

WESTPORT BOARD OF EDUCATION
POLICY COMMITTEE
NOTICE OF SPECIAL MEETING
AGENDA

(Agenda Subject to Modification in Accordance with Law)

SPECIAL NOTICE ABOUT PROCEDURES FOR THIS ELECTRONIC MEETING:

Pursuant to the Governor's Executive Orders No. 7B and 9H, there will not be a physical location for this meeting. This meeting will be held electronically and live streamed on westportct.gov and shown on Optimum Government Access Channel 79 and Frontier Channel 6020. Emails to BOE members can be sent to BOE@westportps.org. Comments to be read during the public comment period must be submitted to the meeting's Googledoc during the submission period. Please see the following link for instructions and guidelines: https://www.westportps.org/uploaded/site_files/www/boe/Procedures_and_Guidelines_for_Public_Participation_in_Remote_Board_Meetings.pdf. We will use our best efforts to read public comments if they are received during the public comment period and if they state your full name and address. Meeting materials will be available at westportps.org along with the meeting notice posted on the Meeting Agenda page.

WORK SESSION:

8:00 a.m. Held Remotely Via Zoom Pursuant to Executive Order 7B and 9H

DISCUSSION/ACTION:

1. Minutes: February 3, 2020, *pages 1-2*

DISCUSSION:

1. Continued Discussion of:
 - Policy 6162.51, "Surveys of Students/Student Privacy" (Revision), *pages 3-12*
2. Second Reading of the Following:
 - Policy 1332 Automatic External Defibrillators (New), *page 13*
 - Policy 1700, "Deadly Weapons or Firearms" (New), *pages 14-16*
 - Policy 3524.1, "Pesticide Application on School Property" (Policy Needed for Regulation), *pages 17-18*
 - Policy 3516, "Security and Safety Plan" (New), *page 19*
 - Policy 3516.5, "Sexual Offenders on School Property" (New), *pages 20-22*
 - Policy 1230, "Booster Clubs" (New), *pages 23-25*
 - Policy 5145.12, "Search and Seizure" (Revision), *pages 26-29*
 - Policy 4118.55, "Social Media" (Revision and Number Change to 4118.51), *pages 30-31*
 - Policy 3453, "School Activity Funds" (Revision), *page 32*
3. First Reading of
 - Policy 1250, "Policy Regarding Visitors and Observations in Schools" (Review), *pages 33-36*
 - Policy 6142.63, "Pool Safety Plan" (New), *pages 37-53*
4. Review January 2021 CAGE Policy Service Update, *pages 54-135*

5. Any Other Policy Matters

ADJOURNMENT

The meeting can also be viewed on Cablevision on channel 79; Frontier channel 6020, and by video stream @ www.westportct.gov

PUBLIC PARTICIPATION WELCOME USING THE FOLLOWING GUIDELINES:

- Public comment will be accepted via a Google doc and the comments will be read aloud at the meeting. A link will be provided prior to the meeting.
- There will be no in-person public comment due to public health concerns.
- A maximum of 15 minutes will be provided for public comments.
- Comments on agenda items are limited to 1 minute each.

It is the policy of the Town of Westport that all Town-sponsored public meetings and events are accessible to people with disabilities. If you need assistance in participating in a meeting or event due to a disability as defined under the Americans with Disabilities Act, please contact Westport's ADA Coordinator at 203-341-1043 or eflug@westportct.gov at least three (3) business days prior to the scheduled meeting or event to request an accommodation.

**WESTPORT BOARD OF EDUCATION
POLICY COMMITTEE WORK SESSION MINUTES**

Committee Members Present:

Karen Kleine
Lee Goldstein

Committee Chair

Administrators Present

John Bayers
Christine Wanner

Director of Human Resources
Coordinator of Health and Physical Education (departed at 9:05 a.m.)

PUBLIC SESSION/CALL TO ORDER: 8:03 a.m., Held Remotely Via Zoom Pursuant to Executive Orders 7B and 9H

DISCUSSION

1. Continued Discussion of the following:

- Policy 6162.51, "Surveys of Students/Student Privacy" (Revision)
- Policy 4111.3, "Plan for Minority Staff Recruitment" (Revision), pages 12-14
- Policy 5118.3 "Education Stability Procedures for Transportation Coordination with the Department of Children and Families" (New), pages 15-32
- Policy 5141.3, "Immunizations" (Review), pages 33-37

2. First Reading of the Following:

- Automatic External Defibrillators (New), *page 38*
- Policy 5131.7, "Deadly Weapons or Firearms" (Revision), *pages 39-46*
- Policy 3524.1, "Pesticide Application on School Property" (Policy Needed for Regulation), *pages 47-53*
- Pool Safety Plan (New), *pages 54-56*
- Policy 3516, "Security and Safety Plan" (New), *pages 57-61*
- Policy 3516.5, "Sexual Offenders on School Property" (New), *pages 62-64*

3. Discussion of the following second readings was held for the following meeting:

- Policy 1230, "Booster Clubs" (New), *pages 65-67*
- Policy 5145.12, "Search and Seizure" (Revision), *pages 68-71*
- Policy 4118.55, "Social Media" (Revision and Number Change to 4118.51), *pages 72-73*
- Policy 3453, "School Activity Funds" (Revision), *page 74*

The following policies will be moved to the full Board for discussion: Policy 4111.3, "Plan for Minority Staff Recruitment" (Revision).

MINUTES: Karen Kleine moved to approve the minutes of December 2 and 16, 2020; seconded by Lee Goldstein. (2-0-0).

ADJOURNMENT

Meeting adjourned at 9:59 a.m.

Respectfully submitted,
Jennifer Caputo

Instruction

Survey of Students/Student Privacy

Surveys can be a valuable resource for schools and ~~communities in determining student needs for educational services.~~ When a survey is used, ~~every~~ effort should be made to ask questions in a neutral manner to help ensure the accuracy of the survey.

Administrators, teachers, other staff members and the Board of Education may use surveys for many purposes. Such purposes may include, but are not limited to, determining the need for student services, ~~the determination of~~ determining prevailing views pertaining to proposed policies and/or practices, or determining ~~the determination of~~ student knowledge and/or attitudes related, to a specific subject or units. These are examples of surveys and not intended to be an all-inclusive listing. Surveys require ~~A~~ administrative approval, as applicable. ~~is required for surveys.~~ Responses to surveys will not be used in any identifying manner unless a legally recognized exception or exemption applies.

In accordance with federal law, the Board of Education adopts, in consultation with parents, the following provisions related to student privacy.

I. Definitions

- A. "Invasive physical examination" means any medical examination that involves the exposure of private body parts, or any act during such examination that includes incision, insertion, or injection into the body, but does not include a hearing, vision, or scoliosis screening.
- B. "Parent" includes a legal guardian or other person standing in loco parentis (such as a grandparent or stepparent with whom the child lives, or a person who is legally responsible for the welfare of the child).
- C. "Personally identifiable information" includes, but is not limited to,
 - 1. the student's name;
 - 2. the name of the student's parent or other family members;
 - 3. the address of the student or student's family;
 - 4. a personal identifier, such as the student's social security number, student number, or biometric record;
 - 5. 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 identification of the student with reasonable certainty; or
 - 6. 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.

D. "Personal information" means individually identifiable information including—

1. a student's or parent's first and last name;
2. a home or other physical address (including a street name and the name of a city or town) or physical or technical (device) address or identifier;
3. a telephone number; or
4. a Social Security identification number.

E. "Survey" ~~includes an evaluation~~ is defined as the collection of information from a sample of individuals through their responses to questions, but does not include a survey or evaluation administered to a student in accordance with the Individuals with Disabilities Education Act (20 U.S.C. § 1400 et seq.).

II. Student Surveys

Surveys conducted for agencies, organizations, or individuals other than the Westport Public Schools must have the recommendation of the Superintendent, or his/her designee, and approval of the Board of Education as to content and purpose.

A. Surveys Funded in Whole or in Part by the U.S. Department of Education:

1. The administration shall make available for inspection by parents all instructional materials, including teacher's manuals, films, tapes or other supplementary material which will be used in connection with any survey, analysis, or evaluation funded in whole or in part by the U.S. Department of Education.
2. The administration shall obtain the prior written consent of the parent or student (if the student is an adult or an emancipated minor), prior to requiring a student to submit to a survey, analysis, or evaluation funded in whole or part by the U.S. Department of Education that reveals information concerning any of the following topics:
 - a. political affiliations or beliefs of the student or the student's parent;
 - b. mental or psychological problems of the student or the student's parent;
 - c. sex behavior or attitudes;
 - d. illegal, anti-social, self-incriminating, or demeaning behavior;
 - e. critical appraisals of other individuals with whom respondents have close family relationships;
 - f. legally recognized privileged or analogous relationships, such as

those of lawyers, physicians, and ministers;

g. religious practices, affiliations, or beliefs of the student or of the student's parent; or

h. income (other than that required by law to determine eligibility in a program or for receiving financial assistance under such program).

B. All Other Surveys, Whether Funded by Sources Other than the U.S. Department of Education, or Not Funded by Any Source:

1. Third Party Surveys

a. Prior to distributing any third party survey, the administration shall give notice to parents (or in the case of an adult or emancipated minor, him or herself) of the district's intent to distribute a survey on behalf of a third party, with a written opt-out or option for pen/pencil survey.

b. Upon request, the administration shall permit parents to inspect any third party survey before it is administered or distributed by a school to a student. The administration shall grant reasonable access to the survey within a reasonable period of time after a parental request is received.

c. Student responses to third party surveys that contain personally identifiable information shall be considered student records, and shall be subject to the district's Confidentiality and Access to Student Records Policy and any administrative regulations or procedures governing the confidentiality of student records.

2. Confidential Topic Surveys

a. The provisions of this subsection apply to any survey (i.e., any collection of personally identifiable information from students, whether or not it resembles a formal "survey), regardless who sponsors it, or whether it is sponsored at all, which ~~(sponsored by the school district or a third party)~~ which contains questions pertaining to one or more of the following items ("Confidential Topic Surveys"):

i) political affiliations or beliefs of the student or the student's parent,

ii) mental or psychological problems of the student or the student's parent,

iii) sex behavior or attitudes,

iv) illegal, anti-social, self-incriminating, or demeaning behavior,

- v) critical appraisals of other individuals with whom respondents have close family relationships,
 - vi) legally recognized privileged or analogous relationships, such as those of lawyers, physicians, and ministers,
 - vii) religious practices, affiliations, or beliefs of the student or of the student's parent,
 - viii) income (other than that required by law to determine eligibility in a program or for receiving financial assistance under such program).
 - ix) biometric records
 - x) medical/genetic information
- b. At the beginning of the school year, the administration or faculty shall give direct notice to parents of affected students of the district's intent to distribute one or more Confidential Topic Survey(s). Such notice shall include the specific or approximate dates during the school year of such distribution. This notice shall also permit the parent or student (if an adult or emancipated minor) to ~~opt in or~~ opt out of all such Confidential Topic Surveys for the year, and shall further permit the parent or student to choose to opt in solely through the use of paper and pencil for such surveys, in lieu of a web-based platform.
- c. Upon request, the administration shall permit parents to inspect any Confidential Topic Survey before it is administered, distributed or used by a school to or with a student. The administration shall grant reasonable access to the Confidential Topic Survey within a reasonable period of time after a parental request is received.
- d. Confidential Topic Surveys may ~~only be administered to students whose parents (or, in the case of an adult or emancipated minor, the student him or herself) has submitted a written opt in for such Surveys. Where parents (or adult or emancipated minor students) have not opted in to all such Surveys at the beginning of the year, the administration or individual teachers may solicit a written opt in in advance of a specific Survey. A written opt in for that Survey shall only apply to that Survey, and shall include the option to use paper and pencil for that Survey, in lieu of a web-based platform.~~ not be administered to students whose parents (or, in the case of an adult or emancipated minor, the student him or herself) has submitted a written opt-out for such Surveys. Where parents (or adult or emancipated minor students) have not opted out to all such Surveys at the beginning of the year, the administration or individual teachers shall solicit a written opt-out in advance of a specific Survey. A written opt-out for that Survey shall only apply

to that Survey, and shall include the option to use paper and pencil for that Survey, in lieu of a web-based platform. Furthermore, it shall be the responsibility of the administration to provide, at a minimum, annual training on policies governing the use of Confidential Topic Surveys.

e. Student responses to any Confidential Topic Survey that contains personally identifiable information shall be considered student records, and shall be subject to the district's Confidentiality and Access to Student Records Policy and any administrative regulations or procedures governing the confidentiality of student records.

~~e. Upon written request, the administration shall permit the parent or student (if an adult or emancipated minor) to opt out of participation in any Confidential Topic Survey described in this subparagraph.~~

III. Collection of Personal Information

A. The provisions of this subsection apply to any instrument designed to collect personal information from a student for the purpose of marketing, selling or otherwise distributing such information or providing that information to others for that purpose. The provisions of subsection II, above, apply to any instruments described in this section that also meet the requirements of subsection II.

B. At the beginning of the school year, the administration shall give direct notice to parents of affected students (or to the students aged eighteen (18) or older or emancipated minors) of the district's intent to collect, disclose or use personal information collected from students for the purpose of marketing, selling or otherwise distributing such information or providing that information to others for that purpose. Such notice shall include the specific or approximate dates during the school year of such collection, disclosure or use of personal information.

C. Upon written request, the administration shall permit parents to inspect an instrument designed to collect personal information of students before it is administered or distributed by a school to a student. The administration shall grant reasonable access to the instrument within a reasonable period of time after a parental request is received.

D. The administration will require parents (or students aged eighteen (18) or older or emancipated minors) to opt in to participation in the collection, disclosure or use of personal information obtained from students for the purposes of marketing, selling or otherwise distributing the personal information to others for that purpose.

E. The provisions regarding the collection, disclosure and/or use of personal information do not apply to personal information collected from students for the exclusive purpose of developing, evaluating, or providing educational products or services for, or to, students or educational institutions, such as the following:

1. college or other post-secondary education recruitment, or military recruitment*;
2. book clubs, magazines, and programs providing access to low-cost literary products;
3. curriculum and instructional materials used by elementary schools and secondary schools;
4. tests and assessments used by elementary schools and secondary schools to provide cognitive, evaluative, diagnostic, clinical, aptitude, or achievement information about students;
5. the sale by students of products or services to raise funds for school-related or education-related activities;
6. student recognition programs.

*Note: Notwithstanding the foregoing, the district will permit parents and students over the age of eighteen (18) or emancipated minors to prevent disclosure of secondary school students' names, addresses and telephone numbers to military recruiters and institutions of higher education, in accordance with the district's Confidentiality and Access to Student Records Policy.

IV. Non-Emergency Invasive Physical Examinations and Screenings:

- A. The provisions described in this subparagraph shall apply to any non-emergency, invasive physical examinations/screenings conducted by the school district, when such examinations/screenings meet the following conditions:
 1. they are required as a condition of attendance;
 2. they are administered by the school and scheduled by the school in advance;
 3. they are not necessary to protect the immediate health and safety of the students; and
 4. they are not required by state law.
- B. At the beginning of the school year, the administration shall give direct notice to parents of affected students (or the affected student if eighteen (18) or older or an emancipated minor) of the district's intent to conduct non-emergency invasive physical examination(s)/ screening(s) described above, except for hearing, vision or scoliosis screenings. Such notice shall include the specific or approximate dates during the school year of the administration of such the non-emergency invasive physical examination(s) / screening(s).
- C. Upon written request, the administration shall permit parents of affected students or the affected students (if adults or emancipated minors) to opt out of participation in the non-emergency invasive physical examination(s)/screening(s) described in this subparagraph.

V. Complaint Procedure

Parents or students (if adults or emancipated minors) who believe that their rights under this policy have been violated may file a complaint with:

Family Policy Compliance Office
United States Department of Education
400 Maryland Avenue, SW
Washington, D.C. 20202-8520

Surveys can be a valuable resource for schools and communities in determining student needs for educational services. When a survey is used, every effort should be made to ask questions in a neutral manner to ensure the accuracy of the survey.

Administrators, teachers, other staff members and the Board of Education may use surveys for many purposes. Such purposes may include, but are not limited to, the need for student services, the determination of prevailing views pertaining to proposed policies and/or practices, or the determination of student knowledge and/or attitudes related, to a specific subject or units. These are examples of surveys and not intended to be an all inclusive listing. Administrative approval is required for surveys. Responses will not be used in any identifying manner.

Surveys used in any experimental program or research project will be subject to the requirements of Policy 6141.11. Parents shall have the right to inspect all instructional material that will be used for a survey, analysis, or evaluation as part of a federal program.

Prior to administering a survey, the Board of Education must approve all that are received by the Superintendent that include reference to any of the factors listed below. In addition, no student may, without parental consent, take part in a survey, analysis, or evaluation that reveals information concerning:

- political affiliations or beliefs of the student or the student's parents;
2. mental or psychological problems of the student or the student's family;
3. sex behavior or attitudes;
4. illegal, anti social, self incriminating and demeaning behavior;
5. critical appraisals of other individuals with whom respondents have close family relationships;
6. legally recognized privileged or analogous relationships, such as those of lawyers, physicians and ministers;
7. income (other than that required by law to determine eligibility for participation in a program or for receiving financial assistance under such program); or
8. religious practices, affiliations or beliefs of the student or the student's parent/guardian.

Surveys conducted for other agencies, organizations or individuals must have the recommendation of the Superintendent of Schools and the approval of the Board of Education as to content and

~~purpose. The results of such approved surveys must be shared with the Board of Education.~~

~~Parents/guardians shall have the right to inspect, upon their request, a survey created by a third party before the survey is administered or distributed by a school to a student. Such requests shall be made in writing with a response to be at least two weeks in advance of any survey to be given.~~

~~For surveys not funded in any part by the federal government, parents/guardians need not give written consent, but must instead be given prior notice of the survey with the opportunity to opt their child out of participation if the survey elicits information concerning any of the eight protected areas listed above.~~

~~Overall survey results following decisions must be shared with all parties who request such information.~~

~~Parents/guardians shall be notified at least annually, at the beginning of the school year, of this policy and when enrolling students for the first time in district schools. This notification must explain that parent/guardians, or students 18 or older, have the right to "opt the student out of participation," in writing, in the following activities:~~

- ~~1. The collection, disclosure and use of personal information gathered from students for the purpose of marketing or selling that information. This does not apply to the collection, disclosure, or use of personal information collected from students for the exclusive purpose of developing, evaluating, or providing educational products or services for, or to students, such as:~~
 - ~~a. College or other post-secondary education recruitment, or military recruitment;~~
 - ~~b. Book clubs, magazines and programs providing access to low-cost literary products;~~
 - ~~c. Curriculum and instructional materials used in schools;~~
 - ~~d. Tests and assessments;~~
 - ~~e. Student recognition programs; and~~
 - ~~f. The sale by students of products or services to raise funds for school-related activities;~~
- ~~2. The administration of any survey that delves into the restricted sensitive subject areas identified and listed above, or~~
- ~~3. The administration of any non-emergency, invasive physical examination or screening that is required as a condition of attendance, administered by the school not necessary to protect the immediate health or safety of the student or other students and not otherwise permitted or required by state law.~~

~~*Note: The term "invasive physical examination" means any medical examination that involves the exposure of private body parts, or any act during such examination that includes incision, insertion, or injection into the body, but does not include a hearing, vision or scoliosis screening.*~~

~~The term "personal information" means individually identifiable information including a student's or parent's name, address, telephone number, or social security number.~~

~~Parents/guardians of a student shall also have the right to inspect, upon request, any instructional material used as part of the educational curriculum. The District shall grant reasonable access to instructional material within a reasonable period of time after a parental request is received.~~

~~*Note: The term "instructional material" means instructional content that is provided to a student, regardless of format. It does not include tests or academic assessments.*~~

~~(cf. 6161 – Instructional Materials Selection)~~

Legal Reference:

Family Educational Rights and Privacy Act (FERPA), codified at 20 U.S.C. § 1232g; 34 CFR Part 99

Protection of Pupil Rights Amendment, Public Law 107-110, § 1061, codified at 20 U.S.C. § 1232h

~~Elementary and Secondary Education Act of 1965, 20 U.S.C. §1232h Protection of Pupil Rights Amendment, as amended by the Every Student Succeeds Act, Pub. L. 114-95~~

~~Regulation 34 CFR Part 98 (PPRA Regulations)~~

Policy adopted:

WESTPORT PUBLIC SCHOOLS

Westport, Connecticut

Community Relations

Policy Regarding Automatic External Defibrillators

In order to assist individuals who may experience sudden cardiac arrest or a similar life-threatening emergency during the school's normal operational hours, during school-sponsored athletic practices and athletic events taking place on school grounds, and during school-sponsored events not occurring during the normal operational hours of the school, the Westport Board of Education (the "Board") maintains at each school under the Board's jurisdiction, automatic external defibrillators ("AEDs") and school personnel trained in the operation of such automatic external defibrillators and the use of cardiopulmonary resuscitation. It is the policy of the Board to support the use of these automatic external defibrillators and trained school personnel during medically appropriate circumstances.

Requirements concerning the use and maintenance of AEDs are set forth in the accompanying Administrative Regulations as may be supplemented by or amended by the Administration from time to time.

For purposes of this policy and the accompanying regulations, an AED is a device that:

- 1) is used to administer an electric shock through the chest wall to the heart;
- 2) contains internal decision-making electronics, microcomputers or special software that allows it to interpret physiologic signals, make medical diagnosis and, if necessary, apply therapy;
- 3) guides the user through the process of using the device by audible or visual prompts; and
- 4) does not require the user to employ any discretion or judgment in its use.

Legal References:

<u>Connecticut General Statutes</u>		
<u>§ 19a-175</u>	<u>Definitions</u>	
<u>§ 52-557b</u>	<u>Good Samaritan Law</u>	
<u>§ 10-212d</u>	<u>Availability of Automatic External Defibrillators in Schools</u>	

<u>Regulations of Connecticut State Agencies</u>	
<u>Department of Public Health § 19a-179-1 et seq.</u>	

Policy approved:

WESTPORT PUBLIC SCHOOLS
Westport, Connecticut

Community Relations

Policy Regarding Possession of Deadly Weapons or Firearms

I. Definitions:

A. Deadly Weapon means "any weapon, whether loaded or unloaded, from which a shot may be discharged, or a switchblade knife, gravity knife, billy, blackjack, bludgeon, or metal knuckles." Conn. Gen. Stat. § 53a-3 (6).

B. Firearm means "any sawed-off shotgun, machine gun, rifle, shotgun, pistol, revolver or other weapon, whether loaded or unloaded from which a shot may be discharged." Conn. Gen. Stat. § 53a-3 (19).

C. Peace Officer means "a member of the Division of State Police within the Department of Emergency Services and Public Protection or an organized local police department, a chief inspector or inspector in the Division of Criminal Justice, a state marshal while exercising authority granted under any provision of the general statutes, a judicial marshal in the performance of the duties of a judicial marshal, a conservation officer or special conservation officer, as defined in section 26-5, a constable who performs criminal law enforcement duties, a special policeman appointed under section 29-18, 29-18a or 29-19, an adult probation officer, an official of the Department of Correction authorized by the Commissioner of Correction to make arrests in a correctional institution or facility, any investigator in the investigations unit of the office of the State Treasurer, an inspector of motor vehicles in the Department of Motor Vehicles, who is certified under the provisions of sections 7-294a to 7-294e, inclusive, a United States marshal or deputy marshal, any special agent of the federal government authorized to enforce the provisions of Title 21 of the United States Code, or a member of a law enforcement unit of the Mashantucket Pequot Tribe or the Mohegan Tribe of Indians of Connecticut created and governed by a memorandum of agreement under section 47-65c who is certified as a police officer by the Police Officer Standards and Training Council pursuant to sections 7-294a to 7-294e, inclusive." Conn. Gen. Stat. § 53a-3 (9).

D. Real Property means the land and all temporary and permanent structures comprising the district's elementary and secondary schools, and administrative office buildings. Real property includes, but is not limited to, the following: classrooms, hallways, storage facilities, theatres, gymnasiums, fields and parking lots.

E. School-Sponsored Activity means "any activity sponsored, recognized or authorized by a board of education and includes activities conducted on or off school property." Conn. Gen. Stat. § 10-233a(h).

II. Prohibition of Deadly Weapons and Firearms

In accordance with Conn. Gen. Stat. § 29-28(e) and § 53a-217b, the possession and/or use of a deadly weapon or firearm on the real property of any school or administrative office building in this

district, or at a school-sponsored activity, is prohibited, even if the person possessing the deadly weapon or firearm has a permit for such item.

III. Peace Officer Exception

A peace officer engaged in the performance of his or her official duties who is in lawful possession of a deadly weapon or firearm may bring such item on the real property of any school or administrative office building in this district, or to a school-sponsored activity.

IV. Other Exceptions

Persons in lawful possession of a deadly weapon or firearm may possess such item on the real property of any school or administrative office building in this district, or to a school-sponsored activity, if:

A. The person brings the deadly weapon or firearm on the real property of any school or administrative office building or to a school-sponsored activity for use in a program approved by school officials. In such case, the person must give school officials notice of his/her intention to bring such item, and the person must receive prior written permission from school officials.

B. The person possesses the deadly weapon or firearm on the real property of any school or administrative office building or at a school-sponsored activity pursuant to a written agreement with school officials or a written agreement between such person's employer and school officials.

C. The person possesses the deadly weapon or firearm while crossing school property in order to gain access to public or private lands open to hunting or for other lawful purposes and entry on such school property is permitted by the Board of Education. In the case of a firearm, the person's firearm shall not be loaded.

V. Consequences

A. Unless subject to one of the exceptions listed above, any person who possesses a deadly weapon or firearm on the real property of an elementary or secondary school in this district, or administrative office building, or at a school-sponsored activity, whether or not the person is lawfully permitted to carry such deadly weapon or firearm, will be reported to the local police authorities once school officials become aware of its possession.

B. A student who possesses and/or uses any deadly weapon or firearm on school property in violation of this policy shall be disciplined in accordance with Board of Education Student Discipline Policy.

C. The Board of Education reserves the right to forbid anyone caught possessing a deadly weapon or firearm on the real property of its school buildings or administrative office buildings, or at a school-sponsored activity, from using any and all school facilities.

Legal References:

<u>Connecticut General Statutes § 10-233a</u>
<u>§ 10-244a</u>
<u>§ 29-28(e)</u>
<u>§ 53a-3</u>
<u>§ 53a-217b</u>

Policy approved:

WESTPORT PUBLIC SCHOOLS

Westport, Connecticut

Business/Non-Instructional Operations

Hazardous Materials in Schools

Pest Management/Pesticide Applications

It is the policy of the Westport Board of Education to implement an integrated pest management plan to reduce the amounts of pesticides applied in any building, or the grounds of any Westport public school, by using all available pest control techniques including judicious use of pesticides, when warranted, to maintain a pest population at or below an acceptable level, while decreasing the use of pesticides.

The decision to apply pesticide in any building, or the grounds of any Westport public school is dependent on results of periodic monitoring for pest populations to determine if a pest problem exists that exceeds acceptable threshold levels.

No application of pesticide shall be made in any building, or the grounds of any Westport public school during regular school hours or during planned activities at any school, except as provided by Connecticut statute or regulation.

Parents or guardians of children in any school and/or staff members in any school may register for prior notice of pesticide application at their school. Each school shall maintain a registry of persons requesting such notice, and shall provide notice to registered individuals in accordance with applicable Connecticut statutory and regulatory provisions.

The Superintendent may direct that an emergency application of a lawn care pesticide be made without prior notice to parents or guardians of children in any school and/or staff members in the event of a threat to human health, subject to applicable Connecticut statutory and regulatory provisions.

The Superintendent may direct that an emergency application of a pesticide be made during regular school hours or during planned activities at school without prior notice to parents or guardians of children and/or staff members in any school in the event of an immediate threat to human health, subject to applicable Connecticut statutory and regulatory provisions.

There shall be no application of any lawn care pesticide on the grounds of any school with students in grade eight (8) or lower, except on an emergency basis, subject to applicable Connecticut statutory and regulatory provisions.

Legal References:

Connecticut General Statutes:

§10-231a

§10-231b

§10-231d

Business/Non-Instructional Operations

School Security and Safety

The Westport Board of Education (the “Board”) will develop and implement an all-hazards district security and safety plan with a school-specific annex for each school within the district or a school security and safety plan for each school within the district to bolster their existing emergency preparedness, response capability and school safety and security measures and to best meet all-hazards threats.

Security and safety plans will be based on the school security and safety plan standards developed by the Connecticut Department of Emergency Services and Public Protection and will adhere to the requirements of state law.

Security and safety plans should be kept securely and will only be provided to the Board, school staff and administration, members of the school security and safety committees, members of state and local law enforcement, first responders, local municipal officials or other persons authorized by the Board or the Superintendent (e.g., consultants, contractors). Pursuant to Connecticut General Statutes § 1-210(b)(19), the plan will not be available to the public.

Legal References:

State Law:

Conn. Gen. Stat. § 1-210 (b)(19)

Conn. Gen. Stat. § 10-222k

Conn. Gen. Stat. § 10-222m

Conn. Gen. Stat. § 10-222n

Conn. Gen. Stat. § 10-231

Conn. Gen. Stat. § 28-7

State Standards:

Connecticut Department of Emergency Services and Public Protection, *School Security and Safety Plan Standards*.

Federal Guidance:

Federal Emergency Management Agency, *Guide for Developing High-Quality School Emergency Operations Plans*, June 2013

Policy adopted:

WESTPORT PUBLIC SCHOOLS
Westport, Connecticut

Business/Non-Instructional Operations

Safety

Sexual Offenders on School Property

Definitions

For the purpose of this policy, a sexual offender is defined in Connecticut General Statutes §54-250 through §54-261 and/or is required per these statutes to register on the state's sex offender registry. A parent/guardian sexual offender is an individual who meets this policy's definition of sexual offender and who has either parental or legal guardianship rights to a child attending a District school. A non-parent/non-guardian sexual offender is an individual who meets this policy's definition of sexual offender and who has no parental rights or legal guardianship rights to a child attending a district school.

School property includes all land within the perimeter of the school site and all school buildings, structures, facilities, computer networks and systems, and school vehicles, whether owned or leased by the school district, and the site of any school-sponsored activity.

Non-parent/Guardian Sexual Offenders

A non-parent sexual offender is prohibited from entering a District school except:

1. When he/she is a qualified voter and is entering school property solely for the purpose of casting his/her vote.
2. To attend an open meeting.

A non-parent sex offender who attempts to communicate electronically with a student while the student is on school property will be considered on school property without permission and will be in violation of this policy.

Parent/Guardian Sex Offenders

Parent/guardian sexual offenders are prohibited from entering school property except:

1. When he/she is a qualified voter and is entering school property solely for the purpose of casting his/her vote.
2. To attend an open meeting.
3. With the Superintendent's prior written approval in the following instances:
 - a. To transport his/her own child to and/or from school.
 - b. To attend a conference to discuss his/her student's progress, placement, or individual education plan (IEP).
 - c. Under other circumstances on a case-by-case basis, as determined by the Superintendent.

A parent/guardian sex offender who attempts to communicate electronically with a student other than his/her child while the student is on school property will be considered on school property without permission and will be in violation of this policy.

Student Sex Offenders

The Superintendent or his/her designee shall determine the appropriate educational placement for student sex offenders except those identified as having a disability. When determining educational placement, the Superintendent or his/her designee shall consider such factors as

the safety and health of the student population. The Superintendent or designee shall develop guidelines for managing each student sexual offender in District schools. If the Superintendent or designee determines that, in the best interest of District schools, the student sexual offender should be placed in an alternative educational setting, the District shall pay for the costs associated with this placement.

A PPT/IEP team shall determine the educational placement of a student sexual offender with a disability. The student with a disability is entitled to all the due process procedures available to a student with a disability under the Individuals with Disabilities Education Act. The PPT/IEP team shall develop procedures for managing each student sexual offender with a disability that attends a District school. If the PPT/IEP team determines that the student sexual offender should be placed in an alternative educational setting, the District shall pay for the costs associated with this placement.

General Provisions

The Superintendent or his/her designee will inform the appropriate principal and other relevant District staff of the scope of the permission granted to each sexual offender.

Sexual offenders who receive permission to enter school property must immediately report to the individual or location designated in the Superintendent's or designee's written permission statement. The building Principal shall assign a chaperone to accompany the sexual offender while he/she is on district property. The only exceptions to these requirements are when the Superintendent grants permission to a parent/guardian sex offender to transport his/her child and when a student sex offender receives permission to attend a District school in which case the guidelines developed for this individual shall apply.

The Superintendent shall use the Connecticut sex offender registry law, in conjunction with policy #3516.4, to establish a system for identifying sexual offenders and will inform known sexual offenders of this policy. Lack of notification does not excuse sexual offenders from abiding by the requirements and prohibitions in this policy.

The Superintendent will contact law enforcement anytime a sexual offender violates this policy and will immediately revoke any privileges granted to the sexual offender under this policy.

Parents/guardian who are registered sex offenders shall receive a copy of this policy via registered mail.

(cf. 1110.1-Parent Involvement)

(cf. 1212-School Volunteers)

(cf. 1250-Visits to Schools)

(cf. 1411-Relations with Law Enforcement Agencies)

(cf. 3516-Safety)

Legal Reference: Connecticut General Statutes

54-250 through 54-261 Registration of Sexual Offenders.

PA 07-143: An Act Concerning Jessica's Law and Consensual Sexual Activity Between Adolescents Close in Age to Each Other.

PA 07-4, June 07 Special Session: An Act Concerning the Provisions of the Budget Concerning Education.

United States Code, Title 42 14071 Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Program Act.

Policy adopted:

WESTPORT PUBLIC SCHOOLS

Westport, Connecticut

Community Relations

Other School-Connected Organizations

Booster Clubs

Parent organizations and booster clubs are invaluable resources to the District's schools. The Board of Education recognizes that parent organizations and extracurricular support groups, or "booster clubs" provide important support to District schools, and can be valuable means of stimulating community interest in the aims and activities of District schools. Support organizations may be defined in two ways:

1. an organization which is created to foster community support and provide resources for a particular sport or activity in the school or school system; or
2. an organization which is created to foster community support and raise funds for the school's general extracurricular program.

While parent organizations and booster clubs have no administrative authority and cannot determine District policy, the Board welcomes their suggestions and assistance.

Parent organizations and booster clubs are recognized by the Board of Education and permitted to use the District's name, a District school's name, or a District school's team name, or any logo attributable to the District provided they first receive the Superintendent or designee's express written consent. Consent to use one of the above-mentioned names or logos will generally be granted if the organization or club has bylaws containing the following:

1. The organization's or club's name and purpose, such as, to enhance students' educational experiences, to help meet educational needs of students, to provide extra athletic benefits to students, to assist specific sports teams or academic clubs through financial support, or to enrich extracurricular activities.
2. The rules and procedures under which it operates.
3. An agreement to adhere to all Board policies and administrative procedures.
4. A statement that membership is open and unrestricted, meaning that membership is open to parents/guardians of students enrolled in the school, district staff, and community members or an agreement not to engage in discrimination based on someone's innate characteristics or membership in a suspect classification.
5. A statement that the District is not, and will not be, responsible for the organization's or club's business or the conduct of its members.
6. An agreement to maintain and protect its own finances. The group must maintain bank, financial, and tax exempt status separate from the school or District. The organization will provide to the Board annually or upon request a complete set of financial records or detailed treasurer's report.
7. A recognition that money given to a school cannot be earmarked for any particular expense. Booster clubs may make recommendations, but cash or other valuable consideration must be given to the District to use at its discretion. The Board of Education's legal obligation to comply with Title IX by providing equal athletic opportunity for members of both genders will supersede an organization or club's recommendation.

Parents and other interested community members who wish to organize a parent organization or booster club for the purpose of supporting a specific school program or activity are encouraged to do so as long as the activities of such organizations do not interfere unduly with the total educational program or disrupt District operations in any way. To this end, parent organizations/booster club/support organizations must follow these guidelines:

1. be voluntary;
2. submit an activity schedule in advance to the Superintendent of Schools or his/her designee for prior approval. Any time a booster club uses the name of the District or any language suggesting that the District has endorsed, sponsored or otherwise approved of the club's activities, there must be prior approval by the Superintendent or his/her designee;
3. seek advance approval for any use of school facilities and/or equipment and such use will comply with all policies and regulations established by the Board;
4. avoid interference with any previously approved student activity;
5. seek approval in advance of all fundraising activities by the Superintendent or building Principal;
6. understand and respect the authority of District employees in the administration of their duties; and
7. assume all financial responsibility for the booster club, including but not limited to the provision of adequate insurance coverage, as appropriate.

If a booster club wishes to make a contribution of money, service time or tangible property such as equipment or supplies, a representative of the organization should first meet with the Superintendent or his/her designee. The Superintendent or his/her designee must identify the District's terms and conditions of accepting such gifts in concert with the District's policy pertaining to gifts, grants and bequests.

Booster club proposed plans, projects and other activities must be evaluated and promoted in light of their stated contribution to the academic as well as the extracurricular school programs. Careful consideration should be given to the total value of the contribution to all students, and not just to specific student groups.

The Board retains final responsibility and authority on all activities which have an impact on students, school programs and/or school owned property.

Further, the Board recognizes its responsibility to ensure that equivalent benefits and services are provided to members of both sexes. Therefore, if booster clubs provide benefits, services or tangible property that assist only teams or programs of one gender, the Board shall ensure that teams or programs of the other gender receive equivalent benefits, services or tangible property. If a booster club provides benefits, services or tangible property which are greater than that which the District is capable of providing to the athletes or programs of the other gender, the administration shall take action, within policy parameters, to ensure equivalency for both sexes.

Alternative/Additional Language:

The Board of Education is responsible for providing funding for the safe and effective operation of the interscholastic sports program. There may be occasions when Board funding is unavailable to provide everything requested by a coach. All booster club donations must be approved by the Superintendent of Schools or his/her designee (Board of Education) in advance to ensure equity in all sports. "Necessary" expenditures must be provided by the Board of Education through its approved budget. Items that would be "nice" or "beneficial" to have are viewed as appropriate for booster club financial support. Any booster club purchase or expenditure must receive the approval of the team's head coach and the Athletic Director following the aforementioned

approval by the Superintendent of Schools or his/her designee (Board of Education).
The Board reserves the right to revoke approval of any booster group if it is found that the group's
operations and purposes are inconsistent with Board policies.

(cf. 1110.1 - Parental Involvement)
(cf. 1210 - School Community Associations)
(cf. 1330 - Use of School Facilities)
(cf. 3280 - Gifts, Grants and Bequests)
(cf. 3281 - School Fund Raising)
(cf. 3515 - Community Use of School Facilities)

Legal Reference: Title IX of the Educational Amendments of 1972, 20 U.S.C.A § 1681.

Students

Search and Seizure

Introduction

~~Exercise of the school system's right to search a student's possessions, desk or locker involves the recognition of the need to protect the individual's rights and the need to maintain a safe and orderly environment in the school. As with all decisions involving this balance, administrative judgment must be exercised. The Supreme Court has established a two fold standard to weigh whether fourth amendment protections are being upheld in searches conducted by school officials.~~

~~The first prong of the test is the standard of "reasonable suspicion" that the student has violated the law or school rules and that contraband* will be found.~~

~~For example, reasonable suspicion may be said to exist if the administrator actually sees the student with the contraband or when it is reported by a reliable eyewitness or informant.~~

~~The second prong requires that the search be conducted in such a manner as "not to be excessively intrusive in light of the age and sex of the student and the nature of the infringement."~~

~~For example, a search of a locker or desk, which is property owned by the school, is less intrusive than search of a student's briefcase or gym bag. Search of the briefcase or gym bag is less intrusive than search of a purse; search of a purse is less intrusive than search of a student's pockets. In terms of the nature of the infringement, a search for a dangerous substance would justify a more intrusive search than for a missing pen, etc.~~

Limitations on Searches

No strip searches: Searches that involve removal of any clothing other than an outer garment, (i.e, coat, jacket or sweater worn over another shirt, blouse, dress etc.) hat, shoes, gloves, etc., are not permitted. Searches that involve touching or inspecting the body or "pat downs" are not permitted. If the administrator believes such a search is warranted by the magnitude of a suspected criminal offense and the nature of the circumstances, local law enforcement officials shall be contacted and efforts will be made to contact the student's parents. The Superintendent will be notified as soon as possible, and kept informed.

No mass searches: Reasonable suspicion must point specifically toward an individual or a particular group or their property.

Police need Warrants: No law enforcement officer may conduct a search of a student's desk, locker or automobile unless a valid search warrant has been obtained and presented to school authorities.

Students

Search and Seizure

Searches in School

~~Searches during school hours may be conducted only by the Principal or another administrator (i.e., Vice Principal or Dean) acting as the Principal's authorized designee. After school hours, or at other times if no administrator is in the building, the staff member in charge of the activity is considered to be the authorized official.~~

~~An administrator may search a student's locker, desk, property (e.g., purse, gym bag, lunch box, briefcase, etc.) or automobile on school grounds, and may have a student empty his or her pockets, or remove shoes, hat, gloves or outer garment (i.e. overcoat, jacket, sweater, etc. worn as second layer over another shirt, blouse, sweater dress etc.)~~

~~Searches of a locker, desk, automobile or other property are to be conducted in the presence of the student whenever possible, and at least two observers, one of who must be the same sex as the student.~~

~~The administrator should make a written record of the search. Records are handled in accordance with Board Policy 5125, Student Records.~~

~~Parents will be notified whenever a search is undertaken and will be given a copy of the written record of the results of the search.~~

~~An administrator who has a question about whether a search is appropriate, should consult with the Superintendent of Schools before conducting the search. All searches should be reported to the Superintendent as soon afterward as is feasible and the Superintendent should be kept informed of ensuing proceedings.~~

Searches Off School Grounds

~~Any search of a student or a student's property or a room in which the student is staying that may occur during a school activity off school grounds shall be governed by these procedures. Such searches may not be conducted by parents or chaperones, but must be done by a school official. (If no administrator is present, the teacher in charge of the activity is considered to be the authorized school official.)~~

~~Written notice of this provision is to be included with information given to students and parents about the off campus activity.~~

Students

Search and Seizure

Notification

~~Students will be provided annual notice of these procedures through publication in the student handbook and/or other means.~~

Exceptions

~~Exceptions to the provisions of this policy are permissible in cases of life threatening emergency or a situation where immediate danger to a student or to the school community exists.~~

~~*Contraband defined as: alcohol, controlled drugs or other intoxicating substances; poison or other harmful substances; flammables, firecrackers or other explosives; firearms or other weapons; and stolen property.~~

1. Search of a Student and the Student's Effects

A. Fourth Amendment rights to be free from unreasonable searches and seizures apply to searches conducted by public school officials. A student and his/her effects may be searched if there are reasonable grounds for suspecting that the search will turn up evidence that the student has violated or is violating either the law or the rules of the school. The way the search is conducted should be reasonably related to the objectives of the search and not excessively intrusive in light of the age and sex of the student and the nature of the infraction.

2. Search of a Locker, Desk and Other Storage Area

A. Lockers, desks and other storage areas provided by the school system for use by students are the property of the school system. Such storage areas are provided for the temporary convenience of students only. The Board of Education authorizes the administration and/or law enforcement officials to search lockers and other school property available for use by students for the presence of weapons, contraband or the fruits of a crime if there are reasonable grounds at the inception of the search for suspecting that the search will reveal evidence that the student has violated or is violating either the law or the rules of the school. Moreover, the scope of the search shall be reasonably related to the objectives of the search and shall not be excessively intrusive in light of the age and sex of the student and the nature of the infraction.

A. If the school administration reasonably suspects that a pupil is not maintaining a locker or other storage area assigned to him/her in a sanitary condition, or that the storage area contains items the possession of which is illegal or in violation of school regulations or that endangers the health, safety or welfare of the student or others, it has the right to open and examine the storage area and to seize any such items that are found.

A. When required by law and otherwise at the option of the building principal, items that have been seized shall be submitted to the police department for proper disposition. Items not submitted to the police department shall be disposed of as directed by the building principal.

3. The decision to search shall be made by the principal or the principal's designee. The search shall be made in the presence of at least one witness. Discovery of illegal or dangerous materials shall be reported to the Office of the Superintendent.

Use of drug-detection dogs and metal detectors, similar detective devices; and/or breathalyzers and other passive alcohol screening devices may be used only on the express authorization of the Superintendent, in accordance with such procedures as the Superintendent may devise.

Legal Reference: ~~Connecticut General Statutes~~

~~10-221 Boards of education to prescribe rules~~
Conn. Gen. Stat. §10-221
Conn. Gen. Stat. § 54-33n, Searches

New Jersey v. T.L.O., 469 US 325 (1985); ~~105 S. CT. 733~~

Policy adopted: June 2, 1988
Revised:

WESTPORT PUBLIC SCHOOLS
Westport, Connecticut

Personnel – Certified-Non-Certified

Social Networking By Staff

The Board of Education recognizes the importance and utility of social media and networks for its employees. The laws regarding social media continue to evolve and change. Nothing in this policy is intended to limit an employee's right to use social media or personal online accounts under applicable law, as it may evolve. The Board ~~-, and~~ acknowledges, for example, ~~-~~that its employees have the right under the First Amendment, in certain circumstances, to speak out on matters of public concern. The Board will resolve any conflict between this policy and applicable law in favor of the law. ~~However, the Board will regulate the use of social media by employees, including employees' personal use of social media, when such use:~~

Ordinarily, the use of social media by employees, including employees' use of personal online accounts, will not be a legal or policy issue. While a policy cannot address every instance of inappropriate social media use, employees must refrain from social media use that:

- 1) interferes~~-,~~ disrupts or undermines the effective operation with the work of the school district;
- 2) is used to engage in harassing~~ing-~~, defamatory, obscene, abusive, discriminatory or threatening or similarly inappropriate communications~~coworkers or other members of the school community;~~
- 3) creates a hostile work environment;
- 4) breaches confidentiality obligations of school district employees~~;~~ or
- ~~5) disrupts the work of the school district;~~
- ~~6) harms the goodwill and reputation of the school district in the community; or~~
- ~~7)5)~~ violates the
law, board policies and/or other school rules and regulations.

The Board of Education, through its Superintendent, will adopt and maintain administrative regulations to implement this policy.

Legal References:

U.S. Constitution, Amend. I

Conn. Constitution, Article I, Sections 3, 4, 14

Conn. Gen. Stat. § 31-~~48d~~40x

Conn. Gen. Stat. § 31-48d

Conn. Gen. Stat. § 31-51q

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

Electronic Communication Privacy Act, 28 U.S.C. §§ 2510 through 2520

Policy adopted: ~~_____~~ April 11, 2011

Policy revised:

WESTPORT PUBLIC SCHOOLS
Westport, Connecticut

Business/Non-Instructional Operations

School Activity Funds

One student activity account/fund shall be maintained for each Ansonia school. These accounts will be maintained in accordance with Section 10-237 of the Connecticut General Statutes. Each school's student activity account/fund will be managed/administered in the Board of Education central office.

~~Student activity funds in the Westport Public Schools shall be established and maintained in accordance with state statutes.~~

~~The Assistant Superintendent for Business or his/her designee, shall have the responsibility and authority to implement through the Principals all policies and rules pertaining to the supervision and administration of student activity funds.~~

The Principal ~~of the individual school shall~~will be designated as the account ~~†Treasurer of this account. A bookkeeper shall be designated to keep accounts.~~

Treasurer in accordance with Section 10-237. He/she shall establish regulations governing the collection and dispersion of all funds as well as cash and bank statement reconciliation. Such regulations, following review of the City auditor, shall be submitted to the Business Manager for approval and enactment.

Sub-accounts shall be maintained for each student activity as by the approved Board of Education and a general cumulative account ledger shall also be maintained for handling funds collected in the name of the school.

A class in its senior year, or an organization that is disbanding, shall determine at a regularly-called meeting, its preference for the disposition of any funds remaining after all financial obligations have been discharged. Such disposition shall be subject to the review and approval of the administration. Any sums of money expended and for which no disposition has been made shall be transferred to the education affairs account of the school activity fund after the first class reunion or the organization has disbanded.

Gifts, grants, and bequests in cash or checks shall be deposited in the student activity fund and used for the educational benefit of students.

The accounts of the student activity fund shall be considered BOE accounts and audited in the same manner as all other BOE accounts.

~~Disbursements shall be authorized by the Principal upon receipt of properly approved vouchers. The signatures of the Principal and the bookkeeper shall validate checks.~~

Legal Reference: Connecticut General Statutes
10-237 School activity funds.

Policy adopted: March 2007

WESTPORT PUBLIC SCHOOLS

Revised:

Westport, Connecticut

Community Relations

POLICY REGARDING VISITORS AND OBSERVATIONS IN SCHOOLS

In order to promote a safe and productive educational environment for all students and staff, the Board requires all visitors to receive prior approval from the school Principal or his/her designee before being permitted to visit any school building during the school day. The Board, through the administration, reserves the right to grant access to school buildings in accordance with the school's prescribed procedure for scheduling, as applicable and administrative regulations.

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

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

Legal References:

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

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

Policy Adopted: November 5, 2018
Revised August 13, 2020 (sunsets July 1, 2021)

WESTPORT PUBLIC SCHOOLS
Westport, Connecticut

POLICY REGARDING VISITORS AND OBSERVATIONS IN SCHOOLS

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

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

Upon arrival, all visitors and observers must comply with any and all applicable building security procedures, including but not limited to utilizing security buzzers for access, complying with requests for photo identification, reporting directly to and signing in and out at the visitors’ reception area of the school office, prominently displaying visitors’ badges or other identification required for visitors to the school buildings, limiting access to those areas of the buildings and grounds for which the visitors/observers have authorized access, and complying with directives of school officials at all times.

Legal References:

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

ADOPTED: _____

REVISED: _____

8/12/18



Community Relations

School Visitors

The Board of Education (Board) and staff of the school district welcome and strongly encourage members of the community and other interested persons to visit the schools. Such visits shall be regarded as expressions of interest in school affairs and/or efforts to become informed about school programs and activities.

The Superintendent shall establish regulations which:

1. Encourage school visitations.
2. Provide for appropriate hospitality for visitors.
3. Channel expressions of approval and constructive criticism to the Board of Education.
4. Ensure that public visits will not hinder the educational program.
5. Require all visitors to register in the principal's office upon arrival at the school.
6. Ensure student safety.

Visits to individual classrooms during instructional time shall be permitted only with the Principal's and teacher's prior approval. Such visits shall not be permitted if their duration or frequency interferes with the delivery of instruction or disrupts the normal school environment. When a visit involves a conference with a teacher or the Principal, an appointment should be scheduled during non-instructional time.

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

Since continuity in classrooms is often difficult to achieve and maintain, while visiting in a classroom, a visitor must not interrupt the class in any way, nor speak to (unless invited to do so) or disturb the students or teacher.

Although Board of Education members are encouraged to visit schools independently, they have authority only in regularly called meetings of the Board of Education, or when delegated specific tasks by specific Board of Education action.

Optional: The Superintendent, working with building administrators, shall develop and implement procedures regarding campus visitors who are identified as sex offenders. These procedures shall address (1) parental rights; (2) escort by District personnel; (3) access to common areas of the campus; (4) access to classrooms; (5) drop off and release of students; (6) eligibility to serve as volunteers; and (7) any other relevant issues.

The Principal or his/her designee shall have complete authority to exclude from the school premises any persons whom he/she has reason to believe are disrupting the educational programs in the classroom or in the school, are disturbing the teachers or students on the premises, or whom the Principal believes are on the premises for the purposes of committing an illegal act.

Another version to consider:

The Board and staff of the school district welcomes and encourage parents or guardians, members of the community, and other interested persons to visit the schools. To preserve the security of the schools, all visitors must check in at the main office where they shall be given whatever information or assistance is required. All visitors are required to wear school-provided identification badges for the duration of their visit.

Another version to consider:

The Board of Education encourages visits by citizens, residents, and parents to all school buildings, in order to

promote a safe and productive educational environment for all students and staff, the Board of Education requires all visitors to receive prior approval from the school Principal or his/her designee before being permitted to visit any school building. The Board of Education, through the administration, reserves the right to limit visits in accordance with administrative regulations.

Upon arrival, all visitors must comply with any applicable building security procedures, including but not limited to utilizing security buzzers for access, complying with requests for photo identification, reporting directly to and signing in and out at the visitors' reception area of the school office, prominently displaying visitors' badges or other identification required for visitors to the school buildings, limiting access to those areas of the buildings and grounds for which the visitors have authorized access, and complying with directives of school officials at all times.

Legal Reference: Connecticut General Statutes

[53a](#)-185 Loitering in or about school grounds: Class C misdemeanor

"Guidelines Regarding Independent Educational Evaluations at Public Expense and In-School Observations," Connecticut State Department of Education (March 28, 2018)

Policy adopted:

P.A. 13-161 AN ACT CONCERNING POOL SAFETY AT PUBLIC SCHOOLS

PAGE 1

(BACKGROUND INFORMATION FOR POLICY REVIEW COMMITTEE)

This Act establishes and phases in statewide safety standards for public school swimming pools when being used for physical education classes, interscholastic activities, or extracurricular activities (i.e., student aquatic activities). The legislation applies to any pool a school board approves for such activities.

For the school year starting July 1, 2013, the Act requires that, in addition to the person conducting student aquatic activities at a school pool, at least one qualified educator, swimming coach, or lifeguard must be present to monitor swimmers who may be in distress and to help them, when necessary.

For all school years, starting July 1, 2014, the law prohibits school boards from offering any physical education course or extracurricular activities, or permitting students to participate in interscholastic activities, at a school pool unless certain qualified attendants, as specified in the legislation, are present. In addition, by July 1, 2014, it requires all school boards offering such courses or activities at a school pool to adopt a pool safety plan ensuring compliance with the new law.

Pool Safety Standards for School Year Starting July 1, 2013

For the school year starting July 1, 2013, the Act requires that, in addition to the person responsible for conducting any student aquatic activity at a school pool, at least one qualified educator, swimming coach, or lifeguard must be present. The additional person must be solely responsible for monitoring the pool for swimmers who may be in distress and helping them, when necessary.

Qualified Swimming Coach and Qualified Educator

Under the Act, a “***qualified swimming coach***” is someone who holds a valid coaching permit issued by the State Board of Education (SBE). A “***qualified educator***” is someone who (1) holds a valid SBE certificate, with an endorsement in physical education; (2) is state-certified in cardiopulmonary resuscitation (CPR); and (3) has completed a first aid course offered by the American Red Cross, the American Heart Association, the Department of Public Health, or any director of health.

Both the coach and educator must also:

1. be certified as lifeguards by the American Red Cross or another nationally recognized organization that conducts aquatic training programs,
2. complete a safety training course for swim coaches and instructors offered by the American Red Cross or an SBE-approved organization, or
3. be certified as lifeguards for at least five of the previous 10 years and have at least five years’ experience as a swimming coach or an instructor of a physical education course that makes use of a school swimming pool.

Qualified Lifeguard

The Act defines a “***qualified lifeguard***” as anyone who (1) is age 16 or older; (2) is certified as a lifeguard by the American Red Cross or another nationally recognized organization that conducts aquatic training programs; (3) is certified in CPR under state law; and (4) has completed a first aid course offered by the American Red Cross, American Heart Association, Department of Public Health, or any health director.

Swimming Pool Safety Plan

The legislation requires local and regional school boards that offer student aquatic activities to adopt, by July 1, 2014, a pool safety plan that ensures compliance with the Act and review and update the plan as necessary before the start of each school year. The plan must also include any other provisions deemed necessary and appropriate for ensuring the safety of students who use school pools for aquatic activities.

Pool Safety Standards for School Year Starting July 1, 2014

For school years, starting July 1, 2014, the Act prohibits local or regional school boards from allowing students to participate in any interscholastic athletic activity, or offering any extracurricular activity or physical education course, at a school pool unless certain qualified individuals are present while the activities are taking place. It sets separate requirements for the different activities.

- A. **Interscholastic Activity:** There must be at least one qualified swimming coach who coaches the participating students and is responsible for implementing the school swimming pool safety plan. Additionally, at least one qualified educator, swimming coach, or lifeguard must be present whose primary responsibility is to monitor the pool for students in distress and provide help when necessary.
- B. **Extracurricular Activity:** There must be at least one qualified lifeguard to monitor the pool for swimmers who may be in distress and provide assistance to them when necessary. He or she must be responsible for implementing the provisions of the pool safety plan.
- C. **Physical Education Course:** There must be at least one qualified educator who serves as the course instructor and at least one other educator, swimming coach, or lifeguard whose primary responsibility is to monitor the pool for swimmers in distress and provide assistance, if necessary. The course instructor is responsible for implementing the pool safety plan.

The effective date of this new legislation is July 1, 2013.

Policy Implications

A new policy has been developed pertaining to pool safety. It is policy #6142.63, “Aquatic Activity Safety (Pool Safety).” In addition to the policy, a new administrative regulation has been developed which contains sample elements of the statutorily required school swimming pool safety plan which must be in place by July 1, 2014 and adopted by the local board of education. Therefore, this is an administrative regulation that requires formal approval by the board of education to meet the Act’s requirement.

The policy and administrative regulation follow for consideration.

July 2013

An optional sample policy to consider.

Instruction

Physical Education

Aquatic Activity Safety (Pool Safety)

Swimming is considered an important life skill. In addition, it is a highly beneficial activity for acquiring an increased movement vocabulary and skills, for health, for enjoyment and as a threshold skill, giving access to many other water-based recreational activities. It is one of the few activities that people can enjoy all their life either on their own or with friends and family of the same or different ages, whether just for fun or competitively. The Board of Education (Board) believes that we owe it to our students to give them the best chance to learn to swim, and as early as possible.

The Board believes it is fortunate to be able to have a pool in a school facility or to have access to a pool for aquatic activities. Therefore, safety is of paramount importance. Students are not allowed to utilize the pool for any aquatic activity without staff supervision as required by P.A. 13-161.

The instructional program serves as a vehicle and vital component of the health, physical education, and co-curricular activities within the District's public schools. The program's primary goal is to teach safety awareness, develop basic swimming skills, and enhance the proficiency level of all aquatic skills. The program also aims to improve personal and community safety skills and help students develop a commitment to lifetime fitness.

Students at the high school level may also participate in interscholastic swimming and diving competition. The athletic program shall provide opportunities for students to demonstrate swimming and diving proficiency through competitive events as well as an opportunity for students to excel and experience success, while promoting and applying concepts of teamwork, sportsmanship, respect for others and high standards of conduct and honor.

All District schools, which have swimming pools and/or any pool the Board approves for aquatic instruction and activities, and offer instruction in swimming and/or diving are covered by this policy. In addition those schools also may offer extracurricular aquatic activities, including swimming and diving teams. This policy is designed to promote safety for students, staff, and community members by requiring appropriate staffing, a swimming pool safety plan, and appropriate water safety equipment at these pools while any aquatic activities are being conducted. All persons involved in the instruction, supervision, and coaching of such activities shall be appropriately certified and trained.

This policy applies to all aquatic activities. Aquatic activities include swimming, wading, diving, water polo and any other curricular and extracurricular activities the District conducts in or in any pool owned, leased, or used by the Board of Education, including those used by local District students during approved out-of-town field trips.

Instruction

Physical Education

Aquatic Activity Safety (Pool Safety) (continued)

Definitions

School swimming pool means any swimming pool approved for use by a local or regional Board of Education for student aquatic activities.

Student aquatic activities means any physical education class, interscholastic athletics or extracurricular activities offered to students by the Board of Education that makes use of a school swimming pool.

Qualified swimming coach means any person who (A) holds a valid coaching permit issued by the State Board of Education, and (B) (i) is certified as a lifeguard by the American Red Cross or another nationally-recognized organization that conducts aquatic training programs, (ii) has completed a safety training for swim coaches and instructors course offered by the American Red Cross or an organization approved by the State Board of Education, or (iii) was certified as a lifeguard for at least five years during the previous ten years and has at least five years' experience as a swimming coach or an instructor of a physical education course that makes use of a school swimming pool.

Qualified educator means any person who (A) holds a valid certificate issued by the State Board of Education, pursuant to section 10-145b of the general statutes, with an endorsement in physical education, (B) (i) is certified as a lifeguard by the American Red Cross or another nationally-recognized organization that conducts aquatic training programs, (ii) has completed a safety training for swim coaches and instructors course offered by the American Red Cross or an organization approved by the State Board of Education, or (iii) was certified as a lifeguard for at least five years during the previous ten years and has at least five years' experience as a swimming coach or an instructor of a physical education course that makes use of a school swimming pool, (C) is certified in cardiopulmonary resuscitation, pursuant to section 19a-113a-1 of the regulations of Connecticut state agencies, as amended from time to time, and (D) has completed a course in first aid offered by the American Red Cross, the American Heart Association, the Department of Public Health or any director of health.

Qualified lifeguard means any person who (A) is sixteen years of age or older, (B) is certified as a lifeguard by the American Red Cross or another nationally-recognized organization that conducts aquatic training programs, (C) is certified in cardiopulmonary resuscitation, pursuant to section 19a-113a-1 of the regulations of Connecticut state agencies, as amended from time to time, and (D) has completed a course in first aid offered by the American Red Cross, the American Heart Association, the Department of Public Health or any director of health.

Instruction

Physical Education

Aquatic Activity Safety (Pool Safety) (continued)

Minimum Staffing and Qualifications

Any physical education course using a swimming pool shall have at least one qualified/certified instructor with an endorsement in physical education. Such instructor must also be a certified lifeguard, certified in cardiopulmonary resuscitation offered by the American Heart Association (AHA) or the American Red Cross (ARC) and has completed a first aid course offered by the American Red Cross, the American Heart Association, the Department of Public Health or any director of health, as certified by the agency or director of health offering the course.

In addition to the aforementioned qualified/certified instructor, another individual, either a qualified educator, qualified swimming coach or a qualified lifeguard is required to be on duty to supervise the students for all pool classes. This additional individual is also required to be a certified lifeguard, certified in cardiopulmonary resuscitation and completed a first aid course, as described above. The Board of Education, to fulfill this statutory requirement of a second person to be present during classes using a swimming pool, allows the hiring of a lifeguard to help the swimming instructor supervise the swimming class if such lifeguard is at least sixteen (16) years of age or older and meets the above criteria for an instructor. Such lifeguard must be under the supervision of the certified instructor.

NOTE: P.A. 13-161: AAC Pool Safety at Public Schools, requires, commencing July 1, 2013, in addition to the person responsible for conducting any student aquatic activity that makes use of a school swimming pool, there shall be at least one qualified educator, qualified swimming coach or qualified lifeguard who shall be solely responsible for monitoring such swimming pool during such student aquatic activities for swimmers who may be in distress and providing assistance to such swimmers when necessary.

For the school year commencing July 1, 2014, and each school year thereafter, no local or regional board of education shall offer a physical education course that makes use of a school swimming pool unless there is at least one qualified educator who shall serve as the instructor of such physical education course and be responsible for implementing the provisions of the school swimming pool safety plan and at least one qualified educator, qualified swimming coach or qualified lifeguard who shall be solely responsible for monitoring such school swimming pool for swimmers who may be in distress and provide assistance to such swimmers when necessary.

For the school year commencing July 1, 2014, and each school year thereafter, no local or regional board of education shall permit any student to participate in any interscholastic athletic activity that makes use of a school swimming pool unless there is at least one qualified swimming coach who shall serve as a coach of such participating students and be responsible for implementing the provisions of the school swimming pool safety plan, and at least one qualified educator, qualified swimming coach or qualified lifeguard whose primary responsibility is to monitor the school swimming pool for swimmers who may be in distress and provide assistance to such swimmers when necessary.

Instruction

Physical Education

Aquatic Activity Safety (Pool Safety) (continued)

For the school year commencing July 1, 2014, and each school year thereafter, no local or regional board of education shall offer any extracurricular activity that makes use of a school swimming pool unless there is at least one qualified lifeguard who shall (1) monitor the school swimming pool for swimmers who may be in distress and provide assistance to such swimmers when necessary, and (2) be responsible for implementing the provisions of the school swimming pool safety plan.

Pool Safety Plan

The Board, offering a physical education course and aquatic programs that make use of a swimming pool, shall adopt a swimming pool safety plan, not later than July 1, 2014. Such swimming pool safety plan shall include, but is not limited to, required staffing patterns, best practices regarding swimming pool safety, the requirements of the Public Health Code, and any other provisions deemed necessary and appropriate for ensuring the safety of students who use such swimming pools for student aquatic activities. The swimming pool safety plan shall be reviewed and updated as necessary prior to the start of each school year.

Nonetheless, the Board recognizes that swimming (and related aquatic activities) is one of the few recreational or teaching activities which also carries with it the evident hazards of death through drowning or injury by brain damage through near drowning. The teaching and learning of swimming and water safety therefore requires the utmost care on the part of all concerned.

It is expected that the District will adhere to the regulations of the Connecticut Department of Public Health, 19-13-B33b, applicable to public pools.

Administrative Regulations

The Board directs the Superintendent of Schools to create and promulgate administrative regulations governing the use of pools in District schools. These regulations shall be approved by the Board prior to their use and when amended at any time. Nothing in this policy is intended or shall be construed to create a private right of action against the Board or any of its employees. No part of this policy shall be construed to create contractual or other rights or expectations.

Legal References: Connecticut General Statutes
 PA 13-161 An Act Concerning Public School Pool Safety
 19a-36 Public Health Code. Fees. Swimming pools. Wells; Use,
 replacement and mitigation.

Policy adopted:
cps 7/13

An administrative regulation to consider which contains sample elements of the statutorily required school swimming pool safety plan which must be adopted by the Board. Therefore, this regulation should also be formally approved by Board action.

Instruction

Physical Education

Aquatic Activity Safety (Pool Safety)

The purpose of these administrative regulations is to provide guidance in safe practice in school swimming, aquatic activities and water safety. This document sets out the required procedures pertaining to the implementation of the Board of Education policy #6142.63, “Aquatic Activity Safety (Pool Safety),” in relation to swimming pool safety. The Board of Education (Board) recognizes its responsibility for ensuring safety in school swimming pools. As part of this responsibility the Board provides the safety policy, guidance and procedures for swimming and ensures that its employees receive any necessary training to carry out their assigned tasks.

The effective supervision of all involved in swimming and aquatic activities is essential to safety.

School Responsibility

The Board requires that a member of the staff be delegated the responsibility of “Swimming Coordinator” (Pool Coordinator, Pool Supervisor) and applying the swimming pool safety policy and procedures in the school. This will include the proper operation of the school’s swimming facility.

Personnel Requirements

All personnel with responsibility for swimming instruction or supervision must possess a high level of skill in water safety and be committed to exemplary standards of safety. They must also meet state or local certification requirements including, first aid procedures.

1. Qualifications

- a. All certified staff members with an endorsement in physical education or substitute teachers serving as an instructor of a physical education course that makes use of a swimming pool must also fulfill the following statutory requirements:
 - i. is a certified lifeguard,
 - ii. is certified in cardiopulmonary resuscitation,
 - iii. has completed a course in first aid offered by the American Red Cross, or the American Heart Association, the Department of Public Health or any director of health, as certified by the agency or director of health offering the course.

Instruction**Physical Education****Aquatic Activity Safety (Pool Safety)****Personnel Requirements (continued)**

- b. Classes involving the use of a swimming pool must also have another instructor or lifeguard on duty to supervise the students for all physical education pool classes. Such individual must also meet the requirements listed above (1a-i, ii, iii) pertaining to lifeguard certification, cardiopulmonary resuscitation certification and first aid training.
- c. In the case of interscholastic activity, there must be at least one qualified swimming coach who coaches the participating students and is responsible for implementing the school swimming pool safety plan. Additionally, at least one qualified educator, swimming coach, or lifeguard must be present whose primary responsibility is to monitor the pool for students in distress and provide help when necessary.
- d. In the case of extracurricular activity, at least one qualified lifeguard must monitor the pool for swimmers who may be in distress and provide assistance to them when necessary. He or she must be responsible for implementing the provisions of the pool safety plan.
- e. In the case of a physical education course, there must be at least one qualified educator who serves as the course instructor and at least one other educator, swimming coach, or lifeguard whose primary responsibility is to monitor the pool for swimmers in distress and provide assistance, if necessary. The course instructor is responsible for implementing the pool safety plan.
- f. All pool personnel must be thoroughly trained in emergency procedures to include practice under simulated conditions (i.e. near drowning, diving injury, stoppage of breathing, pool evacuation, loss of power/lights) at least annually.
- g. The individual hired to assist the certified physical education instructor supervise the swimming classes may be a qualified swimming coach or qualified lifeguard who is at least sixteen (16) years of age or older and meets the above criteria for an instructor. The lifeguard must be under the supervision of the certified instructor.
- h. Teachers and swimming coaches must meet the minimum legal requirement of American Red Cross Lifeguard Training, American Red Cross Standard First Aid, and American Red Cross CPR/AED. (optional in light of ia-iii)

2. General

- a. One of the two required staff members shall be charged with responsibility for implementation and coordination of pool safety standards.

Instruction**Physical Education****Aquatic Activity Safety (Pool Safety)****Personnel Requirements (continued)**

- b. At least one additional appropriately certified individual, as previously described, shall be responsible for lifeguard duties whenever instruction is provided by the designated staff member or substitute.
- c. The instructor to student ratio shall not exceed the American Red Cross standard of 1:25. (A 1:12 ratio is preferred)

Responsibilities of the Teaching Staff

Teachers have a duty of care that operates for any activity in which children are involved and that duty of care cannot be transferred to anyone else. The Board recognizes that this responsibility, described in law, is equivalent to the standards expected of a responsible and careful parent. This applies to all activities within the school curriculum and to extracurricular activities organized by the school during and outside school hours, whether on or off school site. Teachers are responsible for the safety of all students involved in any aspect of the swimming instructional program or extra-curricular aquatic.

In relation to swimming this means that:

- Children are appropriately supervised when changing;
- Students are under control at all times;
- Headcounts are taken before, during, and after sessions;
- Normal and emergency procedures are taught and enforced; and
- Teachers have an overview of the swimming ability of their children in the conduct of their class.

Any individual who teaches or assists in teaching, coaches or assistant coaches, or supervises students participating in any aquatic activity must fulfill the statutory requirements previously detailed.

Alternate language: Teachers assigned as swimming instructors must hold a valid CPR certification issued by the American Red Cross, a valid lifeguard certificate issued by the Red Cross and a valid Red Cross water safety certificate (or YMCA).

The Principal of the school that engages in any aquatic activity shall be responsible for obtaining a copy of the water safety instructor certificate, and must provide a copy of each aquatic activity supervisor certificate to the Superintendent before allowing the aquatic activity instructor/supervisor to teach, coach, supervise, or assist in teaching, coaching, or supervising, any aquatic activity.

Instruction

Physical Education

Aquatic Activity Safety (Pool Safety)

Responsibilities of the Teaching Staff (continued)

Class Management (Pool Safety Plan)

It is considered good practice to establish safety procedures for swimming activities. The following guidelines for supervision and safety must be followed:

- Parental/guardian consent be secured in writing prior to allowing participation in any activities in the school pool.
- Students shall not be sent to the pool area until the instructor and lifeguard are present.
- During the first swimming session of a group, a swimming proficiency test must be given to determine each student's swimming ability.
 - The swimming instructor with a current certificate as a water safety instructor or acceptable equivalent must administer these tests using the standards of the American Red Cross or its equivalent.
 - The standard to consider using is that the swimmer should have the ability to swim 50 yards using a minimum of two strokes, change direction while swimming and follow the directions of a lifeguard.
 - Based upon the test, the students are to be divided into groups based upon swimming ability. (e.g. Group children as swimmers or non-swimmers)
 - Non swimmers shall be confined to water less than chest deep or three and one-half feet.
- Students must be instructed not to run around, splash or shout in the pool area.
- Students must not be permitted to enter into the pool unsupervised.
- Emergency procedures shall be explained and practiced during lessons. If the teacher/instructor is the only qualified lifesaver, they must not attempt a rescue which involves entering the water until the safety of all of the students has been secured. This means that they are out of the pool or are holding onto the poolside.
- All students must be registered or counted both before and after the lesson and checked while in the water.
- A buddy system shall be used in which swimmers of similar ability are paired together at the start of the session to provide each student with a "personal protector." At intervals during the session a signal shall be given (at least every 15 minutes) in which students must find and join their assigned buddy. Whenever a student is suspected of being missing, as soon as a student notices that he/she cannot see his/her buddy, that fact shall be immediately reported to one of the adults in the pool area.

Instruction

Physical Education

Aquatic Activity Safety (Pool Safety)

Class Management (Pool Safety Plan) (continued)

- A “lost swimmer plan” is to be implemented when a child is missing. The swimming activity is to be discontinued, the water is to be cleared of all children sending them to a safe location and a search of the pool and pool area instituted immediately.
- Students must be encouraged to report any accidents to the teacher/instructor.
- The depth of the pool must be brought to the attention of students in addition to a suitable pool entry method.
- The instructor must be located in such a position that he/she is able to see all the students at all times.
- Students not in the pool are to be supervised by another adult.
- Where anti-chlorine goggles are to be used for a medical condition or for reasons of confidence, the students must be taught how to use them properly.
- The wearing of masks, snorkels and other equipment must be restricted to organized club events.

Optional: Adults other than Teachers (AOTTs)

Adults Other Than Teachers (AOTTs) can be extremely helpful and may be absolutely essential, to support the delivery of swimming instruction in school and in the extended aquatic activities curriculum whether on or off site. They can:

- support and work beside teachers,
- supervise changing,
- administer first aid (if trained),
- look after any unwell children or children who are not swimming.

Teachers cannot transfer their duty of care to adults other than teachers. Such individuals should also be vetted by a criminal background check.

Lifeguard Provision

The qualified instructor, in addition to a qualified swimming coach, or a qualified lifeguard must be present at aquatic activities and be certified as lifeguards. They, as required by statute, have the responsibility for lifeguarding/rescue and resuscitation, and must be suitably trained and qualified.

Instruction

Physical Education

Aquatic Activity Safety (Pool Safety)

Lifeguard Provision (continued)

A certified lifeguard must be present whenever a District school pool is in use by students. Lifeguards must be present for all District sponsored activities including any time the pool is used for swimming instruction. The lifeguard shall have the authority to order any person who does not comply with the rules of the Connecticut Department of Public Health or those of the Board to leave the pool and pool area.

The following provisions shall pertain to lifeguards working with District pool facilities:

1. All lifeguards must possess a current lifeguard's certificate or license issued by the American Red Cross or another nationally-recognized organization that conducts aquatic training programs or other entity acceptable to the Connecticut Department of Public Health. A copy of such certificate or license must be available for inspection in or near the pool area.
2. All lifeguards must wear approved swimming attire which can identify them as a lifeguard at all times while on duty.
3. No lifeguard, while assigned to supervise the pool, may be used as a teacher, teacher's aide, coach, or assistant coach, or be involved in any additional duties that would distract his/her attention from the proper observation of the pool area.

Students engaged in a swimming activity, must be monitored at all times by a fully certified lifeguard.

1. The designated lifeguard must be positioned and prepared to respond to an emergency in less than 30 seconds.
2. Personnel working in a lifeguarding role must have immediate access to a rescue tube.
3. Lifeguards must be properly attired, dressed in a manner that identifies them as lifeguards and enables them to perform a rescue when needed, and have an emergency whistle at all times. This would generally require a swimsuit or shorts and a T-shirt.
4. Footwear is optional and a loose fitting style is recommended.

The location of an elevated lifeguard chair must be so located as to compensate for glare and blind spots, provide for a clear view of the pool bottom, and be in a position which provides complete surveillance coverage of the pool area. If more than one lifeguard is used, each must have designated areas of responsibility and be able to have total visual surveillance of that swimming area. Lifeguards should take frequent breaks to avoid fatigue, but there must be enough coverage during each of these times at the pool, or sections of it must be closed and posted as such.

Instruction

Physical Education

Aquatic Activity Safety (Pool Safety)

Lifeguard Provision (continued)

Data pertaining to drowning incidents, found many have occurred directly before, during, and after a chair rotation because the lifeguards were distracted and did not provide constant surveillance during the rotation procedure.

Lifeguards need to take sufficient breaks because failure to do so has been identified as a contributing factor in drowning. Lifeguards shall take frequent breaks to avoid mental and physical fatigue. *(Research indicates a lifeguard attentiveness declines after 30 minutes.)* If another lifeguard is not available to cover during breaks, such as a single lifeguard facility, the pool must be closed during the break.

Investigations of student drowning that occurred during school swim physical education classes have determined that if the lifeguard is performing instructional activities it distracts from lifeguarding duties and has been a contributing factor in drowning as a result.

Aquatic Facility Requirements

Standard: All use of electricity within the pool facility or its related facilities (locker room, shower room, walkways, and storage room) must be free of all possible electrical hazards. Daily inspections of the facility are necessary to assure that adequate safety levels are maintained. Lifeguards/Pool Coordinator/Pool Supervisor) are responsible for daily inspections of the pool area.

Daily inspections of the facilities are necessary to ensure that adequate safety levels are maintained. Any problems such as unsafe water conditions, broken equipment, loose ladders, electrical equipment malfunction, broken/loose main drain grates, etc., are to be reported and immediately corrected. Required supervision personnel shall be on premises at all times the pool is in use and will conduct at least one visual check daily, prior to operation. This visual check shall confirm the pool is in compliance with safety requirements, including inspection of safety equipment and water quality. A log shall be maintained recording the time of inspection and the number of persons using the pool.

1. **Electrical** – Electrical shock in areas where moisture is prevalent presents a severe threat to life. Electrical equipment, used as teaching or coaching aids, must be made safe for all users and checked regularly for deterioration.
 - a. Electrical wall outlets in the pool area or related areas must be equipped with ground fault interrupters, covered and easily rendered inoperable.
 - b. Plug-in appliances must be properly grounded.
 - c. Extension cords must be free of splices and of one continuous length.

Instruction

Physical Education

Aquatic Activity Safety (Pool Safety)

Aquatic Facility Requirements (continued)

2. **Lighting** – Pool rooms and related areas are often solely dependent on artificial lighting. Therefore, illumination levels must be carefully observed in order to avoid unsafe conditions.
 - a. Poolroom lighting and water clarity must provide adequate visibility such that a 6 inch disk placed in the deepest section of the pool is visible from the pool deck at a distance of 30 feet.
 - b. Natural and artificial lighting must not produce surface glare on the water or pool bottom that impedes the supervisory capability of a lifeguard, coach or teacher at any time.
 - c. All lighting in the pool area, related rooms and areas must be properly maintained and continuously operational.
 - d. Exits must be clearly marked and continuously functional.
 - e. A backup lighting system must be provided and tested monthly by the custodial staff and periodically by the instructional and/or coaching staff.
 - f. Light switches and all wet floor areas must be grounded and coated with nonconductive material.
3. **General**
 - a. Pool environments must reflect daily concern for orderliness and safety. This includes the deck free of clutter, instructional and safety equipment in good repair, properly stored and ready for use. Responsibility for this equipment rests with the individual user.
 - b. Sanitary procedures must be implemented on a daily basis on the pool deck, locker room and shower area.
 - c. Wet floor areas must be adequately maintained so as to provide a safe walking surface.
 - d. Only those personnel who are authorized by the school administration should have access to pool chemicals and service equipment.
 - e. Pool regulations must be posted in the pool room and locker area. These regulations must prohibit rough play, spitting or spouting of water, swimming without a lifeguard present, or use of the facility by personnel with broken skin or contagious disease.
4. **Exits**
 - a. Access to exit doors in walkways must be unimpeded, clearly recognizable and quickly accessible.
 - b. Two emergency exits must be maintained within the poolroom.

Instruction

Physical Education

Aquatic Activity Safety (Pool Safety)

Aquatic Facility Requirements (continued)

- c. Emergency exits must be clearly marked, visible and continuously operational.
- d. Kickboards, lane lines, baskets and other equipment must be properly stored so as to maintain unimpeded exits.
- e. Doors other than exits must be properly marked so as to avoid confusion during emergency conditions.
- f. Designated exits must have sufficient capacity for the occupant load.

Safety Equipment Requirements

All swimming pools must be equipped with the minimum safety equipment specified by the local health codes and the regulations of the Connecticut Department of Public Health. Persons responsible for swimming pool activities must be familiar with the location and competent in the use of this equipment. Suggested guidelines follow:

1. Two rescue tubes, 48-52 inches in length must be available in the poolroom, ready for immediate use from either side of the deep end of the pool.
2. One rescue/reaching pole of 12 feet minimum length must be mounted on each side wall of the poolroom near the deep end of the pool.
3. One elevated lifeguard chair must be located on the pool deck so as to provide the observer with a clear unobstructed view of the pool bottom at its deepest point.
4. A safety line equipped with colored floats must be available for recreation or instructional swimming to mark the changes in grade in the pool bottom.
5. A fully stocked first aid kit shall be immediately available in the pool area and will include rubber gloves.
6. A stretcher and two blankets shall be easily accessible to the pool area.
7. A backboard (spineboard) shall be located in close proximity to the stretcher.
8. A conspicuously marked emergency telephone must be located on the wall outside of the pool office. The pool area emergency plan should be posted nearby in waterproof plastic. Emergency directions specific to the facility should be inscribed on the emergency plan so that the person making the call can “read a script” to the emergency rescue dispatcher.
9. All personnel with supervisory responsibility for aquatic activity should be well-versed in the safety and emergency plans for the facility. An annual rehearsal of the emergency response plan shall be periodically completed.

Instruction

Physical Education

Aquatic Activity Safety (Pool Safety)

Safety Equipment Requirements (continued)

Aquatic activities shall not be conducted at any pool leased or used by the Board of Education, unless safety equipment complies with the Connecticut Department of Public Health Regulations.

Unauthorized Use of Pool

1. All designated emergency exit doors must be equipped with self-closing and self-locking hardware that facilitates exiting.
2. All other pool entry doors must be lockable from both sides and equipped with self-closing and self-locking hardware.
3. Pool office and storage room door shall be locked when not in immediate use.
4. Following a school aquatics event, locking the pool doors is the direct responsibility of the school pool supervisor (pool coordinator). The custodian assumes responsibility for all other user groups.
5. Computer-generated security keys are strongly suggested for use in pool areas. Keys should be limited in number, assigned to specific staff members, securely stored and never loaned to unauthorized personnel.

Emergency Procedures

Careful planning is a prerequisite to any accident prevention or injury response program. A written plan of action that responds to all foreseeable emergency situations is essential in order to ensure efficient action during crisis situations.

1. Specific plans must be developed in response to a potential drowning, stoppage of breathing or serious injury. In addition, written directions shall be conspicuously posted for contacting the emergency response system, providing information to expedite their arrival, managing other swimmers, notifying the Principal and releasing information to the media.
2. Procedures for response to serious injuries and emergency should be conspicuously posted adjacent to the emergency telephone. These directions should include emergency telephone numbers, emergency script, pool phone number and other important numbers.
3. Emergency alarms and public address systems must be audible throughout the poolroom and its related facilities. Procedures for reacting to such alarms or announcements should be established and practiced periodically (at least annually).

Instruction

Physical Education

Aquatic Activity Safety (Pool Safety) (continued)

General Pool Health and Safety Rules

- Showers are required before entering the pool.
- Street shoes are not allowed on the pool deck.
- Food or drink is not allowed on the pool deck.
- Glass items or containers are not allowed in locker rooms or on the pool deck.
- No running, pushing or horseplay on the pool deck or in the locker rooms.
- Jump in feet first, facing forward, straight ahead.
- Diving is permitted at a minimum safe diving depth of 9 feet.
- One person at a time on a diving board, no cartwheels or handstands.
- Go straight off the end of board. Back dives and backflips are allowed off of diving boards, but not on the side of the pool. Swimming under diving boards is not allowed when they are in use. Each diving board area must be roped off as a separate space and from swimming areas. Non-swimmers and weak swimmers are to stay in the shallow end of the pool. Persons under the influence of alcohol or drugs are to be prohibited from using the pool.
- People with communicable diseases or open or bleeding sores are prohibited from using the pool.
- Anyone who's been ill with vomiting or diarrhea within the last two weeks is prohibited from using the pool.

Regulation approved:

cps 7/13



Policy Update Service

POLICY DEPARTMENT:

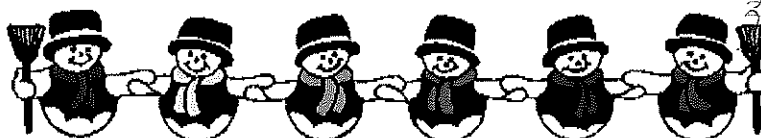
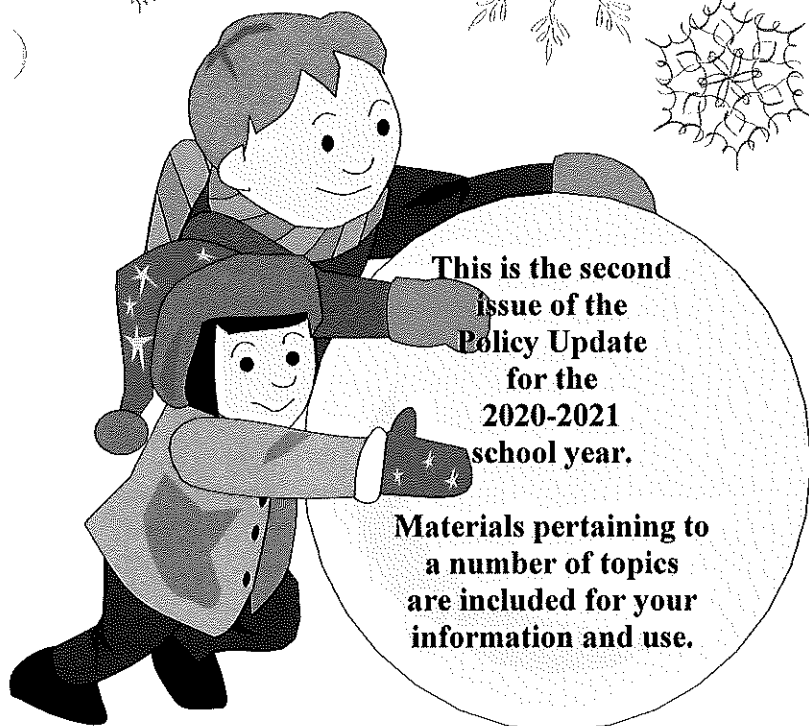
Vincent A. Mustaro, Senior Staff Associate
Pam Brooks, Senior Administrative Associate
Terry DeMars, Administrative Associate

vmustaro@cabe.org
pbrooks@cabe.org
tdemars@cabe.org

Happy New Year

Policy Topics of Interest

- A. Anti-Racism
(Confronting Racism in Schools)
- B. Bus Driver Drug Testing
Program: Clearinghouse
- C. Use of Body Cameras by School
Resource Officers (SROs)
- D. Title I Parent and Family
Engagement
- E. Special Education Policy
Revisions



SAMPLE POLICIES & REGULATIONS ARE INCLUDED.

PLEASE NOTE

Sample policies are distributed for demonstration purposes only.
Unless so noted, contents do not necessarily reflect official policies of the
Connecticut Association of Boards of Education.

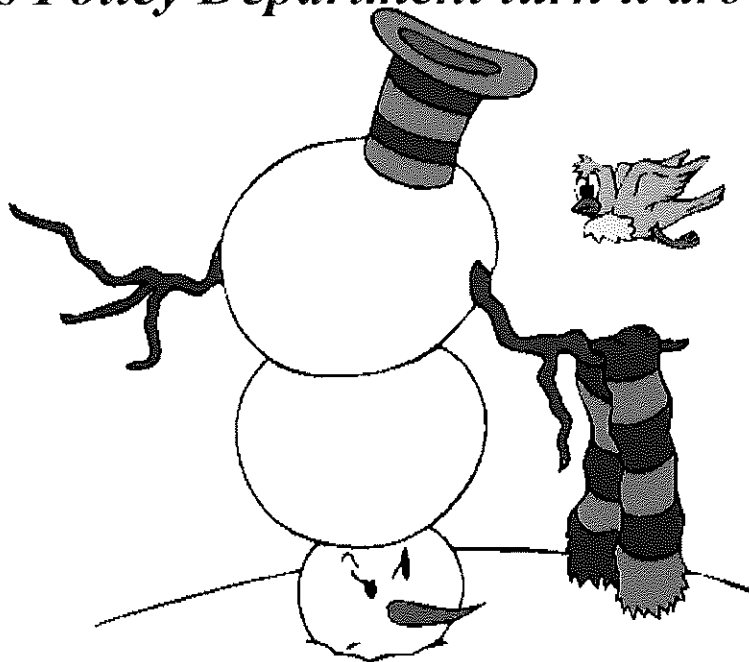
The Update Service is a subscription service which provides a brief discussion of current policy issues of concern to Connecticut school districts. Sample policies, which reflect changes in state and federal law and judicial action affecting policy, are part of the newsletter.

The sample policies are intended to provide a basis for drafting policy which meets the needs of the local school district. The samples should always be considered as open to modification nor do they replace the advice of the district's legal counsel. Rarely does one policy statement reflect the needs and concerns of all districts.

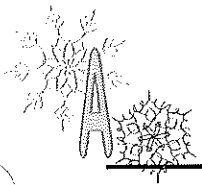
To make the best use of the Update Service, it is suggested that a discussion on the various issues be held. The sample policies should be used to determine the areas for which policy should be developed or revised, to get ideas for what a policy should contain and as a starting point for editing, modifying and discussing the local district's positions.

If you have questions about Update Service, sample policies or about policy in general, please call CABE Policy Services Department at (860) 571-7446 or (800) 317-0033.

*Is this how your Policy Manual is being built?
Let CABE's Policy Department turn it around for you.*



Let us develop a policy manual specifically for your district.
For more information, contact CABE's Policy Department.



ANTI-RACISM (CONFRONTING RACISM IN SCHOOLS)

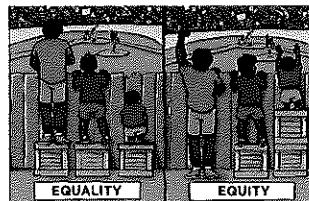
~Page 1~

UPDATE MAILING NO. 2

JANUARY 22, 2021

We have witnessed protests across the country since the death of George Floyd and a number of racial incidents which give evidence to the need for change. As a society and in our schools we are facing new challenges brought about by the global pandemic and being confronted by brutal examples of racism and wide-spread calls for societal changes. Protests are not new as people of all races have experienced pain, frustration, and anger over the mistreatment of Black people in our nation. Black people and other people of color are tired of explaining, demonstrating, pleading, recording and articulating the realities of racism. Tyrone Howard in Education Week summarized it best saying, "Labels such as 'mistreatment,' 'discrimination,' or 'prejudice' no longer describe the depths and breadth of what we are witnessing. We must identify what we are seeing as "anti-Black racism," and that should inform our current discussions."

Gary Orfield of the Civil Rights Project at the University of California stated, "We have become a nation that accepts separate and unequal schools as if nothing can be done about segregation. As a nation, we expect our schools to create equal outcomes for students who leave their homes severely disadvantaged by family and community poverty, who arrive at their school to find sometimes unqualified or inexperienced teachers and who leave these schools as soon as they can." He goes on to state, "Across 21st – century America, segregation has reached levels for millions of students once found only in the old south. It has produced schools that require massive resources to offer the kinds of opportunities and instruction routinely available to students in privileged schools and communities."

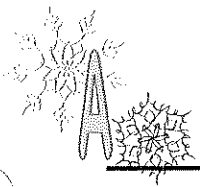


The global pandemic has illuminated racism in perhaps unforeseen ways. During these tumultuous times the leadership by boards of education and the entire education community is extremely important. It is recognized that this may be an uncomfortable time for many, but it is not appropriate to turn away from this moment. The protests across the country and the heightened level of civic engagement by students and community members provide the impetus to work harder to tackle the racial and ethnic disparities that exist in our schools. Unless concerted action is taken, injustices and inequities will continue to persist for our students, both inside and outside of school.

"We are living at a time of obscene inequities, and merely trying to compensate is not enough." The American Association of School Administrators recently announced. The Association called on its members to "become actively anti-racist" and "ensure that cultural responsiveness permeates all levels." Silence favors the status quo and the violently oppressive harm it does to people of color everywhere.

It will not be easy to reduce the harm done to our Black children and all students of color and to prepare them for a better future.

CABE, through its Ad Hoc Committee on Diversity, Equity and Inclusion defined educational equity as access to resources, opportunities, and processes that unleash potential and enhance success and prosperity for each and every child. Equity is NOT sameness. Equity recognizes and responds to the gifts and needs in each individual in each community. CABE, to assist districts, has developed an *"Equity Toolkit for Connecticut Boards of Education."*



ANTI-RACISM (CONFRONTING RACISM IN SCHOOLS)

~Page 2~

CABE has worked to reconsider its contributions to racial equity in order to ensure that all children are successful in our schools. We can no longer tolerate the racism that students of color face in our schools and in broader society. It is time to think and act differently. Educational excellence cannot exist without equity.

The public school system is the best institution to act as the foundation for reshaping how young adults and future leaders think and respond to racial injustice. However, more than just expressing a desire for change is necessary. A commitment to action with specific measures taken is required. The need exists to move from words to measurable actions to address systemic racism in our school systems, communities, state and nation. Schools must become a safe haven for all students, without the structures that breed inequality.



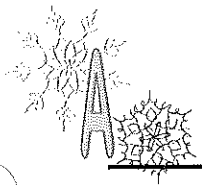
The effort to combat the problem of racism in our society must be guided by the goal to have our students truly representing the diversity of human experience and prepared to interact, survive and thrive as 21st century learners. School programs and support services must be informed by and sensitive to each child's social and emotional needs enabling them to be fully present and engaged in learning. The barriers that cause a student body to be comprised of the "haves" and the "have-nots" must be eliminated permitting all students, as a result, to engage in challenging learning experiences. The goal is to achieve a student body that is motivated and supported to discover their passions and advance toward positive personal, familial, social, civil and vocational goals and opportunities.

Learning about differences and ensuring a culturally relevant curriculum must be a part of the program in all districts, not just those with higher numbers of students of color, low-income students, students with disabilities or second-language students. We all have a responsibility to teach and learn about our world of differences. In addition, good intentions will not be enough. Racism in the schools must be confronted, not ignored or tolerated. Agreeably, many educators will need help in confronting this reality. White educators growing up did not have to face the realities of racism. We will need to get out of our personal comfort zones. The development and implementation of training and support plans is necessary to give teachers the skills needed to better work with students of all backgrounds and to teach with materials and practices that fully recognize the contribution of all cultures and races to our nation.

Black educators have offered the following solutions to confronting racism in schools:

1. Implicit bias and cultural awareness training for teachers, administrators and staff.
2. Trauma-informed school guidance counselors.
3. Culturally inclusive curriculum.
4. Ethnically and racially diverse school boards, administrators, teachers and staff.
5. Alternative disciplinary practices instead of suspensions and expulsions.

The above, in addition to other issues, must be confronted to address ugly racism in our midst. Educators must also recognize and demand changes in the racial conditions outside the school setting that make schooling much harder. These include public policy pertaining to housing, wages, health care, and daycare.



ANTI-RACISM (CONFRONTING RACISM IN SCHOOLS)

~Page 3~

President Randi Weingarten of the American Federation of Teachers (AFT) stated, "Combating racism is everyone's responsibility, we must do all we can to create safe and welcoming environments." The AFT has called on local school boards to pass and enforce anti-racist policies and encourage and support the efforts of teachers, school support staff and its affiliates regarding the effort to fight the destructive impact of systemic racism and a culture that enables white nationalism and white supremacy.

Professor Bettina Love at the University of Georgia, in an op-ed appearing in Education Week stated, "In the field of education, anti-racism often looks like school districts managing inequality and racism instead of eliminating them." She challenges us by indicating, "If anti-racism is going to be more than a slogan, then white people must follow the lead of these activists and educators and stop believing they are too fragile to work toward ending racism."

Policy Implications

Schools must be part of the solution in racial reckoning and healing. Deliberate steps must be taken to end racism. Professor Detra Price-Dennis of Teachers College, Columbia University, indicated "You have to show up for the whole journey to change the culture of the school and the school district to make a difference in the lives of staff and students. Equity, anti-racism, cultural responsiveness have to be integrated. Multiculturalism is not an add-on." Students have to be prepared to live in a multicultural society.

The current system of schooling in our nation does not provide white students with anti-racist curriculum, language to call out racism, or teachers of color to learn from. Many white students complete 13 years of

schooling without ever having a teacher of color or being challenged to disrupt their learned racism.

Through policy, the board indicates what it wants to see happen. Therefore, it is considered appropriate to adopt a policy pertaining to anti-racism. A new policy, #0525.1 "Anti-Racism (Confronting Racism in Schools)" has been developed for your consideration and use. Two versions of this policy, in addition to a sample administrative regulation, are provided. This is considered a recommended policy for inclusion in a district's manual.

This new policy continues the effort to confront racial issues in the schools with the new policy presented in the November 2020 Update, policy #0524, "Hate Crimes and Bias Issues in Schools."

A sample board resolution pertaining to anti-racism is also provided.

Every student deserves a respectful learning environment in which their cultural, racial and ethnic diversity is valued and contributes to successful academic outcomes. Districts need to be committed to identifying and correcting practices and policies that perpetuate the achievement gap and institutional racism in all forms in order to provide all students with the opportunity to succeed. Learning and work environments are enriched and improved by the contributions, perspectives and very presence of diverse participants.

Therefore, sample policy #0523, "Equity and Diversity," also pertains to this topic. This "good practice" recommended policy was developed and published a few years ago. The three versions of that policy are included in this section for your consideration.

January 2021

A recommended policy to consider.

Mission – Goals – Objectives

Anti-Racism (Confronting Racism in Schools) (version #1)

The _____ Board of Education (Board) rejects all forms of racism as destructive to the Board's mission, vision, values, and goals. The Board is committed to the following principles:

1. Establishing and sustaining a school community that shares the collective responsibility to address, eliminate, and prevent actions, decisions, and outcomes that result from and perpetuate racism.
2. Eliminating inequitable practices and cultivating the unique gifts, talents, and interests of every child to end the predictive value of social or cultural factors, such as race, class, poverty or gender, on student success.
3. Respecting and championing the diversity and life experiences of all community members to support the District's mission, vision, values, goals, and objectives.
4. Acknowledging that racism is often compounded by other forms of discrimination, including, but not limited to, those protective classes referenced in policy 0521, "Nondiscrimination."

Purpose

Personal and institutional racism have historically existed and may continue to exist in the District and community. Combating racism in the schools is a legal and moral imperative.

There is evidence of significant disparities between racial groups in student academic performance, achievement, and participation in academic programs. These include disparities in graduation rates, gifted identification, course participation, special education identification, standardized test scores, and suspension and expulsion rates. Disparities also exist between the racial demographics of the students in the District and the staff hired.

These equity gaps exist because of inequitable access to opportunities that have significant intergenerational effects and perpetuate economic, social, and educational inequity. However, racial inequities were created over time and can be eliminated. Similarly, personal prejudice is learned and can be unlearned. Educators play a vital role in reducing racism and inequity by recognizing the manifestations of racism, creating culturally inclusive learning and working environments, and dismantling educational systems that directly or indirectly perpetuate racism and privilege through teaching, policy, and practice.

The purpose of this policy is to eliminate all forms of racism from the District in conjunction with related Board policies.

Mission – Goals – Objectives

Anti-Racism (Confronting Racism in Schools) (continued)

Definitions

1. **Anti-Racism:** the practice of identifying, challenging, and changing the values, structures, and behaviors that perpetuate systemic racism.
2. **Individual Racism:** pre-judgment, bias, or discrimination by an individual based on race. Individual racism includes both privately held beliefs, conscious and unconscious, and external behaviors and actions towards others.
3. **Institutional Racism:** means the collective failure of a public or private organization to provide an appropriate and professional service to people because of their race, color, culture or ethnic origin which can be seen or detected in practices, processes, systems, attitudes and behavior. It looks beyond individual acts of prejudice to the systemic biases that may be built into institutions. These systemic biases discriminate against and disadvantage people of color through unwitting prejudice, ignorance, thoughtlessness or racial stereotyping.

[It occurs within institutions and organizations, such as schools, that adopt and maintain policies, practices, and procedures that often unintentionally produce inequitable outcomes for people of color and advantages for white people.]

4. **Structural (or systemic) Racism:** encompasses the history and current reality of institutional racism across all institutions and society. It refers to the history, culture, ideology, and interactions of institutions and policies that perpetuate a system of inequity that is detrimental to communities of color.

(Definitions adapted from the Government Alliance on Race and Equity.)

The intent of this policy is to dismantle the individual, institutional, and structural racism that may exist in the District.

The Board directs the following action:

Leadership and Administration

The Board shall address systemic racism as follows:

1. Develop and conduct a systemic Equity Needs Assessment for the District to identify processes and practices that cause or contribute to inequitable outcomes. The Assessment shall also include an inventory of what equity-related data is currently collected by the District. Following the assessment, strategies will be developed and implemented to address the identified issues.

Mission – Goals – Objectives

Anti-Racism (Confronting Racism in Schools)

Leadership and Administration (continued)

2. To address disparities in course participation (including AP/honors participation):
 - a. All school staff making class recommendations shall provide an explanation for the recommendation to students and/or families.
 - b. School counselors shall be responsible for educating students and families as equitable partners in the selection process and course sequencing.
 - c. Middle and high schools will offer opportunities for supplementary coursework, such as summer programs or tutoring during or after school, to students interested in moving to higher level courses.
3. The Board shall implement alternative discipline processes, such as restorative justice, to reduce racial disparities in discipline and suspension and expulsion.
 - a. To ensure consistency in student discipline, each school shall collect and, at least annually, report data on all disciplinary actions. The data shall include the student's race/ethnicity, gender, socio-economic status, special education, and English Language Learner status, as well as a written explanation of the behavior leading to discipline and the specific corrective action taken.
 - b. When school administrators determine a student has committed a racist act, the student will be provided the opportunity to learn about the impact of their actions on others through such practices as restorative justice, mediation, role play or other explicit policies or training resources.

Curriculum and Instruction

1. Curriculum and instructional materials for all grades shall reflect cultural and racial diversity and include a range of perspectives and experiences, particularly those of historically underrepresented groups of color.
2. All curriculum materials shall be examined for racial bias. Where materials reflect racial bias, teachers utilizing the materials will acknowledge the bias and communicate it to students and parents.
3. The Board shall implement an anti-racist curriculum and provide educational resources for students at every grade level.
4. Student in-class and extra-curricular programs and activities shall be designed to provide opportunities for cross-cultural and cross-racial interactions to foster respect for cultural and racial diversity.

Mission – Goals – Objectives

Anti-Racism (Confronting Racism in Schools) (continued)

Training

1. All staff shall be trained in this anti-racism policy.
2. All teachers and administrators shall be trained in cultural awareness and/or culturally responsive teaching practices. Culturally responsive teaching practices shall be incorporated into Board approved appraisal systems, including the teacher appraisal system and the administrator performance appraisal.
3. All staff shall be trained about racism and about how racism produces inequitable practices and outcomes.

Policy Communication

1. Each school shall post a public statement against racism in a location visible to students, staff, and visitors entering the school. The District will also post a public statement in high traffic locations at its main offices and on the District website.
2. The public statement shall read: “_____ Schools is committed to establishing and sustaining an equitable community that achieves the District’s equity mission to end the predictive value of race and ensure each individual student’s and staff members’ success. The Board of Education rejects all forms of racism as destructive to its mission, vision, values, and goals.”
3. The Board shall establish a committee of students to promote equity and diversity and to serve as leaders and spokespersons within their schools.
4. This policy shall be included in student handbooks provided to students and families.
5. This policy shall be posted on the District website and the website of each school.

Policy Enforcement

1. Staff shall collect, review, and provide an annual report to the Board on data regarding racial disparities in areas including, but not limited to, student achievement, enrollment, suspension/discipline, graduation rates, and gifted identification. The report shall also include evidence of growth in each area outlined by the anti-racism policy (i.e., communication, leadership and administration, curriculum and instruction). The written reports shall also be made available to the public, to the student diversity committee, and to school equity teams.
2. The Superintendent or his/her designee shall be responsible for implementation and evaluation of District strategies for implementation. Adequate resources shall be made a part of the District’s budget.
3. The District shall ensure there are various means for students and staff to report racism and other forms of discrimination.

Mission – Goals – Objectives

Anti-Racism (Confronting Racism in Schools) (continued)

- (cf. 0521 – Nondiscrimination)
- (cf. 0523 – Equity and Diversity)
- (cf. 0524 – Hate Crimes and Bias Incidents in Schools)
- (cf. 4111 – Recruitment and Selection)
- (cf. 4111.1/4211.1 – Affirmative Action)
- (cf. 4118.11 – Nondiscrimination)
- (cf. 4118.113/4218.113 – Harassment)
- (cf. 4118.3 – District Minority Recruitment Plan)
- (cf. 4131 – Staff Development)
- (cf. 5131.911 – Bullying/Safe School Climate Plans)
- (cf. 5144.12 – Restorative Justice Approach to Discipline)
- (cf. 5144.5 – Progressive Discipline and Promoting Positive Social Behavior)
- (cf. 5145.4 – Nondiscrimination)
- (cf. 5145.5 – Sexual Harassment)
- (cf. 5145.51 – Peer Sexual Harassment)
- (cf. 5145.52 – Harassment)
- (cf. 5145.53 – Transgender and Non-Conforming Youth)
- (cf. 5145.54 – Civility)
- (cf. 6115 – Ceremonies and Observances)
- (cf. 6121 – Nondiscrimination)
- (cf. 6121.1 – Equal Educational Opportunity)
- (cf. 6141.21 – Religions in the Public Schools)
- (cf. 6141.22 – Religious Accommodations)
- (cf. 6144 – Teaching about Controversial Issues)

Legal Reference:

- Connecticut General Statutes
- 46a-60 Discriminatory employment practices prohibited.
- 10-15c Discrimination in public schools prohibited. School attendance by five-year olds.
- 10-153 Discrimination on account of marital status.
- 17a-101 Protection of children from abuse.
- Connecticut State Board of Education “Position Statement on Culturally Responsive Education,” adopted May 4, 2011.
- Title VII, Civil Rights Act, 42 U.S.C. 2000e, et seq.
- 29 CFR 1604.11, EEOC Guidelines on Sex Discrimination.
- Title IX of the Educational Amendments of 1972, 20 U.S.C. 1681 et seq.
- 34 CFR Section 106.8(b), OCR Guidelines for Title IX.
- Definitions, OCR Guidelines on Sexual Harassment, Fed. Reg. Vol 62, #49, 29 CFR Sec. 1606.8 (a0 62 Fed Reg. 12033 (March 13, 1997) and 66 Fed. Reg. 5512 (January 19, 2001).
- Section 8525, ESEA as amended by the Every Student Succeeds Act.
- Title II of the Genetic Information Nondiscrimination Act of 2008.

Policy adopted:
cps 1/21

A recommended policy to consider.

Mission – Goals – Objectives

Anti-Racism (Confronting Racism in Schools) (version #2)

Purpose of Policy

The purpose of this policy is to eliminate all forms of racism in the _____ School District. This policy commits the Board of Education (Board) to the elimination of all forms of racial discrimination in district schools. No student, employee, parent, caregiver or community member should experience racism within the learning or working environment.

Alternate Language: The Board of Education (Board) expects all children to find school a safe and welcoming place, where they are able to achieve success, irrespective of their racial or ethnic background. It is not possible to achieve this if any child or member of the school community face prejudice or hostility because of their ethnic origins. Therefore, the Board believes it is important to have in place an Anti-Racism policy, to clarify its expectations and approach, in order to ensure equality of opportunity for all children.

By having such a policy, the Board gives a clear message to all in the school community that racism will not be tolerated in any form.

Alternate Language: The Board of Education (Board) will not tolerate any intentionally hostile or offensive act by a person of one racial and ethnic origin against a person of another origin, or any incitement to commit such an act in a manner that it interferes with the peace and comfort of the person and that the quality of life of the person is reduced.

The goals of this Anti-Racism policy are:

1. To promote critical thinking regarding the history, contribution, and perspectives of diverse ethnic and social groups.
2. To incorporate classroom content and strategies that enable students to safely explore questions of identity and membership in diverse ethnic and social groups, race equality, and racism, specifically those traditionally excluded from K-12 education.
3. To create engagement opportunities that provide families with a welcoming means of raising any concern about their child's experience as it relates to racial, ethnic, or social identity at school.
4. To remove racial intolerance from District schools and to promote a positive multicultural society.
5. To enable all students to thrive in a socially cohesive community.

Mission – Goals – Objectives

Anti-Racism (Confronting Racism in Schools) (continued)

Policy Scope

This policy applies to all schools, facilities and programs in the District and to all members of the District including, but not limited to, students, staff, volunteers, visitors, teachers and administrators.

Eradicating expressions of racism in learning and working environments and challenging the attitudes that allow them to emerge, is the shared responsibility of all school employees. The entire staff contributes to the eradication of racism by promoting acceptance of our nation's multi-faceted diversity and by challenging prejudiced attitudes and actions. Further, all staff are responsible for monitoring their own behavior to ensure that it does not result in anyone experiencing racism.

Definitions

1. **Anti-Racism:** the practice of identifying, challenging, and changing the values, structures, and behaviors that perpetuate systemic racism.
2. **Ethnicity:** the social characteristics that people may have in common, such as language, religion, regional background, culture, foods, etc. Ethnicity is revealed by the traditions one follows, such as a person's language.
3. **Individual Racism:** pre-judgment, bias, or discrimination by an individual based on race. Individual racism includes both privately held beliefs, conscious and unconscious, and external behaviors and actions towards others.
4. **Institutional Racism:** the collective failure of a public or private organization to provide an appropriate and professional service to people because of their race, color, culture or ethnic origin which can be seen or detected in practices, processes, systems, attitudes and behavior. It looks beyond individual acts of prejudice to the systemic biases that may be built into institutions. These systemic biases discriminate against and disadvantage people of color through unwitting prejudice, ignorance, thoughtlessness or racial stereotyping.
 [It occurs within institutions and organizations, such as schools, that adopt and maintain policies, practices, and procedures that often unintentionally produce inequitable outcomes for people of color and advantages for white people.]
5. **White Privilege:** a web of institutional and cultural treatment and exemption from racial and national oppression.
6. **White Supremacy:** the political, economic, and cultural systems in which individuals overwhelmingly control power over material resources, a form of dominance and control, and not just the overt hate of one group towards another.

Mission – Goals – Objectives

Anti-Racism (Confronting Racism in Schools) (continued)

Definitions

7. **Systemic or Structural Racism:** the way in which public policies, institutional practices, cultural representations, and other norms work in various ways to reinforce and perpetuate racial group inequity. It is not something we as individual members of society actively choose to practice, instead it is a feature of the social, economic, and political systems in which we all exist. It refers to the history, culture, ideology, and interactions of institutions and policies that perpetuate a system of inequity that is detrimental to communities of color.

Policy Statement

It is the policy of the District to:

1. Affirm the need to provide safe educational spaces of learning for all students.
2. Reject all forms of racism. The Board is committed to the elimination of racial discrimination in schools, including direct and indirect racism, racial vilification and harassment, in all aspects of the learning and working environment.
3. Oppose teachings that perpetuate white supremacy and/or superiority by acknowledging the violence, disenfranchisement and bigotry these topics depict before a lesson begins because doing otherwise would be equivalent to claiming these prejudices never existed and individuals are not harmed by them every day.
4. Commit to a collective responsibility within the District to address, eliminate, and prevent actions, decisions, and outcomes that result from and perpetuate racism.
5. Eliminate inequitable practices that create prejudicial or disparate outcomes for students based on social or cultural factors, such as race, class, ethnicity, religion, or gender.
6. Respect and champion the diversity and varied life experiences of all community members which contribute to the District's goals of inclusivity, equity, and justice.
7. Acknowledge that racism is often compounded by other forms of discrimination.

(cf. 0521 – Nondiscrimination)

(cf. 0523 – Equity and Diversity)

(cf. 0524 – Hate Crimes and Bias Incidents in Schools)

(cf. 4111 – Recruitment and Selection)

(cf. 4111.1/4211.1 – Affirmative Action)

(cf. 4118.11 – Nondiscrimination)

(cf. 4118.113/4218.113 – Harassment)

(cf. 4118.3 – District Minority Recruitment Plan)

(cf. 4131 – Staff Development)

(cf. 5131.911 – Bullying/Safe School Climate Plans)

Mission – Goals – Objectives

Anti-Racism (Confronting Racism in Schools) (continued)

(cf. 5144.12 – Restorative Justice Approach to Discipline)
(cf. 5144.5 – Progressive Discipline and Promoting Positive Social Behavior)
(cf. 5145.4 – Nondiscrimination)
(cf. 5145.5 – Sexual Harassment)
(cf. 5145.51 – Peer Sexual Harassment)
(cf. 5145.52 – Harassment)
(cf. 5145.53 – Transgender and Non-Conforming Youth)
(cf. 5145.54 – Civility)
(cf. 6115 – Ceremonies and Observances)
(cf. 6121 – Nondiscrimination)
(cf. 6121.1 – Equal Educational Opportunity)
(cf. 6141.21 – Religions in the Public Schools)
(cf. 6141.22 – Religious Accommodations)
(cf. 6144 – Teaching about Controversial Issues)

Legal Reference: Connecticut General Statutes
46a-60 Discriminatory employment practices prohibited.
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Title IX of the Educational Amendments of 1972, 20 U.S.C. 1681 et seq.
34 CFR Section 106.8(b), OCR Guidelines for Title IX.
Definitions, OCR Guidelines on Sexual Harassment, Fed. Reg. Vol 62, #49, 29 CFR Sec. 1606.8 (a) 62 Fed Reg. 12033 (March 13, 1997) and 66 Fed. Reg. 5512 (January 19, 2001).
Section 8525, ESEA as amended by the Every Student Succeeds Act.
Title II of the Genetic Information Nondiscrimination Act of 2008.

Policy adopted:
cps 1/21

A sample regulation to consider/modify.

Mission – Goals – Objectives

Anti-Racism (Confronting Racism in Schools)

The purpose of this administrative regulation is to eliminate all forms of racism in the _____ School District, as detailed in policy #0525.1.

The following procedures will be implemented throughout the District (See policy for definitions):

1. The following public statement will be posted in all District facilities and on the district and school websites. In all locations it will be posted in a high traffic location, visible to students, staff and visitors.

The public statement shall read:

“_____ Schools is committed to establishing and sustaining an equitable community that achieves the District’s equity mission to end the predictive value of race and ensure each individual student’s and staff members’ success. The Board of Education rejects all forms of racism as destructive to its mission, vision, values, and goals.”

Alternate Statement:

“The _____ School District rejects all forms of racism. Racism in any form will not be tolerated in this school. _____ Schools are committed to the mission of increasing cultural respect by cultivating greater understanding of concepts of diversity, inclusion, equity, implicit bias, white privilege, white supremacy, and systemic racism.”

This statement shall also be included in the student handbooks provided to students and families and shall be translated into other languages and be made available for families with limited English proficiency, if and when needed.

2. The District shall establish an organization or committee of students to promote equity and diversity and to serve as leaders and spokespersons within the schools and the District.
3. The District shall proactively seek to recruit and hire diverse faculty and staff to their schools.
4. The District shall develop a systemic approach to assessing and monitoring institutional climate, ensuring that implicit bias and its potential consequences are understood, and that people of diverse backgrounds feel welcomed and respected.

Mission – Goals – Objectives

Anti-Racism (Confronting Racism in Schools) (continued)

5. The District shall implement alternative disciplinary processes, such as restorative justice, to reduce racial disparities in discipline and in situations involving suspension and expulsion.
6. When school administrators determine a student has committed a racial act, the student will be provided the opportunity to learn about the impact of their actions on others through such practices as restorative justice, mediation, role play, or other policies or training resources.
7. All curriculum within the District shall:
 - a. reflect cultural and racial diversity and include a range of perspectives and experiences, particularly those of historically underrepresented groups of color.
 - b. be examined for racial bias. Where materials reflect racial bias, teachers utilizing the materials will acknowledge the bias and communicate it to students and parents.
8. The District will implement an anti-racist curriculum and provide educational resources for students at every grade level.
9. Categories of racist behavior include, but are not limited to:
 - a. using words or phrases in humor or aggression related to another person's color, ethnicity, or religion;
 - b. physical assault against a person or group because of color, ethnicity or religion;
 - c. racist graffiti;
 - d. provocative behavior, e.g. racist badges or insignia;
 - e. bringing racist materials, such as racist leaflets, into school;
 - f. verbal abuse and threats, including name calling, insults, and racist jokes;
 - g. incitement of others to behave in a racist way;
 - h. racist comments in the course of discussion in lessons;
 - i. ridiculing of an individual or group for cultural differences;
 - j. refusal to cooperate with others because of their ethnic origins;
 - k. posting any racist comments online.
10. No member of the staff should ignore any form of racist behavior anywhere in the school. It should be immediately explained why such behavior is unacceptable.

Regulation approved:

cps 1/21

The following is provided to assist those boards of education who desire to adopt a resolution pertaining to anti-racism.

School Board Anti-Racism Resolution

WHEREAS, as schools have the responsibility to equip students with their civil right of obtaining a free and appropriate public education, it is the responsibility of each school to ensure we create a welcoming community for ALL students; and

WHEREAS, it is the responsibility that every district provides to all district staff, including Board of Education members, annual professional development on diversity, equity and inclusion; and

WHEREAS, every district will commit to recruiting and retaining a diverse and culturally responsive teaching workforce; and

WHEREAS, every district will examine their policies for institutional and systemic racialized practices and implement change with sustainable policies that are evidence based; and

WHEREAS, every district will incorporate into their curriculum the history of racial oppression and works by black authors and works from diverse perspectives; and

WHEREAS, we as school district leaders can no longer remain silent to the issues of racism and hate that continue to plague our public and private institutions;

RESOLVED: that [District] and all the school districts in Connecticut must guarantee that racist practices are eradicated, and diversity, equity and inclusion is embedded and practiced for our students, families, faculty and staff.

We must ensure our own school culture and that of every district in the State is anti-racist, that acknowledges that all lives cannot matter until black lives matter.

(Source: Massachusetts School Committees Association)

A recommended policy to consider.

Mission – Goals – Objectives

Equity and Diversity

Purpose

Every student deserves a respectful learning environment in which their cultural, racial and ethnic diversity is valued and contributes to successful academic outcomes. The _____ Public Schools is committed to identifying and correcting practices and policies that perpetuate the achievement gap and institutional racism in all forms in order to provide all of its students with the opportunity to succeed. Learning and work environments are enriched and improved by the contributions, perspectives and very presence of diverse participants. The _____ School District is committed to the success of every student in each of our schools and to our mission and vision statements.

The Board of Education (Board) believes that the responsibility for student success is broadly shared by District staff, families, our community and our student's own efforts. Achievement gaps between white students and students of color are unacceptable if we are to meet our mission and vision statements and our moral obligations to our students, their families and our community as a whole. These gaps are contrary to our belief that all children can learn and succeed. Adult behaviors must not contribute to achievement gaps or create barriers to success. Adult behaviors must be concentrated on elimination of gaps, particularly those that are predicated on a student's race, ethnicity, home language, personal characteristics or culture and on assurance of educational equity between students. The Board, Superintendent and staff commit to conducting an equity and diversity impact assessment on all future policies that have a significant impact on student learning and resource allocation. This commitment also includes conducting assessments on policies that are periodically reviewed and updated through the policy development process that have a significant impact on student learning and resources allocation.

The diversity of our student body, our community and our staff is a strength of this District that should be fostered. Educational equity benefits all students and our entire community.

The purpose of this policy is to establish a framework for the elimination of bias, particularly racism and cultural bias, as factors affecting student achievement and learning experiences, and to promote learning and work environments that welcome, respect and value diversity. Further the purpose is to establish particular actions that the District shall take to address disparities in educational opportunity and achievement.

Definitions

For the purposes of this policy the following terms shall have these meanings:

- A. **"Diversity"** includes characteristics of persons including, but not limited to race, culture, color, creed or religion, national origin, gender, mental and physical ability, age, marital status, family structure, citizenship status, sexual orientation, sexual expression or identity, economic status, veteran's status, and any other protected class in conformance with federal, state and local laws.

Mission – Goals – Objectives

Equity and Diversity

Definitions (continued)

- B. **“District staff”** includes all employees, consultants and contractors of the _____ Public Schools.
- C. **“Educational equity”** means raising the achievement of all students while (1) narrowing the gaps between the lowest and highest performing students, and (2) eliminating the racial or cultural predictability and disproportionality of which student groups occupy the highest and lowest achievement categories including rates of graduation.
- D. **“Institutional racism”** means the collective failure of a public or private organization to provide an appropriate and professional service to people because of their race, color, culture or ethnic origin which can be seen or detected in practices, processes, systems, attitudes and behavior. It looks beyond individual acts of prejudice to the systemic biases that may be built into institutions. These systemic biases discriminate against and disadvantage people of color through unwitting prejudice, ignorance, thoughtlessness or racial stereotyping.

General Statement of Policy

- A. The District welcomes, respects and values the diversity of its students, parents, staff and the broader community.
- B. The following are established as District values:
 - 1. All students deserve optimal treatment, opportunities and education.
 - 2. All students and their families have dignity and worth.
 - 3. All students are equally, while differently, gifted.
 - 4. Academic and participation outcomes, not intentions, shall be the measure of whether we are successful.
 - 5. Inclusion of all students and families supports District goals to increase student engagement and academic performance.
 - 6. Embracing our diversity through inclusion creates an environment that leverages that diversity and creates schools where students, families, community members, and employees feel welcomed, valued, supported, and where students and staff can perform to their personal bests.
- C. The District is committed to advancing optimum participation in, contribution to, benefit from and enjoyment of learning and work experiences by diverse students, parents, staff and community.

Mission – Goals – Objectives

Equity and Diversity

General Statement of Policy (continued)

- D. The District is committed to promoting and providing equitable distribution of resources, opportunities, facilities and supports, even when this means differentiating resource allocations on the basis of student needs. Resource allocation shall support the definition of educational equity adopted in this policy while complying with state and federal funding mandates.
- E. The District shall employ staffing processes that support and engender racial, gender, and language diversity in its staff through recruitment, employment, training and retention of employees. It is important that children of all races, cultures, and backgrounds are provided with familiar role models in schools. The recruitment of diverse teachers and staff provides all students with a better chance of seeing themselves as part of the education system. Diversity in education provides all children with the opportunity to learn from others with dissimilar backgrounds and recognizes the value of diversity in all learning environments. The District is committed to increasing the recruitment and retention of highly qualified diverse staff. The District is committed to fostering a learning environment where diversity is encouraged and to recruiting and retaining a workforce that reflects the diversity of our students and community. The Board is committed to hiring the best employees of all racial and ethnic backgrounds who will bring their unique talents and skills into the school system.
- F. The District shall offer opportunities for all staff to improve its cultural competencies in serving a diverse student body and community. The District staff shall work together to increase their individual and collective capacity to effectively teach a culturally, racially and ethnically diverse student population and serve culturally, racially and ethnically diverse families and communities. The District shall offer opportunities for all staff to improve culturally responsive instructional practices, curriculum, and assessments competencies in serving our diverse student body and community to increase individual and collective capacity to effectively teach our diverse student population and serve diverse families. Practices, procedures and programs that result in over or under representation of any group of students compared to peers shall be subject to close review to assure that such results are due to meeting student legitimate educational, social or emotional needs. Practices that do not meet this close review shall be eliminated. Teachers, administrators and district staff shall collaborate to establish and implement culturally responsive instructional practices, curriculum and assessments.
- G. The District shall promote the diversification of its vendor and supplier corps in accordance with law and district policy.
- H. The District shall provide professional development to teaching staff specifically designed to strengthen employee's knowledge and skills for eliminating opportunity and achievement gaps between groups of students.

Mission – Goals – Objectives

Equity and Diversity

General Statement of Policy (continued)

- I. The District shall seek partnerships with outside agencies, organizations and persons who have demonstrated culturally specific expertise to assist the District in meeting its equitable education and business goals, including, but not limited to: (1) government agencies, (2) non-profit organizations, (3) businesses, and (4) other community groups that support educational equity and cultural competencies.

Responsibility

- A. The Board shall consider the values stated in this policy in conducting its business and in exercising its responsibilities to the people of this community.
- B. The Superintendent shall establish in accordance with this policy such plans and procedures as may be necessary and appropriate to accomplish its purpose and intent. Plans and procedures established shall include clear accountability for actions and oversight.
- C. The Superintendent may promulgate regulations for the implementation of this policy as deemed necessary.
- D. The Board and Superintendent may establish specific goals to implement this policy as permitted by law and deemed necessary.
- E. The Superintendent shall annually report to the Board and the community regarding District performance goals on academic achievement and progress toward meeting these goals and closing the achievement gap. The report will also highlight discrepancies between the targets set and actual performance when applicable. This annual public report shall include an equity and diversity impact assessment that demonstrates policies with the least disparate impact have been adopted by the District.
- F. District staff shall within the parameters of their various duties and responsibilities comply with and execute such plans as are designed to address the values and directions included in this policy. District staff is further responsible to make such suggestions to the appropriate authority to improve the ability of the District to reduce the achievement and opportunity gaps that exist.
- G. Families are partners with the District in its effort to address achievement and opportunity gaps.
- H. Students are partners in their academic achievement. School attendance and engagement are essential to reduce achievement and opportunity gaps that exist.
- I. The Board, Superintendent and employees will work with students and families to identify barriers to achievement and opportunities for academic success.

Mission – Goals – Objectives

Equity and Diversity (continued)

(cf. 0521 – Nondiscrimination)
 (cf. 0524 – Hate Crimes and Bias Incidents in Schools)
 (cf. 0525.1 – Anti-Racism/Confronting Racism in Schools)
 (cf. 1110.1 – Parental Involvement)
 (cf. 1110.3 – School Governance Council)
 (cf. 1210 – Community Associations)
 (cf. 1212 – Volunteers)
 (cf. 1330 or 3515 – Use of School Facilities)
 (cf. 1205 – Participation by the Public)
 (cf. 4111 – Recruitment and Selection)
 (cf. 4111.1/4211.1 – Affirmative Action)
 (cf. 4118.11 – Nondiscrimination)
 (cf. 4118.113/4218.113 – Harassment)
 (cf. 4118.3 – District Minority Recruitment Plan)
 (cf. 4131 – Staff Development)
 (cf. 5118.1 – Homeless Students)
 (cf. 5131.911 – Bullying/Safe School Climate Plans)
 (cf. 5145.4 – Nondiscrimination)
 (cf. 5145.5 – Sexual Harassment)
 (cf. 5145.51 – Peer Sexual Harassment)
 (cf. 5145.52 – Harassment)
 (cf. 5145.53 – Transgender and Non-Conforming Youth)
 (cf. 5145.6 – Student Grievance Procedure)
 (cf. 6115 – Ceremonies and Observances)
 (cf. 6121 – Nondiscrimination)
 (cf. 6121.1 – Equal Educational Opportunity)
 (cf. 6141.21 – Religions in the Public Schools)
 (cf. 6141.22 – Religious Accommodations)
 (cf. 6141.311 – Programs for limited English Proficient Students)
 (cf. 6171 – Special Education)
 (cf. 9133 – Board of Education Advisory Committees)

Legal Reference: Connecticut General Statutes
 46a-60 Discriminatory employment practices prohibited.
 10-15c Discrimination in public schools prohibited. School attendance by
 five-year olds. (Amended by P.A. 97-247 to include “sexual orientation”
 and P.A. 11-55 to include “gender identity or expression”)
 10-153 Discrimination on account of marital status.
 17a-101 Protection of children from abuse.
 Connecticut State Board of Education “Position Statement on Culturally
 Responsive Education,” adopted May 4, 2011

Mission – Goals – Objectives

Equity and Diversity

Legal Reference: Connecticut General Statutes (continued)
 Title VII, Civil Rights Act, 42 U.S.C. 2000e, et seq.
 29 CFR 1604.11, EEOC Guidelines on Sex Discrimination.
 Title IX of the Educational Amendments of 1972, 20 U.S.C. 1681 et seq.
 34 CFR Section 106.8(b), OCR Guidelines for Title IX.
 Definitions, OCR Guidelines on Sexual Harassment, Fed. Reg. Vol 62, #49, 29 CFR Sec. 1606.8 (a0 62 Fed Reg. 12033 (March 13, 1997) and 66 Fed. Reg. 5512 (January 19, 2001)
 Section 8525, ESEA as amended by the Every Student Succeeds Act
Meritor Savings Bank. FSB v. Vinson, 477 U.S. 57 (1986)
Faragher v. City of Boca Raton, No. 97-282 (U.S. Supreme Court, June 26, 1998)
Gebbs v. Lago Vista Indiana School District, No. 99-1866, (U.S. Supreme Court, June 26, 1998)
Davis v. Monroe County Board of Education, No. 97-843, (U.S. Supreme Court, May 24, 1999.)
 The Vietnam Era Veterans' Readjustment Act of 1974, as amended, 38 U.S.C. §4212
 Title II of the Genetic Information Nondiscrimination Act of 2008
 The Americans with Disabilities Act as amended by the ADA Amendments Act of 2008
 Public Law 111-256
Meacham v. Knolls Atomic Power Laboratory 128 S.Ct. 2395, 76 U.S.L.W. 4488 (2008)
Federal Express Corporation v. Holowecki 128 S.Ct. 1147, 76 U.S.L.W. 4110 (2008)
Kentucky Retirement Systems v. EEOC 128 S.Ct. 2361, 76 U.S.L.W. 4503 (2008)
Sprint/United Management Co. v. Mendelsohn 128 S.Ct. 1140, 76 U.S.L.W. 4107 (2008)

Policy adopted:

cps 2/15
 rev 7/18
 rev 1/21

CABE acknowledges the contribution of the Minneapolis Public Schools Policy 1304 *Equity and Diversity* (10/8/13), Portland Public Schools Policy 2.10.010-P *Racial Educational Equity* (6/13/2011) and the Seattle Public Schools Policy 0030, *Ensuring Educational and Racial Equity* (8/15/2012) to the development of this policy.

Another version of this recommended policy to consider.

Mission – Goals – Objectives

Equity and Diversity

The Board of Education (Board) is committed to the success of every student in each of our schools and to achieving the mission of ensuring that all students graduate ready for college, career and life. The Board believes that the responsibility for student success is broadly shared by District staff, administrators, teachers, community and families. The Board is focused on closing the opportunity gap and creating learning communities that provide support and academic enrichment programs for all students. [or: The Board believes that every student has the potential to achieve and it is the responsibility of the District to give each student the opportunity and support to meet his or her highest potential.]

The concept of educational equity extends beyond formal equity, where all students are treated the same, to fostering a barrier-free environment where all students, regardless of their race, class, or other personal characteristics such as creed, color, religion, ancestry, national origin, age, economic status, gender, sexual orientation including gender expression or identity, pregnancy status, marital status, physical appearance, or the presence of any sensory, mental or physical disability, have the opportunity to benefit equally.

The responsibility for the disparities among our youth rests with adults, not the children. The Board is aware that student achievement data from across the country reveal similar patterns and those complex societal and historical factors contribute to the inequities faced by students. Rather than perpetuating such disparities, the Board believes the District must address and overcome this inequity and institutional racism, providing all students with the support and opportunity to succeed. This means differentiating resource allocation, within budgetary limitations, to meet the needs of students who need more supports and opportunities to succeed academically. The district will provide additional and differentiated resources to support the success of all students, including students of color.

District schools will significantly change/improve its practices in order to achieve and maintain racial equity in education. Educational equity means raising the achievement of all students while (1) narrowing the gaps between the lowest and highest performing students and (2) eliminating the racial predictability and disproportionality of which student groups occupy the highest and lowest achievement categories.

With these commitments in mind, the _____ Public Schools shall:

- Provide every student with equitable access to high quality and culturally relevant instruction, curriculum, support, facilities and other educational resources, even when this means differentiating resources to accomplish this goal.
- Create multiple pathways to success in order to meet the needs of its diverse students, and shall actively encourage, support and expect high academic achievement from all racial groups.

Mission – Goals – Objectives

Equity and Diversity (continued)

- Recruit, employ, support and retain a teacher, administrator, instructional and support workforce that is balanced and reflects the diversity of the student body.
- Provide professional development to strengthen employees' knowledge and skills for eliminating cultural, racial and ethnic disparities in achievement.
- Ensure that each school creates a welcoming culture and inclusive environment that reflects and supports the diversity of the District's student population, their families and communities.
- Remedy the practices, including assessment, that lead to the over-representation of students of color in areas such as special education and discipline, and the under representation in programs such as talented and gifted and Advanced Placement.
- Review existing policies, programs, professional development and procedures to ensure the promotion of racial equality, and all applicable new policies, programs and procedures will be developed with a racial equity approach.
- Include other partners who have demonstrated culturally specific expertise, including families, government agencies, institutions of higher learning, early childhood education organizations, community-based organizations, businesses, and the community in general, in meeting the District's high goals for educational outcomes.
- Provide, consistent with state regulations and District policy and within budgetary considerations, materials and assessments that reflect the diversity of students and staff, and which are geared towards the understanding and appreciation of culture, class, language, ethnicity and other differences that contribute to the uniqueness of each student and staff member.

The Board recognizes that these are long-term goals that require significant work and resources to implement in all schools. All District employees are responsible for the success and achievement of all students. The Superintendent is authorized to develop procedures to implement this policy, including an action plan with clear responsibility. Annually, the Superintendent shall report to the Board on the progress towards achieving the goals outlined in this policy.

(cf. 0521 – Nondiscrimination)
 (cf. 0524 – Hate Crimes and Bias Incidents in Schools)
 (cf. 0525.1 – Anti-Racism/Confronting Racism in Schools)
 (cf. 1110.1 – Parental Involvement)
 (cf. 1110.3 – School Governance Council)
 (cf. 1210 – Community Associations)
 (cf. 1212 – Volunteers)
 (cf. 1330 or 3515 – Use of School Facilities)
 (cf. 1205 – Participation by the Public)
 (cf. 4111 – Recruitment and Selection)
 (cf. 4111.1/4211.1 – Affirmative Action)
 (cf. 4118.11 – Nondiscrimination)

Mission – Goals – Objectives

Equity and Diversity (continued)

(cf. 4118.113/4218.113 – Harassment)
 (cf. 4118.3 – District Minority Recruitment Plan)
 (cf. 4131 – Staff Development)
 (cf. 5118.1 – Homeless Students)
 (cf. 5131.911 – Bullying/Safe School Climate Plans)
 (cf. 5145.4 – Nondiscrimination)
 (cf. 5145.5 – Sexual Harassment)
 (cf. 5145.51 – Peer Sexual Harassment)
 (cf. 5145.52 – Harassment)
 (cf. 5145.53 – Transgender and Non-Conforming Youth)
 (cf. 5145.6 – Student Grievance Procedure)
 (cf. 6115 – Ceremonies and Observances)
 (cf. 6121 – Nondiscrimination)
 (cf. 6121.1 – Equal Educational Opportunity)
 (cf. 6141.21 – Religions in the Public Schools)
 (cf. 6141.22 – Religious Accommodations)
 (cf. 6141.311 – Programs for limited English Proficient Students)
 (cf. 6171 – Special Education)
 (cf. 9133 – Board of Education Advisory Committees)

Legal Reference: Connecticut General Statutes
 46a-60 Discriminatory employment practices prohibited.
 10-15c Discrimination in public schools prohibited. School attendance by five-year olds. (Amended by P.A. 97-247 to include “sexual orientation” and P.A. 11-55 to include “gender identity or expression”)
 10-153 Discrimination on account of marital status.
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 Connecticut State Board of Education, “Position Statement on Culturally Responsive Education,” adopted May 4, 2011
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 29 CFR 1604.11, EEOC Guidelines on Sex Discrimination.
 Title IX of the Educational Amendments of 1972, 20 U.S.C. 1681 et seq.
 34 CFR Section 106.8(b), OCR Guidelines for Title IX.
 Definitions, OCR Guidelines on Sexual Harassment, Fed. Reg. Vol 62, #49, 29 CFR Sec. 1606.8 (a0 62 Fed Reg. 12033 (March 13, 1997) and 66 Fed. Reg. 5512 (January 19, 2001)
 Section 8525, ESEA as amended by the Every Student Succeeds Act
Meritor Savings Bank. FSB v. Vinson, 477 U.S. 57 (1986)

Mission – Goals – Objectives

Equity and Diversity

Legal Reference: Connecticut General Statutes (continued)
Faragher v. City of Boca Raton, No. 97-282 (U.S. Supreme Court, June 26, 1998)
Gebser v. Lago Vista Indiana School District, No. 99-1866, (U.S. Supreme Court, June 26, 1998)
Davis v. Monro County Board of Education, No. 97-843, (U.S. Supreme Court, May 24, 1999.)
The Vietnam Era Veterans' Readjustment Act of 1974, as amended, 38U.S.C. §4212
Title II of the Genetic Information Nondiscrimination Act of 2008
The Americans with Disabilities Act as amended by the ADA Amendments Act of 2008
Public Law 111-256
Meacham v. Knolls Atomic Power Laboratory 128 S.Ct. 2395, 76 U.S.L.W. 4488 (2008)
Federal Express Corporation v. Holowecki 128 S.Ct. 1147, 76 U.S.L.W. 4110 (2008)
Kentucky Retirement Systems v. EEOC 128 S.Ct. 2361, 76 U.S.L.W. 4503 (2008)
Sprint/United Management Co. v. Mendelsohn 128 S.Ct. 1140, 76 U.S.L.W. 4107 (2008)

Policy adopted:

cps 2/15
rev 7/18
rev 1/21

CABE acknowledges the contribution of the Portland Public Schools Policy 2.10.010-P *Racial Educational Equity* (6/13/2011) and the Seattle Public Schools Policy 0030, *Ensuring Educational and Racial Equity* (8/15/2012) to the development of this policy.

Another version of this recommended policy to consider.

Mission – Goals – Objectives

Equity and Diversity

Values

Every student deserves a respectful learning environment in which their cultural, racial and ethnic diversity is valued and contributes to successful academic outcomes. The _____ Public Schools is committed to identifying and correcting practices and policies that perpetuate the achievement gap and institutional racism in all forms in order to provide all of its students with the opportunity to succeed. Learning and work environments are enriched and improved by the contributions, perspectives and very presence of diverse participants. The _____ School District is committed to the success of every student in each of our schools.

The Board of Education (Board) believes that the responsibility for student success is broadly shared by District staff, families, our community and our student's own efforts. Achievement gaps between students with different socio-economic and cultural backgrounds are unacceptable if we are to achieve our mission and vision and to meet our moral obligations to our students, their families and our community. Gaps in learning and opportunity are contrary to our belief that all children can learn and succeed. Adult behaviors must not contribute to achievement gaps or create barriers to success. Adults must concentrate on eliminating gaps, particularly those that are predicated on a student's race, ethnicity, home language, personal characteristics or culture and on assurance of educational equity.

Purpose

The purpose of this policy is to:

1. Ensure that the District acts consistently (a) with its beliefs that all children can learn and succeed and that diversity of our student body, community and staff is a strength that should be fostered; and (b) with its obligation to provide all its students with educational equity and the opportunity to succeed;
2. Establish a policy framework for eliminating bias, instructional racism and other barriers to success and for achieving educational equity;
3. Ensure that the District (a) evaluates proposed policies and practices for disparate impacts on learning and development of students with different personal characteristics and on resource allocation; and (b) adopts effective policies that achieve the District's goals without disparate impacts; and
4. Ensure that no district policies or practices contribute to achievement gaps between students of different races, colors, socio-economic status, ethnicity, home languages, country or origin or other personal characteristics.

Mission – Goals – Objectives

Equity and Diversity

Definitions

For the purposes of this policy the following terms shall have these meanings:

- A. **“Diversity”** includes “personal characteristics” that include but are not limited to race, culture, color, creed or religion, national origin, gender, mental and physical ability, age, marital status, family structure, citizenship status, sexual orientation, gender expression or identity, economic status, veteran’s status, and any other protected class in conformance with federal, state and local laws.
- B. **“District staff”** includes all employees, consultants, and contractors of the _____ Public Schools.
- C. **“District”** includes District staff and the Board of Education of the _____ Public Schools.
- D. **“Educational equity”** means raising the achievement of all students while (1) narrowing the gaps between the lowest and highest performing students, and (2) eliminating the racial or cultural predictability and disproportionality of which student groups occupy the highest and lowest achievement categories including rates of graduation.
- E. **“Institutional racism”** means the collective failure of a public or private organization to provide an appropriate and professional service to people because of their race, color, culture or ethnic origin which can be seen or detected in practices, processes, systems, attitudes and behavior. It looks beyond individual acts of prejudice to the systemic biases that may be built into institutions. These systemic biases discriminate against and disadvantage people of color through unwitting prejudice, ignorance, thoughtlessness or racial stereotyping.

Implementation Procedures

Diversity:

1. The District shall adopt employment procedures (recruitment, hiring, training and retention) to ensure diversity in an excellent workforce that reflects community and student diversity (as defined in this policy). Children of all races, cultures, and backgrounds benefit from seeing familiar role models in schools. District staff diversity provides all students a better chance of seeing themselves as belonging to the education system. District staff diversity provides all children with the opportunity to learn from others with dissimilar backgrounds.

Mission – Goals – Objectives

Equity and Diversity

Implementation Procedures (continued)

Diversity: (continued)

2. The District shall make efforts to increase diversity of vendors and suppliers corps in accordance with law and District policy.
3. The District shall offer professional development opportunities for all staff to improve their effectiveness and capacity (individual and collective) (1) to teach an ethnically and racially diverse student population and (2) to serve similarly diverse families and communities.

Equity:

1. The District shall offer professional development opportunities to the teaching and administrative staff specifically to strengthen and deepen their knowledge and skills for (1) eliminating barriers to learning and barriers to opportunities for academic success and for (2) closing achievement and opportunity gaps between student groups.
 - a. The Board, Superintendent and employees will offer opportunities for students and families to provide their recommendations for identifying barriers to achievement and opportunities for academic success.
 - b. Because school attendance is essential to student engagement and learning, and to reducing gaps in achievement and opportunity, the District will ensure its attendance policies and practices eliminate barriers to opportunities for academic success through positive practices.
 - c. District staff members are responsible - within the parameters of their duties - for complying with this policy and for making suggestions to appropriate authorities to improve the District's ability to reduce achievement and opportunity gaps. The Superintendent is responsible for distribution of this policy to each teaching and administrative staff member.
2. The District shall evaluate proposed policies and practices relative to their goals (1) for potential disparate impacts on learning and development of students with different personal characteristics and (2) for resource allocations potentially adverse to students with particular personal characteristics. The District shall adopt policies and practices that achieve District goals without disparate impacts.

Mission – Goals – Objectives

Equity and Diversity

Implementation Procedures (continued)

Equity: (continued)

3. The District shall work collaboratively with teachers, administrators and other experts to eliminate current practices, procedures and programs that result in over or under representation of students with certain personal characteristics as compared to their peers. The District shall subject all practices, procedures and programs to close review to assure that they do not contribute to achievement gaps between students based on personal characteristics.
 - a. To assist the District in meeting its equitable education and business goals, the District may seek outside expertise from, but not limited to: (1) government agencies, (2) non-profit organizations and (3) community groups supporting educational equity and cultural competencies.
4. To support the District goal of educational equity, the District shall provide each student with equitable access to high quality instruction, curriculum, support, facilities, opportunities, and other educational resources, even when this means differentiating resource allocations on the basis of student needs.
 - a. Because resource allocation must support educational equity while complying with state and federal funding mandates, the Superintendent shall conduct equity and diversity impact assessments on all policies and practices that have a significant impact on student learning and resource allocation.

Equity and Diversity:

1. To fulfill the District's public accountability responsibility, the Superintendent shall keep the Board informed about the District's performance and progress toward educational equity, staff diversity and staff development, consistent with this policy.
 - a. The Superintendent shall annually report to the Board and the community regarding District performance goals on academic achievement and progress toward meeting these goals and closing the achievement gap. The report will also highlight discrepancies between the targets set and actual performance. This annual public report shall include an equity and diversity impact assessment to demonstrate that the District has adopted policies with the least disparate impact.

(cf. 0521 – Nondiscrimination)

(cf. 0524 – Hate Crimes and Bias Incidents in Schools)

(cf. 0525.1 – Anti-Racism/Confronting Racism in Schools)

(cf. 1110.1 – Parental Involvement)

(cf. 1110.3 – School Governance Council)

(cf. 1205 – Participation by the Public)

Mission – Goals – Objectives

Equity and Diversity (continued)

(cf. 1210 – Community Associations)
(cf. 1212 – Volunteers)
(cf. 1330 or 3515 – Use of School Facilities)
(cf. 4111 – Recruitment and Selection)
(cf. 4111.1/4211.1 – Affirmative Action)
(cf. 4118.11 – Nondiscrimination)
(cf. 4118.111/4218.111 – Title IX Grievance Procedure)
(cf. 4118.113/4218.113 – Harassment)
(cf. 4118.3 – District Minority Recruitment Plan)
(cf. 4131 – Staff Development)
(cf. 5113 – Attendance)
(cf. 5114 – Suspension/Expulsion, Due Process)
(cf. 5114.2 – Suspension for Interscholastic Athletics)
(cf. 5118.1 – Homeless Students)
(cf. 5131 – Conduct)
(cf. 5131.1 – Conduct on School Buses)
(cf. 5131.111 – Video Surveillance)
(cf. 5131.21 – Threats of Violence by Students)
(cf. 5131.3 – Student Driving and Parking)
(cf. 5131.4 – School Ground Disturbances)
(cf. 5131.6 – Alcohol, Drugs and Tobacco)
(cf. 5131.7 – Weapons and Dangerous Instruments)
(cf. 5131.9 – Gang Activity or Association)
(cf. 5131.911 – Bullying/Safe School Climate Plans)
(cf. 5145.4 – Nondiscrimination)
(cf. 5145.5 – Sexual Harassment)
(cf. 5145.51 – Peer Sexual Harassment)
(cf. 5145.52 – Harassment)
(cf. 5145.53 – Transgender and Non-Conforming Youth)
(cf. 5145.6 – Student Grievance Procedure)
(cf. 6115 – Ceremonies and Observances)
(cf. 6121 – Nondiscrimination)
(cf. 6121.1 – Equal Educational Opportunity)
(cf. 6141.21 – Religions in the Public Schools)
(cf. 6141.22 – Religious Accommodations)
(cf. 6141.311 – Programs for limited English Proficient Students)
(cf. 6171 – Special Education)
(cf. 9133 – Board of Education Advisory Committees)

Mission – Goals – Objectives

Equity and Diversity (continued)

Legal Reference: Connecticut General Statutes
 46a-60 Discriminatory employment practices prohibited.
 10-15c Discrimination in public schools prohibited. School attendance by five-year olds. (Amended by P.A. 97-247 to include “sexual orientation” and P.A. 11-55 to include “gender identity or expression”)
 10-153 Discrimination on account of marital status.
 17a-101 Protection of children from abuse.
 Connecticut State Board of Education “Position Statement on Culturally Responsive Education,” adopted May 4, 2011
 Federal Legislation/Judicial Decisions
 Title IV of the Civil Rights Act of 1964 (CRA)
 Title VI of the Civil Rights Act of 1964 (CRA)
 Title VII, Civil Rights Act, 42 U.S.C. 2000e, et seq.
 29 CFR 1604.11, EEOC Guidelines on Sex Discrimination.
 Title IX of the Educational Amendments of 1972, 20 U.S.C. 1681 et seq.
 34 CFR Section 106.8(b), OCR Guidelines for Title IX.
 Definitions, OCR Guidelines on Sexual Harassment, Fed. Reg. Vol 62, #49, 29 CFR Sec. 1606.8 (a0 62 Fed Reg. 12033 (March 13, 1997) and 66 Fed. Reg. 5512 (January 19, 2001)
 Section 8525, ESEA as amended by the Every Student Succeeds Act
 Federal Guidance, January 8, 2014
<http://www2.ed.gov/policy/gen/guid/school-discipline/index.html>
Meritor Savings Bank. FSB v. Vinson, 477 U.S. 57 (1986)
Faragher v. City of Boca Raton, No. 97-282 (U.S. Supreme Court, June 26, 1998)
Gebbs v. Lago Vista Indiana School District, No. 99-1866, (U.S. Supreme Court, June 26, 1998)
Davis v. Monroe County Board of Education, No. 97-843, (U.S. Supreme Court, May 24, 1999.)
 Title IV of the Civil Rights Act of 1964 (CRA)
 Title VI of the CRA
 The Vietnam Era Veterans’ Readjustment Act of 1974, as amended, 38 U.S.C. §4212
 Title II of the Genetic Information Nondiscrimination Act of 2008
 The Americans with Disabilities Act as amended by the ADA Amendments Act of 2008
 Public Law 111-256

Mission – Goals – Objectives

Equity and Diversity

Legal Reference: Connecticut General Statutes (continued)
January 2014 “Federal Guidance-School Climate and Discipline”
(<http://www2.ed.gov/policy/gen/guid/school-discipline/index.html>).
Meacham v. Knolls Atomic Power Laboratory 128 S.Ct. 2395, 76 U.S.L.W. 4488 (2008)
Federal Express Corporation v. Holowecki 128 S.Ct. 1147, 76 U.S.L.W. 4110 (2008)
Kentucky Retirement Systems v. EEOC 128 S.Ct. 2361, 76 U.S.L.W. 4503 (2008)
Sprint/United Management Co. v. Mendelsohn 128 S.Ct. 1140, 76 U.S.L.W. 4107 (2008) Policy adopted:

Policy adopted:

cps 7/15
rev 7/18
rev 1/21

CABE acknowledges the contribution of the Minneapolis Public Schools Policy 1304 *Equity and Diversity* (10/8/13), Portland Public Schools Policy 2.10.010-P *Racial Educational Equity* (6/13/2011), the Seattle Public Schools Policy 0030, *Ensuring Educational and Racial Equity* (8/15/2012), Mirna Martinez of the New London Board of Education and Republic Ed to the development of this policy.

Another version of this recommended policy to consider.

Mission – Goals – Objectives

Racial and Ethnic Equity

The District recognizes that our nation has had major historical and societal factors impact the inequity that exists within public schools. Purposeful action can be taken to identify, acknowledge and overcome racial and ethnic disparities between students. The responsibility for addressing these disparities among students rests with the adults, not with the students.

District students deserve a safe and respectful learning environment in which all students shall receive an education that maximizes their potential for success in college, a career, and community leadership. The District shall focus on improving its practices in order to ensure equity in education. Any achievement gap between white students and students of color (historically defined as the racial and ethnic student groups made up of Black or African Americans, Africans, American Indian or Alaska Native, Asians, Latinos, Native Hawaiian or Pacific Islander), is unacceptable.

In order to advance racial and ethnic equity and improve student achievement for all students in District schools, the Board of Education (Board) establishes the following goals:

1. The District shall provide every student with equitable access to high quality, culturally and personally relevant instruction, curricula, support, facilities, and other educational resources, even when this means differentiating resources to accomplish this goal.
2. The District shall actively monitor practices, including assessment practices in special education. The District shall analyze and present annually the data regarding the representation and achievement of all students receiving special education services, regardless of race or ethnicity.
3. The District shall actively monitor and work to eliminate losing instructional time due to disciplinary referrals. The District shall analyze and present annually the data regarding the number of students who lose instructional time due to disciplinary referrals to ensure equitable practices regardless of race or ethnicity.
4. The District shall actively work to encourage advanced academic opportunities. The District shall examine enrollment process and data annually to ensure no inequitable impact on students of color.
5. All employees and all students shall be given the opportunity to develop critical racial, ethnic and cultural competence so that they may understand the contexts in which they teach, work, and learn.
6. The District shall create opportunities for all students and families, including families of students of color, with opportunities being found for those whose first language may not be English, for leadership development and empowerment as partners in education, planning and decision-making.

Mission – Goals – Objectives

Racial and Ethnic Equity (continued)

7. The District shall create welcoming environments that reflect support for racial and ethnic diversity.
8. The District shall include partners who have demonstrated culturally specific expertise in meeting educational outcomes.
9. The District shall develop employees' personal, professional and organizational skills and knowledge, in order to empower employees to address race and ethnic disparities.
10. The District shall not tolerate lower academic achievement for any student racial and/or ethnic group compared to peers.
11. The District shall model racial and ethnic equity in business and operational practices.
12. The District shall include cultural responsiveness in reviews of the curriculum, instructional practices, and assessment design.
13. The District shall report annually on the recruiting, employment, placement, and retention of persons from underrepresented racial and ethnic groups at all organizational levels.

The Board shall hold the Superintendent, central office staff, individual school staff, and Board members accountable for implementation of this policy. The Superintendent shall develop procedures to implement this policy and metrics to measure achievement of the stated goals and shall report on progress at the beginning, middle, and end of each academic year.

(cf. 0521 – Nondiscrimination)
(cf. 0524 – Hate Crimes and Bias Incidents in Schools)
(cf. 0525.1 – Anti-Racism/Confronting Racism in Schools)
(cf. 1110.1 – Parental Involvement)
(cf. 1110.3 – School Governance Council)
(cf. 1210 – Community Associations)
(cf. 1212 – Volunteers)
(cf. 1330 or 3515 – Use of School Facilities)
(cf. 1205 – Participation by the Public)
(cf. 4111 – Recruitment and Selection)
(cf. 4111.1/4211.1 – Affirmative Action)
(cf. 4118.11 – Nondiscrimination)
(cf. 4118.113/4218.113 – Harassment)
(cf. 4118.3 – District Minority Recruitment Plan)
(cf. 4131 – Staff Development)
(cf. 5118.1 – Homeless Students)
(cf. 5131.911 – Bullying/Safe School Climate Plans)
(cf. 5145.4 – Nondiscrimination)

Mission – Goals – Objectives

Racial and Ethnic Equity (continued)

- (cf. 5145.5 – Sexual Harassment)
- (cf. 5145.51 – Peer Sexual Harassment)
- (cf. 5145.52 – Harassment)
- (cf. 5145.53 – Transgender and Non-Conforming Youth)
- (cf. 5145.6 – Student Grievance Procedure)
- (cf. 6115 – Ceremonies and Observances)
- (cf. 6121 – Nondiscrimination)
- (cf. 6121.1 - Equal Educational Opportunity)
- (cf. 6141.21 – Religions in the Public Schools)
- (cf. 6141.22 – Religious Accommodations)
- (cf. 6141.311 – Programs for limited English Proficient Students)
- (cf. 6171 – Special Education)
- (cf. 9133 – Board of Education Advisory Committees)

Legal Reference: Connecticut General Statutes
46a-60 Discriminatory employment practices prohibited.
10-15c Discrimination in public schools prohibited. School attendance by five-year olds. (Amended by P.A. 97-247 to include “sexual orientation” and P.A. 11-55 to include “gender identity or expression”)
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Connecticut State Board of Education “Position Statement on Culturally Responsive Education,” adopted May 4, 2011
Federal Legislation/Judicial Decisions
Title IV of the Civil Rights Act of 1964 (CRA)
Title VI of the Civil Rights Act of 1964 (CRA)
Title VII, Civil Rights Act, 42 U.S.C. 2000e, et seq.
29 CFR 1604.11, EEOC Guidelines on Sex Discrimination.
Title IX of the Educational Amendments of 1972, 20 U.S.C. 1681 et seq.
34 CFR Section 106.8(b), OCR Guidelines for Title IX.
Definitions, OCR Guidelines on Sexual Harassment, Fed. Reg. Vol 62, #49, 29 CFR Sec. 1606.8 (a0 62 Fed Reg. 12033 (March 13, 1997) and 66 Fed. Reg. 5512 (January 19, 2001)
Section 8525, ESEA as amended by the Every Student Succeeds Act
Federal Guidance, January 8, 2014
(<http://www2.ed.gov/policy/gen/guid/school-discipline/index.html>)

Mission – Goals – Objectives

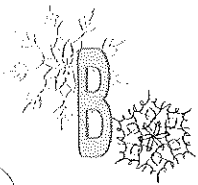
Racial and Ethnic Equity

Legal Reference: (continued)
Meritor Savings Bank. FSB v. Vinson, 477 U.S. 57 (1986)
Faragher v. City of Boca Raton, No. 97-282 (U.S. Supreme Court, June 26,1998)
Gebbs v. Lago Vista Indiana School District, No. 99-1866, (U.S. Supreme Court, June 26,1998)
Davis v. Monro County Board of Education, No. 97-843, (U.S. Supreme Court, May 24, 1999.)
 Title IV of the Civil Rights Act of 1964 (CRA)
 Title VI of the CRA
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 Title II of the Genetic Information Nondiscrimination Act of 2008
 The Americans with Disabilities Act as amended by the ADA Amendments Act of 2008
 Public Law 111-256
 January 2014 “Federal Guidance-School Climate and Discipline” (<http://www2.ed.gov/policy/gen/guid/school-discipline/index.html>).
Meacham v. Knolls Atomic Power Laboratory 128 S.Ct. 2395, 76 U.S.L.W. 4488 (2008)
Federal Express Corporation v. Holowecki 128 S.Ct. 1147, 76 U.S.L.W. 4110 (2008)
Kentucky Retirement Systems v. EEOC 128 S.Ct. 2361, 76 U.S.L.W. 4503 (2008)
Sprint/United Management Co. v. Mendelsohn 128 S.Ct. 1140, 76 U.S.L.W. 4107 (2008)Policy adopted:

Policy adopted:

cps 4/17
 rev 7/18
 rev 1/21

CABE acknowledges the contribution of Fort Worth ISD, Policy AE “District Racial and Ethnic Equity Policy” to the development of this policy.



BUS DRIVER DRUG TESTING PROGRAM UPDATE: CLEARINGHOUSE

~Page 1~

UPDATE MAILING NO. 2

JANUARY 22, 2021

The United States Department of Transportation (USDOT) through the Federal Motor Carrier Safety Administration Agency (FMCSA) amended the rules for the commercial driver's license drug testing program to establish requirements for the Commercial Driver's License Drug and Alcohol Clearinghouse (Clearinghouse). The Clearinghouse was required to be established by federal law with the intent to improve road safety. (49 CFR Section 382.701 et seq.)

The Clearinghouse is a secure online database that gives employers, the Federal Motor Carrier Safety Administration (FMCSA), State Driver Licensing Agencies (SDLAs), and State law enforcement personnel real-time information about commercial driver's license (CDL) and commercial learner's permit (CLP) holders' drug and alcohol program violations.

The Clearinghouse contains records of violations of drug and alcohol prohibitions in 49 CFR Part 382, Subpart B, including positive drug or alcohol test results and test refusals. When a driver completes the return-to-duty (RTD) process and follow-up testing plan, this information is also recorded in the Clearinghouse.

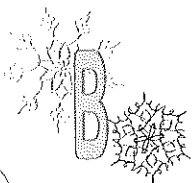
The purpose of the Clearinghouse is to maintain records of every violation of the drug and alcohol testing program in a central depository so that employers of CDL holders may have one electronic resource to use in order to determine if potential drivers and current employees have violated the USDOT drug and alcohol testing regulations. The Clearinghouse will identify drivers who move frequently and obtain CDLs in different states and link those

CDLs, in order to maintain complete and accurate information on such drivers.

The amended rules require employers to amend their drug and alcohol testing policy to include the use of the Clearinghouse.

The Clearinghouse began its operation in 2020. Every employer who employs CDL drivers must register as employers in the Clearinghouse. The website for the Clearinghouse is <https://clearinghouse.fmcsa.dot.gov/>. The employer is required, as part of the registration process, to name its employees who will have the authority to make an inquiry. For school districts this would be the superintendent and/or the transportation director, business manager or the person overseeing the transportation responsibility for the local district. The designated persons will be allowed to make the inquiries required by the regulations.

The regulations require an employer to make an inquiry to the Clearinghouse for applicants for a CDL driver position, such as school bus drivers. Information will be provided by this initial inquiry as to whether or not the Clearinghouse contains information regarding whether the driver has violated the drug and alcohol regulations which include testing positive on one of the required tests or has been found to violate one of the prohibited activities in the regulations. Prohibited activities include the use of alcohol while performing a safety-sensitive function on the job or consuming alcohol within four hours before performing a safety-sensitive function. A violation indicated in the Clearinghouse requires the employer to do a full inquiry within 24 hours in order to attain the details of the violation.



BUS DRIVER DRUG TESTING PROGRAM UPDATE: CLEARINGHOUSE

~Page 2~

The written consent of the driver is required prior to doing any initial or full inquiry. Failure of the driver to provide consent prohibits the employer from hiring the applicant. The purpose of doing an annual inquiry of current employees is to determine if these employees have committed any violations while working for other covered current employers. Clearinghouse information received by the employer is confidential and cannot be disclosed to another entity or to other employees who do not have the authority to hire or discipline the driver/employee.

The employers of CDL drivers are required to input information on their current employees when such employees have violated the regulations. What must be reported to the Clearinghouse include positive drug and alcohol tests required by the regulations, actual knowledge of the violations of the drug and alcohol regulations such as the use of drugs and/or alcohol prior to performing safety-sensitive functions or while on duty or the driver's refusal to be tested. Information must be posted to the Clearinghouse by the employer within three business days of the violation's occurrence.

The regulations require a prospective employer to get drug and alcohol testing information from prior employers who employed the driver within the last three years, until January 6, 2023. After that date, an employer making an inquiry to the Clearinghouse on the driver/applicant will fulfill this requirement.

Drivers are not required to register for the Clearinghouse. However, a driver will need to be registered to provide electronic consent in the Clearinghouse if a prospective or current employer needs to conduct a full query of the driver's Clearinghouse record – this includes all pre-employment queries.

A driver must also be registered to electronically view the information in his or her own Clearinghouse record. Registered drivers will have their Clearinghouse accounts and contact preferences set up, allowing them to quickly respond to query requests from employers.

Policy Implications

The regulations require the employer to state in its policy on the CDL drug and alcohol testing program information on the requirement of the employer to report violations of the program to the Clearinghouse and to include such information in the training and notice materials given to drivers as required by the regulations.

The CABA sample policy pertaining to drug and alcohol testing for school bus drivers has been revised to address the Clearinghouse requirements.

It is important that contracts entered into between the school district and a transportation carrier for bus transportation services, if the district does not run its own buses, include language pertaining to the assurance that the contractor will establish a drug and alcohol-testing program that meets the requirements of federal regulations, state statutes and the district's policy and that the contractor will actively enforce the regulations of the policy as well as state and federal requirements.

Policy #4212.42, "Drug and Alcohol Testing for School Bus Drivers," is a required policy per federal mandate. Several versions are available, including an administrative regulation. Two are presented here for your consideration and use. The new language to consider is the same for all, as well as for the administrative regulation which pertains to this policy.

January 2021

A required policy per federal mandate.

Personnel -- Non-Certified

Drug and Alcohol Testing for School Bus Drivers

The _____ Public School district is committed to the establishment of a drug use and alcohol misuse prevention program that meets all applicable requirements of the Omnibus Transportation Employee Testing Act of 1991 (OTETA), as may be amended, and applicable state statutes pertaining to pre-employment and random drug testing of school bus drivers. The District shall adhere to federal and state law and regulations requiring a school bus driver's drug and alcohol testing program.

In addition to the above cited federal requirement, the Board of Education expects its school transportation carrier to provide training to all school bus drivers, including instruction on (1) identifying the signs and symptoms of anaphylaxis, (2) administering epinephrine by a cartridge injector ("EpiPen"), (3) notifying emergency personnel, and (4) reporting an incident involving a student's life-threatening allergic reaction.

Each carrier must provide the training to school bus drivers following the issuance or renewal of a public passenger endorsement to operate a school bus for carrier employees, and upon the hiring of a school bus driver who is not employed by such carrier (e.g., subcontractor), except a driver who received the training after the most recent issuance or renewal of his or her endorsement is not required to repeat it.

Drug and Alcohol Clearinghouse Checks for CDL Drivers

Prior to employment the District/school transportation carrier will conduct a full query of the Federal Motor Carrier Safety Administration's Drug and Alcohol Clearinghouse (Clearinghouse) to obtain information about the driver's eligibility under federal rules to perform a safety-sensitive function. The District/school transportation carrier will also contact prior employers where the applicant was a CDL driver for information to determine the driver's eligibility to perform safety-sensitive functions. (Prior employers' inquiries will continue until January 2023.)

The District/school transportation carrier will conduct a limited query of the Clearinghouse for current CDL drivers who are employees on at least an annual basis. If information exists in the Clearinghouse about a driver, the District/school transportation carrier will conduct a full query within 24 hours to determine if the driver is eligible to perform safety-sensitive functions. If the District/school transportation carrier fails to conduct the full query within 24 hours, the driver will not be allowed to perform any safety-sensitive functions until the full query is conducted and it is determined the driver may perform safety-sensitive functions.

The District/school transportation carrier will report the following information collected and maintained on each CDL driver to the Clearinghouse:

1. A verified positive, adulterated, or substituted drug test result;
2. An alcohol confirmation test with a concentration of 0.04 or higher;

Personnel -- Non-Certified

Drug and Alcohol Testing for School Bus Drivers

Drug and Alcohol Clearinghouse Checks for CDL Drivers (continued)

3. A refusal to submit to any test required by this policy or the CDL drug testing program (49 C.F.R. Part 382, subpart C);
4. An employer's report of actual knowledge of the following:
 - a. On duty alcohol use (pursuant to 49 C.F.R. §382.205);
 - b. Pre-duty alcohol use (pursuant to 49 C.F.R. §382.207);
 - c. Alcohol use following an accident (pursuant to 49 C.F.R. §382.209); and
 - d. Controlled substance use (pursuant to 49 C.F.R. §382.213).
5. A substance abuse professional (SAP) (as defined in 49 C.F.R. §40.3) report of the successful completion of the return-to-duty process;
6. A negative return-to-duty test; and
7. An employer's report of completion of follow-up testing.

Additional language to consider:

(School districts contracting with a private service provider must ensure the provider has a drug and alcohol testing program fulfilling federal regulations, and state law pertaining to a required pre-employment and random drug testing program for drivers of school buses and school transportation vehicles (STVs) that carry ten or fewer students.)

Alternate Version

In a continuing effort to prevent accidents and injuries resulting from the use of drugs and misuse of alcohol by drivers of commercial motor vehicles, the District shall establish a drug and alcohol misuse prevention program.

The District's program shall meet the requirements of the Omnibus Transportation Employee Testing Act of 1991, as maybe amended, and C.G.S.14-276a.

The Superintendent will develop administrative regulations as needed to implement the District's program including provisions for pre-employment, reasonable suspicion, random, post-accident, return-to-duty and follow-up testing as may be necessary. The regulations will also include training, education and other assistance to employees to promote a drug and alcohol-free environment.

Contracts for transportation approved by this District shall contain assurance that the contractor will establish a drug and alcohol-testing program that meets the requirements of federal regulations, state statutes and this policy and will actively enforce the regulations of this policy as well as federal and state requirements.

Personnel -- Non-Certified

Drug and Alcohol Testing for School Bus Drivers (continued)

Such contract shall also contain the assurance that the school transportation contractor will use the Federal Motor Carrier Safety Administration's Drug and Alcohol Clearinghouse (Clearinghouse) database to report information to, and obtain information from, regarding drivers who are subject to the Department of Transportation's controlled substance and alcohol testing regulations.

This policy applies to all drivers and applicants for driver positions for the District who must have a Commercial Driver's License (CDL) to operate school vehicles.

In addition to the above cited federal requirement, the Board of Education expects its school transportation carrier to provide training to all school bus drivers, including instruction on (1) identifying the signs and symptoms of anaphylaxis, (2) administering epinephrine by a cartridge injector ("EpiPen"), (3) notifying emergency personnel, and (4) reporting an incident involving a student's life-threatening allergic reaction.

Each carrier must provide the training to school bus drivers following the issuance or renewal of a public passenger endorsement to operate a school bus for carrier employees, and upon the hiring of a school bus driver who is not employed by such carrier (e.g., subcontractor), except a driver who received the training after the most recent issuance or renewal of his or her endorsement is not required to repeat it.

Legal Reference: United States Code, Title 49
 2717 Alcohol and controlled substances testing (Omnibus Transportation Employee Testing Act of 1991)
 Code of Federal Regulations, Title 49
 40 Procedures for Transportation Workplace Drug and Alcohol Testing Programs
 382 Controlled Substance and Alcohol Use and Testing (as amended)
 395 Hours of Service Drivers'
 Holiday v. City of Modesto (1991) 229 Cal. App. 3d. 528, 540
 International Brotherhood of Teamsters v. Department of Transportation
 932 F. 2d 1292 (1991)
 American Trucking Association, Inc. v. Federal Highway Administration,
 (1995) WL 136022 (4th circuit)
 10-212c Life-threatening food allergies and glycogen storage disease:
 Guidelines; district plans. (as amended by PA 18-185)

Personnel -- Non-Certified

Drug and Alcohol Testing for School Bus Drivers

Legal Reference: Connecticut General Statutes (continued)

14-261b Drug and alcohol testing of drivers of certain vehicles, mechanics and forklift operators

14-276a Regulations re school bus operators and operators of student transportation vehicles; qualifications; training. Pre-employment drug test required for operators

52-557b Immunity from liability for emergency medical assistance first aid or medication by injection. School personnel not required to administer or render. (as amended by PA 05-144, An Act Concerning the Emergency Use of Cartridge Injectors and PA 18-185, An Act Concerning Life-Threatening Food Allergies in Schools)

Policy adopted:

rev 7/07

rev 5/18

rev 10/18

rev 1/21

A succinct version of this mandated policy to consider.

Personnel -- Non-Certified

Drug and Alcohol Testing for School Bus Drivers

Contracts for transportation approved by this District shall contain assurance that the contractor will establish a drug and alcohol testing program that meets the requirements of federal regulations.

In addition, the Board of Education expects its school transportation contractor to train all school bus drivers, with instruction pertaining to the identification, the signs and symptoms of anaphylaxis, and in the administration of epinephrine by a cartridge injector ("EpiPen"), the notification of emergency personnel, and the reporting of an incident involving a student's life-threatening allergic reaction. Such training shall occur following the issuance or renewal of an endorsement to operate a school bus for carrier employees, and upon the hiring of a school bus driver, except a driver who received the training after the most recent issuance or renewal of his or her endorsement is not required to repeat it.

Prior to employment of bus drivers, the Board of Education expects its school transportation carrier to conduct a full query of the Federal Motor Carrier Safety Administration's Drug and Alcohol Clearinghouse (Clearinghouse) to obtain information about the driver's eligibility under federal rules to perform a safety-sensitive function. The District/school transportation carrier will also contact prior employers where the applicant was a CDL driver for information to determine the driver's eligibility to perform safety-sensitive functions. (Prior employers' inquiries will continue until January 2023.)

The school transportation carrier will also utilize the Clearinghouse for current CDL drivers who are employees on at least an annual basis. Required personal information that is collected and maintained in connection with the testing program shall also be reported, as required, to the Clearinghouse.

Legal Reference: United States Code, Title 49
 2717 Alcohol and controlled substances testing (Omnibus Transportation
 Employee Testing Act of 1991)
 Code of Federal Regulations, Title 49
 40 Procedures for Transportation Workplace Drug and Alcohol Testing
 Programs
 382 Controlled Substance and Alcohol Use and Testing (as amended)
 395 Hours of Service Drivers
 Holiday v. City of Modesto (1991) 229 Cal. App. 3d. 528, 540.
 International Brotherhood of Teamsters v. Department of Transportation
 932 F. 2d 1292 (1991)
 American Trucking Association, Inc. v. Federal Highway Administration,
 (1995) WL 136022 (4th circuit)

Personnel -- Non-Certified

Drug and Alcohol Testing for School Bus Drivers

Legal Reference: Connecticut General Statutes (continued)

10-212c Life-threatening food allergies and glycogen storage disease: Guidelines; district plans. (as amended by PA 18-185)

14-261b Drug and alcohol testing of drivers of certain vehicles, mechanics and forklift operators

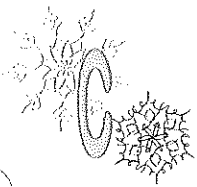
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Policy adopted:

rev 10/18

rev 1/21



USE OF BODY CAMERAS BY SCHOOL RESOURCE OFFICERS (SROs)

~Page 1~

UPDATE MAILING NO. 2

JANUARY 22, 2021

The use of body cameras by law-enforcement agencies to monitor police interactions with the public has increased nationwide. The devices, about the size of a pager, have been a centerpiece of police reform movements, in an attempt to achieve greater accountability regarding the actions of police. These devices are beginning to show up in schools using the services of school resource officers (SROs).

Some districts across the country have implemented a policy allowing police officers in the schools, usually SROs, to actively wear body cameras and turn them on when it is determined necessary. Such districts believe this policy would contribute to a safer school environment. However, the wording as to when they should be turned on and used is often vague because of the difficulty in explicitly stating the circumstances addressing their potential use. The language used in a policy adopted by the Evanston, Illinois Board of Education indicated SROs should only activate body cameras if they “have reason to believe that a crime has been, or is in the process of being committed,” or “is in a hostile situation or perceives that a complaint will be raised.” Therefore, in such a situation, it depends on the SRO’s perception of what is a hostile or criminal situation.

The use of body cameras by SROs has been welcomed by some, but privacy concerns have been voiced by some districts across the nation considering their use and by civil rights groups. In addition, recent actions of the police which have sparked protests across the nation regarding police activity

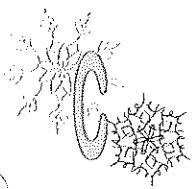
has exacerbated the issue resulting in some school systems deciding to totally remove the police presence in their schools. At this time attention will be given only to the topic of the use of body cameras by the SROs in those districts continuing to use their services. Continued presence of SROs in district schools is a matter to be determined by those boards presently using such personnel. This issue is likely to be reviewed in a future edition of the *Policy Update Service*.

The same civil rights groups that supported the use of body cameras by law-enforcement officers as a means to build police accountability, especially in confrontational situations, argue that police officers in the school setting should not be wearing or using them.

Chad Marlow, the advocacy and policy counsel for the American Civil Liberties Union, indicated that in the educational context, where extreme instances of inappropriate use of physical force by police are far less common than they are on the street, concerns about student privacy outweigh any potential benefits from the use of the cameras.

Evie Band, in an *Education Week* article, cited Marlow’s viewpoint that “body cameras in a general setting allow the public to monitor police and hold law enforcement officers accountable by obtaining and sharing footage through open-records laws, but in schools, where students are the stakeholders, the ACLU believes that is less likely to happen.”





USE OF BODY CAMERAS BY SCHOOL RESOURCE OFFICERS (SROs)

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The fear has been expressed that footage of students getting into fights or making mistakes could become an unshakeable part of their reputations and digital footprints. There have been cases where police footage has gone viral after it was posted online. The issue of privacy and unintended consequences of the police owning the recording of students in schools and to whom they would be shared is a prime concern of many.

Another raised concern is considering that schools are a safe place for many students, having officers with cameras in the building can lead to varying degrees of discomfort among students. However, this has been countered by the argument that while body cameras may not tell the whole story of an occurrence, it can provide a better sense of transparency among officers and students so officers can be held accountable, especially in situations where people may be targeted due to discriminatory biases.

Further, others state that the body cameras are similar to surveillance cameras already in place in many school buildings and should not impact student privacy. The use of surveillance cameras is governed by policy language which includes language regarding the storage of the footage and who is able to obtain certain footage. The wide use of social media by students may also lessen the issue of student privacy.

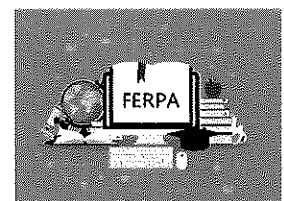
Records kept by school police are not subject to the federal Family Educational Rights and Privacy Act (FERPA). A balance must be maintained to keep students and police accountable while also protecting students' right to privacy. Matt Simpson, policy strategist for the American Civil Liberties Union of Texas stated "It is a delicate balance. The body cameras are good tools, but you don't want to violate

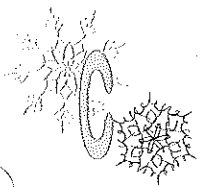
everyone's privacy. In cases, involving juveniles, it is how (the video footage) is stored and who gets to see it. Policies will be key to handling who sees the videos, who has access to the footage and how they are stored." Strict procedures need to be in place to protect student privacy.

Footage obtained by SRO use of a body camera is usually stored by the local police department. SROs are employees of the local law enforcement unit. Such storage should be internal storage, not cloud-based. Such material can be seen by department staff and made available to court administrators if the recorded incident turns into a court case.

It is important to recognize that the images of students captured on security videotapes of a school's video surveillance cameras may contain personally identifiable student information and be considered confidential in accordance with FERPA. Court rulings exist in which access to videotape of an incident was denied because other students were personally identifiable. However, boards of education may be required, according to another court decision, to release such records after redacting personally-identifiable student information and other information that would make the student's identity easily traceable.

The status of school videotape footage under FERPA has been the subject of considerable uncertainty. Some courts have maintained that the videotape developed as a result of a surveillance system is significantly different from the type of records schools maintain in student's personal files.





USE OF BODY CAMERAS BY SCHOOL RESOURCE OFFICERS (SROs)

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The U.S. Department of Education indicated that “images of students captured on security videotapes that are maintained by the school’s law enforcement unit are not considered records under FERPA. (This would appear to apply to SROs on school campuses utilizing body cameras.) Accordingly, these videotapes may be shared with parents of students whose images are on the video and with outside law enforcement authorities, as appropriate. Schools that do not have a designated law enforcement unit might consider designating an employee to serve as the ‘law enforcement unit’ in order to maintain the security cameras and determine the appropriate circumstances in which the school should disclose recorded images.”

The U.S. Department’s previous guidance also indicated that K-12 educators may disclose any educational records, including personally identifiable information, to protect the health or safety of a student or other individuals.

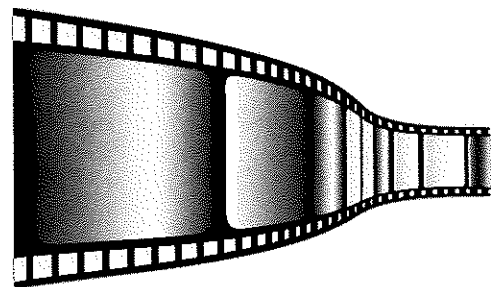
However, until new guidance or legislation is provided, it is probably in the District’s best interests to indicate that the videotapes, maintained by the district, retain their status as educational records even if they are in the possession of a law enforcement unit and thus remain subject to FERPA’s restrictions on their release.

However, as previously indicated, SROs as employees of the local law enforcement department, placed in the school setting under an agreement with local board of education, usually will have the videotapes stored by the local police department.

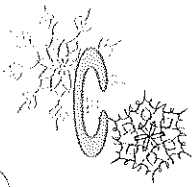
A guidance letter (Dec. 2017) issued by the U.S. Department of Education in a hazing incident involving numerous perpetrators, victims and bystanders captured in a video

surveillance taping indicated that the district had to provide the parents of the disciplined student the opportunity to inspect and review the entire video “if the video cannot be segregated or redacted without destroying its meaning.”

The FERPA Compliance Office has provided “informal advice” that in the case of a video or other picture image of one or more students and where there are students in the background, the video is “directly related” to, and thus the educational record of the student or students who are the subject of the video and not the students merely in the background. Focus is defined to mean a student or students who are involved in an altercation or some other disturbance that causes them to be the focal point of the video.



With regard to parents of those students that are the focal point of the video being permitted to view the video, a school would not need to obtain the consent of the parents of the two students involved and may show both sets of parents the video, because this would typically be the education record of both students, especially in situations involving altercation. In this case however, where there is more than one student that is the focus of the video, while the school may provide a parent with access to the video without the prior consent of the other parent, the school may not give a copy of the video to any of the parents without the consent of the other students’ parents.



USE OF BODY CAMERAS BY SCHOOL RESOURCE OFFICERS (SROs)

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The bottom line, therefore, is that it is extremely important and it makes a significant difference, regarding student privacy and FERPA, as to who maintains possession of the video recording and where it is to be stored. In the case of SROs, it must be clarified in the required memorandum of understanding (MOU) between the local district's board of education and the local law enforcement unit providing the SROs.

It is important that concerns be addressed through clear agreements, memorandums of understanding, between schools and police agencies that set limits on how officers should interact with students, not just through monitoring with body cameras. It is important for police agencies to communicate with schools they protect about how and when cameras will be used to avoid miscommunication or disagreements.

Policy Implications

Having SROs wear body cameras creates a complex situation for students and staff. In the placement of SROs on school campuses, the need exists to be careful of blurring the line between law enforcement, the SROs' responsibilities, and school discipline, which must remain the responsibility of the district's staff. It is important if the use of body cameras by SROs is allowed, that the use of the devices be allowed only when the SRO is administering some sort of law enforcement authority.



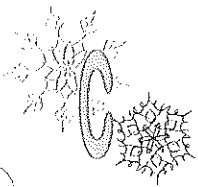
Many school districts have utilized school resource officers in their school to enhance school security and student safety. P.A. 15-168 defines a "school resource officer" as a sworn police officer of a local law enforcement agency

who has been assigned to a school pursuant to an agreement between the local or regional board of education and the chief of police of a local law enforcement agency.

School boards that assign a sworn police officer to a school (i.e., school resource officer) must utilize a memorandum of understanding (MOU) with the local police department that define the officer's role and responsibilities. The MOU needs to address daily interactions among students, school personnel, and police officers, and must include a graduated response model for student discipline. A memorandum of understanding between the board of education and the police department allows for clear communications of each party's expectations and responsibilities.

The memorandum of understanding clearly specifies the role of the SRO. That role includes, but is not limited to, the following:

- Act as a safety expert, help in the development of safety plans for schools;
- Investigate potential criminal acts;
- Secure buildings by operating metal detectors and/or other safety equipment;
- Provide assistance to school personnel in addressing student violence, drug and alcohol use and abuse, sexual assault, truancy and bullying issues;
- Educate students and faculty on safety measures and crime prevention, safe driving, and other issues; and
- Act as a liaison between the police department and administration.



USE OF BODY CAMERAS BY SCHOOL RESOURCE OFFICERS (SROs)

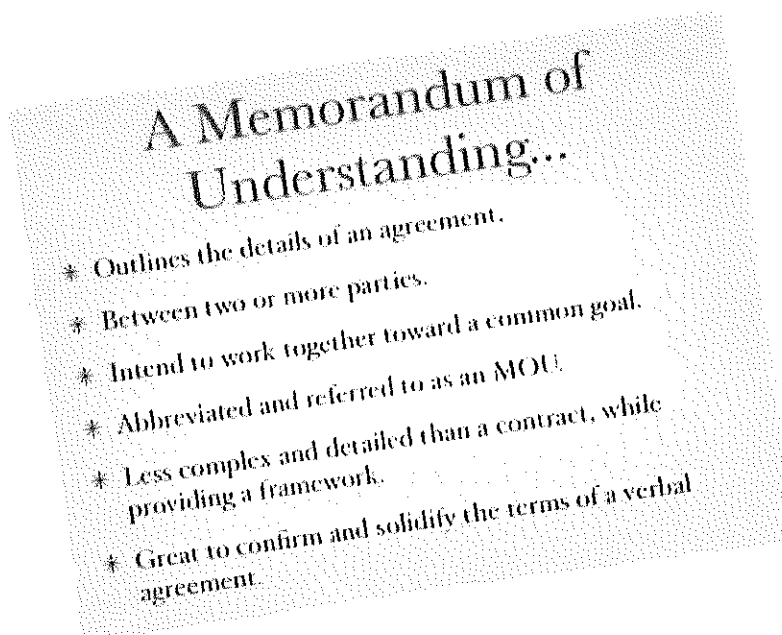
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The MOU can include the knowledge needed for the SROs. Such knowledge includes the confidentiality of student records, search and seizure standards on school campus, state and federal laws relating to special education students, child abuse reporting, school discipline procedures, board of education policies and regulations, and truancy and other school-related state laws.

The specific duties of the SROs should be included in the MOU. It is helpful to have these duties explicitly laid out in the agreement. Examples of such duties include SRO responsibilities with investigating criminal activity, interviewing students, conducting searches, counseling and educating students on law related matters such as the use of drugs and alcohol, and issues pertaining to school security and student safety. However, the MOU must specify the structure of supervision while the police officer is in the school setting.

Policy #5142.4, "School Resource Officer," does not need to be revised to address the issue of the use of body cameras by SROs. The wearing of these devices is a decision made by the local law enforcement unit of which the SRO is a member. The use of the body camera must be addressed in the required memorandum of understanding. It should also be addressed in the administrative regulation pertaining to the policy.

The sample memorandum of understanding and the administrative regulation follow, which have been revised to contain language pertaining to body cameras.



January 2021

Memorandum of Agreement

By and Between

_____ Public Schools

and

_____ Police Department

I. Introduction

Schools and law enforcement share responsibility for school safety and must work together with complimentary policies and procedures to ensure a safe learning environment for students. This document expresses the agreement of the parties for responding to non-emergency school disruptions. It strives to ensure a consistent response to incidents of student misbehavior, clarify the role of law enforcement in school disciplinary matters, and reduce involvement of police and court agencies for misconduct at school and school-related events.

The parties agree to the following principles upon which this agreement is founded.

- A. The vast majority of student misconduct can be best addressed through classroom and in-school strategies and maintaining a positive climate within schools rather than by involvement of the justice community.
- B. The response to school disruptions should be reasonable, consistent and fair with appropriate consideration of relevant factors such as the age of the student and the nature and severity of the incident.
- C. Students should be held accountable for their actions through a graduated response to misconduct that provides a continuum of services and increasingly more severe sanctions for continued misbehavior.
- D. Disruptive students should receive appropriate redirection and support from in-school and community resources prior to the consideration of suspension, expulsion, involvement of the police, or referral to court.
- E. Clarifying the responsibilities of school and police personnel with regard to non-emergency disruptive behavior at school and school-related events promotes the best interests of the student, the school system, law enforcement and the community at large.

II. Purpose of Agreement

The purpose of this agreement is to encourage a more consistent response to school incidents and to reduce the number of referrals of students to court by establishing guidelines for the handling of non-emergency disruptive behavior at school and school-related events by school and police personnel.

III. Terms of the Agreement

A. Summary of Key Points

The parties agree to:

1. Convene a School/Police Collaboration Team;
2. Share this agreement with a copy to all school and police personnel;
3. Provide necessary and regular staff training on implementation of the agreement;
4. Put into practice a graduated response to student misbehavior;
5. Monitor implementation of the agreement;
6. Collect data and assess the effectiveness of the agreement; and
7. Modify the agreement as appropriate.

B. Key Factors in Making Disciplinary Decisions

The parties agree that when determining consequences for students' disruptive behavior the following factors shall be considered, if information on the factors is available.

1. Age, health, and disability or special education status of the student.
2. Prior conduct and record of behavior of the student.
3. Previous interventions with the student.
4. Students' willingness to repair the harm.
5. Parents' willingness to address any identified issues.
6. Seriousness of the incident and degree of harm caused.

The parties agree that when determining consequences for student's disruptive behavior the following factors shall not be considered:

1. Race/ethnicity, gender, gender identity, sexual orientation, religion and national origin of the student and family.
2. Economic status of the student and family.

C. Graduated Response Model

Classroom Intervention - The classroom teacher plays a prominent role in guiding, developing and reinforcing appropriate student conduct and is acknowledged as the first line in implementing the school discipline code. As such, this model begins with a range of classroom management techniques that must be implemented prior to any other sanctions or interventions. Classroom intervention is managed by the teacher for behaviors that are passive and non-threatening such as dress code violations, and violations of classroom rules. School Resource Officers (SROs) should not be involved at this level. More than three incidents of the same behavior, if not in the same day, could lead to School Administrator Intervention. Classroom intervention options might include redirection, reteaching, school climate initiatives, moving seats, and the teacher should initiate parental contact.

C. Graduated Response Model (continued)

School Administration Intervention - Classroom interventions must be supported by school administrators who address more serious or repetitive behaviors and behaviors in school but outside of the classroom. Examples of behaviors at this level include repetitive patterns, defacing school property, truancy, threatening and behaviors in hallways, bathrooms, courtyards and school buses. Administration intervention options might include time in the office, after school detention, loss of privilege, reparation, and/or parent conference.

Assessment and Service Provision - When the behavior and needs of the student warrant, an assessment process and intervention with the use of school and community services is appropriate. This intervention is managed by the school administrator or a Student Assistance Team (SAT). Repetitive truancy or defiance of school rules, and behaviors that interfere with others such as vandalism or harassment belong at this level as well as misbehaving students who would benefit from service provision. Assessment and service intervention options should include any classroom or school administration interventions and might include referral to a juvenile review board (JRB) or community service or program, suspension, expulsion or referral to court. Truant behavior should not lead to an out-of-school option. Police can be involved in their role on SATs and JRBs.

Law Enforcement Intervention - Only when classroom, school and community options have been found ineffective (or in an emergency) should the school involve the police, including the SRO. Involvement of the police does not necessarily mean arrest and referral to court. This intervention is managed by the police. Behaviors at this level must be violations of criminal law, but only after classroom, school administration and assessment and service interventions have been tried. Law enforcement options may include verbal warning; conference with the student, parents, teachers and/or others; referral to a JRB and/or community agencies; and referral to court.

D. Police Activity at Schools

The parties agree that police need to follow certain protocols when on school grounds in non-emergency circumstances as follows:

1. Police will act through school administrators whenever they plan any activity on school grounds.
2. Officers entering school grounds will be aware of the potential disruption of the educational process that police presence may cause.
3. Prior to entering a school to conduct an investigation, arrest or search, officers will consider the necessity of such action based on:
 - a. The potential danger to persons;
 - b. The likelihood of destruction of evidence or other property;
 - c. The ability to conduct the investigation, arrest or search elsewhere.

D. Police Activity at Schools (continued)

4. When taking a student into custody:
 - a. Officers should make reasonable efforts to avoid making arrests or taking students into custody on the school premises.
 - b. Whenever possible, students should be taken into custody out of sight and sound of other students.
5. For communities with School Resource Officers, the SRO will not be responsible for student discipline or enforcement of school rules, although the SRO may provide assistance to school personnel. The SRO will work collaboratively with the school administrator to determine the goals and priorities for the SRO program and the parameters for SRO involvement in school disciplinary matters.
6. Body Worn Camera Usage

- a. The body camera shall be rendered inactive while the SRO is on school grounds or at a school-related activity or event. Audio and video recordings will be utilized during all law enforcement specific contacts, to include investigative or enforcement functions. The SRO may activate the camera's recording system anytime the officer determines that a video or audio file needs to be captured for evidentiary purposes.

Alternate language: Each school resource officer assigned to a school within the District shall be equipped with a body worn camera and shall use such device in accordance with _____ Police Department policies for the usage of body worn cameras. The Superintendent of Schools or his/her designee will be immediately notified of any changes to the policy. A copy of the policy is attached hereto.

- b. The body worn cameras will not be activated in public places where individuals have a reasonable expectation of privacy, such as locker rooms, changing rooms or restrooms unless the SRO determines the camera must be activated for an official law enforcement reason.
- c. The SRO shall not record, utilizing the body worn camera, during the school day unless and until the SRO has reason to believe that a crime has been, or is in the process of being, committed. In the event an SRO is in a hostile situation or perceives that a complaint will be raised, in the SRO's discretion, the body worn camera can be activated and begin recording.
- d. If a body worn camera is turned on for any reason during the school day, the SRO shall promptly notify the school Principal or his/her designee.
- e. Unless designated otherwise, all video recordings captured by the body camera shall be the property of the _____ Police Department, and the Board of Education shall not be responsible for their storage, maintenance, release or disposal. The _____ Police Department shall maintain all video recordings for no longer than ninety (90) days, unless the video footage captures the commission of a crime, a disciplinary incident involving student(s) or school personnel, or is otherwise required to be archived by the Connecticut Records Retention Schedule.

D. Police Activity at Schools (continued)

- f. If a student is recorded by an SRO during the school day by a body worn camera, the SRO shall be considered a law enforcement unit of the school such that the records created by the SRO for law enforcement shall not be considered educational records.

Alternate language: Any such film or video taken by an SRO, and kept in the possession of the _____ Police Department may be considered law enforcement records under the Family Educational Rights and Privacy Act (FERPA). Any copy of such film or video, if permitted by law to be provided to the School District, may become an educational record of the District.

- g. Upon the request of the Building Principal or the Superintendent of Schools or his/her designee, the _____ Police Department may permit the Building Principal or his/her designee to view and obtain a copy of any video recording captured by the SRO while performing official SRO duties as outlined in this Memorandum of Understanding, subject to the requirements of the Freedom of Information Act, and the approval of the Chief of Police. Such recording or copy shall be considered a law enforcement record.
- h. The provisions of the Memorandum of Understanding shall apply to any _____ Police Department officer when using a body worn camera on school property, even if the police officer is not an assigned SRO to the school.

IV. Data Collection and Monitoring

The parties agree that they will provide baseline data for comparison purposes and regularly collect, share, monitor and report data resulting from the implementation of this agreement.

Data Collection – on a quarterly basis, the following information will be collected.

School – number and types of disciplinary actions, numbers and demographics of students involved, referrals to police.

Police – number and types of school incidents for which police incident reports are written, police actions on incidents.

For comparison purposes, the parties agree to retrieve the above data for a year prior to the signing of the agreement and quarterly after the signing of the agreement.

Monitoring and Oversight – on a regular basis and at least quarterly, parties acknowledge and agree that the School/Police Collaboration Team composed of at least two members from each party will meet to provide oversight of the agreement and review relevant data and analysis. At least annually, the Team will prepare a report of activities and make recommendations for improvements to the agreement and/or its implementation.

V. Duration and Modification of Agreement

This agreement shall become effective Month, Day, Year and shall remain in full force and effect until such time as the agreement is modified by the consent of the parties. The agreement may be modified at any time by amendment to the agreement.

In witness whereof, the parties hereto, intending to cooperate with one another, have set their signatures to this document on this day.

Superintendent of Schools

Date

Printed Name

Sworn and subscribed before me on this _____ day of _____, 20_____.

Commissioner of the Superior Court/
Notary Public

Commission Expiration Date

Chief of Police/Resident State Trooper

Date

Printed Name

Sworn and subscribed before me on this _____ day of _____, 20_____.

Commissioner of the Superior Court/
Notary Public

Commission Expiration Date

(Source: Juvenile Justice Advisory Committee, Office of Policy and Management, 450 Capitol Avenue, Hartford, CT)

NOTE: It is also recommended that the Memorandum of Understanding include a section which indicates how the cost of the SRO Program will be paid.

A sample regulation to consider/modify.

Students

Safety

School Resource Officer

The School Resource Officer (SRO) provides a visible presence in the District's schools allowing students to develop a trust with law enforcement while linking district and community safety concerns and making District property inhospitable to criminals.

The SRO's responsibilities are equally divided into the three areas of law enforcement officer, law-related counselor and law-related educator. The SRO helps to create a safe and non-threatening learning environment, leading by example and promoting a positive image of law enforcement.

The duties of the SROs shall include, but not be limited to: *(also see appendix to the policy for a listing of possible duties.)*

1. The observation and reporting of any unlawful act;
2. The prevention of theft or misappropriation of any item of value;
3. The control of access to premises being protected;
4. The maintenance of order and safety at public activities;
5. Protection of District property, students, staff and persons and property on or about district property or while attending district-sponsored activities.
6. [Investigating and documenting specific incidents;]
7. [Assistance in identifying, intervening and communicating with at-risk students;]
8. [Provision of crime prevention education;]
9. [Promotion of a positive student attitude towards law enforcement;]
10. [Operating as a liaison between the community and the District.]

Training of School Resource Officers will include the following areas:

1. The law regarding arrest;
2. Search and seizure;
3. Appropriate use of force;
4. Fire detection and reporting of safety issues;
5. Notification of public authorities;
6. Reporting of incidents and preparation of necessary reports;
7. Deportment and ethics;
8. Knowledge of criminal and school law;
9. District policies and regulations;

Students

Safety

School Resource Officer (continued)

10. Knowledge of the National Incident Management System (NIMS) and the National Incident Command System;
11. First aid and CPR; and
12. Self-defense tactics.

The basic qualifications of School Resource Officers shall include the following:

1. Shall be a commissioned officer with a minimum of two years of law enforcement experience;
2. Shall possess a sufficient knowledge of all applicable Federal and State laws and Board of Education policies and regulations;
3. Shall be capable of conducting in depth criminal investigations;
4. Shall possess an even temperament and be able to set a good example for students; and
5. Shall possess communication skills that would enable the officer to function effectively within the school environment.

Graduated Response Model

The SRO Program will use the “Graduated Response Model” for student misconduct, as described below:

Classroom Intervention - The classroom teacher plays a prominent role in guiding, developing and reinforcing appropriate student conduct and is acknowledged as the first line in implementing the school discipline code. As such, this model begins with a range of classroom management techniques that must be implemented prior to any other sanctions or interventions. Classroom intervention is managed by the teacher for behaviors that are passive and non-threatening such as dress code violations, and violations of classroom rules. School Resource Officers (SROs) should not be involved at this level. More than three incidents of the same behavior, if not in the same day, could lead to School Administrator Intervention. Classroom intervention options might include redirection, reteaching, school climate initiatives, moving seats, and the teacher should initiate parental contact.

School Administration Intervention - Classroom interventions must be supported by school administrators who address more serious or repetitive behaviors and behaviors in school but outside of the classroom. Examples of behaviors at this level include repetitive patterns, defacing school property, truancy, threatening and behaviors in hallways, bathrooms, courtyards and school buses. Administration intervention options might include time in the office, after school detention, loss of privilege, reparation, and/or parent conference.

Students**Safety****School Resource Officer****Graduated Response Model (continued)**

Assessment and Service Provision - When the behavior and needs of the student warrant, an assessment process and intervention with the use of school and community services is appropriate. This intervention is managed by the school administrator or a student assistance team (SAT). Repetitive truancy or defiance of school rules, and behaviors that interfere with others such as vandalism or harassment belong at this level as well as misbehaving students who would benefit from service provision. Assessment and service intervention options should include any Classroom or School Administration interventions and might include referral to a Juvenile Review Board (JRB) or community service or program, suspension, expulsion or referral to court. Truant behavior should not lead to an out-of-school option. Police can be involved in their role on SATs and JRBs.

Law Enforcement Intervention - Only when classroom, school and community options have been found ineffective (or in an emergency) should the school involve the police, including the SRO. Involvement of the police does not necessarily mean arrest and referral to court. This intervention is managed by the police. Behaviors at this level must be violations of criminal law, but only after Classroom, School Administration and Assessment and Service interventions have been tried. Law enforcement options may include verbal warning; conference with the student, parents, teachers and/or others; referral to a JRB and/or community agencies; and referral to court.

Chain of Command:

As employees of the Police Department, SROs shall follow the chain of command as set forth in the Police Department's policies and procedure manual.

In the performance of their duties, SROs shall coordinate and communicate with the Principal or his/her designee of the school to which they are assigned.

Dress Code:

SROs shall/shall not be required to wear a departmental issued uniform.

Transporting Students:

SROs shall not transport students in their vehicles except:

- When the students are victims of a crime, under arrest, or some other emergency circumstances exist; and

Students

Safety

School Resource Officer

Transporting Students: (continued)

- When students are suspended and sent home from school pursuant to school disciplinary actions if the student's parent or guardian has refused or is unable to pick up the child within a reasonable time period and the student is disruptive/disorderly and his/her continued presence on campus is a threat to the safety and welfare of other students and school personnel.

If circumstances require that an SRO transport a student, then school officials must provide a school official or employee of the same gender of the student to be transported to accompany the officer in the vehicle.

Students shall not be transported to any location unless it is determined that the student's parent, guardian or custodian is at the destination to which the student is being transported. SROs shall not transport students in their personal vehicles.

SROs shall notify the school Principal before removing a student from campus.

Investigation, Interrogation, Search and Arrest Procedures:

The standard operating procedures for the investigation of crimes and interrogation, search and arrest of students are as follows:

1. Interrogation Procedures: In the event a serious crime (as defined below) is committed at school or at a school activity, the Principal or Assistant Principal with the assistance of the SRO should:
 - Question any witnesses to determine that a crime was committed and who committed the crime. The SRO shall have the general authority to question or interrogate any student at school who may have information about criminal misconduct or the violation of the conduct policies of the Board of Education. As a general rule, the interrogation should be conducted in cooperation with and in the presence of a school official but when immediate action is necessary or in an emergency situation, the SRO may interrogate a student without the presence of a school official.
 - Question the person suspected of committing the crime. As a general rule, the suspect should not be arrested or placed "in custody" during the initial interview or interrogation. The suspect shall be informed generally of the purpose of the investigation and given an opportunity to present informally his/her knowledge of the facts. If the suspect wishes to remain silent, to contact his/her parents or an attorney, or to end the interview, the questioning should cease and the suspect's request should be granted unless there is a reasonable cause to detain the student for questioning.

Students

Safety

School Resource Officer

Investigation, Interrogation, Search and Arrest Procedures: (continued)

2. If a student is detained, placed in custody or arrested, the student must be advised prior to further questioning by a SRO:
 - That he/she has the right to remain silent;
 - That anything he/she says can be used against him/her in a court of law;
 - That he/she has a right to have a parent, guardian or custodian present during questioning;
 - That he/she has a right to talk with an attorney before you ask any questions and he/she has a right to have his/her attorney present with him/her during questioning;
 - That if he/she cannot afford to hire an attorney, one will be appointed for him/her by the court before any questioning if he/she wishes; and
 - That if he/she decides to answer now without an attorney present, he/she will still have the right to stop answering questions at any time. He/she also has the right to stop answering questions at any time until he/she talks to a lawyer.
 - That if the suspect is a minor, the child's parent, guardian, or custodian shall be contacted and invited to be present during the interview and the accused shall be advised of his/her rights.

Search Procedures:

If the Principal or his/her designee has reasonable grounds for suspecting that a search of a student or a student's possessions will uncover evidence that the student has violated or is violating either the law or the rules of the school, the Principal or his/her designee may search the student's pockets, pocketbook, bookbag, desk, locker, vehicle or any similar location within the student's control. When requested by school officials, the SRO shall assist with the search in order to protect the safety of all persons involved in the search. If the search uncovers evidence of criminal misconduct, the evidence may be held for or turned over to the SRO.

School officials shall not conduct a "strip search" without a search warrant. A strip search is defined as a search of a student's person, which requires the student to remove his/her clothing in order to determine if any evidence is concealed within the student's undergarments or on the body. The term does not include the removal of outer garments such as coats, hat, shoes, etc. If there is probable cause to believe that a student has concealed or is concealing evidence of criminal misconduct within his/her undergarments, the SRO should assist the school official in obtaining a warrant to search the student.

Students

Safety

School Resource Officer (continued)

Reporting of Serious Crimes:

If the investigation uncovers evidence of a crime as defined in statute, the school official shall notify the SRO, the student's parent/guardian and the Superintendent's office.

Bomb Threats:

School officials, the SRO and fire safety officials shall cooperate in the implementation of procedures in the event of a bomb threat. In all cases, such incidents shall be reported by the Principal to the Superintendent's office and to the SRO.

Controlled Substances:

School officials shall notify the SRO in all cases involving the possession, sale or distribution of controlled substances at school or school activities.

Any controlled substances or suspected controlled substances confiscated by school officials shall be turned over to the SRO for proper identification and eventual disposition.

Riots and Civil Disorders:

In the event a riot or civil disorder occurs on a school campus, the Principal and the SRO shall discuss and agree upon a response to the situation.

If, in the opinion of the Principal and SRO, additional law enforcement personnel are needed to restore and/or maintain order, the SRO will contact the appropriate law enforcement agency and request that assistance. The Principal or his/her designee also shall notify the Superintendent.

The Principal or his/her designee shall be prepared to respond to questions from the news media, parents and other members of the public as soon as order is restored.

If deemed necessary by school and law enforcement officials, the media and the public may be restricted to an area off campus away from the disturbance until order is restored.

The SRO or officer in charge shall consult with the Principal about the need or decision to arrest and/or remove students and other persons from the campus. However, law enforcement officials shall have the authority to arrest and remove any person who commits a crime in their presence.

Students

Safety

School Resource Officer (continued)

The names of any students arrested and removed from campus should not be released to the news media until their parents have been notified and in no event shall the names of juvenile students who have been removed from campus be released to the news media.

Education Records:

School officials shall allow SROs to inspect and copy any public records maintained by the school including student directory information. However, law enforcement officials may not inspect and/or copy confidential student education records except in emergency situations.

If some information in a student's cumulative record is needed in an emergency to protect the health or safety of the student or other individuals, school officials may disclose to the SRO that information which is needed to respond to the emergency situation based on the seriousness of the threat to someone's health or safety; the need of the information to meet the emergency situation and the extent to which time is of the essence.

If confidential student records information is needed, but no emergency situation exists, the information may be released only upon the issuance of a search warrant or subpoena to produce the records.

Body Worn Camera Usage

The body camera shall be rendered inactive while the SRO is on school grounds or at a school-related activity or event. Audio and video recordings will be utilized during all law enforcement specific contacts, to include investigative or enforcement functions. The SRO may activate the camera's recording system anytime the officer determines that a video or audio file needs to be captured for evidentiary purposes.

Alternate language: Each School Resource Officer assigned to a school within the District shall be equipped with a body worn camera and shall use such device in accordance with Police Department policies for the use usage of body worn cameras.

The body worn cameras will not be activated in public places where individuals have a reasonable expectation of privacy, such as locker rooms, changing rooms or restrooms unless the SRO determines the camera must be activated for an official law enforcement reason.

The SRO shall not record, utilizing the body worn camera, during the school day unless and until the SRO has reason to believe that a crime has been, or is in the process of being, committed. In the event an SRO is in a hostile situation or perceives that a complaint will be raised, in the SRO's discretion, the body worn camera can be activated and begin recording.

Students

Safety

School Resource Officer

Body Worn Camera Usage (continued)

If a body worn camera is turned on for any reason during the school day, the SRO shall promptly notify the school Principal or his/her designee.

Unless designated otherwise, all video recordings captured by the body camera shall be the property of the Police Department, and the Board of Education is not responsible for their storage, maintenance, release or disposal.

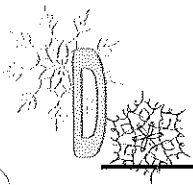
If a student is recorded by an SRO during the school day by a body worn camera, the SRO shall be considered a law enforcement unit of the school such that the records created by the SRO for law enforcement shall not be considered educational records.

Alternate language: Any such film or video taken by an SRO, and kept in the possession of the Police Department may be considered law enforcement records under the Family Educational Rights and Privacy Act (FERPA). Any copy of such film or video, if permitted by law to be provided to the School District, may become an educational record of the District.

Upon the request of the Building Principal or the Superintendent of Schools or his/her designee, the Police Department may permit the Building Principal or his/her designee to view and obtain a copy of any video recording captured by the SRO while performing official SRO duties as outlined in the Memorandum of Understanding, subject to the requirements of the Freedom of Information Act, and the approval of the Chief of Police. Such recording or copy shall be considered a law enforcement record.

Regulation approved:

cps 2/02
rev 2/13
rev 1/15
rev 1/21



TITLE I PARENT AND FAMILY ENGAGEMENT

~Page 1~

UPDATE MAILING NO. 2

JANUARY 22, 2021

Districts are required by both state and federal law to establish written policies for parental involvement. The Every Student Succeeds Act (ESSA) expanded the requirement for districts receiving Title I funds (20 U.S.C. Section 6318) to include a written policy for parent and family engagement. Parent and family engagement involvement policies are established to:

- Encourage strong home-school partnerships;
- Provide for consistent and effective communication between parents and family members or foster care givers and school officials;
- Offer parents and family members or foster caregivers ways to help and encourage their children or foster children to do their best; and
- Offer ways parents and family members or foster caregivers can support classroom learning activities.

To receive Title I funds, in addition to a district board policy on this topic, each school entity needs to conduct outreach to all parents and family members, and implement programs, activities and procedures for the involvement of parents and family members in Title I programs. Such programs, activities and procedures shall be planned and implemented with meaningful engagement of parents and family members with a child in a Title I program.

In compliance with federal law, the school entity and parents and family members with a student participating in a Title I program are required to jointly develop and agree upon a written Parent and Family Engagement Policy known as a "School-Parent Compact."

The School-Parent Compact (Compact) provides more detail on what parent and family involvement entails. This document must be developed with the involvement of parents and family members. It must outline how parents, school staff and students will share the responsibility for improved student academic achievement and the means by which the school, parents and family will build and develop a partnership to help children achieve the academic standards set by the state.

The Compact must also ensure regular two-way, meaningful communication between family members and school staff. In addition, to the extent possible, this communication should be in the language the family members can understand.

The local school district must also conduct outreach to all parents and family members of Title I students, which is in addition to the implementation of programs, activities and procedures for the involvement of parents and family members. This outreach includes an annual meeting for Title I schools as well as parent meetings throughout the school year.

These activities should be educational and designed to help parents and family members assist children at home with academics. These district activities should be documented for compliance purposes and as an aid to evaluate the programs. A portion of the Title I funds received by a school district are required to be used for parent and family involvement activities.

The district should coordinate and integrate parent and family engagement strategies with other parent and family engagement strategies, to the extent feasible and appropriate, with other relevant federal, state and local laws and programs.

TITLE I PARENT AND FAMILY ENGAGEMENT

~Page 2~

An annual evaluation of the content and effectiveness of the Compact, with meaningful participation of parents and family members must be done. The evaluation's aim is to improve the academic quality of the schools served under Title I.

The evaluation should identify:

- a. Barriers to participation by parents and family members with a child in a Title I program, with particular attention paid to parents and family members who are migrants, are economically disadvantaged, are disabled, have limited English proficiency, have limited literacy, or are of any racial or ethnic minority.
- b. The needs of parents and family members to assist with the learning of their children, including engaging with school personnel and teachers.
- c. Strategies to support successful school and family collaborations.

The findings of the annual evaluation should be used to design evidence-based strategies for more effective parent and family engagement and to revise, if found necessary, the Title I School Parent and Family Compact.

Policy Implications

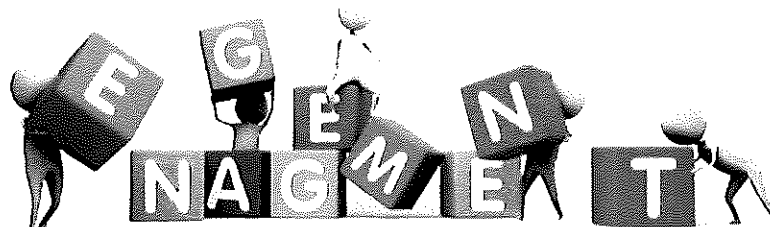
Policy #6172.4, "Parent and Family Engagement Policy for Title I Students" was revised in April 2017 to comply with the requirements of ESSA. The revision also included a sample "School-Parent Compact" and a template which can be used to assist in the development of the required policy. Another appendix provides a summary of the legislation pertaining to this topic. This material is still currently available upon request. Many samples are available.

The requirement of ESSA pertaining to Title I programs for academically disadvantaged students have not changed. Therefore, there is no mandate at this time for a district to revise its existing material. New material is provided to provide an opportunity for a local district to review its existing policy and materials pertaining to this topic.

At this time, a new succinct version of this policy is provided for your consideration. In addition, a sample of a school level parent and family engagement compact is provided. Each of the numbered paragraphs in the sample correspond to mandatory requirements in ESEA as amended by the ESSA, 20 U.S.C. §6318(c).

In addition, a new policy, #6161.31, "Title I Programs" has been developed and follows. It replaces the dated existing sample policy.

Parent & Family Engagement



January 2021

This policy, or #6172.4, is mandatory for any district that receives or desires to receive Title I funds.

Instruction

Title I Programs

The Superintendent or his/her designee is directed to pursue funding under Title I, Improving the Academic Achievement of the Disadvantaged, of the Elementary and Secondary Education Act, as amended by the Every Student Succeeds Act (ESSA), to supplement instructional services and activities in order to improve the educational opportunities of educationally disadvantaged or deprived children.

All District schools, regardless of whether they receive Title I funds, shall provide services that taken as a whole, are substantially comparable. Teachers, administrators, and other staff shall be assigned to schools in a manner that ensures equivalency among the District's schools. Curriculum materials and instructional supplies shall be provided in a manner that ensures equivalency among the District's schools.

Title I Parent and Family Engagement

The District will maintain programs, activities, and procedures for the engagement of parents/guardians and families of students receiving services, or enrolled in programs, under Title I. These programs, activities, and procedures will be described in district-level and school-level compacts.

District-Level Parent and Family Engagement Compact

The Superintendent or his/her designee will develop a *District-Level Parent and Family Engagement Compact* according to Title I requirements. The *District-Level Parent and Family Engagement Compact* will contain: (1) the District's expectations for parent and family engagement, (2) specific strategies for effective parent and family engagement activities to improve student achievement and school performance, and (3) other provisions as required by federal law. Such *Compact* must be distributed to parents/guardians of students receiving services or enrolled in programs, under Title I.

School-Level Parent and Family Engagement Compact

Each Building Principal or his/her designee must develop a *School-Level Parent and Family Engagement Compact* according to Title I requirements. This *School-Level Parent and Family Engagement Compact* will contain: (1) a process for continually involving parents/guardians in its development and implementation, (2) how parents/guardians, the entire school staff, and students share the responsibility for improved student academic achievement, (3) the means by which the school and parents/guardians build and develop a partnership to help children achieve the State's high standards, and (4) other provisions as required by federal law. Such *Compact* must be distributed to parents/guardians of students receiving services or enrolled in programs, under Title I.

Instruction

Title I Programs (continued)

(cf. 1110.1 – Parent Involvement)

(cf. 6161.3 – Comparability of Services)

(cf. 6172.4 – Parent and Family Engagement Policy for Title I Students)

Legal Reference: Connecticut General Statutes

10-220(c) Duties of boards of education

Improving America's Schools Act, P.L. No. 103-382, Sec. 1112 Local Education Agency Plans.

Title I of the Elementary and Secondary Education Act, 20 U.S.C. §6301-6514

20 U.S.C. §6318, as amended by Every Student Succeeds Act, P.L. 114-95 §1010 (2015)

20 U.S.C. §7801 - Definitions

Policy adopted:

cps 1/21

This policy, or #6161.31, is mandatory for any district that receives or desires to receive Title I funds.

Instruction

Title I Parent and Family Engagement

The Board of Education (Board) recognizes that parental and family involvement and engagement is vital to achieve maximum educational growth for students participating in the District's Title I program. Therefore, in compliance with federal law, the District will meet with parents/guardians to provide information regarding their school's participation in the Title I program and its requirements.

The Superintendent or his/her designee is directed to ensure equivalence among schools in teachers, administrators and other staff, and in the provision of curriculum materials and instructional supplies.

The Board directs the Superintendent to ensure that each of the District's schools participating in the Title I program meet annually with the parents/guardians of students receiving Title I services. Parents/guardians of participating students will be informed of their right to be involved in the development of the District's parental and family engagement policy, overall District Title I plan and the school-parent compacts.

In cooperation with parents/guardians and family, the District's policy, plan and compact will be reviewed annually and updated periodically as determined necessary, to meet the changing needs of parents/guardians and the schools, and distributed to parents/guardians of participating students in an understandable and uniform format and to the extent practicable, in a language the parents can understand.

The Superintendent is directed to develop administrative regulations, as necessary, to implement this policy and meet the requirements of law.

(cf. 1110.1 – Parent Involvement)
(cf. 6161.3 – Comparability of Services)
(cf. 6161.31 – Title I Programs)

Legal Reference: Connecticut General Statutes
 10-220(c) Duties of boards of education
 Improving America's Schools Act, P.L. No. 103-382, Sec. 1112 Local Education Agency Plans.
 Title I of the Elementary and Secondary Education Act, 20 U.S.C. §6301-6514
 20 U.S.C. §6318, as amended by Every Student Succeeds Act, P.L. 114-95 §1010 (2015)
 20 U.S.C. §7801 - Definitions

Policy adopted:
cps 1/21

This regulation serves as a sample of the required school-level parent and family engagement compact. The numbered paragraphs correspond to mandatory requirements in ESEA, 20 U.S.C. §6318(c). Bulleted items are ideas that each district must, with parents/guardians and family, develop through its own processes for accomplishing the respective numbered paragraph.

Instruction

Title I Parent and Family Engagement

School-Level Parent and Family Engagement Compact

This school-level *Parent and Family Engagement Compact (Compact)* provides an understanding of the joint responsibility of the District and parents/guardians for improving student academic achievement and school performance. The District provides opportunities for parent/guardian involvement at the school level by:

Parent/Guardian Involvement

1. Convening an annual meeting, at a convenient time, to which all parents/guardians of participating children are invited and encouraged to attend, to inform parents/guardians of their school's participation under Title I and to explain the requirements of Title I, and the right of the parents/guardians to be involved. The Building Principal or his/her designee must:
 - Invite all parents/guardians of participating children to the annual meeting at school.
 - Explain the rights of parents/guardians to be involved in establishing this compact.
 - Introduce and involve the building representatives on the District-level committee.
 - Provide an overview of Title I and give parents/guardians an opportunity to express questions and concerns.
 - Indicate the mechanisms by which the committee work will be communicated.
 - Seek the involvement and input of parents/guardians.
 - Provide childcare so that all parents/guardians who would otherwise be unable to attend may attend.
2. Offering a flexible number of meetings, such as in the morning or evening, and may provide, with funds provided by the relevant provision in Title I, transportation, childcare, or home visits, as such services relate to parental involvement. The Building Principal or designee shall:
 - Provide parents/guardians with opportunities to ask questions and dialogue informally about student academic achievement and school performance.
 - Engage building-based parent organizations to assist with communication and implementation needs.
 - Develop and use outreach programs to involve community groups and organizations.

Instruction

Title I Parent and Family Engagement

School-Level Parent and Family Engagement Compact

Parent/Guardian Involvement (continued)

3. Involve parents/guardians in an organized, ongoing, and timely way, in the planning, review, and improvement of programs under Title I, including the planning, review, and improvement of the school parent and family engagement policy and the joint development of the school-wide program plan (under U.S.C. §6314(b)(2)), except that if a school has in place a process for involving parents/guardians in the joint planning and design of the school's programs, the school may use that process, if such process includes an adequate representation of parents/guardians of participating children. The Building Principal or designee shall:
 - Identify and establish a process by which an adequate representation of parents/guardians of participating children can occur.
 - Establish a schedule for the building-based committee to plan, review, and recommend improvements to the District parent involvement policy.
4. The Building Principal or designee shall:
 - Provide parents/guardians of participating children timely information about programs.
 - Communicate updates through the use of school newsletters, the District website, email and telephone contact, and home visits if needed.
5. The Building Principal or designee will provide a description and explanation of the curriculum in use at the school, the forms of academic assessment used to measure student progress, and the achievement levels of challenging State academic standards.
6. The Building Principal or designee shall:
 - Provide parents/guardians, upon request, opportunities for regular meetings to formulate suggestions, and to participate, as appropriate, in decisions relating to the education of their children, and respond to any suggestions as soon as practicably possible.
 - Develop a feedback loop for parents/guardians to ask questions and to receive follow-up.
7. If the school-wide plan under 20 U.S.C. §6314(b) is not satisfactory to the parents/guardians of participating children, the Building Principal or designee shall:
 - Submit any parent/guardian comments on the plan when the school makes the plan available to the Board of Education.
 - Provide a process for parents/guardians to express concerns and complaints.

Instruction

Title I Parent and Family Engagement

School-Level Parent and Family Engagement Compact (continued)

Shared Responsibilities for High Student Academic Achievement

1. The school is responsible for providing a high-quality curriculum and instruction in a supportive and effective learning environment that enables the children served under Title I to meet the State's challenging academic standards. Each parent/guardian is responsible for supporting their children's learning by:
 - Volunteering in their child's classroom.
 - Participating, as appropriate, in decisions relating to their children's education and positive use of extracurricular time.
2. Communications between teachers and parents/guardians occurs on an ongoing basis through:
 - Parent-teacher conferences, at least annually, during which the Compact shall be discussed as the Compact relates to the individual child's achievements.
 - Frequent reports to parents/guardians on their child's progress.
 - Reasonable access to staff, opportunities to volunteer and participate in their child's class, and observation of classroom activities.
 - Ensuring regular two-way, meaningful communication between family members and school staff, and to the extent practicable, in a language that family members can understand.

Building Capacity for Involvement

To ensure effective involvement of parents/guardians and to support a partnership among the schools involved, each school shall:

- Provide assistance to parents/guardians in understanding the challenging State academic standards and local academic assessments, and how to monitor a child's progress and work with educators to improve the achievement of their children.
- Provide materials and training, such as, literacy and technology (including education about the harms of copyright piracy), to help parents/guardians work with their children to improve their children's achievement.
- Educate teachers, instructional support personnel, principals, other school leaders, and other staff, with the assistance of parents/guardians, in:
 - The value and utility of contributions of parents/guardians; and
 - How to effectively communicate and work with parents/guardians as equal partners, implement and coordinate parent/guardian programs, and build ties between parents/guardians and the school.

Instruction

Title I Parent and Family Engagement

School-Level Parent and Family Engagement Compact

Building Capacity for Involvement (continued)

- To the extent feasible and appropriate, coordinate and integrate parent/guardian involvement programs and activities with other federal, State and local programs, including public preschool programs, and conduct other activities, such as parent/guardian resource centers, that encourage and support parents/guardians in more fully participating in their children's education.
- Ensure that information is sent to the parents/guardians of participating children in a format, and to the extent practicable, in a language that parents/guardians can understand.
- Provide such other reasonable support for parental involvement activities under this section as parents/guardians may request.

In addition, each school may:

- Involve parents/guardians in the development of training for teachers, Building Principals and other educators to improve the effectiveness of such training.
- Provide necessary literacy training from the funds provided by the relevant provision in Title I if the District has exhausted all other reasonably available sources of funding for such training.
- Pay reasonable and necessary expenses associated with local parental involvement activities, including transportation and childcare costs to enable parents/guardians to participate in school-related meetings and training sessions.
- Train parents/guardians to encourage and enhance the involvement of other parents/guardians.
- Arrange school meetings at a variety of times, or conduct in-home conferences between teachers and other educators, in order to maximize parental involvement and participation.
- Adopt and implement model approaches to improving parental involvement.
- Establish a district-wide parent advisory council to provide advice on all matters related to parental involvement in supported programs.
- Develop appropriate roles for community-based organizations and businesses in parent/guardian involvement activities.

Instruction

Title I Parent and Family Engagement

School-Level Parent and Family Engagement Compact (continued)

Accessibility

In carrying out the parental involvement requirements of this Compact, the school, to the extent possible, will provide opportunities for the informed participation of parents/guardians and family members, (including those with limited English proficiency, with disabilities, and migratory children), including providing information and school reports in a format and, to the extent practicable, in a language such parents/guardians can understand.

Regulation approved:

cps 1/21



SPECIAL EDUCATION POLICY REVISION

~Page 1~

UPDATE MAILING NO. 2

JANUARY 22, 2021

As a result of a court decision, *A.R. v. Connecticut State Board of Education*, all students with disabilities who have not yet turned 22 years of age and who have not received a regular high school diploma, remain eligible for special education services under the Individuals with Disabilities Education Act (IDEA) up until their 22nd birthday or until they graduate from high school with a regular high school diploma, whichever occurs first.

Districts must contact all adult students and parents impacted by this court decision and advise them that they remain eligible for special education services under the IDEA until their 22nd birthday, as outlined in their IEP until they turn 22 years of age or they graduate with a regular high school diploma, whichever occurs first. This includes continued eligibility for students who were already exited under IDEA because of turning 21 during the 2019-2020 school year, in accordance with the then effective state law.

The Connecticut State Department of Education reminded school districts that any student who exited high school during the 2019-2020 school year as a result of either completing school with other credentials (student did not graduate with a regular high school diploma), discontinued schooling, transferred to a GED program, or moving/not known to be continuing, still has an entitlement to FAPE. These students may be re-admitted to public school and maintain eligibility for receipt of special education and related services up until their 22nd

birthday or until they graduate with a regular high school diploma, whichever occurs first. These students may enroll in public school up and until their 22nd birthday.

Students whose eligibility terminated when they graduated with a regular high school diploma are not subject to an extension of eligibility until they turn 22, nor entitled to compensatory education.

The ruling found that because Connecticut provides public education to non-disabled individuals over the age of 21 in the form of adult education and GED programs, it must offer something similar for special education students.

Policy Implications: Policy #6159, "Individualized Education Program/Special Education Program," and Policy #6171, "Special Education," are impacted by this decision. They have been revised to be in compliance with this court ruling and directives from the State Department of Education.

The modifications made to the policy, based on the ruling described above, are very limited. Therefore, only excerpts from the impacted policies are included in this publication. The full text of the policies is available upon request and/or can be found in the CORE manual found in the membership section of the CAGE website.



January 2021

Recommended policy to consider.

Instruction

Individualized Education Program/Special Education Program

Any child, whether a student of the school district, of pre-school age, or between the ages of three and 22 years of age, inclusive, but not attending district schools, who is identified as being in need of a special program shall be referred to a "special education planning and placement team" (PPT) which shall make an evaluative study to determine whether the child is a child with a disability as defined in state and federal statutes and if special education is required and to establish the scope of the special education program.

Students receiving special education services under the Individuals with Disabilities Act (IDEA) remain eligible for such services up until their 22nd birthday or until they graduate from high school with a regular high school diploma, whichever comes first. The adult student or his/her parent/guardian will be asked by the District if the student wishes to receive the special education and related services outlined in their Individualized Education Program (IEP) until they turn 22 years of age or they graduate with a regular high school diploma, whichever comes first.

Addition to legal reference:

A.R. v. Connecticut State Board of Education, 3:16-CV-01197 (CSH D. Conn. June 10, 2020)

Another version of this policy.

Instruction

Individualized Education Program/Special Education Program

The school district shall comply with all state and federal laws concerning the provision of a free appropriate public education to students with disabilities.

Referral

The school district is responsible for identifying children with disabilities and for determining whether such children are eligible for special education services. Any child who is a resident of the Town, whether a student of the school district, of pre-school age, or between the ages of three and 22 years of age, inclusive, but not attending district schools, who is identified as potentially being in need of special education shall be referred to a "Special Education Planning and Placement Team" (PPT) which shall make an evaluative study to determine whether special education is required and to establish the scope of the special education services.

Students receiving special education services under the Individuals with Disabilities Act (IDEA) remain eligible for such services up until their 22nd birthday or until they graduate from high school with a regular high school diploma, whichever comes first. The adult student or his/her parent/guardian will be asked by the District if the student wishes to receive the special education and related services outlined in their individualized education program (IEP) until they turn 22 years of age or they graduate with a regular high school diploma, whichever comes first.

Another version of this recommended policy.

Instruction

Special Education

In keeping with the intention of the State of Connecticut and this Board of Education to offer educational opportunities to all students which will enable them to lead fulfilling and productive lives, the District shall provide appropriate educational opportunities to students with disabilities in accordance with the requirements of state and federal law.

Any student identified as a child with disabilities pursuant to the Individuals with Disabilities Education Improvement Act of 2004 who is between the ages of three and 22 who have and who has not received a high school diploma, GED or otherwise graduated from high school has the right to a free and appropriate public education. These students with disabilities shall be provided individualized educational programs appropriate to meet their educational needs.

Students receiving special education services under the Individuals with Disabilities Act (IDEA) remain eligible for such services up until their 22nd birthday or until they graduate from high school with a regular high school diploma, whichever comes first. The adult student or his/her parent/guardian will be asked by the District if the student wishes to receive the special education and related services outlined in their individualized education program (IEP) until they turn 22 years of age or they graduate with a regular high school diploma, whichever comes first.

A child identified as a child with disabilities shall become eligible for special education and related services on his or her third birthday. A student reaching age 22 after the beginning of an academic year shall have the right to complete that year or attend until graduation, whichever comes first.

Students with disabilities are required by federal law to be included in State and District-wide assessments, with appropriate accommodations where necessary. Any individualized education program (IEP) developed for a student with disabilities shall specify whether the student shall achieve the District's adopted content standards or whether the student shall achieve individualized standards which would indicate the student has met the requirements of his or her IEP.

The District also shall take steps to make the general public aware that all children and youth from birth through age 22 suspected of having a disability have a right to a formal determination as to whether they have such a condition or disability.

Legal Reference: Connecticut General Statutes
10-76a Definitions. (as amended by PA 00-48 and PA 06-18)
10-76b State supervision of special education programs and services. (as amended by PA 12-173)
10-76c Receipt and use of money and personal property.
10-76d Duties and powers of boards of education to provide special education programs and services. (as amended by PA 97-114, PA 00-48, PA 06-18 and June Special Session PA 15-5, Section 277)
10-76e School construction grant for cooperative regional special education facilities.

Instruction

Special Education

Legal Reference: Connecticut General Statutes (continued)
 10-76f Definition of terms used in formula for state aid for special education.
 10-76ff Procedures for determining if a child requires special education (as amended by PA 06-18)
 10-76g State aid for special education.
 10-76h Special education hearing and review procedure. Mediation of disputes. (as amended by PA 00-48)
 10-76i Advisory council for special education.
 10-76j Five-year plan for special education.
 10-76k Development of experimental educational programs.
 PA 06-18 An Act Concerning Special Education
 State Board of Education Regulations.
 10-76m Auditing claims for special education assistance.
 10-76a-1 et seq. Definitions. (as amended by PA 00-48)
 10-76b-1 through 10-76b-4 Supervision and administration.
 10-76d-1 through 10-76d-19 Conditions of instruction.
 10-76h-1 through 10-76h-2 Due process.
 10-76l-1 Program Evaluation.
 10-145a-24 through 10-145a-31 Special Education (re teacher certification).
 10-264l Grants for the operation of interdistrict magnet school programs.
 P.A. 12-173, An Act Concerning Individualized Education Programs and Other Issues Relating to Special Education
 34 C.F.R. 3000 Assistance to States for Education for Handicapped Children.
 American with Disabilities Act, 42 U.S.C. §12101 et seq.
 Individuals with Disabilities Education Act, 20 U.S.C. §1400 et seq.
 Rehabilitation Act of 1973, Section 504, 29 U.S.C. § 794.
 P.L. 108-446 The 2004 Reauthorization of the Individuals with Disabilities Act
Bd of Ed of the City School District of the City of New York v. Tom F. 128S.Ct. 1, 76 U.S.L.W. 3197 (2008)
Rowley v. Board of Education, 485 U.S.-176 (1982)
Endrew F. v. Douglas County School District RE-1, 15-827 U.S. (2017)
A.M. v. N.Y. City Department of Education, 845F.3d 523, 541 (2d Cir.1997)
Mrs. B., v. Milford Board of Education 103 F. 3d 1114, 1121 (2d Cir. 1997)
A.R. v. Connecticut State Board of Education, 3:16-CV-01197 (CSH D. Conn. June 10, 2020)

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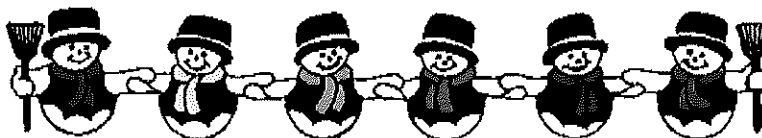
UPDATE #2

JANUARY 22, 2021

The following chart has been developed and summarized for your convenience. Please note that this does not represent all of what is required in your policy manual, and although some sections in this update may not require policy language, they may be procedural and/or recommended.

Update Section	Subject	Policy Number(s) Impacted	Policy Topic	Is Policy Language Required?
A.	Anti-Racism (Confronting Racism in Schools)	0525.1	Anti-Racism	No A new recommended policy to consider with an administrative regulation to consider.
		0523	Equity and Diversity	No Existing samples provided of this recommended policy to consider.
B.	Bus Driver Drug Testing Program Update: Clearinghouse	4212.41	Drug and Alcohol Testing for Bus Drivers	Yes A revised mandatory policy to consider.
C.	Use of Body Cameras by SROs	5142.4	School Resource Officer	No A revised MOU and administrative regulation to consider.
D.	Title I Parent and Family Engagement	6161.31	Title I Programs	Yes* A new mandated policy to consider.
		6172.4		Yes* A new version of this mandated policy and administrative regulation to consider.
E.	Special Education Policy Revision	6159	Individualized Education Program/ Special Education Program	Yes* A revised mandated policy to consider.
		6171	Special Education	Yes* A revised mandated policy to consider.

* Either policy fulfills mandate; both are not necessary.



For an up-to-date list of "required" and "recommended" policies, visit us on our website at <https://www.cabe.org/page.cfm?p=1163>