewer than _____ contacts to parents/guardians for disciplinary matters
<input type="checkbox"/> Attends alternative program _____% or more of scheduled days/sessions.		<input type="checkbox"/> Other:
Progress monitoring mm/dd/yy: _____		

**INTERVENTIONS**

**Academic Interventions**

<input type="checkbox"/> See IEP ( <i>if applicable</i> )	<input type="checkbox"/> See Section 504 Plan ( <i>if applicable</i> )
<input type="checkbox"/> Tier 1 _____	<input type="checkbox"/> Tier 2 _____
<input type="checkbox"/> Tier 3 _____	
<input type="checkbox"/> Other:	

**Behavioral Interventions**

<input type="checkbox"/> See IEP ( <i>if applicable</i> )	<input type="checkbox"/> See Section 504 Plan ( <i>if applicable</i> )
<input type="checkbox"/> Tier 1 _____	<input type="checkbox"/> Tier 2 _____
<input type="checkbox"/> Tier 3 _____	
<input type="checkbox"/> Other:	



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## Review and Communication of Progress to Parents/Guardians or Student

**Method of monitoring and review:** *(for most students, monitoring and reviewing progress will include monitoring the student's attendance, work completion, and progress toward meeting the relevant academic standards for particular coursework, and thus progressing toward graduation, if applicable)*

- Monitoring attendance
- Monitoring work completion
- Monitor progress toward meeting relevant academic standards
- Review and monitor progress in accordance with IEP and/or BIP (if applicable)
- Other: \_\_\_\_\_

**Timing for communication of progress to parents/guardians or student:** *(Progress must be communicated to the parent/guardian or student with the same frequency as similar progress for students in the regular school environment is reported and communicated to parents/guardians or students)*

- Each marking period
- Other: \_\_\_\_\_

## Early Readmission

The expulsion decision contains the following early readmission criteria:

- The student may apply to the Board of Education for early readmission and such readmission shall be at the discretion of the Board of Education.
  - The student applied to the Board of Education for early readmission on \_\_\_\_\_ and the Board of Education granted the request and has conditioned such early readmission on the following criteria:
  - The student applied to the Board of Education for early readmission on \_\_\_\_\_ and early readmission was not granted.



- The student may apply to the Superintendent for early readmission and such readmission shall be at the discretion of the Superintendent.
- The student applied to the Superintendent for early readmission on \_\_\_\_\_ and the Superintendent granted the request and has conditioned such early readmission on the following criteria:
- The student applied to the Superintendent for early readmission on \_\_\_\_\_ and early readmission was not granted.

### **Review of Placement and ILP:**

A review of the appropriateness of the placement must occur at least once per marking period. Such review must include:

- Review of the ILP to (1) assess progress and make adjustments as necessary and (2) determine its alignment with the goals of the student's IEP, where applicable.
- Consideration of opportunities for early readmission as set forth in the ILP (see Early Readmission section)

### **Transition Plan for Readmission:**

The following has been considered and, where appropriate, addressed:

- Efforts to readmit the student at a semester starting point (at the high school level)
- A plan to transfer the student's credits and record back to the student's school
- The student's need for academic and other supports upon returning to his/her school
- Efforts to connect the student with opportunities to participate in extracurricular activities

8/12/2018



**Series 5000 C-19  
Students**

***Temporary amendments related to the COVID-19 pandemic have been made to this policy and to sections I.B and IV of the regulations. All temporary revisions appear in highlighted bold italics or strikethrough text.***

***Additional changes to this policy may be necessary when additional guidance from the State Department of Education is released. Boards of education are encouraged to review and update as necessary any policies regarding student course credit linked to class attendance.***

**STUDENT ATTENDANCE, TRUANCY AND CHRONIC ABSENTEEISM**

Regular and punctual student attendance in school is essential to the educational process. Connecticut state law places responsibility for assuring that students attend school with the parent or other person having control of the child. To assist parents and other persons in meeting this responsibility, the Board of Education (the “Board”), through its Superintendent, will adopt and maintain procedures to implement this policy.

In addition, the Board takes seriously the issue of chronic absenteeism. To address this issue, the Board, through its Superintendent, will adopt and maintain procedures regarding chronic absenteeism in accordance with state law.

Legal References:

Connecticut General Statutes § 10-220

Connecticut General Statutes § 10-184

Connecticut General Statutes § 10-186

Connecticut General Statutes § 10-198a

Connecticut General Statutes § 10-198b

Connecticut General Statutes § 10-198c

Connecticut General Statutes § 10-198d

Connecticut General Statutes § 10-198e

Guidelines for Reporting Student Attendance in the Public School Information System (Connecticut State Department of Education, January 2008)

Connecticut State Board of Education Memorandum, *Definitions of Excused and Unexcused Absences* (June 27, 2012)

Connecticut State Department of Education, *Guidelines for Implementation of the Definitions of Excused and Unexcused Absences and Best Practices for Absence Prevention and Intervention* (April 2013)

Connecticut State Department of Education, *Reducing Chronic Absence in Connecticut's Schools: A Prevention and Intervention Guide for Schools and Districts* (April 2017)

Connecticut State Department of Education Memorandum, *Youth Service Bureau Referral for Truancy and Defiance of School Rules* (February 22, 2018)

Connecticut State Department of Education, *Youth Service Bureau Referral Guide* (February 2018)

**Connecticut State Department of Education, *Adapt, Advance, Achieve: Connecticut's Plan to Learn and Grow Together* (June 29, 2020), available at <https://portal.ct.gov/-/media/SDE/COVID-19/CTReopeningSchools.pdf>**

ADOPTED \_\_\_\_\_  
REVISED: \_\_\_\_\_

8/12/18

**Temporary Revisions 7/6/20**

**Series 5000  
Students**

**ADMINISTRATIVE REGULATIONS REGARDING  
ATTENDANCE, TRUANCY AND CHRONIC ABSENTEEISM**

**I. Attendance and Truancy**

A. Definitions for Section I

1. “Absence” - any day during which a student is not considered “in attendance” at his/her assigned school, or on a school sponsored activity (e.g. field trip), for at least one half of the school day.
2. “Disciplinary absence” - Any absence as a result of school or district disciplinary action. Any student serving an out-of-school suspension or expulsion should be considered absent. Such absence is not considered excused or unexcused for attendance and truancy purposes.
3. “Educational evaluation” - for purposes of this policy, an educational evaluation is an assessment of a student’s educational development, which, based upon the student’s presenting characteristics, would assess (as appropriate) the following areas: health, vision, hearing, social and emotional status, general intelligence, academic performance, communicative status and motor abilities.
4. “Excused absence” - a student is considered excused from school if the school has received written documentation describing the reason for the absence within ten (10) school days of the student’s return to school, or if the child has been excluded from school in accordance with section 10-210 of the Connecticut General Statutes (regarding communicable diseases), and the following criteria are met:
  - a. Any absence before the student’s tenth (10<sup>th</sup>) absence is considered excused when the student’s parent/guardian approves such absence and submits appropriate written documentation in accordance with this regulation.
  - b. For the student’s tenth (10<sup>th</sup>) absence and all absences thereafter, a student’s absences from school are, with appropriate documentation in accordance with this

regulation, considered excused only for the following reasons:

- i. student illness (verified by an appropriately licensed medical professional);
  - ii. religious holidays;
  - iii. mandated court appearances (documentation required);
  - iv. funeral or death in the family, or other emergency beyond the control of the student's family;
  - v. extraordinary educational opportunities pre-approved by the district administrators and in accordance with Connecticut State Department of Education guidance and this regulation;
  - vi. lack of transportation that is normally provided by a district other than the one the student attends.
- c. A student, age five (5) to eighteen (18), whose parent or legal guardian is an active duty member of the armed forces who has been called for duty, is on leave from or has immediately returned from deployment to a combat zone or combat support posting, shall be granted ten (10) days of excused absences in any school year, and, in the discretion of the administration, additional excused absences to visit such student's parent or legal guardian with respect to the parent's leave or deployment. In the case of such excused absences, the student and parent or legal guardian are responsible for obtaining assignments from the student's teacher prior to any period of excused absence, and for ensuring that such assignments are completed by the student prior to his or her return to school.
5. "In Attendance" - Any day during which a student is present at the student's assigned school, or an activity sponsored by the school, for at least half of the regular school day.
  6. "Student" - a student enrolled in the \_\_\_\_\_ Public Schools (the "District").
  7. "Truant" - any student **five (5) to eighteen (18)** years of age, inclusive, who has **four (4)** unexcused absences from school in any

one month or **ten (10)** unexcused absences from school in any school year.

8. "Unexcused absence" - any absence from a regularly scheduled school day for at least one half of the school day, which is not excused or considered a disciplinary absence.

The determination of whether an absence is excused will be made by the building principal or his/her designee. Parents or other persons having control of the child may appeal that decision to the Superintendent or his/her designee, whose decision shall be final.

B. Written Documentation Requirements for Absences

1. Written documentation must be submitted for each incidence of absence within ten (10) school days of the student's return to school. Consecutive days of absence are considered one incidence of absence.
2. The first nine (9) days of absence will be excused upon receipt of a signed note from the student's parent/guardian, a signed note from a school official that spoke in person with the parent/guardian regarding the absence, or a note confirming the absence by the school nurse or by a licensed medical professional, as appropriate.  
***For any absence due to student illness, the signed note must include the specific symptom(s) exhibited by the student so that the District can monitor trends that would suggest the spread of COVID-19.***
3. For the student's tenth (10<sup>th</sup>) absence, and all absences thereafter, documentation of the absence must be submitted in accordance with paragraphs 1 and 2 above, and must also include the reason for the absence and the following additional information:
  - a. student illness:
    - i. a signed note from a medical professional, who may be the school nurse, who has evaluated the student confirming the absence and giving an expected return date ***and including the specific symptom(s) exhibited by the student so that the District can monitor trends that would suggest the spread of COVID-19;*** or
    - ii. a signed note from school nurse who has spoken with the student's medical professional and

confirmed the absence, including the date and location of the consultation **and including the specific symptom(s) exhibited by the student so that the District can monitor trends that would suggest the spread of COVID-19.**

- b. religious holidays: none.
  - c. mandated court appearances:
    - i. a police summons;
    - ii. a subpoena;
    - iii. a notice to appear;
    - iv. a signed note from a court official; or
    - v. any other official, written documentation of the legal requirement to appear in court.
  - d. funeral or death in the family, or other emergency beyond the control of the student's family: a written document explaining the nature of the emergency.
  - e. extraordinary educational opportunity pre-approved by the district administrators and in accordance with Connecticut State Department of Education guidance and this policy: written pre-approval from the administration, in accordance with this regulation.
  - f. lack of transportation that is normally provided by a district other than the one the student attends: none.
4. Neither e-mail nor text message shall serve to satisfy the requirement of written documentation. In rare and extraordinary circumstances, a building administrator may, in his/her own discretion, accept the delivery of written documentation through a scanned copy sent by e-mail.
5. The District reserves the right to randomly audit written documentation received, through telephone and other methods of communication, to determine its authenticity.
6. Any absence that is not documented in accordance with this regulation within ten (10) school days after the incidence of

absence will be recorded as unexcused. If documentation is provided within ten (10) school days, but is incomplete, the building principal may, at his/her own discretion, grant up to a five (5) school day extension for provision of the completed documentation.

C. Extraordinary Educational Opportunities

1. To qualify as an extraordinary educational opportunity, the opportunity must:
  - a. be educational in nature and must have a learning objective related to the student's course work or plan of study;
  - b. be an opportunity not ordinarily available to the student;
  - c. be grade and developmentally appropriate; and
  - d. include content that is highly relevant to the student; while some opportunities will be relevant to all students, others will contain very specific content that would limit their relevance to a smaller group of students.
2. Family vacations do not qualify as extraordinary educational opportunities.
3. All requests for approval of extraordinary educational opportunities must:
  - a. be submitted to the building principal in writing prior to the opportunity, but no later than ten (10) school days prior to the opportunity except in exceptional circumstances at the discretion of the building administrator;
  - b. contain the signatures of both the parent/guardian and the student;
  - c. include an outline of the learning objective of the opportunity and include detail as to how the objective is linked to the student's coursework or plan of study; and
  - d. include additional documentation, where available, about the opportunity.
4. The building principal shall provide a response in writing and include the following:

- a. either approval or denial of the request;
  - b. brief reason for any denial;
  - c. any requirements placed upon the student as a condition of approval;
  - d. the specific days approved as excused absences for the opportunity;
  - e. the understanding that the building administrator may withdraw its approval if the opportunity is canceled or the student fails to meet the agreed-upon requirements of the approval.
5. All decisions of the building principal relating to extraordinary educational opportunities shall be final.
  6. Students who are granted excusal from school to participate in extraordinary educational opportunities are expected to share their experiences with other students and/or school staff when they return.
  7. Approval for an extraordinary educational opportunity is determined on a case-by-case basis and the analysis of individualized factors. An opportunity approved for one student may not be approved for another.

D. Truancy Exceptions:

1. A student **five (5) or six (6) years of age** shall not be considered truant if the parent or person having control over such student has appeared personally at the school district office and exercised the option of not sending the child to school at five (5) or six (6) years of age.
2. A student **seventeen (17) years of age** shall not be considered truant if the parent or person having control over such student consents to such student's withdrawal from school. Such parent or person shall personally appear at the school district office and sign a withdrawal form indicating such consent. Such withdrawal form must include an attestation from a guidance counselor or school administrator from the school that the district provided the parent (or person having control of the child) with information on the educational options available in the school system and community.

3. If a parent or guardian of an expelled student chooses not to enroll the student in an alternative program, the student shall not be considered to be “truant.”

E. Readmission to School Following Voluntary Withdrawal

1. Except as noted in paragraph 2 below, if a student voluntarily withdraws from school (in accordance with Section D.2, above) and subsequently seeks readmission, the Board may deny school accommodations to the student for up to ninety (90) school days from the date of the student’s withdrawal from school.
2. If a student who has voluntarily withdrawn from school (in accordance with Section D.2, above) seeks readmission within ten (10) school days of his/her withdrawal, the Board shall provide school accommodations to the student not later than three (3) school days after the student requests readmission.

F. Determinations of Whether a Student is “In Attendance”:

1. A student serving an out of school suspension or expulsion shall be reported as absent unless he or she receives an alternative educational program for at least one half of the regular school day. In any event, the absence is considered a disciplinary absence, and will not be designated as excused or unexcused.
2. On early dismissal days and days shortened due to inclement weather, the regular school day for attendance purposes is considered to be the amount of instructional time offered to students on that day. For example, if school is open for four hours on a shortened day scheduled, a student must be present for a minimum of two hours in order to be considered “in attendance.”
3. Students placed on homebound instruction due to illness or injury in accordance with applicable regulations and requirements are counted as being “in attendance” for every day that they receive instruction from an appropriately certified teacher for an amount of time deemed adequate in accordance with applicable law.

G. Procedures for students in grades K-8\*

1. Notification
  - a. Annually at the beginning of the school year and upon the enrollment of any child during the school year, the administration shall notify the parent or other person

having control of the student enrolled in grades K - 8 in writing of the obligations pursuant to Conn. Gen. Stat. § 10-184 to ensure that such a student attends school regularly or to show that the child is elsewhere receiving equivalent instruction in the studies taught in the District.

- b. Annually at the beginning of the school year and upon the enrollment of any child during the school year, the administration shall obtain from the parent or other person having control of the student in grades K-8 a telephone number or other means of contacting such parent or other person during the school day.

## 2. Monitoring

Each school shall implement a system of monitoring individual unexcused absences of students in grades K-8. Whenever such a student fails to report to school on a regularly scheduled school day, school personnel under the direction of the building principal **[or his/her designee]** shall make a reasonable effort to notify the parent or other person having control of such student by telephone and by mail of the student's absence, unless school personnel have received an indication that the parent or other person is aware of the student's absence. **[Reasonable efforts shall include two (2) attempts to reach the parent or other person at the telephone number provided by the parent or other person. Such attempts shall be recorded on a form provided by the Superintendent.]** Any person who, in good faith, gives or fails to give such notice shall be immune from liability, civil or criminal, which might otherwise be incurred or imposed and shall have the same immunity with respect to any judicial proceeding which results from such notice or failure to give notice.

*[\*Note: State law mandates notification and monitoring only with regard to students in grades K-8. Boards of Education are free, however, to extend the application of monitoring and intervention procedures to students at all grade levels.]*

## H. Procedures applicable to students ages five (5) to eighteen (18)

### 1. Intervention

- a. When a student is truant, the building principal or his/her designee shall schedule a meeting with the parent (or other person having control of such student) and appropriate school personnel to review and evaluate the reasons for the student's

truancy. This meeting shall be held no later than **ten (10) days** after the student becomes truant. The district shall document the meeting, and if parent or other person declines to attend the meeting, or is otherwise is non responsive, that fact shall also be documented and the meeting shall proceed with school personnel in attendance.

- b. When a student is truant, the Superintendent or his/her designee shall coordinate services with and referrals of students to community agencies providing child and family services, as appropriate. The district shall document efforts to contact and include families and to provide early intervention in truancy matters.
- c. If the Commissioner of Education determines that any school under the jurisdiction of [\_\_\_\_\_] Board of Education (the “Board”) has a disproportionately high rate of truancy, the district shall implement in that school a truancy intervention model identified by the Department of Education pursuant to Conn. Gen. Stat. § 10-198e.
- d. In addition to the procedures specified in subsections (a) through (c) above, a regular education student who is experiencing attendance problems should be referred to the building Child Study Team [**or other appropriate school based team**] to consider the need for additional interventions and/or assistance. The Team will also consider whether the student should be referred to a planning and placement team (“PPT”) meeting to review the student’s need and eligibility for special education. A special education student who is experiencing attendance problems should be referred to a PPT meeting for program review.
- e. Where the documented implementation of the procedures specified in subsections (a) through (d) above does not result in improved outcomes despite collaboration with the parent/guardian, the Superintendent or his/her designee may, with written parental consent, refer a student who is truant to a Youth Service Bureau.

#### I. Attendance Records

All attendance records developed by the Board shall include the individual student’s state-assigned student identifier (SASID).

#### II. **Chronic Absenteeism**

A. Definitions for Section II

1. “Chronically absent child” - a child who is enrolled in a school under the jurisdiction of the Board and whose total number of absences at any time during a school year is equal to or greater than ten percent (10%) of the total number of days that such student has been enrolled at such school during such school year;
2. “Absence” - an excused absence, unexcused absence or disciplinary absence, as those terms are defined by the State Board of Education pursuant to section 10-198b of the general statutes and these administrative regulations;
3. “District chronic absenteeism rate” - the total number of chronically absent children under the jurisdiction of the Board in the previous school year divided by the total number of children under the jurisdiction of the Board for such school year; and
4. “School chronic absenteeism rate” - the total number of chronically absent children for a school in the previous school year divided by the total number of children enrolled in such school for such school year.

B. Establishment of Attendance Review Teams

If the Board has a district chronic absenteeism rate of ten percent (10%) or higher, it shall establish an attendance review team for the school district.

If a school under the jurisdiction of the Board has a school chronic absenteeism rate of fifteen percent (15%) or higher, it shall establish an attendance review team for that school.

If the Board has more than one school with a school chronic absenteeism rate of fifteen percent (15%) or higher, it shall establish an attendance review team for the school district or at each such school.

If the Board has a district chronic absenteeism rate of ten percent (10%) or higher and one or more schools with a school chronic absenteeism rate of fifteen percent (15%) or higher, it shall establish an attendance review team for the school district or at each such school.

C. Composition and Role of Attendance Review Teams

Any attendance review team established under these regulations may include school administrators, guidance counselors, school social workers, teachers, representatives from community-based programs who address

issues related to student attendance by providing programs and services to truants, as defined under I.A.7, and chronically absent children and their parents or guardians.

Each attendance review team shall be responsible for reviewing the cases of truants and chronically absent children, discussing school interventions and community referrals for such truants and chronically absent children and making any additional recommendations for such truants and chronically absent children and their parents or guardians. Each attendance review team shall meet at least monthly.

D. State Chronic Absenteeism Prevention and Intervention Plan

The Board and its attendance review teams, if any, will consider any chronic absenteeism prevention and intervention plan developed by the State Department of Education.

**III. Reports to the State Regarding Truancy Data**

Annually, each local and regional board of education shall include information regarding the number of truants and chronically absent children in the strategic school profile report for each school under its jurisdiction and for the school district as a whole submitted to the Commissioner of Education. Measures of truancy include the type of data that is required to be collected by the Department of Education regarding attendance and unexcused absences in order for the department to comply with federal reporting requirements and the actions taken by the board of education to reduce truancy in the school district.

***IV. Evolving State Department of Education Guidance***

***The Board will comply with any and all guidance issued by the State Department of Education regarding attendance requirements, including during periods of blended learning, and regarding attendance requirements of students who choose not to participate.***

Legal References:

Connecticut General Statutes § 10-220

Connecticut General Statutes § 10-184

Connecticut General Statutes § 10-186

Connecticut General Statutes § 10-198a

Connecticut General Statutes § 10-198b

Connecticut General Statutes § 10-198c

Connecticut General Statutes § 10-198d

Connecticut General Statutes § 10-198e

Guidelines for Reporting Student Attendance in the Public School Information System (Connecticut State Department of Education, January 2008)

Connecticut State Board of Education Memorandum, *Definitions of Excused and Unexcused Absences* (June 27, 2012)

Connecticut State Department of Education, *Guidelines for Implementation of the Definitions of Excused and Unexcused Absences and Best Practices for Absence Prevention and Intervention* (April 2013)

Connecticut State Department of Education, *Reducing Chronic Absence in Connecticut's Schools: A Prevention and Intervention Guide for Schools and Districts* (April 2017)

Connecticut State Department of Education Memorandum, *Youth Service Bureau Referral for Truancy and Defiance of School Rules* (February 22, 2018)

Connecticut State Department of Education, *Youth Service Bureau Referral Guide* (February 2018)

**Connecticut State Department of Education, *Adapt, Advance, Achieve: Connecticut's Plan to Learn and Grow Together* (June 29, 2020), available at <https://portal.ct.gov/-/media/SDE/COVID-19/CTReopeningSchools.pdf>**

APPROVED: \_\_\_\_\_

REVISED: \_\_\_\_\_

8/12/18

**Temporary Revisions 7/6/20**



**SAMPLE NOTIFICATION REGARDING STUDENT ATTENDANCE\***

Regular and punctual student attendance is essential to the educational process. Connecticut General Statutes Section 10-184 provides that “[e]ach parent or other person having control of a child five years of age and over and under eighteen years of age shall cause such child to attend a public day school regularly during the hours and terms the public school in the district wherein such child resides is in session, unless such child is a high school graduate or the parent or person having control of such child is able to show that the child is elsewhere receiving equivalent instruction in the studies taught in the public schools. . . . The parent or person having control of a child seventeen years of age may consent, as provided in this section, to such child’s withdrawal from school. Such parent or person shall personally appear at the school district office and sign a withdrawal form. Such withdrawal form shall include an attestation from a guidance counselor or school administrator of the school that such school district has provided such parent or person with information on the educational options available in the school system and community. The parent or person having control of a child five years of age shall have the option of not sending the child to school until the child is six years of age and the parent or person having control of a child six years of age shall have the option of not sending the child to school until the child is seven years of age. The parent or person shall exercise such option by personally appearing at the school district office and signing an option form. The school district shall provide the parent or person with information on the educational opportunities available in the school system.”

In order to assist parents and other persons in meeting this responsibility, the \_\_\_\_\_ Board of Education monitors unexcused student absences and makes reasonable efforts to notify parents or other persons by contacting them when a student fails to report to school. State law provides that any person who, in good faith, gives or fails to give such notice shall be immune from any liability, civil or criminal, which might otherwise be incurred or imposed and shall have the same immunity with respect to any judicial proceeding which results from such notice or failure to give such notice. The Board, therefore, must obtain a telephone number or other means of contacting parents or other persons during the school day.

Please provide the following information and return the completed form, signed and dated to:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\*\*\*\*\*

Student's Name: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

School/grade: \_\_\_\_\_ / \_\_\_\_\_

Parent/Guardian's Daytime Telephone Number\*: \_\_\_\_\_

Parent/Guardian's Daytime Telephone Number\*: \_\_\_\_\_

Daytime Telephone Number\* of

Other Person Having Control

of Student: \_\_\_\_\_ Relationship to Student: \_\_\_\_\_

\*If no daytime telephone number is available, please specify other means by which school personnel may contact you during the school day. \_\_\_\_\_

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

***[\*Note: State law mandates notification only with regard to students in grades K-8. Boards of Education are free, however, to extend the notification to parents of students at all grade levels.]***

7/26/17

**UNEXCUSED ABSENCES  
DOCUMENTATION LOG**

\_\_\_\_\_  
Date

\_\_\_\_\_  
School

School Staff Member/ Volunteer	Student's Name	Parent or Other Person Having Control of Student	Telephone Number	Outcome*	Excused or Unexcused	Reason Absence is Excused or Unexcused
				Attempt #1 _____ Attempt #2 _____  Written Notice mailed _____		
				Attempt #1 _____ Attempt #2 _____  Written Notice mailed _____		
				Attempt #1 _____ Attempt #2 _____  Written Notice mailed _____		
				Attempt #1 _____ Attempt #2 _____  Written Notice mailed _____		
				Attempt #1 _____ Attempt #2 _____  Written Notice mailed _____		

\* No answer = N

Left Message = LM

Notification made = NM

7/26/17

8828384v1



Dates and total number of days of planned absence

\_\_\_\_\_

Signature of Parent \_\_\_\_\_

Signature of Student \_\_\_\_\_

\*\*\*\*\*

For Office Use Only. Received by \_\_\_\_\_ on \_\_\_\_\_. Approved? Yes/No By \_\_\_\_\_.

7/26/17

MODEL FORM

**[Board of Education/School Letterhead]**  
SCHOOL ATTENDANCE OPTION FORM (CHILDREN AGE 5 OR 6)

Name of Child: \_\_\_\_\_ Date of Birth: \_\_\_\_\_

Address of Child: \_\_\_\_\_

Name of Parent(s): \_\_\_\_\_

Address of Parent(s) (if different from child): \_\_\_\_\_

---

In accordance with Connecticut General Statutes Section 10-184, the parent or person having control of a child five (5) years of age or older and under age eighteen (18) is required to ensure that such child attends school. Section 10-184 further provides that a parent or person having control of a child age five (5) shall have the option of not sending the child to school until age six (6), and a parent or person having control of a child age six (6) shall have the option of not sending the child to school until age seven (7). A parent or person having control of such child who is seeking to elect this option must appear in person at the school district offices and sign this option form.

I, \_\_\_\_\_, am the parent or person having control of, \_\_\_\_\_,  
Name of parent or person Name of child

a child who is age five/six (circle appropriate age), and I elect not to send my child to school until the age of six/seven (circle appropriate age). I understand that this option is effective for only one (1) school year. By signing, I understand that, if my child is currently age five (5), and I wish to elect next school year not to send my child to school, I must reappear at the school next year to elect this option. I further understand that, if my child is currently age six (6), I am required by Section 10-184 to send my child to the public school, or demonstrate that the child is "elsewhere receiving equivalent instruction in the studies taught in the public schools," when the child turns seven (7).

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

School Personnel Use Only

- Parent/person in control of child appeared in person and has been provided with information on the educational opportunities in the school system.

MODEL FORM

**[Board of Education/School Letterhead]**

SCHOOL ATTENDANCE OPTION FORM (CHILDREN AGE 17)

Name of Child: \_\_\_\_\_ Date of Birth: \_\_\_\_\_

Address of Child: \_\_\_\_\_

Name of Parent(s): \_\_\_\_\_

Address of Parent(s) (if different from child): \_\_\_\_\_

\_\_\_\_\_

In accordance with Connecticut General Statutes Section 10-184, the parent or person having control of a child five (5) years of age or older and under age eighteen (18) is required to ensure that such child attends school. Section 10-184 further provides that a parent or person having control of a student **seventeen (17) years of age** may consent to such student's withdrawal from school. Such parent or person shall personally appear at the school district office and sign a withdrawal form indicating such consent. Such withdrawal form must include an attestation from a guidance counselor or school administrator from the school that the district provided the parent (or person having control of the child) with information on the educational options available in the school system and community.

I, \_\_\_\_\_, am the parent or person having control of, \_\_\_\_\_,  
Name of parent or person Name of child

a child who is seventeen years of age, and I consent to my child's withdrawal from school. I have personally appeared at the school district office and received information on the educational options available in the school system and community for my child.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

School Personnel Use Only

- Parent/person in control of child appeared in person and has been provided with information on the educational opportunities in the school system and community.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Title: \_\_\_\_\_

Series 1000 - **C-19**  
Community/Board Operation

**POLICY REGARDING GREEN CLEANING PROGRAMS**

***Temporary amendments have been made to this policy related to the COVID-19 pandemic. All temporary revisions appear in highlighted bold italics or strikethrough text.***

It is the policy of the Suffield Board of Education to implement a green cleaning program in which the Board procures and properly uses environmentally preferable cleaning products in school buildings and facilities.

The Suffield Board of Education shall provide the staff of each school and, upon request, the parents and guardians of each child enrolled in each school with a written statement of the school district's green cleaning program. Such notice shall include (1) the types and names of environmentally preferable cleaning products being applied in schools, (2) the location of the application of such cleaning products in the school buildings and facilities, (3) the schedule of when such cleaning products are applied in the school buildings and facilities, (4) the statement, "No parent, guardian, teacher or staff member may bring into the school facility any consumer product which is intended to clean, deodorize, sanitize or disinfect." and (5) the name of the school administrator, or a designee, who may be contacted for further information. Such notice shall be provided to the parents or guardians of any child who transfers to a school during the school year and to staff hired during the school year.

***Pursuant to subsection (a)(2)(A) of section 10-231g of the Connecticut General Statutes, any disinfectant, disinfecting cleaner, sanitizer or any other antimicrobial product approved by federal law may be used by the Suffield Board of Education.***

The Suffield Board of Education shall make such notice, as well as the report submitted to the Department of Education pursuant to subsection (a) of section 10-220 of the Connecticut General Statutes (i.e. required report on condition of facilities, action taken to implement the Board's long-term school building program, indoor air quality and green cleaning program), available on its web site and the web site of each school under such board's jurisdiction. If no such web site exists, the board shall make such notice otherwise publicly available.

Legal References:

Connecticut General Statutes:

§ 10-220(a)

§ 10-231g

***“Guidance Regarding ‘Green Cleaning’ Requirements and Coronavirus/COVID 19,” Department of Administrative Services (March 5, 2020), available at <https://portal.ct.gov/-/media/SDE/Digest/2019-20/2020-COVID-19-Green-Cleaning-Guidance.pdf>***

ADOPTED: \_\_\_\_\_

REVISED: \_\_\_\_\_

7/28/16

***Temporary Revisions 7/6/20***

Series 9000 - **C19**  
Bylaws

**MEETING CONDUCT**

***Temporary amendments to this policy related to the COVID-19 pandemic have been made to all sections of this policy. All temporary revisions appear in highlighted bold italics or strikethrough text.***

1. Meeting Conduct

- A. Meetings of the Board of Education shall be conducted by the Chairperson in a manner consistent with the provisions of the Freedom of Information Act, ~~and~~ the adopted bylaws of the Board, ***and any applicable laws, rules, executive orders, and/or public health advisories pertaining to the COVID-19 pandemic.***
- B. All Board meetings shall commence at, or as close as practicable to, the stated time, provided there is a quorum.
- C. All regular and special Board meetings shall be guided by an agenda which will have been prepared and delivered in advance to all Board members and other designated persons.
- D. Robert's Rules of Order shall govern the proceedings of the Board except as otherwise provided by these bylaws.

2. Smoking

- A. Smoking will not be permitted in any ***physical location*** ~~room~~ in which a meeting of the Board of Education is being conducted, nor during the time immediately prior to the meeting.
- B. ***When applicable, A a*** sign notifying the public that no smoking is allowed in the ~~place~~ ***physical location*** designated for the meeting will be prominently posted.

3. Procedures for Participation by Means of Electronic Equipment

- A. Board members may participate in meetings by means of electronic equipment (*e.g.*, telephone, video conference) under the conditions set

forth herein. When such conditions are met, any Board member participating by means of electronic equipment shall be counted for the purpose of constituting a quorum. Conditions for participation are as follows:

1. The facility that is made available to the public that wishes to attend the meeting must be located where the greatest number of Board of Education members are located;
  2. Any physical or demonstrable material that is used in the course of the proceedings must be present in the place where the public is located; and
  3. All those in attendance at the meeting, at whatever location, must be able to hear and identify all participants in the proceeding, including their individual remarks and votes.
- B. When a Board member is participating in a meeting by means of electronic equipment, the Chairperson shall take the necessary steps to ensure that the three conditions enumerated above are met. In addition, the Chairperson shall take the necessary steps to ensure that a Board member participating by means of electronic equipment has adequate opportunity to express himself/herself in Board discussion, including the opportunity to take the floor and make motions.
- C. *Notwithstanding any provisions to the contrary set forth in Sections 3.A and 3.B above, Board members may participate in meetings by means of electronic equipment (e.g., telephone, video conference) or any other remote platform as permitted by, and subject to any conditions set forth in, any applicable law, rule, executive order, and/or public health advisory related to the COVID-19 pandemic.***

*[Note: The following section, including the COVID-related revisions, is optional:*

#### **4. Public Address**

- A. **The Board may permit any individual or group to address the Board concerning any subject that lies within its jurisdiction during a portion of the Board's regular meetings so designated for such purpose.**
- (1) **\_\_\_\_\_ minutes may be allotted to each speaker and a maximum of \_\_\_\_\_ minutes to each subject matter. The Board may modify these limitations at the beginning of a meeting if the number of persons wishing to speak makes it advisable to do so.**

- (2) **A Board of Education member shall be appointed by the Chairperson prior to the meeting to act as timekeeper for the meeting, if deemed necessary by the Chairperson.**
- (3) **No boisterous conduct shall be permitted at any Board of Education meeting. Persistence in boisterous conduct shall be grounds for summary termination, by the Chairperson, of that person's privilege of address.**
- (4) **All speakers must identify themselves by name and address.]**

***B. Notwithstanding any provisions to the contrary set forth in Section 4.A above or in any other bylaw of the Board, the Board may modify the procedures for, or eliminate, public address if Board meetings are conducted remotely due to the COVID-19 pandemic. The Board authorizes the administration to develop procedures for public address during Board meetings that are conducted remotely.***

Legal References:

Connecticut General Statutes

- 1-200 Definitions
- 1-206 Denial of access of public records or meeting. Notice. Appeal.
- 1-225 Meetings of government agencies to be public.
- 1-232 Conduct of meetings. (re: disturbances)

Freedom of Information Commission Advisory Opinion #41 (April 9, 1980)

ADOPTED: \_\_\_\_\_

REVISED: \_\_\_\_\_

*Temporary Policy Rev. 7/6/2020*

***Temporary revisions related to the COVID-19 pandemic have been made to the following required annual notifications: Student Discipline, Green Cleaning Products, Notice Regarding Electronic Monitoring. A new notification has been added relating to the Families First Coronavirus Response Act (FFRCA). All revisions appear in highlighted bold italics.***

School districts have an obligation to provide annual notice to parents, students and employees regarding the following policies. This document includes a brief description of the annual notification requirements, as well as information pertaining to how notification of these policies may be made to parents.

## **HANDBOOK/ANNUAL NOTIFICATIONS TO PARENTS AND STUDENTS**

### 1. **Asbestos Notification** (40 C.F.R. 763.93(g)(4))

School districts must give annual written notice of the availability of asbestos management plans to parent, teacher and employee organizations.

***Districts must affirmatively publish to parents in a manner reasonably calculated to reach all parents (regardless of whether or not they have a personal computer). Our suggested method of accomplishing this is to use electronic notification for those families who have an email address on file, and paper notification for any families that do not have an email address on file. We also suggest maintaining a number of hard copies in individual school offices and public libraries that will be available for inspection upon request.***

### 2. **Bullying**

Section 10-222d of the Connecticut General Statutes, requires the board of education to approve a Safe School Climate Plan developed pursuant to the district's bullying policy and submit such plan to the State Department of Education. Not later than thirty (30) calendar days after approval by the State Department of Education, the board must make such Plan available on the board's and each individual school in the school district's web site and ensure that the Safe School Climate Plan is included in the school district's publication of the rules, procedures and standards of conduct for schools and ***in all student handbooks.***

Boards of education must also notify students ***and the parents/guardians of students*** annually of the process by which students may make anonymous reports of bullying. This statute also requires that, at the beginning of each school year, each school must provide all employees with a written or electronic copy of the school district's Safe School Climate Plan and that all school employees undergo annual training regarding bullying.

*Districts must affirmatively publish student handbooks to parents in a manner reasonably calculated to reach all parents (regardless of whether or not they have a personal computer). Our suggested method of accomplishing this is to use electronic notification for those families who have an email address on file, and paper notification for any families that do not have an email address on file. We also suggest maintaining a number of hard copies in individual school offices and public libraries that will be available for inspection upon request. The safe school climate plan and the means to make anonymous reports of bullying should be included in the student handbook.*

3. **Child Care Services and School Readiness Programs Administered by a Public School System** (Conn. Gen. Stat. § 19a-77)

Pursuant to Conn. Gen. Stat. § 19a-77, child care services and school readiness programs administered by a public school system are not required to be licensed by the Office of Early Childhood. Conn. Gen. Stat. § 19a-77; Conn. Agencies Reg. § 10-212a-1(43). Section 2 of Public Act 16-100 amends Conn. Gen. Stat. § 19a-77 to require that public school districts inform the parents/guardians of any children receiving services or enrolled in such programs that the public school district is not licensed by the Office of Early Childhood to provide such services or offer such programs. We recommend that school districts also inform parents/guardians that public school districts are exempt from such licensure requirements.

*Districts may provide this notice to parents through a student handbook or another method of notice, such as in an enrollment packet for the child care service or school readiness program.*

4. **Management Plan and Guidelines for the Management of Food Allergies, Glycogen Storage Disease and/or Diabetes**

Section 10-212c of the Connecticut General Statutes requires boards of education to implement a plan for the management of students with life-threatening food allergies, glycogen storage disease, and/or diabetes. Boards are required to make this plan publicly available on district websites, or if such websites do not exist, to make the plan available through other “practical means,” and to provide notice of the plan in conjunction with its written statement of the Board’s policy on pesticide application on school property (that the Board is required to provide to each parent or guardian pursuant to Section 10-231c(b) of the Connecticut General Statutes).

*Must affirmatively publish to parents in a manner reasonably calculated to reach all parents (regardless of whether or not they have a personal computer). Our suggested method of accomplishing this is to use electronic notification for those families who have an email address on file, and paper notification for any*

*families that do not have an email address on file. We also suggest maintaining a number of hard copies in individual school offices and public libraries that will be available for inspection upon request.*

## 5. **Free and Reduced-Price Meals Eligibility**

Pursuant to 7 C.F.R. § 245.5 and state policy, if a school district participates in the National School Lunch Program, the School Breakfast Program, or the Special Milk Program, it must provide parents and the public information about free and reduced meals and/or free milk at the beginning of each school year and whenever there is a change in eligibility criteria. The district must also provide parents with an application form. Furthermore, the Connecticut State Department of Education (“SDE”) generally requires that school districts participating in such programs use the template letters and forms provided by SDE and, any modifications of the forms must be reviewed and approved by SDE.

An explanation of the required notices and sample forms are available at: <http://www.fns.usda.gov/school-meals/applying-free-and-reduced-price-school-meals>.

The SDE forms, including the state templates, are available at: <http://www.sde.ct.gov/sde/cwp/view.asp?a=2626&q=320680>

Further, in accordance with 42 U.S.C. § 1758(b)(6) a child’s eligibility status is generally considered confidential and usually may only be disclosed with prior notice and/or consent.

*The Connecticut State Department of Education generally requires the use of a state template letter to parents/guardians regarding free and reduced-price meals. Our suggested method of accomplishing this obligation is to use electronic means to send the letter and application for those families who have an email address on file, and send hard copies to any families that do not have an email address on file. We also suggest maintaining a number of hard copies in individual school offices and public libraries that will be available for upon request. The required free and reduced-price meals letter and application must be provided to parents/guardians at the beginning of each year or whenever there is a change in eligibility criteria.*

## 6. **Non-discrimination statement**

*Districts must affirmatively publish student handbooks to parents in a manner reasonably calculated to reach all parents (regardless of whether or not they have a personal computer). Our suggested method of accomplishing this is to use electronic notification for those families who have an email address on file, and paper notification for any families that do not have an email address on file. We also suggest maintaining a number of hard copies in individual school*

*offices and public libraries that will be available for inspection upon request. The nondiscrimination statement should be included in the student handbook and all employment publications, as well as the district's website.*

7. **Pesticide Application** (Conn. Gen. Stat. § 10-231c, 10-231d)

School districts must provide parents (and staff members) with a written statement of the Board's policy concerning pesticide applications on school property, as well as a statement describing how parents or guardians may register for prior notice of pesticide applications at the school and describing the procedure for notifying parents or guardians of an emergency pesticide application. The content of this notice depends on the specifics of the Board's policy and schedule for pesticide application.

*Districts must affirmatively publish student handbooks to parents in a manner reasonably calculated to reach all parents (regardless of whether or not they have a personal computer). Our suggested method of accomplishing this is to use electronic notification for those families who have an email address on file, and paper notification for any families that do not have an email address on file. We also suggest maintaining a number of hard copies in individual school offices and public libraries that will be available for inspection upon request. The pesticide application policy should be included in the student handbook.*

8. **Section 504/Americans with Disabilities Act (ADA): Notification of Rights, Grievance Procedure and Coordinator Information**

School districts must notify parents on an annual basis of their rights under Section 504 and Title II of the Americans with Disabilities Act (ADA). These may be included in the same document. This notice should include the designation of a Section 504/ADA Coordinator and the availability of grievance procedures to resolve any complaints. Districts must take "appropriate initial and continuing steps to notify," including "the posting of notices, publication in newspapers and magazines, placement of notices in recipients' publication, and distribution of memoranda or other written communications." 34 C.F.R. § 104.8.

*Districts must affirmatively publish student handbooks to parents in a manner reasonably calculated to reach all parents (regardless of whether or not they have a personal computer). Our suggested method of accomplishing this is to use electronic notification for those families who have an email address on file, and paper notification for any families that do not have an email address on file. We also suggest maintaining a number of hard copies in individual school offices and public libraries that will be available for inspection upon request. The Section 504/ Title II of the ADA: Notification of Rights, Grievance Procedure and Coordinator Information should be included in the student handbook.*

9. **State Department of Education Complaint Resolution Procedure**

Under federal law, school districts must inform “teachers, staff, parents and appropriate private school officials or representatives” of the procedures developed by the Connecticut State Department of Education for resolving complaints alleging a violation of one of the ten enumerated federal statutes and regulations pertaining to certain federally funded educational initiatives (i.e. Reading First; Even Start Family Literacy Programs; Safe and Drug Free Schools and Communities etc.). 34 C.F.R. § 299.10. The specific ten federal statutes and regulations are listed in the state’s complaint resolution procedures.

Dissemination of the procedures should be done annually; such dissemination may **not** consist solely of posting on the district’s website.

*Districts must affirmatively publish student handbooks to parents in a manner reasonably calculated to reach all parents (regardless of whether or not they have a personal computer). Our suggested method of accomplishing this is to use electronic notification for those families who have an email address on file, and paper notification for any families that do not have an email address on file. We also suggest maintaining a number of hard copies in individual school offices and public libraries that will be available for inspection upon request. The State Department of Education Complaint Resolution Procedure should be included in the student handbook.*

10. **Student Discipline Policy**

***Temporary revisions have been made related to the COVID-19 pandemic to the Student Discipline annual notification. Please see the substantive changes in the attached notice.***

School districts need to put students on notice of the type of misconduct that could subject them to disciplinary action and the range of consequences for such behavior. Section 10-233e of the Connecticut General Statutes specifically requires that school districts “shall inform” all students and their parents (guardians and surrogate parents), “at least annually, of the board policies governing student conduct and school discipline.” Districts must also provide “an effective means” of notifying parents and students any time disciplinary action has been taken.

*Districts must affirmatively publish student handbooks to parents in a manner reasonably calculated to reach all parents (regardless of whether or not they have a personal computer). Our suggested method of accomplishing this is to use electronic notification for those families who have an email address on file, and paper notification for any families that do not have an email address on file. We also suggest maintaining a number of hard copies in individual school offices and public libraries that will be available for inspection upon request. In terms of discipline information, we suggest a hybrid approach - at a minimum, include the list of offenses for which a student might be disciplined*

*in the handbook. The entire discipline policy should be available on the district's website.*

11. **Student Records Policy or FERPA Notice** (including disclosure to military recruiters)

School districts must send parents and eligible students (students eighteen years old or older) an annual notice of their FERPA rights, including their right to object to disclosure of certain information to military recruiters. This notice may be provided “by any means that are reasonably likely to inform the parents or eligible students of their rights.” 34 C.F.R. § 99.7(b).

*Districts must affirmatively publish student handbooks to parents in a manner reasonably calculated to reach all parents (regardless of whether or not they have a personal computer). Our suggested method of accomplishing this is to use electronic notification for those families who have an email address on file, and paper notification for any families that do not have an email address on file. We also suggest maintaining a number of hard copies in individual school offices and public libraries that will be available for inspection upon request. In terms of student records information, we suggest a hybrid approach - at a minimum, include the FERPA Notice in the handbook. The entire student records policy should be available on the district's website.*

12. **Title IX: Grievance Procedure and Coordinator**

School districts are required to designate a Title IX Coordinator and adopt grievance procedures for complaints. Although districts need not disseminate these grievance procedures to parents on an annual basis, it is recommended that at a minimum, parents and/or students are made aware of the district's prohibition against discrimination based on sex and the procedures for filing a complaint. Notification shall be made in such a manner “necessary to apprise” persons of the protections against discrimination based on sex. 34 C.F.R. § 106.9.

*Districts must affirmatively publish student handbooks to parents in a manner reasonably calculated to reach all parents (regardless of whether or not they have a personal computer). Our suggested method of accomplishing this is to use electronic notification for those families who have an email address on file, and paper notification for any families that do not have an email address on file. We also suggest maintaining a number of hard copies in individual school offices and public libraries that will be available for inspection upon request. In terms of sexual harassment information - at a minimum, include a general statement of the prohibition against sexual harassment in the handbook along with information about how to file a complaint, and the entire policy and regulations should be available on the district's website.*

13. **Truancy K-8 Notification** (Conn. Gen. Stat. § 10-198a(b)(3))

School districts must notify parents or other persons having control of each child enrolled in a grade from kindergarten to eight annually in writing of their obligations regarding school attendance pursuant to Conn. Gen. Stat. § 10-184.

***Districts must affirmatively publish student handbooks to parents in a manner reasonably calculated to reach all parents (regardless of whether or not they have a personal computer). Our suggested method of accomplishing this is to use electronic notification for those families who have an email address on file, and paper notification for any families that do not have an email address on file. We also suggest maintaining a number of hard copies in individual school offices and public libraries that will be available for inspection upon request.***

14. **Green Cleaning Products Notification** (Conn. Gen. Stat. § 10-231g)

***Schools should consider whether temporary revisions are necessary to the written description of their green cleaning programs. Green cleaning programs may have changed as a result of the COVID-19 pandemic.***

Section 10-231g of the Connecticut General Statutes requires that school districts must implement a “green cleaning program” for the cleaning and maintenance of school buildings and facilities within the district. Annually, boards of education are required to provide school staff with a written description of these green cleaning programs. This written statement shall also be provided, upon request, to parents. Such notice must include: (1) the types and names of environmentally preferable cleaning products being applied in schools; (2) the location of such cleaning products in the school buildings and facilities; (3) the schedule of when such cleaning products are applied in the school buildings and facilities; (4) the statement, “No parent, guardian, teacher or staff member may bring into the school facility any consumer product which is intended to clean, deodorize, sanitize or disinfect.”; and (5) the name of the school administrator, or a designee, who may be contacted for further information. Such notice shall also be provided to the parents or guardians of any child who transfers to a school during the school year and to staff hired during the school year.

In addition, boards of education must also make the notice, as well as the biennial report submitted to the Department of Education pursuant to subsection (a) of section 10-220 of the general statutes (i.e. required report on condition of facilities, action taken to implement the board’s long-term school building program, indoor air quality and green cleaning program) available on their web sites and the web site of each school under a board’s jurisdiction. If no such web site exists, the board must make such notice otherwise publicly available.

As the specific content of the required notice will vary in each district, we do not have a model notice for green cleaning products.

***Upon parent request, this information may be provided electronically for anyone who provides an email address. This information must be available in***

*hard copy upon request, or for distribution to parents/guardians of transfer student. We also suggest maintaining a number of hard copies in individual school offices and public libraries that will be available for inspection upon request.*

15. **Indoor Air Quality** (Conn. Gen. Stat. § 10-220(d))

Section 10-220 of the Connecticut General Statutes requires that for every school building constructed, extended, renovated or replaced on or after January 1, 2003, a board of education must provide a uniform inspection and evaluation program of indoor air quality every five years. A school district must make the results of this inspection and evaluation procedure available for public inspection on the board's or each individual school's website, as well as at a board of education meeting.

As the specific content of the required notice will vary in each district, we do not have a model notice for indoor air quality.

*The results of this inspection/evaluation procedure should be available electronically, hard copy and through individual school website.*

16. **Wellness Policy**

Section 204 of the Healthy, Hunger-Free Kids Act of 2010 amends existing federal law regarding public school wellness policies. Under this law, new federal regulations have been promulgated that require public school district wellness policies to include goals for nutrition promotion, ensure that food and beverages marketed on school campuses during the school day meet certain nutritional standards, and expand the list of individuals permitted and encouraged to participate in the development of such wellness policies. In addition, the new regulations require public notification regarding the content and implementation of school wellness policies and require school districts to conduct periodic assessments on the extent to which local schools are complying with such policies and progress in reaching policy goals.

*This information may be shared via school district websites.*

17. **Notification of Board of Education Spending** (Conn. Gen. Stat. § 10-222o)

Each local and regional board of education shall make available on its Internet web site the aggregate spending on salaries, employee benefits, instructional supplies, educational media supplies, instructional equipment, regular education tuition, special education tuition, purchased services and all other expenditure items, excluding debt service, for each school under its jurisdiction.

*This information must be shared via the school district websites.*

18. **Notification of Procedures for Requesting an Initial Evaluation of a Child (Regs. Conn. State Agencies 10-76d-7(a)(2))**

Each board of education shall make available information, understandable to the general public, concerning the procedures for requesting an initial evaluation of a child to all parents and professional staff of such board. Such information shall include, but not be limited to, a description of the general education interventions that are provided to meet the needs of individual children before a referral for special education evaluation is requested and the special education referral and evaluation process. Such information shall identify at least one person in each school building that parents or professional staff of the board may contact regarding school policies and procedures for special education referrals and evaluations. **The board may include such information in the student handbook, on the board's website or in another location to afford parents and staff access to such information.**

As the specific content of the required notice will vary in each district, we do not have a model notice of procedures for requesting an initial evaluation of a child.

19. **Student Data Privacy Notification (Conn. Gen. Stat. § 10-234bb)**

Each board of education must maintain an Internet website that includes information relating to all contracts entered into with operators and consultants in accordance with Connecticut's student data privacy laws. **On or before September 1<sup>st</sup> of each school year, each board of education must electronically notify students and the parents or guardians of students of the address of this Internet website.** Not later than five (5) business days after entering into a contract under this law, the board of education must post the contract on this Internet website and include (1) that the contract has been executed and the date the contract was executed; (2) a brief description of the contract and its purpose; and (3) what student information, student records or student-generated content may be collected through the contract.

**Every Student Succeeds Act Notices**

1. **Non-Emergency Invasive Physical Examinations/Screenings**

If the school district wishes to conduct any non-emergency, invasive physical examination/screening, other than those required by state law, the district must notify parents of the approximate dates of such examinations/screenings at the beginning of the school year. The Board must also have a policy governing the conduct of these non-emergency examinations/screenings that comports with the PPRA.

*This information may be shared via school district websites.*

2. **Notification to Parents of Their Right to Know Teacher and Paraprofessional Qualifications** (Schools that take Title I funds only)

School districts that receive Title I funds must notify parents of students enrolled in Title I schools of their right to request information regarding the professional qualifications of their child's teachers and paraprofessionals. This notice must be provided at the beginning of the school year and must be in an "understandable" and "uniform" format and, to the extent practicable, in a language the parents can understand.

*This information should be shared via student handbook and school district websites at the beginning of each school year.*

3. **Notification to Parents of Non-Certified or Provisionally Certified Teacher** (Schools that take Title I funds only)

School districts must notify parents of students enrolled in a Title I school (one receiving either targeted assistance or schoolwide Title I funds) if the student has been assigned or taught for four or more consecutive weeks by a teacher who does not meet applicable State certification or licensure requirements at the grade level and subject area in which the teacher has been assigned. This notice must be sent in a "timely manner."

*Notice is only sent to parents when a specific child has been taught by a non-certified or provisionally certified teacher for more than four weeks. May be sent electronically (for parents with email addresses on file) or in hard copy.*

4. **Parental Access to Curricular Materials Policy**

School districts must alert parents to the existence of the Board's policy with respect to their right to access certain curricular materials. This notice may be included in the PPRA notice discussed below.

*This notice is covered by the PPRA notice (below).*

5. **Parental and Family Engagement Policy**

School districts must notify parents and family members of students eligible to participate in Title I, Part A programs of the existence of the school's written parental and family engagement policy. Schools must invite parents and family members to an annual informational meeting to inform them about the school's participation in Title I programs and explain the requirements and their right to be involved.

*This notice is sent only to parents of Title I students when the annual meeting is held. May be sent electronically (for parents with email addresses on file) or in hard copy. The notice shall be in a “understandable and uniform” format and, to the extent practicable, in a language the parents can understand.*

6. **Student Privacy Policy or PPRA Notice**

School districts must send an annual notice to all parents in the district advising them of the Board’s student privacy policies and parent/student rights under the Protection of Pupil Rights Amendment (“PPRA”). This notice should be sent at the beginning of the school year and within a reasonable time after any substantial revision to student privacy policies.

*Districts must affirmatively publish student handbooks to parents in a manner reasonably calculated to reach all parents (regardless of whether or not they have a personal computer). Our suggested method of accomplishing this is to use electronic notification for those families who have an email address on file, and paper notification for any families that do not have an email address on file. We also suggest maintaining a number of hard copies in individual school offices and the public libraries that will be available for inspection upon request. In terms of student records information, we suggest a hybrid approach - at a minimum, include the PPRA Notice in the handbook. The entire student privacy policy should be available on the district’s website.*

Other parent notifications may be required under specified circumstances. There are also some annual notifications that may apply only to certain groups of parents (i.e. parents of limited English proficient students). Districts may also choose (appropriately) to include many other policies and procedures within a student handbook (e.g., computer use, dress code, etc.), but the above notifications are the minimum legal requirements.

**IN ADDITION TO THE REQUIRED STUDENT/PARENT NOTIFICATIONS,  
SCHOOL DISTRICTS HAVE OBLIGATIONS TO NOTIFY EMPLOYEES  
REGARDING CERTAIN EMPLOYMENT-RELATED ISSUES.**

**REQUIRED EMPLOYEE NOTIFICATIONS**

1. **Asbestos Management Plan Notification** (see above)

A school district's notification obligation regarding asbestos also applies to school employees. See discussion above.

2. **FMLA**

Employers covered under the Family and Medical Leave Act are required to display a poster prepared by the U.S. Department of Labor summarizing the major provisions of FMLA in a conspicuous place where employees and applicants for employment can see it. Effective January 28, 2008, the FMLA was amended to expand coverage for employees with family members in the military. This poster, along with a notice regarding the recent legislative changes, is available from the U.S. Department of Labor at

<https://www.dol.gov/whd/regs/compliance/posters/fmlaen.pdf>.

3. **Military Leave**

Pursuant to 38 U.S.C. § 4334, employers are required to provide employees with notice of their rights, obligations and benefits under the Uniformed Services Employment and Reemployment Rights Act ("USERRA"). Notice may be provided by posting the notice "Your Rights Under USERRA" in places where employee notices are customarily posted. This poster is available online at

[http://www.dol.gov/vets/programs/userra/USERRA\\_private.pdf](http://www.dol.gov/vets/programs/userra/USERRA_private.pdf).

4. **Notice of an Alcohol and Drug Free Workplace**

Pursuant to 41 U.S.C. § 8102, school districts must publish a statement to employees notifying them that the unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance is prohibited in the workplace and specifying the actions that will be taken against employees for violations of the prohibition. Although this notice does not need to be distributed annually, school districts should ensure that all employees receive the required information.

5. **Notice of Electronic Monitoring in the Workplace**

***Temporary revisions have been made related to the COVID-19 pandemic to the annual Notice of Electronic Monitoring in the Workplace. Please see the substantive changes in the attached notice.***

Section 31-48d of the Connecticut General Statutes requires employers to provide prior written notice to its employees if it intends to engage in any electronic monitoring in the workplace, including the monitoring computer and telephone use. Employers must post a notice, in a conspicuous place readily available for viewing by employees, concerning the types of electronic monitoring in which the employer may engage.

Even if a school district does not expect to routinely engage in monitoring activities, we recommend that the school district, as an employer, provide this notice to its employees in order to preserve its right to engage in such activities when appropriate.

**6. Notice Regarding Sexual Harassment**

In Connecticut, any employer with three or more employees is required to post a notice for its employees concerning the illegality of sexual harassment and providing certain information regarding sexual harassment. This notice should be posted in a prominent and accessible location where employee notices are customarily posted. Additionally, this notice must be emailed to employees within three months of hire with the subject line “Sexual Harassment Policy” or words of similar import.

**7. State Department of Education Complaint Resolution Procedure**

Under federal law, school districts must inform “teachers, staff, parents and appropriate private school officials or representatives” of the procedures developed by the Connecticut State Department of Education for resolving complaints alleging a violation of one of the ten enumerated federal statutes and regulations pertaining to certain federally funded educational initiatives (i.e. Reading First; Even Start Family Literacy Programs; Safe and Drug Free Schools and Communities etc.). 34 C.F.R. § 299.10. The specific ten federal statutes and regulations are listed in the state’s complaint resolution procedures. Dissemination of the procedures should be done annually; such dissemination may **not** consist solely of posting on the district’s website.

**8. Green Cleaning Program Notification (Conn. Gen. Stat. § 10-231g)**

A school district’s notification obligation regarding green cleaning products also applies to school employees. See discussion above.

**9. Indoor Air Quality (Conn. Gen. Stat. § 10-220) (see above)**

10. **Child Abuse Reporting Policy** (Conn. Gen. Stat. § 17a-101, 101i)

Each board of education must adopt a written policy regarding the reporting of child abuse and neglect by school employees. This policy must include or be revised to include all information required under Conn. Gen. Stat. §§ 17a-101(d) and 101i and related state statutes. This policy must be distributed annually to all school employees employed by a board of education and the board must document that such employees have received the policy and completed the training and refresher training programs required by law.

*Distribution of this policy by electronic means is sufficient.*

11. **Families First Coronavirus Response Act (FFRCA)**

*Covered employers must post notice of the Families First Coronavirus Response Act (FFRCA) requirements for its employees in a conspicuous location. An employer satisfies this posting requirement by emailing or direct mailing the notice, or posting the notice on an internal or external employee website. Employers may use the notice published by the U.S. Department of Labor, which can be found at*

*[https://www.dol.gov/sites/dolgov/files/WHD/posters/FFCRA\\_Poster\\_WH1422\\_Non-Federal.pdf](https://www.dol.gov/sites/dolgov/files/WHD/posters/FFCRA_Poster_WH1422_Non-Federal.pdf).*

*We have not developed a separate notice for this purpose.*

9/20/2019

*Temporary revisions 7/13/2020*

## **NOTIFICATION CONCERNING ASBESTOS MANAGEMENT PLANS**

The Board of Education, in compliance with federal law, has developed an asbestos management plan, concerning the presence or suspected presence of asbestos-type materials within district school buildings, and required inspections and preventive measures related thereto. In accordance with federal law, members of the public, including parents, teachers and other employees, shall be permitted access to the asbestos management plan of the \_\_\_\_\_ Board of Education.

Upon request, the district shall permit members of the public, including parents, teachers and other employees, to inspect any asbestos management plan. The district shall grant access to such management plans within five working days after receiving a request from a member of the public.

### Legal Reference:

Federal Law:

40 C.F.R. § 763.93

7/19/2016

**SAFE SCHOOL CLIMATE PLAN**  
**[or use district's plan]**

The Board is committed to creating and maintaining a physically, emotionally, and intellectually safe educational environment free from bullying, teen dating violence, harassment and discrimination. In order to foster an atmosphere conducive to learning, the Board has developed the following Safe School Climate Plan, consistent with state law and Board Policy. This Plan represents a comprehensive approach to addressing bullying, cyberbullying and teen dating violence and sets forth the Board's expectations for creating a positive school climate and thus preventing, intervening, and responding to incidents of bullying and teen dating violence.

Bullying behavior and teen dating violence are strictly prohibited, and students who are determined to have engaged in such behavior are subject to disciplinary action, which may include suspension or expulsion from school. The district's commitment to addressing bullying behavior and teen dating violence, however, involves a multi-faceted approach, which includes education and the promotion of a positive school climate in which bullying will not be tolerated by students or school staff.

**I. Prohibition Against Bullying, Teen Dating Violence and Retaliation**

- A. The Board expressly prohibits any form of bullying behavior and teen dating violence on school grounds; at a school-sponsored or school-related activity, function or program whether on or off school grounds; at a school bus stop; on a school bus or other vehicle owned, leased or used by a local or regional board of education; or through the use of an electronic device or an electronic mobile device owned, leased or used by Board of Education.
- B. The Board also prohibits any form of bullying behavior outside of the school setting if such bullying (i) creates a hostile environment at school for the student against whom such bullying was directed, (ii) infringes on the rights of the student against whom such bullying was directed at school, or (iii) substantially disrupts the education process or the orderly operation of a school;
- C. The Board further prohibits any form of teen dating violence outside of the school setting if such violence substantially disrupts the educational process;

- D. In addition to prohibiting student acts that constitute bullying, the Board also prohibits discrimination and/or retaliation against an individual who reports or assists in the investigation of an act of bullying.
- E. Students who engage in bullying behavior or teen dating violence in violation of Board Policy and the Safe School Climate Plan shall be subject to school discipline, up to and including expulsion, in accordance with the Board's policies on student discipline, suspension and expulsion, and consistent with state and federal law.

## **II. Definition of Bullying**

- A. **“Bullying”** means the repeated use by one or more students of a written, oral, or electronic communication, such as cyberbullying, directed at or referring to another student attending school in the same district, or a physical act or gesture by one or more students repeatedly directed at another student attending school in the same school district, that:
  - (1) causes physical or emotional harm to such student or damage to such student’s property;
  - (2) places such student in reasonable fear of harm to himself or herself, or of damage to his or her property;
  - (3) creates a hostile environment at school for such student;
  - (4) infringes on the rights of such student at school; or
  - (5) substantially disrupts the education process or the orderly operation of a school.
- B. Bullying shall include, but not be limited to, a written, verbal or electronic communication or physical act or gesture based on any actual or perceived differentiating characteristics, such as race, color, religion, ancestry, national origin, gender, sexual orientation, gender identity and expression, socioeconomic status, academic status, physical appearance, or mental, physical, developmental or sensory disability, or by association with an individual or group who has or is perceived to have one or more of such characteristics.

## **III. Other Definitions**

- A. **"Cyberbullying"** means any act of bullying through the use of the Internet, interactive and digital technologies, cellular mobile telephone or other mobile electronic devices or any electronic communications.

- B. **"Electronic communication"** means any transfer of signs, signals, writing, images, sounds, data or intelligence of any nature transmitted in whole or in part by a wire, radio, electromagnetic, photoelectronic or photo-optical system.
- C. **"Hostile environment"** means a situation in which bullying among students is sufficiently severe or pervasive to alter the conditions of the school climate.
- D. **"Mobile electronic device"** means any hand-held or other portable electronic equipment capable of providing data communication between two or more individuals, including, but not limited to, a text messaging device, a paging device, a personal digital assistant, a laptop computer, equipment that is capable of playing a video game or a digital video disk, or equipment on which digital images are taken or transmitted.
- E. **"Outside of the school setting"** means at a location, activity or program that is not school related, or through the use of an electronic device or a mobile electronic device that is not owned, leased or used by a local or regional board of education.
- F. **"Prevention and intervention strategy"** may include, but is not limited to,
- (1) implementation of a positive behavioral interventions and supports process or another evidence-based model approach for safe school climate or for the prevention of bullying identified by the Department of Education,
  - (2) school rules prohibiting bullying, teen dating violence, harassment and intimidation and establishing appropriate consequences for those who engage in such acts,
  - (3) adequate adult supervision of outdoor areas, hallways, the lunchroom and other specific areas where bullying is likely to occur,
  - (4) inclusion of grade-appropriate bullying and teen dating violence education and prevention curricula in kindergarten through high school,
  - (5) individual interventions with the bully, parents and school employees, and interventions with the bullied child, parents and school employees,
  - (6) school-wide training related to safe school climate,

- (7) student peer training, education and support,
  - (8) promotion of parent involvement in bullying prevention through individual or team participation in meetings, trainings and individual interventions, and
  - (9) culturally competent school-based curriculum focusing on social-emotional learning, self-awareness and self-regulation.
- G. **"School climate"** means the quality and character of school life with a particular focus on the quality of the relationships within the school community between and among students and adults.
- H. **"School employee"** means
- (1) a teacher, substitute teacher, school administrator, school superintendent, guidance counselor, school counselor, psychologist, social worker, nurse, physician, school paraprofessional or coach employed by a local or regional board of education or working in a public elementary, middle or high school; or
  - (2) any other individual who, in the performance of his or her duties, has regular contact with students and who provides services to or on behalf of students enrolled in a public elementary, middle or high school, pursuant to a contract with the local or regional board of education.
- I. **"School-Sponsored Activity"** shall mean any activity conducted on or off school property (including school buses and other school-related vehicles) that is sponsored, recognized or authorized by the Board of Education.
- J. **"Teen dating violence"** means any act of physical, emotional or sexual abuse, including stalking, harassing and threatening, that occurs between two students who are currently in or who have recently been in a dating relationship.

#### **IV. Leadership and Administrative Responsibilities**

A. Safe School Climate Coordinator

The Superintendent shall appoint, from existing school district staff, a District Safe School Climate Coordinator ("Coordinator"). The Coordinator shall:

- (1) be responsible for implementing the district's Safe School Climate Plan ("Plan");
- (2) collaborate with Safe School Climate Specialists, the Board, and the Superintendent to prevent, identify and respond to bullying in district schools;
- (3) provide data and information, in collaboration with the Superintendent, to the Department of Education regarding bullying; and
- (4) meet with Safe School Climate Specialists at least twice during the school year to discuss issues relating to bullying in the school district and to make recommendations concerning amendments to the district's Plan.

**B. Safe School Climate Specialist**

The Principal of each school (or the Principal's designee) shall serve as the Safe School Climate Specialist. The Safe School Climate Specialist shall investigate or supervise the investigation of reported acts of bullying, collect and maintain records of reports and investigations of bullying in the school and act as the primary school official responsible for preventing, identifying and responding to reports of bullying in the school.

**V. Development and Review of Safe School Climate Plan**

- A. The Principal of each school shall establish a committee or designate at least one existing committee ("Committee") in the school to be responsible for developing and fostering a safe school climate and addressing issues relating to bullying in the school. Such committee shall include at least one parent/guardian of a student enrolled in the school, as appointed by the school principal.
- B. The Committee shall:
  - (1) receive copies of completed reports following bullying investigations;
  - (2) identify and address patterns of bullying among students in the school;
  - (3) implement the provisions of the school security and safety plan, regarding the collection, evaluation and reporting of information

relating to instances of disturbing or threatening behavior that may not meet the definition of bullying,

- (4) review and amend school policies relating to bullying;
  - (5) review and make recommendations to the Coordinator regarding the Safe School Climate Plan based on issues and experiences specific to the school;
  - (6) educate students, school employees and parents/guardians on issues relating to bullying;
  - (7) collaborate with the Coordinator in the collection of data regarding bullying; and
  - (8) perform any other duties as determined by the Principal that are related to the prevention, identification and response to school bullying.
- C. Any parent/guardian serving as a member of the Committee shall not participate in any activities which may compromise the confidentiality of any student, including, but not limited to, receiving copies of investigation reports, or identifying or addressing patterns of bullying among students in the school.
- D. The Board of Education shall approve the Safe School Climate Plan developed pursuant to Board policy and submit such plan to the Department of Education. Not later than thirty (30) calendar days after approval by the Board, the Board shall make such plan available on the Board's and each individual school in the school district's web site and ensure that the Safe School Climate Plan is included in the school district's publication of the rules, procedures and standards of conduct for schools and in all student handbooks.

## **VI. Procedures for Reporting and Investigating Complaints of Bullying**

- A. Students and parents (or guardians of students) may file written reports of bullying. Written reports of bullying shall be reasonably specific as to the basis for the report, including the time and place of the alleged conduct, the number of incidents, the target of the suspected bullying, and the names of potential witnesses. Such reports may be filed with any building administrator and/or the Safe School Climate Specialist (i.e. building principal or his/her designee), and all reports shall be forwarded to the Safe School Climate Specialist for review and actions consistent with this Plan.

- B. Students may make anonymous reports of bullying to any school employee. Students may also request anonymity when making a report, even if the student's identity is known to the school employee. In cases where a student requests anonymity, the Safe School Climate Specialist or his/her designee shall meet with the student (if the student's identity is known) to review the request for anonymity and discuss the impact that maintaining the anonymity of the complainant may have on the investigation and on any possible remedial action. All anonymous reports shall be reviewed and reasonable action will be taken to address the situation, to the extent such action may be taken that does not disclose the source of the report, and is consistent with the due process rights of the student(s) alleged to have committed acts of bullying. No disciplinary action shall be taken solely on the basis of an anonymous report.
- C. School employees who witness acts of bullying or receive reports of bullying shall orally notify the Safe School Climate Specialist or another school administrator if the Safe School Climate Specialist is unavailable, not later than one (1) school day after such school employee witnesses or receives a report of bullying. The school employee shall then file a written report not later than two (2) school days after making such oral report.
- D. The Safe School Climate Specialist shall be responsible for reviewing any anonymous reports of bullying and shall investigate or supervise the investigation of all reports of bullying and ensure that such investigation is completed promptly after receipt of any written reports. The Safe School Climate Specialist shall also be responsible for promptly notifying the parents or guardians of the student alleged to have committed an act or acts of bullying, and the parents or guardians of the student against whom such alleged act or acts were directed, that an investigation has commenced. In order to allow the district to adequately investigate complaints filed by a student or parent/guardian, the parent of the student suspected of being bullied should be asked to provide consent to permit the release of that student's name in connection with the investigation process, unless the student and/or parent has requested anonymity.
- E. In investigating reports of bullying, the Safe School Climate Specialist or designee will consider all available information known, including the nature of the allegations and the ages of the students involved. The Safe School Climate Specialist will interview witnesses, as necessary, reminding the alleged perpetrator and other parties that retaliation is strictly prohibited and will result in disciplinary action.

## **VII. Responding to Verified Acts of Bullying**

- A. Following investigation, if acts of bullying are verified, the Safe School Climate Specialist or designee shall notify the parents or guardians of the students against whom such acts were directed as well as the parents or guardians of the students who commit such acts of bullying of the finding **not later than forty-eight (48) hours** after the investigation is completed. This notification shall include a description of the school's response to the acts of bullying. In providing such notification, however, [\_\_\_\_\_] Public Schools will take care to respect the statutory privacy rights of other students, including the perpetrator of such bullying. The specific disciplinary consequences imposed on the perpetrator, or personally identifiable information about a student other than the parent/guardian's own child, may not be disclosed except as provided by law.
- B. In any instance in which bullying is verified, the Safe School Climate Specialist or designee shall invite the parents or guardians of the student against whom such act was directed to a meeting to communicate the measures being taken by the school to ensure the safety of the student/victim and policies and procedures in place to prevent further acts of bullying. The Safe School Climate Specialist or designee shall also invite the parents or guardians of a student who commits any verified act of bullying to a meeting, separate and distinct from the previously described meeting, to discuss specific interventions undertaken by the school to prevent further acts of bullying. The invitation may be made simultaneous with the notification described above in Section VII.A.
- C. If bullying is verified, the Safe School Climate Specialist or designee shall develop a student safety support plan for any student against whom an act of bullying was directed. Such support plan will include safety measures to protect against further acts of bullying.
- D. A specific written intervention plan shall be developed to address repeated incidents of bullying against a single individual or recurrently perpetrated bullying incidents by the same individual. The written intervention plan may include counseling, discipline and other appropriate remedial actions as determined by the Safe School Climate Specialist or designee, and may also incorporate a student safety support plan, as appropriate.
- E. Notice to Law Enforcement

If the Principal of a school (or his/her designee) reasonably believes that any act of bullying constitutes a criminal offense, he/she shall notify appropriate law enforcement. Notice shall be consistent with the Board's obligations under state and federal law and Board policy regarding the disclosure of personally identifiable student information. In making this determination, the Principal or his/her designee, may consult with the

school resource officer, if any, and other individuals the principal or designee deems appropriate.

- F. If a bullying complaint raises a concern about discrimination or harassment on the basis of a legally protected classification (such as race, religion, color, national origin, sex, sexual orientation, age, disability or gender identity or expression), the Safe School Climate Specialist or designee shall also coordinate any bullying investigation with other appropriate personnel within the district as appropriate (e.g. Title IX Coordinator, Section 504 Coordinator, etc.), so as to ensure that any such bullying investigation complies with the requirements of such policies regarding nondiscrimination.

### **VIII. Teen Dating Violence**

- A. The school strictly prohibits, and takes very seriously any instances of, teen dating violence, as defined above. The school recognizes that teen dating violence may take many different forms and may also be considered bullying and/or sexual harassment.
- B. Students and parents (or guardians of students) may bring verbal or written complaints regarding teen dating violence to any building administrator. The building administrator shall review and address the complaint, which may include referral of the complaint to the Safe School Climate Specialist and/or Title IX Coordinator.
- C. Prevention and intervention strategies concerning teen dating violence shall be implemented in accordance with Section X below. Discipline, up to and including expulsion, may be imposed against the perpetrator of teen dating violence, whether such conduct occurs on or off campus, in accordance with Board policy and consistent with federal and state law.

### **IX. Documentation and Maintenance of Log**

- A. Each school shall maintain written reports of bullying, along with supporting documentation received and/or created as a result of bullying investigations, consistent with the Board's obligations under state and federal law. Any educational record containing personally identifiable student information pertaining to an individual student shall be maintained in a confidential manner, and shall not be disclosed to third parties without prior written consent of a parent, guardian or eligible student, except as permitted under Board policy and state and federal law.
- B. The Principal of each school shall maintain a list of the number of verified acts of bullying in the school and this list shall be available for public inspection upon request. Consistent with district obligations under state

and federal law regarding student privacy, the log shall not contain any personally identifiable student information, or any information that alone or in combination would allow a reasonable person in the school community to identify the students involved. Accordingly, the log should be limited to basic information such as the number of verified acts, name of school and/or grade level and relevant date. Given that any determination of bullying involves repeated acts, each investigation that results in a verified act of bullying for that school year shall be tallied as one verified act of bullying unless the specific actions that are the subject of each report involve separate and distinct acts of bullying. The list shall be limited to the number of verified acts of bullying in each school and shall not set out the particulars of each verified act, including, but not limited to any personally identifiable student information, which is confidential information by law.

- C. The Principal of each school shall report the number of verified acts of bullying in the school annually to the Department of Education in such manner as prescribed by the Commissioner of Education.

## **X. Other Prevention and Intervention Strategies**

- A. Bullying behavior and teen dating violence can take many forms and can vary dramatically in the nature of the offense and the impact the behavior may have on the victim and other students. Accordingly, there is no one prescribed response to verified acts of bullying or to teen dating violence. While conduct that rises to the level of “bullying” or “teen dating violence,” as defined above, will generally warrant traditional disciplinary action against the perpetrator of such bullying or teen dating violence, whether and to what extent to impose disciplinary action (e.g., detention, in-school suspension, suspension or expulsion) is a matter for the professional discretion of the building principal (or responsible program administrator or his/her designee). No disciplinary action may be taken solely on the basis of an anonymous complaint of bullying. As discussed below, schools may also consider appropriate alternatives to traditional disciplinary sanctions, including age-appropriate consequences and other restorative or remedial interventions.
- B. A specific written intervention plan shall be developed to address repeated incidents of bullying against a single individual or recurrently perpetrated bullying incidents by the same individual. This plan may include safety provisions, as described above, for students against whom acts of bullying have been verified and may include other interventions such as

counseling, discipline, and other appropriate remedial or restorative actions as determined by the responsible administrator.

- C. The following sets forth possible interventions which may also be utilized to enforce the Board's prohibition against bullying and teen dating violence:

(1) Non-disciplinary interventions

When verified acts of bullying are identified early and/or when such verified acts of bullying do not reasonably require a disciplinary response, students may be counseled as to the definition of bullying, its prohibition, and their duty to avoid any conduct that could be considered bullying. Students may also be subject to other forms of restorative discipline or remedial actions, appropriate to the age of the students and nature of the behavior.

If a complaint arises out of conflict between students or groups of students, peer or other forms of mediation may be considered. Special care, however, is warranted in referring such cases to peer mediation. A power imbalance may make the process intimidating for the victim and therefore inappropriate. In such cases, the victim should be given additional support. Alternatively, peer mediation may be deemed inappropriate to address the concern.

When an act or acts of teen dating violence are identified, the students involved may be counseled as to the seriousness of the conduct, the prohibition of teen dating violence, and their duty to avoid any such conduct. Students may also be subject to other forms of restorative discipline or remedial actions, appropriate to the age of the students and nature of the behavior.

(2) Disciplinary interventions

When acts of bullying are verified or teen dating violence occurs, and a disciplinary response is warranted, students are subject to the full range of disciplinary consequences. Anonymous complaints of bullying, however, shall not be the basis for disciplinary action.

In-school suspension and suspension may be imposed only after informing the accused perpetrator of the reasons for the proposed suspension and giving him/her an opportunity

to explain the situation, in accordance with the Board's Student Discipline policy.

Expulsion may be imposed only after a hearing before the Board of Education, a committee of the Board or an impartial hearing officer designated by the Board of Education in accordance with the Board's Student Discipline policy. This consequence shall normally be reserved for serious incidents of bullying and teen dating violence, and/or when past interventions have not been successful in eliminating bullying behavior.

(3) Interventions for bullied students and victims of teen dating violence

The building principal (or other responsible program administrator) or his/her designee shall intervene in order to address incidents of bullying or teen dating violence against a single individual. Intervention strategies for a bullied student or victim of teen dating violence may include the following:

- (a) Referral to a school counselor, psychologist or other appropriate social or mental health service;
- (b) Increased supervision and monitoring of student to observe and intervene in bullying situations or instances of teen dating violence;
- (c) Encouragement of student to seek help when victimized or witnessing victimization;
- (d) Peer mediation or other forms of mediation, where appropriate;
- (e) Student Safety Support plan;
- (f) Restitution and/or restorative interventions; and
- (g) Periodic follow-up by the Safe School Climate Specialist and/or Title IX Coordinator with the bullied student or victim of teen dating violence.

(4) General Prevention and Intervention Strategies

In addition to the prompt investigation of complaints of bullying and direct intervention when acts of bullying are verified, other district actions may ameliorate potential problems with bullying in

school or at school-sponsored activities. Additional district actions may also ameliorate potential problems with teen dating violence. While no specific action is required, and school needs for specific prevention and intervention strategies may vary from time to time, the following list of potential prevention and intervention strategies shall serve as a resource for administrators, teachers and other professional employees in each school. Such prevention and intervention strategies may include, but are not limited to:

- (a) School rules prohibiting bullying, teen dating violence, harassment and intimidation and establishing appropriate consequences for those who engage in such acts;
- (b) Adequate adult supervision of outdoor areas, hallways, the lunchroom and other specific areas where bullying or teen dating violence are likely to occur;
- (c) Inclusion of grade-appropriate bullying and teen dating violence education and prevention curricula in kindergarten through high school, which may include instruction regarding building safe and positive school communities including developing healthy relationships and preventing dating violence as deemed appropriate for older students;
- (d) Individual interventions with the perpetrator, parents and school employees, and interventions with the bullied student, parents and school employees;
- (e) School-wide training related to safe school climate, which training may include Title IX sex discrimination/sexual harassment prevention training, Section 504/ADA training, cultural diversity/multicultural education or other training in federal and state civil rights legislation or other topics relevant to safe school climate;
- (f) Student peer training, education and support;
- (g) Promotion of parent involvement in bullying prevention through individual or team participation in meetings, trainings and individual interventions;
- (h) Implementation of a positive behavioral interventions and supports process or another evidence-based model approach for safe school climate or for the prevention of bullying and teen dating violence, including any such program identified by the Department of Education;

- (i) Respectful responses to bullying and teen dating violence concerns raised by students, parents or staff;
- (j) Planned professional development programs addressing prevention and intervention strategies, which training may include school violence prevention, conflict resolution and prevention of bullying and teen dating violence, with a focus in evidence based practices concerning same;
- (k) Use of peers to help ameliorate the plight of victims and include them in group activities;
- (l) Avoidance of sex-role stereotyping;
- (m) Continuing awareness and involvement on the part of school employees and parents with regards to prevention and intervention strategies;
- (n) Modeling by teachers of positive, respectful, and supportive behavior toward students;
- (o) Creating a school atmosphere of team spirit and collaboration that promotes appropriate social behavior by students in support of others;
- (p) Employing classroom strategies that instruct students how to work together in a collaborative and supportive atmosphere; and
- (q) Culturally competent school-based curriculum focusing on social-emotional learning, self-awareness and self-regulation.

D. In addition to prevention and intervention strategies, administrators, teachers and other professional employees may find opportunities to educate students about bullying and help eliminate bullying behavior through class discussions, counseling, and reinforcement of socially-appropriate behavior. Administrators, teachers and other professional employees should intervene promptly whenever they observe mean-spirited student conduct, even if such conduct does not meet the formal definition of “bullying.”

E. Funding for the school-based bullying intervention and school climate improvement strategy may originate from public, private, federal or philanthropic sources.

## **XI. Improving School Climate**

**[Individual schools should use this section to outline affirmative steps to improve the quality of school climate as defined within a particular school and/or district. These strategies should align with school improvement plans and school climate assessments, and be based on current data available on the quality of school climate within the school and/or district including, but not limited to, the type, nature, frequency, etc. of behavior that may constitute or lead to bullying, teen dating violence, harassment or similar behavior. This section is intended to be broader in scope and should be targeted towards fostering positive school climate rather than exclusively preventing, investigating and otherwise responding to specific incidences of bullying and teen dating violence.]**

## **XII. Annual Notice and Training**

- A. Students and parents or guardians of students shall be notified annually of the process by which students may make reports of bullying.
- B. The Board shall provide for the inclusion of language in student codes of conduct concerning bullying.
- C. At the beginning of each school year, each school shall provide all school employees with a written or electronic copy of the school district's safe school climate plan and require that all school employees annually complete training on the identification, prevention and response to bullying as required by law.
- D. The Board shall also provide on its website training materials to school administrators regarding the prevention of and intervention in discrimination against and targeted harassment of students based on such students' (1) actual or perceived differentiating characteristics, such as race, color, religion, ancestry, national origin, gender, sexual orientation, gender identity or expression, socioeconomic status, academic status, physical appearance or mental, physical, developmental or sensory disability, or (2) association with individuals or groups who have or are perceived to have one or more of such characteristics.
- E. Any person appointed by the district to serve as district safe school climate coordinator shall complete mental health and first aid training offered by the Commissioner of Mental Health and Addiction Services.

## **XIII. School Climate Assessments**

Biennially, the Board shall require each school in the district to complete an assessment using the school climate assessment instruments, including surveys, approved and

disseminated by the Connecticut State Department of Education. The Board shall collect the school climate assessments for each school in the district and submit such assessments to the Connecticut State Department of Education.

Legal References:

Public Act 19-166

Conn. Gen. Stat. § 10-222d

Conn. Gen. Stat. § 10-222g

Conn. Gen. Stat. § 10-222k

Conn. Gen. Stat. § 10-222l

Conn. Gen. Stat. §§ 10-233a through 10-233f

Connecticut State Department of Education Circular Letter C-8,  
Series 2008-2009 (March 16, 2009)

Connecticut State Department of Education Circular Letter C-3, Series 2011-  
2012 (September 12, 2011)

Connecticut State Department of Education Circular Letter C-2, Series 2014-  
2015 (July 14, 2014)

Connecticut State Department of Education Circular Letter C-1, Series 2018-  
2019 (July 12, 2018)

Connecticut State Department of Education Circular Letter C-1, Series 2019-  
2020 (July 16, 2019)

8/22/2019

**SAMPLE NOTICE REGARDING CHILD CARE CENTERS AND SCHOOL  
READINESS PROGRAMS ADMINISTERED BY PUBLIC SCHOOL SYSTEMS**

This [**child care center/school readiness program**] is administered by the \_\_\_\_\_ Board of Education. State law exempts public school districts from licensure by the Office of Early Childhood. Thus, the \_\_\_\_\_ Board of Education is not licensed by the Office of Early Childhood to provide this [**child care center service/school readiness program**].

8/11/16

**MANAGEMENT PLAN AND GUIDELINES FOR STUDENTS WITH FOOD ALLERGIES, GLYCOGEN STORAGE DISEASE AND/OR DIABETES**  
**[or use district’s plan]**

The [\_\_\_\_\_] Public Schools (the “district”) recognize that food allergies, glycogen storage disease and diabetes may be life threatening. For this reason, the district is committed to developing strategies and practices to minimize the risk of accidental exposure to life threatening food allergens and to ensure prompt and effective medical response should a student suffer an allergic reaction while at school. The district is also committed to appropriately managing and supporting students with glycogen storage disease and diabetes. The district further recognizes the importance of collaborating with parents, adult students (defined as students age eighteen (18) and older) and appropriate medical staff in developing such practices and encourages strategies to enable the student to become increasingly proactive in the care and management of his/her food allergy, glycogen storage disease or diabetes, as developmentally appropriate. To this end, the district adopt the following guidelines related to the management of life threatening food allergies, glycogen storage disease, and diabetes for students enrolled in district schools.

**I. Identifying Students with Life-Threatening Food Allergies and/or Glycogen Storage Disease**

Early identification of students with life-threatening food allergies, diabetes and/or glycogen storage disease (GSD) is important. The district therefore encourages parents/guardians of students and adult students with life-threatening food allergies to notify the school of the allergy, providing as much medical documentation about the extent and nature of the food allergy as is known, as well as any known effective treatment for the allergy. The district also encourages parents/guardians of students and adult students with GSD and diabetes to notify the school of the disease, providing as much medical documentation about the type of GSD or diabetes, nature of the disease, and current treatment of the student.

Students with life-threatening food allergies and diabetes are virtually always students with disabilities and should be referred to a Section 504 team, which will make a final determination concerning the student’s eligibility for services under Section 504. The Section 504 team may determine that the only services needed are in the student’s Individualized Health Care Plan (IHCP) and/or Emergency Care Plan (ECP); in that case, the IHCP and/or ECP will also serve as the student’s Section 504 plan. The Section 504 team will also ensure that parents receive appropriate notice and are informed of their rights under Section 504, including their right to request an impartial hearing if they disagree with the provisions in the Section 504 plan.

Students with GSD and less severe food allergies should be referred to a Section 504 team if there is reason to believe that the student’s GSD or food allergy substantially limits a major life activity. To determine whether a food allergy is severe enough to

substantially limit a major life activity, the team should consider the impact on the student when the student has been exposed to the allergen and has not yet received treatment.

Major life activities include, but are not limited to:

(i) Caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, sitting, reaching, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, interacting with others, and working; and

(ii) The operation of a major bodily function, including functions of the immune system, special sense organs and skin; normal cell growth; and digestive, genitourinary, bowel, bladder, neurological, brain, respiratory, circulatory, cardiovascular, endocrine, hemic, lymphatic, musculoskeletal, and reproductive functions. The operation of a major bodily function includes the operation of an individual organ within a body system.

## **II. Individualized Health Care Plans and Emergency Care Plans**

1. If the district obtains medical documentation that a student has a life-threatening food allergy, GSD, or diabetes, the district shall develop an IHCP for the student. Each IHCP should contain information relevant to the student's participation in school activities.
2. The IHCP shall be developed by a group of individuals, which shall include the parents, the adult student, if applicable, and appropriate school personnel. Such personnel may include, but are not limited to, the school nurse, school or food service administrator(s), classroom teacher(s) and the student, if appropriate. The school may also consult with the school's medical advisor, as needed.
3. IHCPs are developed for students with special health needs or whose health needs require daily interventions. The IHCP describes how to meet the student's health and safety needs within the school environment and should address the student's needs across school settings. Information to be contained in an IHCP should include a description of the functional health issues (diagnoses); student objectives for promoting self-care and age appropriate independence; and the responsibilities of parents, school nurse and other school personnel. The IHCP may also include strategies to minimize the allergic student's risk for exposure. For the student with life-threatening food allergies, GSD, or diabetes, the IHCP may include strategies designed to ameliorate risks associated with such disease and support the student's participation in the classroom. IHCPs for such students may include such considerations:

- a. classroom environment, including allergy free considerations, or allowing the student with GSD or diabetes to have food/dietary supplements when needed;
  - b. cafeteria safety;
  - c. participation in school nutrition programs;
  - d. snacks, birthdays and other celebrations;
  - e. alternatives to food rewards or incentives;
  - f. hand-washing;
  - g. location of emergency medication;
  - h. who will provide emergency and routine care in school;
  - i. risk management during lunch and recess times;
  - j. special events;
  - k. field trips, fire drills and lockdowns;
  - l. extracurricular activities;
  - m. school transportation;
  - n. the provision of food or dietary supplements by the school nurse, or any school employee approved by the school nurse;
  - o. staff notification, including substitutes, and training; and
  - p. transitions to new classrooms, grades and/or buildings.
4. The IHCP should be reviewed annually, or whenever there is a change in the student's ECP, changes in self-monitoring and self-care abilities of the student, or following an emergency event requiring the administration of medication or the implementation of other emergency protocols.
  5. For a student with a life-threatening food allergy, GSD, or diabetes, the IHCP shall not prohibit a parent or guardian, or a person designated by such parent or guardian, to provide food or dietary supplements to a student with a life-threatening food allergy, GSD, or diabetes on school grounds during the school day.
  6. In addition to the IHCP, the district shall also develop an ECP for each student identified as having a life-threatening food allergy. The ECP is part of the IHCP and describes the specific directions about what to do in a medical emergency. For the student with a life-threatening food allergy, the ECP should include the following information:
    - a. The student's name and other identifying information, such as date of birth, grade and photo;
    - b. The student's specific allergy;
    - c. The student's signs and symptoms of an allergic reaction;
    - d. The medication, if any, or other treatment to be administered in the event of exposure;
    - e. The location and storage of the medication;
    - f. Who will administer the medication (including self-administration options, as appropriate);

- g. Other emergency procedures, such as calling 911, contacting the school nurse, and/or calling the parents or physician;
  - h. Recommendations for what to do if the student continues to experience symptoms after the administration of medication; and
  - i. Emergency contact information for the parents/family and medical provider.
- 7. In addition to the IHCP, the district shall also develop an ECP for each student identified as having GSD and/or diabetes. The ECP is part of the IHCP and describes the specific directions about what to do in a medical emergency. For the student with GSD or diabetes, the ECP should include the following information, as may be appropriate:
  - a. The student's name and other identifying information, such as date of birth, grade and photo;
  - b. Information about the disease or disease specific information (i.e. type of GSD or diabetes);
  - c. The student's signs and symptoms of an adverse reaction (such as hypoglycemia);
  - d. The medication, if any, or other treatment to be administered in the event of an adverse reaction or emergency (i.e. Glucagon or insulin)
  - e. The location and storage of the medication;
  - f. Who will administer the medication (including self-administration options, as appropriate);
  - g. Other emergency procedures, such as calling 911, contacting the school nurse, and/or calling the parents or physician;
  - h. Recommendations for what to do if the student continues to experience symptoms after the administration of medication; and
  - i. Emergency contact information for the parents/family and medical provider.
- 8. In developing the ECP, the school nurse should obtain current medical documentation from the parents/family and the student's health care provider, including the student's emergency plan and proper medication orders. If needed, the school nurse or other appropriate school personnel, should obtain consent to consult directly with the student's health care providers to clarify medical needs, emergency medical protocol and medication orders.
- 9. A student identified as having a life-threatening food allergy, GSD, or diabetes is entitled to an IHCP and an ECP, regardless of his/her status as a student with a disability, as that term is understood under Section 504 of the Rehabilitation Act of 1973 ("Section 504"), or the Individuals with Disabilities Education Act ("IDEA").

10. The district shall ensure that the information contained in the IHCP and ECP is distributed to any school personnel responsible for implementing any provisions of the IHCP and/or ECP, and that any procedures in the IHCP and/or ECP comply with the district's policies and procedures regarding the administration of medications to students.
11. When making eligibility determinations under Section 504 and/or the IDEA, schools must consider the student's needs on an individualized, case-by-case basis.

### **III. Training/Education**

1. The district shall provide appropriate education and training for school personnel regarding the management of students with life-threatening food allergies, GSD, and diabetes. Such training may include an overview of life-threatening food allergies, GSD and diabetes; prevention strategies; IHCPs and ECPs; and food safety and sanitation. Training shall also include, as appropriate for each school (and depending on the specific needs of the individual students at the school), training in the administration of medication with cartridge injectors (i.e. epi-pens), and/or the specific preventative strategies to minimize the risk of exposure to life-threatening allergens and prevent adverse reactions in students with GSD and diabetes (such as the provision of food or dietary supplements for students). School personnel will be also be educated on how to recognize symptoms of allergic reactions and/or symptoms of low blood sugar, as seen with GSD and diabetes, and what to do in the event of an emergency. Staff training and education will be coordinated by **[insert name of appropriate administrator/school nurse]**. Any such training regarding the administration of medication shall be done accordance with state law and Board policy.
2. Each school within the district shall also provide age-appropriate information to students about food allergies, GSD and diabetes, how to recognize symptoms of an allergic reaction and/or low blood sugar emergency and the importance of adhering to the school's policies regarding food and/or snacks.

### **IV. Prevention**

Each school within the district will develop appropriate practices to minimize the risk of exposure to life-threatening allergens, as well as the risks associated with GSD and diabetes. Practices that may be considered may include, but are not limited to:

1. Encouraging handwashing;
2. Discouraging students from swapping food at lunch or other snack/meal times;

3. Encouraging the use of non-food items as incentives, rewards or in connection with celebrations;
4. Training staff in recognizing symptoms of anaphylaxis and hypoglycemia; and
5. Planning for school emergencies, to include consideration of the need to access medication, food and/or dietary supplements.

**V. Communication**

1. As described above, the school nurse shall be responsible for coordinating the communication among parents, a student's individual health care provider and the school regarding a student's life-threatening allergic condition, GSD, and/or diabetes. School staff responsible for implementing a student's IHCP will be notified of their responsibilities and provided with appropriate information as to how to minimize risk of exposure and/or alterations in blood sugar levels and how to respond in the event of such emergency.
2. Each school will ensure that there are appropriate communication systems available within each school (i.e. telephones, cell phones, walkie-talkies) and for off-site activities (i.e. field trips) to ensure that school personnel are able to effectively respond in case of emergency.
3. The district shall develop standard letters to be sent home to parents, whenever appropriate, to alert them to food restrictions within their student's classroom or school.
4. All district staff are expected to follow district policy and/or federal and state law regarding the confidentiality of student information, including medical information about the student.
5. The district shall make the Management Plan and Guidelines for Students with Food Allergies, Glycogen Storage Disease and/or Diabetes available on the Board's website.
6. The district shall provide annual notice to parents and guardians regarding the Management Plan and Guidelines for Students with Food Allergies, Glycogen Storage Disease and/or Diabetes. Such notice shall be provided in conjunction with the annual written statement provided to parents and guardians regarding pesticide applications in the schools.

**VI. Monitoring the District's Plan and Procedures**

The district should conduct periodic assessments of its Management Plan and Guidelines for Students with Food Allergies, Glycogen Storage Disease and/or Diabetes. Such assessments should occur at least annually and after each emergency event

involving the administration of medication to a student with a life-threatening food allergy, GSD or diabetes to determine the effectiveness of the process, why the incident occurred, what worked and what did not work.

The Superintendent shall annually attest to the Department of Education that the District is implementing the Management Plan and Guidelines for Students with Food Allergies, Glycogen Storage Disease and/or Diabetes.

8/28/19

**NON-DISCRIMINATION**  
***[SAMPLE STATEMENT FOR STUDENT PUBLICATIONS OR USE DISTRICT  
SPECIFIC PROCEDURE]***

The Board of Education complies with all applicable federal, state and local laws prohibiting the exclusion of any person from any of its educational programs or activities, or the denial to any person of the benefits of any of its educational programs or activities because of race, religion, color, national origin, alienage, sex, sexual orientation, marital status, age, disability (including pregnancy), veteran status, or gender identity or expression, subject to the conditions and limitations established by law.

It is the policy of the Board that any form of discrimination or harassment on the basis of race, religion, color, national origin, alienage, sex, sexual orientation, marital status, age, disability (including pregnancy), veteran status, gender identity or expression, or any other basis prohibited by state or federal law is prohibited, whether by students, Board employees or third parties subject to the control of the Board. The Board's prohibition of discrimination or harassment in its educational programs or activities expressly extends to academic, nonacademic and extracurricular activities, including athletics. It is also the policy of the Board to provide for the prompt and equitable resolution of complaints alleging any discrimination on the basis of protected characteristics such as race, color, religion, age, sex, sexual orientation, marital status, national origin, alienage, disability (including pregnancy), veteran status, or gender identity or expression.

For the purposes of this policy, "veteran" means any person honorably discharged, or released under honorable conditions from active service in, the United States Army, Navy, Marine Corps, Coast Guard and Air Force, and any reserve component thereof, including the Connecticut National Guard.

For the purposes of this policy, "gender identity or expression" means a person's gender-related identity, appearance or behavior, whether or not that gender-related identity, appearance or behavior is different from that traditionally associated with the person's physiology or assigned sex at birth, which gender-related identity can be shown by providing evidence including, but not limited to, medical history, care or treatment of the gender-related identity, consistent and uniform assertion of the gender-related identity or any other evidence that the gender-related identity is sincerely held, part of a person's core identity or not being asserted for an improper purpose.

Any student and/or parent/guardian wishing to file a complaint regarding discrimination may obtain a copy of the Board's complaint procedures and complaint form which are included in the Board's Administrative Regulations regarding Nondiscrimination/Students. These regulations accompany Board Policy # [INSERT POLICY # FOR STUDENTS/NONDISCRIMINATION POLICY] and are available online at [INSERT WEBSITE ADDRESS] or upon request from the main office of any district school.

If a complaint involves allegations or discrimination or harassment based on reasons such as gender/sex or disability, such complaints will be handled under other appropriate policies (e.g., Policy # [INSERT POLICY #] Students/Sex Discrimination and Harassment; Policy # [INSERT POLICY #] Section 504/ADA).

The following person has been designated to handle inquiries regarding the Board's non-discrimination policies:

[INSERT Non-discrimination coordinator contact information]

Any student and/or parent/guardian also may file a complaint with the Office for Civil Rights, U.S. Department of Education ("OCR"):

**Office for Civil Rights, Boston Office  
U.S. Department of Education  
8th Floor  
5 Post Office Square  
Boston, MA 02109- 3921  
(617) 289-0111  
<http://www2.ed.gov/about/offices/list/ocr/docs/howto.html>**

Any student and/or parent/guardian may also file a complaint with the Connecticut Commission on Human Rights and Opportunities:

**Connecticut Commission on Human Rights and Opportunities  
450 Columbus Blvd.  
Hartford, CT 06103-1835  
(800-477-5737) [Insert name/title, address, telephone number of person(s)]**

Anyone who has questions or concerns about this policy, or would like a copy of the Board's complaint procedures or complaint forms related to claims of discrimination, may contact:

**[Insert name/title, address, telephone number of person(s)]**

Anyone who has questions or concerns about the Board's policies regarding discrimination on the basis of gender/sex may contact the Board's Title IX Coordinator:

**[Insert name/title, address, telephone number]**

Anyone who has questions or concerns about the Board's policies regarding discrimination on the basis of disability may contact the Board's Section 504/ADA Coordinator:

**[Insert name/title, address, telephone number]**

## **ADMINISTRATIVE REGULATIONS REGARDING DISCRIMINATION COMPLAINTS (STUDENTS)**

It is the policy of the Board of Education that any form of discrimination or harassment on the basis of protected characteristics such as race, color, religion, age, sex, sexual orientation, marital status, national origin, alienage, disability (including pregnancy), veteran status, or gender identity or expression is forbidden, whether by students, Board employees or third parties subject to the control of the Board. Students, Board employees and third parties are expected to adhere to a standard of conduct that is respectful of the rights of all members of the school community.

It is also the policy of the Board to provide for the prompt and equitable resolution of complaints alleging any discrimination on the basis of protected characteristics such as race, color, religion, age, sex, sexual orientation, marital status, national origin, disability (including pregnancy), veteran status, or gender identity or expression.

If the complaint involves an allegation of discrimination based on disability or sex, the complainant should be referred to the Board's student policies and procedures related to Section 504 of the Rehabilitation Act/Americans with Disabilities Act (ADA) (for claims of discrimination and/or harassment based on disability) and Sex Discrimination/Sexual Harassment (for claims of discrimination and/or harassment based on sex).

Any student and/or parent/guardian wishing to file a complaint regarding discrimination may obtain a copy of the Board's complaint procedures and complaint form which are included in the Board's Administrative Regulations Regarding Non-Discrimination/Students. These regulations accompany Board Policy #\_\_\_\_\_ [Insert Policy # for Students/Non-Discrimination Policy] and are available online at [Insert website address for Board policies] or upon request from the main office of any district school.

If a complaint involves allegations of discrimination or harassment based on reasons such as gender/sex or disability, such complaints will be handled under other appropriate policies (e.g., Policy #\_\_\_\_\_ [Insert Policy #], Students/Sex Discrimination and Harassment; Policy #\_\_\_\_\_ [Insert Policy #], Section 504/ADA).

All other complaints by a student or parents/guardians alleging discrimination against a student on the basis of the protected characteristics listed herein should file a written complaint with:

**[INSERT HERE THE NAMES AND CONTACT INFORMATION OF  
APPROPRIATE SCHOOL PERSONNEL]**

Preferably, complaints should be filed within thirty (30) days of the alleged occurrence. Timely reporting of complaints facilitates the investigation and resolution of such complaints. The district will investigate such complaints promptly and equitably, and will take corrective action when allegations are verified.

The district will not tolerate any reprisals or retaliation that occur as a result of the good faith reporting of charges of harassment or discrimination on the basis of race, color, religion, age, sex, sexual orientation, marital status, national origin, alienage, disability (including pregnancy), veteran status, or gender identity or expression. Any such reprisals or retaliation will result in disciplinary action against the retaliator, and other corrective actions as appropriate.

The school district will periodically provide staff development for district administrators and periodically distribute this Policy and the implementing Administrative Regulations to staff and students in an effort to maintain an environment free of harassment and discrimination.

### Complaint Procedure

As soon as a student feels that he or she has been subjected to discrimination or harassment on the basis of race, color, religion, age, sex, sexual orientation, marital status, national origin, alienage, disability (including pregnancy), veteran status, or gender identity or expression, he/she should make a written complaint to **[INSERT HERE THE NAMES OF APPROPRIATE SCHOOL PERSONNEL]** or to the building principal, or his/her designee. The student will be provided a copy of the Board's policy and regulation and made aware of his or her rights.

The complaint should state the:

- A. Name of the complainant,
- B. Date of the complaint,
- C. Date(s) of the alleged harassment/discrimination,
- D. Name(s) of the harasser(s) or discriminator(s),
- E. Location where such harassment/discrimination occurred,
- F. Names of any witness(es) to the harassment/discrimination,
- G. Detailed statement of the circumstances constituting the alleged harassment/discrimination; and
- H. Proposed remedy.

Any student who makes an oral complaint of harassment or discrimination to any of the above-mentioned personnel will be provided a copy of this regulation and will be requested to make a written complaint pursuant to the above procedure. If a student (or individual acting on behalf of the student) is unable to make a written complaint, the

administrator receiving the oral complaint will either reduce the complaint to writing or assist the student (individual acting on behalf of the student) in completing the written complaint form.

All complaints are to be forwarded immediately to the Superintendent or his/her designee. Upon receipt of a complaint alleging harassment or discrimination under this complaint procedure, the Superintendent shall designate a district or school administrator to promptly investigate the complaint. During the course of the investigation, the investigator shall interview or consult with all individuals reasonably believed to have relevant information, including the complainant, the alleged harasser/discriminator and any witnesses to the conduct. Complaints will be investigated promptly within the timeframes identified below. Timeframes may be extended as needed given the complexity of the investigation, availability of individuals with relevant information and other extenuating circumstances. Confidentiality will be maintained by all persons involved in the investigation to the extent possible, as determined by the investigator.

Upon receipt of a written complaint of discrimination, the investigator should:

1. offer to meet with the complainant (and respondent, if applicable) within ten (10) business days (provided that such timeframe may be reasonably extended based on the availability of necessary witnesses and/or participants during the time when school is not in session) to discuss the nature of the complaint, identify individuals the complainant believes have relevant information, and obtain any relevant documents the complainant may have;
2. provide the complainant (and respondent, if applicable) with a copy of the Board's non-discrimination policy and accompanying regulations;
3. investigate the factual basis of the complaint, including, as applicable, conducting interviews with individuals deemed relevant to the complaint;
4. conduct an investigation that is adequate, reliable, and impartial. Investigate the factual basis for the complaint, including conducting interviews with individuals with information and review of documents relevant to the complaint;
5. maintain confidentiality to the extent practicable throughout the investigative process, in accordance with state and federal law;
6. communicate the outcome of the investigation in writing to the complainant (and respondent, if applicable) (to the extent permitted by state and federal confidentiality requirements), within thirty (30) business days (provided that such timeframe may be extended by fifteen (15) business days during periods of time when school is in session or reasonably extended based on the availability of necessary witnesses and/or participants during periods of time when school is not in session) from the date the complaint was received by the Superintendent's office. The complainant (and respondent, if applicable) shall

be notified of any extension of the investigation timeline. The written notice shall include a finding whether the complaint was substantiated and if so, shall identify, to the extent possible, how the district will remedy the discrimination or harassment, adhering to the requirements of state and federal law;

7. if a complaint is made during summer recess, the complaint will be reviewed and addressed as quickly as possible given the availability of staff and/or other individuals who may have information relevant to the complaint. If fixed timeframes cannot be met, the complainant (and respondent, if applicable) will receive notice and interim measures may be implemented as necessary (see subparagraph 6);
8. whenever allegations are verified, ensure that appropriate corrective action is taken (including, but not limited to, disciplinary action) aimed at preventing the recurrence of the harassment or discrimination. Corrective action should include steps to avoid continuing discrimination;
9. if the complainant (and/or respondent, if applicable) is not satisfied with the findings and conclusions of the investigation, the complainant (and/or respondent, if applicable) may present the complaint and written outcome to the Superintendent within thirty (30) calendar days of receiving the findings. Upon review of a written request from the complainant (and/or respondent, if applicable), the Superintendent shall review the investigative results of the investigator and determine if further action and/or investigation is warranted. Such action may include consultation with the investigator and complainant (and/or respondent, if applicable), a meeting with appropriate individuals to attempt to resolve the complaint, or a decision affirming or overruling the investigator's conclusions or findings. The Superintendent shall provide written notice to the complainant (and respondent, if applicable) of the proposed actions within fifteen (15) business days (provided that such timeframe may be reasonably extended based on the availability of necessary witnesses and/or participants during periods of time when school is not in session) following the receipt of the written request for review.

Any student and/or parent/guardian also may file a complaint with the Office for Civil Rights, U.S. Department of Education (“OCR”):

Office for Civil Rights, Boston Office  
U.S. Department of Education  
8th Floor  
5 Post Office Square  
Boston, MA 02109- 3921  
(617) 289-0111  
<http://www2.ed.gov/about/offices/list/ocr/docs/howto.html>

Any student and/or parent/guardian may also file a complaint with the Connecticut Commission on Human Rights and Opportunities:

Connecticut Commission on Human Rights and Opportunities  
450 Columbus Blvd.  
Hartford, CT 06103-1835  
(800-477-5737)

Anyone who has questions or concerns about this policy, or would like a copy of the Board’s complaint procedures or complaint forms related to claims of discrimination, may contact:

[Insert name/title, address, telephone number of person(s)]

Anyone who has questions or concerns about the Board’s policies regarding discrimination on the basis of gender/sex may contact the Board’s Title IX Coordinator:

[Insert name/title, address, telephone number]

Anyone who has questions or concerns about the Board’s policies regarding discrimination on the basis of gender/sex may contact the Board’s Section 504/ADA Coordinator:

[Insert name/title, address, telephone number] **[School districts are required by law to provide notice of parent/student rights under § 504. The ADA is also included in this notice because there is overlap between § 504 and the ADA. This suggested must be disseminated annually to parents. We recommend inclusion of this notice within your student handbook.]**

[ \_\_\_\_\_ ] PUBLIC SCHOOLS

**NOTICE OF PARENT/STUDENT RIGHTS  
UNDER SECTION 504 OF THE REHABILITATION ACT OF 1973  
AND TITLE II OF THE AMERICANS WITH DISABILITIES ACT OF 1990**

Section 504 of the Rehabilitation Act of 1973 (“Section 504”) is a non-discrimination statute enacted by the United States Congress. Section 504 prohibits discrimination on the basis of disability by recipients of federal funds. Title II of the Americans with Disabilities Act (“ADA” or “Title II”) also prohibits discrimination on the basis of disability by state and local governments. To be protected under Section 504 and the ADA (“collectively, “Section 504/ADA”) as an individual with a disability, an individual must (1) have a physical or mental impairment that substantially limits one or more major life activities; (2) have a record of such an impairment; or (3) be regarded as having such an impairment.

Under Section 504, the school district has specific responsibilities to identify, evaluate and provide an educational placement for students with a disability. The school district’s obligation includes providing such eligible students a free appropriate public education (“FAPE”). Section 504 defines FAPE as the provision of regular or special education and related services that are designed to meet the individual educational needs of a student with a disability as adequately as the needs of students without disabilities are met, and that are provided without cost (except for fees imposed on nondisabled students/parents).

A student is eligible for regular or special education and related services under Section 504 if it is determined that he/she has a mental or physical disability that substantially limits one or more major life activity such as (but not limited to): caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating and working. A major life activity may also include the operation of a major bodily function, such as an individual’s immune, digestive, respiratory or circulatory systems.

A student can have a disability and be covered by Section 504/ADA even if he/she does not qualify for, or receive, special education services under the IDEA.

The purpose of this notice is to provide parents/guardians and students 18 years of age or older with information regarding their rights under Section 504. Under Section 504, you have the right:

1. To be informed of your rights under Section 504;
2. To have your child take part in and receive benefits from the [ \_\_\_\_\_ ] School District’s education programs without discrimination based on his/her disability.

3. For your child to have equal opportunities to participate in academic, nonacademic and extracurricular activities in your school without discrimination based on his/her disability;
4. To be notified of decisions and the basis for decisions regarding the identification, evaluation, and educational placement of your child under Section 504;
5. If you suspect your child may have a disability, to request an evaluation, at no expense to you and to have an eligibility determination under Section 504 (and if eligible, placement decisions made) by a team of persons who are knowledgeable of your child, the assessment data, and any placement options;
6. If your child is eligible for services under Section 504, for your child to receive a free appropriate public education (FAPE). This includes the right to receive regular or special education and related services that are designed to meet the individual needs of your child as adequately as the needs of students without disabilities are met;
7. For your child to receive reasonable accommodations and services to allow your child an equal opportunity to participate in school, extra-curricular and school-related activities;
8. For your child to be educated with peers who do not have disabilities to the maximum extent appropriate;
9. To have your child educated in facilities and receive services comparable to those provided to non-disabled students;
10. To review all relevant records relating to decisions regarding your child's Section 504 identification, evaluation, and educational placement;
11. To examine or obtain copies of your child's educational records at a reasonable cost unless the fee would effectively deny you access to the records;
12. To request changes in the educational program of your child, to have your request and related information considered by the team, a decision made by the team, and if denied, an explanation for the team's decision/determination;
13. To request an impartial due process hearing if you disagree with the school district's decisions regarding your child's Section 504 identification, evaluation or educational placement. The costs for this hearing are borne by the local school district. You and the student have

the right to take part in the hearing and to have an attorney represent you at your expense;

14. To file a local grievance/complaint with the district's designated Section 504 Coordinator to resolve complaints of discrimination including, but not limited to, claims of discrimination directly related to the identification, evaluation or placement of your child; and
15. To file a formal complaint with the U.S. Department of Education, Office for Civil Rights.

The Section 504/ADA Coordinator for this district is:

**[Insert Name, Title, Address and Telephone Number]**

For additional assistance regarding your rights under Section 504 and Title II of the Americans with Disabilities Act, you may contact:

Office for Civil Rights, Boston Office  
U.S. Department of Education  
8th Floor  
5 Post Office Square  
Boston, MA 02109-0111  
(617) 289-0111.

8/18/16

***[Note: These procedures were developed by the State Department of Education and must be disseminated to all teachers, staff, parents, students and appropriate private school officials. Although we have included this notice in our model policy documents for the convenience of our Board of Education clients, the notice does not need to be approved as a Board policy. We recommend the procedures be included in the Student Handbook.]***

CONNECTICUT STATE DEPARTMENT OF EDUCATION  
Complaint Resolution Procedure  
Elementary and Secondary Education Act  
34 Code of Federal Regulations (CFR) Part 299(10)(a)

I. Filing of Complaint

A. Violation of Law

A written complaint may be filed by an organization or individual with the Connecticut Commissioner of Education alleging that the state educational agency (SEA) or an agency or consortium of agencies is violating a federal statute or regulation that applies to the following applicable programs:

1. Part A of Title I (Improving Basic Programs Operated by Local Educational Agencies).
2. Part B, Subpart 1 of Title I (Reading First).
3. Part B, Subpart 3 of Title I (Even Start Family Literacy Programs).
4. Part D of Title I (Children and Youth Who Are Neglected, Delinquent, or At Risk of Dropping Out).
5. Part A of Title II (Teacher and Principal Training and Recruiting Fund).
6. Part D of Title II (Enhancing Education Through Technology).
7. Part A of Title III (English Language Acquisition, Language Enhancement, and Academic Achievement Act).
8. Part B, Subpart 4 of Title III (Emergency Immigrant Education Program).
9. Part A of Title IV (Safe and Drug-Free Schools and Communities).
10. Part A of Title V (Innovative Programs).

B. Review of an Appeal

A written complaint may be filed by an individual with the Connecticut Commissioner of Education appealing the decision of an agency or consortium of agencies based on prior written complaint presented by an individual to such agency or consortium of agencies.

C. Content of Complaint

The complaint shall be in writing, signed by the complainant and contain the following:

1. A statement that the SEA or an agency or consortium of agencies has violated a requirement of federal statutes or regulation regarding the applicable program, or in the case of an appeal, a statement of aggrievement with the decision rendered by the agency or consortium of agencies based on a prior written complaint.
2. A clear and concise description of the facts on which the statement is based and the specific alleged violation or aggrievement.
3. A description of prior efforts to resolve the complaint, including information demonstrating that the SEA, agency or consortium of agencies has taken action adverse to the complaint or has refused or failed to take action within a reasonable period of time.
4. Complainant's and respondent's name, address and telephone number.
5. Other materials or documents containing information which support or clarify the statement.

II. Review of Complaint

A. Analysis

Within three business days of the receipt of the complaint, the Commissioner shall assign a review official. Within five business days of the assignment, the review official shall determine whether the complaint has been properly filed in accordance with Section I. If necessary, the review official shall interview the complainant.

B. Dismissal of Complaint

The review official may dismiss the complaint in writing stating an explanation for such action. The grounds for dismissal shall include, but not limited to, the following:

1. Failure to file a proper complaint pursuant to Section I.
2. The allegations fail to state a bona fide violation of federal statute or regulations by the SEA or an agency or consortium of agencies.
3. The allegations fail to state a bona fide aggrievement with the decision rendered by an agency or consortium of agencies based on prior written complaint.
4. The allegations were not caused by the actions or failure to act by the SEA, agency or consortium of agencies.

### III. Notification of Complaint and Investigation

If a complaint is not dismissed, the review official shall forward the complaint to the respondent immediately along with a copy of the Complaint Resolution Procedures.

### IV. Response to Complaint

Within 10 business days of the receipt of the complaint from the review official, the respondent shall file with the Commissioner a written response to the complaint.

#### A. Content of Response

The response shall address each and every allegation of the complaint and shall list the respondent's name, address and telephone number.

#### B. Interview

The review official or the respondent may request an interview to discuss the response and to resolve the dispute informally.

### V. Complaint Investigation

Upon completion of Section IV or the failure of the respondent to file a response, the review official shall conduct an investigation. All parties may be duly notified that an investigation has begun. At any time during the investigation, the review official shall attempt to resolve the dispute informally.

Within 60 calendar days of the receipt of the complaint, an investigation of the complaint shall be completed and a written report shall be mailed to both parties. Information shall be gathered in a timely manner, while minimizing any inconvenience or disruption to the complainant or respondent.

Concerning a review of an appeal of the decision of an agency or consortium of agencies, the review official may elect to disregard the procedures contained in this section using in lieu thereof the following abbreviated procedure.

1. Review all of the appropriate records and determine whether the decision of the agency or consortium of agencies shall be affirmed, reversed or modified.
2. Draft a letter of review of an appeal addressing, but not limited to, the issue in dispute, the facts found, the affirmation, reversal or modification of the lower decision and recommendation for improved practices, policies or procedures.

A. Data Collection

The complainant and respondent shall provide the review official with copies of all relevant records requested in writing. Telephone interviews of the complainant, respondent and others with knowledge of the allegations may be conducted.

Pursuant to 34 CFR 99-35(a) the review official, acting on behalf of the SEA, is authorized to have access to education records in connection with an evaluation of federal or state-supported education programs or for the enforcement of or compliance with federal legal requirements which relate to those programs.

B. Independent On-Site Investigation

The review official may conduct an on-site visit to investigate the complaint if the official deems it necessary.

Any on-site visit shall be coordinated with the respondent.

C. Complaint Investigation Report

The Complaint Investigation Report shall be completed by the review official and mailed to the parties within 60 calendar days of the receipt of the complaint by the SEA. The Commissioner may grant an extension for the completion of the report on written request of the review official or respondent if exceptional circumstances exist with respect to the particular complaint. Such extension shall be in writing and shall be mailed to the parties.

The report shall contain the following contents:

1. Summary of all investigation activities including, but not limited to, date of receipt of complaint, allegations, parties interviewed, documents received and dates of on-site visits.
2. Specific allegation of the complaint, the findings of fact, conclusions and final decisions rendered regarding each allegation, including citation to applicable federal statute or regulation.
3. Specific corrective action plan that resolves the complaint or ensures future compliance of the respondent regarding the violation of federal statute or regulation.
4. Recommendations for improved practices, policies or procedures shall be offered when no violation of federal statute or regulation is found.

D. Corrective Action Plan

If the Complaint Investigation Report finds that the respondent is violating federal statute or regulations, the respondent shall be requested to submit a corrective action plan within a specified period of time as determined by the review official.

Respondent may request technical assistance from the SEA in order to prepare a plan to achieve compliance.

VI. Review of Final Decision

The complainant may file a written request with the Secretary of the U.S. Department of Education to review the final decision of the SEA.

All local educational agencies shall disseminate information about the complaint procedures to teachers, staff, parents and appropriate private school officials or representatives.

A private school official shall have the right to complain that a local educational agency did not engage in consultation that was meaningful and timely, or did not give due consideration to the views of the private school official.

7/29/08

**[DISCIPLINE EXCERPT FOR HANDBOOKS, OR USE DISTRICT SPECIFIC  
NOTICE]**

***Temporary revisions have been made related to the COVID-19 pandemic to Section I of the Student Discipline annual notice. Temporary changes appear in highlighted bold italics.***

Students may be **suspended** for conduct on school grounds or at any school-sponsored activity that **violates a publicized policy of the Board or is seriously disruptive of the educational process or endangers persons or property.**

Students may be **expelled** for conduct on school grounds or at any school-sponsored activity that either **(1) violates a publicized policy of the Board and is seriously disruptive of the educational process, or (2) endangers persons or property.**

Students may also be suspended or expelled for conduct off school grounds if such conduct **violates a publicized policy of the Board and is seriously disruptive of the educational process.**

The [\_\_\_\_\_] Board of Education's entire policy governing student conduct and school discipline, Policy #[\_\_\_], may be viewed at [*insert website*].

I. Actions Leading to Disciplinary Action, including Removal from Class, Suspension and/or Expulsion

Conduct that is considered to violate a publicized policy of the Board of Education includes the offenses described below. Any such conduct may lead to disciplinary action (including, but not limited to, removal from class, suspension and/or expulsion in accordance with this policy):

1. Striking or assaulting a student, members of the school staff or other persons.
2. Theft.
3. The use of obscene or profane language or gestures, the possession and/or display of obscenity or pornographic images or the unauthorized or inappropriate possession and/or display of images, pictures or photographs depicting nudity.
4. Violation of smoking, dress, transportation regulations, or other regulations and/or policies governing student conduct.

5. Refusal to obey a member of the school staff, law enforcement authorities, or school volunteers, or disruptive classroom behavior.
6. Any act of harassment based on an individual's sex, sexual orientation, race, color, religion, disability, national origin, ancestry, gender identity or expression, or any other characteristic protected by law
7. Refusal by a student to identify himself/herself to a staff member when asked, misidentification of oneself to such person(s), lying to school officials or otherwise engaging in dishonest behavior.
8. Inappropriate displays of public affection of a sexual nature and/or sexual activity on school grounds or at a school-sponsored activity.
9. A walk-out from or sit-in within a classroom or school building or school grounds.
10. Blackmailing, threatening or intimidating school staff or students (or acting in a manner that could be construed to constitute blackmail, a threat, or intimidation, regardless of whether intended as a joke).
11. Possession of any weapon, weapon facsimile, deadly weapon, martial arts weapon, electronic defense weapon, pistol, knife, blackjack, bludgeon, box cutter, metal knuckles, pellet gun, air pistol, explosive device, firearm, whether loaded or unloaded, whether functional or not, or any other dangerous object or instrument. The possession and/or use of any object or device that has been converted or modified for use as a weapon.
12. Possession of any ammunition for any weapon described above in paragraph 11.
13. Unauthorized entrance into any school facility or portion of a school facility or aiding or abetting an unauthorized entrance.
14. Possession or ignition of any fireworks, combustible or other explosive materials, or ignition of any material causing a fire. Possession of any materials designed to be used in the ignition of combustible materials, including matches and lighters.
15. Possession, sale, distribution, use, or consumption of tobacco, electronic nicotine delivery systems (e.g. e-cigarettes), or vapor products, or the unlawful possession, sale, distribution, use or consumption of drugs, narcotics or alcoholic beverages (or any

facsimile of tobacco, drugs, narcotics or alcoholic beverages, or any item represented to be tobacco, drugs or alcoholic beverages), including being under the influence of any such substances or aiding in the procurement of any such substances. For the purposes of this paragraph 15, the term “electronic nicotine delivery system” shall mean an electronic device used in the delivery of nicotine or other substances to a person inhaling from the device, and includes, but is not limited to, an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe or electronic hookah, and any related device and any cartridge or other component of such device, including, but not limited to, electronic cigarette liquid. For the purposes of this Paragraph 15, the term “vapor product” shall mean any product that employs a heating element, power source, electronic circuit, or other electronic, chemical or mechanical means, regardless of shape or size, to produce a vapor that may or may not include nicotine and that is inhaled by the user of such product. For the purposes of this Paragraph 15, the term "drugs" shall include, but shall not be limited to, any medicinal preparation (prescription and non-prescription) and any controlled substance whose possession, sale, distribution, use or consumption is illegal under state and/or federal law.

16. Sale, distribution, or consumption of substances contained in household items; including, but not limited to glue, paint, accelerants/propellants for aerosol canisters, and/or items such as the aerators for whipped cream; if sold, distributed or consumed for the purpose of inducing a stimulant, depressant, hallucinogenic or mind-altering effect.
17. Possession of paraphernalia used or designed to be used in the consumption, sale or distribution of drugs, alcohol or tobacco, as described in subparagraph (15) above. For purposes of this policy, drug paraphernalia includes any equipment, products and materials of any kind which are used, intended for use or designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing or concealing, or injecting, ingesting, inhaling or otherwise introducing controlled drugs or controlled substances into the human body, including but not limited to items such as "bongs," pipes, "roach clips," vials, tobacco rolling papers, and any object or container used, intended or designed for use in storing, concealing, possessing, distributing or selling controlled drugs or controlled substances.

18. The destruction of real, personal or school property, such as, cutting, defacing or otherwise damaging property in any way.
19. Accumulation of offenses such as school and class tardiness, class or study hall cutting, or failure to attend detention.
20. Trespassing on school grounds while on out-of-school suspension or expulsion.
21. Making false bomb threats or other threats to the safety of students, staff members, and/or other persons.
22. Defiance of school rules and the valid authority of teachers, supervisors, administrators, other staff members and/or law enforcement authorities.
23. Throwing snowballs, rocks, sticks and/or similar objects, except as specifically authorized by school staff.
24. Unauthorized and/or reckless and/or improper operation of a motor vehicle on school grounds or at any school-sponsored activity.
25. Leaving school grounds, school transportation or a school-sponsored activity without authorization.
26. Use of or copying of the academic work of another individual and presenting it as the student's own work, without proper attribution; or any other form of academic dishonesty, cheating or plagiarism.
27. Possession and/or use of a cellular telephone, radio, portable audio cassette player, CD player, blackberry, personal data assistant, walkie talkie, Smartphone, mobile or handheld device, or similar electronic device, on school grounds or at a school-sponsored activity in violation of Board policy and/or administrative regulations regulating the use of such devices.
28. Possession and/or use of a beeper or paging device on school grounds or at a school-sponsored activity without the written permission of the principal or his/her designee.
29. Unauthorized use of or tampering with any school computer, computer system, computer software, Internet connection or similar school property or system, or the use of such property or system for inappropriate purposes.

30. Possession and/or use of a laser pointer, unless the student possesses the laser pointer temporarily for an educational purpose while under the direct supervision of a responsible adult.
31. Hazing.
32. Bullying, defined as the repeated use by one or more students of a written, oral or electronic communication, such as cyberbullying, directed at another student attending school in the same district, or a physical act or gesture by one or more students repeatedly directed at another student attending school in the same school district, which:
  - a) causes physical or emotional harm to such student or damage to such student's property;
  - b) places such student in reasonable fear of harm to himself or herself, or of damage to his or her property;
  - c) creates a hostile environment at school for such student;
  - d) infringes on the rights of such student at school; or
  - e) substantially disrupts the education process or the orderly operation of a school.

Bullying includes, but is not limited to, repeated written, oral or electronic communications or physical acts or gestures based on any actual or perceived differentiating characteristics, such as race, color, religion, ancestry, national origin, gender, sexual orientation, gender identity or expression, socioeconomic status, academic status, physical appearance, or mental, physical, developmental or sensory disability, or by association with an individual or group who has or is perceived to have one or more of such characteristics.

33. Cyberbullying, defined as any act of bullying through the use of the Internet, interactive and digital technologies, cellular mobile telephone or other mobile electronic devices or any electronic communications.
34. Acting in any manner that creates a health and/or safety hazard for staff members, students, or the public, regardless of whether the conduct is intended as a joke, ***including but not limited to violating school or district health and safety protocols developed***

***in connection with the COVID-19 pandemic, such as, but not limited to, physical distancing and mask-wearing requirements.***

35. Engaging in a plan to stage or create a violent situation for the purposes of recording it by electronic means; or recording by electronic means acts of violence for purposes of later publication.
36. Engaging in a plan to stage sexual activity for the purposes of recording it by electronic means; or recording by electronic means sexual acts for purposes of later publication.
37. Using computer systems, including email, ***distance learning platforms***, instant messaging, text messaging, blogging, or the use of social networking websites, or other forms of electronic communications, to engage in any conduct prohibited by this policy.
38. Use of a privately owned electronic or technological device in violation of school rules, including the unauthorized recording (photographic or audio) of another individual without permission of the individual or a school staff member.
39. Engaging in teen dating violence, defined as any act of physical, emotional, or sexual abuse, including stalking harassing, and threatening, that occurs between two students who are currently in or have recently been in a dating relationship.
40. Any action prohibited by any Federal or State law.
41. Any other violation of school rules or regulations or a series of violations which makes the presence of the student in school seriously disruptive of the educational process and/or a danger to persons or property.

## II. Discretionary and Mandatory Expulsions

- A. A principal may consider recommendation of expulsion of a student in grades three (3) through twelve (12), inclusive, in a case where he/she has reason to believe the student has engaged in conduct described at sections I.A or I.B. above.
- B. A principal must recommend expulsion proceedings in all cases against any student in grades kindergarten through twelve (12), inclusive, whom the administration has reason to believe:

1. was in **possession on school grounds** or at a **school-sponsored activity** of a **deadly weapon, dangerous instrument, martial arts weapon, or firearm** as defined in 18 U.S.C. § 921 as amended from time to time; or
  2. **off school grounds, possessed a firearm** as defined in 18 U.S.C. § 921, in violation of Conn. Gen. Stat. § 29-35, or **possessed and used a firearm** as defined in 18 U.S.C. § 921, a **deadly weapon, a dangerous instrument** or a **martial arts weapon** in the **commission of a crime** under chapter 952 of the Connecticut General Statutes; or
  3. was engaged **on or off school grounds in offering for sale or distribution a controlled substance** (as defined in Conn. Gen. Stat. § 21a-240(9)), whose manufacturing, distribution, sale, prescription, dispensing, transporting, or possessing with intent to sell or dispense, offering or administering is subject to criminal penalties under Conn. Gen. Stat. §§21a-277 and 21a-278.
- C. In any preschool program provided by the Board of Education or provided by a regional educational service center or a state or local charter school pursuant to an agreement with the Board of Education, no student enrolled in such a preschool program shall be expelled from such preschool program, except an expulsion hearing shall be conducted by the Board of Education in accordance with Board policy whenever the administration has reason to believe that that a student enrolled in such preschool program was in possession of a firearm as defined in 18 U.S.C. § 921, as amended from time to time, on or off school grounds or at a preschool program-sponsored event.

8/25/2019

## **Model Notification of Rights Under FERPA for Elementary and Secondary Institutions**

*[NOTE: Under the procedures outlined in the policy, the following information will be disclosed on an annual basis to parents of students currently in attendance, or eligible students currently in attendance.]*

The Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. § 1232g, et seq., affords parents and eligible students (*i.e.*, students over 18, emancipated minors, and those attending post-secondary educational institutions) certain rights with respect to the student's education records. They are:

(1) The right to inspect and review the student's education records within forty-five (45) calendar days of the day the District receives a request for access.

Parents or eligible students should submit to the school principal [**or appropriate school official**] a written request that identifies the record(s) they wish to inspect. The principal [**or appropriate school official**] will make arrangements for access and notify the parents or eligible student of the time and place where the records may be inspected.

(2) The right to request the amendment of the student's education records that the parents or eligible student believe are inaccurate or misleading, or otherwise violate the student's privacy rights.

Parents or eligible students who wish to ask the District to amend a record should write the school principal [**or appropriate school official**], clearly identify the part of the record the parents or eligible student want changed, and specify why it should be changed.

If the District decides not to amend the record as requested by the parents or eligible student, the District will notify the parents or eligible student of the decision and advise them of their right to a hearing regarding the request for amendment. Additional information regarding the hearing procedures will be provided to the parents or eligible student when notified of the right to a hearing.

(3) The right to privacy of personally identifiable information in the student's education records, except to the extent that FERPA authorizes disclosure without consent.

One exception that permits disclosure without consent is disclosure to a school official with legitimate interests. A school official is a person employed by the District as an administrator, supervisor, instructor or support staff member (including health or medical staff and law enforcement unit personnel); a person serving on the Board of Education; a person or company with whom the District has outsourced services or functions it would otherwise use its own employees to perform (such as an attorney,

auditor, medical consultant, or therapist); or a parent or student serving on an official committee, such as a disciplinary or grievance committee; or a parent, student, or other volunteer assisting another school official in performing his or her tasks. A school official has a legitimate educational interest if the official needs to review an education record in order to fulfill his or her professional responsibility.

Upon request, the District discloses a student's education record without consent to officials of another school, including other public schools, charter schools, and post-secondary institutions, in which the student seeks or intends to enroll, or is already enrolled if the disclosure is for purposes of the student's enrollment or transfer. Further, and in accordance with state and federal law and guidance, the District may disclose education records to another school for enrollment purposes, which may include exploration of educational placement options by the District or educational placement decisions made by a planning and placement or Section 504 team, or in order to explore placement options for the provision of alternative educational opportunities.

(4) The right to file a complaint with the U.S. Department of Education concerning alleged failures by the District to comply with the requirements of FERPA. The name and address of the office that administers FERPA is:

Family Policy Compliance Office  
U.S. Department of Education  
400 Maryland Avenue, S.W.  
Washington, DC 20202-8520

***[Note: In addition, a school district may want to include a directory information public notice, as required by the regulations, 34 CFR § 99.37, with its annual notification of rights under FERPA. The following two paragraphs are recommended for inclusion and must be included in the annual notification if the school district wants to be able to disclose "Directory Information" under II.B of the Student Records Policy:]***

Unless notified in writing by a parent or eligible student to the contrary within two weeks of the date of this notice, the school district will be permitted to disclose "Directory Information" concerning a student, without the consent of a parent or eligible student. Directory Information includes information contained in an education record of a student that would not generally be considered harmful or an invasion of privacy if disclosed. It includes, but is not limited to, the parent's name, address and/or e-mail address, the student's name, address, telephone number, e-mail address, photographic, computer and/or video images, date and place of birth, major field(s) of study, grade level, enrollment status (full-time; part-time), participation in school-sponsored activities or athletics, weight and height (if the student is a member of an athletic team), dates of attendance, degrees, honors and awards received, the most recent previous school(s) attended and student identification numbers for the limited purposes of displaying a student identification card. The student identification number, however, will not be the only identifier used when obtaining access to education records or data. Directory

information does not include a student's social security number, student identification number or other unique personal identifier used by the student for purposes of accessing or communicating in electronic systems unless the identifier cannot be used to gain access to education records except when used in conjunction with one or more factors that authenticate the user's identity, such as a PIN or password.

The school district may disclose directory information about students after they are no longer in enrollment in the school district. Notwithstanding the foregoing, the district will continue to honor any valid objection to the disclosure of directory information made while a student was in attendance unless the student rescinds the objection.

An objection to the disclosure of directory information shall not prevent the school district from disclosing or requiring a student to disclose the student's name, identified or institutional email address in a class in which the student is enrolled. Parents and/or eligible students may not use the right to opt out of directory information disclosures to prohibit the school district from requiring students to wear or display a student identification card.

The written objection to the disclosure of directory information shall be good for only one school year. School districts are legally obligated to provide military recruiters and institutions of higher learning, upon request, with the names, addresses and telephone numbers of secondary school students, unless the secondary student or the parent of the student objects to such disclosure in writing. Such objection shall be in writing and shall be effective for one school year. In all other circumstances, information designated as directory information will not be released when requested by a third party unless the release of such information is determined by the administration to be in the educational interest of the school district and is consistent with the district's obligations under both state and federal law.

8/28/17

**PROHIBITION REGARDING  
SEX DISCRIMINATION AND SEXUAL HARASSMENT (STUDENTS)  
[OR USE DISTRICT SPECIFIC NOTICE]**

It is the policy of the Board of Education that any form of sex discrimination or sexual harassment is forbidden, whether by students, Board employees or third parties subject to the control of the Board. Students, Board employees and third parties are expected to adhere to a standard of conduct that is respectful of the rights of students. Any student or employee who engages in conduct prohibited by the Board's sex discrimination and sexual harassment policy shall be subject to disciplinary action.

Definitions

**Sex discrimination** occurs when a person, because of his or her sex, is denied participation in or the benefits of any education program receiving federal financial assistance.

**Sexual harassment:** In a school setting, sexual harassment is conduct that 1) is sexual in nature; 2) is unwelcome; and 3) denies or limits a student's ability to participate in or benefit from a school's educational program. Sexual harassment can be verbal, nonverbal or physical. Sexual violence is a form of sexual harassment. Sexual harassment creates a hostile environment if the conduct is sufficiently severe or pervasive that it interferes with or limits a student's ability to participate in or benefit from the school's program. Although not an exhaustive list, the following are examples of sexual conduct prohibited by this policy:

1. Statements or other conduct indicating that a student's submission to, or rejection of, sexual overtures or advances will affect the student's grades and/or other academic progress.
2. Unwelcome attention and/or advances of a sexual nature, including verbal comments, sexual invitations, leering and physical touching.
3. Display of sexually suggestive objects, or use of sexually suggestive or obscene remarks, invitations, letters, emails, text messages, notes, slurs, jokes, pictures, cartoons, epithets or gestures.
4. Touching of a sexual nature or telling sexual or dirty jokes.
5. Transmitting or displaying emails or websites of a sexual nature.
6. Using computer systems, including email, instant messaging, text messaging, blogging or the use of social networking websites, or other forms of electronic communications, to engage in any conduct prohibited by this policy.

**Sexual Violence:** Sexual violence is a form of sexual harassment. For the purposes of this policy, sexual violence refers to physical acts that are sexual in nature, perpetrated against a person's will or where a person is incapable of giving consent due to the victim's use of drugs or alcohol.

### Complaint Procedure

1. It is the express policy of the Board of Education to encourage victims of sex discrimination or sexual harassment to promptly report such claims. Preferably, complaints should be filed within thirty (30) days of the alleged occurrence. Timely reporting of complaints facilitates the investigation and resolution of such complaints.
2. As soon as a student feels that he or she has been subjected to sex discrimination or sexual harassment, he/she or his/her parent/legal guardian should make a written complaint to **[INSERT HERE THE NAMES OF APPROPRIATE SCHOOL PERSONNEL – PREFERABLY ONE OF EACH SEX]** or to the building principal, or his/her designee. The student will be provided a copy of the Board's policy and regulation and made aware of his or her rights.
3. The complaint should state the:
  - A. Name of the complainant,
  - B. Date of the complaint,
  - C. Date(s) of the alleged harassment/discrimination,
  - D. Name(s) of the harasser(s) or discriminator(s),
  - I. Location where such harassment/discrimination occurred,
  - J. Names of any witness(es) to the harassment/discrimination,
  - G. *Detailed statement of the circumstances constituting the alleged harassment/discrimination; and*
  - H. *Remedy requested.*
4. Any student who makes an oral complaint of harassment or sex discrimination to any of the above-mentioned personnel will be provided a copy of this regulation and will be requested to make a written complaint pursuant to the above procedure. In appropriate circumstances, such as due to the age of the student making the complaint, a parent or school administrator may be permitted to fill out the form on the student's behalf.

5. If the complainant is a minor student, the person to whom the complaint is given should consider whether a child abuse report should be completed in accordance with the Board's policy on the Reports of Suspected Child Abuse or Neglect of Children.
6. All complaints are to be forwarded immediately to the building principal or designee unless that individual is the subject of the complaint, in which case the complaint should be forwarded directly to the Superintendent of Schools or his/her designee. In addition, a copy of any complaint filed under this policy shall be forwarded to the Title IX Coordinator.
7. The Title IX Coordinator or designee shall promptly investigate all complaints of sexual discrimination or sexual harassment against a student, regardless of whether the conduct occurred on or off-school grounds. The investigation shall be conducted discreetly, maintaining confidentiality insofar as possible while still conducting an effective and thorough investigation.
8. Any student who makes a complaint shall be notified of the District's intent to investigate the complaint. In the event the student requests confidentiality or that an investigation not be conducted, the District will take reasonable steps to investigate and respond to the complaint to the extent possible, given the request for confidentiality or that the District not investigate the complaint. If the student insists that his/her personally identifiable information not be shared with the alleged perpetrator, the student will be informed that the District's ability to investigate and/or take corrective action may be limited.
9. Upon receipt of a sexual harassment or sex discrimination complaint, the Title IX Coordinator shall either promptly commence an investigation of the complaint, or shall designate a school administrator to promptly investigate the complaint. The Title IX Coordinator or designee shall:
  - a) offer to meet with the complainant within ten (10) school days to discuss the nature of the complaint, identify individuals the complainant believes has relevant information, and obtain any relevant documents the complainant may have;
  - b) provide the complainant with a copy of the Board's sexual harassment policy and accompanying regulations;
  - c) consider whether any interim measures may be appropriate to protect the alleged victim, pending the outcome of the investigation;
  - d) investigate the factual basis of the complaint, including, as applicable, conducting interviews with individuals deemed relevant to the complaint;

- e) consider whether alleged sex discrimination or sexual harassment has created a hostile school environment, including consideration of the effects of off-campus conduct on the school;
  - f) communicate the outcome of the investigation in writing to the complainant, and to any individual properly identified as a party to the complaint (to the extent permitted by state and federal confidentiality requirements), within sixty (60) school days from the date the complaint was received by the Superintendent's office. The investigator may extend this deadline for no more than fifteen (15) additional school days if needed to complete the investigation. The complainant shall be notified of such extension. The written notice shall include a finding whether the complaint was substantiated and if so, shall identify, to the extent possible, how the district will remedy the discrimination or harassment, adhering to the requirements of state and federal law;
  - g) when sex discrimination or sexual harassment has been found, take steps that are reasonably calculated to end the discrimination, take corrective and/or disciplinary action aimed at preventing the recurrence of the harassment or discrimination, as deemed appropriate by the Superintendent or his/her designee, and take steps to remedy the effects of the sex discrimination or sexual harassment;
10. If the student complainant or alleged perpetrator is dissatisfied with the findings of the investigation, he or she may file a written appeal within thirty (30) calendar days to the Title IX Coordinator, or, if he/she conducted the investigation, to the Superintendent of Schools, who shall review the Title IX Coordinator or designee's written report, the information collected by the Title IX Coordinator or designee together with the recommended disposition of the complaint to determine whether the alleged conduct constitutes sexual harassment or sex discrimination. The Title IX Coordinator or Superintendent of Schools may determine if further action and/or investigation is warranted. After completing this review, the Title IX Coordinator or Superintendent of Schools shall respond to the complainant, in writing, within fifteen (15) school days following the receipt of the written request for review.

If a sex discrimination complaint raises a concern about bullying behavior, the Title IX Coordinator shall notify the Safe School Climate Specialist or designee who shall coordinate any bullying investigation with the Title IX Coordinator, so as to ensure that any such bullying investigation complies with the requirements of applicable Board policies.

Retaliation against any individual who complains pursuant to the Board's policy and regulations is strictly prohibited. The district will take actions necessary to prevent retaliation as a result of filing a complaint.

At any time, a complainant alleging sex discrimination or sexual harassment may file a formal complaint with the Office for Civil Rights, Boston Office, U.S. Department of Education, 8<sup>th</sup> Floor, 5 Post Office Square, Boston, MA 02109-3921 (TELEPHONE NUMBER (617) 289-0111).

Copies of this regulation will be distributed to all students.

Title IX Coordinator

The Title IX Coordinator for the \_\_\_\_\_ Board of Education  
is: \_\_\_\_\_, whose office is located at  
\_\_\_\_\_ and whose telephone number is  
\_\_\_\_\_.

7/22/16

## **ADMINISTRATIVE REGULATIONS REGARDING ATTENDANCE AND TRUANCY**

### **I. Attendance and Truancy**

#### **A. Definitions for Section I**

1. “Absence” - any day during which a student is not considered “in attendance” at his/her assigned school, or on a school sponsored activity (e.g. field trip), for at least one half of the school day.
2. “Disciplinary absence” - Any absence as a result of school or district disciplinary action. Any student serving an out-of-school suspension or expulsion should be considered absent. Such absence is not considered excused or unexcused for attendance and truancy purposes.
3. “Educational evaluation” - for purposes of this policy, an educational evaluation is an assessment of a student’s educational development, which, based upon the student’s presenting characteristics, would assess (as appropriate) the following areas: health, vision, hearing, social and emotional status, general intelligence, academic performance, communicative status and motor abilities.
4. “Excused absence” - a student is considered excused from school if the school has received written documentation describing the reason for the absence within ten (10) school days of the student’s return to school, or if the child has been excluded from school in accordance with section 10-210 of the Connecticut General Statutes (regarding communicable diseases), and the following criteria are met:
  - a. Any absence before the student’s tenth (10<sup>th</sup>) absence is considered excused when the student’s parent/guardian approves such absence and submits appropriate written documentation in accordance with this regulation.
  - b. For the student’s tenth (10<sup>th</sup>) absence and all absences thereafter, a student’s absences from school are, with appropriate documentation in accordance with this regulation, considered excused only for the following reasons:
    - i. student illness (verified by an appropriately licensed medical professional);

- ii. religious holidays;
  - iii. mandated court appearances (documentation required);
  - iv. funeral or death in the family, or other emergency beyond the control of the student's family;
  - v. extraordinary educational opportunities pre-approved by the district administrators and in accordance with Connecticut State Department of Education guidance and this regulation;
  - vi. lack of transportation that is normally provided by a district other than the one the student attends.
- c. A student, age five (5) to eighteen (18), whose parent or legal guardian is an active duty member of the armed forces who has been called for duty, is on leave from or has immediately returned from deployment to a combat zone or combat support posting, shall be granted ten (10) days of excused absences in any school year, and, in the discretion of the administration, additional excused absences to visit such student's parent or legal guardian with respect to the parent's leave or deployment. In the case of such excused absences, the student and parent or legal guardian are responsible for obtaining assignments from the student's teacher prior to any period of excused absence, and for ensuring that such assignments are completed by the student prior to his or her return to school.
5. "In Attendance" - Any day during which a student is present at the student's assigned school, or an activity sponsored by the school, for at least half of the regular school day.
6. "Student" - a student enrolled in the \_\_\_\_\_ Public Schools.
7. "Truant" - any student **five (5) to eighteen (18)** years of age, inclusive, who has **four (4)** unexcused absences from school in any one month or **ten (10)** unexcused absences from school in any school year.

8. "Unexcused absence" - any absence from a regularly scheduled school day for at least one half of the school day, which is not excused or considered a disciplinary absence.

The determination of whether an absence is excused will be made by the building principal or his/her designee. Parents or other persons having control of the child may appeal that decision to the Superintendent or his/her designee, whose decision shall be final.

B. Written Documentation Requirements for Absences

1. Written documentation must be submitted for each incidence of absence within ten (10) school days of the student's return to school. Consecutive days of absence are considered one incidence of absence.
2. The first nine (9) days of absence will be excused upon receipt of a signed note from the student's parent/guardian, a signed note from a school official that spoke in person with the parent/guardian regarding the absence, or a note confirming the absence by the school nurse or by a licensed medical professional, as appropriate.
3. For the student's tenth (10<sup>th</sup>) absence, and all absences thereafter, documentation of the absence must be submitted in accordance with paragraphs 1 and 2 above, and must also include the reason for the absence and the following additional information:
  - a. student illness:
    - i. a signed note from a medical professional, who may be the school nurse, who has evaluated the student confirming the absence and giving an expected return date; or
    - ii. a signed note from school nurse who has spoken with the student's medical professional and confirmed the absence, including the date and location of the consultation.
  - b. religious holidays: none.
  - c. mandated court appearances:
    - i. a police summons;
    - ii. a subpoena;

- iii. a notice to appear;
  - iv. a signed note from a court official; or
  - v. any other official, written documentation of the legal requirement to appear in court.
- d. funeral or death in the family, or other emergency beyond the control of the student's family: a written document explaining the nature of the emergency.
  - e. extraordinary educational opportunity pre-approved by the district administrators and in accordance with Connecticut State Department of Education guidance and this policy: written pre-approval from the administration, in accordance with this regulation.
  - f. lack of transportation that is normally provided by a district other than the one the student attends: none.
4. Neither e-mail nor text message shall serve to satisfy the requirement of written documentation. In rare and extraordinary circumstances, a building administrator may, in his/her own discretion, accept the delivery of written documentation through a scanned copy sent by e-mail.
  5. The \_\_\_\_\_ Public Schools reserves the right to randomly audit written documentation received, through telephone and other methods of communication, to determine its authenticity.
  6. Any absence that is not documented in accordance with this regulation within ten (10) school days after the incidence of absence will be recorded as unexcused. If documentation is provided within ten (10) school days, but is incomplete, the building principal may, at his/her own discretion, grant up to a five (5) school day extension for provision of the completed documentation.

C. Extraordinary Educational Opportunities

1. To qualify as an extraordinary educational opportunity, the opportunity must:
  - a. be educational in nature and must have a learning objective related to the student's course work or plan of study;

- b. be an opportunity not ordinarily available to the student;
  - c. be grade and developmentally appropriate; and
  - d. include content that is highly relevant to the student; while some opportunities will be relevant to all students, others will contain very specific content that would limit their relevance to a smaller group of students.
2. Family vacations do not qualify as extraordinary educational opportunities.
3. All requests for approval of extraordinary educational opportunities must:
- a. be submitted to the building principal in writing prior to the opportunity, but no later than ten (10) school days prior to the opportunity except in exceptional circumstances at the discretion of the building administrator;
  - b. contain the signatures of both the parent/guardian and the student;
  - c. include an outline of the learning objective of the opportunity and include detail as to how the objective is linked to the student's coursework or plan of study; and
  - d. include additional documentation, where available, about the opportunity.
4. The building principal shall provide a response in writing and include the following:
- a. either approval or denial of the request;
  - b. brief reason for any denial;
  - c. any requirements placed upon the student as a condition of approval;
  - d. the specific days approved as excused absences for the opportunity;
  - e. the understanding that the building administrator may withdraw its approval if the opportunity is canceled or the

student fails to meet the agreed-upon requirements of the approval.

5. All decisions of the building principal relating to extraordinary educational opportunities shall be final.
6. Students who are granted excusal from school to participate in extraordinary educational opportunities are expected to share their experiences with other students and/or school staff when they return.
7. Approval for an extraordinary educational opportunity is determined on a case-by-case basis and the analysis of individualized factors. An opportunity approved for one student may not be approved for another.

D. Truancy Exceptions:

1. A student **five (5) or six (6) years of age** shall not be considered truant if the parent or person having control over such student has appeared personally at the school district office and exercised the option of not sending the child to school at five (5) or six (6) years of age.
2. A student **seventeen (17) years of age** shall not be considered truant if the parent or person having control over such student consents to such student's withdrawal from school. Such parent or person shall personally appear at the school district office and sign a withdrawal form indicating such consent. Such withdrawal form must include an attestation from a guidance counselor or school administrator from the school that the district provided the parent (or person having control of the child) with information on the educational options available in the school system and community.
3. If a parent or guardian of an expelled student chooses not to enroll the student in an alternative program, the student shall not be considered to be "truant."

E. Readmission to School Following Voluntary Withdrawal

1. Except as noted in paragraph 2 below, if a student voluntarily withdraws from school (in accordance with Section D.2, above) and subsequently seeks readmission, the Board may deny school accommodations to the student for up to ninety (90) school days from the date of the student's withdrawal from school.

2. If a student who has voluntarily withdrawn from school (in accordance with Section D.2, above) seeks readmission within ten (10) school days of his/her withdrawal, the Board shall provide school accommodations to the student not later than three (3) school days after the student requests readmission.

F. Determinations of Whether a Student is “In Attendance”:

1. A student serving an out of school suspension or expulsion shall be reported as absent unless he or she receives an alternative educational program for at least one half of the regular school day. In any event, the absence is considered a disciplinary absence, and will not be designated as excused or unexcused.
2. On early dismissal days and days shortened due to inclement weather, the regular school day for attendance purposes is considered to be the amount of instructional time offered to students on that day. For example, if school is open for four hours on a shortened day scheduled, a student must be present for a minimum of two hours in order to be considered “in attendance.”
3. Students placed on homebound instruction due to illness or injury in accordance with applicable regulations and requirements are counted as being “in attendance” for every day that they receive instruction from an appropriately certified teacher for an amount of time deemed adequate in accordance with applicable law.

G. Procedures for students in grades K-8\*

1. Notification
  - a. Annually at the beginning of the school year and upon the enrollment of any child during the school year, the administration shall notify the parent or other person having control of the student enrolled in grades K - 8 in writing of the obligations pursuant to Conn. Gen. Stat. § 10-184 to ensure that such a student attends school regularly or to show that the child is elsewhere receiving equivalent instruction in the studies taught in the \_\_\_\_\_ Public Schools.
  - b. Annually at the beginning of the school year and upon the enrollment of any child during the school year, the administration shall obtain from the parent or other person having control of the student in grades K-8 a telephone number or other means of contacting such parent or other person during the school day.

2. Monitoring

Each school shall implement a system of monitoring individual unexcused absences of students in grades K-8. Whenever such a student fails to report to school on a regularly scheduled school day, school personnel under the direction of the building principal **[or his/her designee]** shall make a reasonable effort to notify the parent or other person having control of such student by telephone and by mail of the student's absence, unless school personnel have received an indication that the parent or other person is aware of the student's absence. **[Reasonable efforts shall include two (2) attempts to reach the parent or other person at the telephone number provided by the parent or other person. Such attempts shall be recorded on a form provided by the Superintendent.]** Mailed notice of the student's absence shall include a warning that two unexcused absences from school in a month or five unexcused absences in a school year may result in a complaint filed with the Superior Court pursuant to section 46b-149 of the Connecticut General Statutes alleging the belief that the acts or omissions of the child are such that the child's family is a family with service needs. Any person who, in good faith, gives or fails to give such notice shall be immune from liability, civil or criminal, which might otherwise be incurred or imposed and shall have the same immunity with respect to any judicial proceeding which results from such notice or failure to give notice.

*[\*Note: State law mandates notification and monitoring only with regard to students in grades K-8. Boards of Education are free, however, to extend the application of monitoring and intervention procedures to students at all grade levels.]*

H. Procedures applicable to students ages five (5) to eighteen (18)

1. Intervention

- a. When a student is truant, the building principal or his/her designee shall schedule a meeting with the parent (or other person having control of such student) and appropriate school personnel to review and evaluate the reasons for the student's truancy. This meeting shall be held no later than **ten (10) days** after the student becomes truant. The district shall document the meeting, and if parent or other person declines to attend the meeting, or is otherwise is non responsive, that fact shall also be documented and the meeting shall proceed with school personnel in attendance.

- b. When a student is truant, the Superintendent or his/her designee shall coordinate services with and referrals of students to community agencies providing child and family services, as appropriate. The district shall document efforts to contact and include families and to provide early intervention in truancy matters.
- c. If the parent or other person having control of a student who is truant fails to attend the meeting held pursuant to subsection H.1.a., above, or otherwise fails to cooperate with the school in attempting to solve the truancy problem, the Superintendent shall file, within fifteen (15) calendar days of such failure to attend the meeting or other failure to cooperate with the school in attempting to solve the truancy problem, for such truant a written complaint with the Superior Court pursuant to Conn. Gen. Stat. § 46b-149 alleging the belief that the acts or omissions of the truant are such that his/her family is a family with service needs.
- d. In addition to the procedures specified in subsections a through c above, a regular education student who is experiencing attendance problems should be referred to the building Child Study Team **[or other appropriate school based team]** to consider the need for additional interventions and/or assistance. The Team will also consider whether the student should be referred to a planning and placement team (“PPT”) meeting to review the student's need and eligibility for special education. A special education student who is experiencing attendance problems should be referred to a PPT meeting for program review.
- e. If a family with service needs petition is filed and the court orders an educational evaluation of the student, the district shall conduct an appropriate educational evaluation if no such evaluation has been performed within the preceding year.
  - i. For a regular education student, the educational evaluation will be conducted or arranged for by appropriate school personnel and coordinated through the Child Study Team **[or other appropriate school based team]**. Upon completion of the evaluation of a regular education student, the Child Study Team **[or other appropriate school based team]** shall review the evaluations and make appropriate recommendations for alternative procedures, programs or interventions.

Such recommendations may include a referral of the student for further evaluation and/or consideration for special education eligibility.

- ii. In the case of a student who requires or may require special education and related services, the district shall convene a PPT to determine what evaluations may be appropriate to assess any specific areas of concern. The PPT shall reconvene to review the evaluations and make appropriate recommendations regarding the student's need for special education services and the need, if any, to write and/or revise the student's individualized education program ("IEP").

I. Attendance Records

All attendance records developed by the Board shall include the individual student's state-assigned student identifier (SASID).

II. **Chronic Absenteeism**

A. Definitions for Section II

1. "Chronically absent child" - a child who is enrolled in a school under the jurisdiction of the \_\_\_\_\_ Board of Education and whose total number of absences at any time during a school year is equal to or greater than ten percent (10%) of the total number of days that such student has been enrolled at such school during such school year;
2. "Absence" - (a) an excused absence, unexcused absence or disciplinary absence, as those terms are defined by the State Board of Education pursuant to section 10-198b of the general statutes and these administrative regulations, or (b) an in-school suspension, as defined in section 10-233a of the general statutes, that is greater than or equal to one-half of a school day;
3. "District chronic absenteeism rate" - the total number of chronically absent children under the jurisdiction of the \_\_\_\_\_ Board of Education in the previous school year divided by the total number of children under the jurisdiction of the Board of Education for such school year; and
4. "School chronic absenteeism rate" - the total number of chronically absent children for a school in the previous school year divided by the total number of children enrolled in such school for such school year.

B. Establishment of Attendance Review Teams

If the \_\_\_\_\_ Board of Education has a district chronic absenteeism rate of ten percent (10%) or higher, it shall establish an attendance review team for the school district.

If a school under the jurisdiction of the \_\_\_\_\_ Board of Education has a school chronic absenteeism rate of fifteen percent (15%) or higher, it shall establish an attendance review team for that school.

If the \_\_\_\_\_ Board of Education has more than one school with a school chronic absenteeism rate of fifteen percent (15%) or higher, it shall establish an attendance review team for the school district or at each such school.

If the \_\_\_\_\_ Board of Education has a district chronic absenteeism rate of ten percent (10%) or higher and one or more schools with a school chronic absenteeism rate of fifteen percent (15%) or higher, it shall establish an attendance review team for the school district or at each such school.

C. Composition and Role of Attendance Review Teams

Any attendance review team established under these regulations may include school administrators, guidance counselors, school social workers, teachers, representatives from community-based programs who address issues related to student attendance by providing programs and services to truants, as defined under I.A.7, and chronically absent children and their parents or guardians.

Each attendance review team shall be responsible for reviewing the cases of truants and chronically absent children, discussing school interventions and community referrals for such truants and chronically absent children and making any additional recommendations for such truants and chronically absent children and their parents or guardians. Each attendance review team shall meet at least monthly.

D. State Chronic Absenteeism Prevention and Intervention Plan

The \_\_\_\_\_ Board of Education and its attendance review teams, if any, will consider any chronic absenteeism prevention and intervention plan developed by the State Department of Education.

**III. Reports to the State Regarding Truancy Data**

Annually, each local and regional board of education shall include information regarding the number of truants and chronically absent children in the strategic school profile report for each school under its jurisdiction and for the school district as a whole submitted to the Commissioner of Education. Measures of

truancy include the type of data that is required to be collected by the Department of Education regarding attendance and unexcused absences in order for the department to comply with federal reporting requirements and the actions taken by the board of education to reduce truancy in the school district.

Legal References:

Connecticut General Statutes § 10-220

Connecticut General Statutes § 10-184

Connecticut General Statutes § 10-186

Connecticut General Statutes § 10-198a

Connecticut General Statutes § 10-198b

Connecticut General Statutes § 10-198c

Connecticut General Statutes § 10-198d

Public Act 16-147, “An Act Concerning the Recommendations of the Juvenile Justice Policy and Oversight Committee”

Guidelines for Reporting Student Attendance in the Public School Information System (Connecticut State Department of Education, January 2008)

Connecticut State Department of Education Circular Letter C-2, *Utilizing Local Support Resources Prior to Referral of Students for Family with Service Needs* (August 4, 2009)

Connecticut State Board of Education Memorandum, *Definitions of Excused and Unexcused Absences* (June 27, 2012)

Connecticut State Department of Education, *Guidelines for Implementation of the Definitions of Excused and Unexcused Absences and Best Practices for Absence Prevention and Intervention* (April 2013)

APPROVED: \_\_\_\_\_

REVISED: \_\_\_\_\_

6/26/16

**SAMPLE NOTIFICATION REGARDING STUDENT ATTENDANCE\***

Regular and punctual student attendance is essential to the educational process. Connecticut General Statutes Section 10-184 provides that “[e]ach parent or other person having control of a child five years of age and over and under eighteen years of age shall cause such child to attend a public day school regularly during the hours and terms the public school in the district wherein such child resides is in session, unless such child is a high school graduate or the parent or person having control of such child is able to show that the child is elsewhere receiving equivalent instruction in the studies taught in the public schools. . . . The parent or person having control of a child seventeen years of age may consent, as provided in this section, to such child’s withdrawal from school. Such parent or person shall personally appear at the school district office and sign a withdrawal form. Such withdrawal form shall include an attestation from a guidance counselor or school administrator of the school that such school district has provided such parent or person with information on the educational options available in the school system and community. The parent or person having control of a child five years of age shall have the option of not sending the child to school until the child is six years of age and the parent or person having control of a child six years of age shall have the option of not sending the child to school until the child is seven years of age. The parent or person shall exercise such option by personally appearing at the school district office and signing an option form. The school district shall provide the parent or person with information on the educational opportunities available in the school system.”

In order to assist parents and other persons in meeting this responsibility, the \_\_\_\_\_ Board of Education monitors unexcused student absences and makes reasonable efforts to notify parents or other persons by contacting them when a student fails to report to school. State law provides that any person who, in good faith, gives or fails to give such notice shall be immune from any liability, civil or criminal, which might otherwise be incurred or imposed and shall have the same immunity with respect to any judicial proceeding which results from such notice or failure to give such notice. The Board, therefore, must obtain a telephone number or other means of contacting parents or other persons during the school day.

Please provide the following information and return the completed form, signed and dated to:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\*\*\*\*\*

Student's Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_

School/grade: \_\_\_\_\_ / \_\_\_\_\_

Parent/Guardian's Daytime Telephone Number\*: \_\_\_\_\_

Parent/Guardian's Daytime Telephone Number\*: \_\_\_\_\_

Daytime Telephone Number\* of  
Other Person Having Control  
of Student: \_\_\_\_\_ Relationship to Student: \_\_\_\_\_

\*If no daytime telephone number is available, please specify other means by  
which school personnel may contact you during the school day. \_\_\_\_\_

\_\_\_\_\_

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

***[\*Note: State law mandates notification only with regard to students in grades  
K-8. Boards of Education are free, however, to extend the notification to  
parents of students at all grade levels.]***

6/26/16

***[Boards of education are required to have a wellness policy in place. The development,  
implementation and periodic review of this policy must involve parents, students,  
representatives from the school food authority, school administrators, the school board  
and the public, and may also permit the involvement of teachers of physical education  
and school health professionals. We recommend that the district consider creating an***

*advisory council to review applicable state and federal guidance in this area and to make recommendations to the Board regarding district-specific goals and guidelines to be included in this policy and that such stakeholders are included in the implementation of the policy as well as the triennial review.]*

## **POLICY REGARDING WELLNESS**

It is the policy of the \_\_\_\_\_ Board of Education to promote the health and well-being of district students. In furtherance of this policy, the Board has created an Advisory Council on Wellness (“Advisory Council”) to review any available state or federal guidance on wellness issues and to assist in formulating recommendations for specific goals and guidelines aimed at promoting lifelong wellness practices among district students. This Advisory Council involves parents, students, representatives from the school food authority (i.e. any private company employed to provide food services), school administrators, the board of education, and members of the public and may also involve teachers of physical education, school health professionals and Supplemental Nutrition Assistance Program (“SNAP”) coordinators or educators. The Advisory Council will be involved in the implementation of the policy, the triennial assessment and periodic updating of the policy.

### **I. GOALS AND GUIDELINES**

The Board, following consultation with the Advisory Council, adopts the following goals and guidelines in order to promote student wellness:

#### **A. Nutrition Education and Promotion**

*[These goals/guidelines should be designed to promote student wellness in a manner that the school district determines is appropriate. Examples of the types of goals that may be recommended include, but are not limited to, the following:*

- *Reviewing “Smarter Lunchroom” tools and strategies*
- *Setting an average weekly minimum time for classroom nutrition education*
- *Including nutrition education as part of health education classes and/or stand-alone courses for all grade levels, including curricula that promote skill development, such as meal planning, recognizing food groups within a meal, understanding health information and food labels to evaluate the nutrient quality and contribution of foods*
- *Integrating nutrition education into other core subjects such as math, science, language arts, and social sciences, as well as in non-core and elective subjects*
- *Providing a minimum number of hours per year of training to classroom teachers on how to integrate nutrition education into other basic subjects*

- *Including nutrition and health posters, signage, or displays in the cafeteria food service and dining areas, classrooms, hallways, gymnasium and/or bulletin boards that are frequently rotated, updated or changed*
- *Providing developmentally appropriate and culturally relevant participatory activities, such as contests, surveys, promotions, food demonstrations and taste-testing, voting for school meal recipe names, cafeteria design or décor challenges, farm visits, and school gardens*
- *Offering information to families that encourages them to teach their children about health and nutrition, and assists them in planning nutritious meals for their families*
- *Partnering with community health agencies or organizations for school wellness activities*

B. Physical Activity and Other School-Based Activities

*[Examples of the types of goals that may be recommended include, but are not limited to, the following:*

- *Offering staff wellness activities and professional development opportunities related to health and nutrition that inspire school staff to serve as role models and practice healthy eating, physical activity and other activities that support staff and wellness*
- *Sponsoring health fairs, TV-turnoff week, school-supported races, family wellness activities or family day activities that promote health and wellness*
- *Incorporating a school garden, Farm to School, Farm to Cafeteria or Chefs Move to Schools activities that promote healthy eating*
- *Sending school newsletters or dedicated parts of newsletters or school websites promoting healthy eating, healthy recipes and physical activity*
- *Encouraging and promoting the use of Let's Move and other healthy initiatives that promote physical activity and healthy eating*
- *Applying for the Healthier US School Challenge*
- *Completing and reporting the results of the School Health Index self-assessment process to assess the extent to which some or all components of the local school wellness policy are being implemented in schools*
- *Using the Centers for Disease Control School Health Guidelines to Promote Healthy Eating and Physical Activity*
- *Setting minimum physical education requirements including time, frequency and intensity*
- *Setting maximum teacher to student ratios for physical education classes*
- *Setting minimum requirements for recess, including amount of time and scheduling of recess time*
- *Requiring recess to be outdoors if possible*
- *Encouraging walking and biking to school through safe route programs*

- *Creating after school activity programs, student health council, and community/family programs that encourage healthy habits*
- *Scheduling school meals at appropriate times in appropriate settings*
- *Marketing healthy food in ways that increase its appeal*
- *Giving students and the community after-school access to school activity facilities*
- *Participating in the Connecticut Red Ribbon PASS Program ]*

C. Nutritional Guidelines for School Food

*[These guidelines should be selected by the school district for all foods available at each school during the school day, including non-sold food and beverages, with the objectives of promoting student health and reducing childhood obesity. Nutrition guidelines for all foods offered to students for sale must be, at a minimum, consistent with the meal pattern requirements and nutrition standards for school meals and competitive foods. Examples of the types of goals and guidelines that might be recommended under this section include, but are not limited to, the following:*

- *Whether the district is in compliance with updated meal patterns (e.g. offering fruits and vegetables each day, more whole grains and portion sizes and calories standards to maintain a healthy weight)*
- *A description of nutrition standards for school meals*
- *The website address of current school menus*
- *Description of federal Child Nutrition Programs in which the district participates (e.g. Fresh Fruit and Vegetable Program, Summer Food Service Program, etc.)*
- *How participation in school meals programs will be promoted and how families are notified of the availability of Child Nutrition Programs and how to determine children's eligibility for such programs*
- *Whether school meals are prepared onsite or offsite, and if a food service management company operates the school meal programs*
- *Timing and duration of school meals that consider evidence-based research to support healthy eating*
- *Information about the availability of free drinking water throughout the school day*
- *Regulating a la carte, vending machine, concession and school store offerings in each school*
- *Regulating after school activity, field trip, school event and school party offerings*
- *Eliminating the use of food as a reward*
- *Eliminate the use of candy and other unhealthy foods as fund raisers*
- *Training and certification of food preparation and food service staff*
- *Evaluating food and drink contracts]*

At a minimum, all reimbursable school meals (i.e. free and reduced lunches) shall meet the program requirements and nutritional standards established by the USDA regulations applicable to school meals.

D. Guidelines for the Marketing of Food on Campus

Food or beverage marketing on campus during school hours shall only be permitted of foods and beverages that may be sold on the school campus during the school day and that comply with competitive food standards. Food marketing includes oral, written or graphic statements made for the purpose of promoting the sale of a food or beverage, product made by the producer, manufacturer, seller or any other entity with a commercial interest in the product. Food marketing includes the marketing of food or beverages on the exterior of vending machines, through posters, menu boards, coolers, trash cans and other food service equipment, as well as cups used for beverage dispensing.

II. MEASURING THE IMPLEMENTATION OF WELLNESS POLICY

A. Oversight of the Wellness Policy

Pursuant to this policy, the Board shall designate the **[title of position]** to be responsible for the oversight of the school district's wellness program. The **[title of position]** will be responsible for ensuring that the goals and guidelines relating to nutrition education, physical activity, school-based wellness activities and nutritional value of school-provided food and beverages are met, that there is compliance with the wellness policy, and that all school policies and school-based activities are consistent with the wellness policy.

B. Triennial Assessment

At least every three years, the Board will measure and make available to the public an assessment on the implementation of the wellness policy. In this triennial assessment, the Board will indicate the extent to which schools are in compliance with the wellness policy and how the Board's wellness policy compares with model school wellness policies. In addition, the triennial assessment will provide a description of the progress made in attaining the goals of the wellness policy.

C. Informing and Updating the Public

In accordance with federal law and applicable regulations, the Board will inform and update the public (including parents, students and others in the community) about the content and implementation of its wellness policy as well as the results of the Triennial Assessment.

D. Recordkeeping

The Board of Education will retain records to document compliance with the local school wellness policy requirements. The Board shall retain the Wellness Policy, documentation demonstrating compliance with community involvement requirements, documentation of the triennial assessment and documentation to demonstrate compliance with public notification requirements.

Legal References:

Connecticut General Statutes:

- § 10-215f Certification that food meets nutrition standards.
- § 10-221o Lunch periods. Recess.
- § 10-221p Boards to make available for purchase nutritious and low-fat foods.
- § 10-221q Sale of beverages.

Public Act 16-37, *An Act Concerning Connecticut's Farm to School Program*  
Public Act 16-132, *An Act Establishing a Red Ribbon Pass Program*

Federal Law:

Pub. L. 108-265, § 204, codified at 42 U.S.C. § 1751

Richard B. Russell National School Lunch Act § 9(f)(1) and § 17(a), codified at 42 U.S.C. § 1758(f)(1) and 42 U.S.C. § 1766, as amended by Pub. L. 111-296, § 204, *Healthy, Hunger-Free Kids Act of 2010*.

20 U.S.C. § 7118, as amended by Pub. L. 114-95, *Every Student Succeeds Act*

ADOPTED: \_\_\_\_\_

REVISED: \_\_\_\_\_

7/21/16

## Model Notice

### **Notification of Data Sharing Agreements Under Conn. Gen. Stat § 10-234bb(g)**

***[NOTE: This notice must be sent electronically to students and parents/guardians on or before September 1 of each school year]***

Pursuant to the requirements of Conn. Gen. Stat. § 10-234bb(g), the [Insert Board of education] (the “Board”) maintains and updates an Internet website with information relating to all contracts into which it has entered for which a contractor may gain access to student records, student information, or student-generated content (collectively, “student data”). The address of the Internet website is [insert address]. The Internet website includes copies of these contracts, and notices regarding each contract that include (1) the date the contract was executed, (2) a brief description of the contract and the purpose of the contract and (3) what student data may be collected as a result of the contract.

8/31/18

**[BOARD OF EDUCATION LETTERHEAD]**

**YOUR RIGHT TO REQUEST INFORMATION CONCERNING TEACHER AND PARAPROFESSIONAL QUALIFICATIONS**

As a parent of a student enrolled in \_\_\_\_\_ School, under the Every Student Succeeds Act of 2015, you have a right to request the following information concerning the qualifications of teachers and paraprofessionals who work with your child:

1. Whether your child's teacher has met State qualification and licensing criteria for the grade levels and subject areas in which the teacher provides instruction;
2. Whether your child's teacher is teaching under emergency or other provisional status through which State qualification or licensing criteria have been waived;
3. Whether your child's teacher is teaching in the field of discipline of his or her certification and
4. Whether your child is provided services by paraprofessionals, and, if so, the paraprofessionals' qualifications.

If you wish to obtain this information, please contact \_\_\_\_\_,  
[Name]

\_\_\_\_\_, at \_\_\_\_\_.

[Title]

[Phone Number]

7/5/16

**[NOTIFICATION OF NON-CERTIFIED OR PROVISIONALLY  
CERTIFIED TEACHER]**

[BOARD OF EDUCATION LETTERHEAD]

**[Date]**

Dear [Insert Name(s) of Parent(s)]:

Under the Every Student Succeeds Act of 2015, school districts are required to inform parents when their child has been assigned, or has been taught for four or more consecutive weeks, by a teacher who does not meet applicable State certification or licensure requirements at the grade level and subject area in which the teacher has been assigned. Pursuant to this federal requirement, we are writing to tell you that **[name of teacher]** has taught your child from **[date]** through the present date. You may request information regarding **[name of teacher]**'s professional qualifications by contacting **[name of contact]** at **[contact information]**.

If you have any questions regarding this matter, please do not hesitate to contact **[name of designated administrator]** at **[phone number]**.

Sincerely,

[Administrator]

6/23/16

**MODEL LETTER - PARENT AND FAMILY ENGAGEMENT MEETING  
NOTICE**

[Insert School Letterhead]

[Parents Name]  
[Parents Address]

[Date]

**Re: Meeting for Parents of Students Participating in Title I Programs**

Dear [insert parent name]:

Each year, [insert name of school] must conduct a meeting to involve parents of students participating in programs conducted under Title I of the Every Student Succeeds Act of 2015 in the planning, review and improvement of programs funded by Title I. This year, the meeting will be held on [insert date, time] at [insert location of meeting].

At this meeting, parents will be provided with a description and explanation of the Title I programs available in the district, the curriculum in use at the school, the forms of academic assessment used, the challenging State academic standards, and information regarding the importance of parental involvement. We welcome this opportunity to speak with parents of participating students and to inform you of the important work being done within our school. All parents of students participating in Title I programs are encouraged to attend and participate in the discussion.

For your convenience and information, enclosed with this letter is a copy of the [insert town] Board of Education's Parent and Family Engagement Policy for Title I Students. We look forward to seeing you on [insert date and time].

Sincerely,

[insert name of building principal]

Enclosure

Cc: [insert name of Superintendent], Superintendent of Schools

Revised 7/5/2016

## **Model Notification of Rights Under the Protection of Pupil Rights Amendment (“PPRA”)**

*[Note: Districts must send this notification to parents and/or eligible students annually, at the beginning of the school year, and within a reasonable period of time after any substantive change to its PPRA policies.]*

The Protection of Pupil Rights Amendment (PPRA), 20 U.S.C. § 1232h, affords parents and eligible students (*i.e.* students over 18 or emancipated minors) certain rights with respect to the administration of student surveys, the collection and use of personal information, and the administration of certain physical exams. These rights include:

1. the right of a parent to inspect, upon request, a survey created by a third party before the survey is administered or distributed by a school to a student;
2. the right of a parent to inspect, upon request, any survey concerning one or more of the following confidential topics:
  - a. political affiliations or beliefs of the student or the student’s parent;
  - b. mental or psychological problems of the student or the student’s family;
  - c. sex behavior or attitudes;
  - d. illegal, anti-social, self-incriminating, or demeaning behavior;
  - e. critical appraisals of other individuals with whom respondents have close family relationships;
  - f. legally recognized privileged relationships, such as those with lawyers, doctors, physicians, or ministers;
  - g. religious practices, affiliations, or beliefs of the student or the student’s parent; or
  - h. income, other than as required by law to determine eligibility for certain programs or for receiving financial assistance under such programs;
3. the right of a parent to consent before a student is required to submit to a survey that concerns one or more of the confidential topics (see #2, above, a-h) if the survey is funded in whole or in part by a program of the U.S. Department of Education;
4. the right of a parent to inspect, upon request, any instructional material used as part of the educational curriculum. Instructional material means any instructional content that is provided to a student, regardless of its format, including printed or representational materials, audio-visual materials, and materials in electronic or digital formats (such as materials accessible through the Internet) but does not include academic tests or academic assessments;

5. the right of a parent to inspect, upon request, any instrument used in the collection of personal information from students gathered for the purpose of marketing, selling or otherwise providing that information to others for that purpose. Personal information means individually identifiable information including, a student or parent's first and last name, a home or other physical address; a telephone number or a social security number;
6. the right of a parent whose student(s) is scheduled to participate in the specific activities provided below to be directly notified of the specific or approximate dates of the following activities, as well as the right of a parent or eligible student to opt-out of participation in these activities:
  - a. activities involving the collection, disclosure, or use of personal information collected from students for the purpose of marketing or selling that information (or otherwise providing that information to others for that purpose);
  - b. the administration of any survey containing confidential topics (see #2, above, a-h); or
  - c. any non-emergency, invasive physical examination or screening that is required as a condition of attendance, administered by the school, scheduled by the school in advance, and unnecessary to protect the immediate health and safety of a student. Such examinations do not include a hearing, vision, or scoliosis screening or other examinations permitted or required by State law.

Parents and eligible students may not opt-out of activities relating to the collection, disclosure, and/or use of personal information collected from students for the exclusive purpose of developing, evaluating, or providing education products or services for, or to students or educational institutions, such as the following:

- a. college or other post-secondary education recruitment, or military recruitment;
- b. book clubs, magazines, and programs providing access to low-cost literary products;
- c. curriculum and instructional materials used by elementary and secondary schools;
- d. tests and assessments used by elementary and secondary schools to provide cognitive, evaluative, diagnostic, clinical, aptitude, or achievement information about students;
- e. the sale by students of products or services to raise funds for school-related or education-related activities; and
- f. student recognition programs.

To protect student privacy in compliance with the PPRA, the **[name of district]** school district has adopted policies regarding these rights. Parents and/or eligible students who believe their rights have been violated under the PPRA may contact:

Family Policy Compliance Office  
U.S. Department of Education  
400 Maryland Avenue, SW  
Washington, D.C. 20202-8520

7/21/16

*[NOTE: Although this notice does not need to be distributed annually, school districts should ensure that all employees receive the required information.]*

## **ALCOHOL, TOBACCO AND DRUG-FREE WORKPLACE**

### **PURPOSE**

The purpose of this policy is to establish a workplace that is free of the effects of alcohol and second-hand smoke, and free from drug abuse. By accomplishing this purpose, the Board also seeks to promote a safe, healthy working environment for all employees and to reduce absenteeism, tardiness and other job performance problems which may be caused by alcohol and/or drug abuse. This policy is adopted in accordance with state law and the Drug Free Workplace Act.

### **STATEMENT OF POLICY**

Employees shall not be involved with the unlawful manufacture, distribution, possession, or use of an illegal drug, controlled substance, or alcohol and shall not be under the influence of such substances while on school property or while conducting Board business on or off school property. Any employee who discovers illegal drugs or alcohol on school property shall notify the Superintendent or his/her designee who shall investigate the matter.

An employee must report any conviction under a criminal drug statute for violations occurring on or off school property while on Board business to the Superintendent or his/her designee within five (5) days after the conviction. The Board will notify any agency awarding a grant to the Board of such conviction, within ten (10) days thereafter.

Employees shall only use prescription drugs on school property or during the conduct of Board business which have been prescribed by a licensed medical practitioner, and such drugs shall be used only as prescribed. However, in accordance with Conn. Gen. Stat. § 21a-408a through 408q, the Board specifically prohibits the palliative use of marijuana on school property, at a school-sponsored activity, or during the conduct of Board business, and specifically prohibits employees from being under the influence of intoxicating substances, including marijuana used for palliative purposes, during work hours.

The Board prohibits smoking, including smoking using an electronic nicotine delivery system (e.g. e-cigarettes) or vapor product, and the use of tobacco products on school property, including property owned, leased, contracted for, or utilized by the Board, or at any school-sponsored activity. For purposes of this policy, the term “electronic nicotine delivery system” shall mean an electronic device used in the delivery of nicotine or other substances to a person inhaling from the device, and includes, but is not limited to, an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe or electronic hookah and any related device and any cartridge or other component of such device, including, but not limited to, electronic cigarette liquid. The term “vapor product” shall

mean any product that employs a heating element, power source, electronic circuit or other electronic, chemical or mechanical means, regardless of shape or size, to produce a vapor that may or may not include nicotine, and is inhaled by the user of such product.

Violations of this policy may result in disciplinary action, up to and including possible termination of employment.

### **DEFINITIONS**

“School property” means any land and all temporary and permanent structures comprising the district’s elementary and secondary schools, and administrative office building and includes, but is not limited to, classrooms, hallways, storage facilities, theatres, gymnasiums, fields and parking lots.

“School-sponsored activity” means any activity sponsored, recognized or authorized by a board of education and includes activities conducted on or off school property.

### **EMPLOYEE ASSISTANCE**

In appropriate circumstances, the Board shall provide an employee with an opportunity for rehabilitation in overcoming addiction to, dependence upon or other problem with alcohol or drugs.

An employee who feels he or she has developed an addiction to, dependence upon or other problem with alcohol or drugs, is encouraged to seek assistance. Certain benefits for alcoholism or drug addiction are provided under the Board's group medical insurance plan. An employee may be given an opportunity to participate in a rehabilitation program which requires absence from work for bona fide treatment. Such absence may be charged to the employee's accrued and unused sick leave, subject to the provisions of the employee's collective bargaining agreement and/or any applicable Board policies and regulations.

Any request for assistance with a drug or alcohol problem will be treated as confidential and only those persons "needing to know" will be made aware of such request.

Legal References:

Connecticut General Statutes:

Public Act 19-13

Conn. Gen. Stat. § 10-233a(h) (definition of school-sponsored activity)

Conn. Gen. Stat. § 19a-342

Conn. Gen. Stat. § 19a-342a

Conn. Gen. Stat. § 21a-408a through 408q (palliative use of marijuana)

United States Code:

Pro-Children Act of 2001, 20 U.S.C. § 7973, as amended by the Every Student Succeeds Act, Public Law 114-95, § 4001

Drug Free Workplace Act, 41 U.S.C. § 8101 et seq.

8/25/19

[NOTE: Section 31-48d of the Connecticut General Statutes requires employers to provide notice to its employees if it intends to engage in any electronic monitoring in the workplace, including the monitoring of computer and telephone use. Employers must provide such notice by posting a statement concerning the types of electronic monitoring which the employer may engage in, in a conspicuous place which is readily available for viewing by its employees. Even if a school district does not expect to routinely engage in monitoring activities, we recommend that the school district, as an employer, provide this notice to its employees in order to preserve its right to engage in such activities when appropriate.]

### **NOTICE REGARDING ELECTRONIC MONITORING**

***Temporary revisions have been made related to the COVID-19 pandemic to the Notice Regarding Electronic Monitoring. Temporary changes appear in highlighted bold italics.***

**[To be posted in a conspicuous place  
readily available for viewing by employees]**

In accordance with the provisions of Connecticut General Statutes Section 31-48d, the Board of Education hereby gives notice to all its employees of the potential use of electronic monitoring in its workplace. While the Board may not actually engage in the use of electronic monitoring, it reserves the right to do so as the Board and/or the Administration deem appropriate in their discretion, consistent with the provisions set forth in this Notice.

“Electronic monitoring,” as defined by Connecticut General Statutes Section 31-48d, means the collection of information on the Board’s premises concerning employees’ activities or communications, by any means other than direct observation of the employees. Electronic monitoring includes the use of a computer, telephone, wire, radio, camera, electromagnetic, photoelectronic or photo-optical systems. The law does not cover the collection of information (A) for security purposes in any common areas of the Board’s premises which are open to the public, or (B) which is prohibited under other state or federal law.

The following specific types of electronic monitoring may be used by the Board in its workplaces: **[modify as appropriate for the school district in question]**

- Monitoring of e-mail and other components of the Board’s computer systems, including monitoring of electronic devices such as PDAs, Smartphones, and mobile or handheld devices that access the computer systems, for compliance with the Board’s policies and regulations concerning use of such systems.
- Video and/or audio surveillance within school buildings (other than in restrooms, locker rooms, lounges and other areas designed for the health or personal comfort of employees or for the safeguarding of their possessions),

on school grounds and on school buses and other vehicles providing transportation to students and/or employees of the school system.

- Monitoring of employee usage of the school district's telephone systems.
- ***Monitoring of employees when employees are engaging in remote teaching or use of a digital teaching platform.***

The law also provides that, where electronic monitoring may produce evidence of misconduct, the Board may use electronic monitoring without any prior notice when the Board has reasonable grounds to believe employees are engaged in conduct that: (i) violates the law, (ii) violates the legal rights of the Board or other employees, or (iii) creates a hostile work environment.

Questions about electronic monitoring in the workplace should be directed to the Superintendent.

#### Legal References:

##### Connecticut General Statutes:

Conn. Gen. Stat. § 31-48b

Conn. Gen. Stat. § 31-48d

8/10/16

**ADMINISTRATIVE REGULATIONS REGARDING SEX DISCRIMINATION AND  
SEXUAL HARASSMENT IN THE WORKPLACE (PERSONNEL)  
[OR USE DISTRICT SPECIFIC PROCEDURE]**

*[Note: The following administrative procedures are not part of the sex discrimination and sexual harassment policy and need not be approved by the Board, unless such approval is required per Board policy. However, because a complaint procedure is legally required, these administrative regulations are included for your convenience.]*

[ \_\_\_\_\_ ] Board of Education  
Sex Discrimination and Sexual Harassment Complaint Procedure

Complaint Procedure

It is the express policy of the Board of Education to encourage victims of sexual discrimination or sexual harassment to promptly report such claims. Timely reporting of complaints facilitates the investigation and resolution of such complaints. Any employee who feels that he/she has been sexually harassed or otherwise discriminated against on the basis of sex should submit any such complaint to the Title IX Coordinator. If the Title IX Coordinator is the subject of the complaint, the complaint should be submitted to the Superintendent, who shall investigate or appoint a designee to do so.

Complaints will be investigated promptly and corrective action will be taken when allegations are verified. Confidentiality will be maintained by all persons involved in the investigation to the extent possible and reprisals or retaliation that occur as a result of the good faith reporting of charges of sex discrimination or sexual harassment will result in disciplinary action against the retaliator.

The school district will provide training for all employees on federal and state sexual harassment laws and remedies available to victims and will provide periodic supplemental training to employees. The district will publish its policy and grievance procedures to staff and employees in an effort to maintain an environment free of sex discrimination and sexual harassment. The district will also post a notice regarding sexual harassment in a conspicuous place readily available for viewing by employees. The district will email this notice to employees within three months of hire with the subject line "Sexual Harassment Policy" or words of similar import.

Any employee who believes that he or she has been discriminated against or sexually harassed in the workplace in violation of this policy may also file a complaint with the [ \_\_\_\_\_ ] Region Office of the Connecticut Commission on Human Rights and Opportunities, [address], [phone number]. (Your regional CHRO office can be found by accessing <http://www.state.ct.us/chro/index.html>) and/or the Equal Employment Opportunity Commission, Boston Area Office, John F. Kennedy Federal Building, 475 Government Center, Boston, MA 02203 (TELEPHONE NUMBER 800-669-4000). Connecticut law requires that a

formal written complaint be filed with the Commission on Human Rights and Opportunities within 300 days of the date when the alleged discrimination/harassment occurred. Remedies for sex discrimination and sexual harassment include cease and desist orders, back pay, compensatory damages, punitive damages, hiring, promotion or reinstatement.

Title IX Coordinator

The Title IX Coordinator for the [\_\_\_\_\_] Board of Education is: \_\_\_\_\_, whose office is located at \_\_\_\_\_ and whose telephone number is \_\_\_\_\_.

8/25/19

*[Note: Although we have included this sample notice in our model policy documents for the convenience of our Board of Education clients, the notice does not need to be approved as a Board policy.]*

**[To be posted in a conspicuous place readily available  
for viewing by employees and emailed to employees within three months of hire with the  
subject line “Sexual Harassment Policy” or words of similar import]**

**SEXUAL HARASSMENT IS ILLEGAL  
AND IS PROHIBITED  
BY  
THE CONNECTICUT DISCRIMINATION EMPLOYMENT PRACTICES ACT  
(Section 46a-60(a)(8) of the Connecticut General Statutes)  
AND  
TITLE VII OF THE CIVIL RIGHTS ACT OF 1964  
(42 United States Code Section 2000e et seq.)**

SEXUAL HARASSMENT MEANS ANY UNWELCOME SEXUAL ADVANCES OR REQUESTS FOR SEXUAL FAVORS OR ANY CONDUCT OF A SEXUAL NATURE WHEN:

1. SUBMISSION TO SUCH CONDUCT IS MADE EITHER EXPLICITLY OR IMPLICITLY A TERM OR CONDITION OF AN INDIVIDUAL'S EMPLOYMENT;
2. SUBMISSION TO OR REJECTION OF SUCH CONDUCT BY AN INDIVIDUAL IS USED AS THE BASIS FOR EMPLOYMENT DECISIONS AFFECTING SUCH INDIVIDUAL; OR
3. SUCH CONDUCT HAS THE PURPOSE OR EFFECT OF SUBSTANTIALLY INTERFERING WITH AN INDIVIDUAL'S WORK PERFORMANCE OR CREATING AN INTIMIDATING, HOSTILE, OR OFFENSIVE WORKING ENVIRONMENT.

Examples of SEXUAL HARASSMENT include:

UNWELCOME SEXUAL ADVANCES  
SUGGESTIVE OR LEWD REMARKS  
UNWANTED HUGS, TOUCHES, KISSES  
REQUESTS FOR SEXUAL FAVORS  
RETALIATION FOR COMPLAINING ABOUT SEXUAL HARASSMENT  
DEROGATORY OR PORNOGRAPHIC POSTERS, CARTOONS, OR DRAWINGS.

Remedies for sexual harassment may include:

CEASE AND DESIST ORDERS  
BACK PAY  
COMPENSATORY DAMAGES  
PUNITIVE DAMAGES

HIRING, PROMOTION, OR REINSTATEMENT

RETALIATION AGAINST ANY EMPLOYEE FOR COMPLAINING ABOUT SEXUAL HARASSMENT IS PROHIBITED UNDER THIS POLICY AND ILLEGAL.

VIOLATION OF THIS POLICY IS GROUNDS FOR DISCIPLINE, INCLUDING DISCHARGE.

INDIVIDUALS WHO ENGAGE IN ACTS OF SEXUAL HARASSMENT MAY ALSO BE SUBJECT TO CIVIL AND CRIMINAL PENALTIES.

AN INFRACTION OF THIS POLICY BY SUPERVISORS OR CO-WORKERS SHOULD BE REPORTED IMMEDIATELY TO \_\_\_\_\_ [**TITLE IX COORDINATOR, OR SUPERINTENDENT IF THE TITLE IX COORDINATOR IS THE SUBJECT OF THE COMPLAINT**]. CONFIDENTIALITY WILL BE MAINTAINED TO THE EXTENT POSSIBLE.

ANY EMPLOYEE WHO BELIEVES THAT HE OR SHE HAS BEEN HARASSED OR DISCRIMINATED AGAINST IN THE WORKPLACE IN VIOLATION OF THIS POLICY MAY ALSO CONTACT:

THE CONNECTICUT COMMISSION ON HUMAN RIGHTS AND OPPORTUNITIES  
[\_\_\_\_\_] REGION OFFICE [REGIONAL OFFICES AND THEIR ADDRESSES CAN BE  
FOUND ON THE CHRO WEBSITE, [HTTP://WWW.STATE.CT.US/CHRO/](http://www.state.ct.us/chro/)]  
[ADDRESS]  
[PHONE NUMBER]

AND/ OR:

THE EQUAL EMPLOYMENT OPPORTUNITY COMMISSION  
BOSTON AREA OFFICE  
JOHN F. KENNEDY FEDERAL BUILDING  
475 GOVERNMENT CENTER  
BOSTON, MA 02203  
PHONE (800) 669-4000

CONNECTICUT LAW REQUIRES THAT A FORMAL WRITTEN COMPLAINT BE FILED WITH THE COMMISSION ON HUMAN RIGHTS AND OPPORTUNITIES WITHIN THREE HUNDRED (300) DAYS OF THE DATE WHEN THE ALLEGED HARASSMENT/ DISCRIMINATION OCCURRED.

8/25/19

## **REPORTS OF SUSPECTED ABUSE OR NEGLECT OF CHILDREN OR SEXUAL ASSAULT OF STUDENTS BY SCHOOL EMPLOYEES**

Conn. Gen. Stat. Section 17a-101 et seq. requires school employees who have reasonable cause to suspect or believe (1) that any child under eighteen has been abused or neglected, has had a nonaccidental physical injury, or injury which is at variance with the history given of such injury, or has been placed at imminent risk of serious harm, or (2) that any person who is being educated by the technical high school system or a local or regional board of education, other than as part of an adult education program, is a victim of sexual assault, and the perpetrator is a school employee, to report such suspicions to the appropriate authority. In furtherance of this statute and its purpose, it is the policy of the Board of Education to require ALL EMPLOYEES of the Board of Education to report suspected abuse and/or neglect, nonaccidental physical injury, imminent risk of serious harm, or sexual assault of a student by a school employee, in accordance with the procedures set forth below.

### 1. Scope of Policy

This policy applies not only to school employees who are required by law to report suspected child abuse and/or neglect, nonaccidental physical injury, imminent risk of serious harm, or sexual assault of a student by a school employee, but to ALL EMPLOYEES of the Board of Education.

### 2. Definitions

For the purposes of this policy:

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

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

"School employee" means (a) a teacher, substitute teacher, school administrator, school superintendent, guidance counselor, school counselor, psychologist, social worker, nurse, physician, school paraprofessional or coach employed by the Board or who is working in a Board elementary, middle or high school; or (b) any other person who, in the performance of his or her duties, has regular contact with students and who provides services to or on behalf of students enrolled in the \_\_\_\_\_ Public Schools, pursuant to a contract with the Board.

"Sexual assault" means, for the purposes of the mandatory reporting laws and this policy, a violation of Sections 53a-70, 53a-70a, 53a-71, 53a-72a, 53a-72b or 53a-73a of the Connecticut General Statutes. Please see Appendix A of this policy for the relevant statutory definitions of sexual assault laws and related terms covered by the mandatory reporting laws and this policy.

"Statutory mandated reporter" means an individual required by Conn. Gen. Stat. Section 17a-101 et seq. to report suspected abuse and/or neglect of children or the sexual assault of a student by a school employee. The term "statutory mandated reporter" includes all school employees, as defined above, any person who is a licensed behavior analyst, and any person who holds or is issued a coaching permit by the State Board of Education, is a coach of intramural or interscholastic athletics, and is eighteen years of age or older.

### 3. What Must Be Reported

- a) A report must be made when any employee of the Board of Education in the ordinary course of such person's employment or profession has reasonable cause to suspect or believe that any child under the age of eighteen years:
  - i) has been abused or neglected;
  - ii) has had nonaccidental physical injury, or injury which is at variance with the history given for such injury, inflicted upon him/her;
  - iii) is placed at imminent risk of serious harm; or
- b) A report must be made when any employee of the Board of Education in the ordinary course of such person's employment or profession has reasonable cause to suspect or believe that any person, regardless of age, who is being educated by the technical high school system or a local or regional board of education, other than as part of an adult education program, is a victim of the following sexual assault crimes, and the perpetrator is a school employee:
  - i) sexual assault in first degree;
  - ii) aggravated sexual assault in the first degree;
  - iii) sexual assault in the second degree;
  - iv) sexual assault in the third degree;
  - v) sexual assault in the third degree with a firearm; or
  - vi) sexual assault in the fourth degree.

Please see Appendix A of this policy for the relevant statutory definitions of sexual assault laws and related terms covered by the mandatory reporting laws and this policy.

- c) The suspicion or belief of a Board employee may be based on factors including, but not limited to, observations, allegations, facts or statements by a child or victim, as described above, or a third party. Such suspicion or belief does not require certainty or probable cause.

#### 4. Reporting Procedures for Statutory Mandated Reporters

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

When an employee of the Board of Education who is a statutory mandated reporter and who, in the ordinary course of the person's employment, has reasonable cause to suspect or believe that a child has been abused or neglected or placed at imminent risk of serious harm, or is a victim of sexual assault by a school employee, as described in Paragraph 3, above, the following steps shall be taken.

- (1) The employee shall make an oral or electronic report as soon as practicable, but not later than twelve (12) hours after having reasonable cause to suspect or believe that a child has been abused or neglected or placed at imminent risk of serious harm, or is a victim of sexual assault by a school employee.
  - (a) An oral report shall be made by telephone or in person to the Commissioner of the Department of Children and Families (“DCF”) or the local law enforcement agency. DCF has established a 24 hour Child Abuse and Neglect Careline at 1-800-842-2288 for the purpose of making such oral reports.
  - (b) An electronic report shall be made in the manner prescribed by the Commissioner of DCF. An employee making an electronic report shall respond to further inquiries from the Commissioner of DCF or designee made within twenty-four (24) hours. Such employee shall inform the Superintendent or his/her designee as soon as possible as to the nature of the further communication with the Commissioner or designee.
- (2) The employee shall also make an oral report as soon as practicable to the Building Principal or his/her designee, and/or the Superintendent or his/her designee. If the Building Principal is the alleged perpetrator of the abuse/neglect or sexual assault of a student, then the employee shall notify the Superintendent or his/her designee directly.

- (3) In cases involving suspected or believed abuse, neglect, or sexual assault of a student by a school employee, the Superintendent or his/her designee shall immediately notify the child's parent or guardian that such a report has been made.
- (4) Not later than forty-eight (48) hours after making an oral report, the employee shall submit a written report to the Commissioner of DCF or the Commissioner's designee containing all of the required information. The written or electronic report should be submitted in the manner prescribed by the Commissioner of DCF. When such report is submitted electronically, the employee shall respond to further inquiries from the Commissioner of DCF or designee made within twenty-four (24) hours. Such employee shall inform the Superintendent or his/her designee as soon as possible as to the nature of the further communication with the Commissioner or designee.
- (5) The employee shall immediately submit a copy of the written report to the Building Principal or his/her designee and to the Superintendent or the Superintendent's designee.
- (6) If the report concerns suspected abuse, neglect, or sexual assault of a student by a school employee holding a certificate, authorization or permit issued by the State Department of Education, the Commissioner of DCF (or his/her designee) shall submit a copy of the written report to the Commissioner of Education (or his/her designee).

5. Reporting Procedures for Employees Other Than Statutory Mandated Reporters

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

- a) When an employee who is not a statutory mandated reporter and who, in the ordinary course of the person's employment or profession, has reasonable cause to suspect or believe that a child has been abused or neglected or placed at imminent risk of serious harm, or is a victim of sexual assault by a school employee, as described in Paragraph 3, above, the following steps shall be taken.
  - (1) The employee shall make an oral report as soon as practicable, but not later than twelve (12) hours after the employee has reasonable cause to suspect or believe that a child has been abused or neglected, placed at imminent risk of serious harm or is a victim of sexual assault by a school employee. Such oral report shall be made by telephone or in person to the Superintendent of Schools or his/her designee, to be followed by an immediate written report to the Superintendent or his/her designee.

- (2) If the Superintendent or his/her designee determines that there is reasonable cause to suspect or believe that a child has been abused or neglected or placed at imminent risk of serious harm or is a victim of sexual assault by school employee, he/she shall cause reports to be made in accordance with the procedures set forth for statutory mandated reporters.
- b) Nothing in this policy shall be construed to preclude an employee reporting suspected child abuse, neglect or sexual assault by a school employee from reporting the same directly to the Commissioner of DCF.

6. Contents of Reports

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

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

\*For purposes of this Paragraph, the term “child” includes any victim of sexual assault by a school employee, as described in Paragraph 2, above.

7. Investigation of the Report

- a) The Superintendent or his/her designee shall thoroughly investigate reports of suspected abuse, neglect or sexual assault if/when such report involves an employee of the Board of Education or other individual under the control of the Board, provided the procedures in subparagraph (b), below are followed. In all other cases, DCF shall be responsible for conducting the investigation with the cooperation and collaboration of the Board, as appropriate.
- b) Recognizing that DCF is the lead agency for the investigation of child abuse and neglect reports and reports of a student’s sexual assault by school employees, the Superintendent's investigation shall permit and give priority to any investigation conducted by the Commissioner of DCF or the appropriate local law enforcement agency. The Superintendent shall conduct the district’s investigation and take any disciplinary action, consistent with state law, upon notice from the Commissioner of DCF or the appropriate local law enforcement agency that the district’s investigation will not interfere with the investigation of the Commissioner of DCF or the local law enforcement agency.
- c) The Superintendent shall coordinate investigatory activities in order to minimize the number of interviews of any child or student victim of sexual assault and share information with other persons authorized to conduct an investigation of child abuse or neglect, as appropriate.
- d) Any person reporting child abuse or neglect or the sexual assault of a student by a school employee, or having any information relevant to alleged abuse or neglect or of the sexual assault of a student by a school employee, shall provide the Superintendent with all information related to the investigation that is in the possession or control of such person, except as expressly prohibited by state or federal law.
- e) When the school district is conducting an investigation involving suspected abuse or neglect or sexual assault of a student by an employee of the Board or other individual under the control of the Board, the Superintendent’s investigation shall include an opportunity for the individual suspected of abuse, neglect or sexual assault to be heard with respect to the allegations contained within the report. During the course of such investigation, the Superintendent may suspend a Board employee with pay or may place the employee on administrative leave with pay, pending the outcome of the investigation. If the individual is one who provides services to or on behalf of students enrolled in the \_\_\_\_\_ Public Schools, pursuant to a contract with the Board of Education, the Superintendent may suspend the provision of such services, and

direct the individual to refrain from any contact with students enrolled in the \_\_\_\_\_ Public Schools, pending the outcome of the investigation.

8. Evidence of Abuse, Neglect or Sexual Assault by a School Employee

- a) If, upon completion of the investigation by the Commissioner of DCF (“Commissioner”), the Superintendent has received a report from the Commissioner that he or she has reasonable cause to believe that (1) a child has been abused or neglected by a school employee, as defined above, and the Commissioner has recommended that such employee be placed on the DCF child abuse and neglect registry, or (2) a student is a victim of sexual assault by a school employee, the Superintendent shall request (and the law provides) that DCF notify the Superintendent not later than five (5) working days after such finding, and provide the Superintendent with records, whether or not created by DCF, concerning such investigation. The Superintendent shall suspend such school employee. Such suspension shall be with pay and shall not result in the diminution or termination of benefits to such employee.
- b) Not later than seventy-two (72) hours after such suspension, the Superintendent shall notify the Board of Education and the Commissioner of Education, or the Commissioner of Education's representative, of the reasons for and the conditions of the suspension. The Superintendent shall disclose such records to the Commissioner of Education and the Board of Education or its attorney for purposes of review of employment status or the status of such employee's certificate, permit or authorization, if any.
- c) The suspension of a school employee employed in a position requiring a certificate shall remain in effect until the Superintendent and/or Board of Education acts pursuant to the provisions of Conn. Gen. Stat. §10-151. If the contract of employment of such certified school employee is terminated, or such certified school employee resigns such employment, the Superintendent shall notify the Commissioner of Education, or the Commissioner of Education's representative, within seventy-two (72) hours after such termination or resignation.
- d) The suspension of a school employee employed in a position requiring an authorization or permit shall remain in effect until the Superintendent and/or Board of Education acts pursuant to any applicable termination provisions. If the contract of employment of a school employee holding an authorization or permit from the State Department of Education is terminated, or such school employee resigns such employment, the Superintendent shall notify the Commissioner of Education, or the Commissioner of Education's representative, within seventy-two (72) hours after such termination or resignation.
- e) Regardless of the outcome of any investigation by the Commissioner of DCF and/or the police, the Superintendent and/or the Board, as appropriate, may take

disciplinary action, up to and including termination of employment, in accordance with the provisions of any applicable statute, if the Superintendent's investigation produces evidence that a child has been abused or neglected by a school employee or that a student has been a victim of sexual assault by a school employee.

- f) The \_\_\_\_\_ Public Schools shall not employ a person whose employment contract is terminated or who resigned from employment following a suspension pursuant to Paragraph 8(a) of this policy and Conn. Gen. Stat. § 17a-101i, if such person is convicted of a crime involving an act of child abuse or neglect or an act of sexual assault of a student, as described in Paragraph 2 of this policy.

9. Evidence of Abuse, Neglect or Sexual Assault by An Independent Contractor of the Board of Education

If the investigation by the Superintendent and/or the Commissioner of DCF produces evidence that a child has been abused or neglected, or a student has been sexually assaulted, by any individual who provides services to or on behalf of students enrolled in the \_\_\_\_\_ Public Schools, pursuant to a contract with the Board of Education, the Superintendent shall permanently suspend the provision of such services, and direct the individual to refrain from any contact with students enrolled in the \_\_\_\_\_ Public Schools.

10. Delegation of Authority by Superintendent

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

11. Confidential Rapid Response Team

The Superintendent shall establish a confidential rapid response team to coordinate with DCF to (1) ensure prompt reporting of suspected abuse or neglect or sexual assault of a student by a school employee, as described in Paragraph 2, above, and (2) provide immediate access to information and individuals relevant to the department's investigation. The confidential rapid response team shall consist of a teacher and the Superintendent, a local police officer and any other person the Board of Education, acting through its Superintendent, deems appropriate.

12. Disciplinary Action for Failure to Follow Policy

Except as provided in Section 12 below, any employee who fails to comply with the requirements of this policy shall be subject to discipline, up to and including termination of employment.

13. The \_\_\_\_\_ Public Schools shall not hire any person whose employment contract was previously terminated by a board of education or who resigned from such employment, if such person has been convicted of a violation of Section 17a-101a of the Connecticut General Statutes, as amended, relating to mandatory reporting, when an allegation of abuse or neglect or sexual assault has been substantiated.

14. Non-Discrimination Policy/Prohibition Against Retaliation

The Board of Education expressly prohibits retaliation against individuals reporting child abuse or neglect or the sexual assault of a student by a school employee and shall not discharge or in any manner discriminate or retaliate against any employee who, in good faith makes, or in good faith does not make, a report pursuant to this policy, or testifies or is about to testify in any proceeding involving abuse or neglect or sexual assault by a school employee. The Board of Education also prohibits any employee from hindering or preventing or attempting to hinder or prevent any employee from making a report pursuant to this policy or state law concerning suspected child abuse or neglect or the sexual assault of a student by a school employee or testifying in any proceeding involving child abuse or neglect or the sexual assault of a student by a school employee.

15. Distribution of Policy and Posting of Careline Information

This policy shall be distributed annually to all school employees employed by the Board. The Board shall document that all such school employees have received this written policy and completed the training and refresher training programs required by in Section 14, below. The Board shall post the Internet web site address and telephone number for the DCF Child Abuse and Neglect Careline in a conspicuous location frequented by students in each school under the jurisdiction of the Board.

16. Training

- a) All new school employees, as defined above, shall be required to complete an educational training program for the accurate and prompt identification and reporting of child abuse and neglect. Such training program shall be developed and approved by the Commissioner of DCF.
- b) All school employees, as defined above, shall take a refresher training course developed and approved by the Commissioner of DCF at least once every three years.
- c) The principal for each school shall annually certify to the Superintendent that each school employee, as defined above, working at such school, is in compliance with the training provisions in this policy and as required by state law. The Superintendent shall certify such compliance to the State Board of Education.

17. Records

- a) The Board shall maintain in a central location all records of allegations, investigations, and reports that a child has been abused or neglected by a school employee employed by the Board or that a student has been a victim of sexual assault by a school employee employed by the Board, as defined above, and conducted in accordance with this policy. Such records shall include any reports made to the DCF. The State Department of Education shall have access to such records upon request.
- b) Notwithstanding the provisions of Conn. Gen. Stat. §10-151c, the Board shall provide the Commissioner of DCF, upon request and for the purposes of an investigation by the Commissioner of DCF of suspected child abuse or neglect by a teacher employed by the Board, any records maintained or kept on file by the Board. Such records shall include, but not be limited to, supervisory records, reports of competence, personal character and efficiency maintained in such teacher's personnel file with reference to evaluation of performance as a professional employee of the Board, and records of the personal misconduct of such teacher. For purposes of this section, "teacher" includes each certified professional employee below the rank of superintendent employed by the Board in a position requiring a certificate issued by the State Board of Education.

18. Child Sexual Abuse and/or Sexual Assault Response Policy and Reporting Procedure

The Board has adopted a uniform child sexual abuse and/or sexual assault response policy and reporting procedure in connection with the implementation of its sexual assault and abuse prevention and awareness program, as outlined in Board Policy [#], **Child Sexual Abuse and/or Sexual Assault Response Policy and Reporting Procedure**. Upon receipt of any report of child sexual abuse and/or sexual assault from any source, a school employee shall report such suspicion to the Safe School Climate Coordinator in addition to complying with his/her obligations under this Policy and the law regarding mandatory reporting of abuse, neglect and sexual assault.

Legal References:

Connecticut General Statutes:

Section 10-151

Section 10-221s

Section 17a-101 et seq.

Section 17a-101q, Statewide Sexual Abuse and Assault Awareness and  
Prevention Program

Section 17a-103

Section 46b-120

Section 53a-65

ADOPTED: \_\_\_\_\_

REVISED: \_\_\_\_\_

Last reviewed: 9/16/19

## **Appendix A**

### **RELEVANT EXCERPTS OF STATUTORY DEFINITIONS OF SEXUAL ASSAULT AND RELATED TERMS COVERED BY MANDATORY REPORTING LAWS AND THIS POLICY**

An employee of the Board of Education must make a report in accordance with this policy when the employee of the Board of Education in the ordinary course of such person's employment or profession has reasonable cause to suspect or believe that any person, regardless of age, who is being educated by the technical high school system or a local or regional board of education, other than as part of an adult education program, is a victim of the following sexual assault crimes, and the perpetrator is a school employee. The following are relevant excerpts of the sexual assault laws and related terms covered by mandatory reporting laws and this policy.

#### **“Intimate Parts” (Conn. Gen. Stat. § 53a-65)**

“Intimate parts” means the genital area or any substance emitted therefrom, groin, anus or any substance emitted therefrom, inner thighs, buttocks or breasts.

#### **“Sexual Intercourse” (Conn. Gen. Stat. § 53a-65)**

“Sexual intercourse” means vaginal intercourse, anal intercourse, fellatio or cunnilingus between persons regardless of sex. Its meaning is limited to persons not married to each other. Penetration, however slight, is sufficient to complete vaginal intercourse, anal intercourse or fellatio and does not require emission of semen. Penetration may be committed by an object manipulated by the actor into the genital or anal opening of the victim's body.

#### **“Sexual Contact” (Conn. Gen. Stat. § 53a-65)**

“Sexual contact” means any contact with the intimate parts of a person not married to the actor for the purpose of sexual gratification of the actor or for the purpose of degrading or humiliating such person or any contact of the intimate parts of the actor with a person not married to the actor for the purpose of sexual gratification of the actor or for the purpose of degrading or humiliating such person.

#### **Sexual Assault in First Degree (Conn. Gen. Stat. § 53a-70)**

A person is guilty of sexual assault in the first degree when such person (1) compels another person to engage in sexual intercourse by the use of force against such other person or a third person, or by the threat of use of force against such other person or against a third person which reasonably causes such person to fear physical injury to such person or a third person, or (2) engages in sexual intercourse with another person and such other person is under thirteen years of age and the actor is more than two years older than such person, or (3) commits sexual assault in the second degree as provided in section 53a-71 and in the commission of such offense is aided by two or more other persons actually present, or (4) engages in sexual

intercourse with another person and such other person is mentally incapacitated to the extent that such other person is unable to consent to such sexual intercourse.

### **Aggravated Sexual Assault in the First Degree (Conn. Gen. Stat. § 53a-70a)**

A person is guilty of aggravated sexual assault in the first degree when such person commits sexual assault in the first degree as provided in section 53a-70 and in the commission of such offense (1) such person uses or is armed with and threatens the use of or displays or represents by such person's words or conduct that such person possesses a deadly weapon, (2) with intent to disfigure the victim seriously and permanently, or to destroy, amputate or disable permanently a member or organ of the victim's body, such person causes such injury to such victim, (3) under circumstances evincing an extreme indifference to human life such person recklessly engages in conduct which creates a risk of death to the victim, and thereby causes serious physical injury to such victim, or (4) such person is aided by two or more other persons actually present. No person shall be convicted of sexual assault in the first degree and aggravated sexual assault in the first degree upon the same transaction but such person may be charged and prosecuted for both such offenses upon the same information.

### **Sexual Assault in the Second Degree (Conn. Gen. Stat. § 53a-71)**

A person is guilty of sexual assault in the second degree when such person engages in sexual intercourse with another person and: (1) Such other person is thirteen years of age or older but under sixteen years of age and the actor is more than three years older than such other person; or (2) such other person is impaired because of mental disability or disease to the extent that such other person is unable to consent to such sexual intercourse; or (3) such other person is physically helpless; or (4) such other person is less than eighteen years old and the actor is such person's guardian or otherwise responsible for the general supervision of such person's welfare; or (5) such other person is in custody of law or detained in a hospital or other institution and the actor has supervisory or disciplinary authority over such other person; or (6) the actor is a psychotherapist and such other person is (A) a patient of the actor and the sexual intercourse occurs during the psychotherapy session, (B) a patient or former patient of the actor and such patient or former patient is emotionally dependent upon the actor, or (C) a patient or former patient of the actor and the sexual intercourse occurs by means of therapeutic deception; or (7) the actor accomplishes the sexual intercourse by means of false representation that the sexual intercourse is for a bona fide medical purpose by a health care professional; or (8) the actor is a school employee and such other person is a student enrolled in a school in which the actor works or a school under the jurisdiction of the local or regional board of education which employs the actor; or (9) the actor is a coach in an athletic activity or a person who provides intensive, ongoing instruction and such other person is a recipient of coaching or instruction from the actor and (A) is a secondary school student and receives such coaching or instruction in a secondary school setting, or (B) is under eighteen years of age; or (10) the actor is twenty years of age or older and stands in a position of power, authority or supervision over such other person by virtue of the actor's professional, legal, occupational or volunteer status and such other person's participation in a program or activity, and such other person is under eighteen years of age; or (11) such other person is placed or receiving services under the direction of the

Commissioner of Developmental Services in any public or private facility or program and the actor has supervisory or disciplinary authority over such other person.

**Sexual Assault in the Third Degree (Conn. Gen. Stat. § 53a-72a)**

A person is guilty of sexual assault in the third degree when such person (1) compels another person to submit to sexual contact (A) by the use of force against such other person or a third person, or (B) by the threat of use of force against such other person or against a third person, which reasonably causes such other person to fear physical injury to himself or herself or a third person, or (2) engages in sexual intercourse with another person whom the actor knows to be related to him or her within any of the degrees of kindred specified in section 46b-21.

**Sexual Assault in the Third Degree with a Firearm (Conn. Gen. Stat. § 53a-72b)**

A person is guilty of sexual assault in the third degree with a firearm when such person commits sexual assault in the third degree as provided in section 53a-72a, and in the commission of such offense, such person uses or is armed with and threatens the use of or displays or represents by such person's words or conduct that such person possesses a pistol, revolver, machine gun, rifle, shotgun or other firearm. No person shall be convicted of sexual assault in the third degree and sexual assault in the third degree with a firearm upon the same transaction but such person may be charged and prosecuted for both such offenses upon the same information.

**Sexual Assault in the Fourth Degree (Conn. Gen. Stat. § 53a-73a)**

A person is guilty of sexual assault in the fourth degree when: (1) Such person subjects another person to sexual contact who is (A) under thirteen years of age and the actor is more than two years older than such other person, or (B) thirteen years of age or older but under fifteen years of age and the actor is more than three years older than such other person, or (C) mentally incapacitated or impaired because of mental disability or disease to the extent that such other person is unable to consent to such sexual contact, or (D) physically helpless, or (E) less than eighteen years old and the actor is such other person's guardian or otherwise responsible for the general supervision of such other person's welfare, or (F) in custody of law or detained in a hospital or other institution and the actor has supervisory or disciplinary authority over such other person; or (2) such person subjects another person to sexual contact without such other person's consent; or (3) such person engages in sexual contact with an animal or dead body; or (4) such person is a psychotherapist and subjects another person to sexual contact who is (A) a patient of the actor and the sexual contact occurs during the psychotherapy session, or (B) a patient or former patient of the actor and such patient or former patient is emotionally dependent upon the actor, or (C) a patient or former patient of the actor and the sexual contact occurs by means of therapeutic deception; or (5) such person subjects another person to sexual contact and accomplishes the sexual contact by means of false representation that the sexual contact is for a bona fide medical purpose by a health care professional; or (6) such person is a school employee and subjects another person to sexual contact who is a student enrolled in a school in which the actor works or a school under the jurisdiction of the local or regional board of education which employs the actor; or (7) such person is a coach in an athletic activity or a person who provides intensive, ongoing instruction and subjects another person to sexual

contact who is a recipient of coaching or instruction from the actor and (A) is a secondary school student and receives such coaching or instruction in a secondary school setting, or (B) is under eighteen years of age; or (8) such person subjects another person to sexual contact and (A) the actor is twenty years of age or older and stands in a position of power, authority or supervision over such other person by virtue of the actor's professional, legal, occupational or volunteer status and such other person's participation in a program or activity, and (B) such other person is under eighteen years of age; or (9) such person subjects another person to sexual contact who is placed or receiving services under the direction of the Commissioner of Developmental Services in any public or private facility or program and the actor has supervisory or disciplinary authority over such other person.