

April 11, 2016

Staples High School

## **WESTPORT BOARD OF EDUCATION**

### **\* AGENDA**

(Agenda Subject to Modification in Accordance with Law)

#### **PUBLIC SESSION/PLEDGE OF ALLEGIANCE:**

7:30 p.m., Staples High School, Cafeteria B (Room 301)

#### **ANNOUNCEMENTS FROM BOARD AND ADMINISTRATION**

#### **PUBLIC QUESTIONS/COMMENTS ON NON-AGENDA ITEMS (15 MINUTES)**

**MINUTES:** March 28, 2016

#### **DISCUSSION:**

- |  |         |  |
|--|---------|--|
| 1. Creation of Board of Education Policy: Limitations<br>Upon How and By Whom Student Data May Be Used | (Encl.) | Ms. Carrignan<br>Mr. Crosby            |
| 2. Student Wellness Initiatives/School Climate Developments,<br>2016-17 School Year                    | (Encl.) | Mr. Rizzo<br>Dr. Babich<br>Mr. D'Amico |

#### **INFORMATION:**

Written Opinion from Shipman & Goodwin Concerning Options Available Under State-Mandated Regional Uniform School Calendar	(Encl.)	Dr. Landon
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#### **ADJOURNMENT**

\*A 2/3 vote is required to go to executive session, to add a topic to the agenda of a regular meeting, or to start a new topic after 10:30 p.m.  
The meeting can also be viewed on cable TV on channel 78; Frontier TV channel 99 and by video stream @[www.westport.k12.ct.us](http://www.westport.k12.ct.us)

##### **PUBLIC PARTICIPATION WELCOME USING THE FOLLOWING GUIDELINES:**

- Comment on non-agenda topics will occur during the first 15 minutes *except* when staff or guest presentations are scheduled.
- Board will not engage in dialogue on non-agenda items.
- Public may speak as agenda topics come up for discussion or information.
- Speakers on non-agenda items are limited to 2 minutes each, except by prior arrangement with chair.
- Speakers on agenda items are limited to 3 minutes each, except by prior arrangement with chair.
- Speakers must give name and use microphone.
- Responses to questions may be deferred if answers not immediately available.
- Public comment is normally not invited for topics listed for action after having been publicly discussed at one or more meetings.



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INTEROFFICE MEMORANDUM

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To: Elliott Landon  
From: Natalie Carrignan, Jonathan Crosby  
Subject: Student Data Privacy in Terms of the WPS  
Date: 4/7/16

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In preparation for the April 11th BOE presentation on Student Data Privacy, I have included several resources and department documents to provide some background and examples on the topic. I have provided the following:

- Full text of the Connecticut General Assembly Raised Bill No. 5469: *An Act Concerning Student Data Privacy*
- An updated version of my April 23, 2015 memo to Dr. Landon *Student Data Privacy in Terms of the WPS*
- WPS Parent Handbook pages 34-35 & 38-39
- WPS Hosted Applications Data Privacy Tracking sheet
- K-12 School Service Provider Pledge to Safeguard Student Privacy
- Chart of the WPS Chromebook Settings
- Education Week's blogpost *New Seal of Approval for Districts Protecting Student Data* [from CoSN]
- NY State Education Law §2-d *Parents' Bill of Rights for Data Privacy and Security*

Both Jon Crosby and I look forward to updating the Board of Education on the work our department is doing, our research, and our anticipated next steps.



General Assembly

## ***Raised Bill No. 5469***

***February Session, 2016***

LCO No. 2091

**\*02091\_\_\_\_\_ED\_\***

referred to Committee on EDUCATION

introduced by:

(D)

### ***AN ACT CONCERNING STUDENT DATA PRIVACY.***

As it enacted by the Senate and House of Representatives in General Assembly convened:

Section 1. (NEW) (*Effective October 1, 2016, and applicable to contracts entered into, amended or renewed on or after said date*) (a) For the purposes of this section:

"Contractor" means an individual, business or other entity that provides educational software or services for the electronic storage, management or retrieval of student records and receives such student records pursuant to a written contract with a local or regional board of education, the State Board of Education or the Department of Education;

"De-identified student information" means any information that cannot be used to identify individual student;

"Student-generated content" means any materials created by a student including, but not limited to, essays, research papers, portfolios, creative writing, music or other audio files or photographs, except that it does not include student responses to a standardized assessment;

(4) "Student record" means any information directly related to a student that is maintained by a local or regional board of education, the State Board of Education or the Department of Education and any information acquired from a student through the use of educational software assigned to the student by a teacher or employee of a local or regional board of education, the State Board of Education or the Department of Education, except that it does not include de-identified student information allowed under the contract to be used by the contractor to (A) improve educational products for adaptive learning purposes and customize student learning, (B) demonstrate the effectiveness of the contractor's products in the marketing of those products, and (C) develop and improve the contractor's products and services.

(b) Every contract that a local or regional board of education, the State Board of Education or the Department of Education enters into with a contractor shall include, but need not be limited to, the following:

(1) A statement that student records continue to be the property of and under the control of the local or regional board of education, the State Board of Education or the Department of Education;

(2) A description of the means by which a student, parent or legal guardian of a student may retain possession and control of student-generated content and, if applicable, the means by which a student, parent or legal guardian of a student may transfer such student-generated content to an electronic mail account;

(3) A statement that the contractor shall not use student records for any purposes other than those authorized pursuant to the contract;

(4) A description of the procedures by which a student, parent or legal guardian of a student may review personally identifiable information contained in the student record and correct erroneous information, if any, in such student record;

(5) A description of the actions the contractor shall take to ensure the security and confidentiality of student records;

(6) A description of the procedures for notifying a student, parent or legal guardian of a student and the local or regional board of education, the State Board of Education or the Department of Education as soon as practical, but not later than forty-eight hours after the contractor becomes aware of or suspects that any student record under the control of the contractor has been subject to unauthorized access or suspected unauthorized access;

(7) A statement that student records shall not be retained or available to the contractor upon completion of the contracted services unless a student, parent or legal guardian of a student chooses to establish or maintain an electronic account with the contractor for the purpose of storing student-generated content;

(8) A statement that the contractor and the local or regional board of education, the State Board of Education or the Department of Education shall ensure compliance with the Family Educational Rights and Privacy Act of 1974, 20 USC 1232g;

) A statement that the laws of the state of Connecticut shall govern the rights and duties of the contractor and the local or regional board of education, the State Board of Education or the Department of Education; and

.0) A statement that if any provision of the contract or the application of the contract is held invalid by a court of competent jurisdiction, the invalidity does not affect other provisions or applications of the contract which can be given effect without the invalid provision or application.

) A contractor shall not use (1) student records for any purposes other than those authorized pursuant to the contract, or (2) personally identifiable information contained in student records to engage in advertising.

l) Any provision of a contract entered into between a contractor and a local or regional board of education, the State Board of Education or the Department of Education on or after October 2016, that conflicts with any provision of this section shall be void.

) Any contract that does not include a provision required by subsection (b) of this section shall be void, provided the local or regional board of education, the State Board of Education or the Department of Education has given reasonable notice to the contractor and the contractor has failed within a reasonable time to amend the contract to include the provision required by subsection (b) of this section.

l) Not later than five business days after executing a contract pursuant to this section, a local or regional board of education shall provide notice to any student and the parent or legal guardian of a student affected by the contract. The notice shall state that the contract was executed and provide a brief description of the contract and the purpose of the contract.

c. 2. (NEW) (*Effective October 1, 2016*) (a) For the purposes of this section:

) "Operator" means any person who (A) operates an Internet web site, online service or mobile application with actual knowledge that such Internet web site, online service or mobile application is used for school purposes and was designed and marketed for school purposes, and (B) collects, maintains or uses student information;

) "School purposes" means purposes that customarily take place at the direction of a teacher or a local or regional board of education, or aid in the administration of school activities, including, but not limited to, instruction in the classroom, administrative activities and collaboration among students, school personnel or parents or legal guardians of students;

) "Student information" means personally identifiable information regarding a student that is (A) created or provided by a student or the parent or legal guardian of a student, to the operator in the course of the student, parent or legal guardian using the operator's Internet web site, online service or mobile application for school purposes, (B) created or provided by an employee or agent of a local or regional board of education to an operator for school purposes, (C) gathered by an operator through the operation of the operator's Internet web site, online service or mobile application and identifies a student, including, but not limited to, information

in the student's records or electronic mail account, first or last name, home address, telephone number, date of birth, electronic mail address, discipline records, test results, grades, evaluations, criminal records, medical records, health records, Social Security number, biometric information, disabilities, socioeconomic information, food purchases, political affiliations, religious affiliations, text messages, documents, student identifiers, search activity, photographs or voice recordings;

(4) "Student" means a child who is a resident of the state and enrolled in grades kindergarten to twelve, inclusive, in a public school;

(5) "De-identified student information" means any student information that has been altered to prevent the identification of an individual student; and

(6) "Targeted advertising" means presenting an advertisement to a student where the selection of the advertisement is based on student information or inferred from the usage of the operator's Internet web site, online service or mobile application by such student.

(b) An operator shall (1) implement and maintain reasonable security procedures and practices, in accordance with current industry standards, to protect student information from unauthorized access, destruction, use, modification or disclosure, and (2) delete any student information if a student, parent or legal guardian of a student or local or regional board of education requests deletion of such student information.

(c) An operator shall not knowingly:

(1) Engage in targeted advertising on the operator's Internet web site, online service or mobile application, or on any other Internet web site, online service or mobile application;

(2) Use student information to create a profile of a student for purposes other than the furtherance of school purposes;

(3) Sell student information, unless the sale is part of the purchase, merger or acquisition of an operator by a successor operator and the operator and successor operator continue to be subject to the provisions of this section regarding student information; and

(4) Disclose student information, unless the disclosure is made (A) in furtherance of school purposes of the Internet web site, online service or mobile application, provided the recipient of the student information uses such student information to improve the operability and functionality of the Internet web site, online service or mobile application and complies with subsection (b) of this section; (B) to ensure compliance with federal and state law; (C) in response to judicial process; (D) to protect the safety of users or others, or the security of the Internet web site, online service or mobile application; or (E) to an entity hired by the operator to provide services for the operator's Internet web site, online service or mobile application, provided the operator contractually (i) prohibits the entity from using student information for any purpose other than providing the contracted service to, or on behalf of, the operator, (ii) prohibits the entity from disclosing student information provided by the operator to subsequent third parties, and (iii) requires the entity to comply with subsection (b) of this

action.

f) An operator may use student information (1) to maintain, support, evaluate or diagnose the operator's Internet web site, online service or mobile application, or (2) for adaptive learning purposes or customized student learning.

g) An operator may use de-identified student information (1) to develop or improve the operator's Internet web site, online service or mobile application, or other Internet web sites, online services or mobile applications owned by the operator, or (2) to demonstrate or market the effectiveness of the operator's Internet web site, online service or mobile application.

h) An operator may share aggregated de-identified student information for the improvement and development of Internet web sites, online services or mobile applications designed for school purposes.

i) Nothing in this section shall (1) limit the ability of a law enforcement agency to obtain student information from an operator as authorized by law or pursuant to a court order, (2) limit the ability of a student or the parent or legal guardian of a student to download, transfer or otherwise save or maintain student information, (3) impose a duty upon a provider of an interactive computer service, as defined in 47 USC 230, as amended from time to time, to ensure compliance with this section by third-party information content providers, as defined in 47 USC 230, as amended from time to time, (4) impose a duty upon a seller or provider of online services or mobile applications to ensure compliance with this section with regard to such online services or mobile applications, (5) limit an Internet service provider from providing a student, parent or legal guardian of a student or local or regional board of education with the ability to connect to the Internet, (6) prohibit an operator from advertising on her Internet web sites, online services or mobile applications that are used for school purposes to parents or legal guardians of students provided such advertising does not result from use of student information, or (7) apply to Internet web sites, online services or mobile applications that are designed and marketed for use by individuals generally, even if the account credentials created for an operator's Internet web site, online service or mobile application may be used to access Internet web sites, online services or mobile applications that are designed and marketed for use by individuals generally.

c. 3. (NEW) (*Effective July 1, 2016*) (a) For the purposes of this section, "directory information" has the same meaning as provided in 34 CFR 99.3, as amended from time to time.

b) Upon determination by a local or regional board of education that a request for directory information is related to school purposes, the local or regional board of education may disclose directory information to any person requesting such directory information. If the local or regional board of education determines that a request for directory information is not related to school purposes, the local or regional board of education shall not disclose such directory information.

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This act shall take effect as follows and shall amend the following

sections:		
Section 1	<i>October 1, 2016, and applicable to contracts entered into, amended or renewed on or after said date</i>	New section
Sec. 2	<i>October 1, 2016</i>	New section
Sec. 3	<i>July 1, 2016</i>	New section

***Statement of Purpose:***

To protect the privacy of student information.

***[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]***

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## INTEROFFICE MEMORANDUM

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To: Elliott Landon  
From: Natalie Carrignan  
Subject: Student Data Privacy in Terms of the WPS  
Date: 4/23/15 Updated 4/6/2016  
CC: Jon Crosby, Jonathan Gryak, Sharon Silver

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Below is my response to your inquiry about how the WPS IT Department is handling student data privacy. I have updated the document slightly since the State has changed some of the state standardized testing practices. Any updates are noted in italics.

### **Connecticut's Statewide Public School Information System (PSIS), Ancillary State Databases, and District Required Reporting**

The state does collect information from each district three times a year (October, January, and June) on every student and has assigned each student a state student ID. This ID follows the student if they move between districts in Connecticut. In recent years the state has requested that districts collect and upload additional data points to their system each reporting cycle. One piece of information the state collects data on is discipline referrals. Much of what is being collected, like discipline referrals, stems from historical questionable conduct by different districts throughout the state. For example, a district may have unfairly or disproportionately disciplined students of minority cohorts (ethnicity, 504, EL, sped) in the past. One such disciplinary action that is closely looked at is out-of-school suspensions. This data reporting is the state's way of monitoring district compliance with state and federal laws such as IDEA. Another piece of data the state collects in on graduation rates for districts. The state has maintained a database that holds the testing results for each child from the annual state tests from 2006. *Starting in the summer of 2015 results for each child from the annual SBAC tests are maintained in a database hosted by the Smarter Balanced Consortium.* I can assume since we receive the scores directly from the state they do have records, electronic or otherwise, on students since the inception of the CMT and CAPT tests. As a side note, we do not report any scores, individual or aggregate to the state on any internal test or tests such as OLSAT, PSAT, AP, or ACT. *In the spring of 2016 the state required all juniors to take a Connecticut School Day administration of the SAT. The state will have access to those scores and house them in some sort of database. The state will not have access to students' scores from other SAT test administrations.*

Since we do not use PowerSchool, we do not directly connect to the state database. To be honest I think the schools who do use PowerSchool have a one way push to the state which means the state does not have rights to, meaning the ability to, pull or access the data on their own.

When we upload the required PSIS data to the state, it is done through a secure file transfer site that is protected by SSL and a complex district password that only 2 people in our department have. The state maintains a secure helpdesk calling list which means the state will only support those two people over the phone and they will not help any other employee of the district or any outside person with our data site.

### **Accessing State Testing Results (CMT/CAPT & SBAC)**

#### CT Reports

All of the CMT and CAPT results from the years 2006-present are accessed through the CT Reports website. The state provides data to the public in an aggregate form. Each district can access student specific data via a secure password. The number of people within each district with that secure access is

controlled by the individual district. We allow only our principals and our district and building testing coordinators access. Once inside the secure portion of the website there is an agreement that users must click on each and every time they log in. This agreement states that they understand that the individual test data should only be shared with the teachers and administrators who have a relevant need to know, and it should not be shared in whole with anyone either electronically or in print. Only three people in the district are authorized at the state assessment bureau to receive technical support with accounts and reporting issues from this site. In addition, the login page is secured through SSL.

### CT SBAC PORTAL

The state has set up a portal containing public information regarding the new state tests and links to a suite of secure applications for the management of the tests. Each user is issued one password to access the various programs within the suite, but *that* password must be complex and can only be reset through the secure login page under "lost password". *All passwords are set to automatically expire at the end of each year.* Each user must sign-off the same FERPA type warning about data confidentiality as on the CTReports site the first time they login. Each user has access to different levels of data based on their roles. Three people in the district have the ability to create users.

Within the suite of applications student data is maintained and updated by state personnel. Currently the state determines what pieces of the PSIS data collection is uploaded to the secure applications. Below are the links the state has posted on its website regarding data privacy and SBAC.

[http://www.sde.ct.gov/sde/lib/sde/pdf/student\\_assessment/smarter\\_balanced/Data\\_Protection\\_and\\_Privacy\\_FAQ.pdf](http://www.sde.ct.gov/sde/lib/sde/pdf/student_assessment/smarter_balanced/Data_Protection_and_Privacy_FAQ.pdf)

<http://www.ed.gov/k-12reforms/standards> (myth vs fact on data privacy)

<http://dataqualitycampaign.org/files/DQC%20PTA%20Data%20Guide%20for%20Parents.pdf>

### **District Data**

Several years ago the WPS IT Department created the following policy which is posted on our website. [https://www.westport.k12.ct.us/uploaded/site\\_files/www/wpsprivpolv3.pdf](https://www.westport.k12.ct.us/uploaded/site_files/www/wpsprivpolv3.pdf)

The policy specifies who has access to which student data, either electronic and/or paper. This information is recorded by the district Officer of Records, and he/she has a formal sheet that outlines each category of data and who has access to it electronically and/or in print. In terms of network drives or databases the WPS IT Department maintains, there are four people with the highest level of access. They must have this access in order to maintain our services that we provide to administrators, teachers, students, and parents. The technicians have access to user's home drives and email if needed, but they do not have access to databases like eSchool or eFinance.

### **District Data with Third Parties**

With all third parties with which the district signs a contract, we closely review their data and user privacy policies. The contracts must say that we own the data and that the vendor will not resell the data in part or in aggregate to others. We have required vendors to reword their contracts if needed to make sure they comply. We also confirm that our data will be deleted from the vendors' servers (and not used in any way) upon the end of the use of their product. All programs must have a login site that is protected with an SSL layer. Examples are:

eFinance  
Google Docs\*  
AimswEB  
IEP Direct  
Connect Ed

## Atomic Learning\*

In addition, for programs like Google and Aimsweb we only upload the basic information needed to make the program usable for us. For example Google does not have students' birthdates uploaded because Google does not need them for any pertinent reason. Aimsweb has birthdates uploaded because it uses the date to calculate the appropriate achievement level based on age. Aimsweb does not have other fields like address populated, nor does Google.

\*For as many programs as possible, we utilize the Lightweight Directory Access Protocol (LDAP) so that only *our* Active Directory servers store usernames and passwords rather than the third party company. We require complex passwords that must be changed yearly. In addition our Active Directory server only stores the needed data. The passwords in Active Directory cannot be seen by any IT person. They only appear as \*\*\*\*\* and we can only reset the password. When we reset the password we require users to reset their password on first login.

For programs like School Dismissal Manager, we pay extra to ensure that our parents are not targeted by any ads and that their data is used by only us and not the marketing company that owns the program.

## Teachers Using Third Party Software

In general we try to have in-house, vetted resources for our teachers to use. For example, we use eSchool gradebook instead of something ad-hoc like Jupiter Grades. However, there are times when our current programs don't meet all educational needs and teachers use other programs to support the teaching and learning process. The guidelines we give them are:

1. Read the privacy pages and make sure student data is not used for any other purpose
2. Only load the most necessary data needed
3. Use complex passwords and remind students to follow the AUA on any and all sites
4. Let your administrator know what you are using
5. Make sure you can get in to see students' work
6. Make sure the login is done through an SSL login page.
7. It does not target students with advertisements

We have chosen not to use programs or discontinued the use of programs when we felt it was not in the best interest of our students privacy or security rights. Two examples are ePals and NoodleTools.

*(NoodleTools has since fixed the security issues and we are looking into working with them again.)*

10. Transmitting or receiving email communications or using computer systems for any personal purpose or non- educational purposes, or in a manner that interferes with the district's educational programs;
11. Accessing or attempting to access any material that is obscene, contains child pornography, or is harmful to minors;
12. Cyberbullying;
13. Accessing or attempting to access social network sites (e.g. Facebook, Twitter, MySpace, etc.) without a legitimate educational purposes.

**Acceptable Use Agreement (AUA):** Students and their parents are required to sign an AUA prior to students' access to the network. This agreement must be renewed when entering grade three, six and nine. Students use may be monitored to assure compliance. If you are new to the Westport school system, or if your child is entering grades three, six or nine, you will receive a grade-appropriate form from your school. Please sign and return it to your child's school immediately.

**Students who violate the policy and/or the AUA may be denied access to computers and to the school system's network.**

**Internet Filtering:** We have installed filtering software at the elementary, middle school, and high school levels that, with a high degree of effectiveness, bars access to inappropriate sites. However, no filtering software is 100% foolproof. Therefore, despite this safeguard, and although students are supervised when using these resources, the possibility still exists that a youngster may gain access to material that the school officials and you may consider inappropriate or not of educational value. This contingency is noted on the AUA.

*For their protection, students are cautioned never to provide personal information on the internet. Parents are advised to monitor their children's home use of the internet.*

## PRIVACY RIGHTS/FERPA

**DIRECTORY INFORMATION:** Directory Information includes information contained in an education record of a student that would not generally be considered harmful or an invasion of privacy if disclosed. It includes, but is not limited to, the parent's name, address and/or email address, the student's name, address, telephone number, email address, photographic, computer and/or video images, date and place of birth, major field(s) of study, grade, level enrollment status (full-time; part-time), participation in school-sponsored activities or athletics, weight and height (if the student is a member of an athletic team), dates of attendance, degrees, honors and awards received, and the most recent previous school(s) attended. Directory information does not include a student's social security number, student identification number or other unique personal identifier used by the student for purposes of accessing or communicating in electronic systems unless the identifier cannot be used to gain access to education records except when used in conjunction with one or more factors that authenticate the user's identity, such as a PIN or password. It is our policy never to release students or parents' address and telephone number without consent. Please note fuller explanations of this subject in this handbook under the heading *Publicity/Media*, and in a separate item in the final pages of this handbook entitled *Privacy Rights*.



## MILITARY RECRUITMENT

The Elementary & Secondary Education Act requires us to give names, addresses and telephone numbers of high school students to military recruiters upon request. However, parents have the right to tell us not to do so. You will receive notification and an "opt-out" form from Staples at the appropriate time. A fuller explanation of this is in the separate letter on Privacy in the final pages of this handbook.



## PUBLICITY/MEDIA

**Media:** We may have contact with the media to feature a school program, to publicize an unusual achievement or activity by a student or group of students or to announce honors or awards. Students may be photographed or televised as part of these school activities. Their names, school and grade may also be used.

**School District Publications:** Students' names and photos also may be used in school system publications such as the annual report, newsletters, school or grade-level videos, etc. Students' photos (without identification) also may be used on school or school-system WEB pages.

**Staff:** A teacher may videotape class for personal professional development, an education article, or other professional activities.

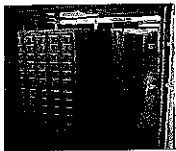
**Parents who do not want their child(ren) to participate in such media and publicity should complete and return the District's "Opt Out Policy" form to the school office no later than September 13. This form is located on the District's Website [www.westport.k12.ct.us](http://www.westport.k12.ct.us).**

**Educational Film-Makers and Others:** The school system occasionally cooperates with educational filmmakers, TV producers, etc., who wish to photograph or televise students or classes for educational features they are producing. Since these are not initiated by the school system or directly related to school activities, it is our practice to notify parents prior to these events so that parents have the opportunity to "opt out" if they wish.

**We do not release students' or parents' addresses or telephone numbers without consent under any circumstances.**

## SURVEYS

and when the school system wishes to administer a survey that includes sensitive topics such as political beliefs, mental or psychological problems, sex behavior and attitudes, illegal behavior, religious beliefs and income, etc., we will notify parents and give them the opportunity to inspect the survey prior to its use. If the survey is funded by the U.S. Department of Education, the law requires that we obtain written consent from parents. For all other such surveys, the law requires that we offer an opt-out privilege. The foregoing is a summary only. A fuller discussion of your rights can be found in the separate letter about Privacy Rights in the final page of this handbook.



## RECORDS

Educational records include information recorded in any way, (e.g., handwriting, print, tape, videotape, disk, film, microfilm and microfiche) that is directly related to a student and maintained by the school district except personal records that are kept in the sole possession of the school staff member who made them.

**Permanent Records,** which are kept for 50 years, include identifying information, academic achievement, grade level attained, attendance and immunizations. Permanent records are forwarded to the new school when student moves out of Westport. For reasons related to: (1) consistency in providing information and (2) ensuring that documents went to receiving private, parochial or other public schools have been seen previously by a parent or guardian, it is the policy of the Westport Public Schools that for students (K-12), only official health records, cumulative report card information, report cards and student records are to be released to receiving schools.

Student records are to be sent to receiving schools only after written permission from a parent or guardian of a student has been received in the school office.

**Non-Permanent Records**, which contain all other data, are kept for six years after the student leaves the district. Transfer of non-permanent records requires parental release.

**Custodian of Records:** The Principal is the official custodian of the records except: the Vice Principal is the custodian of disciplinary records in grades 6-12, the School Nurse is the custodian of health records, and the Director of Pupil Services is the custodian of extra confidential records.

**Access to Records:** Student records are confidential. Aside from a parent or eligible student, staff members, school employees and other school officials may access a student's educational records **only** if they have been determined by the school system to have a legitimate educational interest in accessing the information contained in such records. Disclosure may be made to a contractor, consultant, volunteer, or other party to whom an agency or institution has outsourced institutional services or functions, provided that the outside party performs an institutional service or function of which the district would otherwise use employees, and it under the direct control of the district with respect to the use and maintenance of education records, and is subject to the requirements of FERPA with respect to the use and disclosure of personally identifiable information from education records. Disclosure of personally identifiable material to others will not be made without written authorization, except to comply with a judicial order or lawfully issued subpoena. In an emergency, such information may be disclosed if the information is necessary to protect the health or safety of the student or other individuals or as required by state and federal law.

**Legal Rights:** Parents, legal guardians and a student over 18 have the following rights with respect to the student's records:

- **Inspect the Records:** Inspection must be available within 45 days of the day we receive a request in writing from the custodian. It is customary to set up an appointment in advance to review records.
- **Obtain a Copy:** If the record is extensive there is a charge for the reproduction cost.
- **Challenge:** Students and parents have the right to challenge the presence in the record of material which they feel is false, inaccurate or inappropriate. Should such challenge be found valid, such materials shall be removed and destroyed. Should the district refuse to remove or amend challenged material, the challenger has the right to a hearing.
- **File a Complaint:** The above is a summary. The complete policy is available in the Office of the Superintendent, Westport Town Hall.

## **RIGHT TO REVIEW OR CHALLENGE MATERIALS**

Well-qualified professional staff members take great care in selecting appropriate educational materials. Despite this, occasional objections may be made. To facilitate the handling of complaint, the following procedure has been established:

*The complainant will identify the nature of the complaint and talk to the teacher involved, seeking resolution. Failing satisfactory resolution, the complainant may file a written complaint with the principal on the form entitled, "Request of Reconsideration of Materials" (available from the building principal).*

The principal will seek resolution with the complainant and the teacher. However, if the issue remains unresolved, the principal will submit the complaint to the chairman of the Superintendent's Review Committee (SRC), who will be appointed at that time. The committee will consist of: a member of the superintendent's immediate staff; the WEA president or designee; the IAA president or designee; no fewer than three classroom teachers, representing level and department of specialization germane to the complaint; one library/media specialist; and three citizens, appointed by the superintendent. Following a hearing with the parties to the complaint, the SRC will issue a written recommendation to the superintendent, who will render a written disposition within ten days. Complainant or teacher may appeal the superintendent's decision or the Board of Education within 30 days.

*Challenged materials, once judged appropriate, shall be reviewed if challenged again, only if the superintendent determines that circumstances so warrant.*

## LEGALLY MANDATED NOTICES

### WESTPORT PUBLIC SCHOOLS PRIVACY RIGHTS UNDER FERPA & NCLB, INCLUDING: DIRECTORY INFORMATION

#### ACCESS TO STUDENTS BY MEDIA & MILITARY RECRUITERS ADMINISTRATION OF CERTAIN SURVEYS

**Directory information** includes a student's name, address, telephone number, school and grade, and their parent/guardian's name(s), email address, and cell phone numbers. Directory information is not subject to public disclosure under the Freedom of Information Act. It is our policy **not** to make directory information available to private individuals, to commercial or college recruiters or to any non-school-related group, except in the circumstances described below, all of which, in accordance with the Family Rights and Privacy Act (FERPA) have an opt-out provision.

##### 1. PTA Directories

Each school PTA publishes a school directory, inclusion in which requires permission from parents. For convenience, we furnish the directory information to the PTA. If you give permission, your name, your child's name, address and telephone number, email address and cellphone numbers are listed in this directory, which is made available to PTA members and other parents. While use of the information for other but legitimate school purposes is discouraged, the school system is not able to control access to the information once the directories are distributed.

##### 2. Publicity and the Media

- **School Programs & Activities; Students' Awards:** We provide information about programs, activities, awards, etc. in such media as: newspapers, magazines, individual school publications, system wide publications and other school documents, TV programs, videotapes, etc., as well as school system's websites or another internet location such as WestportNow.com. The publicity may be initiated either by the school system or the media. The content may include written work, projects, school plays, concerts, other extra- curricular activities, etc. When relevant, students may be interviewed by the media or by other students (such as for a school newspaper or student video project). In these situations, students' names, schools, grade levels and/or photos may be used. Photos on the websites are used without identification.
- **Professional Projects:** Teachers and other staff members occasionally wish to use students' work, or to videotape or film classes for their own professional

improvement or other activities related to education. We permit these activities when the principal believes them to be of educational value.

**If you do not wish to have your child's name, work or photograph appear in the media, or in teachers' projects, please complete the District's "Opt Out Policy" form and return it to the building principal no later than September 13.**

**3. Cooperation with Educational Publishers or Others**

Institutions, companies or individuals producing educational materials in a variety of venues may seek permission to interview, photograph or videotape students in school. It is our practice to cooperate with these ventures when we believe the institution is reputable and the activity worthwhile. We will offer you the opportunity to opt out of these situations on a case by case basis.

**Regarding the situations above, under no circumstances will we ever release students' addresses or phone numbers without your permission.**

**4. Military Recruiters**

The *No Child Left Behind Act* requires high schools to furnish the names, addresses and telephone numbers of high school students to military recruiters upon request. However, the **Family Educational Rights and Privacy Act (FERPA)** gives parents the right to request that their children's names, addresses and phone numbers be kept confidential. FERPA requires the request to be in writing. You will receive notification and an "opt-out" form from Staples at the appropriate time.

**5. Surveys**

The *Protection of Pupil Rights* amendment of the *No Child Left Behind Act* affords parents and students over 18 with certain rights regarding a school district's conduct of surveys, use of information for marketing purposes and certain physical exams.

If and when the school system wishes to administer a survey that concerns one or more of the following protected areas:

1. Political affiliations or beliefs of the student or student's parents.
2. Mental or psychological problems of the student or his or her family.
3. Sex behavior or attitudes.
4. Illegal, antisocial, self incriminating or demeaning behavior.
5. Critical appraisal of others with whom respondents have close family relationships.

6. Legally recognized privileged relationships such as with lawyers, doctors or ministers.
7. Religious practices, affiliations, or beliefs of the student or parent.
8. Income, other than as required by law, to determine program eligibility.

We must:

- Upon request, afford you the right to inspect such surveys prior to administration.
- If the survey is funded in part or whole by a program of the U.S. Department of Education, we must obtain your written consent before administering the survey to your child.
- For surveys with any other funding source, we must give you notice of the survey and provide you with the opportunity to opt a student out of participation.

**The law specifies that the above notification and opt-out rights also apply:**

- If and when a school district wishes to collect any personal information from students for marketing, sales or other distribution purposes.
- If and when a school district intends to schedule the administration of any nonemergency, invasive physical examination or screening not necessary to protect the immediate health and safety of the student or other students.

**The above two items are not such that the Westport school district would undertake. However, the law requires that we provide you with this notice of your rights.**

## **WESTPORT PUBLIC SCHOOLS ASBESTOS MANAGEMENT**

In compliance with State and Federal laws, the Westport school system is continuing its asbestos management plan this summer. The plan requires the inspection of all schools every three years and periodic surveillance every six months. Consistent with that requirement, the periodic inspections are taking place at all schools. All necessary remedial work, if any, will be done so that the condition of any remaining asbestos is acceptable. Upon completion, detailed results of the inspections and a report of any remedial work done will be available at each of our schools.

As the regulations and the scope of the required inspections have become steadily more stringent as both State and Federal laws have changed. The Westport school system has been cognizant of the need to inspect for and deal with asbestos in the schools since 1977 – long before the laws required us to do so. We will continue to comply with all State and Federal laws to assure the safety of our children and we will keep parents and staff informed of our efforts.

The complete management plan book is available for inspection in the office of the principal at your child's school.

## WPS Hosted Applications Data Privacy Tracking

-Information collected through web access, such as cookies, device type, IP address, etc. is not included but assumed.

-Every effort is made to keep this list comprehensive however departments or schools may purchase or use online applications without IT Dept. knowledge  
\* indicates has signed Student Privacy Pledge (<https://studentprivacypledge.org/>)

Vendor/Software Title	Provided Data	User Scope	Stored Unique Data*	Policy Link
ABC Clic	Generic Logon	Staff, Students	Anonymous usage tracking logs	<a href="http://databases.abc-clic.com/Home/Privacy">http://databases.abc-clic.com/Home/Privacy</a>
Accessible Books	Generic Logon	Staff, Students	Anonymous usage tracking logs	
Aimsweb	Student: FN, LN, School, Gender, BD, ID, Grade, Teacher Name, Meal Status SPED, IEP, ESL, 504 Teacher FN, LN, Email	Staff, Students	Assessment results	<a href="http://www.aimsweb.com/privacy-policy">http://www.aimsweb.com/privacy-policy</a>
Alias (Rubicon)	FN, LN, EM, UN	Staff	Curriculum maps & unit resources	Contract with Terms of Service
Atomic Learning*	FN, LN, UN, B	Staff, Students	Activity log by aggregate and individual account and assessment results where applicable	<a href="https://www.atomiclearning.com/privacy-policy">https://www.atomiclearning.com/privacy-policy</a>
Blackboard Connect*	FN, LN, EM, ADDR, PH	Staff, Parents	Archive of emails previously sent and records of connection results	<a href="http://www.blackboard.com/platforms/connect/privacy-policy.aspx">http://www.blackboard.com/platforms/connect/privacy-policy.aspx</a>
BookFlix	Generic Logon	Staff, Students	Anonymous usage tracking logs	<a href="http://www.scholastic.com/privacy.htm">http://www.scholastic.com/privacy.htm</a>
Brain Pop*	FN, LN, UN, B	Staff, Students	Learning/Quiz Activity, Game Snapshots, Feedback to Teacher	<a href="https://www.brainpop.com/about/privacy-policy/">https://www.brainpop.com/about/privacy-policy/</a>
CO Researcher	Generic Logon	Staff, Students	Anonymous usage tracking logs	<a href="http://www.cqpress.com/termsOfUse/privacypolicy.htm">http://www.cqpress.com/termsOfUse/privacypolicy.htm</a>
Culturegrams (Proquest)	IP Auth or Generic Logon	Staff, Students	Anonymous usage tracking logs	<a href="https://www.discoveryeducation.com/aboutus/privacypolicy.cfm">https://www.discoveryeducation.com/aboutus/privacypolicy.cfm</a>
Discovery Education	FN, LN, UN, GR, B	Students, Staff	Activity, student work, & relevant assessments	
EasyBib	Google Apps Authentication	Staff, Students	Bibliographies and student notes	<a href="http://www.easybib.com/company/privacy">http://www.easybib.com/company/privacy</a>
Ebsco	IP Auth or Public Library Card #; Personalized acct: FN, LN, UN, EM (Voluntary)	Staff, Students	Anonymous usage tracking logs; personal login to save history / articles	<a href="https://www.ebsco.com/company/privacy-policy">https://www.ebsco.com/company/privacy-policy</a>
Enchanted Learning	Generic Logon	Staff, Students	Anonymous usage tracking logs	<a href="http://www.enchantedlearning.com/privacy.shtml">http://www.enchantedlearning.com/privacy.shtml</a>
Encyclopedia Britannica	Generic Logon	Staff, Students	Anonymous usage tracking logs	<a href="http://corporate.britannica.com/privacy.html">http://corporate.britannica.com/privacy.html</a>
Gale/Cengage	IP Auth or Generic Logon; Google Apps Auth (Voluntary)	Students, Staff	Anonymous usage tracking logs; Google Authentication if want to save articles	<a href="http://www.cengage.com/privacy/">http://www.cengage.com/privacy/</a>
Google Apps (Core Suite)*	Student (FN, LN, UN, EM) Staff (FN, LN, UN, EM)	Students, Staff	Email, Documents, Calendar, Contacts	<a href="https://www.google.com/intl/en/policies/privacy/">https://www.google.com/intl/en/policies/privacy/</a>
HNP NYT and Graphical (Proquest)	Generic Logon	Students, Staff	Anonymous usage tracking logs	<a href="http://www.proquest.com/about/privacy-statement.html">http://www.proquest.com/about/privacy-statement.html</a>
Iconn -> ResearchIT CT (new name)	IP Auth or Public Library Card #	Students, Staff	Anonymous usage tracking logs	<a href="http://cstateilibrary.org/about/policies/website-privacy-policy/">http://cstateilibrary.org/about/policies/website-privacy-policy/</a>
IEPDirect	Student(LN, FN, MN, BD, GEN, LAN, ADDR, Requires Interpreter, Designated LEP) Parent(LN, FN, REL, LAN, PH, EM)	Students, Parents	IEP related information	Contract with terms of service
Inform (Pearson)	Student(ID, B, ENR) Staff(ID, FN, LN, ENR)	Staff, Students	Assessment scores, RTI related information	<a href="https://www.pearson.com/privacy-policy.html">https://www.pearson.com/privacy-policy.html</a>
IXL*	Student(LN, FN, B, GR, ID, HR, Teacher) Parents(EM if entered by parent)	Staff, Students	Activity & progress, and related assessment results	<a href="http://www.ixl.com/privacy-policy">http://www.ixl.com/privacy-policy</a>
JSTOR	User registered acct (FN, LN, UN, EM)	Staff, Students	Usage stats, accessed articles	<a href="http://about.jstor.org/privacy">http://about.jstor.org/privacy</a>
Learning A-Z (Raz-Kids, Headsprout)	Student(FN, LN, UN, GR)	Students	Activity & progress, and related assessment results	<a href="http://help.learning-a-z.com/customer/portal/articles/1649236-privacy">http://help.learning-a-z.com/customer/portal/articles/1649236-privacy</a>
Lexia	Student (FN, LN, GR, B, HR, ID)	Students	Activity & progress, and related assessment results	<a href="http://lexialearning.com/privacy">http://lexialearning.com/privacy</a>

Vendor/Software Title	Provided Data	User Scope	Stored Unique Data*	Policy Link
MobileApp Directory	Parent (ID, FN, LN, EM, REIA, LVGW, ADDR, PH, Contact Priority)	Staff, Parents, Students	Show in Directory - Y/N Submitted Shared Data	<a href="https://mobileapp.com/schooldirectory/privacy.html">https://mobileapp.com/schooldirectory/privacy.html</a>
MyON*	Student(ID, FN, LN, B, GR, HR, TM, HR Teacher, Entry Code, Entry Date)	Staff, Students		<a href="https://www.myon.com/privacy.html">https://www.myon.com/privacy.html</a>
MySchoolBucks	Parents Sign up	Students, Parents	Digital Books Access/Progress, Interests, Assessments	<a href="https://www.myschoolbucks.com/ver2/etc/getprivacy">https://www.myschoolbucks.com/ver2/etc/getprivacy</a>
Nature USA	Generic Logon	Staff, Students	Determined by parent	<a href="https://www.naturesusa.com/privacy.html">https://www.naturesusa.com/privacy.html</a>
Naviance	Student(FN, MN, LN, GR, GEN, ID, B, Counselor, ETHN, BD, ADDR, PH, GPA) Parents: (FN, LN, PH, Custodial)	Students, Parents	Anonymous usage tracking logs College Applications Test Data: SAT, ACT, AP	<a href="http://www.naviance.com/legal/privacy">http://www.naviance.com/legal/privacy</a>
Newsela*	Google Apps Integration	Staff, Students	Last login and anonymous usage logs	<a href="https://newsela.com/pages/privacy-policy/">https://newsela.com/pages/privacy-policy/</a>
Noteflight	Schoolology Integration	Staff, Students	Music Scores	<a href="https://www.noteflight.com/legal/privacy">https://www.noteflight.com/legal/privacy</a>
Omniio (Trial)*	FN, LN, EM, UN, ID, ENR	Staff, Students	URLs, Titles, Favicons, Timestamp of sites visited	<a href="https://omniio.net/">https://omniio.net/</a>
Overdrive	UN, B	Students	Student Content (polls, responses) Activity, Content Selections, Reviews and Ratings, Connection Data	<a href="http://company.overdrive.com/education/k-12-schools-old/privacy-policy-for-children/">http://company.overdrive.com/education/k-12-schools-old/privacy-policy-for-children/</a>
PebbleGo	Generic Logon	Staff, Students	Anonymous usage tracking logs	<a href="https://www.pebblego.com/info/privacy-policy.html">https://www.pebblego.com/info/privacy-policy.html</a>
Polar GoFit	Student(ID, LN, FN, BD, GEN, ENR) Staff(LN, FN, ENR)	Students, Staff	Personal fitness data	<a href="http://www.polar.com/us-en/legal_notice#privacypolicy">http://www.polar.com/us-en/legal_notice#privacypolicy</a>
RazKids	Generic Logon	Staff, Students	Anonymous usage tracking logs	<a href="http://help.learnings-z.com/customer/portal/articles/1649236-privacy">http://help.learnings-z.com/customer/portal/articles/1649236-privacy</a>
Read Naturally (Live)	Student (FN, LN, GR, B, HR, ID)	Staff, Students		<a href="http://www.readnaturally.com/privacy-policy">http://www.readnaturally.com/privacy-policy</a>
Read Write for Google*	Google Apps Auth	Staff, Students		<a href="https://www.twinkl.com/en-us/privacy-policy">https://www.twinkl.com/en-us/privacy-policy</a>
School Dismissal Manager	Student(ID, FN, LN, Bus, HR, GR, B) Parent(FN, LN, EM)	Staff, Parents	Dismissal notes, schedule	<a href="https://www.schooldismissalmanager.com/terms_of_use.asp">https://www.schooldismissalmanager.com/terms_of_use.asp</a>
Schoolology*	FN, MN, LN, UN, EM, ID, B, ENR	Students, Staff, Parents	Documents, Messages, Grades, Activity, Connection Data	<a href="https://www.schoolology.com/privacy.htm">https://www.schoolology.com/privacy.htm</a>
ScienceFix	Generic Logon	Staff, Students	Anonymous usage tracking logs	<a href="http://www.sciencefix.com/privacy.htm">http://www.sciencefix.com/privacy.htm</a>
Starwalk Kids Media	UN, ID, B	Staff, Students	Literacy skills development	<a href="http://starwalkkids.com/information/privacy-policy.html">http://starwalkkids.com/information/privacy-policy.html</a>
Student Employment Software (SHS Internship)		Staff, Students	Internship mapping details	<a href="http://studentemploymentsoftware.com/content.php?content_id=41">http://studentemploymentsoftware.com/content.php?content_id=41</a>
TeachingBooks	IP Auth or Generic Logon	Staff, Students	Anonymous usage tracking logs	<a href="http://www.teachingbooks.net/show.cgi?F=polices#Privacy_Policy">http://www.teachingbooks.net/show.cgi?F=polices#Privacy_Policy</a>
TrueFlux	Generic Logon	Staff, Students	Anonymous usage tracking logs	<a href="http://www.trueflux.com/privacy.htm">http://www.trueflux.com/privacy.htm</a>
Turnitin*		Staff, Students	Student generated papers, plagiarism analysis results	<a href="http://turnitin.com/en_us/about-us/privacy">http://turnitin.com/en_us/about-us/privacy</a>
Typing Agent*	Student(UN, FN, LN, EM, GR, B, HR) Staff(UN, FN, LN, EM, B, HR)	Staff, Students	Typing skill activity/progress and relevant assessment results	<a href="https://app.typingagent.com/index.php?r=home/index&amp;page=privacy-policy">https://app.typingagent.com/index.php?r=home/index&amp;page=privacy-policy</a>
WeVideo	Google Apps Auth	Staff, Students	Video projects: usage data	<a href="https://www.wetvideo.com/privacy">https://www.wetvideo.com/privacy</a>
WorldBook	IP Auth or Generic Logon	Staff, Students	Anonymous usage tracking logs	<a href="http://worldbookonline.com/vb/subscribe/help?id=privacy.html">http://worldbookonline.com/vb/subscribe/help?id=privacy.html</a>
Xtramath*	Student(FN, LN) Parents(EM if entered by parent)	Students, Staff, Parents	Activity/progress	<a href="https://odn0.xtramath.org/docs/en/privacy-policy.pdf">https://odn0.xtramath.org/docs/en/privacy-policy.pdf</a>
Zarcia K-12 Insight	FN, LN, UN, EM (for creation) FN, LN, EM (for unique invitations) None (for public/anonymous surveys)	Staff (for creation) Staff, Students, Parents (for responses)	Survey questions & responses	<a href="https://www.k12insight.com/privacy-policy/">https://www.k12insight.com/privacy-policy/</a>

## **K-12 School Service Provider Pledge to Safeguard Student Privacy**

Version 1.0 / October 7, 2014

K-12 school service providers are honored to be entrusted by educators and families to support their educational needs and school operations. School service providers take responsibility to both support the effective use of student information and safeguard student privacy and information security.

School service providers support schools – including their teachers, students and parents – to manage student data, carry out school operations, support instruction and learning opportunities, and develop and improve products/services intended for educational/school use. In so doing, it is critical that schools and school service providers build trust by protecting the privacy of student information and effectively communicating with parents about how student information is used and safeguarded.

We pledge to carry out responsible stewardship and appropriate use of student personal information gathered in our role as school service providers according to the commitments below and in adherence to all laws applicable to us as school service providers.

### **We Commit To:**

- ☒ Not collect, maintain, use or share student personal information beyond that needed for authorized educational/school purposes, or as authorized by the parent/student.
- ☒ Not sell student personal information.
- ☒ Not use or disclose student information collected through an educational/school service (whether personal information or otherwise) for behavioral targeting of advertisements to students.
- ☒ Not build a personal profile of a student other than for supporting authorized educational/school purposes or as authorized by the parent/student.
- ☒ Not make material changes to school service provider consumer privacy policies without first providing prominent notice to the account holder(s) (i.e., the educational institution/agency, or the parent/student when the information is collected directly from the student with student/parent consent) and allowing them choices before data is used in any manner inconsistent with terms they were initially provided; and not make material changes to other policies or practices governing the use of student personal information that are inconsistent with contractual requirements.
- ☒ Not knowingly retain student personal information beyond the time period required to support the authorized educational/school purposes, or as authorized by the parent/student.
- ☒ Collect, use, share, and retain student personal information only for purposes for which we were authorized by the educational institution/agency, teacher or the parent/student.
- ☒ Disclose clearly in contracts or privacy policies, including in a manner easy for parents and teachers to understand, what types of student personal information we collect, if any, and the purposes for which the information we maintain is used or shared with third parties.
- ☒ Support access to and correction of student personally identifiable information by the student or their authorized parent, either by assisting the educational institution in meeting its requirements or directly when the information is collected directly from the student with student/parent consent.

- √ Maintain a comprehensive security program that is reasonably designed to protect the security, privacy, confidentiality, and integrity of student personal information against risks – such as unauthorized access or use, or unintended or inappropriate disclosure – through the use of administrative, technological, and physical safeguards appropriate to the sensitivity of the information.
- √ Require that our vendors with whom student personal information is shared in order to deliver the educational service, if any, are obligated to implement these same commitments for the given student personal information.
- √ Allow a successor entity to maintain the student personal information, in the case of our merger or acquisition by another entity, provided the successor entity is subject to these same commitments for the previously collected student personal information.

Notes:

- Some school service providers may be subject to additional legal obligations, contractual commitments, or requests from educational institutions or parents/students that direct or otherwise authorize additional uses of student data, other than those specified above.
- Nothing in this pledge is intended to prohibit the use of student personal information for authorized purposes of adaptive learning or customized education.
- This pledge is intended to be applicable to new contracts and policies going forward and addressed – where inconsistent and as agreed to by the educational institution/agency – in existing contracts as updated over time.
- This pledge shall be effective as of January 1, 2015.

Definitions:

- ‘School service provider’ refers to any entity that: (1) is providing, and is operating in its capacity as a provider of, an online or mobile application, online service or website that is both designed and marketed for use in United States elementary and secondary educational institutions/ agencies and is used at the direction of their teachers or other employees; and (2) collects, maintains or uses student personal information in digital/electronic format. The term ‘school service provider’ does not include an entity that is providing, and that is operating in its capacity as a provider of, general audience software, applications, services or websites not designed and marketed for schools.
- ‘Educational/School purposes’ are services or functions that customarily take place at the direction of the educational institution/agency or their teacher/employee, for which the institutions or agency would otherwise use its own employees, and that aid in the administration or improvement of educational and school activities (e.g., instruction, administration, and development and improvement of products/services intended for educational/school use).
- ‘Student personal information’ is personally identifiable information as well as other information when it is both collected and maintained on an individual level and is linked to personally identifiable information.
- ‘Student’ applies to students of United States elementary and secondary schools, and with regard to notice and consent applies only to students of appropriate age as authorized under relevant United States federal law.
- ‘Consumer privacy policies’ include those privacy policies that are posted by the company to be available to all users to the site or service.
- ‘Parent’ includes a student’s legal guardian.

*This Pledge is neither intended as a comprehensive privacy policy nor to be inclusive of all requirements to achieve compliance with all applicable federal or state laws. For more information, visit <http://studentprivacypledge.org>.*

## Westport Public Schools Chromebook Settings


These settings are based on the recommendations of the Electronic Frontier Foundation as best practice. We balanced the needs of students' privacy and instructional efficiency.

Recommended Settings		Admin Console Reference	WPS Value	Updated Value*	Notes
Un-check "Enable Autofill to fill out web forms in a single click."		Form Auto-fill	User manages	Never	
Un-check "Offer to save your web passwords."		Password Manager	Never	Never	
What to sync? Apps, Autofill, Bookmarks, Extensions, History, Passwords, Settings, Themes, Open Tabs		Can review specifics, but most of these are what make the Chromebook so useful			
Un-check "Use a web service to help resolve navigation errors"		Alternate error pages	User manages		
Un-check "Use a prediction service to help complete searches and URLs typed in the address bar or the app launcher search box"		Search Suggest	User manages		
Un-check "Prefetch resources to load pages more quickly"		DNS Pre-fetching	User manages		
Un-check "Automatically report details of possible security incidents to Google"		NA in console, user configured			
Un-check "Use a web service to help resolve spelling errors"		Spell Check Service	User manages		
Un-check "Automatically send usage statistics and crash reports to Google"		Metric Reporting	Never		
Check "Send a 'Do Not Track' request with your browsing traffic"		NA in console, user configured			
Un-check "Enable 'Ok Google' to start a voice search"		NA in console, user configured			
Under "Cookies", select "Keep local data only until you quit your browser" and "Block third-party cookies and site data"		Cookies	User manages		
Under "Location" select "Do not allow any site to track your physical location"		Geolocation	Always ask		
Under "Protected content" un-select "Allow identifiers for protected content (computer restart may be required)"		Verified access (device setting)	Enabled		Needed for secure boot

\*updated as of 12/7/2015

## ew Seal of Approval for Districts Protecting Student Data

njamin Herold on April 5, 2016 12:00 PM

Share  12

shington, D.C.

et another sign that the student-data-privacy turmoil of recent years is shifting from boil to simmer, school systems can now apply for a "Trusted Learning Environment" Seal, intended to demonstrate to parents and the community at large that they are taking appropriate steps to protect the privacy and security of sensitive student information.

The seal will be issued by the Consortium for School Networking, a membership group for school technology leaders, which is hosting its annual conference here this week. Also supporting the initiative are AASA-The School Superintendents Association, the Association of School Business Officials International, and the Association for Supervision & Curriculum Development.

"I see it as a fundamental shift in helping school systems change the conversation from privacy to one of trust," CoSN CEO Keith Krueger said in an interview. "This is about setting expectations that are ambitious, but not so ambitious they can't be achieved."

Numerous **statements of principle**, **guidance** documents, industry **pledges**, and **toolkits** related to the hot-button issue of student data privacy have been released in recent years, as policymakers and educators have scrambled to catch up to the legislative and technical challenges presented by rapid advances in educational technology.

The new TLE Seal is different, Krueger said, because it is meant both as a comprehensive guide for what school systems should be doing, and a framework for how they can move beyond compliance with state and federal laws and begin implementing a set of "aspirational" practices.

The TLE Seal will cover a set of approximately 40 specific practices across five domains: district and school leadership, classroom procedures and processes, data security, business operations, and professional development. The criteria have not yet been released in full. In an interview, Linette Attai, the president of PlayWell LLC and the project director of CoSN's privacy initiative, said that examples include:

- Having up-to-date policies and rules related to data privacy and security.
- Ensuring that members of school system governing bodies are aware of relevant laws and requirements.
- Implementing a privacy and security vetting process to guide the acquisition of online services.
- Implementing clear policies regarding retention of student records, allowable data transmission protocols, and access to electronic data.
- Creating up-to-date, easily accessible training resources and templates related to data security and privacy.
- Ensuring that teachers are using classroom instructional strategies that protect students' information.

School systems will be able to earn the TLE Seal through written submissions that include documentation of such practices and resources, typically from their chief technology officer or equivalent, Attai said. No on-site audits or observations of district practices will take place.

The first 100 school districts who apply for the seal will be able to do so for free, Krueger said. After that, CoSN will charge a fee of a couple hundred dollars, depending on the district's size. The seal will be considered active for two years after it is awarded, with a small renewal fee the second year.

The criteria for the seal were developed with the input of 28 school system leaders, including Robert J. Moore, the chief technology officer for the Fairfax Independent School District.

To draw the attention that data privacy and security have received in recent years, Moore said in an interview, attaining the seal will likely require "a leap" for many districts, which he said have lacked clear guidance and expectations beyond what it takes to comply with existing state and federal laws.

"I think [districts] know for the first time what they should be prioritizing," he said. "But I would be surprised if a large number of districts were to achieve the seal immediately."

What does it mean for those districts that do earn the seal?

It could give parents a sense of trust and confidence that their children's data are being handled correctly," Moore said.

- **Education week Special Report on Student Data Privacy**
- **New Toolkit to Help Schools, Vendors Test Ed Tech for Privacy, Security**
- **Student-Privacy Pledge for Ed-Tech Providers Draws Praise, Criticism**

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Categories: CTO/CIO Data Privacy Educational Data

Tags: CoSN data privacy edtech privacy



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## PARENTS' BILL OF RIGHTS FOR DATA PRIVACY AND SECURITY

To satisfy their responsibilities regarding the provision of education to students in pre-kindergarten through grade twelve, “educational agencies” (as defined below) in the State of New York collect and maintain certain personally identifiable information from the education records of their students. As part of the Common Core Implementation Reform Act, Education Law §2-d requires that each educational agency in the State of New York must develop a Parents’ Bill of Rights for Data Privacy and Security (Parents’ Bill of Rights). The Parents’ Bill of Rights must be published on the website of each educational agency, and must be included with every contract the educational agency enters into with a “third party contractor” (as defined below) where the third party contractor receives student data, or certain protected teacher/principal data related to Annual Professional Performance Reviews that is designated as confidential pursuant to Education Law §3012-c (“APPR data”).

The purpose of the Parents’ Bill of Rights is to inform parents (which also include legal guardians or persons in parental relation to a student, but generally not the parents of a student who is age eighteen or over) of the legal requirements regarding privacy, security and use of student data. In addition to the federal Family Educational Rights and Privacy Act (FERPA), Education Law §2-d provides important new protections for student data, and new remedies for breaches of the responsibility to maintain the security and confidentiality of such data.

### **A. What are the essential parents’ rights under the Family Educational Rights and Privacy Act (FERPA) relating to personally identifiable information in their child’s student records?**

The rights of parents under FERPA are summarized in the Model Notification of Rights prepared by the United States Department of Education for use by schools in providing annual notification of rights to parents. It can be accessed at <http://www2.ed.gov/policy/gen/guid/fpco/ferpa/lea-officials.html>, and a copy is attached to this Parents’ Bill of Rights. Complete student records are maintained by schools and school districts, and not at the New York State Education Department (NYSED). Further, NYSED would need to establish and implement a means to verify a parent’s identity and right of access to records before processing a request for records to the school or school district. Therefore, requests to access student records will be most efficiently managed at the school or school district level.

Parents’ rights under FERPA include:

1. The right to inspect and review the student's education records within 45 days after the day the school or school district receives a request for access.
2. The right to request amendment of the student’s education records that the parent or eligible student believes are inaccurate, misleading, or otherwise in violation of the student’s privacy rights under FERPA. Complete student records are maintained by schools and school districts and not at NYSED, which is the secondary repository of

data, and NYSED make amendments to school or school district records. Schools and school districts are in the best position to make corrections to students' education records.

3. The right to provide written consent before the school discloses personally identifiable information (PII) from the student's education records, except to the extent that FERPA authorizes disclosure without consent (including but not limited to disclosure under specified conditions to: (i) school officials within the school or school district with legitimate educational interests; (ii) officials of another school for purposes of enrollment or transfer; (iii) third party contractors providing services to, or performing functions for an educational agency; (iv) authorized representatives of the U. S. Comptroller General, the U. S. Attorney General, the U.S. Secretary of Education, or State and local educational authorities, such as NYSED; (iv) (v) organizations conducting studies for or on behalf of educational agencies) and (vi) the public where the school or school district has designated certain student data as "directory information" (described below). The attached FERPA Model Notification of Rights more fully describes the exceptions to the consent requirement under FERPA).
4. Where a school or school district has a policy of releasing "directory information" from student records, the parent has a right to refuse to let the school or school district designate any all of such information as directory information. Directory information, as defined in federal regulations, includes: the student's name, address, telephone number, email address, photograph, date and place of birth, major field of study, grade level, enrollment status, dates of attendance, participation in officially recognized activities and sports, weight and height of members of athletic teams, degrees, honors and awards received and the most recent educational agency or institution attended. Where disclosure without consent is otherwise authorized under FERPA, however, a parent's refusal to permit disclosure of directory information does not prevent disclosure pursuant to such separate authorization.
5. The right to file a complaint with the U.S. Department of Education concerning alleged failures by the School to comply with the requirements of FERPA.

**B. What are parents' rights under the Personal Privacy Protection Law (PPPL), Article 6-A of the Public Officers Law relating to records held by State agencies?**

The PPPL (Public Officers Law §§91-99) applies to all records of State agencies and is not specific to student records or to parents. It does not apply to school districts or other local educational agencies. It imposes duties on State agencies to have procedures in place to protect from disclosure of "personal information," defined as information which because of a name, number, symbol, mark or other identifier, can be used to identify a "data subject" (in this case the student or the student's parent). Like FERPA, the PPPL confers a right on the data subject (student or the student's parent) to access to State agency records relating to them and requires State agencies to have procedures for correction or amendment of records.

A more detailed description of the PPPL is available from the Committee on Open Government of the New York Department of State. Guidance on what you should know about the PPPL can be accessed at <http://www.dos.ny.gov/coog/shldno1.html>. The Committee on Open Government's address is Committee on Open Government, Department of State, One Commerce Plaza, 99 Washington Avenue, suite 650, Albany, NY 12231, their email address is [coog@dos.ny.gov](mailto:coog@dos.ny.gov), and their telephone number is (518) 474-2518.

**C. Parents' Rights Under Education Law §2-d relating to Unauthorized Release of Personally Identifiable Information**

**1. What "educational agencies" are included in the requirements of Education Law §2-d?**

- The New York State Education Department ("NYSED");
- Each public school district;
- Each Board of Cooperative Educational Services or BOCES; and
- All schools that are:
  - a public elementary or secondary school;
  - a universal pre-kindergarten program authorized pursuant to Education Law §3602-e;
  - an approved provider of preschool special education services;
  - any other publicly funded pre-kindergarten program;
  - a school serving children in a special act school district as defined in Education Law 4001; or
  - certain schools for the education of students with disabilities - an approved private school, a state-supported school subject to the provisions of Education Law Article 85, or a state-operated school subject to Education Law Article 87 or 88.

**2. What kind of student data is subject to the confidentiality and security requirements of Education Law §2-d?**

The law applies to personally identifiable information contained in student records of an educational agency listed above. The term "student" refers to any person attending or seeking to enroll in an educational agency, and the term "personally identifiable information" ("PII") uses the definition provided in FERPA. Under FERPA, personally identifiable information or PII includes, but is not limited to:

- (a) The student's name;
- (b) The name of the student's parent or other family members;
- (c) The address of the student or student's family;
- (d) A personal identifier, such as the student's social security number, student number, or biometric record;
- (e) Other indirect identifiers, such as the student's date of birth, place of birth, and Mother's Maiden Name<sup>1</sup>;

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<sup>1</sup> Please note that NYSED does not collect certain information defined in FERPA, such as students' social security numbers, biometric records, mother's maiden name (unless used as the mother's legal name).

(f) Other information that, alone or in combination, is linked or linkable to a specific student that would allow a reasonable person in the school community, who does not have personal knowledge of the relevant circumstances, to identify the student with reasonable certainty; or

(g) Information requested by a person who the educational agency or institution reasonably believes knows the identity of the student to whom the education record relates.

**3. What kind of student data is *not* subject to the confidentiality and security requirements of Education Law §2-d?**

The confidentiality and privacy provisions of Education Law §2-d and FERPA extend only to PII, and not to student data that is not personally identifiable. Therefore, de-identified data (e.g., data regarding students that uses random identifiers), aggregated data (e.g., data reported at the school district level) or anonymized data that could not be used to identify a particular student is not considered to be PII and is not within the purview of Education Law §2-d or within the scope of this Parents' Bill of Rights.

**4. What are my rights under Education Law § 2-d as a parent regarding my student's PII?**

Education Law §2-d ensures that, in addition to all of the protections and rights of parents under the federal FERPA law, certain rights will also be provided under the Education Law. These rights include, but are not limited to, the following elements:

(A) A student's PII cannot be sold or released by the educational agency for any commercial or marketing purposes.

- PII may be used for purposes of a contract that provides payment to a vendor for providing services to an educational agency as permitted by law.

- However, sale of PII to a third party solely for commercial purposes or receipt of payment by an educational agency, or disclosure of PII that is not related to a service being provided to the educational agency, is strictly prohibited.

(B) Parents have the right to inspect and review the complete contents of their child's education record including any student data stored or maintained by an educational agency.

- This right of inspection is consistent with the requirements of FERPA. In addition to the right of inspection of the educational record, Education Law §2-d provides a specific right for parents to inspect or receive copies of any data in the student's educational record.

- NYSED will develop policies for annual notification by educational agencies to parents regarding the right to request student data. Such policies will specify a reasonable time for the educational agency to comply with such requests.

- The policies will also require security measures when providing student data to parents, to ensure that only authorized individuals receive such data. A parent may be asked for information or verifications reasonably necessary to ensure that he or she is in fact the student's parent and is authorized to receive such information pursuant to law.
- (C) State and federal laws protect the confidentiality of PII, and safeguards associated with industry standards and best practices, including, but not limited to, encryption, firewalls, and password protection, must be in place when data is stored or transferred.

Education Law §2-d also specifically provides certain limitations on the collection of data by educational agencies, including, but not limited to:

- (A) A mandate that, except as otherwise specifically authorized by law, NYSED shall only collect PII relating to an educational purpose;
- (B) NYSED may only require districts to submit PII, including data on disability status and student suspensions, where such release is required by law or otherwise authorized under FERPA and/or the New York State Personal Privacy Law; and
- (C) Except as required by law or in the case of educational enrollment data, school districts shall not report to NYSED student data regarding juvenile delinquency records, criminal records, medical and health records or student biometric information.
- (D) Parents may access the NYSED Student Data Elements List, a complete list of all student data elements collected by NYSED, at <http://www.p12.nysed.gov/irs/sirs/documentation/NYSEDstudentData.xlsx>, or may obtain a copy of this list by writing to the Office of Information & Reporting Services, New York State Education Department, Room 863 EBA, 89 Washington Avenue, Albany, NY 12234; and
- (E) Parents have the right to file complaints with an educational agency about possible breaches of student data by that educational agency's third party contractors or their employees, officers, or assignees, or with NYSED. Complaints to NYSED should be directed in writing to the Chief Privacy Officer, New York State Education Department, 89 Washington Avenue, Albany NY 12234, email to [CPO@mail.nysed.gov](mailto:CPO@mail.nysed.gov). The complaint process is under development and will be established through regulations to be proposed by NYSED's Chief Privacy Officer, who has not yet been appointed.
- Specifically, the Commissioner of Education, after consultation with the Chief Privacy Officer, will promulgate regulations establishing procedures for the submission of complaints from parents, classroom teachers or building principals, or other staff of an educational agency, making allegations of improper disclosure of student data and/or teacher or principal APPR data by a third party contractor or its officers, employees or assignees.

- When appointed, the Chief Privacy Officer of NYSED will also provide a procedure within NYSED whereby parents, students, teachers, superintendents, school board members, principals, and other persons or entities may request information pertaining to student data or teacher or principal APPR data in a timely and efficient manner.

**5. Must additional elements be included in the Parents' Bill of Rights.?**

Yes. For purposes of further ensuring confidentiality and security of student data, as an appendix to the Parents' Bill of Rights each contract an educational agency enters into with a third party contractor shall include the following supplemental information:

- (A) the exclusive purposes for which the student data, or teacher or principal data, will be used;
- (B) how the third party contractor will ensure that the subcontractors, persons or entities that the third party contractor will share the student data or teacher or principal data with, if any, will abide by data protection and security requirements;
- (C) when the agreement with the third party contractor expires and what happens to the student data or teacher or principal data upon expiration of the agreement;
- (D) if and how a parent, student, eligible student, teacher or principal may challenge the accuracy of the student data or teacher or principal data that is collected; and
- (E) where the student data or teacher or principal data will be stored (described in such a manner as to protect data security), and the security protections taken to ensure such data will be protected, including whether such data will be encrypted.
  - a. In addition, the Chief Privacy Officer, with input from parents and other education and expert stakeholders, is required to develop additional elements of the Parents' Bill of Rights to be prescribed in Regulations of the Commissioner.

**6. What protections are required to be in place if an educational agency contracts with a third party contractor to provide services, and the contract requires the disclosure of PII to the third party contractor?**

Education Law §2-d provides very specific protections for contracts with "third party contractors", defined as any person or entity, other than an educational agency, that receives student data or teacher or principal data from an educational agency pursuant to a contract or other written agreement for purposes of providing services to such educational agency. The term "third party contractor" also includes an educational partnership organization that receives student and/or teacher or principal APPR data from a school district to carry out its responsibilities pursuant to Education Law §211-e, and a not-for-profit corporation or other non-profit organization, which are not themselves covered by the definition of an "educational agency."

Services of a third party contractor covered under Education Law §2-d include, but not limited to, data management or storage services, conducting studies for or on behalf of the educational agency, or audit or evaluation of publicly funded programs.

When an educational agency enters into a contract with a third party contractor, under which the third party contractor will receive student data, the contract or agreement must include a data security and privacy plan that outlines how all state, federal, and local data security and privacy contract requirements will be implemented over the life of the contract, consistent with the educational agency's policy on data security and privacy. However, the standards for an educational agency's policy on data security and privacy must be prescribed in Regulations of the Commissioner that have not yet been promulgated. A signed copy of the Parents' Bill of Rights must be included, as well as a requirement that any officers or employees of the third party contractor and its assignees who have access to student data or teacher or principal data have received or will receive training on the federal and state law governing confidentiality of such data prior to receiving access.

Each third party contractor that enters into a contract or other written agreement with an educational agency under which the third party contractor will receive student data or teacher or principal data shall:

- limit internal access to education records to those individuals that are determined to have legitimate educational interests
- not use the education records for any other purposes than those explicitly authorized in its contract;
- except for authorized representatives of the third party contractor to the extent they are carrying out the contract, not disclose any PII to any other party (i) without the prior written consent of the parent or eligible student; or (ii) unless required by statute or court order and the party provides a notice of the disclosure to NYSED, district board of education, or institution that provided the information no later than the time the information is disclosed, unless providing notice of the disclosure is expressly prohibited by the statute or court order;
- maintain reasonable administrative, technical and physical safeguards to protect the security, confidentiality and integrity of PII in its custody; and
- use encryption technology to protect data while in motion or in its custody from unauthorized disclosure.

## **7. What steps can and must be taken in the event of a breach of confidentiality or security?**

Upon receipt of a complaint or other information indicating that a third party contractor may have improperly disclosed student data, or teacher or principal APPR data, NYSED's Chief Privacy Officer is authorized to investigate, visit, examine and inspect the third party contractor's facilities and records and obtain documentation from, or require the testimony of,

any party relating to the alleged improper disclosure of student data or teacher or principal APPR data.

Where there is a breach and unauthorized release of PII by a third party contractor or its assignees (e.g., a subcontractor): (i) the third party contractor must notify the educational agency of the breach in the most expedient way possible and without unreasonable delay; (ii) the educational agency must notify the parent in the most expedient way possible and without unreasonable delay; and (iii) the third party contractor may be subject to certain penalties including, but not limited to, a monetary fine; mandatory training regarding federal and state law governing the confidentiality of student data, or teacher or principal APPR data; and preclusion from accessing any student data, or teacher or principal APPR data, from an educational agency for a fixed period up to five years.

## **8. Data Security and Privacy Standards**

Upon appointment, NYSED's Chief Privacy Officer will be required to develop, with input from experts, standards for educational agency data security and privacy policies. The Commissioner will then promulgate regulations implementing these data security and privacy standards.

## **9. No Private Right of Action**

Please note that Education Law §2-d explicitly states that it does not create a private right of action against NYSED or any other educational agency, such as a school, school district or BOCES.

## ATTACHMENT

### **Model Notification of Rights under FERPA for Elementary and Secondary Schools**

The Family Educational Rights and Privacy Act (FERPA) affords parents and students who are 18 years of age or older ("eligible students") certain rights with respect to the student's education records. These rights are:

1. The right to inspect and review the student's education records within 45 days after the day the [Name of school ("School")] receives a request for access.

Parents or eligible students should submit to the school principal [or appropriate school official] a written request that identifies the records they wish to inspect. The school official will make arrangements for access and notify the parent or eligible student of the time and place where the records may be inspected.

2. The right to request the amendment of the student's education records that the parent or eligible student believes are inaccurate, misleading, or otherwise in violation of the student's privacy rights under FERPA.

Parents or eligible students who wish to ask the [School] to amend a record should write the school principal [or appropriate school official], clearly identify the part of the record they want changed, and specify why it should be changed. If the school decides not to amend the record as requested by the parent or eligible student, the school will notify the parent or eligible student of the decision and of their right to a hearing regarding the request for amendment. Additional information regarding the hearing procedures will be provided to the parent or eligible student when notified of the right to a hearing.

3. The right to provide written consent before the school discloses personally identifiable information (PII) from the student's education records, except to the extent that FERPA authorizes disclosure without consent.

One exception, which permits disclosure without consent, is disclosure to school officials with legitimate educational interests. A school official is a person employed by the school as an administrator, supervisor, instructor, or support staff member (including health or medical staff and law enforcement unit personnel) or a person serving on the school board. A school official also may include a volunteer or contractor outside of the school who performs an institutional service or function for which the school would otherwise use its own employees and who is under the direct control of the school with respect to the use and maintenance of PII from education records, such as an attorney, auditor, medical consultant, or therapist; a parent or student volunteering to serve on an official committee, such as a disciplinary or grievance committee; or a parent, student, or other volunteer assisting another school official in performing his or her tasks. A school official has a legitimate educational

interest if the official needs to review an education record in order to fulfill his or her professional responsibility.

[Optional] Upon request, the school discloses education records without consent to officials of another school district in which a student seeks or intends to enroll, or is already enrolled if the disclosure is for purposes of the student's enrollment or transfer. [NOTE: FERPA requires a school district to make a reasonable attempt to notify the parent or student of the records request unless it states in its annual notification that it intends to forward records on request.]

4. The right to file a complaint with the U.S. Department of Education concerning alleged failures by the [School] to comply with the requirements of FERPA. The name and address of the Office that administers FERPA are:

Family Policy Compliance Office  
U.S. Department of Education  
400 Maryland Avenue, SW  
Washington, DC 20202

[NOTE: In addition, a school may want to include its directory information public notice, as required by §99.37 of the regulations, with its annual notification of rights under FERPA.]

[Optional] See the list below of the disclosures that elementary and secondary schools may make without consent.

FERPA permits the disclosure of PII from students' education records, without consent of the parent or eligible student, if the disclosure meets certain conditions found in §99.31 of the FERPA regulations. Except for disclosures to school officials, disclosures related to some judicial orders or lawfully issued subpoenas, disclosures of directory information, and disclosures to the parent or eligible student, §99.32 of the FERPA regulations requires the school to record the disclosure. Parents and eligible students have a right to inspect and review the record of disclosures. A school may disclose PII from the education records of a student without obtaining prior written consent of the parents or the eligible student –

- To other school officials, including teachers, within the educational agency or institution whom the school has determined to have legitimate educational interests. This includes contractors, consultants, volunteers, or other parties to whom the school has outsourced institutional services or functions, provided that the conditions listed in §99.31(a)(1)(i)(B)(I) - (a)(1)(i)(B)(2) are met. (§99.31(a)(1))
- To officials of another school, school system, or institution of postsecondary education where the student seeks or intends to enroll, or where the student is already enrolled if the disclosure is for purposes related to the student's enrollment or transfer, subject to the requirements of §99.34. (§99.31(a)(2))
- To authorized representatives of the U. S. Comptroller General, the U. S. Attorney General, the U.S. Secretary of Education, or State and local educational authorities,

such as the State educational agency in the parent or eligible student's State (SEA). Disclosures under this provision may be made, subject to the requirements of §99.35, in connection with an audit or evaluation of Federal- or State-supported education programs, or for the enforcement of or compliance with Federal legal requirements that relate to those programs. These entities may make further disclosures of PII to outside entities that are designated by them as their authorized representatives to conduct any audit, evaluation, or enforcement or compliance activity on their behalf. (§§99.31(a)(3) and 99.35)

- In connection with financial aid for which the student has applied or which the student has received, if the information is necessary to determine eligibility for the aid, determine the amount of the aid, determine the conditions of the aid, or enforce the terms and conditions of the aid. (§99.31(a)(4))
- To State and local officials or authorities to whom information is specifically allowed to be reported or disclosed by a State statute that concerns the juvenile justice system and the system's ability to effectively serve, prior to adjudication, the student whose records were released, subject to §99.38. (§99.31(a)(5))
- To organizations conducting studies for, or on behalf of, the school, in order to: (a) develop, validate, or administer predictive tests; (b) administer student aid programs; or (c) improve instruction. (§99.31(a)(6))
- To accrediting organizations to carry out their accrediting functions. (§99.31(a)(7))
- To parents of an eligible student if the student is a dependent for IRS tax purposes. (§99.31(a)(8))
- To comply with a judicial order or lawfully issued subpoena. (§99.31(a)(9))
- To appropriate officials in connection with a health or safety emergency, subject to §99.36. (§99.31(a)(10))
- Information the school has designated as "directory information" under §99.37. (§99.31(a)(11))

DEPARTMENT OF PUPIL SERVICES  
WESTPORT PUBLIC SCHOOLS  
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DIRECTOR OF PUPIL SERVICES

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**TO:** Dr. Elliott Landon

**FROM:** Michael Rizzo, James D'Amico, Julie Droller and Dr. Valerie Babich

**DATE:** April 11, 2016

**Student Wellness**

Student wellness will be discussed tonight as the physical, social and emotional well-being of our students within the school community. As a school district, attending to the wellness of our students requires a focused effort to coordinate our district's policies and practices. We do this with an understanding that our work with students needs to extend to families and to other community groups to the extent possible and appropriate, while maintaining the school district's focus on the education of our students.

Policies and procedures provide our district a basis for operation upon which decisions can be made and the school community's rules and norms can be defined. Central to the concept of wellness in our schools is our Safe School Climate policy which outlines steps the district takes to establish a positive culture and climate within our school community. Regarding our district's Health and Wellness Policy, the district's Health and Wellness committee acts as an advisory group consisting of staff representatives from physical education, health and psychological services, parents from all schools and food services. The committee takes a coordinated approach to school health with emphasis on the physical, social and emotional health through the "Whole Child, Whole School, Whole Community" framework endorsed by the Center of Disease Control and the Association for Supervision Curriculum Development. Finally, our recent revisions to the Suicide Prevention and Intervention policy, approved by the Board in October, 2013, reflect the most current research. Central to this policy is the understanding that working in the best interest of at-risk students requires the vigilance of our school staff, and close collaboration with families, outside mental health providers and community resources, such as Emergency Mobile Psychiatric Services when necessary.

The implementation of these policies and procedures is woven into the fabric of our school operations. We have moved our mandatory training modules, delivered each year for all staff in the areas of School Climate, Suicide Prevention, and Child Abuse reporting to computer based modules, allowing for a consistent message for all staff, maximizing staff

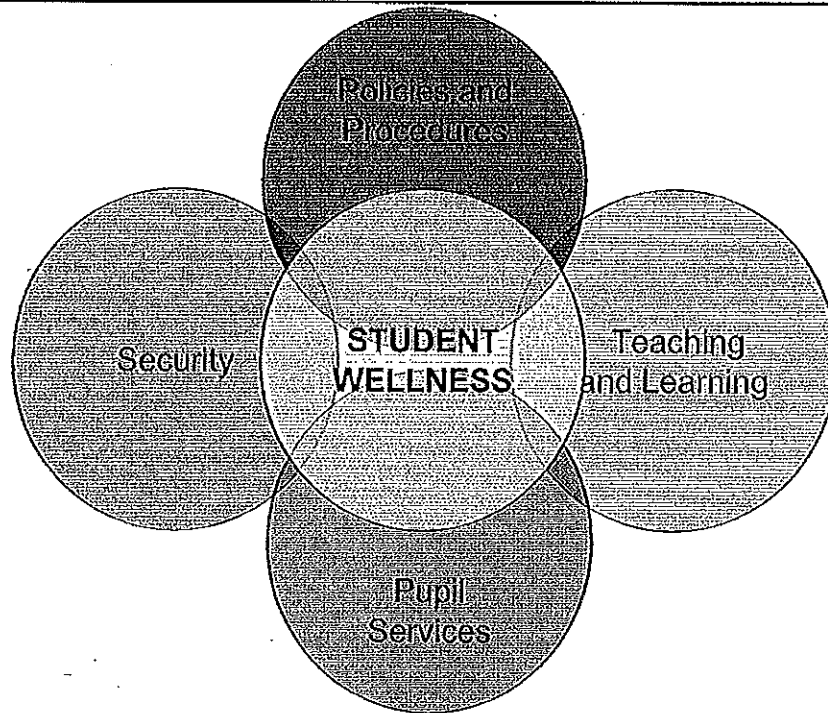
time; and allowing the district to monitor staff understanding of these core operating procedures. We have developed a protocol in collaboration with Dr. Dewey Cornell, author of the Virginia Threat Assessment Model, the only research based and field tested threat assessment model available, and have trained all of our building administrators, psychologists, counselors, social workers, and security personnel in this model as key members of our building crisis teams as outlined in our All Hazards Crisis Manuals.

Student wellness is addressed in our K-12 curriculum. Physical health and wellness is the focus of Physical Education programs K-12, including the connection between cognitive functioning and exercise, the value of teamwork and collaboration, and the lifelong benefits of physical fitness. Our K-12 Health curriculum addresses social and emotional wellness, nutrition, digital citizenship and safety, substance abuse, and making healthy choices. We also address social and emotional learning with our K-5 social skills curriculum. Lessons on internet safety and digital citizenship are embedded in our ITL curriculum, and reinforced as necessary in authentic experiences. At the secondary level, in addition to our comprehensive Physical Education and Health curriculum, social emotional learning is addressed through our developmental counseling curriculum. Future work, which will begin this summer, will investigate the adoption of a schoolwide approach to social emotional learning consistent with our approach at the elementary level. Finally, throughout the district, each school climate team has developed a goal to improve social and emotional well-being and it is carried out by each staff member throughout the year as part of their teacher evaluation plan.

This year the district provided a variety of professional opportunities for teachers, administrators and parents related to student wellness. Earlier this year, the district hosted Dr. Barbara Rickler to speak to interested parents on the subject of school avoidance. On the topic of Mindfulness, the district hosted Linda Lantieri, one of the founders of the Collaborative for Academic, Social, and Emotional Learning (CASEL), and offered workshops within and outside the district. Many schools have incorporated mindfulness into daily classroom practices and counseling sessions with students. Recently, Ms. Joanne Harpel, a national expert in the suicide postvention process, spoke to community and faculty with her presentation "Suicide in the school community: What Faculty/Parents Need to Know" highlighting the larger context of mental health and appropriate help seeking. Finally, another recent opportunity for parent learning included Dr. John Medina, author of the bestselling book *Brain Rules*, highlighting the science behind movement and learning and how the brain-body connection. Each of these presentations highlights the district's commitment to collaborating with families and the community in the best interests of our students.

# STUDENT WELLNESS

April 11, 2016



## POLICIES AND PROCEDURES

- Safe School Climate 5131.912
  - Update: District and building based teams
  
- Suicide Prevention and Intervention 5141.5
  - Prevention, Intervention, Postvention
  
- Health and Wellness 6142.101

## POLICIES AND PROCEDURES

- Mandated Yearly Training:
  - School Climate
  - Suicide Prevention and Intervention
  - Child Abuse Reporting
  - Bloodborne Pathogens
- District and Building-based Crisis Teams
- Threat Assessment
- Safe School Climate Teams
- Teacher & Administrator Evaluation: School Climate Goals

## SCHOOL CLIMATE

- District committee reviewed CSCI trend data
- All school climate teams are focused on enhancing a sense of social-emotional security for all stakeholders
- Teams have approached this goal in a variety of ways, such as:
  - Mindfulness activities with faculty and students
  - Faculty PD to refresh/strengthen Responsive Classroom Approach
  - Activities focused on inclusion of all students
  - Strategic planning to improve transitions and play during less structured times
  - Creating student-led videos with positive messages

## TEACHING AND LEARNING

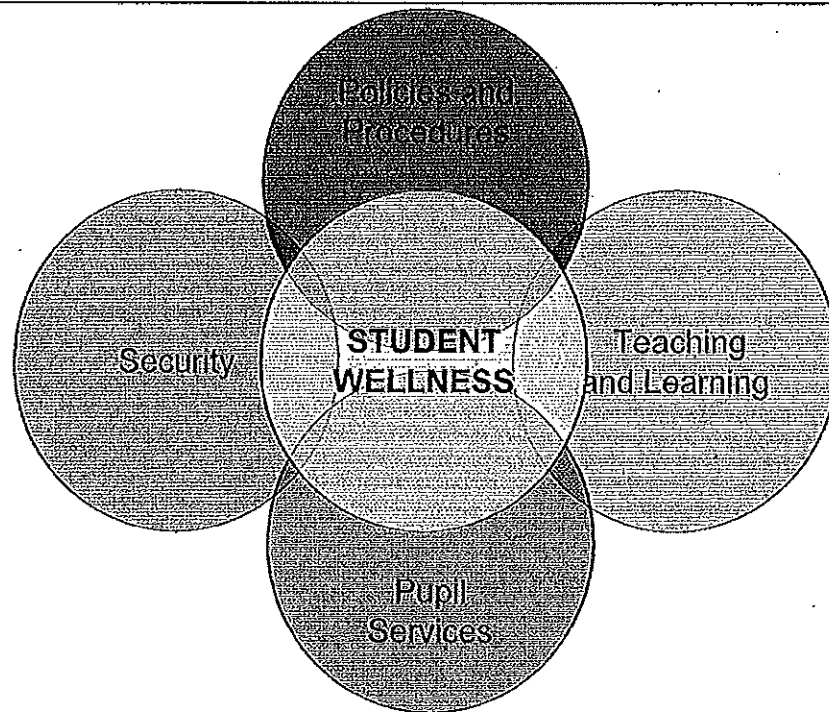
- Physical Education and Health K-12
- Curriculum-Embedded Social-Emotional Learning K-12
  - Social Skills Curriculum K-5
  - Developmental Counseling 6-12
  - Internet Safety / Digital Citizenship
  - Healthy Choices/Risky Behavior
- Mindfulness
- 5th Domain

## PUPIL SERVICES

- Staffing: Nurses, Psychologists, Social Workers, Counselors, Special Education teachers
- Resilience Project
- Dialectical Behavior Therapy
- Parent Outreach
- Collaboration with Human Services
  - Positive Youth Development
  - Student Outreach Counselor at Staples High School

## SECURITY

- Security Personnel
- All-Hazards Manual
  - Threat Assessment
- Crisis Teams
- Partnership with Local First Responders



P5131.912

## **Students**

### **Safe School Climate Plan**

The Westport Public Schools adopts this policy that is guided by the fundamental belief that each and every school community member should be treated with dignity, should have the opportunity to learn, work, interact, and socialize in physically, emotionally and intellectually safe respectful and positive school environments as well as the opportunity to experience high quality relationships. Schools, therefore, have the responsibility to promote conditions designed to create maintain, and nurture positive school climate.

The Board is committed to creating and maintaining a physically, emotionally, and intellectually safe educational environment free from bullying, teen dating violence, harassment and discrimination. In order to foster an atmosphere conducive to learning, the Board has developed the following Safe School Climate Plan, consistent with state law and Board Policy. This Plan represents a comprehensive approach to addressing bullying, cyberbullying and teen dating violence and sets forth the Board's expectations for creating a positive school climate and thus preventing, intervening, and responding to incidents of bullying and teen dating violence.

Bullying behavior and teen dating violence are strictly prohibited, and students who are determined to have engaged in such behavior are subject to disciplinary action, which may include suspension or expulsion from school. The district's commitment to addressing bullying behavior, and teen dating violence, however, involves a multi-faceted approach, which includes education and the promotion of a positive school climate in which bullying will not be tolerated by students or school staff.

#### **I. Prohibition Against Bullying, Teen Dating Violence and Retaliation**

- A. The Board expressly prohibits any form of bullying behavior and teen dating violence on school grounds; at a school-sponsored or school-related activity, function or program whether on or off school grounds; at a school bus stop; on a school bus or other vehicle owned, leased or used by a local or regional board of education; or through the use of an electronic device or an electronic mobile device owned, leased or used by Board of Education.
- B. The Board also prohibits any form of bullying behavior outside of the school setting if such bullying (i) creates a hostile environment at school for the student against whom such bullying was directed, (ii) infringes on the rights of the student against whom such bullying was directed at school, or (iii) substantially disrupts the education process or the orderly operation of a school;
- C. The Board further prohibits any form of teen dating violence outside of the school setting if such violence substantially disrupts the educational process;
- D. In addition to prohibiting student acts that constitute bullying, the Board also prohibits discrimination and/or retaliation against an individual who reports or assists in the investigation of an act of bullying.

- E. Students who engage in bullying behavior or teen dating violence in violation of Board Policy and the Safe School Climate Plan shall be subject to school discipline, up to and including expulsion, in accordance with the Board's policies on student discipline, suspension and expulsion, and consistent with state and federal law.

## II. Definition of Bullying

- A. **"Bullying"** means the repeated use by one or more students of a written, oral or electronic communication, such as cyberbullying, directed at or referring to another student attending school in the same district, or a physical act or gesture by one or more students repeatedly directed at another student attending school in the same district that:
1. causes physical or emotional harm to such student or damage to such student's property;
  2. places such student in reasonable fear of harm to himself or herself, or of damage to his or her property;
  3. creates a hostile environment at school for such student;
  4. infringes on the rights of such student at school; or
  5. substantially disrupts the education process or the orderly operation of a school.
- B. Bullying shall include, but not be limited to, a written, verbal or electronic communication or physical act or gesture based on any actual or perceived differentiating characteristics, such as race, color, religion, ancestry, national origin, gender, sexual orientation, gender identity and expression, socioeconomic status, academic status, physical appearance, or mental, physical, developmental or sensory disability, or by association with an individual or group who has or is perceived to have one or more of such characteristics.

## III. Other Definitions

- A. **"Cyberbullying"** means any act of bullying through the use of the Internet, interactive and digital technologies, cellular mobile telephone or other mobile electronic devices or any electronic communications.
- B. **"Electronic communication"** means any transfer of signs, signals, writing, images, sounds, data or intelligence of any nature transmitted in whole or in part by a wire, radio, electromagnetic, photoelectronic or photo-optical system;
- C. **"Hostile environment"** means a situation in which bullying among students is sufficiently severe or pervasive to alter the conditions of the school climate;

- D. **"Mobile electronic device"** means any hand-held or other portable electronic equipment capable of providing data communication between two or more individuals, including, but not limited to, a text messaging device, a paging device, a personal digital assistant, a laptop computer, equipment that is capable of playing a video game or a digital video disk, or equipment on which digital images are taken or transmitted;
- E. **"Outside of the school setting"** means at a location, activity or program that is not school related, or through the use of an electronic device or a mobile electronic device that is not owned, leased or used by a local or regional board of education;
- F. **"Prevention and intervention strategy"** may include, but is not limited to, (1) implementation of a positive behavioral intervention and support process or another evidence-based model approach for safe school climate or for the prevention of bullying identified by the Department of Education, (2) school rules prohibiting bullying, harassment and intimidation and establishing appropriate consequences for those who engage in such acts, (3) adequate adult supervision of outdoor areas, hallways, the lunchroom and other specific areas where bullying is likely to occur, (4) inclusion of grade-appropriate bullying education and prevention curricula in kindergarten through high school, (5) individual interventions with the bully, parents and school employees, and interventions with the bullied child, parents and school employees, (6) school-wide training related to safe school climate, (7) student peer training, education and support, and (8) promotion of parent involvement in bullying prevention through individual or team participation in meetings, trainings and individual interventions.
- G. **"School climate"** means the quality and character of school life with a particular focus on the quality of the relationships within the school community between and among students and adults.
- H. **"School employee"** means (1) a teacher, substitute teacher, school administrator, school superintendent, guidance counselor, psychologist, social worker, nurse, physician, school paraprofessional or coach employed by a local or regional board of education or working in a public elementary, middle or high school; or (2) any other individual who, in the performance of his or her duties, has regular contact with students and who provides services to or on behalf of students enrolled in a public elementary, middle or high school, pursuant to a contract with the local or regional board of education.
- I. **"School-Sponsored Activity"** shall mean any activity conducted on or off school property (including school buses and other school-related vehicles) that is sponsored, recognized or authorized by the Board of Education.
- J. **"Teen dating violence"** means any act of physical, emotional or sexual abuse, including stalking, harassing and threatening, that occurs between two students who are currently in or who have recently been in a dating relationship.

#### **IV. Declarations**

##### **I. Applicable Standards:**

##### **A. For School Employees:**

1. All certified educators in the State of Connecticut are accountable for compliance with the regulations enacted by the Connecticut State Department of Education and the Bureau of Education Standards and Certification, including, but not limited to the Connecticut Code of Professional Responsibility For Teachers, Regulations of Connecticut State Agencies, (Section 10-145d0400a) and the Connecticut Code of Professional Responsibility For Administrators, Regulations of Connecticut State Agencies (Section 10-145d0400b) (collectively "Codes"), as they may be amended from time to time.
2. All school employees are accountable for compliance with the policies and procedures of the Board applicable to personnel, including, but not limited to non-discrimination, conduct and professional rights and responsibilities.

##### **B. For Students:**

1. All students are accountable for compliance with applicable codes of student conduct, policies and procedures for student participation and behavior.

##### **C. For Board Members:**

1. Board Members are accountable for compliance with the Board's Code of Ethics and applicable Board By-laws governing Board member conduct.

##### **D. For Persons Contracted to Provide Services to the Board:**

1. Persons contracted to provide services to the Board (such as bus drivers, consultants, evaluators or the like) are accountable for compliance with such codes of ethics as may apply professionally, the terms of any such contract, as well as the policies and procedures of the Board generally applicable to persons on school property.

##### **E. For Other Participants in the School Community:**

1. Parents/guardians, family members, visitors and other persons on school property or otherwise participating in programs or services of the Westport Public Schools are accountable for conducting themselves in accordance with applicable policies and procedures pertaining to such participation.

#### **V. Leadership and Administrative Responsibilities**

##### **A. Safe School Climate Coordinator**

The Superintendent shall appoint, from existing school district staff, a District Safe School Climate Coordinator ("Coordinator"). The Coordinator shall:

1. be responsible for implementing the district's Safe School Climate Plan ("Plan");
2. collaborate with Safe School Climate Specialists, the Board, and the Superintendent to prevent, identify and respond to bullying in district schools;
3. provide data and information, in collaboration with the Superintendent, to the Department of Education regarding bullying;
4. meet with Safe School Climate Specialists at least twice during the school year to discuss issues relating to bullying the school district and to make recommendations concerning amendments to the district's Plan.

**B. Safe School Climate Specialist**

The Principal of each school (or principal's designee) shall serve as the Safe School Climate Specialist. The Safe School Climate Specialist shall investigate or supervise the investigation of reported acts of bullying and act as the primary school official responsible for preventing, identifying and responding to reports of bullying in the school.

**VI. Development and Review of Safe School Climate Plan**

- A. The Principal of each school shall establish a committee or designate at least one existing committee ("Committee") in the school to be responsible for developing and fostering a safe school climate and addressing issues relating to bullying in the school. Such committee shall include at least one parent/guardian of a student enrolled in the school, as appointed by the school principal.
- B. The Committee shall: 1) receive copies of completed reports following bullying investigations; 2) identify and address patterns of bullying among students in the school; 3) review and amend school policies relating to bullying; 4) review and make recommendations to the Coordinator regarding the Safe School Climate Plan based on issues and experiences specific to the school; 5) educate students, school employees and parents/guardians on issues relating to bullying; 6) collaborate with the Coordinator in the collection of data regarding bullying; and 7) perform any other duties as determined by the Principal that are related to the prevention, identification and response to school bullying.
- C. Any parent/guardian serving as a member of the Committee shall not participate in any activities which may compromise the confidentiality of any student, including, but not limited to receiving copies of investigation reports, or identifying or addressing patterns of bullying among students in the school.
- D. The Board of Education shall approve the Safe School Climate Plan developed pursuant to Board policy and submit such plan to the Department of Education. Not later than thirty (30) calendar days after approval by the Department, the Board shall make such plan available on the Board's and each individual school in the school district's web site and ensure that the Safe School Climate Plan is

included in the school district's publication of the rules, procedures and standards of conduct for schools and in all student handbooks.

## **VII. Procedures for Reporting and Investigating Complaints of Bullying**

- A. Students and parents (or guardians of students) may file written reports of bullying. Written reports of bullying shall be reasonably specific as to the basis for the report, including the time and place of the alleged conduct, the number of incidents, the target of the suspected bullying, and the names of potential witnesses. Such reports may be filed with any building administrator and/or the Safe School Climate Specialist (i.e. building principal), and all reports shall be forwarded to the Safe School Climate Specialist for review and actions consistent with this Plan.
- B. Students may make anonymous reports of bullying to any school employee. Students may also request anonymity when making a report, even if the student's identity is known to the school employee. In cases where a student requests anonymity, the Safe School Climate Specialist or his/her designee shall meet with the student (if the student's identity is known) to review the request for anonymity and discuss the impact that maintaining the anonymity of the complainant may have on the investigation and on any possible remedial action. All anonymous reports shall be reviewed and reasonable action will be taken to address the situation, to the extent such action may be taken that does not disclose the source of the report, and is consistent with the due process rights of the student(s) alleged to have committed acts of bullying. No disciplinary action shall be taken solely on the basis of an anonymous report.
- C. School employees who witness acts of bullying or receive reports of bullying shall orally notify the Safe School Climate Specialist or another school administrator if the Safe School Climate Specialist is unavailable, **not later than one (1) school day** after such school employee witnesses or receives a report of bullying. The school employee shall then file a **written report not later than two (2) school days** after making such oral report.
- D. The Safe School Climate Specialist shall be responsible for reviewing any anonymous reports of bullying and shall investigate or supervise the investigation of all reports of bullying and ensure that such investigation is completed promptly after receipt of any written reports. The Safe School Climate Specialist shall also be responsible for promptly notifying the parents or guardians of the student alleged to have committed an act or acts of bullying, and the parents or guardians of the student against whom such alleged act or acts were directed, that an investigation has commenced. In order to allow the district to adequately investigate complaints filed by a student or parent/guardian, the parent of the student suspected of being bullied should be asked to provide consent to permit the release of that student's name in connection with the investigation process, unless the student and/or parent has requested anonymity.
- E. In investigating reports of bullying, the Safe School Climate Specialist or designee will consider all available information known, including the nature of the allegations and the ages of the students involved. The Safe School Climate

Specialist will interview witnesses, as necessary, reminding the alleged perpetrator and other parties that retaliation is strictly prohibited and will result in disciplinary action.

#### **VIII. Responding to Verified Acts of Bullying**

- A. Following investigation, if acts of bullying are verified, the Safe School Climate Specialist or designee shall notify the parents or guardians of the students against whom such acts were directed as well as the parents or guardians of the students who commit such acts of bullying of the finding **not later than forty-eight hours** after the investigation is completed. This notification shall include a description of the school's response to the acts of bullying. In providing such notification, however, care must be taken to respect the statutory privacy rights of other students, including the perpetrator of such bullying. The specific disciplinary consequences imposed on the perpetrator, or personally identifiable information about a student other than the parent/guardian's own child, may not be disclosed except as provided by law.
- B. In any instance in which bullying is verified, the Safe School Climate Specialist or designee shall invite the parents or guardians of the student against whom such act was directed to a meeting to communicate the measures being taken by the school to ensure the safety of the student/victim and policies and procedures in place to prevent further acts of bullying. The Safe School Climate Specialist or designee shall also invite the parents or guardians of a student who commits any verified act of bullying to a meeting, separate and distinct from the previously described meeting, to discuss specific interventions undertaken by the school to prevent further acts of bullying. The invitation may be made simultaneous with the notification described above in Section VII.A.
- C. If bullying is verified, the Safe School Climate Specialist or designee shall develop a student safety support plan for any student against whom an act of bullying was directed. Such support plan will include safety measures to protect against further acts of bullying.
- D. A specific written intervention plan shall be developed to address repeated incidents of bullying against a single individual or recurrently perpetrated bullying incidents by the same individual. The written intervention plan may include counseling, discipline and other appropriate remedial actions as determined by the Safe School Climate Specialist or designee, and may also incorporate a student safety support plan, as appropriate.
- E. Notice to Law Enforcement

If the Principal of a school (or his/her designee) reasonably believes that any act of bullying constitutes a criminal offense, he/she shall notify appropriate law enforcement. Notice shall be consistent with the Board's obligations under state and federal law and Board policy regarding the disclosure of personally identifiable student information. In making this determination, the Principal or his/her designee, may consult with the school resource office, if any, and other individuals the principal or designee deems appropriate.

- F. If a bullying complaint raises concern about discrimination or harassment on the basis of a legally protected classifications (such as race, religion, color, national origin, sex, sexual orientation, age, disability or gender identity or expression), the Safe School Climate Specialist or designee shall also coordinate any bullying investigation with other appropriate personnel within the district as appropriate (e.g. Title IX Coordinator, Section 504 Coordinator etc.), so as to ensure that any such bullying investigation complies with the requirements of such policies regarding nondiscrimination.

#### **IX. Teen Dating Violence**

- A. The school strictly prohibits, and takes very seriously any instances of, teen dating violence, as defined above. The school recognizes that teen dating violence may take many different forms and may also be considered bullying and/or sexual harassment.
- B. Students and parents (or guardians of students) may bring verbal or written complaints regarding teen dating violence to any building administrator. The building administrator shall review and address the complaint, which may include referral of the complaint to the Safe School Climate Specialist and/or Title IX Coordinator.
- C. Prevention and intervention strategies concerning teen dating violence shall be implemented in accordance with Section X below. Discipline, up to and including expulsion, may be imposed against the perpetrator of teen dating violence, whether such conduct occurs on or off campus, in accordance with Board policy and consistent with federal and state law.

#### **X. Documentation and Maintenance of Log**

- A. Each school shall maintain written reports of bullying, along with supporting documentation received and/or created as a result of bullying investigations, consistent with the Board's obligations under state and federal law. Any educational record containing personally identifiable student information pertaining to an individual student shall be maintained in a confidential manner, and shall not be disclosed to third parties without prior written consent of a parent, guardian or eligible student, except as permitted under Board policy and state and federal law.
- B. The Principal of each school shall maintain a list of the number of verified acts of bullying in the school and this list shall be available for public inspection upon request. Consistent with district obligations under state and federal law regarding student privacy, the log shall not contain any personally identifiable student information, or any information that alone or in combination would allow a reasonable person in the school community to identify the students involved. Accordingly, the log should be limited to basic information such as the number of verified acts, name of school and/or grade level and relevant date. Given that any determination of bullying involves repeated acts, each investigation that results in a verified act of bullying for that school year shall be tallied as one verified act of

bullying unless the specific actions that are the subject of each report involve separate and distinct acts of bullying. The list shall be limited to the number of verified acts of bullying in each school and shall not set out the particulars of each verified act, including, but not limited to any personally identifiable student information, which is confidential information by law.

- C. The Principal of each school shall report the number of verified acts of bullying in the school annually to the Department of Education in such manner as prescribed by the Commissioner of Education.

## **XI. Other Prevention and Intervention Strategies**

- A. Bullying behavior and teen dating violence can take many forms and can vary dramatically in the nature of the offense and the impact the behavior may have on the victim and other students. Accordingly, there is no one prescribed response to verified acts of bullying or to teen dating violence. While conduct that rises to the level of "bullying", or "teen dating violence," as defined above, will generally warrant traditional disciplinary action against the perpetrator of such bullying or teen dating violence, whether and to what extent to impose disciplinary action (e.g., detention, in-school suspension, suspension or expulsion) is a matter for the professional discretion of the building principal (or responsible program administrator or his/her designee). No disciplinary action may be taken solely on the basis of an anonymous complaint of bullying. As discussed below, schools may also consider appropriate alternatives to traditional disciplinary sanctions, including age-appropriate consequences and other restorative or remedial interventions.
- B. A specific written intervention plan shall be developed to address repeated incidents of bullying against a single individual or recurrently perpetrated bullying incidents by the same individual. This plan may include safety provisions, as described above, for students against whom acts of bullying have been verified and may include other interventions such as counseling, discipline, and other appropriate remedial or restorative actions as determined by the responsible administrator.
- C. The following sets forth possible interventions which may also be utilized to enforce the Board's prohibition against bullying and teen dating violence:

- i. Non-disciplinary interventions

When verified acts of bullying are identified early and/or when such verified acts of bullying do not reasonably require a disciplinary response, students may be counseled as to the definition of bullying, its prohibition, and their duty to avoid any conduct that could be considered bullying. Students may also be subject to other forms of restorative discipline or remedial actions, appropriate to the age of the students and nature of the behavior. If a complaint arises out of conflict between students or groups of students, peer or other forms of mediation may be considered. Special care, however, is warranted in referring such cases to peer mediation. A power imbalance may make the process intimidating for the victim and therefore inappropriate. In

such cases, the victim should be given additional support. Alternatively, peer mediation may be deemed inappropriate to address the concern.

When an act or acts of teen dating violence are identified, the students involved may be counseled as to the seriousness of the conduct, the prohibition of teen dating violence, and their duty to avoid any such conduct. Students may also be subject to other forms of restorative discipline or remedial actions, appropriate to the age of the students and nature of the behavior.

ii. Disciplinary interventions

When acts of bullying are verified or teen dating violence occurs, and a disciplinary response is warranted, students are subject to the full range of disciplinary consequences. Anonymous complaints of bullying, however, shall not be the basis for disciplinary action.

In-school suspension and suspension may be imposed only after informing the accused perpetrator of the reasons for the proposed suspension and giving him/her an opportunity to explain the situation, in accordance with the Board's Student Discipline policy.

Expulsion may be imposed only after a hearing before the Board of Education, a committee of the Board or an impartial hearing officer designated by the Board of Education in accordance with the Board's Student Discipline policy. This consequence shall normally be reserved for serious incidents of bullying and teen dating violence, and/or when past interventions have not been successful in eliminating bullying behavior.

iii. Interventions for bullied students and victims of teen dating violence

The building principal (or other responsible program administrator) or his/her designee shall intervene in order to address incidents of bullying or teen dating violence against a single individual. Intervention strategies for a bullied student or victim of teen dating violence may include the following:

- a. Referral to a school counselor, psychologist or other appropriate social or mental health service;
- b. Increased supervision and monitoring of student to observe and intervene in bullying situations or instances of teen dating violence;
- c. Encouragement of student to seek help when victimized or witnessing victimization;
- d. Peer mediation or other forms of mediation, where appropriate;
- e. Student Safety Support plan;
- f. Restitution and/or restorative interventions; and

- g. Periodic follow-up by the Safe School Climate Specialist and/or Title IX Coordinator with the bullied student or victim of teen dating violence.

#### iv. General Prevention and Intervention Strategies

In addition to the prompt investigation of complaints of bullying and direct intervention when acts of bullying are verified, other district actions may ameliorate potential problems with bullying in school or at school-sponsored activities. Additional district actions may also ameliorate potential problems with teen dating violence. While no specific action is required, and school needs for specific prevention and intervention strategies may vary from time to time, the following list of potential prevention and intervention strategies shall serve as a resource for administrators, teachers and other professional employees in each school. Such prevention and intervention strategies may include, but are not limited to:

- a. School rules prohibiting bullying, teen dating violence, harassment and intimidation and establishing appropriate consequences for those who engage in such acts;
- b. Adequate adult supervision of outdoor areas, hallways, the lunchroom and other specific areas where bullying or teen dating violence are likely to occur.
- c. Inclusion of grade-appropriate bullying and teen dating violence education and prevention curricula in kindergarten through high school, which may include instruction regarding building safe and positive school communities including developing healthy relationships and preventing dating violence as deemed appropriate for older students;
- d. Individual interventions with the perpetrator, parents and school employees, and interventions with the bullied student, parents and school employees;
- e. School-wide training related to safe school climate, which training may include Title IX/Sexual harassment training, Section 504/ADA Training, cultural diversity/multicultural education or other training in federal and state civil rights legislation or other topics relevant to safe school climate;
- f. Student peer training, education and support; and
- g. Promotion of parent involvement in bullying prevention through individual or team participation in meetings, trainings and individual interventions;
- h. Implementation of a positive behavioral interventions and supports process or another evidence-based model approach for safe school climate or for the prevention of bullying and teen dating violence, including any such program identified by the Department of Education;

- i. Respectful responses to bullying and teen dating violence concerns raised by students, parents or staff;
  - j. Planned professional development programs addressing prevention and intervention strategies, which training may include school violence prevention, conflict resolution and prevention of bullying and teen dating violence, with a focus in evidence based practices concerning same;
  - k. Use of peers to help ameliorate the plight of victims and include them in group activities;
  - l. Avoidance of sex-role stereotyping;
  - m. Continuing awareness and involvement on the part of school employees and parents with regards to prevention and intervention strategies;
  - n. Modeling by teachers of positive, respectful, and supportive behavior toward students;
  - o. Creating a school atmosphere of team spirit and collaboration that promotes appropriate social behavior by students in support of others;
  - p. Employing classroom strategies that instruct students how to work together in a collaborative and supportive atmosphere;
  - q. Culturally competent school-based curriculum focusing on social-emotional learning, self-awareness and self-regulation.
- D. In addition to prevention and intervention strategies, administrators, teachers and other professional employees may find opportunities to educate students about bullying and help eliminate bullying behavior through class discussions, counseling, and reinforcement of socially-appropriate behavior. Administrators, teachers and other professional employees should intervene promptly whenever they observe mean-spirited student conduct, even if such conduct does not meet the formal definition of "bullying."
- E. Funding for the school-based bullying intervention and school climate improvement strategy may originate from public, private, federal or philanthropic sources.

## **XII. Improving School Climate**

The Westport Public Schools are committed to improving school climate. District curricula, including a comprehensive social skills curriculum and developmental counseling curriculum instruct students in pro-social behaviors such as respect, tolerance, and safety. These concepts and behaviors are reinforced through our academic curriculum. District Health curriculum addresses developing healthy behaviors and relationships, and respecting others in person and through social media. District staffing includes school psychologists, counselors, social workers, teachers and administrators used to develop relationships with students at all levels and provide a variety of

prevention and intervention efforts for all students. Individual schools through their school climate teams review and analyze data from a variety of sources to continuously improve climate and address student, faculty, and parent needs related to fostering a positive school climate. Schools and district level staff members collaborate with community agencies to coordinate efforts for students and families in need.

### **XIII. Annual Notice and Training**

- A. Students, and parents or guardians of students shall be notified annually of the process by which students may make reports of bullying.
- B. The Board shall provide for the inclusion of language in student codes of conduct concerning bullying.
- C. At the beginning of each school year, each school shall provide all school employees with a written or electronic copy of the school district's safe school climate plan and require that all school employees annually complete training on the identification, prevention and response to bullying as required by law.
- D. After July 1, 2014, any person appointed by the district to serve as district safe school climate coordinator shall complete mental health and first aid training offered by the Commissioner of Mental Health and Addiction Services.

### **XIV. School Climate Assessments**

Biennially, the Board shall require each school in the district to complete an assessment using the school climate assessment instruments, including surveys, approved and disseminated by the Department of Education. The Board shall collect the school climate assessments for each school in the district and submit such assessments to the Connecticut State Department of Education.

### **XV. Accountability:**

- A. The Board shall establish, foster, support and maintain a "no fault" framework and promote a culture of trust. Such a framework and culture is evident by a shared intent to:
  - 1. Take collective responsibility for what has been accomplished and/or not accomplished;
  - 2. Learn from what has been done well and not so well;
  - 3. Work together to improve the quality and character of school life;
  - 4. Create a highly effective professional learning community (PLC) whose responsibility it is to:
    - Establish norms, values and goals that encourage and support collaborative and courageous leadership;

- Model and provide high quality academic, social, emotional and ethical learning; and
  - Engage in ongoing reflection and evaluation.
- B. The Board shall hold itself, its individual members, and the Superintendent to the standards of this Policy and promote its intent and goals.
- C. The Superintendent shall hold himself/herself, the staff, the students and other members of the school community to the standards of this Policy.

Legal References:

Conn. Gen. Stat. § 10-222d

Conn. Gen. Stat. §§ 10-233a through 10-233f

Connecticut State Department of Education Circular Letter C-8, Series 2008-2009 (March 16, 2009)

Public Act 14-172, "An Act Concerning Improving Employment Opportunities Through Education And Ensuring Safe School Climates"

Public Act 14-232, "An Act Concerning The Review And Approval Of Safe School Climate Plans By The Department Of Education And A Student Safety Hotline Feasibility Study"

Public Act 14-234, "An Act Concerning Domestic Violence And Sexual Assault"

7/28/14

5141.5

**Students****Westport Suicide Prevention/Intervention Policy****Suicide Prevention and Intervention**

The Board of Education recognizes that suicide is a complex issue and that, while the school may recognize a potentially suicidal youth, it cannot make a clinical assessment of risk and provide in-depth counseling. Instead, the Board directs school staff to refer students who may be at risk of attempting suicide to an appropriate service for assessment and counseling.

The Board of Education recognizes the need for youth suicide prevention procedures and will establish program(s) to identify risk factors for youth suicide, procedures to intervene with such youth, referral services and training for teachers, other school professionals and students to provide assistance in these programs.

Any school employee who may have knowledge of a suicide threat must promptly take the proper steps to report this information to the building principal or his/her designee who will, in turn, notify the appropriate school officials, the student's family and appropriate resource services.

Legal Reference: Connecticut General Statutes

10-221(e) Boards of education to prescribe rules.

**Policy Adopted: October 7, 2013**

5141.5

**Students****Westport Administrative Regulations****Suicide Prevention and Intervention**

Westport is committed to providing a positive school climate that promotes the physical and mental health of all students and staff. In order to create this environment, the Board has developed a comprehensive plan that is consistent with state law and best practice guidelines for suicide prevention and intervention.

**Suicide Prevention**

Students will receive mental health education as part of the curriculum, in compliance with state law. Schools may also conduct outreach to students through school assemblies and public awareness campaigns, aimed at mental health issues. Students will be strongly encouraged to report any information regarding a possible suicide threat. The district will conduct outreach to parents/guardians and parent groups through individual meetings, lectures/speakers, or written material appropriate to raise awareness and educate parents/guardians regarding their role in fostering nurturing and supportive family environments for their children.

Staff will receive in-service training on a yearly basis regarding youth suicide prevention. Such trainings shall cover risk factors for suicide, how to talk with at-risk students, and accessing school and community resources. Trainings shall delineate specific school personnel and the procedural guidelines to follow whenever a student is identified as a student at risk for suicide. School personnel shall identify a potential network of community mental providers with whom they can collaborate.

Westport recognizes the importance of student connectedness and resiliency in order to promote positive emotional well-being and has developed prevention programs for this purpose..

Some other Westport prevention programs include:

- School/district crisis teams
- Safe school climate teams
- Student Assistance teams and Response to Intervention teams
- Social skills curriculum (elementary)
- Developmental Counseling (middle school)
- K-12 Health Curriculum

### *Management of Suicide Risk*

#### *Suicide Prevention Procedures - During school hours*

The school cannot be expected to thoroughly evaluate and eliminate suicidal risk. Nevertheless, the Board is committed to respond in a supportive manner, both aggressively and immediately, to a student who has attempted, has threatened, or is seriously considering attempting suicide. The following procedures shall be implemented toward this end.

- I. Any staff member who becomes aware of a student who may be at risk of suicide must immediately notify the building principal or his/her designee and not leave the student alone. This must be done even if the student has confided in the staff person and asked his/her communication be kept confidential. The principal or designee will then notify appropriate pupil personnel services staff.
- II. The PPS staff member shall interview the student, consider available background information and determine whether the student is "at-risk" or in "imminent danger".
- III. If a staff member becomes aware that the student has a weapon, the staff member will immediately contact the Westport Police Department and the Principal, as outlined in the Westport Public Schools Crisis Manual.
- IV. If the student is assessed to be "at-risk":
  - A. A student is assessed to be at risk if he/she has some intent to kill himself/herself and/or has thought about how he/she would do it. He/she may have access to the method but does not have everything in place. Although the student may exhibit feelings of hopelessness, helplessness and unbearable pain, he/she shows some willingness to accept help.

1. The PPS staff member will explain to the student that parent(s) will be contacted in order to arrange for professional help and to develop an appropriate support plan.
2. The PPS staff member will notify the student's parent/guardian and request a meeting with them as soon as possible, preferably that same day.
3. The student should not be allowed to go home alone. The student must be released to a parent, guardian, or other responsible adult with the parent's or guardian's permission. If staff are unable to reach a parent/guardian, staff shall utilize the student's emergency contact information.
3. When the parent/guardian arrives at school, the PPS staff member shall meet with him/her to discuss:
  - (1) the seriousness of the situation;
  - (2) the need for an immediate suicide risk evaluation by a licensed medical or mental health professional;
  - (3) the need for continued monitoring of the student at home if he/she is released following the evaluation;
  - (4) referral to appropriate professional services outside the school system;
  - (5) PPS staff member will inform the parent/guardian that in order to be sure the student is safe to return to school, a licensed medical or mental health professional should review the crisis intervention form, and complete and sign the last page of the form. Parent/guardian should return this form to the PPS staff member prior to or on the day of the student's return to school. *(See Appendix-Crisis Intervention Form, Documentation of Mental Health Evaluation))*
  - (6) PPS staff member will request that the parent/guardian sign a release of information form permitting communication between the school and the licensed medical or mental health professional who conducted the evaluation, the student's therapist, and other appropriate individuals. *(See Appendix-HIPAA form)*
4. The PPS staff member shall document in writing the course of events, including what transpired at the meeting, and the outcome. *(See Appendix-Crisis Intervention Form)*
5. When a student assessed to have been "at-risk" returns to the school, the student and parent/guardian will meet with the principal and PPS staff member to create a re-entry plan. The PPS staff member will document the meeting in writing. *(See Appendix-Re-entry form)*
6. If the parent/guardian does not follow through and the student remains "at-risk", a medical neglect referral to the Department of Children and Families (DCF) may be made (if the student is less than 18 years of age). The parent/guardian should be notified as soon as possible that such a referral has been made.
7. The PPS staff member may notify other staff, as necessary, to maintain a safe school environment for all students.
8. The PPS staff member may refer the student to the school's Response to Intervention Team,

Student Assistance Team, Planning and Placement Team or other staff as appropriate for further consultation and planning.

9. The PPS staff member or the team shall monitor the student's progress and shall consult as necessary with family, outside professionals and school staff.

V. If the student is assessed to be in "imminent danger":

A. A student is assessed to be in imminent danger if he/she has the intent to kill himself/herself, a specific plan for how he/she will do it, and immediate access to the method; in addition, he/she may exhibits feelings of loneliness, hopelessness, helplessness, and the inability to tolerate more pain.

1. The PPS staff member shall ensure that the student is not left alone.
2. The PPS staff member shall notify the parent/guardian and request that the student be picked up at school and taken to a licensed medical or mental health professional for a thorough suicidal risk evaluation.
3. When the parent/guardian arrives at school, the PPS staff member and an administrator shall meet with him/her to discuss:
  - (1) The seriousness of the situation;
  - (2) The need for an immediate suicide risk evaluation by a licensed medical or mental health professional;
  - (3) The need for continued monitoring of the student at home if he/she is released following the evaluation;
  - (4) Referral to appropriate professional services outside the school system;
  - (5) PPS staff member will inform the parent/guardian that in order to be sure the student is safe to return to school, a licensed medical or mental health professional should review the crisis intervention form, and complete and sign the last page of the form. Parent/guardian should return this form to the PPS staff member prior to or on the day of the student's return to school. *(See Appendix-Crisis Intervention Form, Documentation of Mental Health Evaluation)*
  - (6) PPS staff member will request that the parent/guardian sign a release of information form permitting communication between the school and the licensed medical or mental health professional who conducted the evaluation, the student's therapist, and other appropriate individuals. *(See Appendix-HIPAA form)*
4. The PPS staff member shall document in writing the course of events, including what transpired at the meeting, and the outcome. *(See Appendix-Crisis Intervention Form)*
5. The PPS staff member may notify other staff, as necessary to maintain a safe school environment for all students.
6. The PPS staff member may refer the student to the school's Response to Intervention/ Student Assistance Team, Planning and Placement Team or other staff as appropriate for further

consultation and planning.

7. If the parent/guardian is unable to come to school:

- (1) The PPS staff member and administrator shall provide, over the telephone, information as to available resources outside and within the school system, and shall plan follow-up contacts.
- (2) The PPS staff member will notify the parent/guardian of his/her intent to and arrange transport of the student to an appropriate evaluation/treatment site by means of emergency vehicle (e.g., ambulance or police cruiser).
- (3) Police may be notified if the student poses a threat to the safety of him/herself or others, or as dictated by other circumstances.
- (4) The PPS staff member shall document in writing the course of events and the outcome. *(See Appendix-Crisis Intervention Form)*

8. If the parent/guardian does not agree with the school's determination that the student is in imminent danger or for any other reason refuses to take action:

- (1) The PPS staff member shall meet with the building principal to develop an immediate plan focused on protection of the student.
- (2) The PPS staff member shall notify the parent/guardian of the plan which may include either that a) the Department of Children and Families (DCF) will be contacted and a medical neglect referral made, if the parent/guardian remains uncooperative and the student is less than 18 years of age; and/or b) the police will be called to maintain the student's safety.
- (3) The PPS staff member shall arrange for an emergency vehicle to transport the student to the hospital or an appropriate mental health facility; shall inform hospital staff of the situation; shall plan follow-up in relation to hospital staff or mental health facility staff decisions as to how to proceed.
- (4) The PPS staff member shall consult and cooperate with DCF and/or the police as necessary.
- (5) The PPS staff member shall document in writing the course of events and the outcome. *(See Appendix-Crisis Intervention Form)*

9. When a student assessed to have been in "imminent danger" returns to the school, the student and parent/guardian will meet with the principal and PPS staff member to create a re-entry plan. The PPS staff member will document the meeting in writing. *(See Appendix-Re-entry form)*

10. The PPS staff member or appropriate school-based team (if such a referral has been made) shall coordinate consultation with outside professionals, supportive services in school, and changes in the instructional program, when necessary.

## **VI. General Procedures During After School Hours For Potentially Suicidal Students**

A. If a staff member becomes aware of a potentially suicidal student during after-school hours, he/she should immediately contact the building Principal. If the Principal is unavailable, the staff

member will contact another administrator on the list.

B. The Principal or other administrator may then contact the parents/guardians of the student and/or the police, as appropriate.

C. In addition, the Principal, in conjunction with the parent/guardian, may contact a 24-hour crisis center or the student's therapist, if the school has consent to speak with such therapist.

D. If the student attends school the following day, the Principal shall notify a PPS staff member and follow the procedures above to the extent appropriate.

E. Refer to additional procedures for students assessed to be at risk, above, in Section III.

## **VII. Students Who Have Attempted Suicide**

### **1. In School Attempt**

(1) The staff person who becomes aware of the attempt will remain with the student and will immediately send for the nurse and Principal.

(2) The nurse and Principal will follow school medical emergency procedures to get immediate medical help for the student.

(3) The parents will be contacted.

(4) The Principal in conjunction with the Crisis Team and the Coordinator of Psychological Services will develop a plan to monitor and support students.

(5) If the attempted suicide is causing visible distress among students, PPS staff may be asked to talk to students about the incident. A before or after school meeting may be held to identify other at-risk students and discuss concerns. The Principal or other PPS staff member will follow additional procedures for students assessed to be in imminent danger, above, in Section IV.

### **2. Out of School Attempt**

(1) The staff person who receives the information concerning an attempted suicide will immediately contact the school Principal who will call the parents to verify the information and actions taken.

(2) The Principal, in conjunction with the Crisis Team and the Coordinator of Psychological Services, will develop a plan to monitor and support other students.

(3) If the attempted suicide is causing visible distress among students, PPS staff may be asked to talk to students about the incident. A before or after school meeting may be held to identify other at-risk students and discuss concerns.

(4) The Principal will determine if the situation warrants informing the full faculty.

(5) A PPS staff member will be assigned to follow up and monitor the student upon his/her return to school. A re-entry meeting and review of appropriate documentation provided by the parents will take place when the student returns to school.

(6) If appropriate, information will be shared with the Principal of the sibling's school.

(7) The Principal or other PPS staff member will follow additional procedures for students assessed to be in imminent danger, above, in Section IV.

The principal or designee will notify the Director of Special Education of any incident involving a suicidal ideation, attempt, threat or act and complete the Crisis Intervention Form.

### **VIII. Completed Suicides**

A. In the case of a completed suicide, the Principal shall immediately notify the Superintendent. The Principal will mobilize the school crisis team in order to formulate an emergency response plan. The goals of this plan will be to:

- Support high-risk students
- Provide quality information to staff, students, and parents. Any communication should not provide details as to the cause of death, but should focus on resources for support.
- Support the entire school community including the family of the deceased student
- Plan for both short-term and long-term needs of staff, school, and the community

#### *Appendix:*

##### *Crisis Intervention*

##### *Documentation of Mental Health Evaluation*

##### *Re-entry Plan*

##### *HIPAA*

**Regulation approved: October 7, 2013**

**WESTPORT PUBLIC SCHOOLS****Department of Pupil Services****Crisis Intervention Form***Confidential*

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

Student's Name: \_\_\_\_\_ Birth date: \_\_\_\_\_

School: \_\_\_\_\_ Grade: \_\_\_\_\_

Referred by: \_\_\_\_\_

Does student have an IEP? \_\_\_\_\_ Does student have 504 Plan? \_\_\_\_\_

Is the student in RTI- Academic? \_\_\_\_\_ Behavior? \_\_\_\_\_

**Did crisis involve:**

Suicidal ideation or threat? Yes \_\_\_ No \_\_\_

Mild attempt (did not endanger life)? Yes \_\_\_ No \_\_\_

Serious attempt (causing physical harm)? Yes \_\_\_ No \_\_\_

Self-injurious behavior/threat? Yes \_\_\_ No \_\_\_

Threat to others? Yes \_\_\_ No \_\_\_

Other crisis? Yes \_\_\_ No \_\_\_

**Describe the event, precipitating factors, and assessment findings (i.e. plan, intent, means, prior attempt):**


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Check relevant stressors/risk factors:

***Family******Student******School/Community***

Separation/Divorce \_\_\_

Physical Illness \_\_\_

Attendance \_\_\_

Physical Illness \_\_\_

Depression/Anxiety or

Disciplinary \_\_\_

Depression/Anxiety or

other emotional disorder \_\_\_

Police involvement \_\_\_

other emotional disorders \_\_\_

Peer issues \_\_\_

Other: \_\_\_\_\_

Recent Death \_\_\_

Impulsive \_\_\_

Financial \_\_\_

Alcohol/Drugs \_\_\_

Abuse \_\_\_

Academic \_\_\_

Suicide history \_\_\_\_

Suicide history \_\_\_\_

Other: \_\_\_\_\_

Other: \_\_\_\_\_

Is the student *at-risk* for suicidal behavior? Yes \_\_\_\_ No \_\_\_\_Is the student in *imminent danger* for suicidal behavior? Yes \_\_\_\_ No \_\_\_\_

Describe actions taken:

ACTION

DATE

Follow-up recommendations:

RECOMMENDATIONS

PERSON RESPONSIBLE

We request that the student receive a mental health evaluation by a licensed medical or mental health professional\*. Please take this form with you for the provider's reference and have them complete and sign the following pages. We have also attached the exchange of information form to allow communication between the provider and specific school staff members.

\*A licensed medical or mental health provider who has training to conduct mental health assessments, which includes physicians, psychiatrists, psychologists, clinical social workers, and advanced practice registered nurses, who are not employees of the Westport Public Schools.

Report filed by: \_\_\_\_\_ Telephone #: \_\_\_\_\_

Date report submitted: \_\_\_\_\_

Reviewed by Building Administrator \_\_\_\_\_

signature

date

*To be completed by licensed medical or mental health professional:*

Documentation of Mental Health Evaluation

I have evaluated \_\_\_\_\_ (student's name) on

\_\_\_\_\_ (date) and I have reviewed the attached Westport Public Schools Crisis

Intervention Form.

Results of Evaluation: \_\_\_\_\_

Recommended date for student to return to school: \_\_\_\_\_

Completed by: \_\_\_\_\_

\_\_\_\_\_  
Name/Title

\_\_\_\_\_  
Address

\_\_\_\_\_  
Telephone and Fax Numbers

\_\_\_\_\_  
Signature of Person Completing Mental Health Evaluation      Date

*To be completed by Westport Public Schools Staff upon Re-Entry to School*

#### Re-Entry Plan

Student Name: \_\_\_\_\_ Date: \_\_\_\_\_

Attendees at Meeting: \_\_\_\_\_

\_\_\_\_\_  
Reason for Referral:

\_\_\_\_\_  
Dates of Absence from School: \_\_\_\_\_

Team reviewed Crisis Intervention Form/Mental Health Evaluation: *add check box*

Exchange of Information for Form Completed: *add check box*

Current medications/Treatment Plan:

Re-Entry Plan

Staff Member Responsible


Reviewed by Building Administrator \_\_\_\_\_

signature

date

# Health and Wellness Advisory Council

## Mission

The mission of the Health and Wellness Advisory is to serve as an advisory group by providing guidance and recommendations to the Westport Public School District as it relates to health and wellness and its impact on academic achievement.

A coordinated approach to school health will be utilized to address the physical, social and emotional health of the school community, which includes students, families and school personnel.

The following are Components of a Coordinated School Health program:

- School Health Services
- Health Education
- Healthy School Environment
- Family/Community Involvement
- Physical Education
- Counseling, Psychology and Social Services
- School Nutrition Services
- Health Promotion for Staff

The Healthy, Hunger-Free Kids Act of 2010 (HHFKA) requires all school districts to establish and implement local school wellness policies that meet minimum standards designed to promote sound nutrition, student health, reduce childhood obesity, and provide transparency to the public on the school nutrition environment. This Advisory group will work collaboratively with the school administration to revise and evaluate the wellness policy as needed.

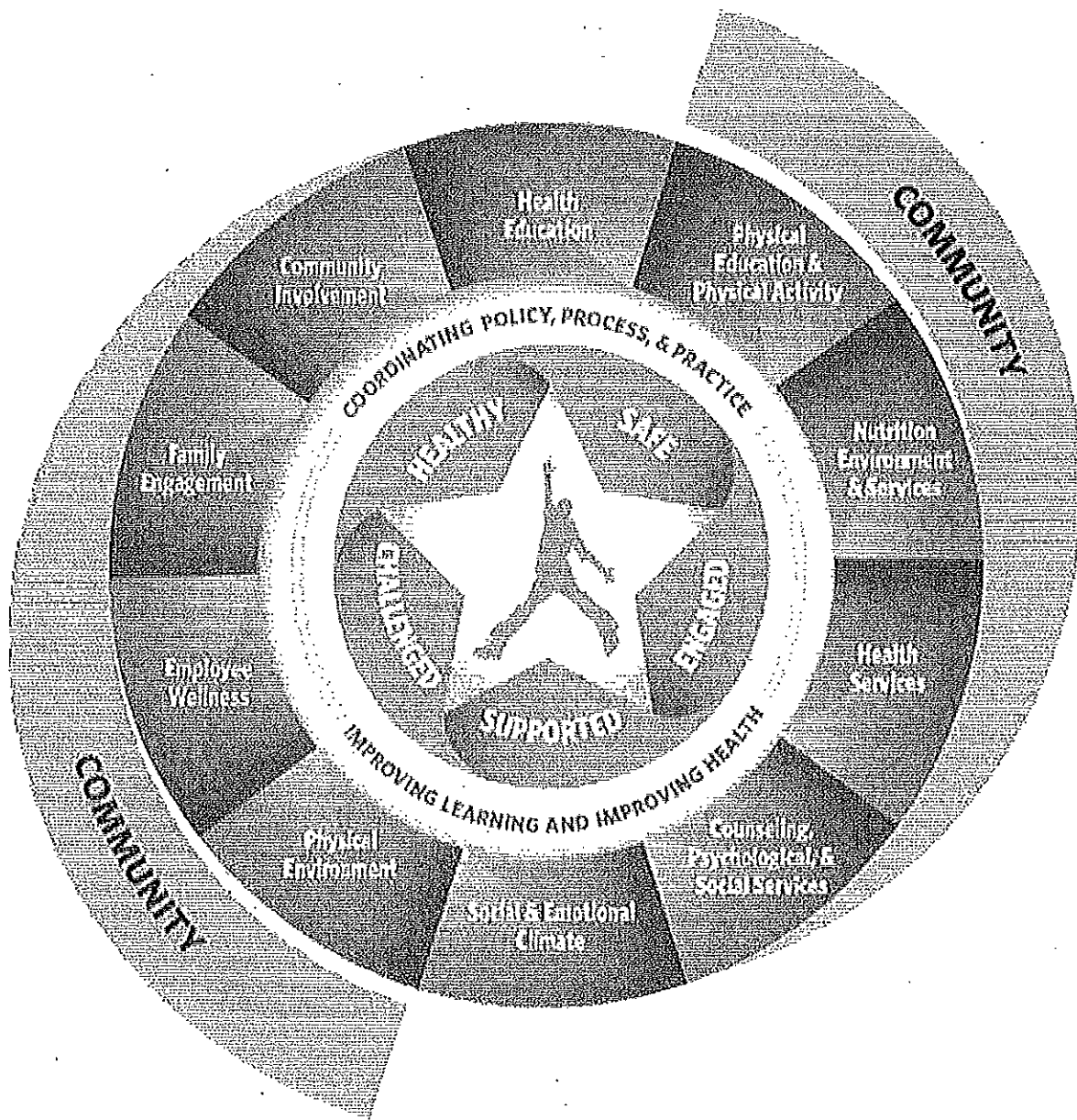
## Structure

- Council representative (s) from each school
- Sitting PTA council presidents (as necessary)
- District Food Service Director
- District Nursing Supervisor
- Coordinator of Physical Education
- Coordinator of Psychological Services
- Student Representative
- School Staff as Assigned

Meetings will be held at least twice, and up to four times yearly.

Responsibilities of the PTA representative are as follows:

- Act as a liaison to the PTA council from their school executive PTA board
- Give a voice to parental concerns and suggestions
- Report back via PTA email blasts to their school community



**Health and Wellness Regulations (Student Wellness)**

As part of the new teacher orientation each year, there will be a discussion on healthy practices with regard to classroom rewards, incentives and in-school celebrations. The instructor will present Westport's Student Health and Wellness Policy and stress the system's preference for not providing food as rewards or incentives. The instructor will also offer alternate suggestions for rewards, incentives and celebrations that experienced teachers have used successfully. This same discussion will be held with returning teachers during staff development days.

Throughout the year, administrators will remind their staff at various faculty meetings of this emphasis, and ask them to share their ideas about non-food or healthy alternatives for rewards, incentives or celebrations.

**Nutrition Education**

1. Comprehensive school health education is offered as part of a planned ongoing systemic, sequential, and standards based program. Nutrition education instruction shall be a regular part of students' schedules each year, K-11, and shall be aligned with state and national standards and will be divided into required units of study.
2. Nutrition education will be provided as part of the health education curriculum at each grade level and shall be designed to provide students with nutritional knowledge, including, but not limited to, the benefits of healthy eating, knowledge of the USDA food guide plate, essential nutrients, nutritional deficiencies, the use and misuse of dietary supplements, and safe food preparation, handling and storage; nutrition related skills, including, but not limited to, planning a healthy meal including portion and serving size, understanding and using food labels, accessing and critically evaluating nutrition information, misinformation, and commercial advertising; how to assess and manage one's personal eating habits, set goals for improvement, and achieve those goals; and how to communicate, make healthy decisions and advocate for developing lifelong healthy habits.
3. The nutrition education program shall link with school meal programs, other school foods, and nutrition-related projects in the larger community, such as school gardens and after-school programs.
4. Teachers will be encouraged to integrate nutrition education into core curriculum such as math, science, social studies, and language arts as applicable. Nutrition education will be done in an interactive, culturally diverse and developmentally appropriate manner that results in knowledge and skills acquisition of healthy eating behaviors for life.

5. Information about the nutrition education program shall be made available to parents on a regular basis such as sending home nutrition information, postings on district websites, and other appropriate methods.

**Foods served during the school day**

6. The school meal program shall operate in accordance with the National School Lunch Program standards and applicable laws and regulations of the state of Connecticut. Food and beverages that meet or exceed the minimal nutritional values, as defined by the food and nutrition service or the USDA will be sold or served in school until 30 minutes after the last lunch period. Schools shall offer varied and nutritious food choices that are consistent with the federal government's current Dietary Guidelines for Americans. Menus shall be planned with input from students, family members, and other school personnel and should take into account students' cultural norms and preferences.
7. School food services shall encourage the consumption of nutrient-dense foods and assist students in complying with the USDA dietary guidelines for Americans by providing a variety of whole grains, fresh fruits, vegetables, and foods low in saturated fat, trans fat, cholesterol, sugars and salt.
8. All Schools will have fresh fruit selections daily. At the elementary school level, fruit will be cut up for easy access for young children whenever possible.
9. School meals shall not only provide the nutrition that students need for growth and development but also shall support the development of healthful eating behaviors in students, including their learning to eat a variety of foods and their appreciation of foods from different cultures.
10. Only lunch shall be sold at the elementary school level.
11. The school meal program shall actively work towards meeting the Nutrition Standards as promulgated by Connecticut State Department of Education.
12. In accordance to State Law, only the following beverages are allowed for sale to Students from school stores, vending machines, and school cafeterias: (Public Act 06-63).
  - a. Milk: flavored milk shall not exceed 4 grams of sugar per ounce (including both naturally and added sugars) and not include any artificial sweeteners (Connecticut's Healthy Snack standards also recommend that milk be limited to 1% or skim).
  - b. Dairy alternatives: (such as soy and rice milk): Shall not exceed 4 grams of sugar per ounce (including both naturally and added sugars) and contain no more than 35% calories from total fat and 10% total calories from saturated fat.
  - c. Fruit or vegetable juice; 100% juice containing no added sugar or artificial sweeteners (this product is exempt from the sugar standard).
  - d. Water: includes plain and flavored water without added sugar or artificial

sweeteners or caffeine.

- e. Portion sizes: (Connecticut's Healthy Snack standards recommend that portions be limited as follows): Portion sizes of all beverages to no more than 12 ounces (except water without added juice).

13. Vending machines shall not be operated in elementary schools where they are available to students. Middle school grades 6-8 school food services, school stores, and school vending machines shall not sell candy (defined as a processed food item with sugar, or its equivalent, listed as one of the first two ingredients on the food label with sugar as more than 25% of the item by weight) at any time.
14. High school fundraisers shall not sell candy until 30 minutes after the last school lunch period. K-8 school fundraisers shall not sell candy during the school day.
15. Students shall be provided adequate time (minimum of 20 minutes) and space in a pleasant environment to eat lunch.
16. Proper hand-washing habits shall be encouraged before eating and students shall have convenient access to hand-washing or hand sanitizing facilities.
17. Appropriate supervision shall be provided in the cafeteria and rules for safe behavior consistently enforced.
18. No punitive or disciplinary action shall be taken that would deny a student lunch or snack time to the extent reasonable possible. Students shall avoid conflicts with lunch and snack time to the extent reasonably possible.
19. The school environment, including the classroom and cafeteria, shall provide clear and consistent messages that explain and reinforce healthy eating and physical activity habits.
20. Food services information shall be made available to parents on the district website. Information such as menus and prices, nutritional information, lists of healthy snacks, and other information will be included. Food services will provide families opportunities for input and monitoring of their children's food purchases at the K-8 level. Food services staff shall solicit parent and student feedback and input into planning and implementation of services.
21. Access to free drinking water is available to all students and staff in all buildings.
22. At all school functions the district encourages the use of nutrient dense foods that provide students with calories rich in the nutrient content needed to be healthy. At all school functions (parties, celebrations, sporting events) healthy food options will be encouraged.
23. To promote a healthier school environment, all elementary birthday parties will

be celebrated with a variety of activities in lieu of food. Classroom teachers will provide parents with alternative ideas for celebrating their child's birthday.

24. School food service staff is properly qualified through serve safe certification and regularly participate in professional development activities.
25. Food preparation will include low fat methods for preparing foods. Deep frying food will only be used for French fries which will be offered as an al la carte option.

#### **Physical Education and Physical Activity**

26. Physical education classes, aligned with the Connecticut Physical Education Framework, and taught by certified physical education teachers shall be a regular part of students' schedules each year K-11. During Grade 12, seniors may choose a physical education elective. Elementary students will meet twice per week, middle school students will meet three times per week, and high school students four times per week.
27. The physical education program shall include, but not be limited to, instruction in a variety of motor skills that are designed to enhance the physical, mental, and social/emotional development of every child; fitness education and assessment to help students understand, improve and/or maintain their physical well-being; development of cognitive concepts about motor skill and fitness; opportunities to improve their emerging social and cooperative skills; and promotion of ongoing, appropriate physical activity throughout life.
28. The physical education program shall be planned, ongoing and systematic. Physical education teachers shall devote as much class time as possible to moderate and vigorous activity; provide many different physical activity choices; features co-operative as well as competitive games; meet the needs of all students, including those who are not athletically gifted; take into account gender and culture differences in students' interests; teach self-management as well as movement skills; actively teach cooperation, fair play, and responsible participation; promote participation in physical activity outside of school and be an enjoyable experience for students.
29. Competency assessments will be conducted yearly in grades 6-11.
30. The physical education program shall maintain a safe psychological environment free of embarrassment, humiliation, shaming, taunting, or harassment of any kind. The physical education program shall not include ordering performance of physical activity as a form of discipline or punishment.
31. The physical education program shall be provided adequate space and equipment and conform to all applicable safety standards.
32. Information about the physical education program shall be made available to

parents on a regular basis such as sending home physical education program information, providing assessments of student progress, posting programs on district websites, and other appropriate methods.

33. All elementary and middle school students shall have daily supervised recess, preferably outdoors, during which schools shall encourage moderate to vigorous physical activity and provide space, equipment and an environment that is conducive to safe and enjoyable activity.
34. In order to avoid prolonged physical inactivity, elementary school classrooms shall incorporate, where possible, appropriate short breaks that include physical movement.
35. Any punitive or disciplinary action that would deny a student recess should be avoided to the extent reasonably possible. Alternative sanctions to limiting recess shall be developed and implemented for classroom disciplinary infractions. School schedules and obligations for students shall avoid conflicts with recess time to the extent reasonably possible.

#### **Communication, Evaluation and Promotion**

36. Parents, administrators, the food service director, and school staff will meet at least twice a year as a health and wellness advisory committee to assist administration and provide feedback on the effectiveness of the school wellness policy.
37. Adherence to school health policies regarding nutrition and physical education will be evaluated at least yearly.
38. Building principals or a designee will be responsible for policy adherence within each school building.
39. The promotion of healthy foods including fruits, vegetables, whole grains and low fat dairy products is encouraged.
40. Students will receive positive, motivating messages, both verbal and non-verbal about healthy eating and being physically active throughout the school setting.

#### **Cross references:**

PUBLIC ACT 06-63, 2006 legislative session

#### **Legal references:**

Connecticut General Statutes

10-16b Prescribed courses of study

10-215 Lunches, breakfasts and the feeding programs for public school children and employees

10-221 Boards of education to prescribe rules, policies and procedures 10-215b

Duties of state board of education re feeding programs

10-216 Payment of expenses

10-215B-1 State board of education regulation - Competitive foods

10-2210 Lunch period. Recess

10-221p Boards to make available for purchase nutritious, low-fat foods.

National School Lunch Program and School Breakfast Program;  
Competitive Foods. (7 CFR Parts 210 and 220, Federal Register, Vol 45,  
No. 20, Tuesday, January 29, 1980, pp. 6758-6772) The Child Nutrition  
and WIC Reauthorization Act of 2004, Public Law 108-265

Regulations adopted-Revised: January 2012 WESTPORT PUBLIC SCHOOLS





TO: Members, Westport Board of Education, Dr. Elliott Landon

FROM: Jessica Richman Smith and Thomas B. Mooney

RE: Board Calendar Options under Conn. Gen. Stat. Section 10-66q

DATE: April 6, 2016

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Recently, you requested advice whether the four separate breaks in the Westport Public Schools' district calendars for 2016-2017 and 2017-2018 comply with applicable law and guidelines. Specifically, you have asked whether the Board effectively may create a week-long vacation in February by using its "flexible days" to extend the February break on the C.E.S. Regional Uniform School Calendar to create a fourth break of at least one week in the calendar. We reviewed this issue in response to Dr. Landon's request for advice on March 23, and in a telephone conference on March 28, we shared with Dr. Landon our view that the Board may appropriately use its flexible days to extend the uniform regional February break so that it is now a full week.

We base our conclusion concerning the permissibility of a February vacation in Westport on our analysis of the following sources: (1) the statute concerning uniform regional school calendars, Conn. Gen. Stat. Ann. § 10-66q; (2) Section 321 of Public Act 13-247 ("Section 321"), which Conn. Gen. Stat. Ann. § 10-66q incorporates by reference; (3) guidelines established by the Uniform Regional School Calendar Task Force pursuant to Section 321 (the "Guidelines"); and (4) the C.E.S. Regional Uniform School Calendars for 2016-2017 and 2017-2018. Each of these sources is analyzed, in turn, below. In short, we see no language in any of these sources that restricts individual school districts' use of their "five flexible days for individual district needs" (including use of such days for the purpose of creating a fourth vacation period), provided that school districts otherwise conform with their respective uniform regional school calendars.

Conn. Gen. Stat. Ann. § 10-66q provides, in relevant part:

Not later than April 1, 2014, each regional educational service center shall develop a uniform regional school calendar to be used by each local or regional board of education in the area served by such regional

educational service center . . . . *Such uniform regional school calendars shall be consistent with the guidelines for a uniform regional school calendar developed pursuant to section 321 of public act 13-247.*

(emphasis added). The statute's only prescription concerning the content of the uniform regional school calendars is that they be "consistent with the guidelines . . . developed pursuant to section 321 . . . ."

Section 321 of Public Act 13-247 establishes "a Uniform Regional School Calendar Task Force to develop guidelines for a uniform regional school calendar for use by each regional educational service center . . . ." P.A. 13-247 § 321. Such guidelines must include, without limitation, the following:

(1) at least one hundred eighty days of actual school sessions during each school year, (2) a uniform start date, (3) uniform days for professional development and in-service training for certified employees . . . , and (4) *not more than three uniform school vacation periods during each school year*, not more than two of which shall be a one week school vacation period and one of which shall be during the summer.

*Id.* (emphasis added). A plain reading of these requirements suggests that each uniform regional school calendar must include a maximum of three "uniform" school vacation periods as prescribed by Section 321. Notably, Section 321 is silent on the question of whether *individual school district calendars* -- as opposed to regional calendars -- may include additional vacation periods beyond the three "uniform" vacation periods.

Finally, the Guidelines established by the Uniform Regional School Calendar Task Force pursuant to Section 321 include the following, in relevant part:

- Each region must identify 3 vacations:
  - ✓ If a school district participates in Extended or Expanded School Year opportunities, at least one week during the period between July 1 and the last week of August must be identified as student vacation time
  - ✓ At least 5 days during the 4<sup>th</sup> or 5<sup>th</sup> week of December (and can be extended to coincide with New Year's Day)
  - ✓ At least 5 days during the 2<sup>nd</sup> or 3<sup>rd</sup> week of April
- *[W]ithin a region discuss a February break* and work toward common agreement on the number of days identified as vacation.
- Allow for five flexible days for individual district needs.

See Memorandum from Stefan Pryor, [former] Commissioner of Education, to State Board of Education (June 4, 2014) (emphasis added), *available at* <http://www.lawadmin.com/sg/gendocs/Approval-of-Regional-Unified-School-Calendars.pdf>.

The fact that the Guidelines contemplate the possibility of a February “break” *in addition* to three “vacations” at different times during the year (“within a region discuss a February break”) demonstrates that a February “break” is permissible. Accordingly, the February vacation periods set forth in the Westport calendars are permissible unless somehow the Guidelines should be interpreted to prohibit a weeklong break. We find no such prohibition.

First, the Guidelines do not expressly prohibit a weeklong “break.” Indeed, the Guidelines do not specify how, if at all, a “break” differs from a “vacation.” Given that the Guidelines require that the uniform “vacations” include “at least one week” in July or August (for Extended or Expanded School Year programs) or “[a]t least 5 days” during particular weeks, one could argue that a “vacation” must be five or more consecutive school days, and that, concomitantly, a “break” consists of fewer than five consecutive school days. However, the Guidelines neither mandate a “break” nor prohibit a “vacation” for individual school districts. Thus, even if one could establish that the weeklong February break in the Westport calendars is perforce a “vacation” period (which we question), we can point to no provision in the Guidelines that would prohibit a fourth “vacation” period.

Second, the Guidelines require that uniform regional school calendars “[a]llow for five flexible days for individual district needs.” Significantly, the Guidelines do not include any restrictions on how such days may be used. Read together, the Guidelines cited above suggest that (1) uniform regional school calendars may include a uniform February “break” consisting of fewer than five consecutive school days, and (2) individual school districts may use their flexible days as they wish, including, for example, to extend the uniform regional February “break” into an additional weeklong “vacation” for the district.

Finally, we note that the C.E.S. Regional Uniform School Calendars for 2016-2017 and 2017-2018 include a uniform “February Break” that consists of Friday, February 17 and Monday, February 20 (in 2016-2017) and Friday, February 16 and Monday, February 19 (in 2017-2018). These calendars also permit “each district 5 flex days” each year, as required by the Guidelines. Given that February 20, 2017 and February 19, 2018 are uniform regional “break” days, the Board need only use four of its five flexible days to extend the regional February break through the end of the weeks of February 20, 2017 and February 19, 2018 for the Westport Public Schools. Therefore, even if individual school districts were prohibited from using their five flexible days on their own to create an additional “vacation” (and we do not

believe that any such prohibition exists), the Board has not done so here because it has used only four of its five flexible days to extend a uniform regional “break.”

In summary, the Westport calendars as adopted do not conflict with the statute and Guidelines. The Westport calendars permissibly work within the regional calendar and allocate flex days to create a week off in February, whether one labels that week a “break” or a “vacation.”

We hope that this explanation is helpful. Please feel free to call us with any questions. Thank you.