

Board of Education  
Darien, Connecticut

**TUESDAY, NOVEMBER 27, 2018**  
**REGULAR MEETING OF THE BOARD OF EDUCATION**

**PLACE:**  
**DARIEN PUBLIC SCHOOLS'**  
**ADMINISTRATIVE OFFICES**  
**MEETING ROOM**  
**7:30 P.M.**

**TENTATIVE AGENDA**

- |   |  |           |
|---|--|-----------|
| 1. Call to Order.....   | Mrs. Tara Ochman   | 7:30 p.m. |
| 2. Chairperson's Report.....  | Mrs. Tara Ochman   |           |
| 3. Public Comment*.....   | Mrs. Tara Ochman   |           |
| 4. Superintendent's Report.....   | Dr. Elliott Landon   |           |
| 5. Approval of Minutes.....   | Board of Education   |           |
| 6. Board Committee Reports.....   | Mrs. Tara Ochman   |           |
| 7. Presentations/Discussions  |  |           |
| a. Special Education Update.....  | Mrs. Shirley Klein/<br>Ms. Laura Straiton/<br>Dr. Scott McCarthy/<br>Ms. Shira Schwartz/<br>Ms. Kristin O'Reilly |           |
| b. Presentation of Updated Five...<br>Year Capital Plan                                       | Mr. Michael Feeney/<br>Mr. Michael Lynch   |           |
| c. Presentation and Discussion...<br>of Preliminary Major Budget<br>Initiatives for 2019-2020 | Dr. Elliott Landon   |           |

\*Public Comments are limited to three minutes per individual and are designed to allow community members to inform the Darien Board of Education of their opinions and/or concerns. Where appropriate, community members are also encouraged to reach out to the school administration during regular school hours. There should be no expectation for dialogue on such public comments to take place at a regular public meeting, given that by law the Board may only discuss matters that are set forth on its agenda.

**REGULAR MEETING OF THE BOARD OF EDUCATION  
TUESDAY, NOVEMBER 27, 2018**

**7. Presentations/Discussions (cont.)**

- d. Presentation, Discussion and.... Mr. Michael Feeney  
Action on Recommendation for  
Solar Panels at Tokeneke, Holmes  
and the Board of Education
- e. Presentation, Discussion and... Mr. Chris Manfredonia  
Possible Acceptance of  
Contemplated Gifts for the  
Darien High School Athletic  
Department
- f. Discussion and Possible..... Mrs. Tara Ochman  
Action on Superintendent  
Focus Group Recommended  
Qualifications for next  
Superintendent of Schools
- g. Further Discussion and Action ..... Ms. Marjorie Cion/  
on Proposed New Board of Mrs. Kathrine Stein  
Education Policy 5285 – Child  
Sexual Abuse and Assault Policy  
and Reporting Procedure
- h. Further Discussion and Action... Ms. Marjorie Cion/  
on Policy Revisions: 4025 Reports Mrs. Kathrine Stein  
of Suspected Abuse or Neglect  
of Children or Sexual Assault  
of Students by School Employees;  
4050 Reports of Suspected Abuse  
or Neglect of Adults with an  
Intellectual Disability or Autism  
Spectrum Disorder; 5100  
Physical Restraint and  
Seclusion of Students and  
Use of Exclusionary Time

**REGULAR MEETING OF THE BOARD OF EDUCATION  
TUESDAY, NOVEMBER 27, 2018**

8. Public Comment\*..... Mrs. Tara Ochman  
9. Adjournment..... Mrs. Tara Ochman

EL:nv

\*Public Comments are limited to three minutes per individual and are designed to allow community members to inform the Darien Board of Education of their opinions and/or concerns. Where appropriate, community members are also encouraged to reach out to the school administration during regular school hours. There should be no expectation for dialogue on such public comments to take place at a regular public meeting, given that by law the Board may only discuss matters that are set forth on its agenda.

**APPROVED**  
**REGULAR MEETING OF THE BOARD OF EDUCATION**  
**Tuesday, October 23, 2018**

**PLACE:**  
**DARIEN PUBLIC SCHOOLS**  
**ADMINISTRATIVE OFFICES**  
**BOARD OF EDUCATION CONFERENCE ROOM**  
**7:30 P.M.**

**BOARD MEMBERS PRESENT:**

	Burke	Dineen	Hagerty-Ross	McCammon	McNamara	Maroney	Ochman	Ritchie	Stein
Present	X	X	X	X	X*	X	X	X	X
Absent									

\*Ms. McNamara arrived at 7:46 p.m.

**ADMINISTRATION PRESENT:**

Dr. Landon, Dr. Da Silva, Ms. Klein, Ms. Cion and Mr. Feeney

**AUDIENCE:** Approximately 15

- |                                     |  |
|-------------------------------------|--|
| 1. Call to Order                    | Mrs. Tara B. Ochman, Chair,<br>at 7:30 p.m. (0:00) |
| 2. Chairperson's Report             | Mrs. Ochman, Chair,<br>at 7:31 p.m. (0:01)         |
| 3. Public Comment                   | Mrs. Ochman, Chair,<br>at 7:34 p.m. (0:04)         |
| 4. Superintendent's Report          | Dr. Elliott Landon<br>at 7:34 p.m. (0:04)          |
| 5. Approval of Minutes (attachment) | Board of Education<br>at 7:36 p.m. (0:06)          |

**MOTION TO APPROVE THE MINUTES OF THE SPECIAL MEETING OF THE BOARD OF EDUCATION HELD ON TUESDAY, OCTOBER 9, 2018:**

**1<sup>st</sup> Mr. Dineen**

**2<sup>ND</sup> Ms. McCammon**

	Burke	Dineen	Hagerty-Ross	McCammon	McNamara	Maroney	Ochman	Ritchie	Stein
Yes	X	X	X	X		X	X	X	X
No									
Abstain									

**RESULT - MOTION PASSED (8-0-0)**

**MOTION TO APPROVE THE MINUTES OF THE SPECIAL MEETING AND EXECUTIVE SESSION OF THE BOARD OF EDUCATION HELD ON TUESDAY, OCTOBER 9, 2018:**

**1<sup>st</sup> Ms. Ritchie**

**2<sup>ND</sup> Mr. Burke**

	Burke	Dineen	Hagerty-Ross	McCammon	McNamara	Maroney	Ochman	Ritchie	Stein
Yes	X	X	X	X		X	X	X	X
No									
Abstain									

**RESULT - MOTION PASSED (8-0-0)**

**MOTION TO APPROVE THE MINUTES OF THE REGULAR MEETING OF THE BOARD OF EDUCATION HELD ON TUESDAY, OCTOBER 9, 2018:**

**1<sup>st</sup> Ms. Hagerty-Ross**

**2<sup>ND</sup> Mr. Maroney**

	Burke	Dineen	Hagerty-Ross	McCammon	McNamara	Maroney	Ochman	Ritchie	Stein
Yes	X	X	X	X		X	X	X	X
No									
Abstain									

**RESULT - MOTION PASSED (8-0-0)**

6. Board Committee Reports

Mrs. Ochman, Chair,  
at 7:37 p.m. (0:07)

### **PRESENTATIONS AND DISCUSSIONS**

7. Presentations/Discussions:

a. Presentation of Student  
Distribution (Class Size)  
Reports for the High School  
and Middlesex

Ms. Ellen Dunn/  
Mr. Paul Ribeiro/  
Ms. Shelley Somers  
at 7:37 p.m. (0:07)

b. Discussion and Possible  
Action on Proposed Darien  
High School China Trip

Dr. Susie Da Silva/  
Ms. Ellen Dunn  
at 7:55 p.m. (0:25)

**MOTION TO APPROVE THE PROPOSED DARIEN HIGH SCHOOL CHINA TRIP:**

**1<sup>st</sup> Ms. Ritchie**

**2<sup>ND</sup> Mr. Dineen**

	Burke	Dineen	Hagerty-Ross	McCammon	McNamara	Maroney	Ochman	Ritchie	Stein
Yes	X	X	X	X	X	X	X	X	X
No									
Abstain									

**RESULT - MOTION PASSED UNANIMOUSLY (9-0-0)**

c. Discussion and Possible  
Action on 2019-20 Consolidated  
Grant (Includes Title 1)

Dr. Susie Da Silva  
at 8:01 p.m. (0:31)

**MOTION TO APPROVE THE 2019-20 CONSOLIDATED GRANT:****1<sup>st</sup> Ms. McNamara****2<sup>ND</sup> Mr. Dineen**

	Burke	Dineen	Hagerty-Ross	McCammon	McNamara	Maroney	Ochman	Ritchie	Stein
Yes	X	X	X	X	X	X	X	X	X
No									
Abstain									

**RESULT - MOTION PASSED UNANIMOUSLY (9-0-0)**

d. Presentation of October 1<sup>st</sup>  
District Enrollment Report  
and Projections

Mr. Michael Feeney  
at 8:08 p.m. (0:38)

**ACTION ITEMS**

8. Public Comment

Mrs. Ochman, Chair,  
at 8:30 p.m. (1:00)

9. Adjournment to Executive  
Session for the Purpose of  
Discussion of a Confidential  
Attorney-Client Communication  
Regarding Issues Related to a  
Parent Complaint

Mrs. Ochman, Chair,  
at 8:30 p.m. (0:00)

**MOTION TO ADJOURN TO EXECUTIVE SESSION:****1<sup>st</sup> Ms. McNamara****2<sup>nd</sup> Ms. Ritchie**

	Burke	Dineen	Hagerty-Ross	McCammon	McNamara	Maroney	Ochman	Ritchie	Stein
Yes	X	X	X	X	X	X	X	X	X
No									
Abstain									

**RESULT - MOTION PASSED UNANIMOUSLY (9-0-0)**

Meeting adjourned at 8:30 p.m. (1:00)

Respectfully Submitted,

Kathrine Stein,  
Secretary

**Michael Lynch**  
**Director of District Facilities & Operations**  
Phone: (203)-656-7418 or (203)-656-7417  
Fax: (203)-656-3052  
E-mail: [MLynch@darienps.org](mailto:MLynch@darienps.org)

**Darien Public Schools**  
**Administrative Offices**  
35 Leroy Avenue  
P.O. Box 1167  
Darien, CT 06820-1167

## **MEMORANDUM**

**To:** Dr. Elliott Landon, Interim Superintendent of Schools  
Michael Feeney, Director of Finance and Operations

**From:** Michael Lynch, Director of Facilities

**Subject:** Summary of Anticipated Long-Term Capital Projects: 2019-20 through 2024-2025

**Date:** November 20, 2018

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A summary of the anticipated long-term capital projects for 2019-20 through 2024-25 is attached for your review. The projects are scheduled for the year in which it is anticipated that they will be brought forward for consideration as Priority Level 1 projects in the annual Capital Projects Budget. The long-term plan will certainly change over time. School facilities are evaluated on an on-going basis and revisions to the long-term plan will be made as needed in order to accommodate changes in the following areas:

- Facility conditions.
- Existing programs and their needs or the addition of new programs.
- Enrollment.
- Regulatory requirements.
- The economic climate.

I look forward to reviewing this long-term plan with you and the members of the Board of Education. In the meantime, please do not hesitate to contact me if you have any questions or require additional information.

## Priority Rubric for Capital Planning

	Highest Priority 1	Second Priority 2	Third Priority 3
Code Compliance	Project is necessary to complete to ensure compliance with local, state, and federal code	Project is recommended to meet future codes	N/A
Safety and Health	Project is necessary to ensure the safety and health of students and staff	Project is designed to improve safety and health of students and staff	Project is designed to enhance the safety of the school buildings. Project may improve aesthetic quality of buildings
Instructional Need	Project is necessary to fulfill an existing instructional need	Project is designed to fulfill an impending instructional need	Project is designed to enhance the learning environment, but does not have immediate or essential educational benefit
Operational Efficiencies	Project would dramatically and immediately improve operational efficiency. Upgrades are essential to replace failing systems	Project would, over time, contribute to operational efficiency. This includes repairs or upgrades to aging, but not failing systems	Project is believe to bring an increased level of efficiency to operations, but needs additional study.



**ANTICIPATED LONG-TERM CAPITAL PROJECTS: PER SCHOOL**

**2019-20 through 2024-25**

**Priority Level 1 Projects:**

- Are required by code or for significant safety/health reasons.
- Will significantly improve the delivery of education or school programs.
- Will significantly increase operational efficiencies.
- Are essential replacements/upgrades of building systems or sites.
- Are cost effective.

**Priority Level 2 Projects:**

- Will improve the delivery of education or school programs if implemented.
- Will provide some increase in operational efficiencies.
- Are required in order to replace/upgrade aging, but not failing, building systems.

**Priority Level 3 Projects:**

- Are generally aesthetic or non-essential in nature.
- Provide little or no educational benefit.
- Could be deferred to a future budget year or require additional study.

## **DESCRIPTION OF INDIVIDUAL PROJECTS 2019-2020**

### **DARIEN HIGH SCHOOL:**

#### **Priority Level 1 Project:**

- *Upgrade Clock System:* Many of the clocks and several of the power boosters need to be replaced. This includes the labor cost.
- *Traffic Control Security Booth:* To limit access to the High School property and allow for vehicles to safely turn around and exit
- *Upgrade Existing Digital Controls:* The software and computer are outdated and no longer supported by the manufacturer. This software will fully integrate with the programs in the Elementary Schools.

#### **Priority Level 2 Project:**

- *New carpet in Library:* Carpet is getting worn out and stained.

### **MIDDLESEX MIDDLE SCHOOL:**

#### **Priority Level 1 Project:**

- *Upgrade Corridor Lighting:* Change out the fluorescent lighting to all LED fixtures.

#### **Priority Level 2 Project:**

- *Re-tube Boiler #1:* These fire tube boilers usually run about 20 years before they need to be re-tubed. At the present time, the boilers are not leaking.

### **HINDLEY ELEMENTARY SCHOOL:**

#### **Priority Level 1 Project:**

- *Replace Roof on 1947 Building:* This roof has developed multiple leaks over the past year. Need to add tapered insulation and additional drains.
- *Replace Windows in Original Building:* The 1947 building had window inserts retro-fitted about 30 years ago. These windows need replacement.
- *Upgrade to Digital Controls, Phase III:* This will be the final phase of changing all HVAX controls to networked digital.
- *Replace Rooftop Make Up Air Vent:* This MAU provides fresh air into the Kitchen when the exhaust hood is running. Unit is corroded and obsolete.

#### **Priority Level 2 Project:**

- *Curb, sidewalk and blacktop replacement bus loops:* This area has been patched multiple times over the years. Sidewalks and curbs are in fair condition.

## HOLMES ELEMENTARY SCHOOL:

### Priority Level 1 Project:

- *Upgrade corridor lighting - LED:* continuation of upgrade program we did at Royle last year.
- *Replace cafeteria RTU:* The rooftop Heating and Ventilation Unit is beyond repair and needs replacement.

### Priority Level 2 Project:

- *Replace 1930's Wing Classroom Unit Ventilators :* These units are original to the building and do not work.
- *Provide Ventilation for staff rooms and offices in 1930's wing:* There is currently no proper ventilation for these areas.

## OX RIDGE ELEMENTARY SCHOOL:

### Priority Level 1 Project:

- *None*

### Priority Level 2 Project:

- *Resurface asphalt, replace light in front:* There are two lights in the front parking lot that need repair/replacement and the blacktop needs a new topcoat.
- *Replace single glaze windows with insulated glass :* All of the windows in the original building are single pane glass. This would convert the windows to insulated glass. This does not include any environmental testing or remediation
- *Replace 1996 Steam Boiler plant with hot water:* The 1996 boiler is large enough to heat both old and new wings, but it is not piped correctly to be able to do this. We would install a smaller hot water boiler that would only heat the newer addition.
- *Replace 1966 classroom unit ventilators with energy recovery units:* These unit ventilators are over 50 years old and not very efficient. New units would increase the room comfort and lower operating costs.
- *Replace Library unit ventilators with Energy Recovery Unit :* Same reason as given for the classroom units.
- *Provide Ventilation and AC to interior Student Occupied Areas in 1966 Wing:* There are several interior areas that have limited ventilation and no air conditioning. This would eliminate that problem.
- *Replace 1966 Wing Classroom Exhaust Fans:* These fans are old units and it is difficult get repair parts for them
- *Replace 1966 Wing Toilet Exhaust Fans :* Same reasons as the classroom fans
- *Add occupancy sensors in classrooms and office:* This is recommended by the architect as a energy conservation measure

#### **ROYLE ELEMENTARY SCHOOL:**

##### **Priority Level 1 Project:**

- *install new LED Lighting and Controls on parking lot:* There are multiple obsolete lights in the parking lot that do not work. The custodians have to set the time clocks by hand.

##### **Priority Level 2 Project:**

- *Provide powered ventilation to 1950's classrooms with Roof top Energy Recovery Units:* There is no positive ventilation in the 1958 wing of the building. There is one exhaust fan for the bathrooms and one in the hallway. This would supply the classrooms with tempered fresh air.
- *Provide new wireless clock system:* The current master clock system is non-functioning. Most of the classrooms are using battery operated clocks.
- *Provide new emergency lighting at each egress door:* There is a lack of emergency lighting in this building. These emergency lights will be tied into the new generator.

#### **TOKENEKE ELEMENTARY SCHOOL:**

##### **Priority Level 1 Project:**

- *New Heads on Light Poles:* Many lights do not work, broken controllers, shorted out underground wiring.
- *Replace Railing and Fabric 500ft change link fence:* The fence running along Route 136 is broken and needs to be replaced.

#### **CENTRAL OFFICE:**

##### **Priority Level 1 Project:**

- *Change parking lot lighting to LED:* Same reasoning as Royle and Tokeneke

#### **DISTRICT WIDE:**

##### **Priority Level 1 Project:**

- *Replace Piano-DHS Choral Room:* This is to replace a 58 year old piano that is no longer usable.

**ANTICIPATED LONG-TERM CAPITAL PROJECTS: PER SCHOOL**  
**2019-2020 through 2024-2025**

**DARIEN HIGH SCHOOL**

Priority	Project:	Year of Anticipated Implementation and Estimated Cost					
		2019-2020	2020-2021	2021-2022	2022-2023	2023-2024	2024-2025
1	Upgrade Clock System	\$ 45,000					
1	Upgrade existing digital control program, including computers	\$ 25,000					
1	Traffic Control Security Booth	\$ 160,000					
2	New carpet in library	\$ 40,000					
2	Replace surface in lower gyms		\$ 70,000				
2	Rebuild Tennis Courts			\$ 300,000			
3	Provide Bollards Around Propane Tank			\$ 31,708			
3	Install motorized shades in Library				\$ 50,000		
3	Provide sound attention in chiller room		\$ 158,539			\$ 82,440	
3	Provide access doors for VAV boxes, valves					\$ 425,000	
3	Resurface blacktop parking areas and roadways						
3	Replace Oil Tank						175,000
<b>Totals:</b>		<b>\$ 260,000</b>	<b>\$ 228,539</b>	<b>\$ 331,708</b>	<b>\$ 50,000</b>	<b>\$ 507,440</b>	<b>\$ 175,000</b>

**MIDDLESEX MIDDLE SCHOOL**

Priority	Project:	Year of Anticipated Implementation and Estimated Cost							
		2019-2020	2020-2021	2021-2022	2022-2023	2023-2024	2024-2025		
1	Upgrade Corridor lighting	\$ 175,000							
2	Re-tube boiler #1	\$ 50,000							
2	Re-tube boiler #2		\$ 50,000						
2	Supply & install self closers on classroom doors		\$ 47,321						
3	Replace Fire Pump					\$ 107,173			
	Provide Cooling for Overheating Electric Rooms (main switchgear room and original building elec room)					\$ 82,440			
3	Upgrade Classroom Lighting						\$ 525,000		
3	Install new auditorium lighting, border lights & Flood Lights controlled via dimming system						\$ 494,642		
3	Replace broken glass block			\$ 37,098					
3	Provide new emergency lighting at each egress doors	\$ 60,977							
3	New Roof, 1999 addition				\$ 550,000				
3	Overhaul air conditioning units in Library, offices				\$ 120,000				
3	Overhaul Air Conditioning unit, 3rd floor				\$ 150,000				
3	New Asphalt road and sidewalk, Bus Loop/North half of parking lot			\$ 360,000					
3	Add fire alarm visual strobes - all classrooms			\$ 74,196					
3	Replace Hot Water Heater				\$ 40,000				
	<b>Totals:</b>	\$ 285,977	\$ 97,321	\$ 471,294	\$ 860,000	\$ 189,613	\$ 1,019,642		

# HINDLEY ELEMENTARY SCHOOL

HINDLEY ELEMENTARY SCHOOL							
Priority	Project:	Year of Anticipated Implementation and Estimated Cost					
		2019-2020	2020-2021	2021-2022	2022-2023	2023-2024	2024-2025
1	Replace Roof 1947 Building, new gutters, fresh air unit on Hindley	\$ 550,000					
1	Replace rooftop make up air unit in kitchen	\$ 35,000					
1	Replace windows in original building	\$ 167,649	\$ 167,649				
1	Upgrade to digital controls, Phase 3	\$ 205,000					
2	Curb Sidewalk and blacktop replacement-bus loop	\$ 150,000					
2	Provide new emergency lighting at each egress doors			\$ 43,974			
2	Replace Hot water heater				\$ 40,000		
2	Provide new corridor and classroom PA speakers and PA wiring to Amp at server room.			\$ 95,276			
3	Provide new powered ventilation (energy recovery unit) for the main office and classrooms(16 classrooms)					\$ 1,319,046	
3	Repaint & repair brick			\$ 13,190			
3	Provide new air handling unit with coils Gym				\$ 577,083		
3	Provide new air handling unit with coils Café				\$ 577,083		\$ 65,952
3	Replace ceiling mounted unit ventilators in Library						
3	Provide corridor ventilation (Qty.3)				\$ 247,321		
3	Add occupancy sensors in all classrooms and offices that currently do not have automatic shut off control			\$ 24,732			
3	New Roof on original building					\$ 180,000	
3	Replace Boilers, burners, pumps in boiler room				\$ 500,000		
3	Replace exterior doors		\$ 48,000				
3	Renovate & irrigate playing fields		\$ 80,000				\$ 160,000
3	New roof on 1996 addition						\$ 164,881
3	Replace plumbing fixtures in the original building (Qty.20)						
3	Add 6 convenient and 4 quad receptacles/room in 27 classrooms				\$ 214,345		
3	Provide new wireless clock system.				\$ 49,464		
Totals:		\$ 1,107,649	\$ 215,649	\$ 257,172	\$ 2,205,296	\$ 1,499,046	\$ 390,833

**HOLMES ELEMENTARY SCHOOL**

HOLMES ELEMENTARY SCHOOL							
Priority	Project:	Year of Anticipated Implementation and Estimated Cost					
		2019-2020	2020-2021	2021-2022	2022-2023	2023-2024	2024-2025
1	Upgrade Corridor lighting-LED	\$ 60,000					
1	Replace RTU with a gas fired HVAC unit-Cafeteria	\$ 75,000					
2	Replace 1930's Wing Classroom Unit Ventilators- abatement not included	\$ 351,788					
2	Provide Ventilation for Staff Rooms and Offices in 1930's Wing	\$ 293,157					
2	Provide new emergency lighting at each egress doors		\$ 51,302				
2	Provide new corridor and classroom PA speakers and PA wiring to Amp at server room				\$ 164,881		
3	Convert Existing Boilers from Steam to Hot Water				\$ 65,952		
3	Add Hot Water Pumps for 1930's Wing			\$ 412,202			
3	Upgrade Library Ventilation and Interior Computer Room			\$ 412,202			
3	Upgrade Gym Ventilation				\$ 1,236,606		
3	Change All 1930's Wing to Hot Water - New Piping Mains			\$ 288,541			
3	Replace 1930's Wing Toilet Room Fixtures				\$ 164,881		
3	Add 6 convenient and 4 quad replacements/room in 20 original classrooms				\$ 49,464		
3	Provide new wireless clock system.		\$ 85,000				
3	Build new parking lot on former Curtis property				\$ 150,000		
3	Install new roof on 1996 addition		\$ 55,000				
3	Misc Masonry restoration, sealant original building		\$ 191,302	\$ 1,112,945	\$ 1,831,784	\$ 102,605	\$ -
	Totals:	\$ 779,945	\$ 191,302	\$ 1,112,945	\$ 1,831,784	\$ 102,605	\$ -



**OX RIDGE ELEMENTARY SCHOOL**

Priority		Project:	Year of Anticipated Implementation and Estimated Cost						
			2019-2020	2020-2021	2021-2022	2022-2023	2023-2024	2024-2025	
2		Re-surface asphalt, replace light - front	\$ 125,000						
2		Replace single glazed windows with insulated glass	\$ 884,601						
2		Replace 1996 Steam Boiler Plant with Hot Water	\$ 732,892						
2		Replace 1966 Classroom Unit Ventilators with Energy Recover Units	\$ 659,603						
2		Replace Library Unit Ventilators with Energy Recovery Units	\$ 183,223						
2		Provide Ventilation and AC to Interior Student Occupied Areas in 1966 Wing	\$ 109,934						
2		Replace 1966 Wing Classroom Exhaust Fans	\$ 146,578						
2		Replace 1966 Wing Toilet Exhaust Fans	\$ 73,289						
2		Replace and/or retrofit panels that are original to the building construction.	\$ 38,110						
2		Upgrade Corridor Lighting (original building)	\$ 83,843						
2		Add occupancy sensors in classrooms and offices	\$ 21,987						
2		Provide Fire Damper in Gym Return Duct	\$ 38,110						
2		Replace Cafeteria Ventilation System	\$ 533,545						
3		Replace exterior doors in hallways, original building	\$ 65,000						
3		Replace Gym Ventilation System		\$ 396,348					
3		Upgrade fixtures in 1966 bathrooms	\$ 266,773						
		Thermal Test existing switchboard and panel boards and Megger Test primary and secondary feeders including existing feeders from MDB to all downstream panel boards.				\$ 29,679			
3		Upgrade Cafeteria lighting (exclude ceiling), install new border lights + dimmers					\$ 184,881		
3		Provide new emergency lighting at each egress doors					\$ 98,928		
3		Add 6 convenient and 4 quad receptacles/room in 22 original classrooms					\$ 181,369		
3		Provide new corridor and classroom PA speakers and PA wiring to Amp at server room.					\$ 107,173		
3		Provide new wireless clock system.					\$ 49,464		
3		Install new Hot Water Heater				\$ 20,000			
3		Remove & re-install solar panels & replace roof on 1996 addition				\$ 280,000			
Totals			\$ 2,937,107	\$ 1,025,381	\$ 396,348	\$ 329,679	\$ -	\$ 601,815	

**ROYLE ELEMENTARY SCHOOL**

Priority	Project:	Year of Anticipated Implementation and Estimated Cost					
		2019-2020	2020-2021	2021-2022	2022-2023	2023-2024	2024-2025
1	Install New LED lighting and controls on parking lot lights	\$ 55,000					
2	Provide Powered Ventilation to 1950's Classroom with Roof Energy Recovery Units	\$ 879,471					
2	Replace 1950's Wing Toilet Room Fixtures					\$ 256,512	
2	Provide new corridor and classroom PA speakers and PA wiring to Amp at server room.					\$ 87,947	
2	Provide new wireless clock system.	\$ 49,464					
2	Provide new emergency lighting at each egress doors	\$ 35,645					
2	Replace single glaze window in library		\$ 342,994				
3	Provide Powered Ventilation to 1950's Classroom with Unit Ventilators		\$ 548,790				
3	Upgrade Gym Ventilation (+ Hot Water)		\$ 381,104				
3	Upgrade Cafeteria Ventilation (+ Hot Water)		\$ 381,104				
3	Upgrade Common Room Ventilation (+ Hot Water)		\$ 381,104				
3	Replace 1950's Wing Classroom Exhaust and Toilet Exhaust		\$ 206,101				
3	Thermal Test existing switchboard and panel boards and Megger Test primary and secondary feeders including existing feeders from MDB to all downstream panel boards.		\$ 27,439				
3	Convert Existing Boilers from Steam to Hot Water				\$ 164,881		
3	Add Hot Water Pumps				\$ 65,952		
3	Change All 1950's to Hot Water - New Piping Mains				\$ 1,236,606		
3	Add 6 convenient and 4 quad receptacles/room in 20 original classrooms		\$ 164,881				
3	Provide rooftop energy recovery units-1950 classrooms			\$ 850,000			
3	New roof on 1996 addition and original building		\$ 480,000				
	<b>Totals</b>	<b>\$ 1,020,580</b>	<b>\$ 2,913,517</b>	<b>\$ 850,000</b>	<b>\$ 1,467,439</b>	<b>\$ 344,459</b>	<b>\$ -</b>

**TOKENEKE ELEMENTARY SCHOOL**

Priority	Project:	Year of Anticipated Implementation and Estimated Cost					
		2019-2020	2020-2021	2021-2022	2022-2023	2023-2024	2024-2025
1	New Heads on light poles-LED	\$ 34,650					
1	Replace railing and fabric-500 ft. chain link fence	\$ 26,000					
2	Upgrade Café, Gym lighting-LED			\$ 40,000			
3	Re-surface gym floor		\$ 37,500				
	<b>Totals</b>	<b>\$ 60,650</b>	<b>\$ 37,500</b>	<b>\$ 40,000</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>

**CENTRAL OFFICE**

Priority	Project:	Year of Anticipated Implementation and Estimated Cost					
		2019-2020	2020-2021	2021-2022	2022-2023	2023-2024	2024-2025
1	Change parking lot lighting -LED	\$ 21,000					
2	Pave front parking lot and entrance road		\$ 70,000				
	<b>Totals</b>	\$ 21,000	\$ 70,000	\$ -	\$ -	\$ -	\$ -

**DISTRICT-WIDE**

Priority	Project:	Year of Anticipated Implementation and Estimated Cost					
		2019-2020	2020-2021	2021-2022	2022-2023	2023-2024	2024-2025
	<b>Vehicle replacement schedule</b>						
1	Replace Plano-DHS Choral room	\$ 28,080					
3	Replace 42-DAR with a 4WD utility body truck with a plow.		\$ 48,500				
3	Replace 59-DAR, 2004 Trailblazer with a 4wheel drive 3/4 ton pick up or Suburban			\$ 49,000			
2	Replace 98-DAR, 2005 pickup with a 4wheel drive utility body with plow				\$ 49,000		
3	Replace 2011 Toro Polar Trac/Plow, blower, mower					\$ 50,000	
3	Replace 2011 Toro 5800 mower					\$ 50,000	\$ 100,000
	<b>Totals</b>	\$ 28,080	\$ 48,500	\$ 49,000	\$ 49,000	\$ 100,000	\$ 100,000

		Year of Anticipated Implementation and Estimated Cost					
		2019-2020	2020-2021	2021-2022	2022-2023	2023-2024	2024-2025
<b>TOTAL PER YEAR</b>		\$ 6,500,988	\$ 4,827,709	\$ 3,508,467	\$ 6,793,198	\$ 2,743,163	\$ 2,287,290

<b>=</b>							
	<b>ALL PRIORITY 1 PROJECTS 2019-20</b>	\$ 1,652,379					
	<b>ALL PRIORITY 2 PROJECTS 2019-20</b>	\$ 4,787,632					
	<b>ALL PRIORITY 3 PROJECTS 2019-20</b>	\$ 60,977					
		\$ 6,500,988					
		\$ -					

**Notes:**

- Potential State reimbursement is not reflected for any of the costs listed.
- Financing costs for bonded projects are not included in any of the costs.
- All anticipated costs are in today's dollars.
- All anticipated projects will be evaluated annually and revisions will be made in order to accommodate changes in facility conditions, changes in existing programs, the addition of new programs, enrollment changes and new regulatory/code requirements or overall district needs.

## Darien Public Schools - Administrative Offices

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35 Leroy Avenue – P.O. Box 1167 – Darien, Connecticut 06820-1167  
Tel: 203-656-7412 Email: elandon@darienps.org

To: Members of the Board of Education  
From: Elliott Landon  
Subject: Proposed Major Budget Initiatives  
Date: November 27, 2018

I will be including the following items in my recommendations for the proposed 2019-20 Board of Education budget:

### 1. Psychological Services

1.0 Psychologist each for Royle, Ox Ridge, Tokeneke, Hindley and Holmes. The impact on the budget only will be 4.0 psychologists because we are eliminating 1.0 psychologist from the central office budget. Earlier this year, we discovered we did not need the central office position when we transferred 1.0 psychologist from central office to Hindley to address the resignation of a psychologist from Hindley. At that time, we did not replace that position at central office.

It is my belief, shared by all of our elementary school principals and the Assistant Superintendents, that with the addition of these psychologists our staff will be in a better position to address the many emotional, social and related mental health issues of our youngest students and have a direct impact on the reduction of referrals for special education services. Currently, our existing elementary school psychologists spend most of their time in PPTs and being engaged in testing. With an additional psychologist in each building, making for 2.0 psychologists in each of our elementary schools, more of the time of our psychologists can be utilized for direct services to individual children and groups of children.

### 2. Revised Role for Department Chairs

A full evaluation of our department chairs, 6-12, has uncovered some weaknesses in the current model where each of our chairs is assigned a teaching role; namely: (a) these front line administrators are unable to perform the full scale of activities related to the supervision and evaluation of their staffs because of their teaching roles by not being available at appropriate times when teachers in their departments are available for post-observation conferences and evaluative discussions; (b) it is most difficult for these individuals to engage their students in post-teaching conversations and advisories because their schedules do not match those of their teaching classes either in the building where they teach or in the other building where they are assigned a teaching class. The purported benefits of having our department chairs teach one class do not outweigh the challenges associated with their doing so.

## Darien Public Schools - Administrative Offices

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35 Leroy Avenue – P.O. Box 1167 – Darien, Connecticut 06820-1167  
Tel: 203-656-7412 Email: elandon@darienps.org

I am not making the same recommendation for special education because each of our special education department chairs serve full-time in a single building.

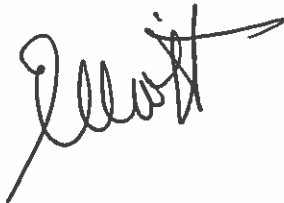
This proposal will have the effect of adding 0.22 to both the staff of the English and Social Studies departments; 0.20 to each of the Mathematics and World Language departments; and, 0.25 to the Science department, for a total staff increase of 1.09.

### 3. Guidance Services at Middlesex Middle School

This request is a carryover from the budget request of last year when it was withdrawn because the developmental guidance curriculum had not yet been fully developed for implementation. Now that that curriculum has been developed and completed, it will be ready for fully implementation in the 2019-20 school year.

The rationale for this request is to provide two counselors at each of the grades 6, 7, and 8 for two reasons: (a) to have sufficient counselors available to engage all students with the new developmental guidance curriculum; and, (b) most importantly, to have all counselors, beginning with those at grade 6, able to follow all of their students through their middle school years from grades 6-8. With this structure in place, no child should “fall through the cracks” as each will have a counselor who knows the child beginning in grade 6 academically, socially and emotionally and will be able to serve as an advocate for that child with teachers, psychologists, administrators and other staff members throughout a student’s three year attendance at Middlesex..

This proposal will result in the addition of 1.0 counselor to Middlesex.





**DARIEN PUBLIC SCHOOLS**  
Finance Department

## Memorandum

**DATE:** November 15, 2018  
**TO:** Dr. Elliott Landon, Interim Superintendent of Schools  
**FROM:** Michael E. Feeney, Director of Finance & Operations  
**SUBJECT:** Solar Energy Offering

The Town of Darien has partnered with Encon, which does business out of Stratford, Connecticut and Mount Kisco, New York along with the Connecticut Green Bank of Rocky Hill and Stamford, Connecticut for the installation of solar power at the Darien Police Department, Public Works Building and the Darien Town Hall.

In conjunction with the projects for the Town of Darien, Encon has proposed to install solar power at Tokeneke Elementary, Holmes Elementary and the Board of Education Central Office located at 35 Leroy Avenue. The solar panels would be owned by the Connecticut Green Bank which will then pay Encon for the installation of same. The Board of Education will be required to purchase the energy at the fixed rate from the Connecticut Green Bank for a 20-year contract period. A copy of the proposed rates/cost avoidance prepared by Encon is attached as well as the proposed diagram of the panel installation. The maintenance of the solar panels would be the responsibility of the Connecticut Green Bank. Roof warranties for the buildings will follow the same process as the DHS Cafeteria project. Encon would coordinate a pre/post inspection with the roofing company who will sign off on the work to maintain existing warranties.

At the end of the 20-year period the Board of Education would have three options:

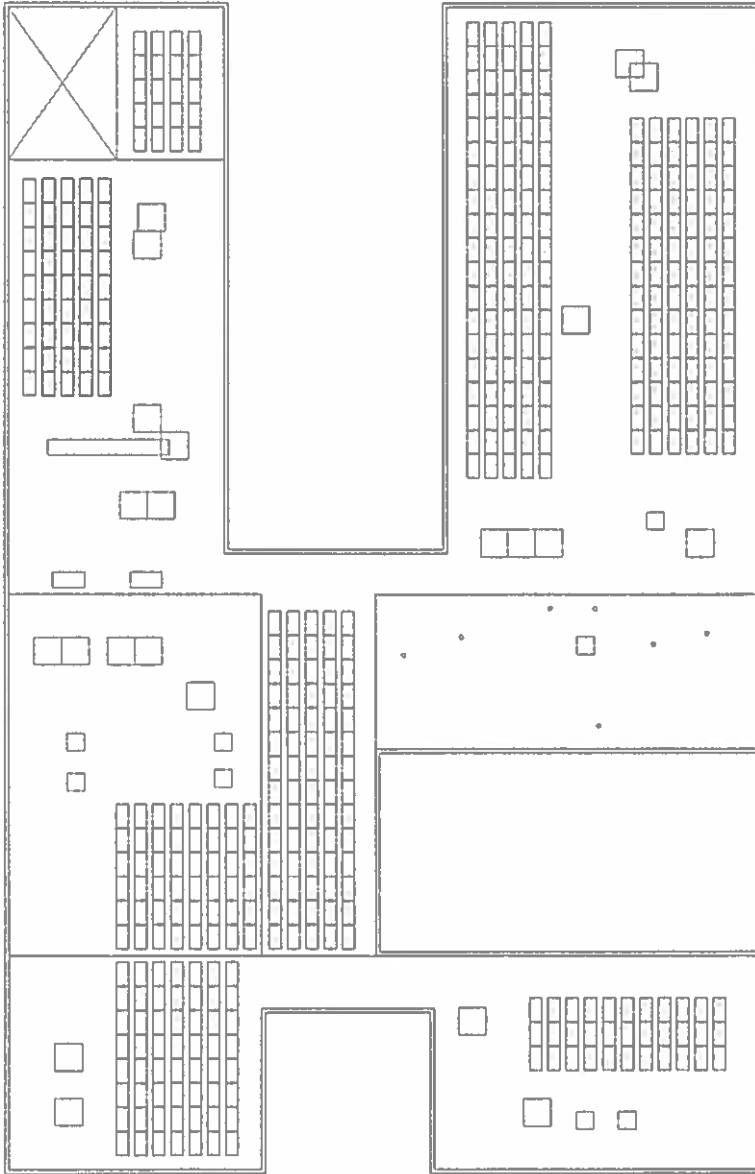
1. Extend for an additional 5-year period;
2. Purchase system at fair market value; or
3. Request that the system be removed at no cost to the Board of Education

**Attachments (4):**

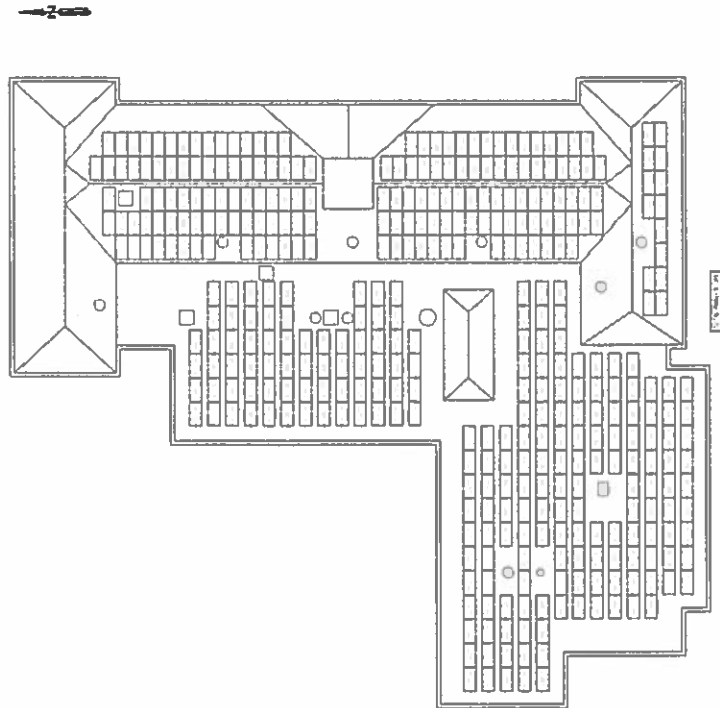
Tokeneke Solar Layout  
Board of Education Solar Layout  
Holmes Solar Layout  
Proposed Solar Energy Rate – 20 Year Period

MEF/kcb

Darien Public Schools/BOE, 35 Leroy Avenue, P.O. Box 1167, Darien, CT 06820



		1500 ROCKING ROAD STAMFORD, CT 06111 TEL: (203) 351-1000 FAX: (203) 351-1079 WWW.ENCON-INC.COM		Drawing Number: <b>S-3</b> Project Number:
Project: <b>TOKENEKE SCHOOL 7 OLD FARM RD. DARIEN, CT</b>		Description: <b>SOLAR ARRAY</b>		Date: <b>10/02/18</b> By: <b>ENCON</b> Scale: <b>1/32" = 1' 0"</b>
Revision:	Date:	Description:	By:	Scale:



1800 WILSON ROAD  
STAMFORD, CT 06907  
TEL: (203) 359-5228  
WWW.ENCON-NAAC.COM

**ENCON**  
Indoor Comfort & Energy Solutions

PROJECT NUMBER  
**S-1**

Project Name  
**HOLMES ELEMENTARY  
18 HOYT ST.  
DARIEN, CT**

Project Number  
**S-1**

Project Description  
**SOLAR ARRAY**

Project Date  
**02/02/18**

Project Location  
**18 HOYT ST.  
DARIEN, CT**

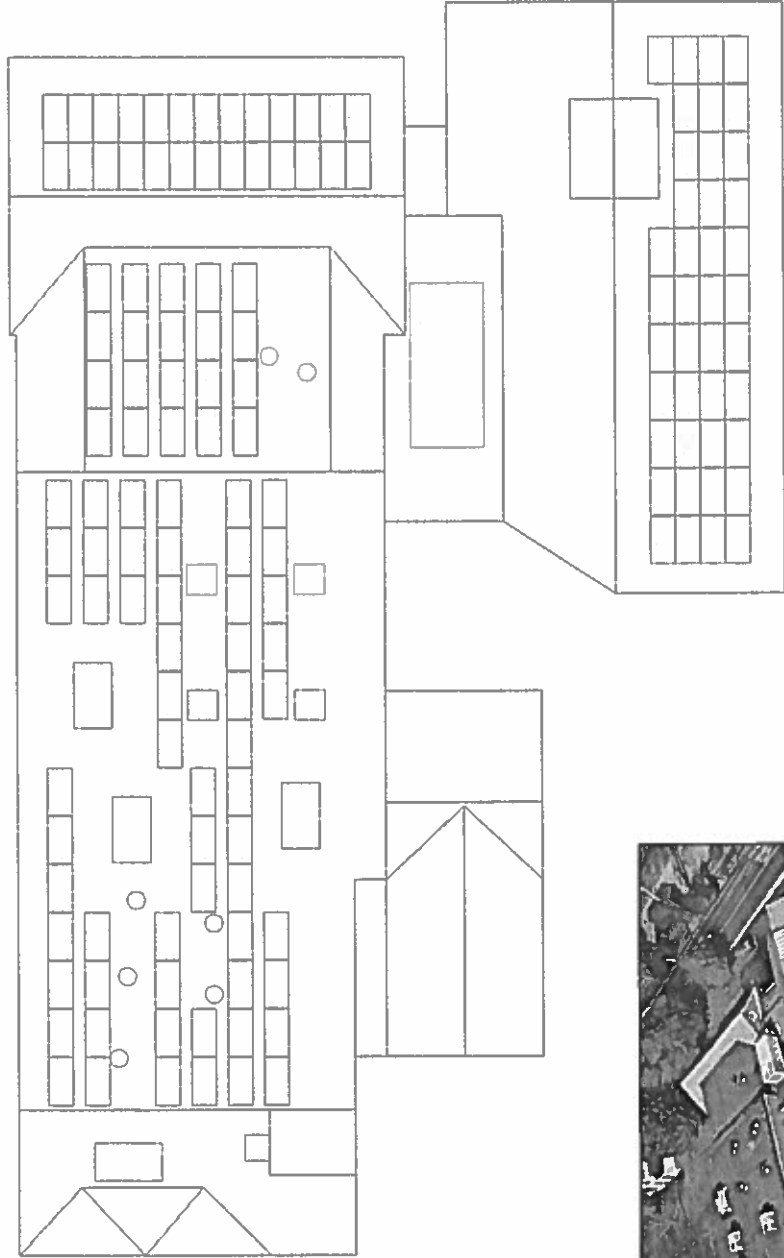
Project Status  
**1/33-1-0**

Project File  
**02/02/18**

Project Location  
**18 HOYT ST.  
DARIEN, CT**

Project Status  
**1/33-1-0**





TOTAL PANELS 144

Revised	By	10/02/18
Approved	By	10/02/18
Drawn	By	10/02/18
Scale	By	1/18"=1'-0"

DARLEN BOARD OF EDUCATION  
35 LEROY AVE  
DARIEN, CT

SOLAR ARRAY

1285 WOODLAND ROAD  
STRAITFORD CT 06155  
P/A: (860) 274-3219  
WWW.ENCONHAC.COM

INDIAN COUNTRY & ENERGY SOLUTIONS

Drawing Name: S-1

Project Name:

Town of Darien  
 Tokeneke Elementary School  
 Holmes School  
 BOE Building



Proposed Mounting

Roof Mounted

Blended Rate	\$0.1400	Proposed Solar Energy Rate	\$0.062
Solar kWDC	334	Escalator	0%
Estimated 20 Yr. Avoided Cost		\$	1,007,298.51

	Yr. 1	Yr. 2	Yr. 3	Yr. 4	Yr. 5	Yr. 6	Yr. 7	Yr. 8	Yr. 9	Yr. 10
E-Rate (3% Increase)	\$ 0.140	\$ 0.144	\$ 0.149	\$ 0.153	\$ 0.158	\$ 0.162	\$ 0.167	\$ 0.172	\$ 0.177	\$ 0.183
Solar Output (kWh)	421,812	419,703	417,604	415,516	413,439	411,372	409,315	407,268	405,232	403,206
Solar Power Rate	\$ 0.062	\$ 0.062	\$ 0.062	\$ 0.062	\$ 0.062	\$ 0.062	\$ 0.062	\$ 0.062	\$ 0.062	\$ 0.062
Avoided Cost	32,901	34,500	36,134	37,804	39,513	41,260	43,047	44,874	46,743	48,654
	Yr. 11	Yr. 12	Yr. 13	Yr. 14	Yr. 15	Yr. 16	Yr. 17	Yr. 18	Yr. 19	Yr. 20
E-Rate (3% Increase)	\$ 0.188	\$ 0.194	\$ 0.200	\$ 0.206	\$ 0.212	\$ 0.218	\$ 0.225	\$ 0.231	\$ 0.238	\$ 0.245
Solar Output (kWh)	401,190	399,184	397,188	395,202	393,226	391,260	389,303	387,357	385,420	383,493
Solar Power Rate	\$ 0.062	\$ 0.062	\$ 0.062	\$ 0.062	\$ 0.062	\$ 0.062	\$ 0.062	\$ 0.062	\$ 0.062	\$ 0.062
Avoided Cost	50,609	52,610	54,656	56,749	58,891	61,082	63,324	65,618	67,965	70,367

20 Year Avoided Cost \$ 1,007,299

## DARIEN PUBLIC SCHOOLS

### Contemplated Gift Form

Gift intended for:  
(Check appropriate responses)

☐ Hindley  
☐ Holmes  
☐ Ox Ridge

☐ Royle

☐ Tokeneke

☐ Middlesex Middle School

☒ Darien High School

☐ District

Person(s) or Group Offering Gift(s)

HSS Stamford

Contact person-This may be a  
gift giver or a building administrator

Name Shawn Morrissey

Address 403 East 72<sup>nd</sup> Street  
NY NY 10021

Tele. 9172604680

Fax. \_\_\_\_\_

e-mail morrisseys@hss.edu

Description of proposed gift(s), including the form in which it (they) will be given (e.g. money, materials, services, etc.) and for what purpose(s). The description has to be sufficiently specific to allow administration to determine whether items 2, 3, or 4 of the guidelines specified in "Administration Regulation JG-Public Gifts to the Schools" apply.

Multi Function Power Rack with solid Oak Platform (Like you see at Vibe Fitness, we currently have 1 here, would like to add 2 more) Station allows athletes to do all 2 major lifts-Bench, Squat and Clean in safe environment York Barbell \$ 3,700 each (\$ 7,400)

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## DARIEN PUBLIC SCHOOLS

### Contemplated Gift Form (November 2018)

Gift intended for:  
(Check appropriate responses)

☐ Hindley  
☐ Ox Ridge

☐ Royle

☐ Tokeneke

☐ Middlesex Middle School

☒ Darien High School

☐ District

Person(s) or Group Offering Gift(s)

Blue Wave Booster Club

Contact person-This may be a  
gift giver or a building administrator

Name: Brian Stobbie

Address: 1 Saltbox Lane  
Darien

Tele.: 203.918.6075

Fax. \_\_\_\_\_

e-mail BStobbie@yahoo.com

Description of proposed gift(s), including the form in which it (they) will be given (e.g. money, materials, services, etc.) and for what purpose(s). The description has to be sufficiently specific to allow administration to determine whether items 2, 3, or 4 of the guidelines specified in "Administration Regulation JG-Public Gifts to the Schools" apply.

- |  |            |
|--|------------|
| 1. Girls DHS Varsity Basketball: Practice Pinnys :       | \$225.00   |
| 2. Boys DHS Varsity Hockey: 34Varsity Practice Jerseys:  | \$1,020.00 |
| 3. DHS Cross Country Track: Sign at oval:                | \$158.50   |
| 4. DHS Squash: Referee Clinic and Sign at oval:          | \$675.00   |
| 5. DHS Boys Varsity Baseball: Big Bubba Pro Batting Cage | \$4,028.00 |

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Total: \$6,106.50

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**Please answer the following questions.**

Is the value of the gift(s) \$ 500.00 or more?      X   Yes           No

Note: If the proposed gift involves donated materials or services, please place an estimated dollar value on them.

If your answer to the previous question is Yes, please check one of the following categories of value for the proposed gift(s):

<u>      </u> 500-1,000	<u>  X  </u> 5,000-10,000
<u>      </u> 1,000-2,000	<u>      </u> 10,000-15,000
<u>      </u> 2,000-3,000	<u>      </u> 15,000-20,000
<u>      </u> 3,000-4,000	<u>      </u> 20,000+
<u>      </u> 4,000-5,000	

Do not write below this line

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Status: Date received by Superintendent\_\_\_\_\_

Notes on actions by Superintendent of Schools-

Actions, if any, by the Board of Education-

Final disposition of the gift offer-

# SCHOOL LEADERSHIP, LLC

*Supporting Leadership For America's Schools*



4 Penn Lane  
Exeter, New Hampshire 03833  
Phone: (800) 975-1730  
FAX: (631) 331-0126  
E Mail: Leadschools@aol.com

## DRAFT RESOLUTION

WHEREAS, the Board of Education has engaged the services of School Leadership, LLC of Malverne, New York to assist it in its search for a new Superintendent of Schools, and

WHEREAS, School Leadership, LLC has submitted a Specification Development Report to the Board following its conduct of focus groups and public meetings to solicit input and ideas from staff, students, parents, and the community at large, and

WHEREAS, input data have also been reviewed from the results of a questionnaire made widely available throughout the school district,

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

- ❑ The Board authorizes School Leadership, LLC to arrange for publication of position advertisements in Education Week, and postings on electronic bulletin boards
- ❑ Said advertisements or postings should make reference to the following specifications for the candidates for said position

***“The successful candidate will be:***

- ***An innovative educator whose focus is on academic excellence and the social and psychological needs of all students***
  - ***An accomplished leader with a demonstrated record as a person of integrity who is excited to commit to the Darien Public Schools***
  - ***An approachable and visible administrator with superior communications skills***
  - ***A proven, experienced leader, ideally as a superintendent, who can successfully engage all stakeholders and elevate a high performing district”***
-

# Memorandum

To: Board of Education

From: Katie Stein  
Marge Cion

Date: November 27, 2018

Re: Revisions to Board Policies 4025, 4050 and 5100; New Policy 5285

We are asking the Board of Education to consider revisions to Board Policy 4025 (Reports of Suspected Abuse or Neglect of Children or Sexual assault of Students by School employees), Board Policy 4050 (Reports of Suspected Abuse or Neglect of Adults with an Intellectual Disability or Autism Spectrum Disorder) and Board Policy 5100 (Physical Restraint and Seclusion of Students and Use of Exclusionary Time Out). These policies are being revised to reflect recent legislative changes.

We are also asking the Board to consider the adoption of a new policy, Board Policy 5285 (Child Sexual Abuse and Assault Policy and Reporting Procedure).

This memorandum summarizes the changes in the policies and answers the questions asked by Board members at our November 13<sup>th</sup> meeting. Those answers are highlighted in the bold text below.

Board Policy 4025 - Reports of Suspected Abuse or Neglect of Children or Sexual Assault of Students by School Employees. This policy has been revised to add licensed behavior therapists to the list of mandated reporters and to provide for the electronic filing of reports to the Department of Children and Families. Electronic reporting may not become available to our District until October 2019, but this change reflects the ability to file in that manner when available. This policy has been further revised to remove the immunity of mandated reporters who, in good faith, fail to make a report of abuse or neglect.

**The language in Appendix C is guidance from the Department of Children and Families. The District trains staff based on that guidance. Licensed Behavior Analysts are mentioned specifically because the legislature acted to add them as mandated reporters. Our policies reflect that change in the law. The definition of "School Employee" in our policies is broad enough to include all other service providers even though by statute, they are not included in the definition of "Mandated Reporter." Policy 4025 provides that School Employees must report abuse and neglect of students under the age of 18 because the Department of Children and Families will not accept reports for people 18 years of age or over. Students 18 years of age and over are considered adults under the law. Several of the Board's other policies (including Policy 5225 Drug and Alcohol Use by Students, and Policy 5220, Student Discipline) would cover some of the instances in which our employees would report acts of students over the age of 18.**

Board Policy 4050 – Reports of Suspected Abuse or Neglect of Adults with an Intellectual Disability or Autism Spectrum Disorder. This policy has been revised to add licensed behavior analysts to the list of mandated reporters. It also shortens the reporting period to no more



than forty-eight hours after there is reasonable suspicion of abuse or neglect, and clarifies that unsuccessful attempts to make a report during the weekend or a holiday shall not be a violation of the law under certain circumstances.

**Licensed Behavior Analysts are listed separately for the same reason described in relation to Board Policy 4025.**

Board Policy 5100 – Physical Restraint and Seclusion of Students and Use of Exclusionary Time Out. This policy has been revised to reflect the General Assembly’s new definitions of “physical restraint” and “seclusion” and the addition of a definition of “exclusionary time out.” Districts are required, by January 1, 2019, to implement procedures for the use of exclusionary time out with students. The Policy now clarifies that seclusion may only be used in emergency circumstances and may not be included in a student’s behavior intervention plan, individualized education program, or Section 504 plan.

New Board Policy 5285 – Child Sexual Abuse and Assault Policy and Reporting Procedure. This policy requires the implementation of a program in the schools for the prevention of sexual abuse and assault. This Policy also provides guidance for how to report acts of sexual abuse or assault and to whom to make those reports. The Policy provides resources for students who have been the subject of sexual abuse or assault.

**The passive language included in this policy (“the School Safe Climate Specialist shall cause to be reviewed”) was intentional. The policy is designed to allow flexibility in deciding who will review complaints of sexual abuse or assault since the Safe Climate Specialist may not be the appropriate person in all circumstances.**

**We have included the legend that Shipman and Goodwin uses when revising documents so that it is clear what the different color types and underlining mean in the redlined version of these policies.**

Legend:	
<u>Insertion</u>	
<del>Deletion</del>	
<del>Moved from</del>	
<u>Moved to</u>	
Style change	
Format change	
<del>Moved deletion</del>	
Inserted cell	
Deleted cell	
Moved cell	
Split/Merged cell	
Padding cell	

**DARIEN PUBLIC SCHOOLS**  
**Darien, CT**

**Series 5000: STUDENTS**  
**POLICY 5285**

**CHILD SEXUAL ABUSE AND ASSAULT**  
**POLICY AND REPORTING PROCEDURE**

The Darien Board of Education 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.

**I. Procedures for Reporting of Child Sexual Abuse and Sexual Assault**

- A. Parents (or guardians) of students may file a written report of suspected child sexual abuse and/or sexual assault pertaining to any student enrolled in the Darien Public Schools. The written report of suspected child sexual abuse and/or sexual assault shall be reasonably specific as to the basis for the report, including the time and place of the suspected abuse and/or sexual assault, the number of incidents, the victim of the child sexual abuse and/or sexual assault, and the names of potential witnesses or others with pertinent information. Such written reports may be filed with any building or central office administrator. All reports shall be forwarded to the Safe School Climate Specialist for the school in which the student is enrolled. The Safe School Climate Specialist or designee shall cause such reports to be reviewed and actions taken consistent with this policy.
- B. Any adult affiliated with the school community may file a written report of suspected child sexual abuse and/or sexual assault pertaining to any student enrolled in the Darien Public Schools. The written report of suspected child sexual abuse and/or sexual assault shall be reasonably specific as to the basis for the report, including the time and place of the suspected abuse and/or sexual assault, the number of incidents, the victim of the child sexual abuse and/or sexual assault, and the names of potential witnesses or others with pertinent information. Such written reports may be filed with any building or central office administrator. All reports shall be forwarded to the Safe School Climate Specialist for the school in which the student is enrolled. The Safe School Climate Specialist or designee shall cause such reports to be reviewed and actions taken consistent with this policy.
- C. Students may make written or verbal reports of child sexual abuse and/or sexual assault to any school employee. All reports shall be forwarded to the Safe School Climate Specialist for the school in which the student is enrolled. The Safe School Climate Specialist or designee shall cause such reports to be reviewed and actions taken consistent with this policy.

- D. 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 appropriate authority in accordance with Board Policy 4025, pertaining to **REPORTS OF SUSPECTED ABUSE OR NEGLECT OF CHILDREN OR SEXUAL ASSAULT OF STUDENTS BY SCHOOL EMPLOYEES**.

## **II. Procedures for Review of Reports of Child Sexual Abuse and/or Assault**

- A. The Safe School Climate Specialist or designee for the school in which the student is enrolled shall be responsible for reviewing any reports of suspected child sexual abuse and/or sexual assault. In the event that the suspected child sexual abuse and/or sexual assault has not yet been reported to the appropriate authority in accordance with Board Policy 4025, pertaining to **REPORTS OF SUSPECTED ABUSE OR NEGLECT OF CHILDREN OR SEXUAL ASSAULT OF STUDENTS BY SCHOOL EMPLOYEES**, the Safe School Climate Specialist or designee shall promptly cause such a report to be made.
- B. If/when such report alleges that an employee of the Board of Education or other individual under the control of the Board is the perpetrator of child sexual abuse and/or sexual assault, the Safe School Climate Specialist or designee shall immediately notify the Superintendent of Schools, who shall cause such report to be investigated in accordance with Board Policy 4025, pertaining to **REPORTS OF SUSPECTED ABUSE OR NEGLECT OF CHILDREN OR SEXUAL ASSAULT OF STUDENTS BY SCHOOL EMPLOYEES**.
- C. The Safe School Climate Specialist or designee shall also promptly notify the parents or guardians of the student about whom a report of suspected child sexual abuse and/or sexual assault has been made. The notification requirement shall not apply if a parent or guardian is the individual suspected of perpetrating the child sexual abuse and/or sexual assault. The Safe School Climate Specialist or designee shall offer to meet with the parents or guardians of the student about whom a report of suspected child sexual abuse and/or sexual assault has been made, in order to discuss the district's review and support procedures, including but not limited to: 1) actions that child victims of sexual abuse and/or sexual assault and their families may take to obtain assistance, 2) intervention and counseling options for child victims of sexual abuse and/or assault, and 3) access to educational resources to enable child victims of sexual abuse and/or sexual assault to succeed in school. If either a Department of Children and Families ("DCF") investigation or a police investigation is pending pertaining to the report of suspected child sexual abuse and/or sexual assault, the Safe School Climate Specialist or designee shall obtain the permission of DCF and/or the police department conducting the investigation prior to informing the parents/guardians of the report.

- D. In the event that the report of suspected child sexual abuse and/or sexual assault alleges that another student enrolled in the Darien Public Schools is the perpetrator of the sexual abuse and/or sexual assault, the Safe School Climate Specialist or designee shall also take appropriate action to investigate or cause such a report to be investigated, and appropriate remedial actions taken, in accordance with Board Policy 4025, pertaining to **REPORTS OF SUSPECTED ABUSE OR NEGLECT OF CHILDREN OR SEXUAL ASSAULT OF STUDENTS BY SCHOOL EMPLOYEES**, Board Policy 5175, pertaining to **Bullying Prevention and Intervention**, and Board Policy 5275, **Sex Discrimination and Sexual Harassment**.
- E. The Safe School Climate Specialist or designee shall develop a student support plan for any who has been a victim of child sexual abuse and/or sexual assault. The report of suspected sexual abuse and/or assault need not be verified prior to the implementation of a support plan. The elements of the support plan shall be determined in the discretion of the Safe School Climate Specialist or designee, and shall be designed to support the student victim's ability to access the school environment.

### **III. Support Strategies**

- A. Child sexual abuse and/or sexual assault 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 child sexual abuse and/or sexual assault.
- B. The following sets forth possible interventions and supports which may be utilized to support individual student victims of child sexual abuse and/or sexual assault:
  - 1. Referral to a school counselor, psychologist or other appropriate social or mental health service.
  - 2. Encouragement of the student victim to seek help when feeling overwhelmed or anxious in the school environment.
  - 3. Facilitated peer support groups.
  - 4. Designation of a specific adult in the school setting for the student victim to seek out for assistance.
  - 5. Periodic follow-up by the Safe School Climate Specialist and/or Title IX Coordinator with the victim of sexual abuse and assault.

- C. The following sets forth possible interventions and supports which may be utilized systemically as prevention and intervention strategies pertaining to child sexual abuse and/or sexual assault:
1. School rules prohibiting sexual assault and establishing appropriate consequences for those who engage in such acts.
  2. School-wide training related to prevention and identification of, and response to, child sexual abuse and/or sexual assault.
  3. Age-appropriate educational materials designed for children in grades kindergarten to twelve, inclusive, regarding child sexual abuse and sexual assault awareness and prevention that will include information pertaining to, and support for, disclosures of sexual abuse and sexual assault, including but not limited to:
    - (a) the skills to recognize child sexual abuse and sexual assault, boundary violations and unwanted forms of touching and contact, and the ways offenders groom or desensitize victims; and
    - (b) strategies to promote disclosure, reduce self-blame and mobilize bystanders.
  4. Promotion of parent involvement in child sexual abuse and sexual assault prevention and awareness through individual or team participation in meetings, trainings and individual interventions.
  5. Respectful and supportive responses to disclosures of child sexual abuse and/or sexual assault by students.
  6. Use of peers to help ameliorate the plight of victims and include them in group activities.
  7. Continuing awareness and involvement on the part of students, school employees and parents with regards to prevention and intervention strategies.

#### **IV. Safe School Climate Specialists**

The Safe School Climate Specialists for the Darien Public Schools are:

Hindley Elementary School  
10 Nearwater Lane  
Darien, CT 06820  
203-655-1323

Rebecca Laus [rlaus@darienps.org](mailto:rlaus@darienps.org)

Holmes Elementary School  
18 Hoyt Street  
Darien, CT 06820  
203-353-4371

Alex Harvey [aharvey@darienps.org](mailto:aharvey@darienps.org)

Ox Ridge Elementary School  
395 Mansfield Avenue  
Darien, CT 06820  
203-655-2579

Christina Ulreich [culreich@darienps.org](mailto:culreich@darienps.org)

Royle Elementary School  
13 Mansfield Avenue  
Darien, CT 06820  
203-655-0044

Natasha Torre [ntorre@darienps.org](mailto:ntorre@darienps.org)

Tokeneke Elementary School  
7 Old Farms Road  
Darien, CT 06820  
203-656-9666

Kathy Schultz – [kschultz@darienps.org](mailto:kschultz@darienps.org)

Middlesex Middle School  
204 Hollow Tree Ridge Road  
Darien, CT 06820  
203-655-2518

Shelley Somers [ssomers@darienps.org](mailto:ssomers@darienps.org)

Darien High School  
80 High School Lane  
Darien, CT 06820  
203-655-3981

Ellen Dunn [edunn@darienps.org](mailto:edunn@darienps.org)

## **V. Community Resources**

The Board of Education recognizes that prevention of child sexual abuse and sexual assault requires a community approach. Supports for victims and families will include both school and community sources. The national, state and local resources below may be accessed by families at any time, without the need to involve school personnel.

### **A. National Resources:**

National Center for Missing & Exploited Children Resource Center  
<http://www.missingkids.com/Publications>  
699 Prince Street, Alexandria, Virginia 22314-3175  
**24-hour call center: 1-800-843-5678**

- Online resource center contains publications on child safety and abuse prevention, child sexual exploitation, and missing children.

National Children's Advocacy Center

[www.nationalcac.org](http://www.nationalcac.org)

210 Pratt Ave., Huntsville, Alabama 35801

Telephone: (256) 533-5437

National Child Traumatic Stress Network

[www.nctsn.org](http://www.nctsn.org)

General information on childhood trauma, including information on child sexual abuse.

- NCCTS — Duke University  
1121 West Chapel Hill Street Suite 201  
Durham, NC 27701  
Telephone: (919) 682-1552

National Sexual Violence Resource Center (Includes Multilingual Access)

<http://www.nsvrc.org/projects/multilingual-access/multilingual-access>

123 North Enola Drive

Enola, PA 17025

Toll Free Telephone: 877-739-3895

Darkness to Light

<http://www.d2l.org>

Grassroots national non-profit organization to educate adults to prevent, recognize and react responsibly to child sexual abuse.

1064 Gardner Road, Suite 210

Charleston, SC 29407

National Helpline: (866) FOR-LIGHT

Administrative Office: (843) 965-5444

B. Statewide Resources:

Department of Children and Families

<http://www.ct.gov/dcf/site/default.asp>

Connecticut agency responsible for protecting children who are abused or neglected

505 Hudson Street

Hartford, Connecticut 06106

*Child Abuse and Neglect Careline: 1-800-842-2288*

Telephone, Central Office: (860) 550-6300

- FAQs About Reporting Suspected Abuse and Neglect:  
<http://www.ct.gov/dcf/cwp/view.asp?a=2534&Q=314388&dcfNav=>

The Connecticut Alliance to End Sexual Violence

<http://EndSexualViolenceCT.org/>

Telephone: (860) 282-9881

Statewide coalition of community-based sexual assault crisis service programs working to end sexual violence through victim assistance, public policy advocacy, and prevention education training. Each member center provides free and confidential 24/7 hotline services in English and Spanish, individual crisis counseling, support groups, accompaniment and support in hospitals, police stations, and courts, referral information, and other services to anyone in need.

- *To find a Connecticut Alliance to End Sexual Violence member program please visit: <http://endsexualviolencect.org/who-we-are/our-members/>*

Connecticut Children's Alliance

[www.ctchildrensalliance.org](http://www.ctchildrensalliance.org)

75 Charter Oak Ave Suite 1-309

Hartford, Connecticut 06106

Phone: (860) 610-6041

CCA is a statewide coalition of Child Advocacy Centers and Multidisciplinary Teams.

Connecticut Network of Care

<http://connecticut.networkofcare.org>

Connecticut Network of Care is an online information portal listing programs and support groups for sexual assault and abuse in Connecticut.

**Legal References:**

Conn. Gen. Stat s. 17a-101q, Statewide Sexual Abuse and Assault Awareness and Prevention Program

ADOPTED:



**DARIEN PUBLIC SCHOOLS**  
**Darien, CT**

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**SERIES: PERSONNEL  
POLICY 4025**

**REPORTS OF SUSPECTED ABUSE OR NEGLECT OF CHILDREN OR**  
**SEXUAL ASSAULT OF STUDENTS BY SCHOOL EMPLOYEES**

Conn. Gen. Stat. Section 17a-~~101~~101 et seq. requires school employees who have reasonable cause to suspect or believe (1) that ~~a~~any child under eighteen has been abused or neglected, ~~or placed in~~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 Darien Board of Education ("Board") to require ALL EMPLOYEES of the Board of Education to report suspected abuse and/or neglect, ~~or 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 that 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) a teacher, substitute teacher, school administrator, school superintendent, guidance counselor, psychologist, social worker, nurse, physician, school paraprofessional or coach employed by the

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Board or who is working in a Board elementary, middle or high school; or (~~Bb~~) 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 Darien Public Schools ("District"), 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~~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 ~~a~~any child under the age of eighteen years:

~~ai)~~ has been abused or neglected;

~~bii)~~ has had nonaccidental physical injury, or injury ~~that~~which is at variance with the history given for such injury, inflicted upon him/her; ~~or~~

~~e) — is placed at imminent risk of serious harm.~~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;

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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. ~~Such~~

(a) An oral report shall be made by telephone or in person to the Commissioner of Children and Families or the local law enforcement agency. The Department of ~~children~~Children and Families has established a 24 hour Child Abuse and Neglect ~~Hotline~~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 Children and Families. An employee making an electronic report shall respond to further inquiries

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from the Commissioner of Children and Families 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) ~~(3)~~ — In cases involving suspected or believed abuse ~~or~~ 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 or electronic report to the Commissioner of Children and Families or the Commissioner's designee containing all of the required information. The written or electronic report should be submitted ~~on the DCF-136 form or any other form designated for that purpose in the manner prescribed by the Commission of Children and Families.~~ When such report is submitted electronically, the employee shall respond to further inquiries from the Commissioner of Children and Families 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 or electronic 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 ~~or~~ 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 Children and Families (or his/her designee) shall submit a copy of the written or electronic report to the Commissioner of Education (or his/her designee).

5. Reporting Procedures for Employees Other Than Statutory Mandated Reporters

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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 ~~or~~, 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 ~~and/or~~, neglect or sexual assault by a school employee from reporting the same directly to the Commissioner of Children and Families.

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;

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- 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; ~~and~~
- 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 3, above.](#)

7. Investigation of the Report

- a) The Superintendent or his/her designee shall thoroughly investigate reports of suspected abuse~~and~~, neglect or sexual assault if/when such ~~reports involve~~report involves an employee of the Board of Education or other individual under the control of the Board, provided such investigation does not impede an investigation by the Department of Children and Families (“DCF”). In all other cases, DCF shall be responsible for conducting the investigation with the cooperation and collaboration of the Board, as appropriate.
- b) Recognizing ~~thethat~~ 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 Children and Families 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 ~~children~~Children and Families or the appropriate local law enforcement agency that the District’s investigation will not interfere

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with the investigation of the Commissioner of Children and Families 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 ~~or~~, 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 District, pursuant to a contract with the Board of Education, the Superintendent may suspend the ~~provisions~~ provision of such services, and direct the individual to refrain from any contact with students enrolled in the District, pending the outcome of the investigation.

8. Evidence of Abuse ~~or~~, Neglect or Sexual Assault by a School Employee

- a) If, upon completion of the investigation by the Commissioner of Children and Families ("~~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 Department of Children and Families 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.

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- b) ~~Within~~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. Section 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 Children and Families 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 District 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 3 of this policy.
9. Evidence of Abuse ~~or~~, Neglect or Sexual Assault by ~~an~~ An Independent Contractor of the Board of Education



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If the investigation by the Superintendent and/or the Commissioner of Children and Families 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 Darien Public Schools ~~District~~, 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 Darien Public Schools ~~District~~.

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 3, 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~~14 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 District 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.

~~12.14.~~ Non-discrimination~~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

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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.

~~13.~~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.~~16, below. The Board shall post the Internet web site address and telephone number for the Department of Children and Families' Child Abuse and Neglect Careline in a conspicuous location frequented by students in each school under the jurisdiction of the Board.

~~14.~~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 Children and Families.
- b) All school employees, as defined above, shall ~~retake~~take a refresher training course developed and approved by the Commissioner of Children and Families 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.

~~15.~~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, ~~as defined above,~~ 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 Department of Children and Families. 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 Children and Families, upon request

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and for the purposes of an investigation by the Commissioner of Children and Families 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 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

~~Public Act 14-186 "An Act Concerning The Department Of Children And Families And The Protection Of Children"~~

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Public Act 18-17, “An Act Requiring Behavior Analysts to be Mandated  
Reporters of Suspect Child Abuse and Neglect”

Public Act 18-67, “An Act Concerning Minor Revisions to the Statutes of  
the Department of Children and Families and Establishing a Pilot Program  
to Permit Electronic Reporting by Mandated Reporters”

Public Act 18-57, “An Act Concerning Immunity from Civil or Criminal  
Liability for Persons Providing Medical Assistance or Intervention in a  
Child Abuse or Neglect Case”

APPROVED BY THE BOARD OF EDUCATION: May 22, 1990

REVISED BY THE BOARD OF EDUCATION: March 25, 1997, September 14,  
2002, June 9, 2009, and January 27, 2015

10/5/2018

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**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

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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

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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

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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.



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Appendices B and C are optional to include with the policy, however they may be useful as part of training for staff members in identifying the signs of abuse and/or neglect of children.

## APPENDIX B

### Operational Definitions of Child Abuse and Neglect

The purpose of this policy is to provide consistency for staff in defining and identifying operational definitions, evidence of abuse and/or neglect and examples of adverse impact indicators.

The following operational definitions are working definitions and examples of child abuse and neglect as used by the Connecticut Department of Children and Families.

For the purposes of these operational definitions,

- a person responsible for a child's health, welfare or care means:
  - the child's parent, guardian, foster parent, an employee of a public or private residential home, agency or institution or other person legally responsible under State law for the child's welfare in a residential setting; or any staff person providing out-of-home care, including center-based child day care, family day care, or group day care.
- a person given access to a child is a person who is permitted to have personal interaction with a child by the person responsible for the child's health, welfare or care or by a person entrusted with the care of a child for the purpose of education, child care, counseling, spiritual guidance, coaching, training, instruction, tutoring or mentoring.
- **Note:** Only a "child" as defined above may be classified as a victim of child abuse and/or neglect; only a "person responsible", "person given access", or "person entrusted" as defined above may be classified as a perpetrator of child abuse and/or neglect.
  - While only a child under eighteen may be a victim of child abuse or neglect, a report under mandatory reporting laws and this policy is required if an 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 sexual assault, as set forth in this policy, and the perpetrator is a school employee.

### Physical Abuse

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**A child may be found to have been physically abused who:**

has been inflicted with physical injury or injuries other than by accidental means,

is in a condition which is the result of maltreatment such as, but not limited to, malnutrition, sexual molestation, deprivation of necessities, emotional maltreatment or cruel punishment, and/or

has injuries at variance with the history given of them.

**Evidence of physical abuse includes:**

bruises, scratches, lacerations

burns, and/or scalds

reddening or blistering of the tissue through application of heat by fire, chemical substances, cigarettes, matches, electricity, scalding water, friction, etc.

injuries to bone, muscle, cartilage, ligaments:

fractures, dislocations, sprains, strains, displacements, hematomas, etc.

head injuries

internal injuries

death

misuse of medical treatments or therapies

malnutrition related to acts of commission or omission by an established caregiver resulting in a child's malnourished state that can be supported by professional medical opinion

deprivation of necessities acts of commission or omission by an established caregiver resulting in physical harm to child

cruel punishment.

**Sexual Abuse/Exploitation Sexual Abuse/Exploitation**

Sexual Abuse/Exploitation is any incident involving a child's non-accidental exposure to sexual behavior.

Evidence of sexual abuse includes, but is not limited to the following:

rape

penetration: digital, penile, or foreign objects

oral / genital contact

indecent exposure for the purpose of sexual gratification of the offender, or for purposes of shaming, humiliating, shocking or exerting control over the victim

incest

fondling, including kissing, for the purpose of sexual gratification of the offender, or for purposes of shaming, humiliating, shocking or exerting control over the victim

sexual exploitation, including possession, manufacture, or distribution of child pornography. online enticement of a child for sexual acts, child prostitution, child-sex

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tourism, unsolicited obscene material sent to a child, or misleading domain name likely to attract a child to an inappropriate website  
coercing or forcing a child to participate in, or be negligently exposed to, pornography and/or sexual behavior  
disease or condition that arises from sexual transmission  
other verbal, written or physical behavior not overtly sexual but likely designed to “groom” a child for future sexual abuse.

Legal References: Federal Law 18 U.S.C. 2215 Sexual Exploitation of Children.

**Emotional Maltreatment-Abuse**

**Emotional Maltreatment-Abuse is:**

act(s), statement(s), or threat(s), which  
has had, or is likely to have an adverse impact on the child; and/or  
interferes with a child’s positive emotional development.

**Evidence of emotional maltreatment-abuse includes, but is not limited to, the following:**

rejecting;  
degrading;  
isolating and/or victimizing a child by means of cruel, unusual, or excessive methods of discipline; and/or  
exposing the child to brutal or intimidating acts or statements.

**Indicators of Adverse Impact of emotional maltreatment-abuse may include, but are not limited to, the following:**

depression;  
withdrawal;  
low self-esteem;  
anxiety;  
fear;  
aggression/ passivity;  
emotional instability;  
sleep disturbances;  
somatic complaints with no medical basis;  
inappropriate behavior for age or development;  
suicidal ideations or attempts;  
extreme dependence;  
academic regression;  
and/or trust issues.

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**Physical Neglect**

**A child may be found neglected who:**

has been abandoned;  
is being denied proper care and attention physically, educationally, emotionally, or  
morally;  
is being permitted to live under conditions, circumstances or associations injurious to  
his well-being; and/or  
has been abused.

**Evidence of physical neglect includes, but is not limited to:**

inadequate food;  
malnutrition;  
inadequate clothing;  
inadequate housing or shelter;  
erratic, deviant, or impaired behavior by the person responsible for the child's health,  
welfare or care; by a person given access to the child; or by a person entrusted with  
the child's care which adversely impacts the child;  
permitting the child to live under conditions, circumstances or associations injurious  
to his well-being including, but not limited to, the following:  
substance abuse by caregiver, which adversely impacts the child physically  
substance abuse by the mother of a newborn child and the newborn has a  
positive urine or meconium toxicology for drugs  
psychiatric problem of the caregiver which adversely impacts the child  
physically  
exposure to family violence which adversely impacts the child physically  
exposure to violent events, situations, or persons that would be  
reasonably judged to compromise a child's physical safety  
non-accidental, negligent exposure to drug trafficking and/or  
individuals engaged in the active abuse of illegal substances  
voluntarily and knowingly entrusting the care of a child to individuals  
who may be disqualified to provide safe care, e.g. persons who are  
subject to active protective or restraining orders; persons with past  
history of violent/drug/sex crimes; persons appearing on the Central  
Registry  
non-accidental or negligent exposure to pornography or sexual acts  
inability to consistently provide the minimum of child-caring tasks  
inability to provide or maintain a safe living environment  
action/inaction resulting in death  
abandonment  
action/inaction resulting in the child's failure to thrive  
transience

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inadequate supervision:  
creating or allowing a circumstance in which a child is alone for an excessive  
period of time given the child's age and cognitive abilities  
holding the child responsible for the care of siblings or others beyond the  
child's ability  
failure to provide reasonable and proper supervision of a child given the  
child's age and cognitive abilities.

**Note:** Inadequate food, clothing, or shelter or transience finding must be related to  
caregiver acts of omission or commission and not simply a function of poverty alone.

**Medical Neglect**

**Medical Neglect** is the unreasonable delay, refusal or failure on the part of the person  
responsible for the child's health, welfare or care or the person entrusted with the child's  
care to seek, obtain, and/or maintain those services for necessary medical, dental or  
mental health care when such person knows, or should reasonably be expected to know,  
that such actions may have an adverse impact on the child.

**Evidence of medical neglect includes, but is not limited to:**

frequently missed appointments, therapies or other necessary medical and/or mental  
health treatments;  
withholding or failing to obtain or maintain medically necessary treatment from a  
child with life-threatening, acute or chronic medical or mental health conditions;  
and/or  
withholding medically indicated treatment from disabled infants with life threatening  
conditions.

**Note:** Failure to provide the child with immunizations or routine well child care in and  
of itself does not constitute medical neglect.

**Educational Neglect**

Except as noted below, **Educational Neglect** occurs when, by action or inaction, the  
parent or person having control of a child five (5) years of age and older and under  
eighteen (18) years of age who is not a high school graduate

fails to register the child in school  
fails to allow the child to attend school or receive home instruction in accordance  
with CONN. GEN. STAT. §10-184  
failure to take appropriate steps to ensure regular attendance at school if the child is  
registered.

**Exceptions (in accordance with Conn. Gen. Stat. § 10-184):**

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A parent or person having control of a child may exercise the option of not sending the child to school at age five (5) or age six (6) years by personally appearing at the school district office and signing an option form. In these cases, educational neglect occurs if the parent or person having control of the child has registered the child at age five (5) or age (6) years and then does not allow the child to attend school or receive home instruction.

**Note:** Failure to sign a registration option form for such a child is not in and of itself educational neglect.

A parent or person having control of a child seventeen (17) years of age may consent to such child's withdrawal from school. Such parent or person shall personally appear at the school district office and sign a withdrawal form.

**Emotional Neglect**

**Emotional Neglect** is the denial of proper care and attention, or failure to respond, to a child's affective needs by the person responsible for the child's health, welfare or care; by the person given access to the child; or by the person entrusted with the child's care which has an adverse impact on the child or seriously interferes with a child's positive emotional development.

**Evidence of emotional neglect includes, but is not limited to, the following:**

inappropriate expectations of the child given the child's developmental level;  
failure to provide the child with appropriate support, attention and affection;  
permitting the child to live under conditions, circumstances or associations; injurious to his well-being including, but not limited to, the following:

substance abuse by caregiver, which adversely impacts the child emotionally;  
psychiatric problem of the caregiver, which adversely impacts the child emotionally;  
and  
exposure to family violence which adversely impacts the child emotionally.

**Indicators may include, but are not limited to, the following:**

depression;  
withdrawal;  
low self-esteem;  
anxiety;  
fear;  
aggression/ passivity;  
emotional instability;  
sleep disturbances;  
somatic complaints with no medical basis;  
inappropriate behavior for age or development;  
suicidal ideations or attempts;  
extreme dependence;

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academic regression;  
trust issues.

**Moral Neglect**

**Moral Neglect:** Exposing, allowing, or encouraging the child to engage in illegal or reprehensible activities by the person responsible for the child's health, welfare or care or person given access or person entrusted with the child's care.

**Evidence of Moral Neglect includes but is not limited to:**

stealing;

using drugs and/or alcohol;

and involving a child in the commission of a crime, directly or by caregiver indifference.

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Appendix C

INDICATORS OF CHILD ABUSE AND NEGLECT

Indicators of Physical Abuse

HISTORICAL

Delay in seeking appropriate care after injury.

No witnesses.

Inconsistent or changing descriptions of accident by child and/or parent.

Child's developmental level inconsistent with history.

History of prior "accidents".

Absence of parental concern.

Child is handicapped (physically, mentally, developmentally) or otherwise perceived as "different" by parent.

Unexplained school absenteeism.

History of precipitating crisis

PHYSICAL

Soft tissue injuries on face, lips, mouth, back, buttocks, thighs or large areas of the torso;

Clusters of skin lesions; regular patterns consistent with an implement;

Shape of lesions inconsistent with accidental bruise;

Bruises/welts in various stages of healing;

Burn pattern consistent with an implement on soles, palms, back, buttocks and genitalia; symmetrical and/or sharply demarcated edges;

Fractures/dislocations inconsistent with history;

Laceration of mouth, lips, gums or eyes;

Bald patches on scalp;



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Abdominal swelling or vomiting;

Adult-size human bite mark(s);

Fading cutaneous lesions noted after weekends or absences;

Rope marks.

**BEHAVIORAL**

Wary of physical contact with adults;

Affection inappropriate for age

Extremes in behavior, aggressiveness/withdrawal;

Expresses fear of parents;

Reports injury by parent;

Reluctance to go home;

Feels responsible (punishment "deserved");

Poor self-esteem;

Clothing covers arms and legs even in hot weather.

**Indicators of Sexual Abuse**  
**HISTORICAL**

Vague somatic complaint;

Excessive school absences;

Inadequate supervision at home;

History of urinary tract infection or vaginitis;

Complaint of pain; genital, anal or lower back/abdominal;

Complaint of genital itching;

Any disclosure of sexual activity, even if contradictory.

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**PHYSICAL**

Discomfort in walking, sitting;

Evidence of trauma or lesions in and around mouth;

Vaginal discharge/vaginitis;

Vaginal or rectal bleeding;

Bruises, swelling or lacerations around genitalia, inner thighs;

Dysuria;

Vulvitis;

Any other signs or symptoms of sexually transmitted disease;

Pregnancy.

**BEHAVIORAL**

Low self-esteem;

Change in eating pattern;

Unusual new fears;

Regressive behaviors;

Personality changes (hostile/aggressive or extreme compliance);

Depression;

Decline in school achievement;

Social withdrawal; poor peer relationship;

Indicates sophisticated or unusual sexual knowledge for age;

Seductive behavior, promiscuity or prostitution;

Substance abuse;

Suicide ideation or attempt;

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Runaway.

**Indicators of Emotional Abuse**  
**HISTORICAL**

Parent ignores/isolates/belittles/rejects/scapegoats child

Parent's expectations inappropriate to child's development

Prior episode(s) of physical abuse

Parent perceives child as "different"

**PHYSICAL**

(Frequently none);

Failure to thrive;

Speech disorder;

Lag in physical development;

Signs/symptoms of physical abuse.

**BEHAVIORAL**

Poor self-esteem

Regressive behavior (sucking, rocking, enuresis)

Sleep disorders

Adult behaviors (parenting sibling)

Antisocial behavior;

Emotional or cognitive developmental delay;

Extremes in behavior - overly aggressive/compliant;

Depression;

Suicide ideation/attempt.

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**Indicators of Physical Neglect**  
**HISTORICAL**

High rate of school absenteeism;

Frequent visits to school nurse with nonspecific complaints;

Inadequate supervision, especially for long periods and for dangerous activities;

Child frequently unattended; locked out of house;

Parental inattention to recommended medical care

No food intake for 24 hours;

Home substandard (no windows, doors, heat), dirty, infested, obvious hazards;

Family member addicted to drugs/alcohol.

**PHYSICAL**

Hunger, dehydration;

Poor personal hygiene, unkempt, dirty;

Dental cavities/poor oral hygiene;

Inappropriate clothing for weather/size of child, clothing dirty; wears same clothes day after day;

Constant fatigue or listlessness;

Unattended physical or health care needs;

Infestations;

Multiple skin lesions/sores from infection.

**BEHAVIORAL**

Comes to school early, leaves late;

Frequent sleeping in class;

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Begging for/stealing food;

Adult behavior/maturity (parenting siblings);

Delinquent behaviors;

Drug/alcohol use/abuse.

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# **DARIEN PUBLIC SCHOOL**

## **Darien, Connecticut**

**SERIES: PERSONNEL  
POLICY 4025**

### **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 aany 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 Darien Board of Education ("Board") to require ALL EMPLOYEES of the Board of Education to report suspected abuse and/or neglect, ~~on~~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 that 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, psychologist, social worker, nurse,

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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 Darien Public Schools ("District"), 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 aany 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;



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- 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 Children and Families or the local law enforcement agency. The Department of Children and Families has established a 24 hour Child Abuse and Neglect Careline at 1-800-842-2288 for the purpose of making such oral reports.

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- (b) An electronic report shall be made in the manner prescribed by the Commissioner of Children and Families. An employee making an electronic report shall respond to further inquiries from the Commissioner of Children and Families 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~~or~~, 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 or electronic report to the Commissioner of Children and Families 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 Commission of Children and Families. When such report is submitted electronically, the employee shall respond to further inquiries from the Commissioner of Children and Families 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 or electronic 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~~or~~, 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 Children and Families (or his/her

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designee) shall submit a copy of the written or electronic 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 or, 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 Children and Families.

### **6. Contents of Reports**

Any 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;

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- 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 3, 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 such investigation does not impede an investigation by the Department of Children and Families (“DCF”). 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

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school employees, the Superintendent's investigation shall permit and give priority to any investigation conducted by the Commissioner of Children and Families 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 Children and Families or the appropriate local law enforcement agency that the District's investigation will not interfere with the investigation of the Commissioner of Children and Families 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 District, 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 District, 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 Children and Families ("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

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placed on the Department of Children and Families 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. Section 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 hours after such termination or resignation.
- e) Regardless of the outcome of any investigation by the Commissioner of Children and Families 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.

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- f) The District 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 3 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 Children and Families 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 Darien Public Schools District, pursuant to a contract with the Board, the Superintendent shall permanently suspend the provision of such services, and direct the individual to refrain from any contact with students enrolled in the Darien 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 3, 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 14 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 District shall not hire any person whose employment contract was previously terminated by a board of education or who resigned from such employment, if**

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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 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 16, below. The Board shall post the Internet web site address and telephone number for the Department of Children and Families' 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 Children and Families.
- b) All school employees, as defined above, shall take a refresher training course developed and approved by the Commissioner of Children and Families 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.



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### 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 Department of Children and Families. 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 Children and Families, upon request and for the purposes of an investigation by the Commissioner of Children and Families 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 4025, **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.

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Legal References:

Connecticut General Statutes:

Section 10-151

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

Public Act 18-17, “An Act Requiring Behavior Analysts to be Mandated Reporters of Suspect Child Abuse and Neglect”

Public Act 18-67, “An Act Concerning Minor Revisions to the Statutes of the Department of Children and Families and Establishing a Pilot Program to Permit Electronic Reporting by Mandated Reporters”

Public Act 18-57, “An Act Concerning Immunity from Civil or Criminal Liability for Persons Providing Medical Assistance or Intervention in a Child Abuse or Neglect Case”

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REVISED:

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### **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

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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

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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

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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.

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*Appendices B and C are optional to include with the policy, however they may be useful as part of training for staff members in identifying the signs of abuse and/or neglect of children.*

### APPENDIX B

#### Operational Definitions of Child Abuse and Neglect

The purpose of this policy is to provide consistency for staff in defining and identifying operational definitions, evidence of abuse and/or neglect and examples of adverse impact indicators.

The following operational definitions are working definitions and examples of child abuse and neglect as used by the Connecticut Department of Children and Families.

For the purposes of these operational definitions,

- a person responsible for a child's health, welfare or care means:
  - the child's parent, guardian, foster parent, an employee of a public or private residential home, agency or institution or other person legally responsible under State law for the child's welfare in a residential setting; or any staff person providing out-of-home care, including center-based child day care, family day care, or group day care.
- a person given access to a child is a person who is permitted to have personal interaction with a child by the person responsible for the child's health, welfare or care or by a person entrusted with the care of a child for the purpose of education, child care, counseling, spiritual guidance, coaching, training, instruction, tutoring or mentoring.
- **Note:** Only a "child" as defined above may be classified as a victim of child abuse and/or neglect; only a "person responsible", "person given access", or "person entrusted" as defined above may be classified as a perpetrator of child abuse and/or neglect.
  - While only a child under eighteen may be a victim of child abuse or neglect, a report under mandatory reporting laws and this policy is required if an 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 sexual assault, as set forth in this policy, and the perpetrator is a school employee.

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### **Physical Abuse**

#### **A child may be found to have been physically abused who:**

has been inflicted with physical injury or injuries other than by accidental means,

is in a condition which is the result of maltreatment such as, but not limited to, malnutrition, sexual molestation, deprivation of necessities, emotional maltreatment or cruel punishment, and/or

has injuries at variance with the history given of them.

#### **Evidence of physical abuse includes:**

bruises, scratches, lacerations

burns, and/or scalds

reddening or blistering of the tissue through application of heat by fire, chemical substances, cigarettes, matches, electricity, scalding water, friction, etc.

injuries to bone, muscle, cartilage, ligaments:

fractures, dislocations, sprains, strains, displacements, hematomas, etc.

head injuries

internal injuries

death

misuse of medical treatments or therapies

malnutrition related to acts of commission or omission by an established caregiver resulting in a child's malnourished state that can be supported by professional

medical opinion

deprivation of necessities acts of commission or omission by an established caregiver resulting in physical harm to child

cruel punishment.

### **Sexual Abuse/Exploitation Sexual Abuse/Exploitation**

Sexual Abuse/Exploitation is any incident involving a child's non-accidental exposure to sexual behavior.

Evidence of sexual abuse includes, but is not limited to the following:

rape

penetration: digital, penile, or foreign objects

oral / genital contact

indecent exposure for the purpose of sexual gratification of the offender, or for purposes of shaming, humiliating, shocking or exerting control over the victim



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incest

fondling, including kissing, for the purpose of sexual gratification of the offender, or for purposes of shaming, humiliating, shocking or exerting control over the victim  
sexual exploitation, including possession, manufacture, or distribution of child pornography. online enticement of a child for sexual acts, child prostitution, child-sex tourism, unsolicited obscene material sent to a child, or misleading domain name likely to attract a child to an inappropriate website  
coercing or forcing a child to participate in, or be negligently exposed to, pornography and/or sexual behavior  
disease or condition that arises from sexual transmission  
other verbal, written or physical behavior not overtly sexual but likely designed to “groom” a child for future sexual abuse.

Legal References: Federal Law 18 U.S.C. 2215 Sexual Exploitation of Children.

### **Emotional Maltreatment-Abuse**

#### **Emotional Maltreatment-Abuse is:**

act(s), statement(s), or threat(s), which

has had, or is likely to have an adverse impact on the child; and/or

interferes with a child’s positive emotional development.

#### **Evidence of emotional maltreatment-abuse includes, but is not limited to, the following:**

rejecting;

degrading;

isolating and/or victimizing a child by means of cruel, unusual, or excessive methods of discipline; and/or

exposing the child to brutal or intimidating acts or statements.

#### **Indicators of Adverse Impact of emotional maltreatment-abuse may include, but are not limited to, the following:**

depression;

withdrawal;

low self-esteem;

anxiety;

fear;

aggression/ passivity;

emotional instability;

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sleep disturbances;  
somatic complaints with no medical basis;  
inappropriate behavior for age or development;  
suicidal ideations or attempts;  
extreme dependence;  
academic regression;  
and/or trust issues.

### **Physical Neglect**

#### **A child may be found neglected who:**

has been abandoned;  
is being denied proper care and attention physically, educationally, emotionally, or morally;  
is being permitted to live under conditions, circumstances or associations injurious to his well-being; and/or  
has been abused.

#### **Evidence of physical neglect includes, but is not limited to:**

inadequate food;  
malnutrition;  
inadequate clothing;  
inadequate housing or shelter;  
erratic, deviant, or impaired behavior by the person responsible for the child's health, welfare or care; by a person given access to the child; or by a person entrusted with the child's care which adversely impacts the child;  
permitting the child to live under conditions, circumstances or associations injurious to his well-being including, but not limited to, the following:

- substance abuse by caregiver, which adversely impacts the child physically
- substance abuse by the mother of a newborn child and the newborn has a positive urine or meconium toxicology for drugs
- psychiatric problem of the caregiver which adversely impacts the child physically
- exposure to family violence which adversely impacts the child physically
  - exposure to violent events, situations, or persons that would be reasonably judged to compromise a child's physical safety
  - non-accidental, negligent exposure to drug trafficking and/or individuals engaged in the active abuse of illegal substances
  - voluntarily and knowingly entrusting the care of a child to individuals who may be disqualified to provide safe care, e.g. persons who are subject to active protective or restraining orders; persons with past

# **DARIEN PUBLIC SCHOOL**

## **Darien, Connecticut**

history of violent/drug/sex crimes; persons appearing on the Central Registry  
non-accidental or negligent exposure to pornography or sexual acts  
inability to consistently provide the minimum of child-caring tasks  
inability to provide or maintain a safe living environment  
action/inaction resulting in death  
abandonment  
action/inaction resulting in the child's failure to thrive  
transience  
inadequate supervision:  
creating or allowing a circumstance in which a child is alone for an excessive period of time given the child's age and cognitive abilities  
holding the child responsible for the care of siblings or others beyond the child's ability  
failure to provide reasonable and proper supervision of a child given the child's age and cognitive abilities.

**Note:** Inadequate food, clothing, or shelter or transience finding must be related to caregiver acts of omission or commission and not simply a function of poverty alone.

### **Medical Neglect**

**Medical Neglect** is the unreasonable delay, refusal or failure on the part of the person responsible for the child's health, welfare or care or the person entrusted with the child's care to seek, obtain, and/or maintain those services for necessary medical, dental or mental health care when such person knows, or should reasonably be expected to know, that such actions may have an adverse impact on the child.

#### **Evidence of medical neglect includes, but is not limited to:**

frequently missed appointments, therapies or other necessary medical and/or mental health treatments;  
withholding or failing to obtain or maintain medically necessary treatment from a child with life-threatening, acute or chronic medical or mental health conditions;  
and/or  
withholding medically indicated treatment from disabled infants with life threatening conditions.

**Note:** Failure to provide the child with immunizations or routine well child care in and of itself does not constitute medical neglect.

### **Educational Neglect**

# **DARIEN PUBLIC SCHOOL**

## **Darien, Connecticut**

Except as noted below, **Educational Neglect** occurs when, by action or inaction, the parent or person having control of a child five (5) years of age and older and under eighteen (18) years of age who is not a high school graduate

- fails to register the child in school
- fails to allow the child to attend school or receive home instruction in accordance with CONN. GEN. STAT. §10-184
- failure to take appropriate steps to ensure regular attendance at school if the child is registered.

### **Exceptions (in accordance with Conn. Gen. Stat. § 10-184):**

A parent or person having control of a child may exercise the option of not sending the child to school at age five (5) or age six (6) years by personally appearing at the school district office and signing an option form. In these cases, educational neglect occurs if the parent or person having control of the child has registered the child at age five (5) or age (6) years and then does not allow the child to attend school or receive home instruction.

**Note:** Failure to sign a registration option form for such a child is not in and of itself educational neglect.

A parent or person having control of a child seventeen (17) years of age may consent to such child's withdrawal from school. Such parent or person shall personally appear at the school district office and sign a withdrawal form.

### **Emotional Neglect**

**Emotional Neglect** is the denial of proper care and attention, or failure to respond, to a child's affective needs by the person responsible for the child's health, welfare or care; by the person given access to the child; or by the person entrusted with the child's care which has an adverse impact on the child or seriously interferes with a child's positive emotional development.

### **Evidence of emotional neglect includes, but is not limited to, the following:**

- inappropriate expectations of the child given the child's developmental level;
- failure to provide the child with appropriate support, attention and affection;
- permitting the child to live under conditions, circumstances or associations; injurious to his well-being including, but not limited to, the following:
  - substance abuse by caregiver, which adversely impacts the child emotionally;
  - psychiatric problem of the caregiver, which adversely impacts the child emotionally;
  - and
  - exposure to family violence which adversely impacts the child emotionally.

# **DARIEN PUBLIC SCHOOL**

## **Darien, Connecticut**

**Indicators may include, but are not limited to, the following:**

- depression;
- withdrawal;
- low self-esteem;
- anxiety;
- fear;
- aggression/ passivity;
- emotional instability;
- sleep disturbances;
- somatic complaints with no medical basis;
- inappropriate behavior for age or development;
- suicidal ideations or attempts;
- extreme dependence;
- academic regression;
- trust issues.

### **Moral Neglect**

**Moral Neglect:** Exposing, allowing, or encouraging the child to engage in illegal or reprehensible activities by the person responsible for the child's health, welfare or care or person given access or person entrusted with the child's care.

**Evidence of Moral Neglect includes but is not limited to:**

stealing;

using drugs and/or alcohol;

and involving a child in the commission of a crime, directly or by caregiver indifference.

# **DARIEN PUBLIC SCHOOL**

## **Darien, Connecticut**

### **Appendix C**

#### **INDICATORS OF CHILD ABUSE AND NEGLECT**

##### **Indicators of Physical Abuse HISTORICAL**

Delay in seeking appropriate care after injury.

No witnesses.

Inconsistent or changing descriptions of accident by child and/or parent.

Child's developmental level inconsistent with history.

History of prior "accidents".

Absence of parental concern.

Child is handicapped (physically, mentally, developmentally) or otherwise perceived as "different" by parent.

Unexplained school absenteeism.

History of precipitating crisis

##### **PHYSICAL**

Soft tissue injuries on face, lips, mouth, back, buttocks, thighs or large areas of the torso;

Clusters of skin lesions; regular patterns consistent with an implement;

Shape of lesions inconsistent with accidental bruise;

Bruises/welts in various stages of healing;

Burn pattern consistent with an implement on soles, palms, back, buttocks and genitalia; symmetrical and/or sharply demarcated edges;

Fractures/dislocations inconsistent with history;

Laceration of mouth, lips, gums or eyes;

# **DARIEN PUBLIC SCHOOL**

## **Darien, Connecticut**

Bald patches on scalp;

Abdominal swelling or vomiting;

Adult-size human bite mark(s);

Fading cutaneous lesions noted after weekends or absences;

Rope marks.

### **BEHAVIORAL**

Wary of physical contact with adults;

Affection inappropriate for age

Extremes in behavior, aggressiveness/withdrawal;

Expresses fear of parents;

Reports injury by parent;

Reluctance to go home;

Feels responsible (punishment "deserved");

Poor self-esteem;

Clothing covers arms and legs even in hot weather.

### **Indicators of Sexual Abuse**

#### **HISTORICAL**

Vague somatic complaint;

Excessive school absences;

Inadequate supervision at home;

History of urinary tract infection or vaginitis;

Complaint of pain; genital, anal or lower back/abdominal;

# **DARIEN PUBLIC SCHOOL**

## **Darien, Connecticut**

Complaint of genital itching;

Any disclosure of sexual activity, even if contradictory.

### **PHYSICAL**

Discomfort in walking, sitting;

Evidence of trauma or lesions in and around mouth;

Vaginal discharge/vaginitis;

Vaginal or rectal bleeding;

Bruises, swelling or lacerations around genitalia, inner thighs;

Dysuria;

Vulvitis;

Any other signs or symptoms of sexually transmitted disease;

Pregnancy.

### **BEHAVIORAL**

Low self-esteem;

Change in eating pattern;

Unusual new fears;

Regressive behaviors;

Personality changes (hostile/aggressive or extreme compliance);

Depression;

Decline in school achievement;

Social withdrawal; poor peer relationship;

Indicates sophisticated or unusual sexual knowledge for age;



# **DARIEN PUBLIC SCHOOL**

## **Darien, Connecticut**

Seductive behavior, promiscuity or prostitution;

Substance abuse;

Suicide ideation or attempt;

Runaway.

### **Indicators of Emotional Abuse**

#### **HISTORICAL**

Parent ignores/isolates/belittles/rejects/scapegoats child

Parent's expectations inappropriate to child's development

Prior episode(s) of physical abuse

Parent perceives child as "different"

#### **PHYSICAL**

(Frequently none);

Failure to thrive;

Speech disorder;

Lag in physical development;

Signs/symptoms of physical abuse.

#### **BEHAVIORAL**

Poor self-esteem

Regressive behavior (sucking, rocking, enuresis)

Sleep disorders

Adult behaviors (parenting sibling)

Antisocial behavior;

# **DARIEN PUBLIC SCHOOL**

## **Darien, Connecticut**

Emotional or cognitive developmental delay;

Extremes in behavior - overly aggressive/compliant;

Depression;

Suicide ideation/attempt.

### **Indicators of Physical Neglect**

#### **HISTORICAL**

High rate of school absenteeism;

Frequent visits to school nurse with nonspecific complaints;

Inadequate supervision, especially for long periods and for dangerous activities;

Child frequently unattended; locked out of house;

Parental inattention to recommended medical care

No food intake for 24 hours;

Home substandard (no windows, doors, heat), dirty, infested, obvious hazards;

Family member addicted to drugs/alcohol.

#### **PHYSICAL**

Hunger, dehydration;

Poor personal hygiene, unkempt, dirty;

Dental cavities/poor oral hygiene;

Inappropriate clothing for weather/size of child, clothing dirty; wears same clothes day after day;

Constant fatigue or listlessness;

Unattended physical or health care needs;

# **DARIEN PUBLIC SCHOOL**

## **Darien, Connecticut**

Infestations;

Multiple skin lesions/sores from infection.

### **BEHAVIORAL**

Comes to school early, leaves late;

Frequent sleeping in class;

Begging for/stealing food;

Adult behavior/maturity (parenting siblings);

Delinquent behaviors;

Drug/alcohol use/abuse.

DARIEN PUBLIC SCHOOLS  
Darien, Connecticut

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**SERIES: PERSONNEL  
POLICY 4050**

**REPORTS OF SUSPECTED ABUSE OR NEGLECT OF ADULTS WITH AN  
INTELLECTUAL DISABILITY OR AUTISM SPECTRUM DISORDER**

Section 46a-11b of the Connecticut General Statutes requires that certain school personnel report any suspected abuse or neglect of persons between eighteen (18) and sixty (60) years of age who: 1) have an intellectual disability or 2) receive funding or services from the Department of Social Services' ("DSS") Division of Autism Spectrum Disorder Services. In furtherance of this statute and its purpose, it is the policy of the Darien Board of Education to require ALL EMPLOYEES of the Board of Education to comply with the following procedures in the event that, in the ordinary course of their employment or profession, they have reasonable cause to suspect that a person with an intellectual disability or an individual receiving funding or services from DSS' Division of Autism Spectrum Disorder Services between eighteen (18) and sixty (60) years of age has been abused or neglected.

1. Scope of Policy

This policy applies not only to employees who are required by law to report suspected abuse and/or neglect of adults with intellectual disabilities, but also to ALL EMPLOYEES of the Board of Education.

2. Definitions

For the purposes of this policy:

"Abuse" means the willful infliction of physical pain or injury or the willful deprivation by a caretaker of services which are necessary to the person's health or safety.

"Neglect" means a situation where a person with an intellectual disability either is living alone ~~or~~ and is not able to provide for himself or herself the services which are necessary to maintain his or her physical and mental health, or is not receiving such necessary services from the caretaker.

"Statutory Mandated Reporter" means an individual required by Conn. Gen. Stat. Section 46a-11b to report suspected abuse and/or neglect of adults with intellectual disabilities. In the public school context, the term "statutory mandated reporter" includes teachers, school administrators, school guidance counselors, paraprofessionals, licensed behavior analysts, registered or licensed practical nurses, psychologists, social workers, licensed or certified substance abuse counselors, mental health professionals, physical therapists, occupational

## DARIEN PUBLIC SCHOOLS

### Darien, Connecticut

therapists, dental hygienists, speech pathologists, and licensed professional counselors.

#### 3. Reporting Procedures for Statutory Mandated Reporters

If a statutory mandated reporter has reasonable cause to suspect or believe that any person with an intellectual disability, or any individual who receives funding or services from DSS' Division of Autism Spectrum Disorder Services, between eighteen (18) and sixty (60) years of age has been abused or neglected, the mandated reporter shall, as soon as practicable, but not later than ~~seventy-~~ ~~two~~forty-eight (~~72~~48) hours after having reasonable cause to suspect abuse or neglect, make an oral report to:

Abuse Investigation Division  
Department of Developmental Services ("DDS")  
460 Capitol Avenue  
Hartford, Connecticut 06106  
Telephone: 1-844-878-8923

An unsuccessful attempt to make an initial report to DDS on the weekend, holiday, or after business hours shall not be construed as a violation of this policy or applicable law if the mandatory reporter makes reasonable attempts to make such report as soon as practicable after the initial attempt. For purposes of this policy, "reasonable attempts" means documented efforts to contact DDS by phone, electronic mail or in person.

The statutory mandated reporter shall also immediately notify the Superintendent.

Such initial oral report shall be followed by a written report to the Abuse Investigation Division of DDS not later than five calendar days after the initial oral report was made, and a copy of any written report shall be given to the Superintendent.

#### 4. Reporting Procedures for Non-Statutory Mandated Reporters

The following procedures apply only to employees who are not statutory mandated reporters, as set forth above.

- a) If an employee who is not a statutory mandated reporter has reasonable cause to suspect that any person with an intellectual disability, or any individual who receives funding or services from the DSS' Division of Autism Spectrum Disorder Services, between eighteen (18) and sixty (60) years of age has been abused or neglected, the following steps shall be taken.

# DARIEN PUBLIC SCHOOLS

## Darien, Connecticut

- (1) The employee shall as soon as practicable, but not later than ~~seventy-two~~forty-eight (~~72~~48) hours after having reasonable cause to suspect abuse or neglect, make an oral report 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 any person with an intellectual disability, or any individual who receives funding or services from the DSS' Division of Autism Spectrum Disorder Services, between eighteen (18) and sixty (60) years has been abused or neglected, the Superintendent or designee shall cause reports to be made in accordance with the procedures set forth for statutory mandated reporters, set forth above.
- b) Nothing in this policy shall be construed to preclude an employee from reporting suspected abuse and/or neglect of adults with intellectual disabilities, or any individual who receives funding or services from the DSS' Division of Autism Spectrum Disorder Services, directly to the Abuse Investigation Division of DDS.

### 5. Contents of Report

Any oral or written report made pursuant to this policy shall contain the following information, if known:

- a) The name and address of the allegedly abused or neglected person;
- b) a statement from the reporter indicating a belief that the person is intellectually disabled or receives funding or services from the DSS' Division of Autism Spectrum Disorder Services, together with information indicating that the person is unable to protect himself or herself from abuse or neglect;
- c) Information concerning the nature and extent of the abuse or neglect; and,
- d) Any additional information that the reporter believes would be helpful in investigating the report or in protecting the person with an intellectual disability or who receives funding or services from the DSS' Division of Autism Spectrum Disorder Services.

### 6. Investigation of the Report

If the suspected abuser is a school employee, the Superintendent shall thoroughly investigate the report, and shall, to the extent feasible, endeavor to coordinate any

## DARIEN PUBLIC SCHOOLS

### Darien, Connecticut

such investigation with the investigation conducted by the Abuse Investigation Division of DDS.

The Superintendent's investigation shall include an opportunity for the suspected abuser to be heard with respect to the allegations contained within the report. During the course of an investigation of suspected abuse by a school employee, the Superintendent may suspend the employee with pay or may place the employee on administrative leave with pay, pending the outcome of the investigation.

If the investigation by the Superintendent and/or [the](#) Abuse Investigation Division of DDS produces evidence that a person with an intellectual disability, or any individual who receives funding or services from the DSS' Division of Autism Spectrum Disorder Services, has been abused by a school employee, the Superintendent and/or the Board, as appropriate, may take disciplinary action, up to and including termination of employment.

#### 7. 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.

#### 8. Disciplinary Action for Failure to Follow Policy

Any employee who fails to comply with the requirements of this policy shall be subject to discipline, up to and including termination of employment.

#### 9. Non-discrimination Policy

The Board of Education shall not discharge or in any manner discriminate or retaliate against any employee who, in good faith, makes a report pursuant to this policy, or testifies or is about to testify in any proceeding involving abuse or neglect.

DARIEN PUBLIC SCHOOLS  
Darien, Connecticut

Legal References:

Connecticut General Statutes:

Section 46a-11a

Section 46a-11b et seq.

Public Act 18-96, “An Act Concerning Reports of Abuse or Neglect of  
Persons with Intellectual Disability or Autism Spectrum Disorder”

APPROVED BY THE BOARD OF EDUCATION: March 11, 2015

REVISED: June 12, 2018



DARIEN PUBLIC SCHOOLS  
Darien, Connecticut

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**SERIES: PERSONNEL  
POLICY 4050**

**REPORTS OF SUSPECTED ABUSE OR NEGLECT OF ADULTS WITH AN  
INTELLECTUAL DISABILITY OR AUTISM SPECTRUM DISORDER**

Section 46a-11b of the Connecticut General Statutes requires that certain school personnel report any suspected abuse or neglect of persons between eighteen (18) and sixty (60) years of age who: 1) have an intellectual disability or 2) receive funding or services from the Department of Social Services' ("DSS") Division of Autism Spectrum Disorder Services. In furtherance of this statute and its purpose, it is the policy of the Darien Board of Education to require ALL EMPLOYEES of the Board of Education to comply with the following procedures in the event that, in the ordinary course of their employment or profession, they have reasonable cause to suspect that a person with an intellectual disability or an individual receiving funding or services from DSS' Division of Autism Spectrum Disorder Services between eighteen (18) and sixty (60) years of age has been abused or neglected.

1. Scope of Policy

This policy applies not only to employees who are required by law to report suspected abuse and/or neglect of adults with intellectual disabilities, but also to ALL EMPLOYEES of the Board of Education.

2. Definitions

For the purposes of this policy:

"Abuse" means the willful infliction of physical pain or injury or the willful deprivation by a caretaker of services which are necessary to the person's health or safety.

"Neglect" means a situation where a person with an intellectual disability either is living alone and is not able to provide for himself or herself the services which are necessary to maintain his or her physical and mental health, or is not receiving such necessary services from the caretaker.

"Statutory Mandated Reporter" means an individual required by Conn. Gen. Stat. Section 46a-11b to report suspected abuse and/or neglect of adults with intellectual disabilities. In the public school context, the term "statutory mandated reporter" includes teachers, school administrators, school guidance counselors, paraprofessionals, licensed behavior analysts, registered or licensed practical nurses, psychologists, social workers, licensed or certified substance abuse counselors, mental health professionals, physical therapists, occupational

## DARIEN PUBLIC SCHOOLS

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therapists, dental hygienists, speech pathologists, and licensed professional counselors.

#### 3. Reporting Procedures for Statutory Mandated Reporters

If a statutory mandated reporter has reasonable cause to suspect or believe that any person with an intellectual disability, or any individual who receives funding or services from DSS' Division of Autism Spectrum Disorder Services, between eighteen (18) and sixty (60) years of age has been abused or neglected, the mandated reporter shall, as soon as practicable, but not later than forty-eight (48) hours after having reasonable cause to suspect abuse or neglect, make an oral report to:

Abuse Investigation Division  
Department of Developmental Services ("DDS")  
460 Capitol Avenue  
Hartford, Connecticut 06106  
Telephone: 1-844-878-8923

An unsuccessful attempt to make an initial report to DDS on the weekend, holiday, or after business hours shall not be construed as a violation of this policy or applicable law if the mandatory reporter makes reasonable attempts to make such report as soon as practicable after the initial attempt. For purposes of this policy, "reasonable attempts" means documented efforts to contact DDS by phone, electronic mail or in person.

The statutory mandated reporter shall also immediately notify the Superintendent.

Such initial oral report shall be followed by a written report to the Abuse Investigation Division of DDS not later than five calendar days after the initial oral report was made, and a copy of any written report shall be given to the Superintendent.

#### 4. Reporting Procedures for Non-Statutory Mandated Reporters

The following procedures apply only to employees who are not statutory mandated reporters, as set forth above.

- a) If an employee who is not a statutory mandated reporter has reasonable cause to suspect that any person with an intellectual disability, or any individual who receives funding or services from the DSS' Division of Autism Spectrum Disorder Services, between eighteen (18) and sixty (60) years of age has been abused or neglected, the following steps shall be taken.

## DARIEN PUBLIC SCHOOLS

### Darien, Connecticut

- (1) The employee shall as soon as practicable, but not later than forty-eight (48) hours after having reasonable cause to suspect abuse or neglect, make an oral report 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 any person with an intellectual disability, or any individual who receives funding or services from the DSS' Division of Autism Spectrum Disorder Services, between eighteen (18) and sixty (60) years has been abused or neglected, the Superintendent or designee shall cause reports to be made in accordance with the procedures set forth for statutory mandated reporters, set forth above.
- b) Nothing in this policy shall be construed to preclude an employee from reporting suspected abuse and/or neglect of adults with intellectual disabilities, or any individual who receives funding or services from the DSS' Division of Autism Spectrum Disorder Services, directly to the Abuse Investigation Division of DDS.

#### 5. Contents of Report

Any oral or written report made pursuant to this policy shall contain the following information, if known:

- a) The name and address of the allegedly abused or neglected person;
- b) a statement from the reporter indicating a belief that the person is intellectually disabled or receives funding or services from the DSS' Division of Autism Spectrum Disorder Services, together with information indicating that the person is unable to protect himself or herself from abuse or neglect;
- c) Information concerning the nature and extent of the abuse or neglect; and,
- d) Any additional information that the reporter believes would be helpful in investigating the report or in protecting the person with an intellectual disability or who receives funding or services from the DSS' Division of Autism Spectrum Disorder Services.

#### 6. Investigation of the Report

If the suspected abuser is a school employee, the Superintendent shall thoroughly investigate the report, and shall, to the extent feasible, endeavor to coordinate any

## DARIEN PUBLIC SCHOOLS

### Darien, Connecticut

such investigation with the investigation conducted by the Abuse Investigation Division of DDS.

The Superintendent's investigation shall include an opportunity for the suspected abuser to be heard with respect to the allegations contained within the report. During the course of an investigation of suspected abuse by a school employee, the Superintendent may suspend the employee with pay or may place the employee on administrative leave with pay, pending the outcome of the investigation.

If the investigation by the Superintendent and/or the Abuse Investigation Division of DDS produces evidence that a person with an intellectual disability, or any individual who receives funding or services from the DSS' Division of Autism Spectrum Disorder Services, has been abused by a school employee, the Superintendent and/or the Board, as appropriate, may take disciplinary action, up to and including termination of employment.

#### 7. 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.

#### 8. Disciplinary Action for Failure to Follow Policy

Any employee who fails to comply with the requirements of this policy shall be subject to discipline, up to and including termination of employment.

#### 9. Non-discrimination Policy

The Board of Education shall not discharge or in any manner discriminate or retaliate against any employee who, in good faith, makes a report pursuant to this policy, or testifies or is about to testify in any proceeding involving abuse or neglect.

DARIEN PUBLIC SCHOOLS  
Darien, Connecticut

Legal References:

Connecticut General Statutes:

Section 46a-11a

Section 46a-11b et seq.

Public Act 18-96, “An Act Concerning Reports of Abuse or Neglect of  
Persons with Intellectual Disability or Autism Spectrum Disorder”

APPROVED BY THE BOARD OF EDUCATION: March 11, 2015

REVISED: June 12, 2018

REVISED:

# DARIEN PUBLIC SCHOOLS

Darien, Connecticut

SERIES 5000: STUDENTS

POLICY ~~R~~-5100

## PHYSICAL RESTRAINT AND SECLUSION OF ~~PERSONS AT RISK~~ STUDENTS AND USE OF EXCLUSIONARY TIME OUT (~~Administrative Regulations~~)

The Board of Education seeks to foster a safe and positive learning environment for all students. ~~In compliance with law,~~ Board of Education employees will ~~avoid~~restrict the use of physical restraint ~~or~~and seclusion of students. ~~However, physical to emergency situations, in accordance with this policy and accompanying administrative regulations and applicable law. Physical~~ restraint or seclusion of a student may be necessary in an emergency situation to maintain the safety of the student or another individual. The Board also regulates the use of exclusionary time out in accordance with this Policy and accompanying regulations and applicable law.

The ~~following sets forth the procedures for compliance with the relevant Connecticut General Statutes and Regulations concerning the physical restraint and seclusion of persons at risk in the~~ Darien Public Schools Board ~~of Education~~ authorizes the Superintendent or his/her designee to develop and implement Administrative Regulations in accordance with this Policy and applicable law. The Board of Education mandates compliance with this ~~regulation~~Policy and the associated Administrative Regulations at all times. Violations of this ~~regulation~~Policy and/or associated Administrative Regulations by a Board of Education staff member or other individual working at the direction of, or under the supervision of, the Board of Education, may result in disciplinary action, up to and including possible termination of employment status and/or termination of contract for services.

Nothing within these regulations shall be construed to interfere with the Board's responsibility to maintain a safe school setting, in accordance with Connecticut General Statutes § 10-~~220, or to supersede the justifiable use of reasonable physical force permitted under Connecticut General Statutes § 53a-18(6).~~ 220. Under no circumstances shall employees or individuals under the supervision of the Board use corporal punishment with students or physically manage students for purposes of discipline.

### Legal References:

Public Act 18-51, An Act Implementing the Recommendations of the Department of Education

Conn. Gen. Stat. § 10-76b

Conn. Gen. Stat. § 10-76d

Conn. Gen. Stat. § 10-236b

Conn. Gen. Stat. §§ 53a-18 to 53a-22

Reg. Conn. State Agencies. §§ 10-76b-5 to 10-76b-11

Other References:

Restraint and Seclusion: Resource Document, United States Department of Education, available at <http://www2.ed.gov/policy/seclusion/restraints-and-seclusion-resources.pdf>.

Understanding the Laws and Regulations Governing the Use of Restraint and Seclusion, Connecticut State Department of Education (July 2018).

Guidance Related to Recent Legislation Regarding Restraint and Seclusion, Connecticut State Department of Education (Revised, July 2018).

REVIEWED BY THE BOARD OF EDUCATION: January 13.2015

REVISED:

**SERIES 5000: STUDENTS**  
**POLICY R-5100**

**ADMINISTRATIVE REGULATIONS CONCERNING**  
**PHYSICAL RESTRAINT AND SECLUSION OF STUDENTS AND USE OF**  
**EXCLUSIONARY TIME OUT**

The Darien Public Schools (the “District”) seeks to foster a safe and positive learning environment for all students. District employees will restrict the use of physical restraint and seclusion of students to emergency situations, in accordance with these administrative regulations and the associated policy and applicable law. Physical restraint or seclusion of a student may be necessary in an emergency situation to maintain the safety of the student or another individual. District employees will restrict the use of exclusionary time out with students to those instances permitted by applicable law, as described in these administrative regulations and applicable law.

The following sets forth the procedures for compliance with the relevant state law and regulations concerning the physical restraint and seclusion of, and use of exclusionary time out with, students in the District. The Superintendent mandates compliance with these regulations at all times. Violations of these regulations by a Board of Education staff member or other individual working at the direction of, or under the supervision of, the Board of Education, may result in disciplinary action, up to and including possible termination of employment status and/or termination of contract for services.

Nothing within these regulations shall be construed to interfere with the responsibility of the District to maintain a safe school setting, in accordance with Connecticut General Statutes § 10-220.

**I. Definitions:**

~~Provider: A person who provides direct care, education or supervision of a person at risk.~~

~~Assistant Provider or Assistant: A person assigned to provide, or who may be called upon in an emergency to provide, assistance or security to a provider.~~

~~Person at Risk: A child who meets the eligibility criteria for special education services under the Individuals with Disabilities Education Act, 20 U.S.C. § 1400 *et seq.* (“IDEA”), and who is receiving special education from the Board of Education, or a child who is being evaluated for eligibility for special education pursuant to statute and awaiting a determination.~~

A. Exclusionary Time Out: A temporary, continuously monitored separation of a student from an ongoing activity in a non-locked setting, for the purpose of calming such student or deescalating such student’s behavior.



- B. Life Threatening Physical Restraint: Any physical restraint or hold of a person that (1) restricts the flow of air into a person's lungs, whether by chest compression or any other means, or (2) immobilizes or reduces the free movement of a person's arms, legs or head while the person is in the prone position.
- C. Psychopharmacological Agent: Any medication that affects the central nervous system, influencing thinking, emotion or behavior;
- D. Physical Restraint: Any mechanical or personal restriction that immobilizes or reduces the free movement of a person's arms, legs or head, including, but not limited to, carrying or forcibly moving a person from one location to another. The term does not include: (A1) ~~briefly~~ Briefly holding a person in order to calm or comfort the person; (B2) restraint involving the minimum contact necessary to safely escort a person from one area to another; (C3) medical devices, including, but not limited to, supports prescribed by a health care provider to achieve proper body position or balance; (D4) helmets or other protective gear used to protect a person from injuries due to a fall; ~~or~~ (E5) helmets, mitts and similar devices used to prevent self-injury when the device is (i) part of a documented treatment plan or an Individualized Education Program ("IEP"); or (ii) prescribed or recommended by a medical professional, as defined in section 38a-976 of the Connecticut General Statutes, and is the least restrictive means available to prevent such injury; or (6) an exclusionary time out.
- E. School Employee: (1) Any individual employed by the Darien Public Schools who is a teacher, substitute teacher, administrator, superintendent, guidance counselor, psychologist, social worker, nurse, physician, paraprofessional, coach; and (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 the Darien Public Schools pursuant to a contract with the Darien Public Schools.
- F. Seclusion: The confinement of a person in a room, ~~whether alone or with supervision by a provider or assistant, in a manner that prevents the person from~~ which the student is physically prevented from leaving ~~that room~~. Seclusion does not include the following: (i) an exclusionary time out; or (ii) any confinement of a ~~person at risk~~ student in which the person is physically able to leave the area of confinement including, but not limited to, in-school suspension ~~and time out~~.
- G. Student: a child who is
1. Enrolled in grades kindergarten to twelve, inclusive, in a public school under the jurisdiction of a local or regional board of education;

2. Receiving special education and related services in an institution or facility operating under a contract with a local or regional board of education pursuant to subsection (d) of section 10-76d of the Connecticut General Statutes;

~~Behavior Intervention: Supports and other strategies developed by the planning and placement team (“PPT”) to address the behavior of a person at risk that impedes the learning of the person at risk or the learning of others.~~

3. Enrolled in a program or school administered by a regional education service center established pursuant to section 10-66a of the Connecticut General Statutes; OR

~~Licensed Health Care Provider: (1) A legally qualified practitioner of medicine; (2) an advanced practice registered nurse; (3) a registered nurse licensed pursuant to Chapter 378 of the Connecticut General Statutes; or (4) a physician assistant licensed pursuant to Chapter 370 of the Connecticut General Statutes.~~

4. Receiving special education and related services from an approved private special education program.

## II. ~~Procedures for Physical Restraint of Persons at Risk A.~~ Life-Threatening Physical Restraint:

- A. No ~~provider or assistant~~ school employee shall under any circumstance use a life-threatening physical restraint on a ~~person at risk~~ student.
- B. ~~No provider or assistant~~ Nothing in this section shall be construed as limiting any defense to criminal prosecution for the use of deadly physical force that may be available under sections 53a-18 to 53a-22, inclusive, of the Connecticut General Statutes.

## III. Procedures for Physical Restraint and Seclusion of Students

- A. No school employee shall use ~~involuntary~~ physical restraint or seclusion on a ~~person at risk~~ student EXCEPT as an emergency intervention to prevent immediate or imminent injury to the ~~person at risk~~ student or to others.
- B. Seclusion shall not be used as a planned intervention in a student’s behavioral intervention plan, individualized education program or plan pursuant to Section 504 of the Rehabilitation Act.
- C. ~~Physical restraint of a person at risk shall never be used as a disciplinary measure or as a convenience.~~ No school employee shall use physical restraint or seclusion on a student unless the school employee has received training in accordance with state law and/or the District’s trainings plans as described in Section X below, upon implementation thereof.

- D. ~~Providers and assistants must explore all less restrictive alternatives prior to using physical restraint for a person at risk.~~ Physical restraint and seclusion of a student shall never be used as a disciplinary measure or as a convenience.
- E. ~~Providers and assistants~~ School employees must explore ALL less restrictive alternatives prior to using physical restraint or seclusion for a student.
- F. School employees must comply with all regulations promulgated by the Connecticut State ~~Board~~ Department of Education in their use of physical restraint and seclusion with a ~~person at risk~~ student.

~~FG.~~ Monitoring

1. ~~A provider or an assistant~~ Physical restraint: A school employee must continually monitor any ~~person at risk~~ student who is physically restrained. The monitoring must be conducted by either:
  - a. direct observation of the ~~person at risk~~ student; or
  2. ~~A provider or an assistant must regularly evaluate the person being restrained for signs of physical distress. The provider or assistant must record each evaluation in the educational record of the person being restrained.~~

~~III. Procedures for Seclusion of Persons at Risk~~

- A. ~~No provider or assistant shall use involuntary seclusion on a person at risk EXCEPT as follows:~~
- b. observation by way of video monitoring within physical proximity sufficient to provide aid as may be needed.
  1. ~~as an emergency intervention to prevent immediate or imminent injury to the person at risk or to others; OR~~
  2. Seclusion: A school employee must frequently monitor any student who is placed in seclusion. The monitoring must be conducted by either:
    2. ~~as specifically provided for in the IEP of the person at risk, if other less restrictive, positive behavior interventions appropriate to the behavior exhibited by the person at risk have been implemented but were ineffective.~~
    - a. direct observation of the student; or
- B. ~~Seclusion as a Behavior Intervention in an IEP~~
1. ~~Prior to including seclusion in the IEP of a person at risk, the PPT must review the results of a functional behavioral assessment and other information determined to be relevant by the PPT. If, based on this~~

~~information, the PPT determines that the use of seclusion is an appropriate behavior intervention for the person at risk, the PPT shall include the assessment data and other relevant information in the IEP of the person at risk as the basis upon which a decision was made to include the use of seclusion as a behavior intervention. The use of seclusion in the IEP must be reviewed at least annually by the PPT. The PPT must include the following information in the IEP of the person at risk:~~

- ~~a. the location of seclusion for the person at risk, which may be multiple locations within a school building;~~
- ~~b. the maximum length of any period of seclusion, in accordance with Section III(D) of this regulation;~~ observation by way of video monitoring within physical proximity sufficient to provide aid as may be needed.

#### G. Length

##### 1. Any period of physical restraint or seclusion:

- ~~e. the number of times during a single day that the person at risk may be placed in seclusion;~~
- a. shall be limited to that time necessary to allow the student to compose him or herself and return to the educational environment; and
- ~~d. the frequency of monitoring required for the person at risk while in seclusion;~~
- b. shall not exceed fifteen (15) minutes, except as provided below.
- ~~e. the timeframe and manner of notification of each incident of seclusion, as determined by the PPT and the parents of the person at risk; and~~

##### 2. If any instance of physical restraint or seclusion of a student used as an emergency intervention exceeds fifteen (15) minutes, one of the following individuals, who have received training in the use of physical restraint or seclusion, will determine whether continued physical restraint or seclusion is necessary to prevent immediate or imminent injury to the student or to others:

- ~~f. any other relevant information agreed to by the PPT taking into consideration the age, disability and behaviors of the person at risk that might subject the person at risk to the use of seclusion.~~
- a. an administrator, or such administrator's designee;

2. ~~Prior to including seclusion in an IEP of a person at risk, the PPT must inquire as to whether there are any known medical or psychological conditions that would be directly and adversely impacted by the use of seclusion as a behavior intervention. A person at risk may not be placed in seclusion if such person is known to have any medical or psychological condition that a licensed health care provider has indicated will be directly and adversely impacted by the use of seclusion. The PPT may request a medical or psychological evaluation of the child for purposes of determining whether there is a medical or psychological condition that will be directly and adversely impacted by the use of seclusion as a behavior intervention. Any written statement from a licensed health care professional in this regard shall be included in the special education file of the person at risk.~~
- b. a school health or mental health personnel; or
- C. ~~Seclusion of a person at risk shall never be used as a disciplinary measure or as a convenience.~~
- c. a board certified behavior analyst.
- D. ~~Any period of seclusion (1) shall be limited to that time necessary to allow the person at risk to compose him or herself and return to the educational environment and (2) shall not exceed one hour. The use of seclusion may be continued with written authorization from the building principal or designee to prevent immediate or imminent injury to the person at risk or to others. Where transportation of the person at risk is necessary, the written authorization to continue the use of seclusion is not required if immediate or imminent injury to the person at risk or to others is a concern.~~
3. The individual identified under subsection 2 (a-c) shall make a new determination every thirty (30) minutes thereafter regarding whether such physical restraint or seclusion is necessary to prevent immediate or imminent injury to the student or to others.
- E. ~~Providers and assistants must explore all less restrictive alternatives prior to using seclusion for a person at risk, unless seclusion is being used pursuant to the IEP of the person at risk.~~
- H. A school employee must regularly evaluate the student being physically restrained or secluded for signs of physical distress. The school employee must record each evaluation in the educational record of the person being physically restrained or secluded.
- F. ~~When the use of seclusion as an emergency intervention to prevent immediate or imminent injury to the person at risk or to others~~
- ~~is repeated more than two times in any marking period, the PPT (1) shall~~
- ~~convene to review the IEP of the person at risk, (2) may consider additional evaluations or assessments to address the child's behaviors, and (3) may revise the child's IEP, as appropriate. The PPT may agree to waive this meeting.~~

#### IV. Seclusion Room Requirements

~~G.~~ ~~Any~~ Seclusion can happen in any location, although a district may designate an area or room for this purpose. Regardless of location, any room used for seclusion must:

- ~~1.A.~~ be of a size that is appropriate to the chronological and developmental age, size and behavior of the ~~person-at-risk~~ student;
- ~~2.B.~~ have a ceiling height that is comparable to the ceiling height of the other rooms in the building in which the seclusion room is located;
- ~~3.C.~~ be equipped with heating, cooling, ventilation and lighting systems that are comparable to the systems that are used in the other rooms of the building in which the seclusion room is located;
- ~~4.D.~~ be free of any object that poses a danger to the ~~person-at-risk~~ student who is being placed in the seclusion room;
- ~~5.E.~~ conform to applicable building code requirements.

If the door or doors to a room used for seclusion are to be locked, latched or otherwise secured, a modification from the State Fire Marshal's office shall be secured prior to the installation of a locking mechanism. If a door locking mechanism is used, the ~~person-at-risk~~ student shall be constantly monitored notwithstanding any other provisions of the Connecticut General Statutes or Regulations to the contrary. The locking mechanism to be used shall be a device that shall be readily released by staff as soon as possible but in no case longer than within two minutes of the onset of an emergency and is connected to the fire alarm system so that the locking mechanism is released automatically when a fire alarm is sounded. An "emergency," for purposes of this subsection, includes but is not limited to the following:

- ~~a.1.~~ the need to provide direct and immediate medical attention to the ~~person-at-risk~~ student;
  - ~~b.2.~~ fire;
  - ~~c.3.~~ the need to remove the ~~person-at-risk~~ student to a safe location during a building lockdown; or
  - ~~d.4.~~ other critical situations that may require immediate removal of the ~~person-at-risk~~ student from seclusion to a safe location; ~~and~~.
- ~~6.F.~~ have an unbreakable observation window or fixture located in a wall or door, which allows the student a clear line of sight beyond the area of seclusion, to permit frequent visual monitoring of the ~~person-at-risk~~ student and any ~~provider or~~

~~assistant~~school employee in such room. The requirement for an unbreakable observation window does not apply if it is necessary to clear and use a classroom or other room in the school building as a seclusion room for a ~~person at risk~~.

~~H. Providers and assistants must comply with all regulations promulgated by the Connecticut State Board of Education in their use of seclusion for a person at risk.~~

~~I. Monitoring~~

~~1. If seclusion is included in the IEP of the person at risk, the IEP must describe the frequency of monitoring of the person at risk while in seclusion. The monitoring must be conducted by direct observation of the person at risk.~~

~~2. If a person at risk has been secluded as an emergency intervention to prevent immediate or imminent injury to the person at risk or others, a provider or an assistant must frequently monitor the person at risk. The monitoring must be conducted by direct observation of the person at risk.~~

~~3. A provider or an assistant must regularly evaluate the person at risk in seclusion for signs of physical distress. The provider or assistant must record each evaluation in the educational record of the person who is in seclusion.~~

~~IV. Training of Providers and Assistant Providers~~

~~A. The Board of Education shall provide physical management training for all Board of Education employees who engage in the physical restraint and seclusion of persons at risk pursuant to this regulation. Prior to engaging in physical restraint and/or seclusion practices pursuant to this regulation, Board of Education employees must successfully complete the Board of Education's physical management training program.~~

~~B. The Board shall provide training in physical management, physical restraint and seclusion procedures including, but not limited to, training to recognize health and safety issues for children placed in seclusion to ensure the safe use of seclusion as a behavior intervention.~~  
~~C. The Board shall also provide training in verbal defusing or de-escalation; prevention strategies; types of physical restraint; the differences between life-threatening physical restraint and other varying levels of physical restraint; the differences between permissible physical restraint and pain compliance techniques; monitoring to prevent harm to a person physically restrained or in seclusion and recording and reporting procedures on the use of restraints and seclusion~~student.

~~V. Documentation and Communication~~Use of Psychopharmacologic Agent

- A. No school employee may use a psychopharmacologic agent on a student without that student's consent and the consent of the student's parent/guardian, except:
  - 1. as an emergency intervention to prevent immediate or imminent injury to the student or to others; or
  - 2. as an integral part of the student's established medical or behavioral support or educational plan, or, if no such plan has been developed, as part of a licensed practitioner's initial orders.
- B. The use of psychopharmacologic agents, alone or in combination, may be used only in doses that are therapeutically appropriate and not as a substitute for other appropriate treatment.
- C. Any administration of a psychopharmacologic agent must ONLY be done in accordance with applicable federal and state law and the Board of Education's Administration of Medication Policy.

#### VI. Procedures for Exclusionary Time Out

- A. No school employee may use exclusionary time out as a form of discipline for a student.
- B. At least one school employee must remain with the student, or be immediately available to the student such that the student and the employee are able to communicate verbally, throughout the exclusionary time out.
- C. The space used for an exclusionary time out must be clean, safe, sanitary and appropriate for the purpose of calming the student or deescalating the student's behavior.
- D. The exclusionary time period must end as soon as possible.
- E. Consistent with subsection D above, the exclusionary time out period may vary depending on the student's chronological and developmental age, individual needs and behavior.

#### VII. Required Meetings

- A. Students not eligible for special education (and not being evaluated for eligibility for special education)
  - 1. In the event that physical restraint or seclusion is used on a student **four (4) or more times within twenty (20) school days**, a team composed of an administrator, one or more of the student's teachers, a parent or



guardian of the student, and, if any, a school mental health professional, shall convene to:

- a. conduct or revise a behavioral assessment of the student;
- b. create or revise any applicable behavior intervention plan; and
- c. determine whether such student may require a referral for consideration for special education pursuant to federal and state law.

2. The requirement to convene this meeting shall not supersede the District's obligation to refer a student to a **planning and placement team ("PPT")** as may be required in accordance with federal and state law.

B. Students eligible for special education (and students being evaluated for eligibility for special education)

1. In the event that physical restraint or seclusion is used on a student **four (4) or more times within twenty (20) school days**, the student's PPT shall convene to:

- a. conduct or revise **a functional behavioral assessment ("FBA")**;
- b. create or revise any applicable behavior intervention plan ("BIP"), including but not limited to, such student's individualized education program ("IEP"); and
- c. review or revise the student's IEP, as appropriate.

2. In the event that the exclusionary time out process is unsuccessful in addressing a student's problematic behavior, the student's PPT shall convene as soon as practicable to determine alternative interventions or strategies to address the student's behavior.

C. A District and/or school administrator(s) shall determine the school employee(s) responsible for reviewing the number of occurrences of the use of physical restraint or seclusion on a monthly basis to ensure that the appropriate meeting(s) has been convened following the fourth occurrence of physical restraint or seclusion in a twenty (20) day period.

### VIII. Crisis Intervention Team

A. Each school year, each school in the District must identify a crisis intervention team consisting of any teacher, administrator, school paraprofessional or other

school employee designated by the school principal (in coordination with other appropriate administrators), and who has direct contact with students.

B. Members of crisis intervention teams shall respond to any incident in which the use of physical restraint or seclusion may be necessary as an emergency intervention to prevent immediate or imminent injury to a student or others.

C. The District shall maintain a list of the members of the crisis intervention team for each school.

#### IX. Documentation and Communication

A. After each incident of physical restraint or seclusion, and no later than the school day following the incident, a ~~provider~~school employee must complete the form provided by the DarienPublic Schools for reporting incidents of physical restraint and seclusion. The incident form must be included in the educational file of the ~~person-at-risk~~student who was physically restrained or secluded. The information documented on the form must include the following:

1. in the case of an emergency use, the nature of the emergency and what other steps, including attempts at verbal de-escalation, were taken to prevent the emergency from arising if there were indications that such an emergency was likely to arise;
2. a detailed description of the nature of the restraint or seclusion;
3. the duration of the restraint or seclusion;
4. the effect of the restraint or seclusion on the ~~person~~student's established behavioral support or educational plan; AND
5. whether the seclusion of a ~~person-at-risk~~student was conducted pursuant to an IEP.

B. A ~~provider~~school employee must notify the parent or guardian of a ~~person-at-risk~~student of each incident that the ~~person-at-risk~~student is physically restrained or ~~placed in seclusion~~secluded.

1. ~~An attempt~~A school employee must make a reasonable attempt to immediately notify a parent or guardian after a student is initially placed in physical restraint or seclusion; in all circumstances, a school employee shall~~be made to~~ notify the parent or guardian~~of the person-at-risk on the day of, or~~ within twenty-four (24) hours after; a student is initially placed in physical restraint or seclusion~~is used with the person-at-risk as an emergency intervention to prevent immediate or imminent injury to the person or others.~~

2. Notification ~~may~~must be made by telephone, e-mail, or other method which may include, but is not limited to, sending a note home with the ~~person-at-risk~~student.
  3. The parent or guardian of a ~~person-at-risk~~student who has been physically restrained or placed in seclusion shall be sent a copy of the completed ~~standardized~~ incident report of such action no later than two (2) business days after the ~~emergency~~ use of physical restraint or seclusion, regardless of whether the parent received the notification described in subsections 1 and 2 above.
  4. ~~Where seclusion has been included in the IEP of a person-at-risk, notification shall be made in accordance with Section III(B)(1)(e) above.~~  
The Director of Special Education [or other responsible administrator] shall determine what school employees shall be permitted to ensure that required parent/guardian notifications are made.
- C. The Director of Special Education, or his or her designee, must, at each initial PPT meeting for a ~~child~~student, inform the child's parent, guardian, or surrogate parent, or the ~~pupil~~student if such ~~pupil~~student is an emancipated minor or eighteen years of age or older, of the laws relating to physical restraint and seclusion as expressed through this regulation, and of the laws and regulations adopted by the Connecticut State ~~Board~~Department of Education relating to physical restraint and seclusion.
1. The Director of Special Education and Student Services, or his or her designee, shall provide to the child's parent, guardian, or surrogate parent, or the ~~pupil~~student if such ~~pupil~~student is an emancipated minor or eighteen years of age or older, at the first PPT meeting following the ~~child~~student's referral to special education the plain language notice of rights regarding physical restraint and seclusion developed by the Connecticut State Department of Education.
  2. The plain language notice developed by the Connecticut State Department of Education shall also be provided to the ~~child~~student's parent, guardian, or surrogate parent, or the ~~pupil~~student if such ~~pupil~~student is an emancipated minor or eighteen years of age or older at the first PPT meeting at which the use of seclusion as a behavior intervention is included in the ~~child~~student's IEP.
- ~~ED.~~ The Director of Special Education and Student Services, or his or her designee, must be notified of the following:
1. each use of physical restraint or seclusion on a ~~person-at-risk~~student;

2. the nature of the emergency that necessitated its use;
3. whether the seclusion of a ~~person at risk~~student was conducted pursuant to an IEP; AND
3. if the physical restraint or seclusion resulted in physical injury to the ~~person at risk~~student.

~~VIX~~. Responsibilities of the Director of Special Education and Student Services

- A. The Director of Special Education and Student Services, or his or her designee, must compile annually the instances of physical restraint and seclusion within the District, the nature of each instance of physical restraint and seclusion, and whether instances of seclusion were conduct pursuant to IEPs.
- B. The Director of Special Education and Student Services, or his or her designee, must report to the Connecticut State Department of Education within two (2) business days any instance of physical restraint or seclusion that resulted in physical injury (serious and non-serious) to the ~~person at risk~~student.

XI. Professional Development Plan and Training

- A. The District shall provide training regarding the physical restraint and seclusion of students to the members of the crisis intervention team for each school in the District identified in Section VIII, above. The District may provide such training to any teacher, administrator, school paraprofessional or other school employee, designated by the school principal and who has direct contact with students. The District shall provide such training annually and the training shall include, but not be limited to:
  1. Beginning with the school year commencing July 1, 2017, an annual overview of the relevant laws and regulations regarding the use of physical restraint and seclusion on students and the proper uses of physical restraint and seclusion. Such overview shall be provided by the Department of Education in a manner and form as prescribed by the Commissioner of Education.
  2. The creation of a plan to provide training regarding the prevention of incidents requiring physical restraint or seclusion of students. This plan shall be implemented not later than July 1, 2018.
  3. The creation of a plan to provide training regarding the proper means of physical restraint or seclusion of a student, including, but not limited to:
    - a. verbal defusing or de-escalation;

- b. prevention strategies;
- c. various types of physical restraint;
- d. the differences between life-threatening physical restraint and other varying levels of physical restraint;
- e. the differences between permissible physical restraint and pain compliance techniques;
- f. monitoring methods to prevent harm to a student who is physically restrained or in seclusion; and
- g. recording and reporting procedures on the use of physical restraint and seclusion.

This plan shall be implemented not later than July 1, 2018.

- B. Each member of a crisis intervention team must be recertified in the use of physical restraint and seclusion pursuant to Section XI.A.3, above, on an annual basis.

## XII. Review and Revision of Policies, Regulations and Procedures

- A. The District shall make available policies and procedures regarding the physical restraint and seclusion of students and the use of exclusionary time out on the District's Internet web site and procedures manual.
- B. The District shall update any policies, regulations and/or procedures regarding the physical restraint and seclusion of students and the use of exclusionary time out within sixty (60) days after the State Department of Education's adoption or revision of regulations regarding the same. Any and all such updates shall be made available in accordance with subsection A of this section.

### Legal References:

~~Conn. Gen. Stat. §§ 46a-150 through 46a-154~~

Public Act 18-51, An Act Implementing the Recommendations of the Department of Education

Conn. Gen. Stat. § 10-76b

Conn. Gen. Stat. § 10-76d

Conn. Gen. Stat. § 10-236b

Conn. Gen. Stat. §§ 53a-18 ~~Regs. to 53a-22~~

Conn. ~~State~~ Agencies Reg. §§ 10-76b-5 through ~~10-76b-11, as amended July 1, 2013~~ 11

Other ~~Reference~~References:

Restraint and Seclusion: Resource Document, United States Department of Education, available at ~~<http://www2.ed.gov/policy/seclusion/restraints-and-seclusion-resources.pdf>~~<http://www2.ed.gov/policy/seclusion/restraints-and-seclusion-resources.pdf>.

[Understanding the Laws and Regulations Governing the Use of Restraint and Seclusion, Connecticut State Department of Education \(July 2018\).](#)

[Guidance Related to Recent Legislation Regarding Restraint and Seclusion, Connecticut State Department of Education \(Revised, July 2018\).](#)

REVIEWED BY THE BOARD OF EDUCATION: January 13, 2015

# **DARIEN PUBLIC SCHOOLS**

## **Darien, Connecticut**

### **SERIES 5000: STUDENTS**

### **POLICY 5100**

#### **PHYSICAL RESTRAINT AND SECLUSION OF STUDENTS AND USE OF EXCLUSIONARY TIME OUT**

The Board of Education seeks to foster a safe and positive learning environment for all students. Board of Education employees will restrict the use of physical restraint ~~or~~ and seclusion of students to emergency situations, in accordance with this policy and accompanying administrative regulations and applicable law. Physical restraint or seclusion of a student may be necessary in an emergency situation to maintain the safety of the student or another individual. The Board also regulates the use of exclusionary time out in accordance with this Policy and accompanying regulations and applicable law.

The Darien Public Schools Board-of Education authorizes the Superintendent or his/her designee to develop and implement Administrative Regulations in accordance with this Policy and applicable law. The Board of Education mandates compliance with this Policy and the associated Administrative Regulations at all times. Violations of this Policy and/or associated Administrative Regulations by a Board of Education staff member or other individual working at the direction of, or under the supervision of, the Board of Education, may result in disciplinary action, up to and including possible termination of employment status and/or termination of contract for services.

Nothing within these regulations shall be construed to interfere with the Board's responsibility to maintain a safe school setting, in accordance with Connecticut General Statutes § 10-220. Under no circumstances shall employees or individuals under the supervision of the Board use corporal punishment with students or physically manage students for purposes of discipline.

#### **Legal References:**

Public Act 18-51, An Act Implementing the Recommendations of the Department of Education  
Conn. Gen. Stat. § 10-76b  
Conn. Gen. Stat. § 10-76d  
Conn. Gen. Stat. § 10-236b  
Conn. Gen. Stat. §§ 53a-18 to 53a-22  
Reg. Conn. State Agencies. §§ 10-76b-5 to 10-76b-11

#### **Other References:**

# **DARIEN PUBLIC SCHOOLS**

## **Darien, Connecticut**

Restraint and Seclusion: Resource Document, United States Department of Education, available at <http://www2.ed.gov/policy/seclusion/restraints-and-seclusion-resources.pdf>.

Understanding the Laws and Regulations Governing the Use of Restraint and Seclusion, Connecticut State Department of Education (July 2018).

Guidance Related to Recent Legislation Regarding Restraint and Seclusion, Connecticut State Department of Education (Revised, July 2018).

REVIEWED BY THE BOARD OF EDUCATION: January 13.2015

REVISED:



# **DARIEN PUBLIC SCHOOLS**

## **Darien, Connecticut**

**SERIES 5000:**

**STUDENTS**

**POLICY R-5100**

### **ADMINISTRATIVE REGULATIONS CONCERNING PHYSICAL RESTRAINT AND SECLUSION OF STUDENTS AND USE OF EXCLUSIONARY TIME OUT**

The Darien Public Schools (the “District”) seeks to foster a safe and positive learning environment for all students. District employees will restrict the use of physical restraint and seclusion of students to emergency situations, in accordance with these administrative regulations and the associated policy and applicable law. Physical restraint or seclusion of a student may be necessary in an emergency situation to maintain the safety of the student or another individual. District employees will restrict the use of exclusionary time out with students to those instances permitted by applicable law, as described in these administrative regulations and applicable law.

The following sets forth the procedures for compliance with the relevant state law and regulations concerning the physical restraint and seclusion of, and use of exclusionary time out with, students in the District. The Superintendent mandates compliance with these regulations at all times. Violations of these regulations by a Board of Education staff member or other individual working at the direction of, or under the supervision of, the Board of Education, may result in disciplinary action, up to and including possible termination of employment status and/or termination of contract for services.

Nothing within these regulations shall be construed to interfere with the responsibility of the District to maintain a safe school setting, in accordance with Connecticut General Statutes § 10-220.

#### **I. Definitions:**

- A. Exclusionary Time Out:** A temporary, continuously monitored separation of a student from an ongoing activity in a non-locked setting, for the purpose of calming such student or deescalating such student’s behavior.
- B. Life Threatening Physical Restraint:** Any physical restraint or hold of a person that (1) restricts the flow of air into a person’s lungs, whether by chest compression or any other means, or (2) immobilizes or reduces the free movement of a person’s arms, legs or head while the person is in the prone position.

# **DARIEN PUBLIC SCHOOLS**

## **Darien, Connecticut**

- C. Psychopharmacological Agent: Any medication that affects the central nervous system, influencing thinking, emotion or behavior;
- D. Physical Restraint: Any mechanical or personal restriction that immobilizes or reduces the free movement of a person's arms, legs or head, including, but not limited to, carrying or forcibly moving a person from one location to another. The term does not include: (1) Briefly holding a person in order to calm or comfort the person; (2) restraint involving the minimum contact necessary to safely escort a person from one area to another; (3) medical devices, including, but not limited to, supports prescribed by a health care provider to achieve proper body position or balance; (4) helmets or other protective gear used to protect a person from injuries due to a fall; (5) helmets, mitts and similar devices used to prevent self-injury when the device is (i) part of a documented treatment plan or an Individualized Education Program ("IEP"); or (ii) prescribed or recommended by a medical professional, as defined in section 38a-976 of the Connecticut General Statutes, and is the least restrictive means available to prevent such injury; or (6) an exclusionary time out.
- E. School Employee: (1) Any individual employed by the Darien Public Schools who is a teacher, substitute teacher, administrator, superintendent, guidance counselor, psychologist, social worker, nurse, physician, paraprofessional, coach; and (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 the Darien Public Schools pursuant to a contract with the Darien Public Schools.
- F. Seclusion: The confinement of a person in a room from which the student is physically prevented from leaving. Seclusion does not include the following: (i) an exclusionary time out; or (ii) any confinement of a student in which the person is physically able to leave the area of confinement including, but not limited to, in-school suspension-
- G. Student: a child who is
  - 1. Enrolled in grades kindergarten to twelve, inclusive, in a public school under the jurisdiction of a local or regional board of education;
  - 2. Receiving special education and related services in an institution or facility operating under a contract with a local or regional board of education pursuant to subsection (d) of section 10-76d of the Connecticut General Statutes;

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3. Enrolled in a program or school administered by a regional education service center established pursuant to section 10-66a of the Connecticut General Statutes; OR
4. Receiving special education and related services from an approved private special education program.

### **II. Life-Threatening Physical Restraint:**

- A. No school employee shall under any circumstance use a life-threatening physical restraint on a student.
- B. Nothing in this section shall be construed as limiting any defense to criminal prosecution for the use of deadly physical force that may be available under sections 53a-18 to 53a-22, inclusive, of the Connecticut General Statutes.

### **III. Procedures for Physical Restraint and Seclusion of Students**

- A. No school employee shall use physical restraint or seclusion on a student EXCEPT as an emergency intervention to prevent immediate or imminent injury to the student or to others.
- B. Seclusion shall not be used as a planned intervention in a student's behavioral intervention plan, individualized education program or plan pursuant to Section 504 of the Rehabilitation Act.
- C. No school employee shall use physical restraint or seclusion on a student unless the school employee has received training in accordance with state law and/or the District's trainings plans as described in Section X below, upon implementation thereof.
- D. Physical restraint and seclusion of a student shall never be used as a disciplinary measure or as a convenience.
- E. School employees must explore ALL less restrictive alternatives prior to using physical restraint or seclusion for a student.
- F. School employees must comply with all regulations promulgated by the Connecticut State Department of Education in their use of physical restraint and seclusion with a student.
- G. Monitoring

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1. Physical restraint: A school employee must continually monitor any student who is physically restrained. The monitoring must be conducted by either:
  - a. direct observation of the student; or
  - b. observation by way of video monitoring within physical proximity sufficient to provide aid as may be needed.
2. Seclusion: A school employee must frequently monitor any student who is placed in seclusion. The monitoring must be conducted by either:
  - a. direct observation of the student; or observation by way of video monitoring within physical proximity sufficient to provide aid as may be needed.

### **G. Length**

1. Any period of physical restraint or seclusion:
  - a. shall be limited to that time necessary to allow the student to compose him or herself and return to the educational environment; and
  - b. shall not exceed fifteen (15) minutes, except as provided below.
2. If any instance of physical restraint or seclusion of a student used as an emergency intervention exceeds fifteen (15) minutes, one of the following individuals, who have received training in the use of physical restraint or seclusion, will determine whether continued physical restraint or seclusion is necessary to prevent immediate or imminent injury to the student or to others:
  - a. an administrator, or such administrator's designee;
  - b. a school health or mental health personnel; or
  - c. a board certified behavior analyst.
3. The individual identified under subsection 2 (a-c) shall make a new determination every thirty (30) minutes thereafter regarding

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whether such physical restraint or seclusion is necessary to prevent immediate or imminent injury to the student or to others.

- H. A school employee must regularly evaluate the student being physically restrained or secluded for signs of physical distress. The school employee must record each evaluation in the educational record of the person being physically restrained or secluded.

#### **IV. Seclusion Room Requirements**

Seclusion can happen in any location, although a district may designate an area or room for this purpose. Regardless of location, any room used for seclusion must:

- A. be of a size that is appropriate to the chronological and developmental age, size and behavior of the student;
- B. have a ceiling height that is comparable to the ceiling height of the other rooms in the building in which the seclusion room is located;
- C. be equipped with heating, cooling, ventilation and lighting systems that are comparable to the systems that are used in the other rooms of the building in which the seclusion room is located;
- D. be free of any object that poses a danger to the ~~person at risk~~ student who is being placed in the seclusion room;
- E. conform to applicable building code requirements.

If the door or doors to a room used for seclusion are to be locked, latched or otherwise secured, a modification from the State Fire Marshal's office shall be secured prior to the installation of a locking mechanism. If a door locking mechanism is used, the student shall be constantly monitored notwithstanding any other provisions of the Connecticut General Statutes or Regulations to the contrary. The locking mechanism to be used shall be a device that shall be readily released by staff as soon as possible but in no case longer than within two minutes of the onset of an emergency and is connected to the fire alarm system so that the locking mechanism is released automatically when a fire alarm is sounded. An "emergency," for purposes of this subsection, includes but is not limited to the following:

- 1. the need to provide direct and immediate medical attention to the student;
- 2. fire;

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3. the need to remove the a safe location during a building lockdown;  
or
4. other critical situations that may require immediate removal of the student from seclusion to a safe location;

F. have an unbreakable observation window or fixture located in a wall or door, which allows the student a clear line of sight beyond the area of seclusion, to permit frequent visual monitoring of the student and any school employee in such room. The requirement for an unbreakable observation window does not apply if it is necessary to clear and use a classroom or other room in the school building as a seclusion room for a student.

### **V. Use of Psychopharmacologic Agent**

- A. No school employee may use a psychopharmacologic agent on a student without that student's consent and the consent of the student's parent/guardian, except:
1. as an emergency intervention to prevent immediate or imminent injury to the student or to others; or
  2. as an integral part of the student's established medical or behavioral support or educational plan, or, if no such plan has been developed, as part of a licensed practitioner's initial orders.
- B. The use of psychopharmacologic agents, alone or in combination, may be used only in doses that are therapeutically appropriate and not as a substitute for other appropriate treatment.
- C. Any administration of a psychopharmacologic agent must ONLY be done in accordance with applicable federal and state law and the Board of Education's Administration of Medication Policy.

### **VI. Procedures for Exclusionary Time Out**

- A. No school employee may use exclusionary time out as a form of discipline for a student.
- B. At least one school employee must remain with the student, or be immediately available to the student such that the student and the

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employee are able to communicate verbally, throughout the exclusionary time out.

- C. The space used for an exclusionary time out must be clean, safe, sanitary and appropriate for the purpose of calming the student or deescalating the student's behavior.
- D. The exclusionary time period must end as soon as possible.
- E. Consistent with subsection D above, the exclusionary time out period may vary depending on the student's chronological and developmental age, individual needs and behavior.

### VII. Required Meetings

- A. Students not eligible for special education (and not being evaluated for eligibility for special education)
  - 1. In the event that physical restraint or seclusion is used on a student **four (4) or more times within twenty (20) school days**, a team composed of an administrator, one or more of the student's teachers, a parent or guardian of the student, and, if any, a school mental health professional, shall convene to:
    - a. conduct or revise a behavioral assessment of the student;
    - b. create or revise any applicable behavior intervention plan; and
    - c. determine whether such student may require a referral for consideration for special education pursuant to federal and state law.
  - 2. The requirement to convene this meeting shall not supersede the District's obligation to refer a student to a planning and placement team ("PPT") as may be required in accordance with federal and state law.
- B. Students eligible for special education (and students being evaluated for eligibility for special education)
  - 1. In the event that physical restraint or seclusion is used on a student **four (4) or more times within twenty (20) school days**, the student's PPT shall convene to:

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- a. conduct or revise a functional behavioral assessment (“FBA”);
    - b. create or revise any applicable behavior intervention plan (“BIP”), including but not limited to, such student’s individualized education program (“IEP”); and
    - c. review or revise the student’s IEP, as appropriate.
  2. In the event that the exclusionary time out process is unsuccessful in addressing a student’s problematic behavior, the student’s PPT shall convene as soon as practicable to determine alternative interventions or strategies to address the student’s behavior.
- C. A District and/or school administrator(s) shall determine the school employee(s) responsible for reviewing the number of occurrences of the use of physical restraint or seclusion on a monthly basis to ensure that the appropriate meeting(s) has been convened following the fourth occurrence of physical restraint or seclusion in a twenty (20) day period.

### **VIII. Crisis Intervention Team**

- A. Each school year, each school in the District must identify a crisis intervention team consisting of any teacher, administrator, school paraprofessional or other school employee designated by the school principal (in coordination with other appropriate administrators), and who has direct contact with students.
- B. Members of crisis intervention teams shall respond to any incident in which the use of physical restraint or seclusion may be necessary as an emergency intervention to prevent immediate or imminent injury to a student or others.
- C. The District shall maintain a list of the members of the crisis intervention team for each school.

### **IX. Documentation and Communication**

- A. After each incident of physical restraint or seclusion, and no later than the school day following the incident, a school employee must complete the form provided by the Darien Public Schools for reporting incidents of physical restraint and seclusion. The incident form must be included in



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the educational file of the student who was physically restrained or secluded. The information documented on the form must include the following:

1. in the case of an emergency use, the nature of the emergency and what other steps, including attempts at verbal de-escalation, were taken to prevent the emergency from arising if there were indications that such an emergency was likely to arise;
  2. a detailed description of the nature of the restraint or seclusion;
  3. the duration of the restraint or seclusion;
  4. the effect of the restraint or seclusion on the student's established behavioral support or educational plan; AND
  5. whether the seclusion of a student was conducted pursuant to an IEP.
- B. A school employee must notify the parent or guardian of a student of each incident that the student is physically restrained or secluded.
1. A school employee must make a reasonable attempt to immediately notify a parent or guardian after a student is initially placed in physical restraint or seclusion; in all circumstances, a school employee shall notify the parent or guardian within twenty-four (24) hours after a student is initially placed in physical restraint or seclusion;
  2. Notification must be made by telephone, e-mail, or other method which may include, but is not limited to, sending a note home with the student.
  3. The parent or guardian of a student who has been physically restrained or placed in seclusion shall be sent a copy of the completed incident report of such action no later than two (2) business days after the use of physical restraint or seclusion, regardless of whether the parent received the notification described in subsections 1 and 2 above.
  4. The Director of Special Education shall determine what school employees shall be permitted to ensure that required parent/guardian notifications are made.

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- C. The Director of Special Education, or his or her designee, must, at each initial PPT meeting for a student, inform the child's parent, guardian, or surrogate parent, or the student if such student is an emancipated minor or eighteen years of age or older, of the laws relating to physical restraint and seclusion as expressed through this regulation, and of the laws and regulations adopted by the Connecticut State Department of Education relating to physical restraint and seclusion.
  - 1. The Director of Special Education and Student Services, or his or her designee, shall provide to the child's parent, guardian, or surrogate parent, or the student if such student is an emancipated minor or eighteen years of age or older, at the first PPT meeting following the student's referral to special education the plain language notice of rights regarding physical restraint and seclusion developed by the Connecticut State Department of Education.
  - 2. The plain language notice developed by the Connecticut State Department of Education shall also be provided to the student's parent, guardian, or surrogate parent, or the student if such student is an emancipated minor or eighteen years of age or older at the first PPT meeting at which the use of seclusion as a behavior intervention is included in the student's IEP.
- ED. The Director of Special Education and Student Services, or his or her designee, must be notified of the following:
  - 1. each use of physical restraint or seclusion on a student;
  - 2. the nature of the emergency that necessitated its use;
  - 3. whether the seclusion of a student was conducted pursuant to an IEP; AND
  - 3. if the physical restraint or seclusion resulted in physical injury to the student.
- X. Responsibilities of the Director of Special Education and Student Services
  - A. The Director of Special Education and Student Services, or his or her designee, must compile annually the instances of physical restraint and seclusion within the District, the nature of each instance of physical restraint and seclusion, and whether instances of seclusion were conducted pursuant to IEPs.

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- B. The Director of Special Education and Student Services, or his or her designee, must report to the Connecticut State Department of Education within two (2) business days any instance of physical restraint or seclusion that resulted in physical injury (serious and non-serious) to the student.

### **XI. Professional Development Plan and Training**

- A. The District shall provide training regarding the physical restraint and seclusion of students to the members of the crisis intervention team for each school in the District identified in Section VIII, above. The District may provide such training to any teacher, administrator, school paraprofessional or other school employee, designated by the school principal and who has direct contact with students. The District shall provide such training annually and the training shall include, but not be limited to:
  - 1. Beginning with the school year commencing July 1, 2017, an annual overview of the relevant laws and regulations regarding the use of physical restraint and seclusion on students and the proper uses of physical restraint and seclusion. Such overview shall be provided by the Department of Education in a manner and form as prescribed by the Commissioner of Education.
  - 2. The creation of a plan to provide training regarding the prevention of incidents requiring physical restraint or seclusion of students. This plan shall be implemented not later than July 1, 2018.
  - 3. The creation of a plan to provide training regarding the proper means of physical restraint or seclusion of a student, including, but not limited to:
    - a. verbal defusing or de-escalation;
    - b. prevention strategies;
    - c. various types of physical restraint;
    - d. the differences between life-threatening physical restraint and other varying levels of physical restraint;
    - e. the differences between permissible physical restraint and pain compliance techniques;

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- f. monitoring methods to prevent harm to a student who is physically restrained or in seclusion; and
- g. recording and reporting procedures on the use of physical restraint and seclusion.

This plan shall be implemented not later than July 1, 2018.

- B. Each member of a crisis intervention team must be recertified in the use of physical restraint and seclusion pursuant to Section XI.A.3, above, on an annual basis.

### **XII. Review and Revision of Policies, Regulations and Procedures**

- A. The District shall make available policies and procedures regarding the physical restraint and seclusion of students and the use of exclusionary time out on the District's Internet web site and procedures manual.
- B. The District shall update any policies, regulations and/or procedures regarding the physical restraint and seclusion of students and the use of exclusionary time out within sixty (60) days after the State Department of Education's adoption or revision of regulations regarding the same. Any and all such updates shall be made available in accordance with subsection A of this section.

### **Legal References:**

Public Act 18-51, An Act Implementing the Recommendations of the Department of Education  
Conn. Gen. Stat. § 10-76b  
Conn. Gen. Stat. § 10-76d  
Conn. Gen. Stat. § 10-236b  
Conn. Gen. Stat. §§ 53a-18 to 53a-22  
Conn. Agencies Reg. §§ 10-76b-5 to 10-76b-11

### **Other References:**

Restraint and Seclusion: Resource Document, United States Department of Education, available at <http://www2.ed.gov/policy/seclusion/restraints-and-seclusion-resources.pdf>.

Understanding the Laws and Regulations Governing the Use of Restraint and Seclusion, Connecticut State Department of Education (July 2018).

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Guidance Related to Recent Legislation Regarding Restraint and Seclusion,  
Connecticut State Department of Education (Revised, July 2018).

REVIEWED BY THE BOARD OF EDUCATION: January 13, 2015

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