

**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 Order No. 7B, there will not be a physical location for this meeting. This meeting will be held electronically and live streamed on westportps.org and shown on Optimum Government Access Channel 78 and Frontier Channel 6021. 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/Procedures\\_and\\_Guidelines\\_for\\_Public\\_Participation\\_in\\_Remote\\_Board\\_Meetings.pdf](https://www.westportps.org/uploaded/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

**DISCUSSION/ACTION:**

1. Minutes: September 2, 2020, *pages 1-2*

**DISCUSSION:**

1. Second Reading of the Following Policies:
  - Policy 4118.5, "Acceptable Computer Network Use" (Revision), *pages 3-6*
  - Policy 5132, "Dress and Grooming" (New), *pages 7-11*
  - Policy 4118.231/4218.231, "Alcohol, Drugs, and Tobacco" (Revision), *pages 12-14*
  - 6172.6, "Online Courses" (New), *pages 15-16*
  - 3514.1, "Computer Loan" (Revision), *page 17*
  - 6172.4, "Title I Parental and Family Engagement Policy" (New), *pages 18-23*
2. First Reading of the Following Policies:
  - 5112, "Ages of Attendance" (Revision), *pages 24-27*
  - 5125.1, "Electronically Stored Data" (Revision), *pages 28-132*
  - 5141.21, "Administration of Medications" (Revision), *pages 133-176*
  - 5144 (5144.1), "Physical Restraint" (Revision), *pages 177-187*
  - 5145.15, "Disclosure of Directory Information" (Revision), *pages 188-191*
  - 5145.41 (5145.4), "Non-Discrimination" (Revision), *pages 192-210*
  - 4118.237/4218.237/5141.8, "Face Masks/Coverings" (CABE and Shipman) (New), *pages 211-219*
  - 1331, "Smoke Free Environment" (Revision), *pages 220-223*
  - 5131.61, "Inhalant Use" (Revision), *pages 224-234*
3. Any Other Policy Matters

## ADJOURNMENT

The meeting can also be viewed on Cablevision on channel 78; Frontier channel 6021, and by video stream @[www.westportps.org](http://www.westportps.org)

### 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](mailto:eflug@westportct.gov) at least three (3) business days prior to the scheduled meeting or event to request an accommodation.*



Thee following policies were recommended to go before the full Board for a first reading:

- Policy 4118.22, "Code of Ethics"
- 6171.2, "Preschool Students with Disabilities"

## **ADJOURNMENT**

Meeting adjourned at 10:40 a.m.

Respectfully submitted,

Jennifer Caputo

## Personnel - Certified-Non-Certified

### Acceptable Computer Network Use

~~Employees are advised that in accordance with state law there should be no expectation of privacy while using the school system's computers or E-mail service. The Board of Education's policy specifically states that computer use can be monitored to assure compliance.~~

#### ~~These rules are in effect for use of:~~

- ~~• Computers/electronic resources provided by the Westport schools.~~
- ~~• Privately owned resources while on school property.~~

#### ~~These rules apply to the following while on school property and/or using school equipment:~~

- ~~• All employees of the school system.~~
- ~~• Employees of the food services department and the bus company.~~
- ~~• Anyone working in or on behalf of the school system, e.g., consultants, subs, temporary and part-time workers.~~
- ~~• Volunteer, including parents.~~

#### ~~The following practices are prohibited:~~

- ~~1. Downloading onto a school computer material that is copyrighted and/or programs you are not licensed to use.~~
- ~~2. Conducting personal private or commercial business not related to school system responsibilities, other than incidental personal use that does not interfere with job duties.~~
- ~~3. Hacking into any computers that you are not authorized to use.~~
- ~~4. Making any unauthorized changes to programs in use by the school system or to material that belongs to another.~~
- ~~5. Using the computer to threaten, intimidate, harass or otherwise violate the rights of anyone.~~
- ~~6. Downloading, viewing or transmitting sexually explicit material or material that is pornographic or obscene.~~
- ~~7. Downloading, viewing or transmitting material that attacks ethnic, religious and racial groups except for bone fide educational purposes directly related to one's assignment.~~
- ~~8. Sending any message for an illegal purpose or in any illegal manner.~~
- ~~9. Making any additions to, deletions from, or alterations of the school district's website or the website of any school, without authorization.~~

## **Personnel -- Certified-Non-Certified**

### **Acceptable Computer Network Use (continued)**

- ~~10. Using school system resources for politicking or religious proselytizing.~~
- ~~11. Installing programs on a school system computer without the approval and/or assistance of a member of the technical staff.~~

~~You should know that certain violations of these rules, e.g. copyright violation, may also constitute a violation of state or federal law.~~

~~*In conformity to Board policy, failure to comply with these rules will result in loss of computer privileges and may result in disciplinary action, up to and including discharge. Due process rights will be protected.*~~

#### **E-Mail**

~~*The e-mail system is made available as a resource to staff members for official and necessary professional communications. While occasional incidental personal use is not prohibited, staff members are advised to avoid using it as their personal e-mail program because it is not a private or secure communication and could be subject to Freedom of Information requirements, subpoenaed, etc.*~~

#### **E-mail to Colleagues**

- ~~1. If possible, avoid using names of students or parents in e-mail messages, and do not send sensitive or confidential information about yourself, other staff members, students, or parents through e-mail, even without their names.~~
- ~~2. Always use the heading "Draft" when working on documents that you are developing or revising. Ultimately they may become permanent records subject to disclosure under the Freedom of Information Act, but use of the heading "Draft" may clarify that documents are not subject to disclosure because they are "preliminary drafts or notes" under the FOIA. Please note, however, that the exemption may be lost when you share a draft with colleagues as part of the decision-making process and that such documents may be subject to public disclosure.~~
- ~~3. Use e-mail for messages of a transitory nature only and delete unneeded messages very soon, and regularly.~~
- ~~4. E-mail to colleagues should be used for professional matters. It should not be used to air personal or individual concerns to groups of other staff members or to convey derogatory sentiments about other staff members or groups.~~
- ~~5. Permission is required for staff members to use e-mail for communications to large groups, i.e., an entire department, school, bargaining unit or school district.~~

## **Personnel -- Certified-Non-Certified**

### **Acceptable Computer Network Use (continued)**

#### **E-mail to Students and Parents**

- ~~1. For your own protection, think of e-mail as if it were a permanent communication because a recipient can print it and make it permanent, or forward it to someone else. Therefore, don't say anything you wouldn't put into a written letter or that you would be unwilling to share with many people, including strangers, etc.~~
- ~~2. For your further protection, the content of messages to students should deal strictly with school-related matters. Don't feel obligated to respond to personal content, and don't use e-mail as a personal conversation. Keep your messages brief and to the point. Don't have prolonged e-mail "chats" with students or parents.~~
- ~~3. To avoid being imposed upon, let students know what topics may be dealt with in e-mail. Students are not entitled to a private tutorial via e-mail. It is not a substitute for the student who didn't take notes in class or didn't write down the assignment.~~
- ~~4. If you set up a conference with all parents' e-mail addresses, communications should deal strictly with matters pertaining to the class. The conference should not be used to air personal concerns to groups of parents, or to communicate about private political, entrepreneurial, avocational, religious, charitable, or other activities in which you engage.~~
- ~~5. If the volume of e-mail becomes burdensome for you, set up a time frame for both receiving and answering e-mail and communicate that time frame to students and parents so that they do not expect instantaneous answers to their questions.~~

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

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

In accordance with applicable laws and the Administrative Regulations associated with this Policy,

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

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

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

Legal Reference:

Conn. Gen. Stat. § 31-40x

Conn. Gen. Stat. § 31-48d

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

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

~~Connecticut General Statutes~~

~~————— The Freedom of Information Act.~~

~~————— PA 98-142 an Act Requiring Notice to Employees of Electronic Monitoring by employees~~

Policy adopted: September 1, 2003

Policy revised: 2006

Policy revised:

WESTPORT PUBLIC SCHOOLS

Westport, Connecticut

**Series 5000  
Students**

**STUDENT DRESS**

In order to maintain an environment conducive to the educational process, the \_\_\_\_\_ Board of Education (the “Board”) prohibits the following from wear during the academic school day:

- a. Coats, jackets or other attire normally worn as outerwear. Outerwear includes: coats, jackets, windbreakers, nylon pullovers, down vests, and other clothing the administration deems inappropriate. Outer wear shall not be worn, carried, or kept in the classroom during regular school hours.
- b. Head coverings of any kind, including but not limited to scarves, bandannas, masks, headbands, visors, kerchiefs, athletic sweatbands, hats, caps, or hoods. Approved coverings worn as part of a student's religious practice or belief, or as required or permitted in conjunction with school district health and safety protocols, shall not be prohibited under this policy. Head coverings shall not be worn, carried, hung on belts or around the neck, or kept in the classroom during regular school hours.
- c. Items a. and b. above must be secured in the student's locker or other storage area before school starts. Items not stored will be confiscated by the administration.
- d. Footwear which mars floors or is a safety hazard.
- e. Sunglasses, whether worn or carried, unless required pursuant to a documented medical issue.
- f. "Name" or other oversized metal belt buckles and all metal belts or combination of metal and leather belts.
- g. Spiked or studded bracelets, oversized or multi-finger rings, belts or any other article of attire with spikes or studs attached, or any other clothing item that may present a safety hazard to the student, other students or staff.
- h. Attire or accessories that contain vulgarity or that contain overly offensive or disruptive writing or pictures, which are likely to disrupt the educational environment.

- i. Attire or accessories depicting or suggesting violence so as to disrupt the educational environment or that provokes others to act violently or causes others to be intimidated by fear of violence or that constitute "fighting words," including but not limited to attire or accessories depicting the Confederate flag and/or the Nazi swastika.
- j. Attire or accessories that depict logo or emblems that encourage the use of drugs, tobacco products, or alcoholic beverages.
- k. Shirts and/or blouses that reveal the abdomen, chest, or undergarments.
- l. See-through clothing, tank tops or sleeveless shirts.
- m. Shorts, miniskirts, or pants that reveal the upper thigh or undergarments. Spandex garments are allowed only if they are covered by shorts or skirts.
- N. Backpacks and/or book bags are permitted to be carried between classes, but shall not obstruct safe passage in the classroom or in the corridors.

Students who fail to comply with Board policy and regulations concerning student dress will be subject to school discipline up to and including expulsion in accordance with the Board's policy on student discipline.

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

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

7.22.20

## Students

### Dress and Grooming

The Board of Education encourages students to dress in clothing appropriate to the school situation. The primary responsibility for a student's attire resides with the student and their parent(s) or guardian(s). The District is responsible for seeing that student attire does not interfere with the health or safety of any student, that student attire does not contribute to a hostile or intimidating atmosphere for any student and that dress code enforcement does not increase marginalization or suppression of any group based on race, sex, gender identity, gender expression, sexual orientation, ethnicity, religion, cultural observance or body type/size.

Restrictions on freedom of student dress may be applied whenever the mode of dress in question:

1. is unsafe either for the student or those around the student.
2. is disruptive to school operations and the education process in general.
3. is contrary to law.

No restrictions on freedom of dress and adornment will be imposed which

1. reflect discrimination as to civil rights.
2. enforce particular codes of morality or religious tenets.
3. attempt to dictate or adjudicate style or taste.
4. do not fall within the direct or implied powers of the Board of Education.

Any restriction to the way a student dresses must be necessary to support the District's over-all educational goals.

The administration is encouraged to establish any needed regulations consistent with this policy through cooperative planning with staff, students and parents.

(cf. [5132.1](#) - Uniforms: Dress & Grooming)

(cf. 5145.4 - Nondiscrimination)

(cf. [5145.5](#) - Sexual Harassment)

(cf. [5145.511](#) - Sexual Abuse Prevention and Education Program)

(cf. [5145.53](#) - Transgender and Non-Conforming Youth)

Legal Reference: Connecticut General Statutes

[10-221](#) Boards of education to prescribe rules

### Policy adopted:

## Students

### Dress and Grooming

This administrative regulation provides guidance to schools regarding the implementation of Student Dress and Grooming Policy #[5132](#).

## Definitions

1. **Attire:** Clothing, including outerwear, headwear, accessories such as scarves or jewelry, and shoes.
2. **Grooming:** Makeup, tattoos, and hair style.
3. **Dress Code:** A set of parameters determined by the District that describes standards for student attire and grooming.

## Basic Dress Code

1. **Minimum Safe Attire:** Student attire and grooming must permit the student to participate in learning without posing a risk to the health or safety of any student or school personnel.
  - a. Students must wear clothing including both a shirt with pants or skirt, or the equivalent (dresses, leggings, yoga pants, shorts, sweatpants).
  - b. Shirts and dresses must have fabric in the front and on the sides (under the arms).
  - c. Clothing must cover undergarments.
  - d. Fabric covering breasts, genitals and buttocks must be opaque.
  - e. Hats and other headwear must allow the face to be visible to staff and not interfere with the line of sight of any student or staff. Hoodies must allow the face and ears to be visible to school staff.

Alternate language: Hats are allowed to be worn on campus but not in school classrooms or in classrooms only at the discretion of the classroom teacher.

- f. Shoes which are safe and appropriate for weather, course assignments, athletic and other conditions.
- g. Clothing must be suitable for all scheduled classroom activities, including physical education, science labs, shop and other activities where unique hazards exist. Specialized courses may require specialized attire, such as sports uniforms or safety gear.

*Note: A more permissive dress code could also allow the wearing of midriff baring shirts, pajamas, ripped jeans, as long as underwear is not exposed, and tank tops, including spaghetti straps, halter tops, and "tube" (strapless) tops.*

2. **District Dress Code:** Board policy [#5132](#) provides: "Attire or grooming depicting or advocating violence, criminal activity, use of alcohol or drugs, pornography, or hate speech are prohibited." All District students are expected to comply with the requirements of this policy. Specifically:
  - a. Clothing may not depict, advertise or advocate the use of alcohol, tobacco, marijuana or other controlled substances.
  - b. Clothing may not depict pornography, nudity or sexual acts.
  - c. Clothing may not use or depict hate speech targeting groups based on race, ethnicity, gender, sexual orientation, gender identity, religious affiliation or any other protected classification.
  - d. Clothing, including gang identifiers, must not pose a threat to the health or safety of any other student or staff.
  - e. Enforcement must accommodate clothing worn by students as an expression of sincerely held religious beliefs (head scarves, for example) and worn by students with disabilities (protective helmets, for example).
3. **Parent Responsibility:** Board Policy [#5132](#) provides: "The responsibility for the dress and grooming of a student rests primarily with the student and his or her parents or guardians." Parents or guardians are responsible for ensuring student compliance with the school dress code.
4. **Student Responsibility:** All students at all schools are responsible for complying with the district dress code during school hours and school activities.
5. **Staff Responsibility:** To equitably enforce the District dress code, teachers, administrators and all school staff must be notified of the policy at the beginning of the school year with a refresher in early spring in regards to its purpose and

spirit, and how to enforce it without shaming students or disproportionately impacting certain student groups. Staff should be guided by the dress code policy and follow the letter and spirit of the District dress code.

6. **Enforcement:** When a school staff member or school administrator discusses a dress or grooming violation with a student, it is recommended that another adult should be present and at least one of the two adults should be the same sex as the student. Unless there is an immediate concern, a student should not be spoken to about a dress code violation in front of other students.

Enforcement is to be consistent with a school's overall discipline plan. Violations should be treated as minor on the continuum of school rule violations. No student is to be disproportionately affected by dress code enforcement because of gender, race, body size or body maturity.

### **Training for School Administrators, Teachers & Students**

A dress code is most effective when school administrators and teachers are trained to understand and embrace the intent of the code, how to apply and enforce the code equitably, and how to talk about the dress code and the reasoning behind it. Therefore:

1. School administrators and teachers should be trained to understand the purpose/spirit of the code, the actual code, and how to enforce with the least impact on student learning and self-confidence.
2. School administrators and teachers must enforce the District dress code consistently. School administration and staff do not have discretion to vary the requirements in ways that lead to discriminatory enforcement.
3. School staff must be trained and able to use student/body-positive language to explain the code and to address code violations.

### **Regulation approved:**

## Personnel -- Certified/Non-Certified

### Smoking, Drinking, and Use of Alcohol, Drugs & Tobacco on School Premises

#### **Tobacco (Smoking)**

~~The Westport Board of Education recognizes the deleterious health effect of smoking, and second-hand smoke. The Board also recognizes that adults should be providing positive role models for students. Therefore, the Board of Education prohibits any student or adult smoking on school property or at school sponsored events at any time. The Board of Education is supportive of a system wide educational campaign, about the harmfulness of smoking, and of programs of assistance to help smokers cure the habit.~~

~~**Staff and Other Adults:** Staff and other adults are not permitted to smoke at any time in school buildings, on school grounds, on school buses, vans or any school provided transportation, or at any school sponsored activity. Smoking is prohibited in any offices assigned to, or public reception areas used by Board of Education personnel, and at public meetings held under the aegis of the Board of Education.~~

#### **Alcohol and Drugs**

~~As required by state and federal laws (Drug Free Workplace Act and Drug Free Schools Act) the Board explicitly prohibits any employee to unlawfully manufacture, distribute, dispense, possess or use the following, in or on school premises or as part of any school activity: alcohol or any narcotic drug, hallucinogenic drug, amphetamine, barbiturate, marijuana or any other controlled substance. Disciplinary action may include, but is not limited to, a letter of reprimand, suspension or termination from employment or referral for criminal prosecution.~~

#### Introduction

The Board of Education is concerned with maintaining a safe and healthy working and learning environment for all staff and students. Medical research indicates that the use of alcohol, drugs and tobacco are hazardous to one's health. In addition to the health hazard to the individual, certified employees are entrusted with the responsibility of imparting knowledge and serving as role models to students.

#### Alcohol and Drugs

The Board of Education recognizes the importance of maintaining a drug-free environment for its staff and students. In compliance with federal and state requirements, employees are prohibited from the unlawfully manufacture, distribution, dispensing, possession or use on or in the workplace any alcohol, narcotic drug, hallucinogenic drug, amphetamine, barbiturate, marijuana or any other controlled substance. Controlled drugs are further defined in Schedules I through V of Section 202 of the Controlled Substances Act (21 U.S.C. 812) and as further defined by regulation at 21 C.F.R. 1300.11 through 1300.15.

The "workplace" is defined to mean the site for the performance of work done. That includes any school building or any school premises; any school-owned vehicle or any other school-approved vehicle used to transport students to and from school or school activities; off school property during

any school-sponsored or school-approved activity, event or function, such as a field trip or athletic event, where students are under the jurisdiction of the school district.

Each employee shall notify his or her supervisor of his or her conviction for any criminal drug statute violation occurring in the workplace as defined above, no later than 5 days after such conviction.

Each employee shall abide by the terms of the school district policy respecting a drug-free and alcohol-free workplace.

An employee who violates the terms of this policy may be required to complete successfully an appropriate rehabilitation program, or may not be renewed, or his/her employment may be suspended or terminated, at the discretion of the Board.

### **Tobacco**

The Westport Board of Education prohibits smoking and the use of tobacco products, including smoking using an electronic nicotine delivery system (e.g., e-cigarettes) or vapor product, within any of its schools, including any indoor facility owned or leased or contracted for, and utilized by the Board for the provision of routine or regular kindergarten, elementary, or secondary education or library services to children, or on the grounds of such school, or at any school-sponsored activity. There shall be no smoking or other use of tobacco products on school property during regular school hours, on transportation provided by the Board of Education, or during the course of any trip sponsored by the Board or under the supervision of the Board or its authorized agents.

For the purposes of this policy, "Tobacco product" is defined to include, but is not limited to, cigarettes, cigars, blunts, bidis, pipes, chewing tobacco and all other forms of smokeless tobacco, rolling papers and any other items containing or reasonably resembling tobacco or tobacco products, such as electronic cigarettes. The term "electronic nicotine delivery system" shall mean an electronic device used in the delivery of nicotine or other substances to a person inhaling from the device and includes, but is not limited to, an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe or electronic hookah and any related device and any cartridge or other component of such device, including, but not limited to, electronic cigarette liquid. The term "vapor product" shall mean any product that employs a heating element, power source, electronic circuit or other electronic, chemical or mechanical means, regardless of shape or size, to produce a vapor that may or may not include nicotine and is inhaled by the user of such product. The term "school-sponsored activity" shall mean any activity sponsored, recognized or authorized by the Board and includes activities conducted on or off school property.

### **Promulgation of Rules**

A copy of this policy, and the consequences of violating the policy, shall be distributed to all employees of the Board of Education. Failure to comply with the policy may result in disciplinary action as detailed by the administration.

(cf. 1120 Board of Education Meetings)  
(cf. 1330 Use of School Facilities)  
(cf. 5131.61 Alcohol, ~~Tobacco~~, and Tobacco, Alcohol)

Legal Reference:        Connecticut General Statutes

~~19a-342 Smoking prohibited in certain places. Signs required. Penalties.~~

~~21a-242 Schedules of controlled substances~~

Drug-Free Workplace Act 102 Statute 4305-4308.

Drug-Free Schools and Community Act, P.L. 99-570, as amended [by](#) P.L. 101-226 (1991)

21 U.S.C. 812, Controlled Substances Act, I through V, 202.

21 C.F.R. 1300.11 through 1300.15 regulation.

54 Fed. Reg. 4946 (1989)

[19a-21b-342](#) Smoking prohibited in certain places.

Policy adopted: October 1, 1987  
Policy modified: April 4, 1997  
Policy modified: August 20, 2001  
[Policy modified:](#)

WESTPORT PUBLIC SCHOOLS  
Westport, Connecticut

## Instruction

### Online Courses

The Westport Board of Education (“Board”) recognizes the importance of technology in education and the growing popularity and use of online coursework. In that regard, and in accordance with Connecticut General Statutes § 10-221a, the Board sanctions the receipt of online course credit to be used toward high school graduation requirements, in accordance with this policy.

### Pre-approval of Courses Identified by Students and Parents

To receive credit for online courses to be used toward high school graduation requirements, students must, prior to registering for the course, receive approval from the high school principal or his/her designee. The decision of the principal or his/her designee with regard to online course credit approval is final. Pre-approval for online course credit may be granted if the requirements set forth below are met.

### District-Provided Distance Learning

Students may also earn credit for high school graduation by participating successfully in distance learning offered by the Board during the COVID-19 health emergency, or other long-term school closure related to a community-wide emergency. Determination of successful participation will be made by the teacher teaching the course through district-provided distance learning, taking into account work performed by the student prior to the school closure.

### Requirements for Online Coursework

1. The workload required by the online course is substantially equivalent to that of a similar course taught in a traditional classroom setting;
2. The content of the online course is rigorous and aligned with curriculum guidelines approved by the State Board of Education, where appropriate;
3. The course engages students and has interactive components, which may include, but are not limited to, required interactions between students and their teachers, participation in online demonstrations, discussion boards or virtual labs;
4. The program of instruction for such online coursework is planned, ongoing and systematic;
5. The courses are:
  - a. taught by teachers who are certified in Connecticut or another state and have received training on teaching in an online environment, or
  - b. offered by institutions of higher education that are accredited by the Board of Regents for Higher Education or regionally accredited; and

6. The principal has determined, in his or her professional judgment, that, given the student's academic and disciplinary history, the student is appropriately suited to engage in online coursework.

7. Prerequisites for credit are completed as determined by the principal or his or her designee.

### **Additional Requirements**

Only students in grades 9-12 are eligible to receive credit toward high school graduation by taking online courses. Students who have been pre-approved shall receive such credit upon completing the online course and obtaining a passing grade.

Any expense incurred for taking an online course identified by the student and/or parent shall be the responsibility of the student/parent and shall not be the responsibility of the Board. Distance learning provided to students during the COVID-19 or other community-wide emergency shall be provided at Board expense.

Policy adopted:

WESTPORT PUBLIC SCHOOLS  
Westport, Connecticut

## Business/Non-Instructional Operations

### ~~Computer Loan Program~~ of School District Equipment

~~To ensure that each student has equitable access to the technology needed to achieve learning outcomes that are dependent on technology, the Board authorizes the loan of computers and appropriate grade level software for students with demonstrated financial need. The Board directs the administration to develop and implement procedures for carrying out this goal and for notifying parents of its availability.~~

The Board of Education (Board) recognizes capital equipment purchased by District taxpayers for educational purposes needs to be properly used and inventoried. The Board further recognizes that from time to time such educational capital equipment may be used by students or the community while away from the school. When it becomes necessary to loan educational equipment, the following guidelines shall be followed:

1. A school equipment loan form needs to be completed by the borrower.
2. The equipment must be returned within the designated time stated on the loan form.
3. Prior approval of the Principal or the Principal's designee must be received.
4. A responsible adult, (i.e., parent, guardian, grandparent) must sign indicating their responsibility for the care and return of the equipment.
- ~~5. Pick up and return of the equipment must be made by the responsible adult not the student.~~
5. The borrower may assume all cost for the repair or replacement of any borrowed equipment.
6. Borrowed or loaned equipment except musical instruments, computers, or calculators should not be transported to and from school on the school bus.
7. Equipment will be borrowed or loaned for educational purposes or community sponsored functions, only.

Legal Reference: Connecticut General Statutes

10-239 Use of school facilities for other purposes.

Policy adopted: August 30, 2004  
 Revised:

WESTPORT PUBLIC SCHOOLS  
 Westport, Connecticut

## Instruction

### Parent and Family Engagement Policy for Title I Students

In accordance with Section 1010 of the Every Student Succeeds Act (“ESSA”), Public Law 114-95, it is the policy of the Westport Board of Education to provide parents and family members of students participating in the district’s Title I programs meaningful opportunities to participate in the education of their children within these programs. To facilitate parental and family participation, the Board encourages parents and family members of Title I eligible students to be involved in regular meetings, communications, and activities that will inform them about the district’s Title I programs, to participate in the improvement of such programs and to help improve their child’s progress within these programs.

~~This policy has been developed jointly with, and agreed upon by, parents and family members of children participating in Title I programs.~~ The district shall distribute this written Parent and Family Engagement Policy to parents and family members of participating students in an understandable and uniform format and, to the extent practicable, in a language the parents can understand. The policy shall be made available to the public and updated periodically, as necessary to carry out the requirements of the parent and family engagement portion of Section 1010 of ESSA.

The Board shall conduct, with the meaningful involvement of Title I parents and family members, an annual evaluation of the content and effectiveness of this policy in improving the academic quality of the schools receiving Title I funds. The Board shall use the findings of such evaluation to design evidence-based strategies for more effective parental involvement, and to revise, if necessary, the policy. Such annual evaluation shall include identifying:

1. barriers to greater participation by parents in activities authorized by 20 U.S.C. § 6318 (with particular attention to parents who are economically disadvantaged, are disabled, have limited English proficiency, have limited literacy, or are of any racial or ethnic minority background);
2. the needs of parent and family members to assist with the learning of their children, including engaging with school personnel and teachers; and
3. strategies to support successful school and family interactions.

Each year, each school within the district that is involved in Title I programs shall conduct a meeting, at a convenient time, to involve parents in the planning, review and improvement of programs funded by Title I. All parents of participating children must be invited and encouraged to attend. At this meeting, parents shall be given a description and explanation of the Title I programs, the curriculum in use at the school, the forms of academic assessment used to measure student progress, the achievement levels of the challenging State academic standards, and information regarding the importance of parental involvement and their right to be involved.

In addition to the required annual meeting, and if requested by parents, schools within the district that are involved in Title I programs shall offer opportunities for regular meetings at flexible times of the day in order to allow parents to formulate suggestions for the Board’s Title I

their application to their child(ren)'s programs; and to participate, as appropriate, in decisions related to the education of their children. Parents will be given opportunities to participate in the joint development of the district's Title I plan, as required by Section 1006 of ESSA, and in the process of any school review and improvement in accordance with the State's plan, as required by Section 1111 of ESSA. At any time, if a parent is dissatisfied with a school's Title I program, he/she shall have the opportunity to submit comments for review at the district level.

The Board will provide the coordination, technical assistance and other support necessary to assist and build capacity of Title I schools in planning and implementing effective parent and family involvement activities to improve student academic achievement and school performance. Parental and family engagement in Title I programs shall be coordinated and integrated with parental and family engagement strategies, to the extent feasible, under other federal, state, local and district programs.

In order to build the schools' and parents' capacity for strong parental involvement, the Board shall:

1. provide assistance to parents of students participating in Title I programs in understanding topics such as the challenging state academic standards, state and local academic assessments, the requirements under Title I, and how to monitor their child's progress and work with educators to improve the achievement of their children;
2. provide materials and training to help parents to work with their children, such as literacy training and using technology (including education about the harms of copyright piracy);
3. educate teachers, specialized instructional support personnel, staff and administrators, with the assistance of parents, about how to better communicate and work with parents;
4. to the extent feasible and appropriate, coordinate and integrate parent involvement programs and activities with other federal, state and local programs, including public preschool programs, conduct other activities that encourage and support parent participation;
5. ensure that information related to school and parent programs, meetings and other activities is sent to participating parents in a format and, to the extent practicable, in a language the parents can understand;
6. provide such other reasonable support for parental involvement activities as parents may request; and
7. inform parents and parental organizations of the existence and purpose of parent resource centers within the State.

### School-Parent Compact

This policy further requires that each school involved in Title I programs shall jointly develop with parents of participating children a school-parent compact that outlines how parents, staff, and students will share the responsibility for improved student academic achievement and the means by which the school and parents will build and develop a partnership to help children achieve the State's high standards. The school-parent compact shall:

1. describe the school's responsibility to provide high-quality curriculum and

a supportive and effective learning environment that enables Title I students to meet the challenging State academic standards;

2. indicate the ways in which each parent will be responsible for supporting their child's learning; volunteering in their child's classroom; and participating, as appropriate, in decisions related their child's education and positive use of extracurricular time;
3. address the importance of ongoing teacher-parent communication through parent-teacher conferences, frequent reports to parents, reasonable access to school staff, and opportunities to volunteer, participate in, and observe their child's classroom activities; and
4. ensure regular, two-way, meaningful communication between family members and school staff, and, to the extent practicable, in a language that family members can understand.

The Board authorizes the Superintendent, or his/her designee, to develop a school-parent compact and other procedures such as those relating to meetings, parent communication and parental involvement activities, as he/she deems necessary in order to ensure compliance with this policy.

The Superintendent is required to include information about parental involvement and actions taken to improve parental involvement in the strategic school profile he or she submits annually to the Board of Education and Commissioner of Education. Such actions to improve parental involvement may include methods to engage parents in the planning and improvement of school programs and to increase support to parents working at home with their children on learning activities.

Connecticut General Statutes:

10-220(c) Duties of Boards of Education

Federal Law:

20 U.S.C. § 6318, as amended by Every Student Succeeds Act, Pub. L. No.

114-95, § 1010 (2015).

20 U.S.C. § 7801. Definitions



## Stepping Stones Preschool

65 Easton Rd.  
Westport, CT 06880  
203.341.1712  
Fax: 203.341.1714

### Stepping Stones Preschool Parent-School Compact Policy



Stepping Stones Preschool, and the parents of the students who are receiving educational programming and services that are funded by Title I, agree to this Compact Statement. This statement delineates how parents or guardians, the school staff, and students shall share the responsibility in the educational process. This will occur through the establishment of a partnership that will assist in children progressing toward the standards set forth by the State of Connecticut and the Early Learning Development Standards.

#### **Our Goals for our students 2020-2021**

- ***Preschool students will gain an understanding of school routines and expectations while acquiring skills in the areas outlined in the Early Learning Development Standards set forth by the Connecticut State Education Department***
- ***Preschool students will gain skills in the area of social-emotional awareness and participate as a member of the preschool learning community.***
- ***Students will acquire persistence and perseverance commensurate with their developmental age.***
- ***Learn routines that are included in the school day so that a child is best prepared for entry into Kindergarten.***

***As a learning community, we will work together with \_\_\_\_\_  
To achieve these goals established at Stepping Stones Preschool.***

### **School Responsibilities:**

- ***Provide learning opportunities in an environment that is respectful of each student's learning style, strengths, and needs.***
- ***Encourage communication between the school and families.***
- ***Provide opportunities for parent participation in school wide events, informational sessions regarding child development/education and classroom activities.***
- ***Emphasize the provision of a safe learning environment for all children.***

### **Parent Responsibilities**

- ***As the parent(s) of a Stepping Stones Preschool Student you will support your child in the following ways:***
- ***To read regularly to your child.***
- ***Ensure rest and healthy nutrition that allows for full participation in the school day.***
- ***Monitor "screen time" that my child is exposed to.***
- ***If needed, access staff supports if needed in regard to my child's development and education***

### **Student's Responsibilities**

- ***Follow school rules.***
- ***Play and share with others.***

- *Be kind to our friends.*
- *Look at books and listen to someone read to me.*
- *Eat healthy snacks and food.*

*Parent Signature:* \_\_\_\_\_

*School Representative:* \_\_\_\_\_

- 4152.6
- 4152.9-C19
- 4212.42
- 4212.61
- 4213.4
- 4233
- ▼ STUDENTS - SERIES 5000
  - 5111
  - 5112
  - 5112.4
  - 5113
  - 5113.2-C19
  - 5114-C19
  - 5117.4
  - 5118.1
  - 5122
  - 5123
  - 5125
  - ▼ 5125.1
    - ELECTRONICALLY STOF
  - 5125.11
  - 5131.1-C19
  - 5131.61
  - 5131.7
  - 5131.81-C19
  - 5131.911
  - ▶ 5131.911 Sample Form A
  - ▶ 5131.911 Sample Form B
  - ▶ 5131.911 Sample Form C
  - ▶ 5131.911 Sample Form D
  - ▶ 5131.911 Sample Form E
  - 5131.911 Form 1
  - 5131.911 Form 2
  - 5131.911 Form 3
  - 5131.912
  - 5141.21
  - 5141.3
  - 5141.5
  - 5141.5 Appendix A
  - 5141.5 Appendix B
  - 5141.5 Appendix C
  - 5141.6
  - 5142.1
  - 5142.4
  - 5144

**Students**

**Ages of Attendance**

In accordance with Connecticut General Statute 10-186, the Board of Education shall provide education for all persons five years of age and older, having attained age five on or before the first day of January of any school year, and under twenty-one years of age who is not a graduate of a high school or vocational school, except as provided in Connecticut General Statutes 10-233c and 10-233d. Additionally, according to Connecticut General Statute 10-76d (b2), special education will be provided for children who have attained the age of three and who have been identified as being in need of special education, and whose educational potential will be irreparably diminished without special education.

Parents and those who have the control of children five years of age and over and under eighteen years of age, are obligated by Connecticut law to require their children to attend public day school or its equivalent in the district in which such child resides, unless such child is a high school graduate or the parent or person having control of such child is able to show that the child is elsewhere receiving equivalent instruction in the studies taught in the public schools. The parent or person having control of a child seventeen years of age must consent to such child's withdrawal from school. The parent or person shall exercise this option by personally appearing at the school district office to sign a withdrawal form. This district shall provide the parent or person with information on the educational opportunities available in the school system and in the community.

The parent or person having control of a child five years of age shall have the option of not sending the child to school until the child is six years of age. The parent or person having control of a child six years of age shall have the option of not sending the child to school until the child is seven years of age.

The parent or person shall exercise such option by personally appearing at the school district office and signing an option form. The district shall provide the parent or person with information on the educational opportunities available in the school system.

A child who has attained the age of sixteen or seventeen and who has terminated enrollment with parental consent in the district's schools and subsequently seeks readmission may be denied readmission for up to ninety school days from the date of such termination.

A child who has attained the age of nineteen or older may be placed in an alternative school program or other suitable educational program if he/she cannot acquire a sufficient number of credits for graduation by age twenty-one.

(cf. [5111](#) - Admission/Placement)

(cf. [5112](#) - Ages of Attendance)

(cf. [6146](#) - Graduation Requirements)

Legal Reference: Connecticut General Statutes

[10-15](#) Towns to maintain schools

[10-15c](#) Discrimination in public schools prohibited. School attendance by five-year-olds

[10-76a](#) - [10-76g](#) re special education

[10-184](#) Duties of parents (re mandatory schooling for children ages five to sixteen, inclusive)

[10-186](#) Duties of local and regional boards of education re school attendance. Hearings.

Appeals to State Board. Establishment of hearing board

[10-233a](#) - [10-233f](#) Inclusive; re: suspend, expel, removal of students

[10-233c](#) Suspension of students

[10-233d](#) Expulsion of pupils

State Board of Education Regulations

[10-76a-1](#) General definitions (c) (d) (q) (t)

**Policy adopted: April 16, 1991**

**Revised: May 13, 1997**

**Revised: December 8, 2011**



## Students

### Ages of Attendance

In accordance with Connecticut General Statute [10-186](#), the Board of Education shall provide education for all persons five years of age and older, having attained age five on or before the first day of January of any school year, and under twenty-one years of age who is not a graduate of a high school or vocational school, except as provided in Connecticut General Statutes [10-233c](#) and [10-233d](#). Additionally, according to Connecticut General Statute [10-76d](#) (b2), special education will be provided for children who have attained the age of three and who have been identified as being in need of special education, and whose educational potential will be irreparably diminished without special education.

Parents and those who have the control of children five years of age and over and under eighteen years of age, are obligated by Connecticut law to require their children to attend public day school or its equivalent in the district in which such child resides, unless such child is a high school graduate or the parent or person having control of such child is able to show that the child is elsewhere receiving equivalent instruction in the studies taught in the public schools. Students under age eighteen are subject to mandatory attendance laws unless they are at least seventeen and their parent/guardian, or other person having control of the child, consents to such child's removal from school. The parent or person shall exercise this option by personally appearing at the school district office to sign a withdrawal form. Such withdrawal form shall include an attestation from a guidance counselor, school counselor, or school administrator of the school that this district has provided the parent or person with information on the educational opportunities options available in the school system and in the community.

The parent or person having control of a child five years of age shall have the option of not sending the child to school until the child is six years of age. The parent or person having control of a child six years of age shall have the option of not sending the child to school until the child is seven years of age.

The above requirements are not to serve as barriers to immediate enrollment of students, designated as homeless or foster children as required by the Every Student Succeeds Act (ESSA) and the McKinney-Vento Act as amended by the ESSA. The District shall work with the local child welfare agency, the school last attended, or other relevant agencies to obtain necessary enrollment documentation.

The parent/guardian of any child who is denied admission to the district's schools, or an unaccompanied minor, a student eighteen years of age or older, a homeless child or youth or an unaccompanied youth who is denied schooling on the basis of residency, or an agent or officer charged with the enforcement of the laws concerning attendance at school may request, in writing, a hearing by the Board of Education.



The parent or person shall exercise such option by personally appearing at the school district office and signing an option form. The district shall provide the parent or person with information on the educational opportunities available in the school system.

A child who has attained the age of seventeen and who has voluntarily terminated enrollment with parental consent in the district's schools and subsequently seeks readmission may be denied readmission for up to ninety school days from the date of such termination, unless such child seeks readmission to the District not later than ten (10) schooldays after such termination in which case the Board shall provide school accommodations to such child not later than three school days after such child seeks readmission.

A child who has attained the age of nineteen or older may be placed in an alternative school program or other suitable educational program if he/she cannot acquire a sufficient number of credits for graduation by age twenty-one.

(cf. [5111](#) - Admission/Placement)

(cf. [5118.1](#) - Homeless Students)

(cf. 5118.3 - Children in Foster Care)

(cf. [5112](#) - Ages of Attendance)

(cf. [6146](#) - Graduation Requirements)

Legal Reference: Connecticut General Statutes

[4-176e](#) to [4-180a](#) Agency hearings

[4-181a](#) Contested cases. Reconsideration. Modifications.

[10-15](#) Towns to maintain schools

[10-15c](#) Discrimination in public schools prohibited. School attendance by five-year-olds

[10-76a](#) - [10-76g](#) re special education

[10-184](#) Duties of parents (re mandatory schooling for children ages five to sixteen, inclusive) as amended by PA-98-243, PA 00-157, PA 09-6 (September Special Session) and PA 18-15

[10-186](#) Duties of local and regional boards of education re school attendance. Hearings. (as amended by P.A. 19-179)

Appeals to State Board. Establishment of hearing board



[10-233a](#) - [10-233f](#) Inclusive; re: suspend, expel, removal of students

[10-233c](#) Suspension of students

[10-233d](#) Expulsion of pupils

State Board of Education Regulations

[10-76a-1](#) General definitions (c) (d) (q) (t)

P.A. 19-179 An Act Concerning Homeless Students' Access to Education

McKinney-Vento Homeless Assistance Act (PL 107-110 Sec. 1032) 42 U.S.C. §11431-11435, as amended by the ESSA, P.L. 114-95

Federal Register: McKinney-Vento Education for Homeless Children & Youths Program, Vol. 81 No. 52, 3/17/2016

**Policy adopted:**

## **WESTPORT PUBLIC SCHOOLS**

### **ELECTRONICALLY STORED DATA**

#### **1. Scope**

Excluding section 5 ("Procedure for Legislative Hold"), this Regulation applies only to electronically stored data of the Westport Public Schools held at the district's discretion. It explicitly excludes public records and official record copies with retention schedules mandated by various State and Federal laws including, but not limited to, the following:

20 USC §1232(g)

34 CFR §99

34 CFR §300.573(a)

Connecticut State Library Municipal Records Retention Schedule M8: Education Records

All data, both paper and electronically stored, are subject to the same legislative hold procedures as outlined in section 5 of this data policy.

#### **2. Definitions**

Data - Any electronically-stored information, including but not limited to:

- Documents
- Emails
- Folders
- Web pages
- Instant messaging
- Video files
- Audio Files
- Pictures
- Databases
- Voicemails

Deleted - When data is deleted, it is marked as 'deleted' and removed from the end user's view. In some cases deleted items can be 'undeleted' at the system administrator's discretion. In Windows, deleting a file is akin to moving it to the 'Recycle Bin'.

Destroyed - Electronic data that is destroyed cannot be undeleted and may only be retrieved by data recovery and/or computer forensic techniques. Data that has been destroyed has no guarantee of being recovered.

Retention - The storage of data in a separate location in its original form. The retained data can only be accessed by Technology Department administrators and is held according to its respective data retention schedule.

### 3. Data Types and Deletion Schedule

Email (Google Apps for Education):

- Includes emails and related attachments
- No automatic deletion
- Deleted items destroyed after 30 days

Instant Messaging

- Google Apps for Education:

Instant messaging sessions within Google Apps, referred to as Chat or Talk, are not recorded

- Public IM Applications (e.g., Skype, AIM):

Public instant messaging sessions are also not recorded

Home Directories

- Students:

Data deleted at user's discretion

Data destroyed upon graduation in accordance with data retention policy

No automatic deletion

- Staff Members:

Data deleted at user's discretion

Data destroyed upon employee exit in accordance with data retention policy

No automatic deletion

Dropboxes (shared network-accessible folders):

- Data deleted at user's discretion

- Data retained at staff member's discretion. In the event of a staff member leaving the District, the contents of their dropbox(es) are transferred to another staff member.
- No automatic deletion

#### Web-based Storage (Google Drive)

- Data deleted at user's discretion
- No automatic deletion

#### Web Pages

- Internal Web Pages - Web pages which are hosted within the District:

##### Students:

Data deleted at user's discretion

Data destroyed upon graduation in accordance with data retention policy

##### Staff Members:

Data deleted at user's discretion

Data destroyed upon employee exit in accordance with data retention policy

- External Web Pages - Pages which are administered by District students and staff but are hosted externally, including but not limited to:

All top-level District websites (e.g., [www.westport.k12.ct.us](http://www.westport.k12.ct.us)),

Various Staples High School websites, including but not limited to athletics, the internship program, and the school newspaper

Schoology, the District's learning management system, used by the PTA and others for communication

Google Sites, the website creation component of Google Apps for Education

In all of the above cases:

Data deleted at user's discretion

Data destruction is wholly determined by each vendor/hosting company, and not by the District

- Voicemails

Data deleted at user's discretion

Deleted voicemails are destroyed after 7 days

## 1. Data Retention Schedule

### In-house Administrative Data

- Includes eSchoolPlus, Nutrikids, Trapeze, and other administrative applications
- 4 weeks of retention, with automatic data destruction after retention period expiry

### Out-sourced Administrative Data

- Includes Pentamation (Finance, Payroll), Applitrack (HR Software), and Frontline Education (Absence Management)
- Pentamation data retained indefinitely by vendor (SunGard)
- Data retention for other applications is wholly determined by each vendor/hosting company, and not by the District

### In-house Instructional Data

- Includes home directories, dropboxes, web pages
- 4 weeks of retention, with automatic data destruction after retention period expiry

### Out-sourced Instructional Data

- Includes curriculum-related programs (e.g., IXL, Read Naturally), Schoology, hosted websites
- Data retention is wholly determined by each vendor/hosting company, and not by the District

### Email

- 5 years of retention in email archive, with automatic data destruction after retention period expiry

### Web-based Storage

- 25 days of retention in Google Vault, with automatic data destruction after retention period expiry.

## 2. Procedure for Legislative Hold

Distribute letter to all staff outlining their responsibility to report suspected litigation to one of the legal representatives of the District (Superintendent or Director of Human Resources)

Immediate notification of the Technology Department via phone or email by a staff member in the Superintendent or Human Resources Office, followed by written notification from the District legal representative. The notification should include:

- The names of all persons of interest in the pending litigation

- The date ranges the litigative action is associated with

Immediate notification of the persons of interest via phone or email by a staff member in the Superintendent's or Business Office, followed by written notification from the District legal representative. The notification should include:

- The date ranges the litigative action is associated with

Working with the District legal representative, District counsel will endeavor to confirm with opposing council the identities of persons of interest. It will be the responsibility of the District legal representative to notify the Technology Department and persons of interest of any change in status with respect to the legislative hold.

Upon notification, the Technology Department will:

- Suspend the automatic deletion of data for the person(s) named
- Make a separate copy of each person of interest's data the day the litigation hold goes into effect
- Retain that data on a forward basis irrespective of the District data retention schedule

Upon notification, persons of interest will:

- Retain all paper and electronically stored data extant at the time of the litigation hold and all newly created data going forward
- No longer delete data (paper or electronically stored)

When the litigation action is resolved, written notification to lift the legislative hold will be sent to the Technology Department and to all persons of interest by the District legal representative, after which data stored under the litigation hold will be deleted, and persons of interest may regain their ability to delete appropriate data at their discretion.

**Regulation Approved: May 29, 2015**

## Students

### Confidentiality and Access to Education Records

#### I. POLICY

The Board of Education (“Board”) complies with the state and federal laws and regulations regarding confidentiality, access to and amendment of education records. The Board shall implement procedures that protect the privacy of parents and students while providing proper access to records. Availability of these procedures shall be made known annually to parents of students currently in attendance and eligible students currently in attendance.

#### II. DEFINITIONS

- A. Access is defined as the right to inspect or review a student’s education records or any part thereof. Access may include the right to receive copies of records under limited circumstances.
- B. Authorized representative means any entity or individual designated by the Board, a State educational authority, or an agency headed by an official listed in 34 C.F.R. § 99.31(a)(3), to conduct -- with respect to Federal- or State-supported education programs -- any audit or evaluation, or any compliance or enforcement activity in connection with Federal legal requirements that relate to these programs.
- C. Biometric record, as used in the definition of personally identifiable information, means a record of one or more measurable biological or behavioral characteristics that can be used for automated recognition of an individual, such as fingerprints, retina and iris patterns, voiceprints, DNA sequence; facial characteristics and handwriting.
- D. De-identified education records means education records or information from education records from which all personally identifiable information has been removed, and for which the district has made a reasonable determination that a student’s identity is not personally identifiable, whether through single or multiple releases, taking into account other reasonably available information.
- E. Directory Information includes information contained in an education record of a student that would not generally be considered harmful or an invasion of privacy if disclosed. Directory information includes, but is not limited to, the parent’s name, address and/or e-mail address; the student’s name, address, telephone number, e-mail address, photographic, computer and/or video images, date and place of birth, major field(s) of study, grade level, enrollment status (full-time; part-time), participation in school-sponsored activities or athletics, weight and height (if the student is a member of an athletic team), dates of attendance, degrees, honors and awards received, the most recent previous school(s) attended, and student identification numbers for the limited purposes of displaying a student identification card. The student identification number, however, will not be the

only identifier used when obtaining access to education records or data. Directory information does not include a student's social security number, student identification number or other unique personal identifier used by the student for purposes of accessing or communicating in electronic systems unless the identifier cannot be used to gain access to education records except when used in conjunction with one or more factors that authenticate the user's identity, such as a PIN or password.

F. Disciplinary action or proceeding means the investigation, adjudication or imposition of sanctions by an educational agency or institution with respect to an infraction or violation of internal rules of conduct applicable to students.

G. Disclosure means to permit access to or to release, transfer, or other communication of personally identifiable information as contained in education records by any means, including oral, written or electronic means, to any party except the party identified as the party that provided or created the record.

H. Education Records

1. Education records means any information directly related to a student that is recorded in any manner, (e.g., handwriting, print, computer media, video or audio tape, film, microfilm, and microfiche) and that is maintained by the school district or persons acting for the school system.

2. Education records do not include:

- a) private, personal, or working notes in the sole possession of the maker thereof, and which are not accessible or revealed to any other individual except a "substitute";
- b) records maintained by a law enforcement unit of the school district that were created by that unit for the purpose of law enforcement;
- c) employment records used only in relation to the student's employment by the school district that are 1) made and maintained in the normal course of business, 2) relate exclusively the student's capacity as an employee, and 3) are not made available for any other purpose;
- d) records on an eligible student (i.e. over 18 or attending a postsecondary educational institution) that are considered "treatment records" as they meet the following criteria: 1) the records are maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in his or her professional capacity or assisting in a paraprofessional capacity, 2) the records are made in connection with the treatment of the student and 3) the records are disclosed only to individuals providing such treatment (treatment does not include remedial educational activities or activities that are part of the program or instruction of the school district); however, the school district must, upon request, permit an eligible student to have a physician or other

appropriate professional of the student's choice review his/her treatment records;

- e) records created or received by the school district after an individual is no longer a student in attendance and that are not directly related to the individual's attendance as a student; and
  - f) grades on peer-graded papers before they are collected and recorded by a teacher.
- I. Eligible Student is a student or former student who has reached 18 years of age or is attending an institution of post-secondary education or is an emancipated minor.
- J. Law Enforcement Unit is an individual, office, department, division, or other component of an educational agency or institution, that is officially authorized or designated by that agency or institution to 1) enforce laws or refer matters of law enforcement to appropriate authorities or 2) maintain the physical security and safety of the agency or institution.
- K. Legitimate Educational Interest means the need for a school official to review an education record in order to fulfill his or her professional responsibilities.
- L. Parent is defined as a parent or parents of a student, including a natural parent, a guardian, or surrogate parent, or an individual acting as a parent in the absence of a parent or guardian. The rights of a parent shall transfer to an eligible student; however, a parent of a student who claims that student as a dependent under Section 152 of the Internal Revenue Code of 1986 is entitled to access to the student's education records without the eligible student's consent.
- M. Personally Identifiable Information includes, but is not limited to, the student's name; the name of the student's parent or other family members; the address of the student or his/her family; a personal identifier, such as the student's social security number, student number or biometric record; other indirect identifiers, such as the student's date of birth, place of birth, and mother's maiden name; other information that, alone or in combination, is linked or linkable to a specific student that would allow a reasonable person in the school community, who does not have personal knowledge of the relevant circumstances, to identify the student with reasonable certainty; or information requested by a person who the school district reasonably believes knows the identity of the student to whom the education record relates.
- N. School Official is a person employed by the District as an administrator, supervisor, instructor or support staff member (including health or medical staff and law enforcement unit personnel); a person serving on the Board of Education; a volunteer, contractor or consultant or other party who performs an institutional service or function for the District (such as an attorney, auditor, medical consultant, therapist, or school resource officer); or a parent or student serving on an official committee, such as a disciplinary or grievance committee; or a parent, student or other volunteer assisting another school official in performing his or her tasks.

- O. Signed and Dated Written Consent to disclose personally identifiable student information from a student's education records must specify the records to be disclosed, the purpose of disclosure and the party to whom such records should be provided. Consent may include a record and signature in electronic form provided that the consent identifies and authenticates a particular person as the source of electronic consent.

### III. ANNUAL NOTIFICATION OF RIGHTS / RELEASE OF DIRECTORY INFORMATION

- A. On an annual basis, the school district will notify parents and/or eligible students currently in attendance of their rights regarding a student's education records. This notice will be published in all student handbooks in the District and will also be published in the school district's guide to Pupil Personnel [**or Special Education**] Services and will be published in any other manner "reasonably likely" to inform such parents and eligible students of their rights. The school district will take steps to ensure that parents or eligible students whose primary or home language is not English or who are disabled will also be notified of their rights regarding a student's education records.
- B. On an annual basis, the school district will also notify parents and/or eligible students currently in attendance of any categories of information designated as **directory information**. This notice will provide such individuals with an opportunity to object to such disclosure. An objection to the disclosure of directory information shall be good for only one school year. Parents and/or eligible students may not use the right to opt out of directory information disclosures to prohibit the school district from requiring students to wear or display a student identification card.
- C. In the annual notification, the school district will also provide notice to parents and/or eligible students that the district is legally obligated to provide military recruiters, institutions of higher education, or school choice programs, upon request, with the names, addresses and telephone numbers of secondary school students, unless the secondary student or the parent of the student objects to such disclosure in writing. Such objection must be in writing and shall be effective for one school year.

### IV. CONFIDENTIALITY OF EDUCATION RECORDS

- A. All school officials are directed to maintain the confidentiality of personally identifiable information contained in a student's education records. Each person who has access to education records is responsible for ensuring personally identifiable information is protected from disclosure at collection, storage, disclosure, and destruction stages. Disclosure of information is permitted only in accordance with Board policy and administrative regulations and in a manner consistent with state and federal law.
- B. Education records are not public records and any disclosure other than to persons authorized to receive the records without prior consent of a parent or an eligible student violates the law and Board policy, except as provided in federal and state statutes.

- C. The school district shall use reasonable methods, including administrative policies and procedures, as well as physical and technological access controls, to ensure that school officials obtain access to only those education records in which they have a legitimate educational interest.
- D. The district shall use reasonable methods to identify and authenticate the identity of parents, students, school officials and other parties to whom the district discloses personally identifiable information from education records.
- E. The district shall require contractors and other outside agencies with access to education records to certify their compliance with the confidentiality requirements of this policy, as well as applicable state and federal law.

## V. ACCESS TO EDUCATION RECORDS

- A. Parents and/or an eligible student have the right to inspect and review all education records of the student unless such rights have been waived under Section XI, below. Parents' rights of inspection and review are restricted to information dealing with their own child. In the case of an eligible student, the right to inspect and review is restricted to information concerning the student. All requests for access to education records must be in writing.
- B. When submitting a written request to inspect or review education records, the request must identify the record or records being sought. The school district will notify the parent or eligible student of the date, time, and location where the records may be inspected and reviewed.
- C. The parents or eligible students may designate in writing a representative to inspect and review the records. Consent for disclosure of education records to a designated representative must be signed and dated by the parent or eligible student.
- D. A school professional shall be present at all such inspections and reviews and shall respond to reasonable requests for explanations and interpretations of the records.
- E. For the records of **regular education students**, the Board will make education records available for inspection and review by parents or eligible students within a reasonable period of time, but in any event, no more than forty-five (45) calendar days from the receipt of a written request.
- F. For **students requiring special education**, the Board will comply with a request to review and inspect the child's education records without unnecessary delay and before any meeting regarding an IEP or any due process hearing or resolution session held in accordance with the IDEA; otherwise, the Board will comply with such request not later than ten (10) school days of such request.
- G. Parents of students eligible to receive special education and related services (or the eligible student) have the right to receive **one free copy** of their child's (his/her) education records. The request for the free copy must be in writing and the Board will comply with the written request within ten (10) school days of the request.

Notwithstanding the fact that a test instrument or portion of a test instrument may meet the criteria of an “education record” under the Family Educational Rights and Privacy Act, 20 USC 1232g, any test instrument or portion of a test instrument for which the test manufacturer asserts a proprietary or copyright interest in the instrument shall not be copied. The parent or eligible student retains the right to review and inspect such information and the Board shall respond to reasonable requests from the parent or eligible student for explanations and interpretations of the student’s education record, which may include reviewing copyrighted testing instruments.

H. Aside from a parent or eligible student, staff members, school employees and other school officials may access a student’s education records **only if** they have been determined by the school system to have a legitimate educational interest in accessing the information contained in such records. Disclosures to any other parties, may only be made in accordance with the exemptions and provisions set forth in Section VII, below.

I. Pursuant to the procedures set forth in Section VI, below, the district maintains a record of all parties that have requested access to education records, including access to education records found in analog or digital memory banks.

J. Non-custodial Parents:

1. Divorced Parents

A parent does not lose his or her right to access to education records upon divorce. Non-custodial parents retain their rights to review their child’s education records unless the school district has been provided with evidence that there is a court order, state statute, or legally binding document relating to such matters as divorce, separation, or custody that specifically revokes the non-custodial parent’s rights. School notices shall be mailed to the non-custodial parent/guardian requesting the notices at the same time that they are provided to the custodial parent/guardian. Any requests by the non-custodial parent/guardian to receive school notices shall be effective for as long as the child remains in the school the student is attending at the time of the request.

2. Incarcerated Parents

Nothing in this Policy shall be construed to limit a parent who is incarcerated from being entitled to knowledge of and access to all educational, medical, or similar records maintained in the cumulative record of any minor student of such incarcerated parent, except that such incarcerated parent shall not be entitled to such records if:

- (a) such information is considered privileged under Conn. Gen. Stat. § 10-154a, regarding a communication made privately and in confidence by a student to a professional employee in the course of the professional employee’s employment concerning alcohol or drug abuse or any alcoholic or drug problem of such student;

- (b) such incarcerated parent has been convicted in Connecticut or any other state sexual assault in violation of Conn. Gen. Stat. §§ 53a-70, 53a-70a, 53a-71, 53a-72a, 53a-72b, or 53a-73a; or
- (c) such incarcerated parent is prohibited from knowledge of or access to such student's cumulative record pursuant to a court order.

K. Unaccompanied Youth:

Notwithstanding anything in this Policy to the contrary, an unaccompanied youth shall be entitled to knowledge of and have access to all educational, medical or similar records in the cumulative record of such unaccompanied youth maintained by the school district. For the purposes of this provision, the term "unaccompanied youth" shall mean a homeless child or youth not in the physical custody of a parent or guardian.

L. Copies of Education Records/Fees:

1. The school district cannot charge a fee to search for or to retrieve the education records of a student. As noted above, if a student has been identified as requiring special education and related services, the parents' (or eligible student's) right to inspect and review the child's records shall include the right to receive **one free copy** of those records. The request for the free copy shall be made in writing. The Board shall comply with such request as stated above. A charge will be levied for additional copies; in no case will the charge exceed 50¢ per page. Please note that the district may or may not charge for copies, provided such fee is consistent with its policy for charging for copies of records for regular education students and provided that such fee does not effectively prohibit the parent/student from exercising their rights to access records.
2. In addition to the provision above regarding special education students, if circumstances effectively prevent the parent or eligible student from exercising the right to inspect and review the student's education records, the district shall:
  - a. provide the parent or eligible student with a copy of the records requested, or
  - b. make other arrangements for the parent or eligible student to inspect and review the requested records.
3. The Board reserves the right to charge for copies of a student's education records. Such charge will not exceed 50¢ per page.

**VI. RECORD KEEPING REQUIREMENTS/DOCUMENTATION OF ACCESS TO EDUCATION RECORDS**

- A. The school district will appoint an individual to be responsible for the care and upkeep of all education records. Education records are kept by categories, each of which encompasses a specific type of data collected during a student's educational

career. These categories also determine how long the school district must maintain the records. The school district will provide to parents, on request, a list of the categories and locations of education records collected, maintained, or used by the school district.

- B. Except as provided below, a record (log) will be kept documenting each request for, and disclosure of, personally identifiable information from the education records of each student, including information found in computer memory banks. The record log shall contain:
1. the name of any individual, agency, or organization that requested or obtained access to the student's records;
  2. the date of the request for access;
  3. whether access was given;
  4. the purpose for which the party was granted access to the records;
  5. the names of additional parties to whom the receiving party may disclose the information on behalf of the school district; and
  6. the legitimate educational interest in obtaining the information.
- C. The record (log) requirement does not apply to requests from, or disclosure to:
1. a parent or eligible student;
  2. a party seeking directory information;
  3. a party who has a signed and dated written consent from the parent and/or eligible student;
  4. school officials from the school district in which the student is currently enrolled who have a legitimate educational interest in the information contained in the student's record; or
  5. persons seeking or receiving the information as directed by a Federal grand jury, other law enforcement subpoena, or ex parte order of the Attorney General of the United States (provided that the information requested is not to be redisclosed).
- D. The record (log) is a permanent part of the student's education records and must be available to the parent or eligible student upon request.
- E. If the district makes a release of education records without consent in **a health and safety emergency**, the district must record:
1. the articulable and significant threat to the health and safety of a student or other individuals that formed the basis for disclosure; and

2. the parties to whom the district disclosed the information.

## **VII. THE RELEASE OF RECORDS OR PERSONALLY IDENTIFIABLE INFORMATION**

- A. The school system or its designated agent(s) may not permit release of education records or any information from such records which contains personally identifiable student information to any outside individual, agency, or organization without the signed and dated written consent of the parents or eligible student, except as indicated in Section VII.C below. Personally identifiable information contained in the education record, other than directory information, will not be furnished in any form (i.e., written, taped, video or audio recorded, person-to-person, statement over the telephone, on computer disk, e-mailed or electronic message, etc.) to any person other than those listed below, unless prior written consent has been obtained.
- B. To be effective, the written consent must be signed and dated and must specify the records that may be disclosed, state the purpose of the disclosure, and identify the party or class of parties to whom the disclosure may be made.
- C. Personally identifiable information may be released **without consent** of the parents, or the eligible student, only if the disclosure meets one of the criteria set forth below:
  1. School Officials:
    - a) The disclosure is to other school officials within the district, including teachers, who have been determined by the school district to have legitimate educational interests in the education records.
    - b) A contractor, consultant, volunteer, or other party to whom the district has outsourced institutional services or functions, provided that the party:
      - 1) performs an institutional service or function for which the district would otherwise use employees;
      - 2) is under the direct control of the district with respect to the use and maintenance of education records; and
      - 3) is subject to the requirements of FERPA with respect to the use and redisclosure of personally identifiable information from education records.
    - c) The Board shall comply with the below Subsection I of this Section VII prior to the provision of student records, student information or student-generated content to any school official who is a consultant or operator, as those terms are defined in Subsection I.
  2. Transfer Students:
    - a) The disclosure is to officials of another school, including other public schools, charter schools, and post-secondary institutions, in

which the student seeks or intends to enroll, or where the student is already enrolled so long as the disclosure is for purposes related to the student's enrollment or transfer. Disclosure of personally identifiable information will be made only upon condition that the student's parents be notified of the transfer, receive a copy of the record if desired, and have an opportunity for a hearing to challenge the content of the record pursuant to Section X.

- b) When a student enrolls in a new public school district (including public charter school), the receiving school district must send written notice of such enrollment to the school the student previously attended not later than two (2) business days after the student enrolls. Not later than ten (10) days after receipt of such notice, the sending school shall transfer the student's records to the new school district.
  - c) Upon notification by the Department of Children and Families of a decision to change the school placement for a student attending district schools who is placed in out-of-home care by DCF pursuant to an order of temporary custody or an order of commitment, in accordance with section 46b-129 of the Connecticut General Statutes, the Board shall transmit to the receiving school, not later than one (1) business day after receipt of such notification from DCF, all essential education records for the student, including, but not limited to, the student's individualized education program ("IEP") and behavioral intervention plan, if any, and all documents necessary for the receiving school to determine appropriate class placement and to provide educational services. The Board shall transfer nonessential records to the receiving school in accordance with subsection b) above.
3. The disclosure is to authorized representatives of the U.S. Comptroller, the U.S. Attorney General, the U.S. Secretary of Education, or State or local educational authorities. Disclosures of this nature may be made only in connection with an audit or evaluation of Federal or State supported education programs, or for the enforcement of or compliance with the Federal legal requirements that related to these programs. These entities may make further disclosures of personally identifiable information that are designated by them as their authorized representatives to conduct any audit, evaluation, or enforcement or compliance activity on their behalf, if applicable requirements are met.
  4. The disclosure is made in connection with a student's application for, or receipt of, financial aid, if such information is necessary to determine eligibility for, the amount of, or the conditions for financial aid, or to enforce the terms and conditions of financial aid.
  5. The disclosure is to state and local officials or authorities within the juvenile justice system as long as the officials and authorities to whom the records are disclosed certify in writing to the school district that (a) the information is required by the court, (b) will not be disclosed to any other

party without the prior, written consent of the parent of the student, except as provided under State law. Disclosure shall be permitted for information relating to the student's school attendance, adjustment and behavior, as well as the student's IEP and related documents if the student receives special education services. If a student is placed on probation by the juvenile court, school officials may issue their own recommendation concerning the conditions of the student's probation.

6. The disclosure is to organizations conducting studies for, or on behalf of, educational agencies or institutions for the purpose of developing, validating, or administering predictive tests, administering student aid programs, or improving instruction, so long as:
  - a) the study does not permit personal identification of parents or students by individuals other than representatives of the organization,
  - b) the information is destroyed after it is no longer needed for the purposes for which the study was conducted, and
  - c) the Board enters into a written agreement with the organization conducting the study that satisfies the requirements of 34 C.F.R. § 99.31(a)(6).
7. The disclosure is to accrediting organizations in order to carry out their accrediting functions.
8. The disclosure is to parents of an eligible student who claim that student as a dependent student as defined in Section 152 of the Internal Revenue Code of 1986.
9. The disclosure is to comply with a judicial order or lawfully issued subpoena, provided that the educational agency makes a reasonable effort to notify the parent or the eligible student in advance of compliance, unless such disclosure is in compliance with
  - a) a federal grand jury subpoena and the court has ordered that the existence or the contents of the subpoena or the information furnished in response to the subpoena not be disclosed;
  - b) any other subpoena issued for a law enforcement purpose and the court or other issuing agency has ordered that the existence or the contents of the subpoena or the information furnished in response to the subpoena not be disclosed; or
  - c) an ex parte order obtained by the United States Attorney General (or designee not lower than an Assistant Attorney General) concerning the investigation or prosecution of terrorism crimes specified in sections 2332b(g)(5)(B) and 2331 of title 18, U.S. Code.

10. If the school district initiates legal action against a parent or student, the school district may disclose to the court, without a court order or subpoena, the education records of the student that are relevant for the school district to proceed with the legal action as plaintiff.
11. If a parent or eligible student initiates legal action against the school district, the school district may disclose to the court, without a court order or subpoena, the student's education records that are relevant for the school district to defend itself.
12. The disclosure is to appropriate parties, including parents of an eligible student, in connection with a health and safety emergency if knowledge of the information is necessary to protect the health or safety of the student or other individuals. In making a determination regarding the disclosure of education records without consent in a health and safety emergency, the district may take into account the totality of the circumstances pertaining to the threat to the health or safety of a student or other individuals. If the district reasonably determines that there is an articulable and significant threat to the health or safety of a student or other individuals, it may disclose information from education records to any person whose knowledge of the information is necessary to protect the health or safety of the student or other individuals, provided, however, that the district record such disclosure in accordance with Section VI. D, above.
13. The disclosure is to the parent of a student who is under 18 years of age or to the student.
14. The disclosure concerns sex offenders and other individuals required to register under Section 170101 of the Violent Crime Control and Law Enforcement Act of 1994, 42 U.S.C. 14071, and the information was provided to the district under 42 U.S.C. 14071 and applicable federal guidelines.
15. The disclosure is to the Secretary of Agriculture or an authorized representative from the Food and Nutrition Service, or contractors acting on its behalf, for the purposes of conducting program monitoring, evaluations, and performance measurements of state and local educational and other agencies and institutions receiving funding or providing benefits of one or more federal meal or nutrition programs in order to report aggregate results that do not identify any individual. Such disclosures may only be made if:
  - a) the data collected will be protected to prevent the personal identification of students and their parents by other than the authorized representatives of the Secretary of Agriculture, and
  - b) any personally identifiable data will be destroyed when they are no longer needed for program monitoring, evaluations, and performance measurements.
16. The disclosure is to an agency caseworker or other representative of the

Department of Children and Families (“DCF”) or other child welfare agency or tribal organization who has the right to access a student’s case plan when the agency or organization is legally responsible for the care and protection of the student. The agency or organization may not disclose the education records or personally identifiable information contained in such records, except to an individual or entity engaged in addressing the student’s educational needs and authorized by the agency or organization to receive such disclosure. Any disclosures made by the agency or organization must comply with applicable confidentiality laws for student education records.

**D. Directory Information**

The school district will notify parents (of students currently enrolled within the district) or eligible students (currently enrolled in the district) annually of any categories of information designated as directory information. This notice will provide such individuals with an opportunity to object to such disclosure. An objection to the disclosure of directory information shall be good for only one school year.

1. School districts are legally obligated to provide military recruiters or institutions of higher education, upon request, with the names, addresses and telephone numbers of secondary school students, unless the secondary student or the parent of the student objects to such disclosure in writing. Such objection must be in writing and shall be effective for one school year.
2. In all other circumstances, information designated as directory information will not be released when requested by a third party unless the release of such information is determined by the administration to be in the educational interest of the school district and is consistent with the district’s obligations under both state and federal law.
3. The school district may disclose directory information about students after they are no longer in enrollment in the school district. Notwithstanding the foregoing, the district will continue to honor any valid objection to the disclosure of directory information made while a student was in attendance unless the student rescinds the objection.
4. An objection to the disclosure of directory information shall not prevent the school district from disclosing or requiring a student to disclose the student’s name, identified or institutional email address in a class in which the student is enrolled. Parents and/or eligible students may not use the right to opt out of directory information disclosures to prohibit the school district from requiring students to wear or display a student identification card.
5. The school district will not use the student’s social security number or other non-directory information alone or combined with other elements to identify or help identify the student or the student’s records.

**E. De-identified Records and Information**

1. The school district may release education records or information from education records without the consent of a parent or eligible student after the removal of all personally identifiable information, provided that the district has made a reasonable determination that a student's identity is not personally identifiable, whether through single or multiple releases, taking into account other reasonably available information.
2. The school district may release de-identified education records including student level data from education records for the purpose of education research by attaching a code to each record that may allow the recipient to match information received from the same source, provided that:
  - a) the district does not disclose any information about how it generates and assigns a record code, or that would allow a recipient of the information to identify a student based on the record code;
  - b) the record code is used for no purpose other than identifying a de-identified record for the purposes of education research and cannot be used to ascertain personally identifiable information about a student; and
  - c) the record code is not based on a student's social security number or other personal information.

**F. Disciplinary Records:**

Nothing in this policy shall prevent the school district from:

1. Including in the education records of a student appropriate information concerning disciplinary action taken against the student for conduct that posed a significant risk to the safety or well-being of that student, other students, or other members of the school community.
2. Disclosing appropriate information concerning disciplinary action taken against a student for conduct that posed a significant risk to the safety or well-being of that student, other students, or other members of the school community, to teachers and school officials who have been determined to have legitimate educational interests in the behavior of the student.

G. In accordance with state and federal law, the district will facilitate the transfer of records of suspension and expulsion of a student to officials of any private elementary or secondary school in which the student is subsequently enrolled or seeks, intends or is instructed to enroll.

**H. Records of the Department of Children and Families ("DCF")**

1. Documents related to any DCF child abuse and/or neglect investigations that are maintained by the Board are considered education records under the FERPA. As such, they are subject to the confidentiality and disclosure

requirements set forth in this policy and in corresponding provisions of state and federal law. Such records, including records of allegations, investigations and reports made to DCF, should be kept in a confidential and central location, with restricted access and shall be disclosed only as authorized by law. In addition to meeting the requirements under FERPA, should the Board receive a request to disclose confidential DCF records to an outside third party, the Board shall redact the name or other personally identifiable information concerning the individual suspected of being responsible for the alleged abuse and/or neglect unless the requested records are being released to the individual named in the DCF records.

2. In addition, the district shall redact the name or any personally identifiable information related to the identity of any individual responsible for making a report of alleged child abuse and/or neglect before releasing or transferring any DCF records containing such reports.
- I. Except as set forth in subsection I.5, below, the Board shall enter into a written contract with a consultant or operator any time the Board shares or provides access to student information, student records, or student-generated content with such consultant or operator.
1. The provisions of said contract shall comply with the requirements of Conn. Gen. Stat. §§ 10-234aa to 10-234dd.
  2. The district shall maintain and update an Internet web site with information relating to all contracts entered into pursuant to Subsection I, above. On or before September first of each school year, the Board shall electronically notify students and the parents or legal guardians of students of the address of such Internet website. Not later than five (5) business days after executing a contract pursuant to this subsection, the Board shall post notice of such contract on the Board's website. The notice shall:
    - a. State that the contract has been executed and the date that such contract was executed;
    - b. Provide a brief description of the contract and the purpose of the contract; and
    - c. State what student information, student records or student-generated content may be collected as a result of the contract.
  3. For purposes of this subsection, upon receipt of notice of a breach of security that results in the unauthorized release, disclosure or acquisition of directory information, student information, student records or student-generated content, the Board shall electronically notify, not later than two business days after receipt of such notice, the student and the parents or guardians of the student whose information is involved in such breach. The Board shall thereafter post notice of such breach on the Board's Internet web site. The Internet posting shall comply with the requirements of FERPA. All questions and concerns relative to breach of security shall be referred to the Director of Technology.

4. For purposes of this subsection, the following definitions are applicable:
- a. Consultant means a professional who provides noninstructional services, including but not limited to, administrative, planning, analysis, statistical or research services, to the Board pursuant to a contract with the Board.
  - b. Operator means any person who (a) operates an Internet web site, online service or mobile application with actual knowledge that such Internet web site, online service or mobile application is used for school purposes and was designed and marketed for school purposes, to the extent it is engaged in the operation of such Internet web site, online service or mobile application, and (b) collects, maintains or uses student information.
  - c. School Purposes means purposes that customarily take place at the direction of a teacher or the Board, or aid in the administration of school activities, including but not limited to instruction in the classroom, administrative activities and collaboration among students, school personnel or parents or legal guardians of students.
  - d. Student means a person who is a resident of the state and (a) enrolled in a preschool program participating in the state-wide public school information system, pursuant to Conn. Gen. Stat. 10-10a; (b) enrolled in grades kindergarten to twelve, inclusive, in a school under the jurisdiction of the Board; (c) receiving special education and related services under an individualized education program; or (d) otherwise the responsibility of the Board.
  - e. Student Information means personally identifiable information or material of a student in any media or format this is not publicly available and is any of the following:
    - 1) Created or provided by a student or the parent or legal guardian of a student, to the operator in the course of the student, parent or legal guardian using the operator's Internet web site, online service or mobile application for school purposes;
    - 2) Created or provided by an employee or agent of the Board to an operator for school purposes;
    - 3) Gathered by an operator through the operation of the operator's Internet web site, online service or mobile application and identifies a student, including but not limited to, information in the student's records or electronic mail account, first or last name, home address, telephone number, date of birth, electronic mail address, discipline records, test results, grades, evaluations, criminal records, medical records, health records, Social Security number, biometric information, disabilities, socioeconomic information, food purchases, political affiliations, religious affiliations, text messages, documents,

student identifiers, search activity, photographs, voice recordings, survey responses or behavioral assessments.

f. Student Record means any information directly related to a student that is maintained by the Board or any information acquired from a student through the use of educational software assigned to the student by a teacher or employee of the Board, except student record does not include de-identified student information allowed under the contract to be used by the consultant or operator to:

- 1) Improve educational products for adaptive learning purposes and customize student learning;
- 2) Demonstrate the effectiveness of the contractor's products in the marketing of such products; and
- 3) Develop and improve the consultant's or operator's products and services.

5. Notwithstanding anything in this Subsection to the contrary, the Board may use an operator's or consultant's services without entering into a contract as described above, if the use of an Internet web site, online service or mobile application operated by a consultant or an operator is unique and necessary to implement a child's individualized education program or plan pursuant to Section 504 of the Rehabilitation Act of 1973 and such Internet website, online service or mobile application is unable to comply with the provisions of Conn. Gen. Stat. § 10-234bb, provided:

- a. Such Internet web site, online service or mobile application complies with FERPA and the Health Insurance Portability and Accountability Act of 1996, P.L. 104-191, as amended from time to time;
- b. The Board can provide evidence that it has made a reasonable effort to:
  - 1) enter into a contract with such consultant or operator to use such Internet web site, online service or mobile application, in accordance with the provisions of Conn. Gen. Stat. §§ 10-234bb; and
  - 2) find an equivalent Internet web site, online service or mobile application operated by a consultant or an operator that complies with the provisions of Conn. Gen. Stat. §§ 10-234bb;
- c. The consultant or operator complies with the provisions of Conn. Gen. Stat. § 10-234cc for such use; and
- d. The parent or legal guardian of such child, and, in the case of a child with an individualized education program, a member of the planning and placement team, sign an agreement that:
  - 1) acknowledges such parent or legal guardian is aware that such

Internet web site, online service or mobile application is unable to comply with the provisions of Conn. Gen. Stat. §§ 10-234bb; and

2) authorizes the use of such Internet web site, online service or mobile application.

e. The Board shall, upon the request of a parent or legal guardian of a child, provide the evidence described in subsection 5.b, above.

## **VIII. REDISCLOSURE OF EDUCATION RECORDS**

- A. The school district may disclose personally identifiable information from an education record only on the conditions that:
1. the party to whom the information is disclosed will not subsequently redisclose the information to any other party without the proper consent of the parent or eligible student, and
  2. the officers, employees, and agents of a party that receives such information may only use the information for the purposes for which disclosure was made.
- B. Notwithstanding the provisions of Section A. above, the school district may disclose personally identifiable information from an education record with the understanding that the information may be redisclosed by the recipient of the information as long as prior written consent for disclosure is not required, for one of the reasons listed in Article VII, Section C. above, and at least one of the following conditions is met.
1. The record of the original disclosure includes the names of the parties to whom redisclosure is being made and the legitimate interests each such party has in requesting or obtaining the information.
  2. The original disclosure was to a state or local educational authority or federal official or agency as set forth in Article VII, Section C., and such state or local educational authority or federal official or agency has complied with the requirements of 34 CFR 99.32(b)(2).
  3. In the case of disclosures made pursuant to a court order or lawfully issued subpoena, the district has made a reasonable effort to notify the parent or eligible student in advance of compliance with the subpoena (except if such subpoena meets the criteria set forth above in Article VII, Section C. (10)).
  4. Disclosure is made to a parent, an eligible student, or the parent of an eligible student.
  5. The information is considered directory information.
- C. In the event that the Family Policy Compliance Office determines that a third party outside of the school district has improperly redisclosed personally identifiable information from education records in violation of FERPA, the school district may not allow that third party access to personally identifiable information from education

records for at least five (5) years.

## **IX. AMENDMENT OF EDUCATION RECORDS**

- A. If a parent or an eligible student believes that information in the student's education records is inaccurate, misleading or in violation of the student's right to privacy, he/she is entitled to:
  - 1. Request in writing that the school district amend the records;
  - 2. Receive within a reasonable period of time a decision from the school district with respect to its decision on the amendment(s) requested by the parent or eligible student.
- B. If the school district decides to amend the records, the school district shall promptly take such steps as may be necessary to put the decision into effect with respect to the requested amendments, and shall inform the parent or eligible student of the amendment.
- C. If the school district decides that an amendment of the records in accordance with the request is not warranted, it shall so inform the parent or eligible student and advise him/her of the right to a hearing pursuant to this policy.

## **X. HEARING RIGHTS AND PROCEDURES**

- A. Rights
  - 1. Upon written request of a parent or eligible student to the Superintendent, an opportunity for a hearing shall be provided to challenge the content of a student's education records on the grounds that the information contained in the education records is inaccurate, misleading, or otherwise in violation of the privacy rights of the student.
  - 2. If, as a result of the hearing, the school district decides that information contained in the education records of a student is inaccurate, misleading, or otherwise in violation of the privacy rights of the student, the records shall be amended, and the parent or eligible student shall be informed in writing.
  - 3. If, as a result of the hearing, the school district decides that information contained in the education records of a student is not inaccurate, misleading, or otherwise in violation of the privacy rights of the student, the parent or eligible student shall be informed of the right to place in the student's education records a statement commenting on the contested information or stating why he or she disagrees with the district's decision, or both.
    - a. Any statement placed in the records of the student shall be maintained by the school system as part of the records of the student as long as the record or contested portion is maintained by the school system.
    - b. If the contested portion of the education record is disclosed by the

school system, the statement of disagreement by the parents and/or eligible student shall also be disclosed.

**B. Procedures**

1. The hearing shall be held within a reasonable time after the school system has received the request, unless the parent or eligible student requests a delay.
2. The parent or eligible student shall be given notice of the date, place, and time of the hearing, within a reasonable time in advance of the hearing.
3. The hearing will be conducted by a person or persons appointed by the Superintendent of Schools. This person(s) shall be knowledgeable of the policies relating to confidentiality and shall not have a direct interest in the outcome of the hearing.
4. The parent or eligible student and the school system shall have the right to be represented by person(s) of their choosing at their own expense, to cross-examine witnesses, to present evidence, and to receive a written decision of the hearing.
5. The decision reached through the hearing shall be made in writing within a reasonable period of time after the hearing. The decision will be based solely upon the evidence presented at the hearing and shall include a summary of the evidence and the reasons for the decision.

**XI. WAIVER OF RIGHTS**

- A. A student who is an applicant for admission to an institution of post-secondary education or is in attendance at an institution of post-secondary education, may waive his or her right to inspect and review confidential letters and confidential statements of recommendations with the following limitations:
1. The student is notified, upon request, of the names of all individuals providing the letters or statements.
  2. The letters or statements are used only for the purpose for which they were originally intended.
  3. The waiver is not required by the district as a condition of admission to or receipt of any other service or benefit from the district.
  4. The waiver is in writing and executed by the student, regardless of age, rather than by the parent.
- B. A waiver may be revoked with respect to any actions occurring after the revocation.
- C. Revocation of a waiver must be in writing.

## **XII. SPECIAL CONFIDENTIALITY PROCEDURES FOR HIV-RELATED INFORMATION**

A. The following definitions shall apply to Section XII of this policy:

1. Confidential HIV-Related Information

“Confidential HIV-related information” means any information pertaining to the protected individual or obtained pursuant to a release of confidential HIV-related information, concerning whether a person has been counseled regarding HIV infection, has been the subject of an HIV-related test, or has HIV infection, HIV-related illness or AIDS, or information which identifies or reasonably could identify a person as having one or more of such conditions, including information pertaining to such individual’s partners.

2. Health Care Provider

“Health Care Provider” means any physician, dentist, nurse, provider of services for the mentally ill or persons with intellectual disabilities, or other person involved in providing medical, nursing, counseling, or other health care, substance abuse or mental health service, including such services associated with, or under contract to, a health maintenance organization or medical services plan.

3. Protected Individual

“Protected individual” means a person who has been counseled regarding HIV infection, is the subject of an HIV-related test or who has been diagnosed as having HIV infection, AIDS or HIV-related illness.

4. Release of confidential HIV-related information

“Release of confidential HIV-related information” means a written authorization for disclosure of confidential HIV-related information which is signed by the protected individual, if an eligible student, or a person authorized to consent to health care for the individual and which is dated and specifies to whom disclosure is authorized, the purpose for such disclosure and the time period during which the release is to be effective. A general authorization for the release of medical or other information is not a release of confidential HIV-related information, unless such authorization specifically indicates its dual purpose as a general authorization and an authorization for the release of confidential HIV-related information.

5. School Medical Personnel

“School medical personnel” means an employee of the Board who is a school nurse or the school district medical adviser.

B. Confidentiality of HIV-related Information

1. All school staff must understand that no person who obtains confidential HIV-related information regarding a protected individual may disclose or be compelled to disclose such information. Each person who has access to confidential HIV-related information is responsible for ensuring that confidential HIV-related information is protected from disclosure and/or redisclosure.
2. Confidential HIV-related information is not public information and any disclosure, other than to persons pursuant to a legally sufficient release or to persons authorized by law to receive such information without a legally sufficient release, violates the law and Board policy.

C. Accessibility of Confidential HIV-related Information

1. No school staff member who obtains confidential HIV-related information may disclose or be compelled to disclose such information, except to the following:
  - a) the protected individual, his/her legal guardian or a person authorized to consent to health care for such individual;
  - b) any person who secures a release of confidential HIV-related information;
  - c) a federal, state or local health law officer when such disclosure is mandated or authorized by federal or state law;
  - d) a health care provider or health facility when knowledge of the HIV-related information is necessary to provide appropriate care or treatment to the protected individual or when confidential HIV-related information is already recorded in a medical chart or record and a health care provider has access to such record for the purpose of providing medical care to the protected individual;
  - e) a medical examiner to assist in determining cause of death; or
  - f) any person allowed access to such information by a court order.

D. Procedures

1. If a school staff member, other than school medical personnel, is given confidential HIV-related information regarding a protected individual who is also a student from the student's legal guardian or the student, the school staff member shall attempt to secure a release of confidential HIV-related information for the sole purpose of disclosing such information to school medical personnel.
2. If a school medical personnel member is given confidential HIV-related information regarding a protected individual, who is also a student, by a student's legal guardian, or by the student, and the legal guardian or the

student requests accommodations to the student's program for reasons related thereto, the school medical personnel member shall inform the legal guardian or the student, if an eligible student, that a release of confidential HIV-related information is necessary before such information may be disclosed to other educational personnel capable of assessing the need for and implementing appropriate accommodations to the student's program.

3. Any school staff member who obtains confidential HIV-related information from a source other than the protected individual or his/her legal guardian, shall keep such information confidential and shall not disclose such information.
4. No school staff member may disclose confidential HIV-related information to other school staff members without first obtaining a release of confidential HIV-related information.
5. Any record containing confidential HIV-related information shall be maintained in a separate file, and shall not be subject to the provisions of this policy regarding accessibility of general student records.
6. If school medical personnel determine that the health and safety of the student and/or others would be threatened if a release of confidential HIV-related information is not obtained, the school medical personnel may seek a court order authorizing disclosure. In such cases, such confidential HIV-related information may be disclosed as set forth in and subject to any limitation of such court order.

E. Disclosures Pursuant to a Release

1. Any disclosure pursuant to a release shall be accompanied by a notice in writing stating, "This information has been disclosed to you from records whose confidentiality is protected by state law. State law prohibits you from making any further disclosure of it without the specific written consent of the person to whom it pertains, or as otherwise permitted by said law. A general authorization for the release of medical or other information is NOT sufficient for this purpose."
2. Oral disclosures must be accompanied or followed by the above notice within ten (10) days.
3. Except for disclosures made to a federal, state or local health officer when such disclosure is mandated or authorized by federal or state law, a notation of all disclosures shall be placed in the medical record or with any HIV-related test result of a protected individual, who shall be informed of such disclosures on request.

### **XIII. CHILD ABUSE REPORTING**

Nothing in this policy shall limit a mandated reporter's responsibility to report suspected child abuse or neglect under the Board's Child Abuse and Neglect Reporting Policy 5141.4.

#### **XIV. RIGHT TO FILE A COMPLAINT**

FERPA affords parents and eligible students the right to file a complaint with the U.S. Department of Education concerning alleged failures by the District to comply with the requirements of FERPA. The name and address of the office that administers FERPA is:

Family Policy Compliance Office  
U.S. Department of Education  
400 Maryland Avenue, S.W.  
Washington, DC 20202-8520

Legal Reference:

State Law:

Public Act 18-125, “An Act Concerning Revisions to the Student Data Privacy Act”

Conn. Gen. Stat. § 1-210 *et seq.*

Conn. Gen. Stat. § 10-220h

Conn. Gen. Stat. § 10-15b Access of parent or guardians to student's records.  
10-154a Professional communications between teacher or nurse & student.

Conn. Gen. Stat. § 10-233d

Conn. Gen. Stat. § 10-234aa

Conn. Gen. Stat. § 10-234bb

Conn. Gen. Stat. § 10-234cc

Conn. Gen. Stat. § 10-234dd

Conn. Gen. Stat. § 10-220d

Conn. Gen. Stat. § 10-253

Conn. Gen. Stat. § 17-16a

Conn. Gen. Stat. § 17a-28

Conn. Gen. Stat. § 17a-101k

Conn. Gen. Stat. § 19a-581 *et seq.*

Conn. Gen. Stat. § 46b-134

Regs. Conn. State Agencies § 10-76d-18

State Department of Education, Guidance on Civil Rights Protections and Supports for Transgender Students, June 2017

State Department of Education, Guidance on Civil Rights Protections and Supports for Transgender Students: Frequently Asked Questions, June 2017

State Department of Education memorandum dated December 21, 2010, on school choice recruitment

Office of the Public Records Administrator, Retention Schedule M8-Education Records, Revised 2/2005, available at <http://ctstatelibrary.org/wp-content/uploads/2015/07/M8.pdf>

Federal Law:

Federal Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. §§ 1232g 20 U.S.C.1232g.

USA Patriot Act of 2001, Pub. L. 107-56

Every Student Succeeds Act, Pub. L. No. 114-95

Healthy, Hunger-Free Kids Act of 2010, Pub. L. 111-296

The McKinney-Vento Homeless Education Assistance Act, 42 U.S.C. §§ 11431 et seq., as amended by Every Student Succeeds Act, Pub. L. 114-95.

34 CFR 99.1-99.67.

34 CFR 300.560-300.576

## **Students**

### **Student Records**

For reasons related to: (1) consistency in providing information and (2) ensuring that documents sent to receiving private, parochial or other public schools have been seen previously by a parent or guardian, it is the policy of the Westport Public Schools that for all students K-12, only official health records, cumulative report card information, report cards and student records are to be released to such receiving schools.

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

Where teachers elect to respond to parent/guardian requests for recommendations to private, parochial, other public schools, or summer academic programs, such letters of recommendation shall be reviewed by the superintendent or his/her designee within 48 hours of submission of the letter for review. The review process is necessary to ensure that the Westport Public Schools are not exposed to any liability by virtue of such letters of recommendation.

### **Adopted:**

**January 13, 2014**

WESTPORT PUBLIC SCHOOLS

Westport, Connecticut

**Series 5000  
Students**

**CONFIDENTIALITY AND ACCESS TO EDUCATION RECORDS**

**I. POLICY**

The Board of Education (“Board”) complies with the state and federal laws and regulations regarding confidentiality, access to and amendment of education records. The Board shall implement procedures that protect the privacy of parents and students while providing proper access to records. Availability of these procedures shall be made known annually to parents of students currently in attendance and eligible students currently in attendance.

**II. DEFINITIONS**

- A. Access is defined as the right to inspect or review a student’s education records or any part thereof. Access may include the right to receive copies of records under limited circumstances.
- B. Authorized representative means any entity or individual designated by the Board, a State educational authority, or an agency headed by an official listed in 34 C.F.R. § 99.31(a)(3), to conduct -- with respect to Federal- or State-supported education programs -- any audit or evaluation, or any compliance or enforcement activity in connection with Federal legal requirements that relate to these programs.
- C. Biometric record, as used in the definition of personally identifiable information, means a record of one or more measurable biological or behavioral characteristics that can be used for automated recognition of an individual, such as fingerprints, retina and iris patterns, voiceprints, DNA sequence; facial characteristics and handwriting.
- D. De-identified education records means education records or information from education records from which all personally identifiable information has been removed, and for which the district has made a reasonable determination that a student’s identity is not personally identifiable, whether through single or multiple releases, taking into account other reasonably available information.
- E. Directory Information includes information contained in an education record of a student that would not generally be considered harmful or an invasion of privacy if disclosed. Directory information includes, but is not limited to, the parent’s name, address and/or e-mail address; the student’s

name, address, telephone number, e-mail address, photographic, computer and/or video images, date and place of birth, major field(s) of study, grade level, enrollment status (full-time; part-time), participation in school-sponsored activities or athletics, weight and height (if the student is a member of an athletic team), dates of attendance, degrees, honors and awards received, the most recent previous school(s) attended, and student identification numbers for the limited purposes of displaying a student identification card. The student identification number, however, will not be the only identifier used when obtaining access to education records or data. Directory information does not include a student's social security number, student identification number or other unique personal identifier used by the student for purposes of accessing or communicating in electronic systems unless the identifier cannot be used to gain access to education records except when used in conjunction with one or more factors that authenticate the user's identity, such as a PIN or password.

- F. Disciplinary action or proceeding means the investigation, adjudication or imposition of sanctions by an educational agency or institution with respect to an infraction or violation of internal rules of conduct applicable to students.
- G. Disclosure means to permit access to or to release, transfer, or other communication of personally identifiable information as contained in education records by any means, including oral, written or electronic means, to any party except the party identified as the party that provided or created the record.
- H. Education Records
  - 1. Education records means any information directly related to a student that is recorded in any manner (e.g., handwriting, print, computer media, video or audio tape, film, microfilm, and microfiche) and that is maintained by the school system or persons acting for the school system.
  - 2. Education records do not include:
    - a) private, personal, or working notes in the sole possession of the maker thereof, and which are not accessible or revealed to any other individual except a "substitute";
    - b) records maintained by a law enforcement unit of the school district that were created by that unit for the purpose of law enforcement;

- c) employment records used only in relation to the student's employment by the school district that are 1) made and maintained in the normal course of business, 2) relate exclusively the student's capacity as an employee, and 3) are not made available for any other purpose;
  - d) records on an eligible student (i.e. over 18 or attending a postsecondary educational institution) that are considered "treatment records" as they meet the following criteria: 1) the records are maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in his or her professional capacity or assisting in a paraprofessional capacity, 2) the records are made in connection with the treatment of the student and 3) the records are disclosed only to individuals providing such treatment (treatment does not include remedial educational activities or activities that are part of the program or instruction of the school district); however, the school district must, upon request, permit an eligible student to have a physician or other appropriate professional of the student's choice review his/her treatment records;
  - e) records created or received by the school district after an individual is no longer a student in attendance and that are not directly related to the individual's attendance as a student; and
  - f) grades on peer-graded papers before they are collected and recorded by a teacher.
- I. Eligible Student is a student or former student who has reached 18 years of age or is attending an institution of post-secondary education or is an emancipated minor.

[J. *If the district maintains a law enforcement unit, the district should include this definition within the policy.*

***Law Enforcement Unit is an individual, office, department, division, or other component of an educational agency or institution, that is officially authorized or designated by that agency or institution to 1) enforce laws or refer matters of law enforcement to appropriate authorities or 2) maintain the physical security and safety of the agency or institution.]***

- K. Legitimate Educational Interest means the need for a school official to review an education record in order to fulfill his or her professional responsibilities.
- L. Parent is defined as a parent or parents of a student, including a natural parent, a guardian, or surrogate parent, or an individual acting as a parent in the absence of a parent or guardian. The rights of a parent shall transfer to an eligible student; however, a parent of a student who claims that student as a dependent under Section 152 of the Internal Revenue Code of 1986 is entitled to access to the student's education records without the eligible student's consent.
- M. Personally Identifiable Information includes, but is not limited to, the student's name; the name of the student's parent or other family members; the address of the student or his/her family; a personal identifier, such as the student's social security number, student number or biometric record; other indirect identifiers, such as the student's date of birth, place of birth, and mother's maiden name; other information that, alone or in combination, is linked or linkable to a specific student that would allow a reasonable person in the school community, who does not have personal knowledge of the relevant circumstances, to identify the student with reasonable certainty; or information requested by a person who the school district reasonably believes knows the identity of the student to whom the education record relates.
- N. School Official is a person employed by the District as an administrator, supervisor, instructor or support staff member (including health or medical staff and law enforcement unit personnel); a person serving on the Board of Education; a volunteer, contractor or consultant or other party who performs an institutional service or function for the District (such as an attorney, auditor, medical consultant, therapist, or school resource officer); or a parent or student serving on an official committee, such as a disciplinary or grievance committee; or a parent, student or other volunteer assisting another school official in performing his or her tasks.
- O. Signed and Dated Written Consent to disclose personally identifiable student information from a student's education records must specify the records to be disclosed, the purpose of disclosure and the party to whom such records should be provided. Consent may include a record and signature in electronic form provided that the consent identifies and authenticates a particular person as the source of electronic consent.

### **III. ANNUAL NOTIFICATION OF RIGHTS / RELEASE OF DIRECTORY INFORMATION**

- A. On an annual basis, the school district will notify parents and/or eligible students currently in attendance of their rights regarding a student's

education records. This notice will be published in all student handbooks in the District and will also be published in the school district's guide to Pupil Personnel **[or Special Education]** Services and will be published in any other manner "reasonably likely" to inform such parents and eligible students of their rights. The school district will take steps to ensure that parents or eligible students whose primary or home language is not English or who are disabled will also be notified of their rights regarding a student's education records.

- B. On an annual basis, the school district will also notify parents and/or eligible students currently in attendance of any categories of information designated as **directory information**. This notice will provide such individuals with an opportunity to object to such disclosure. An objection to the disclosure of directory information shall be good for only one school year. Parents and/or eligible students may not use the right to opt out of directory information disclosures to prohibit the school district from requiring students to wear or display a student identification card.
- C. In the annual notification, the school district will also provide notice to parents and/or eligible students that the district is legally obligated to provide military recruiters, institutions of higher education, or school choice programs, upon request, with the names, addresses and telephone numbers of secondary school students, unless the secondary student or the parent of the student objects to such disclosure in writing. Such objection must be in writing and shall be effective for one school year.

#### **IV. CONFIDENTIALITY OF EDUCATION RECORDS**

- A. All school officials are directed to maintain the confidentiality of personally identifiable information contained in a student's education records. Each person who has access to education records is responsible for ensuring personally identifiable information is protected from disclosure at collection, storage, disclosure, and destruction stages. Disclosure of information is permitted only in accordance with Board policy and administrative regulations and in a manner consistent with state and federal law.
- B. Education records are not public records and any disclosure other than to persons authorized to receive the records without prior consent of a parent or an eligible student violates the law and Board policy, except as provided in federal and state statutes.
- C. The school district shall use reasonable methods, including administrative policies and procedures, as well as physical and technological access controls, to ensure that school officials obtain access to only those education records in which they have a legitimate educational interest.

- D. The district shall use reasonable methods to identify and authenticate the identity of parents, students, school officials and other parties to whom the district discloses personally identifiable information from education records.
- E. The district shall require contractors and other outside agencies with access to education records to certify their compliance with the confidentiality requirements of this policy, as well as applicable state and federal law.

**V. ACCESS TO EDUCATION RECORDS**

- A. Parents and/or an eligible student have the right to inspect and review all education records of the student unless such rights have been waived under Section XI, below. Parents' rights of inspection and review are restricted to information dealing with their own child. In the case of an eligible student, the right to inspect and review is restricted to information concerning the student. All requests for access to education records must be in writing.
- B. When submitting a written request to inspect or review education records, the request must identify the record or records being sought. The school district will notify the parent or eligible student of the date, time, and location where the records may be inspected and reviewed.
- C. The parents or eligible students may designate in writing a representative to inspect and review the records. Consent for disclosure of education records to a designated representative must be signed and dated by the parent or eligible student.
- D. A school professional shall be present at all such inspections and reviews and shall respond to reasonable requests for explanations and interpretations of the records.
- E. For the records of **regular education students**, the Board will make education records available for inspection and review by parents or eligible students within a reasonable period of time, but in any event, no more than forty-five (45) calendar days from the receipt of a written request.
- F. For **students requiring special education**, the Board will comply with a request to review and inspect the child's education records without unnecessary delay and before any meeting regarding an IEP or any due process hearing or resolution session held in accordance with the IDEA; otherwise, the Board will comply with such request not later than ten (10) school days of such request.

- G. Parents of students eligible to receive special education and related services (or the eligible student) have the right to receive **one free copy** of their child's (his/her) education records. The request for the free copy must be in writing and the Board will comply with the written request within ten (10) school days of the request. Notwithstanding the fact that a test instrument or portion of a test instrument may meet the criteria of an "education record" under the Family Educational Rights and Privacy Act, 20 USC 1232g, any test instrument or portion of a test instrument for which the test manufacturer asserts a proprietary or copyright interest in the instrument shall not be copied. The parent or eligible student retains the right to review and inspect such information and the Board shall respond to reasonable requests from the parent or eligible student for explanations and interpretations of the student's education record, which may include reviewing copyrighted testing instruments.
- H. Aside from a parent or eligible student, staff members, school employees and other school officials may access a student's education records **only if** they have been determined by the school system to have a legitimate educational interest in accessing the information contained in such records. Disclosures to any other parties, may only be made in accordance with the exemptions and provisions set forth in Section VII, below.
- I. Pursuant to the procedures set forth in Section VI, below, the district maintains a record of all parties that have requested access to education records, including access to education records found in computer memory banks.
- J. Non-custodial Parents:
1. Divorced Parents  

A parent does not lose his or her right to access to education records upon divorce. Non-custodial parents retain their rights to review their child's education records unless the school district has been provided with evidence that there is a court order, state statute, or legally binding document relating to such matters as divorce, separation, or custody that specifically revokes the non-custodial parent's rights. School notices shall be mailed to the non-custodial parent/guardian requesting the notices at the same time that they are provided to the custodial parent/guardian. Any requests by the non-custodial parent/guardian to receive school notices shall be effective for as long as the child remains in the school the student is attending at the time of the request.
  2. Incarcerated Parents

Nothing in this Policy shall be construed to limit a parent who is incarcerated from being entitled to knowledge of and access to all educational, medical, or similar records maintained in the cumulative record of any minor student of such incarcerated parent, except that such incarcerated parent shall not be entitled to such records if:

- (a) such information is considered privileged under Conn. Gen. Stat. § 10-154a, regarding a communication made privately and in confidence by a student to a professional employee in the course of the professional employee's employment concerning alcohol or drug abuse or any alcoholic or drug problem of such student;
- (b) such incarcerated parent has been convicted in Connecticut or any other state sexual assault in violation of Conn. Gen. Stat. §§ 53a-70, 53a-70a, 53a-71, 53a-72a, 53a-72b, or 53a-73a; or
- (c) such incarcerated parent is prohibited from knowledge of or access to such student's cumulative record pursuant to a court order.

K. Unaccompanied Youth:

Notwithstanding anything in this Policy to the contrary, an unaccompanied youth shall be entitled to knowledge of and have access to all educational, medical or similar records in the cumulative record of such unaccompanied youth maintained by the school district. For the purposes of this provision, the term "unaccompanied youth" shall mean a homeless child or youth not in the physical custody of a parent or guardian.

L. Copies of Education Records/Fees:

- 1. The school district cannot charge a fee to search for or to retrieve the education records of a student. As noted above, if a student has been identified as requiring special education and related services, the parents' (or eligible student's) right to inspect and review the child's records shall include the right to receive **one free copy** of those records. The request for the free copy shall be made in writing. The Board shall comply with such request as stated above. A charge will be levied for additional copies; in no case will the charge exceed **[50¢]** per page. ***[Please note that the district may or may not charge for copies, provided such fee is consistent with its policy for charging for copies of records for regular education***

*students and provided that such fee does not effectively prohibit the parent/student from exercising their rights to access records].*

2. In addition to the provision above regarding special education students, if circumstances effectively prevent the parent or eligible student from exercising the right to inspect and review the student's education records, the district shall:
  - a. provide the parent or eligible student with a copy of the records requested, or
  - b. make other arrangements for the parent or eligible student to inspect and review the requested records.

*[As noted above, a school district may charge a fee for all other copies of education records, provided that the imposition of a fee does not effectively prevent a parent and/or eligible student from exercising their rights to access records. If the district elects to charge a fee for copies beyond the one free copy of special education records, we suggest the following provision:*

*3. The Board reserves the right to charge for copies of a student's education records. Such charge will not exceed 50¢ per page.]*

## **VI. RECORD KEEPING REQUIREMENTS/DOCUMENTATION OF ACCESS TO EDUCATION RECORDS**

- A. The school district will appoint an individual to be responsible for the care and upkeep of all education records. Education records are kept by categories, each of which encompasses a specific type of data collected during a student's educational career. These categories also determine how long the school district must maintain the records. The school district will provide to parents, on request, a list of the categories and locations of education records collected, maintained, or used by the school district.
- B. Except as provided below, a record (log) will be kept documenting each request for, and disclosure of, personally identifiable information from the education records of each student, including information found in computer memory banks. The record log shall contain:
  1. the name of any individual, agency, or organization that requested or obtained access to the student's records;
  2. the date of the request for access;
  3. whether access was given;

4. the purpose for which the party was granted access to the records;
  5. the names of additional parties to whom the receiving party may disclose the information on behalf of the school district; and
  6. the legitimate educational interest in obtaining the information.
- C. The record (log) requirement does not apply to requests from, or disclosure to:
1. a parent or eligible student;
  2. a party seeking directory information;
  3. a party who has a signed and dated written consent from the parent and/or eligible student;
  4. school officials from the school district in which the student is currently enrolled who have a legitimate educational interest in the information contained in the student's record; or
  5. persons seeking or receiving the information as directed by a Federal grand jury, other law enforcement subpoena, or ex parte order of the Attorney General of the United States (provided that the information requested is not to be redisclosed).
- D. The record (log) is a permanent part of the student's education records and must be available to the parent or eligible student upon request.
- E. If the district makes a release of education records without consent in **a health and safety emergency**, the district must record:
1. the articulable and significant threat to the health and safety of a student or other individuals that formed the basis for disclosure; and
  2. the parties to whom the district disclosed the information.

## VII. THE RELEASE OF RECORDS OR PERSONALLY IDENTIFIABLE INFORMATION

- A. The school system or its designated agent(s) may not permit release of education records or any information from such records which contains personally identifiable student information to any outside individual, agency, or organization without the signed and dated written consent of the parents or

eligible student, except as indicated in Section VII.C below. Personally identifiable information contained in the education record, other than directory information, will not be furnished in any form (i.e., written, taped, video or audio recorded, person-to-person, statement over the telephone, on computer disk, e-mailed or electronic message, etc.) to any person other than those listed below, unless prior written consent has been obtained.

- B. To be effective, the written consent must be signed and dated and must specify the records that may be disclosed, state the purpose of the disclosure, and identify the party or class of parties to whom the disclosure may be made.
- C. Personally identifiable information may be released **without consent** of the parents, or the eligible student, only if the disclosure meets one of the criteria set forth below:

1. School Officials:

- a) The disclosure is to other school officials within the district, including teachers, who have been determined by the school district to have legitimate educational interests in the education records.
- b) A contractor, consultant, volunteer, or other party to whom the district has outsourced institutional services or functions, provided that the party:
  - 1) performs an institutional service or function for which the district would otherwise use employees;
  - 2) is under the direct control of the district with respect to the use and maintenance of education records; and
  - 3) is subject to the requirements of FERPA with respect to the use and redisclosure of personally identifiable information from education records.
- c) The Board shall comply with the below Subsection I of this Section VII prior to the provision of student records, student information or student-generated content to any school official who is a consultant or operator, as those terms are defined in Subsection I.

3. Transfer Students:

- a) The disclosure is to officials of another school, including other public schools, charter schools, and post-secondary institutions, in which the student seeks or intends to enroll, or where the student is already enrolled so long as the disclosure is for purposes related to the student's enrollment or transfer. Disclosure of personally identifiable information will be made only upon condition that the student's parents be notified of the transfer, receive a copy of the record if desired, and have an opportunity for a hearing to challenge the content of the record pursuant to Section X.
  - b) When a student enrolls in a new public school district (including public charter school), the receiving school district must send written notice of such enrollment to the school the student previously attended not later than two (2) business days after the student enrolls. Not later than ten (10) days after receipt of such notice, the sending school shall transfer the student's records to the new school district.
  - c) Upon notification by the Department of Children and Families of a decision to change the school placement for a student attending district schools who is placed in out-of-home care by DCF pursuant to an order of temporary custody or an order of commitment, in accordance with section 46b-129 of the Connecticut General Statutes, the Board shall transmit to the receiving school, not later than one (1) business day after receipt of such notification from DCF, all essential education records for the student, including, but not limited to, the student's individualized education program ("IEP") and behavioral intervention plan, if any, and all documents necessary for the receiving school to determine appropriate class placement and to provide educational services. The Board shall transfer nonessential records to the receiving school in accordance with subsection b) above.
4. The disclosure is to authorized representatives of the U.S. Comptroller, the U.S. Attorney General, the U.S. Secretary of Education, or State or local educational authorities. Disclosures of this nature may be made only in connection with an audit or evaluation of Federal or State supported education programs, or for the enforcement of or compliance with the Federal legal requirements that related to these programs. These entities may make further disclosures of personally identifiable information that

are designated by them as their authorized representatives to conduct any audit, evaluation, or enforcement or compliance activity on their behalf, if applicable requirements are met.

5. The disclosure is made in connection with a student's application for, or receipt of, financial aid, if such information is necessary to determine eligibility for, the amount of, or the conditions for financial aid, or to enforce the terms and conditions of financial aid.
6. The disclosure is to state and local officials or authorities within the juvenile justice system as long as the officials and authorities to whom the records are disclosed certify in writing to the school district that (a) the information is required by the court, (b) will not be disclosed to any other party without the prior, written consent of the parent of the student, except as provided under State law. Disclosure shall be permitted for information relating to the student's school attendance, adjustment and behavior, as well as the student's IEP and related documents if the student receives special education services. If a student is placed on probation by the juvenile court, school officials may issue their own recommendation concerning the conditions of the student's probation.
7. The disclosure is to organizations conducting studies for, or on behalf of, educational agencies or institutions for the purpose of developing, validating, or administering predictive tests, administering student aid programs, or improving instruction, so long as:
  - a) the study does not permit personal identification of parents or students by individuals other than representatives of the organization,
  - b) the information is destroyed after it is no longer needed for the purposes for which the study was conducted, and
  - c) the Board enters into a written agreement with the organization conducting the study that satisfies the requirements of 34 C.F.R. § 99.31(a)(6).
8. The disclosure is to accrediting organizations in order to carry out their accrediting functions.

9. The disclosure is to parents of an eligible student who claim that student as a dependent student as defined in Section 152 of the Internal Revenue Code of 1986.
10. The disclosure is to comply with a judicial order or lawfully issued subpoena, provided that the educational agency makes a reasonable effort to notify the parent or the eligible student in advance of compliance, unless such disclosure is in compliance with
  - a) a federal grand jury subpoena and the court has ordered that the existence or the contents of the subpoena or the information furnished in response to the subpoena not be disclosed;
  - b) any other subpoena issued for a law enforcement purpose and the court or other issuing agency has ordered that the existence or the contents of the subpoena or the information furnished in response to the subpoena not be disclosed; or
  - c) an ex parte order obtained by the United States Attorney General (or designee not lower than an Assistant Attorney General) concerning the investigation or prosecution of terrorism crimes specified in sections 2332b(g)(5)(B) and 2331 of title 18, U.S. Code.
11. If the school district initiates legal action against a parent or student, the school district may disclose to the court, without a court order or subpoena, the education records of the student that are relevant for the school district to proceed with the legal action as plaintiff.
12. If a parent or eligible student initiates legal action against the school district, the school district may disclose to the court, without a court order or subpoena, the student's education records that are relevant for the school district to defend itself.
13. The disclosure is to appropriate parties, including parents of an eligible student, in connection with a health and safety emergency if knowledge of the information is necessary to protect the health or safety of the student or other individuals. In making a determination regarding the disclosure of education records without consent in a health and safety emergency, the district may take into account the totality of the circumstances pertaining to the threat to the health or safety of a student or other individuals. If the district reasonably determines that there is an articulable and significant threat to the health or safety of a student or other individuals, it

may disclose information from education records to any person whose knowledge of the information is necessary to protect the health or safety of the student or other individuals, provided, however, that the district record such disclosure in accordance with Section VI. D, above.

14. The disclosure is to the parent of a student who is under 18 years of age or to the student.
15. The disclosure concerns sex offenders and other individuals required to register under Section 170101 of the Violent Crime Control and Law Enforcement Act of 1994, 42 U.S.C. 14071, and the information was provided to the district under 42 U.S.C. 14071 and applicable federal guidelines.
16. The disclosure is to the Secretary of Agriculture or an authorized representative from the Food and Nutrition Service, or contractors acting on its behalf, for the purposes of conducting program monitoring, evaluations, and performance measurements of state and local educational and other agencies and institutions receiving funding or providing benefits of one or more federal meal or nutrition programs in order to report aggregate results that do not identify any individual. Such disclosures may only be made if:
  - a) the data collected will be protected to prevent the personal identification of students and their parents by other than the authorized representatives of the Secretary of Agriculture, and
  - b) any personally identifiable data will be destroyed when they are no longer needed for program monitoring, evaluations, and performance measurements.
17. The disclosure is to an agency caseworker or other representative of the Department of Children and Families (“DCF”) or other child welfare agency or tribal organization who has the right to access a student’s case plan when the agency or organization is legally responsible for the care and protection of the student. The agency or organization may not disclose the education records or personally identifiable information contained in such records, except to an individual or entity engaged in addressing the student’s educational needs and authorized by the agency or organization to receive such disclosure. Any disclosures made by the agency or organization must comply with applicable confidentiality laws for student education records.

**D. Directory Information**

The school district will notify parents (of students currently enrolled within the district) or eligible students (currently enrolled in the district) annually of any categories of information designated as directory information. This notice will provide such individuals with an opportunity to object to such disclosure. An objection to the disclosure of directory information shall be good for only one school year.

1. School districts are legally obligated to provide military recruiters or institutions of higher education, upon request, with the names, addresses and telephone numbers of secondary school students, unless the secondary student or the parent of the student objects to such disclosure in writing. Such objection must be in writing and shall be effective for one school year.
2. In all other circumstances, information designated as directory information will not be released when requested by a third party unless the release of such information is determined by the administration to be in the educational interest of the school district and is consistent with the district's obligations under both state and federal law.
3. The school district may disclose directory information about students after they are no longer in enrollment in the school district. Notwithstanding the foregoing, the district will continue to honor any valid objection to the disclosure of directory information made while a student was in attendance unless the student rescinds the objection.
4. An objection to the disclosure of directory information shall not prevent the school district from disclosing or requiring a student to disclose the student's name, identified or institutional email address in a class in which the student is enrolled. Parents and/or eligible students may not use the right to opt out of directory information disclosures to prohibit the school district from requiring students to wear or display a student identification card.
5. The school district will not use the student's social security number or other non-directory information alone or combined with other elements to identify or help identify the student or the student's records.

**E. De-identified Records and Information**

1. The school district may release education records or information from education records without the consent of a parent or eligible student after the removal of all personally identifiable information, provided that the district has made a reasonable determination that a student's identity is not personally identifiable, whether through single or multiple releases, taking into account other reasonably available information.
2. The school district may release de-identified education records including student level data from education records for the purpose of education research by attaching a code to each record that may allow the recipient to match information received from the same source, provided that:
  - a) the district does not disclose any information about how it generates and assigns a record code, or that would allow a recipient of the information to identify a student based on the record code;
  - b) the record code is used for no purpose other than identifying a de-identified record for the purposes of education research and cannot be used to ascertain personally identifiable information about a student; and
  - c) the record code is not based on a student's social security number or other personal information.

**F. Disciplinary Records:**

Nothing in this policy shall prevent the school district from:

1. Including in the education records of a student appropriate information concerning disciplinary action taken against the student for conduct that posed a significant risk to the safety or well-being of that student, other students, or other members of the school community.
2. Disclosing appropriate information concerning disciplinary action taken against a student for conduct that posed a significant risk to the safety or well-being of that student, other students, or other members of the school community, to teachers and school officials who have been determined to have legitimate educational interests in the behavior of the student.

- G.** In accordance with state and federal law, the district will facilitate the transfer of records of suspension and expulsion of a student to officials of any private

elementary or secondary school in which the student is subsequently enrolled or seeks, intends or is instructed to enroll.

**H. Records of the Department of Children and Families (“DCF”)**

1. Documents related to any DCF child abuse and/or neglect investigations that are maintained by the Board are considered education records under the FERPA. As such, they are subject to the confidentiality and disclosure requirements set forth in this policy and in corresponding provisions of state and federal law. Such records, including records of allegations, investigations and reports made to DCF, should be kept in a confidential and central location, with restricted access and shall be disclosed only as authorized by law. In addition to meeting the requirements under FERPA, should the Board receive a request to disclose confidential DCF records to an outside third party, the Board shall redact the name or other personally identifiable information concerning the individual suspected of being responsible for the alleged abuse and/or neglect unless the requested records are being released to the individual named in the DCF records.
2. In addition, the district shall redact the name or any personally identifiable information related to the identity of any individual responsible for making a report of alleged child abuse and/or neglect before releasing or transferring any DCF records containing such reports.

**I. Except as set forth in subsection I.5, below, the Board shall enter into a written contract with a consultant or operator any time the Board shares or provides access to student information, student records, or student-generated content with such consultant or operator.**

1. The provisions of said contract shall comply with the requirements of Conn. Gen. Stat. §§ 10-234aa to 10-234dd.
2. The district shall maintain and update an Internet web site with information relating to all contracts entered into pursuant to Subsection I, above. On or before September first of each school year, the Board shall electronically notify students and the parents or legal guardians of students of the address of such Internet website. Not later than five (5) business days after executing a contract pursuant to this subsection, the Board shall post notice of such contract on the Board’s website. The notice shall:
  - a. State that the contract has been executed and the date that such contract was executed;

- b. Provide a brief description of the contract and the purpose of the contract; and
  - c. State what student information, student records or student-generated content may be collected as a result of the contract.
3. For purposes of this subsection, upon receipt of notice of a breach of security that results in the unauthorized release, disclosure or acquisition of directory information, student information, student records or student-generated content, the Board shall electronically notify, not later than two business days after receipt of such notice, the student and the parents or guardians of the student whose information is involved in such breach. The Board shall thereafter post notice of such breach on the Board's Internet web site. The Internet posting shall comply with the requirements of FERPA. All questions and concerns relative to breach of security shall be referred to ***[Insert Name and Contact Information]***.
4. For purposes of this subsection, the following definitions are applicable:
  - a. Consultant means a professional who provides noninstructional services, including but not limited to, administrative, planning, analysis, statistical or research services, to the Board pursuant to a contract with the Board.
  - b. Operator means any person who (a) operates an Internet web site, online service or mobile application with actual knowledge that such Internet web site, online service or mobile application is used for school purposes and was designed and marketed for school purposes, to the extent it is engaged in the operation of such Internet web site, online service or mobile application, and (b) collects, maintains or uses student information.
  - c. School Purposes means purposes that customarily take place at the direction of a teacher or the Board, or aid in the administration of school activities, including but not limited to instruction in the classroom, administrative activities and collaboration among students, school personnel or parents or legal guardians of students.
  - d. Student means a person who is a resident of the state and (a) enrolled in a preschool program participating in the state-wide public school information system, pursuant to Conn. Gen. Stat. 10-10a; (b) enrolled in grades kindergarten to twelve, inclusive,

in a school under the jurisdiction of the Board; (c) receiving special education and related services under an individualized education program; or (d) otherwise the responsibility of the Board.

- e. Student Information means personally identifiable information or material of a student in any media or format this is not publicly available and is any of the following:
- 1) Created or provided by a student or the parent or legal guardian of a student, to the operator in the course of the student, parent or legal guardian using the operator's Internet web site, online service or mobile application for school purposes;
  - 2) Created or provided by an employee or agent of the Board to an operator for school purposes;
  - 3) Gathered by an operator through the operation of the operator's Internet web site, online service or mobile application and identifies a student, including but not limited to, information in the student's records or electronic mail account, first or last name, home address, telephone number, date of birth, electronic mail address, discipline records, test results, grades, evaluations, criminal records, medical records, health records, Social Security number, biometric information, disabilities, socioeconomic information, food purchases, political affiliations, religious affiliations, text messages, documents, student identifiers, search activity, photographs, voice recordings, survey responses or behavioral assessments.
- f. Student Record means any information directly related to a student that is maintained by the Board or any information acquired from a student through the use of educational software assigned to the student by a teacher or employee of the Board, except student record does not include de-identified student information allowed under the contract to be used by the consultant or operator to:
- 1) Improve educational products for adaptive learning purposes and customize student learning;
  - 2) Demonstrate the effectiveness of the contractor's products in the marketing of such products; and

- 3) Develop and improve the consultant's or operator's products and services.
5. Notwithstanding anything in this Subsection to the contrary, the Board may use an operator's or consultant's services without entering into a contract as described above, if the use of an Internet web site, online service or mobile application operated by a consultant or an operator is unique and necessary to implement a child's individualized education program or plan pursuant to Section 504 of the Rehabilitation Act of 1973 and such Internet website, online service or mobile application is unable to comply with the provisions of Conn. Gen. Stat. § 10-234bb, provided:
- a. Such Internet web site, online service or mobile application complies with FERPA and the Health Insurance Portability and Accountability Act of 1996, P.L. 104-191, as amended from time to time;
  - b. The Board can provide evidence that it has made a reasonable effort to:
    - 1) enter into a contract with such consultant or operator to use such Internet web site, online service or mobile application, in accordance with the provisions of Conn. Gen. Stat. §§ 10-234bb; and
    - 2) find an equivalent Internet web site, online service or mobile application operated by a consultant or an operator that complies with the provisions of Conn. Gen. Stat. §§ 10-234bb;
  - c. The consultant or operator complies with the provisions of Conn. Gen. Stat. § 10-234cc for such use; and
  - d. The parent or legal guardian of such child, and, in the case of a child with an individualized education program, a member of the planning and placement team, sign an agreement that:
    - 1) acknowledges such parent or legal guardian is aware that such Internet web site, online service or mobile application is unable to comply with the provisions of Conn. Gen. Stat. §§ 10-234bb; and
    - 2) authorizes the use of such Internet web site, online service or mobile application.

- e. The Board shall, upon the request of a parent or legal guardian of a child, provide the evidence described in subsection 5.b, above.

## VIII. REDISCLOSURE OF EDUCATION RECORDS

- A. The school district may disclose personally identifiable information from an education record only on the conditions that:
  1. the party to whom the information is disclosed will not subsequently redisclose the information to any other party without the proper consent of the parent or eligible student, and
  2. the officers, employees, and agents of a party that receives such information may only use the information for the purposes for which disclosure was made.
- B. Notwithstanding the provisions of Section A. above, the school district may disclose personally identifiable information from an education record with the understanding that the information may be redisclosed by the recipient of the information as long as prior written consent for disclosure is not required, for one of the reasons listed in Article VII, Section C. above, and at least one of the following conditions is met.
  1. The record of the original disclosure includes the names of the parties to whom redisclosure is being made and the legitimate interests each such party has in requesting or obtaining the information.
  2. The original disclosure was to a state or local educational authority or federal official or agency as set forth in Article VII, Section C., and such state or local educational authority or federal official or agency has complied with the requirements of 34 CFR 99.32(b)(2).
  3. In the case of disclosures made pursuant to a court order or lawfully issued subpoena, the district has made a reasonable effort to notify the parent or eligible student in advance of compliance with the subpoena (except if such subpoena meets the criteria set forth above in Article VII, Section C. (10)).
  4. Disclosure is made to a parent, an eligible student, or the parent of an eligible student.
  5. The information is considered directory information.

- C. In the event that the Family Policy Compliance Office determines that a third party outside of the school district has improperly redisclosed personally identifiable information from education records in violation of FERPA, the school district may not allow that third party access to personally identifiable information from education records for at least five (5) years.

**IX. AMENDMENT OF EDUCATION RECORDS**

- A. If a parent or an eligible student believes that information in the student’s education records is inaccurate, misleading or in violation of the student’s right to privacy, he/she is entitled to:
  - 1. Request in writing that the school district amend the records;
  - 2. Receive within a reasonable period of time a decision from the school district with respect to its decision on the amendment(s) requested by the parent or eligible student.
- B. If the school district decides to amend the records, the school district shall promptly take such steps as may be necessary to put the decision into effect with respect to the requested amendments, and shall inform the parent or eligible student of the amendment.
- C. If the school district decides that an amendment of the records in accordance with the request is not warranted, it shall so inform the parent or eligible student and advise him/her of the right to a hearing pursuant to this policy.

**X. HEARING RIGHTS AND PROCEDURES**

- A. Rights
  - 1. Upon written request of a parent or eligible student to the Superintendent, an opportunity for a hearing shall be provided to challenge the content of a student’s education records on the grounds that the information contained in the education records is inaccurate, misleading, or otherwise in violation of the privacy rights of the student.
  - 2. If, as a result of the hearing, the school district decides that information contained in the education records of a student is inaccurate, misleading, or otherwise in violation of the privacy rights of the student, the records shall be amended, and the parent or eligible student shall be informed in writing.
  - 3. If, as a result of the hearing, the school district decides that information contained in the education records of a student is not inaccurate,

misleading, or otherwise in violation of the privacy rights of the student, the parent or eligible student shall be informed of the right to place in the student's education records a statement commenting on the contested information or stating why he or she disagrees with the district's decision, or both.

- a. Any statement placed in the records of the student shall be maintained by the school system as part of the records of the student as long as the record or contested portion is maintained by the school system.
- b. If the contested portion of the education record is disclosed by the school system, the statement of disagreement by the parents and/or eligible student shall also be disclosed.

**B. Procedures**

1. The hearing shall be held within a reasonable time after the school system has received the request, unless the parent or eligible student requests a delay.
2. The parent or eligible student shall be given notice of the date, place, and time of the hearing, within a reasonable time in advance of the hearing.
3. The hearing will be conducted by a person or persons appointed by the Superintendent of Schools. This person(s) shall be knowledgeable of the policies relating to confidentiality and shall not have a direct interest in the outcome of the hearing.
4. The parent or eligible student and the school system shall have the right to be represented by person(s) of their choosing at their own expense, to cross-examine witnesses, to present evidence, and to receive a written decision of the hearing.
5. The decision reached through the hearing shall be made in writing within a reasonable period of time after the hearing. The decision will be based solely upon the evidence presented at the hearing and shall include a summary of the evidence and the reasons for the decision.

**XI. WAIVER OF RIGHTS**

- A. A student who is an applicant for admission to an institution of post-secondary education or is in attendance at an institution of post-secondary education, may waive his or her right to inspect and review confidential

letters and confidential statements of recommendations with the following limitations:

1. The student is notified, upon request, of the names of all individuals providing the letters or statements.
  2. The letters or statements are used only for the purpose for which they were originally intended.
  3. The waiver is not required by the district as a condition of admission to or receipt of any other service or benefit from the district.
  4. The waiver is in writing and executed by the student, regardless of age, rather than by the parent.
- B. A waiver may be revoked with respect to any actions occurring after the revocation.
- C. Revocation of a waiver must be in writing.

## **XII. SPECIAL CONFIDENTIALITY PROCEDURES FOR HIV-RELATED INFORMATION**

- A. The following definitions shall apply to Section XII of this policy:
1. Confidential HIV-Related Information  

“Confidential HIV-related information” means any information pertaining to the protected individual or obtained pursuant to a release of confidential HIV-related information, concerning whether a person has been counseled regarding HIV infection, has been the subject of an HIV-related test, or has HIV infection, HIV-related illness or AIDS, or information which identifies or reasonably could identify a person as having one or more of such conditions, including information pertaining to such individual’s partners.
  2. Health Care Provider  

“Health Care Provider” means any physician, dentist, nurse, provider of services for the mentally ill or persons with intellectual disabilities, or other person involved in providing medical, nursing, counseling, or other health care, substance abuse or mental health service, including such services associated with, or under contract to, a health maintenance organization or medical services plan.

3. Protected Individual

“Protected individual” means a person who has been counseled regarding HIV infection, is the subject of an HIV-related test or who has been diagnosed as having HIV infection, AIDS or HIV-related illness.

4. Release of confidential HIV-related information

“Release of confidential HIV-related information” means a written authorization for disclosure of confidential HIV-related information which is signed by the protected individual, if an eligible student, or a person authorized to consent to health care for the individual and which is dated and specifies to whom disclosure is authorized, the purpose for such disclosure and the time period during which the release is to be effective. A general authorization for the release of medical or other information is not a release of confidential HIV-related information, unless such authorization specifically indicates its dual purpose as a general authorization and an authorization for the release of confidential HIV-related information.

5. School Medical Personnel

“School medical personnel” means an employee of the Board who is a school nurse or the school district medical adviser.

B. Confidentiality of HIV-related Information

1. All school staff must understand that no person who obtains confidential HIV-related information regarding a protected individual may disclose or be compelled to disclose such information. Each person who has access to confidential HIV-related information is responsible for ensuring that confidential HIV-related information is protected from disclosure and/or redisclosure.
2. Confidential HIV-related information is not public information and any disclosure, other than to persons pursuant to a legally sufficient release or to persons authorized by law to receive such information without a legally sufficient release, violates the law and Board policy.

C. Accessibility of Confidential HIV-related Information

1. No school staff member who obtains confidential HIV-related information may disclose or be compelled to disclose such information, except to the following:
  - a) the protected individual, his/her legal guardian or a person authorized to consent to health care for such individual;
  - b) any person who secures a release of confidential HIV-related information;
  - c) a federal, state or local health law officer when such disclosure is mandated or authorized by federal or state law;
  - d) a health care provider or health facility when knowledge of the HIV-related information is necessary to provide appropriate care or treatment to the protected individual or when confidential HIV-related information is already recorded in a medical chart or record and a health care provider has access to such record for the purpose of providing medical care to the protected individual;
  - e) a medical examiner to assist in determining cause of death; or
  - f) any person allowed access to such information by a court order.

D. Procedures

1. If a school staff member, other than school medical personnel, is given confidential HIV-related information regarding a protected individual who is also a student from the student's legal guardian or the student, the school staff member shall attempt to secure a release of confidential HIV-related information for the sole purpose of disclosing such information to school medical personnel.
2. If a school medical personnel member is given confidential HIV-related information regarding a protected individual, who is also a student, by a student's legal guardian, or by the student, and the legal guardian or the student requests accommodations to the student's program for reasons related thereto, the school medical personnel member shall inform the legal guardian or the student, if an eligible student, that a release of confidential HIV-related

information is necessary before such information may be disclosed to other educational personnel capable of assessing the need for and implementing appropriate accommodations to the student's program.

3. Any school staff member who obtains confidential HIV-related information from a source other than the protected individual or his/her legal guardian, shall keep such information confidential and shall not disclose such information.
4. No school staff member may disclose confidential HIV-related information to other school staff members without first obtaining a release of confidential HIV-related information.
5. Any record containing confidential HIV-related information shall be maintained in a separate file, and shall not be subject to the provisions of this policy regarding accessibility of general student records.
6. If school medical personnel determine that the health and safety of the student and/or others would be threatened if a release of confidential HIV-related information is not obtained, the school medical personnel may seek a court order authorizing disclosure. In such cases, such confidential HIV-related information may be disclosed as set forth in and subject to any limitation of such court order.

E. Disclosures Pursuant to a Release

1. Any disclosure pursuant to a release shall be accompanied by a notice in writing stating, "This information has been disclosed to you from records whose confidentiality is protected by state law. State law prohibits you from making any further disclosure of it without the specific written consent of the person to whom it pertains, or as otherwise permitted by said law. A general authorization for the release of medical or other information is NOT sufficient for this purpose."
2. Oral disclosures must be accompanied or followed by the above notice within ten (10) days.
3. Except for disclosures made to a federal, state or local health officer when such disclosure is mandated or authorized by federal or state law, a notation of all disclosures shall be placed in the medical record or with any HIV-related test result of a protected individual, who shall be informed of such disclosures on request.

### **XIII. CHILD ABUSE REPORTING**

Nothing in this policy shall limit a mandated reporter's responsibility to report suspected child abuse or neglect under the Board's Child Abuse and Neglect Reporting Policy [reference policy number]

### **XIV. RIGHT TO FILE A COMPLAINT**

FERPA affords parents and eligible students the right to file a complaint with the U.S. Department of Education concerning alleged failures by the District to comply with the requirements of FERPA. The name and address of the office that administers FERPA is:

Family Policy Compliance Office  
U.S. Department of Education  
400 Maryland Avenue, S.W.  
Washington, DC 20202-8520

Legal References:

State Law:

Public Act 18-125, "An Act Concerning Revisions to the Student Data Privacy Act"

Conn. Gen. Stat. § 1-210 *et seq.*  
Conn. Gen. Stat. § 10-220h  
Conn. Gen. Stat. § 10-15b  
Conn. Gen. Stat. § 10-233d  
Conn. Gen. Stat. § 10-234aa  
Conn. Gen. Stat. § 10-234bb  
Conn. Gen. Stat. § 10-234cc  
Conn. Gen. Stat. § 10-234dd  
Conn. Gen. Stat. § 10-220d  
Conn. Gen. Stat. § 10-253  
Conn. Gen. Stat. § 17-16a  
Conn. Gen. Stat. § 17a-28  
Conn. Gen. Stat. § 17a-101k  
Conn. Gen. Stat. § 19a-581 *et seq.*  
Conn. Gen. Stat. § 46b-134

Regs. Conn. State Agencies § 10-76d-18

State Department of Education, Guidance on Civil Rights Protections and Supports for Transgender Students, June 2017

State Department of Education, Guidance on Civil Rights Protections and Supports for Transgender Students: Frequently Asked Questions, June 2017

State Department of Education memorandum dated December 21, 2010, on school choice recruitment

Office of the Public Records Administrator, Retention Schedule M8-Education Records, Revised 2/2005, available at <http://ctstatelibrary.org/wp-content/uploads/2015/07/M8.pdf>

Federal Law:

Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. §§ 1232g  
USA Patriot Act of 2001, Pub. L. 107-56

Every Student Succeeds Act, Pub. L. No. 114-95

Healthy, Hunger-Free Kids Act of 2010, Pub. L. 111-296

The McKinney-Vento Homeless Education Assistance Act, 42 U.S.C. §§ 11431 *et seq.*, as amended by Every Student Succeeds Act, Pub. L. 114-95.

34 CFR 99.1 - 99.67

34 CFR 300.560-300.576

Balancing Student Privacy and School Safety: A Guide to the Family Educational Rights and Privacy Act for Elementary and Secondary Schools, U.S. Department of Education (October 2007), available at <http://www.ed.gov/policy/gen/guid/fpco/ferpa/safeschools/>.

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

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

8/17/2018

*Optional Addition to Confidentiality Policy: The School District may opt for dividing Student Records into the following categories and including these classifications in the Confidentiality Policy. Note: The following section is not required by statute, but may be included if desired by the School District.*

## **ADMINISTRATIVE REGULATIONS REGARDING CLASSIFICATION OF EDUCATION RECORDS**

The School District will appoint a Custodian of Records who will ensure that student education records are kept as follows:

### **A. CATEGORY “A” RECORDS:**

1. Category A includes official administrative records that constitute the minimum personal data necessary for the operation of the educational system.
2. Category A records shall be maintained for at least fifty (50) years after the student leaves the school district or graduates.
3. All Category A records created by the district shall include the student’s state-assigned student identifier (SASID).
4. Notice of a student’s suspension or expulsion shall be expunged from the student’s cumulative education record if the student graduates from high school, except for notice of an expulsion of a student in grades nine through twelve, inclusive, based upon possession of a firearm or deadly weapon.
5. \*In cases where a student is suspended or expelled for the first time, and the Administration or the Board, respectively, has shortened or waived the period of suspension or expulsion in accordance with the Board’s disciplinary policy relating to first time offenses, the Administration or the Board, respectively, may choose to expunge such notice of suspension or expulsion from the student’s cumulative record at the time the student completes the specified program and any other conditions imposed by the Administration/Board, rather than upon graduation. The Board may choose to expunge an expulsion notice from a student’s cumulative record prior to graduation if such student has demonstrated to the Board that the student’s conduct and behavior in the years following such expulsion warrants an expungement. Should the notice be expunged in accordance with one of these provisions, a record of the fact that the student had been suspended or expelled shall be maintained apart from the student’s cumulative record, for the limited purpose of determining whether any subsequent offenses by the student would constitute the student’s first suspension or expulsion.
6. Category A records shall include, at a minimum, the following:

<u>RECORD</u>	<u>LOCATION</u>
a. Basic biographical information	Cumulative/Health File
b. Academic achievement (grades/transcripts)	Cumulative File
c. Date of high school graduation or equivalent	Cumulative File
d. Records of immunizations	Cumulative/Health/Pupil Personnel File
e. Attendance records (days absent/present/tardy)	Cumulative File
f. *Notice of Expulsion for Firearm or Deadly Weapon (C.G.S. 10-233c(e) , 10-233d(f) )	Cumulative File

**B. CATEGORY “B” RECORDS**

1. This includes verified information for the formulation of education programs for all students, but not absolutely necessary over an indefinite period of time.
2. Data in Category B must be accurate, clearly understood, and verified before becoming part of any continuing record. There should be no anonymous entries in a student’s education record.
3. Category B records must be maintained for at least six (6) years after the student leaves the school district or graduates from high school.
4. Notice of a student’s suspension or expulsion shall be expunged from the student’s cumulative education record if the student graduates from high school, except for notice of an expulsion of a student in grades nine through twelve, inclusive, based upon possession of a firearm or deadly weapon.
5. \*In cases where a student is suspended or expelled for the first time, and the Administration or the Board, respectively, has shortened or waived the period of suspension or expulsion in accordance with the Board’s disciplinary policy relating to first time offenses, the Administration or the Board, respectively, may choose to expunge such notice of suspension or expulsion from the student’s cumulative record at the time the student completes the specified program and any other conditions imposed by the Administration/Board, rather than upon graduation. The Board may choose to expunge an expulsion notice from a student’s cumulative record prior to graduation if such student has demonstrated to the Board that the student’s conduct and behavior in the years following such expulsion warrants an expungement. Should the notice be expunged in accordance with one of these provisions, a record of the fact that the student had been suspended or expelled shall be maintained apart from

the student’s cumulative record, for the limited purpose of determining whether any subsequent offenses by the student would constitute the student’s first suspension or expulsion.

6. Records containing information pertaining to child abuse/neglect referrals or reports; or containing confidential HIV-related information should be kept separate from the student’s cumulative folder, in confidential files.
7. Confidential HIV-related information contained in the confidential file should only be disclosed pursuant to district policy.
8. Information contained in documents related to any Department of Children and Families (“DCF”) child abuse and/or neglect investigation, or any such investigation conducted by local law enforcement officials, shall be kept confidential in a central location. Such records shall only be disclosed in accordance with the Board’s policy regarding Confidentiality and Access to Education Records.
9. Category B records shall include the following (if applicable):

<u>RECORD</u>	<u>LOCATION</u>
a. Child-Study Team Records / Student Assistance Team Records	Cumulative/Pupil Personnel File
a. Standardized group test scores (CAPT, CMT etc.)	Cumulative/Pupil Personnel File
c. Diagnostic reading/math test results (not special education)	Cumulative File
d. Educational and/or vocational interest	Cumulative File
e. Speech/language and hearing evaluations (not special education)	Cumulative/Health File
f. Comprehensive health records	Cumulative/Health/Pupil Personnel File
g. Correspondence relating to the student	Cumulative/Health/Pupil Personnel File
h. Suspensions/expulsions, and the Individualized Learning Plan implemented for an expelled student, which shall include the student’s state-assigned student identifier (SASID)	Cumulative File*

<u>RECORD</u>	<u>LOCATION</u>
i. Parent/eligible student's signed release forms	Cumulative/Health/Pupil Personnel File
j. Truancy Records (including record of parent conferences and referrals )	Cumulative File
k. Child Abuse/Neglect Forms	CONFIDENTIAL FILE IN CENTRAL LOCATION
l. Reports Containing Confidential HIV-Related Information	CONFIDENTIAL FILE
m. Awards	Cumulative File
n. Diagnostic test results (non special education)	Cumulative File/Pupil Personnel
o. Extracurricular Activities	Cumulative File
p. Letters of Recommendation	Cumulative File
q. Parent's/Eligible Student's signed release forms (permitting disclosure of records)	Cumulative File/Health/Pupil Personnel File
r. Diploma (if not picked up by student)	Cumulative File
s. Accident Reports	Cumulative File
t. Basic school entrance health histories	Cumulative/Health File
u. Cumulative Health Record (CHR-1, original or copy)	Health File (*copy remains with district/original follows student)
v. Individualized Health Care Plans / Emergency Care Plans	Cumulative/Health/Pupil Personnel File
w. Health Assessment Records (HAR-3)	Health File
x. Incident Reports	Cumulative File

<u>RECORD</u>	<u>LOCATION</u>
y. Medication administration records (*6 yrs OR until superseded by yearly summary on CHR-1), which shall include the student's state-assigned student identifier (SASID)	Health File
z. Parent authorization for medications/treatments	Health File
aa. Physician's orders for medications treatments	Health File
bb. Referral forms for services based on results of mandated screenings	Health/Pupil Personnel File
cc. Sports histories and physical-examination reports	Health File
dd. Nursing Records (Health assessment data; Nursing process notes; 3 <sup>rd</sup> party health records)	Health File
ee. Correspondence to parents related to verified acts of bullying; intervention plans and safety plans, as may be required under state law	Cumulative File

**C. CATEGORY "C" RECORDS – SPECIAL EDUCATION**

1. Category C includes verified information necessary for the formulation of prescriptive educational plans designed to meet the unique needs of selected students.
2. Category C information should be kept separate from the student's cumulative folder, in the Pupil Personnel File.
3. Category C records must be maintained for at least six (6) years after the student leaves the school district or graduates from high school.
4. Prior to the destruction of Category C information, notification to parents and/or eligible students via media will be made and opportunity provided to copy said records.

Category C shall include (where applicable):

<u>RECORD</u>	<u>LOCATIONS</u>
a. PPT referral forms	Pupil Personnel File
b. School counselor case records	Cumulative/ Pupil Personnel File
c. School psychologists case records	Cumulative/Pupil Personnel File
d. School social-work case records	Cumulative/Pupil Personnel File
e. School speech/language pathology case records	Cumulative/Pupil Personnel File
f. Section 504 Records	Cumulative/Pupil Personnel File
g. Special Education assessment/evaluation reports	Pupil Personnel File
h. Due process records (including complaints, mediations, and hearings)	Pupil Personnel File
i. Individual Transition Plan	Pupil Personnel File
j. Individualized Education Program (“IEP”) Records	Pupil Personnel File
k. Planning and Placement Team (“PPT”) records (including notices, meetings, consent forms)	Pupil Personnel File
l. Individualized Family Service Plans (“IFSPs”)	Pupil Personnel File
m. Incident Reports of Seclusion	Pupil Personnel File
n. Incident Reports of Physical Restraint	Pupil Personnel File

**D. CATEGORY “D” RECORDS**

1. Category D records must be maintained for minimum retention period specified below.

Category “D” shall include (if applicable):

<u>RECORD</u>	<u>MINIMUM RETENTION REQUIRED</u>	<u>LOCATION</u>
a. Sports Contract/Student Contract (including signature sheet for student handbook)	End of school year in which signed	Cumulative File
b. Permission slips / waivers	3 years	Cumulative File
c. Free/reduced meal application and documentation	3 years	Cumulative File
d. Annual Notification to Parents (Student behavior and Discipline, Bus Conduct, Electronic Communications Systems, and the National School Lunch Program)	1 year	Cumulative File
e. Adult education Registration Records	3 years or until audited, whichever comes first	Cumulative File
f. After school program registration records	1 year	Cumulative File
g. Pesticide application notification registration form	5 years	Cumulative File
h. School registration records including residency documentation	3 years or until audited, whichever comes later	Cumulative File
i. Student portfolio work (student produced work for grading assessment)	End of year in which student received grade	May be Maintained by Individual Teachers
j. Tardy slips from parents/guardians	End of school year	Cumulative File
k. Physician’s Standing orders	Permanent; revise as required. Keep old copy separately.	Health File
l. Student’s emergency information card	Until superseded or student leaves school district	Cumulative/Health File

m. Test Protocols	Discretion of district	Cumulative/Pupil Personnel File
n. Surveillance videotapes made on school bus (*if maintained by district)	2 weeks	N/A
o. Log of access to education records	Maintained for same retention period as required for the record	Cumulative/Health/Pupil Personnel

**E. DURATION OF EDUCATION RECORDS**

1. Records shall be destroyed in accordance with district policy and the Records Retention Schedule of the Public Records Administrator.
2. Records may be maintained for longer periods of time whenever valid cause for the retention of records is shown to the custodian of records.
3. Notwithstanding the applicable retention schedule, the school district shall not destroy any education record if a parent or eligible student has an outstanding request to inspect and review the education record.

**F. MAINTENANCE OF EDUCATION RECORDS OF TRANSGENDER AND GENDER NON-CONFORMING STUDENTS**

1. The Administration shall comply with all processes and procedures relative to the amendment of education records when presented with a request to change a student’s name, gender, or any other information contained in education records.
2. If the Administration changes the name and/or gender in a transgender or gender non-conforming student’s education record, all education records containing the student’s birth name and gender shall be maintained, if so required under federal and/or state law and regulations, separately from other education records and in a strictly confidential location and manner.

**G. RESPONSIBILITY FOR MAINTENANCE OF EDUCATION RECORDS**

1. The Director of Pupil Personnel **[or Special Education]** is the Custodian of Records.
2. In addition, the following personnel are designated as the guardians of records for each of the schools:
  - a) Categories A, B & D: Principal at each school.

- b) Category C: Case Manager at each school.
  - c) With respect to confidential HIV-related information, if the Principal is a recipient of an HIV-related disclosure, the Principal shall be the guardian of records. If not, whoever was the recipient of the HIV-related disclosure shall be the guardian of the records.
  - d) With respect to child abuse and neglect investigation material, the Superintendent of Schools or designee shall be the guardian of the records.
3. The chief custodian of records will annually list for public inspection the names and positions of the custodians of records in each of the schools.
  4. Each of the custodians of records shall supply parents, on request, a list of the types and locations of education records collected, maintained, or used within the [ \_\_\_\_\_ ] Public Schools.
  5. The custodians of records is responsible for ensuring compliance with the confidentiality and access provisions of this Board policy and these administrative regulations.

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

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

8/17/2018

**Model Notification of Rights  
Under FERPA for Elementary and Secondary Institutions**

*[NOTE: Under the procedures outlined in the policy, the following information will be disclosed on an annual basis to parents of students currently in attendance, or eligible students currently in attendance.]*

The Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. § 1232g, et seq., affords parents and eligible students (*i.e.*, students over 18, emancipated minors, and those attending post-secondary educational institutions) certain rights with respect to the student's education records. They are:

(1) The right to inspect and review the student's education records within forty-five (45) calendar days of the day the District receives a request for access.

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

(2) The right to request the amendment of the student's education records that the parents or eligible student believe are inaccurate or misleading, or otherwise violate the student's privacy rights.

Parents or eligible students who wish to ask the District to amend a record should write the school principal **[or appropriate school official]**, clearly identify the part of the record the parents or eligible student want changed, and specify why it should be changed.

If the District decides not to amend the record as requested by the parents or eligible student, the District will notify the parents or eligible student of the decision and advise them of their right to a hearing regarding the request for amendment. Additional information regarding the hearing procedures will be provided to the parents or eligible student when notified of the right to a hearing.

(3) The right to privacy of personally identifiable information in the student's education records, except to the extent that FERPA authorizes disclosure without consent.

One exception that permits disclosure without consent is disclosure to a school official with legitimate interests. A school official is a person employed by the District as an administrator, supervisor, instructor or support staff member (including health or medical staff and law enforcement unit personnel); a person serving on the Board of Education; a person or company with whom the District has outsourced services or

functions it would otherwise use its own employees to perform (such as an attorney, auditor, medical consultant, or therapist); or a parent or student serving on an official committee, such as a disciplinary or grievance committee; or a parent, student, or other volunteer assisting another school official in performing his or her tasks. A school official has a legitimate educational interest if the official needs to review an education record in order to fulfill his or her professional responsibility.

Upon request, the District discloses a student's education record without consent to officials of another school, including other public schools, charter schools, and post-secondary institutions, in which the student seeks or intends to enroll, or is already enrolled if the disclosure is for purposes of the student's enrollment or transfer. Further, and in accordance with state and federal law and guidance, the District may disclose education records to another school for enrollment purposes, which may include exploration of educational placement options by the District or educational placement decisions made by a planning and placement or Section 504 team, or in order to explore placement options for the provision of alternative educational opportunities.

(4) The right to file a complaint with the U.S. Department of Education concerning alleged failures by the District to comply with the requirements of FERPA. The name and address of the office that administers FERPA is:

Family Policy Compliance Office  
U.S. Department of Education  
400 Maryland Avenue, S.W.  
Washington, DC 20202-8520

***[Note: In addition, a school district may want to include a directory information public notice, as required by the regulations, 34 CFR § 99.37, with its annual notification of rights under FERPA. The following two paragraphs are recommended for inclusion and must be included in the annual notification if the school district wants to be able to disclose "Directory Information" under II.B of the Student Records Policy:]***

Unless notified in writing by a parent or eligible student to the contrary within two weeks of the date of this notice, the school district will be permitted to disclose "Directory Information" concerning a student, without the consent of a parent or eligible student. Directory Information includes information contained in an education record of a student that would not generally be considered harmful or an invasion of privacy if disclosed. It includes, but is not limited to, the parent's name, address and/or e-mail address, the student's name, address, telephone number, e-mail address, photographic, computer and/or video images, date and place of birth, major field(s) of study, grade level, enrollment status (full-time; part-time), participation in school-sponsored activities or athletics, weight and height (if the student is a member of an athletic team), dates of attendance, degrees, honors and awards received, the most recent previous school(s) attended and student identification numbers for the limited purposes of displaying a student identification card. The student identification number, however, will not be the

only identifier used when obtaining access to education records or data. Directory information does not include a student's social security number, student identification number or other unique personal identifier used by the student for purposes of accessing or communicating in electronic systems unless the identifier cannot be used to gain access to education records except when used in conjunction with one or more factors that authenticate the user's identity, such as a PIN or password.

The school district may disclose directory information about students after they are no longer in enrollment in the school district. Notwithstanding the foregoing, the district will continue to honor any valid objection to the disclosure of directory information made while a student was in attendance unless the student rescinds the objection.

An objection to the disclosure of directory information shall not prevent the school district from disclosing or requiring a student to disclose the student's name, identified or institutional email address in a class in which the student is enrolled. Parents and/or eligible students may not use the right to opt out of directory information disclosures to prohibit the school district from requiring students to wear or display a student identification card.

The written objection to the disclosure of directory information shall be good for only one school year. School districts are legally obligated to provide military recruiters and institutions of higher learning, upon request, with the names, addresses and telephone numbers of secondary school students, unless the secondary student or the parent of the student objects to such disclosure in writing. Such objection shall be in writing and shall be effective for one school year. In all other circumstances, information designated as directory information will not be released when requested by a third party unless the release of such information is determined by the administration to be in the educational interest of the school district and is consistent with the district's obligations under both state and federal law.

8/28/17

## **Model Notification of Data Sharing Agreements Under Conn. Gen. Stat § 10-234bb(g)**

*[NOTE: This notice must be sent on or before September 1 of each school year]*

Pursuant to the requirements of Conn. Gen. Stat. § 10-234bb(g), the **[Insert Board of education]** (the “Board”) maintains and updates an Internet website with information relating to all contracts into which it has entered for which a contractor may gain access to student records, student information, or student-generated content (collectively, “student data”). The address of the Internet website is **[insert address]**. The Internet website includes copies of these contracts, and notices regarding each contract that include (1) the date the contract was executed, (2) a brief description of the contract and the purpose of the contract and (3) what student data may be collected as a result of the contract.

**RELEASE OF CONFIDENTIAL HIV-RELATED INFORMATION**

I hereby authorize \_\_\_\_\_ [name of individual who holds the information] \_\_\_\_\_, to release confidential HIV-related information, as defined in Conn. Gen. Stat. § 19a-581, concerning \_\_\_\_\_ [name of protected individual] \_\_\_\_\_, to the following personnel:

- \_\_\_\_\_ 1) School Nurse
- \_\_\_\_\_ 2) School Administrator(s)
  - a) \_\_\_\_\_
  - b) \_\_\_\_\_
- \_\_\_\_\_ 3) Student’s Teacher(s)
  - a) \_\_\_\_\_
  - b) \_\_\_\_\_
- \_\_\_\_\_ 4) Paraprofessional(s)
- \_\_\_\_\_ 5) Director of Pupil Personnel Services
- \_\_\_\_\_ 6) Other(s)
  - a) \_\_\_\_\_
  - b) \_\_\_\_\_

This authorization shall be valid for

- \_\_\_\_\_ 1) The student’s stay at \_\_\_\_\_ School.
- \_\_\_\_\_ 2) The current school year.
- \_\_\_\_\_ 3) Other \_\_\_\_\_  
specify period

I provide this information based on my responsibility to consent for the health care of \_\_\_\_\_ . I understand that such information shall be held confidential by the persons

authorized here to receive such information, except as otherwise provided by law.

\_\_\_\_\_  
[Name]

\_\_\_\_\_  
[Relationship to Student]

\_\_\_\_\_  
[Date]

8/28/17

**TRANSFER OF CONFIDENTIAL STUDENT INFORMATION**

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

Pursuant to the Family Educational Rights and Privacy Act ("FERPA"), I hereby authorize the [\_\_\_\_\_] Public Schools to **release** and/or **obtain** (please circle) the following confidential records regarding my child for the purpose of \_\_\_\_\_:

**Name of Child:** \_\_\_\_\_  
**Address:** \_\_\_\_\_

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

**DOB:** \_\_\_\_\_

**Parent(s)/Guardian(s):** \_\_\_\_\_  
**School:** \_\_\_\_\_

(Please check all that apply)

	<u>Obtain</u>	<u>Release</u>
All Records	<input type="checkbox"/>	<input type="checkbox"/>
Cumulative File	<input type="checkbox"/>	<input type="checkbox"/>
Pupil Personnel/Special Education	<input type="checkbox"/>	<input type="checkbox"/>
Disciplinary	<input type="checkbox"/>	<input type="checkbox"/>
Health/Medical*	<input type="checkbox"/>	<input type="checkbox"/>
Other (please specify)	<input type="checkbox"/>	<input type="checkbox"/>

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

To/From: \_\_\_\_\_  
Name

Address: \_\_\_\_\_  
Street Town State/Zip Code

Telephone: (\_\_\_\_\_) \_\_\_\_\_ Fax: (\_\_\_\_\_) \_\_\_\_\_

I understand that the information to be disclosed is protected as an "education record" under FERPA, and that such information shall not be redisclosed unless permitted under FERPA. I further understand that the officers, employees, and agents of any party that receives protected information under FERPA may use such information only for purposes for which the disclosure is made.

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

\_\_\_\_\_  
Date

\_\_\_\_\_  
Print Name of Parent/Guardian

\*\*\*\*\*

**\*If this authorization is being used to obtain Protected Health Information from a child’s physician or other covered entity under HIPAA, the following section must also be completed:**

I, the undersigned, specifically authorize \_\_\_\_\_ to disclose my child’s  
Name of Physician

medical information, as specified above, to my child’s school, \_\_\_\_\_,  
Name of School

at the above address for the purposes described below (i.e. health assessment for school entry, special education evaluation etc.):

\_\_\_\_\_

By signing below, I agree that a photocopy of this authorization will be valid as the original. This authorization will be valid for a period of one year from the date below. I understand that I may revoke this authorization at any time by notifying the physician’s office in writing, but if I do, it will not have any effect on actions taken by the Physician prior to receiving such revocation.

I understand that under applicable law, the information disclosed under this authorization may be subject to further disclosure by the recipient and thus, may no longer be protected by federal privacy regulations.

I understand that my child’s treatment or continued treatment with any health care provider or enrollment or eligibility for benefits with any health plan may not be conditioned upon whether or not I sign this authorization and that I may refuse to sign it.

Any information received by the school pursuant to this authorization is subject to all applicable state and federal confidentiality laws governing further use and disclosure of such information.

\*\*\*\*\*

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

\_\_\_\_\_  
Date

\_\_\_\_\_  
Print Name of Parent/Guardian

8/28/17

## Students

### Student Records; Confidentiality

Educational records, defined as records directly related to a student, will be kept for each student and will reflect the physical, emotional, social and academic aspects of a student's development in the educational process.

The Board of Education recognizes the need to comply with the legal state and federal requirements regarding the confidentiality, access to and amendment of student records. The procedures for the confidentiality of student records shall be consistent with federal statutes, including the Family Educational Rights and Privacy Act of 1974 (FERPA), as amended, and its implementing and revised regulations and the Connecticut General Statutes.

Safeguards shall be established by the school administration to protect the student and the student's family from invasion of privacy in the collection, maintenance and dissemination of information, and to provide accessibility to recorded information by those legally entitled thereto. Access to inspect or review a student's educational record or any part thereof may include the right to receive copies under limited circumstances.

#### For the purposes of this policy:

**"Parent"** means a natural parent, an adopted, or a legal guardian or an individual acting as a parent in the absence of a parent or guardian. If parents are divorced or legally separated the parent granted custody and the parent not granted custody of a minor child both have the right of access to the academic, medical, hospital, or other health records of the child, unless a court order prohibits access. Whenever a student has attained the age of 18 years or is attending an institution of post secondary education, the permission or consent required of, and the rights accorded to, the parents or guardians of the student shall thereafter only be required of, and accorded to, the student. A parent who is incarcerated is also entitled to knowledge of and access to all educational, medical or similar records maintained in the cumulative record of any minor student of such incarcerated parent except in situations (1) where such information is considered privileged as defined in C.G.S. [10-154a](#), (2) such incarcerated parent has been convicted of sexual assault, or aggravated sexual assault, or (3) such incarcerated parent is prohibited pursuant to a court order.

**"Student"** means an individual who is or has been "in attendance" in person at an educational agency or institution for whom education records are maintained. It also includes those situations in which students "attend" classes but are not physically present, including attendance by videoconference, satellite, Internet, or other electronic information and telecommunication technologies.

**"Student record"** means any item of information directly related to an identifiable student, other than directory information, which is maintained by a school district or required to be maintained by an employee in the performance of his/her duties whether recorded in handwriting, print, computer media, video or audio tape, film, microfilm and microfiche.

Student records include information relative to an individual student gathered within or without the school system and maintained within the school system, regardless of the physical form in which it is maintained. Any information maintained for the purpose of review by a second party is considered a student record. Records that pertain to an individual's previous attendance as a student are "education records" under FERPA regardless of when they were created or received within the school system. Student records shall not include informal notes related to a student compiled by a school officer or employee which remain in the sole possession of the maker and are not accessible or revealed to any other person except a substitute. Records of the law enforcement unit of the District or school are not considered student records.

**"Law Enforcement Unit"** means an individual office, department, division, or other component of an education agency or institution that is officially authorized or designated by that agency or institution to (1) enforce laws or refer matters of law enforcement to appropriate authorities, or (2) maintain the physical security and safety of the agency or institution.

**"Substitute"** means a person who performs the duties of the individual who made the notes on a temporary basis, and does not refer to a person who permanently succeeds the maker of the notes in his or her position.

**"School Official"** means a person employed by the District as an administrator, supervisor, instructor, or support staff member, including health or medical staff and law enforcement unit personnel, a person serving on the Board of Education, a person or company with whom the district has contracted to perform a special task (such as an attorney, auditor, medical consultant, or therapist), or a parent or student serving on an official committee such as a disciplinary or grievance committee, or assisting another school official in performing his/her tasks.

**"Authorized Representative"** means any entity or individual designated by a state or local educational authority or an agency headed by an official listed in §99.31(a)(3) to conduct with respect to Federal or State-supported education programs, any audit or evaluation, or any compliance or enforcement activity in connection with Federal legal requirements that relate to these programs.

**"Education Program"** means any program that is principally engaged in the provision of education, including, but not limited to, early childhood education, elementary and secondary education, postsecondary education, special education, job training, career and technical education and adult education, and any program that is administered by an educational agency or institution.

**"Early Childhood Education Program"** means a Head Start program, a state licensed or regulated child care program, or a program that serves children from birth through age six that addresses the children's cognitive, social, emotional and physical development and is a (i) state prekindergarten program; (ii) a program authorized under the Individuals with Disabilities Education Act; or (iii) is a program operated by a local educational agency.

**"Directory Information"** means information contained in a student's education record that would not generally be considered harmful or an invasion of privacy if disclosed. Directory information includes, but is not limited to, one or more of the following items: parent's name and/or e-mail address, student's name, address, telephone number, date and place of birth, major field(s) of study, participation in officially recognized activities and sports, photographic,

computer and/or video images, grade levels, electronic mail address, weight and height of members of athletic teams, dates of attendance, degrees and awards received, and the most recent previous public or private school attended by the student.

A student's social security number or student ID number is prohibited from designation as directory information. However, student ID numbers and other electronic personal identifiers used to access or communicate in electronic systems may be disclosed only if the identifier is not used by itself to authenticate identity and cannot be used to gain access to education records.

A student's ID number or other unique personal identifier that is displayed on a student ID badge is considered directory information, but only if the identifier cannot be used to gain access to education records except when used in conjunction with one or more factors that authenticate the user's identity, such as a PIN, password, or other factor known or possessed only by the authorized user.

The Superintendent shall be responsible for ensuring that all requirements under federal and state statutes shall be carried out by the district. He/She will develop procedures (administrative regulations) providing for the following:

1. Annually informing parents of their rights.
2. Permitting parents to inspect and review educational records, including, at least, a statement of the procedure to be followed by a parent or eligible student who requests to inspect and review the educational records, with an understanding that the procedure may not deny access to educational records; a description of the circumstances in which the district feels it has a legitimate cause to deny a request for a copy of such records; a schedule of fees for copies; and a listing of the types and locations of education records maintained by the school and the titles and addresses of school officials responsible for those records.
3. Not disclosing personally identifiable information from a student's education records without the prior written consent of the student's parent, except as otherwise permitted by administrative regulations; including at least a statement of whether the school will disclose personally identifiable information from the records to other school officials within the school who have been determined by the school to have legitimate educational interests, and, if so, a specification of the criteria for determining which parties are "school officials" and what the school considers to be a "legitimate educational interest"; and a specification of the personally identifiable information to be designated as directory information.
4. Maintaining the record of disclosures of personally identifiable information from a student's education records and permitting a parent to inspect that record.
5. Providing a parent/guardian with an opportunity to seek the correction of the student's education records through a request to amend the records. If the District decides that an amendment if the records as requested is not warranted, to inform the parent/guardian or eligible student and advise him/her if the right to a hearing and permitting the parent/guardian or an eligible student to place a statement in the education records of the student.

6. Guaranteeing access to student records to authorized persons within five days following the date of request.
7. Assuring security of student records.
8. Enumerating and describing the student records maintained by the school system.
9. Annually informing parents under what conditions that their prior consent is not required to disclose information.
10. Ensuring the orderly retention and disposition, per applicable state statutes, of the districts student records.
11. Notifying parents of secondary school students that it is required to release the student's name, address and telephone listing to military recruiters and institutions of higher learning upon request. Parents or eligible students may request that the District not release this information, and the District will comply with the request.
12. Notifying parents annually of the District's policy on the collection or use of personal information collected from students for the purpose of marketing or selling that information or otherwise providing that information to others for that purpose, including arrangements to protect student privacy that are provided by the agency in the event of such collection, disclosure or use.

Legal Reference: Connecticut General Statutes

[1-19\(b\)\(11\)](#) Access to public records. Exempt records.

[7-109](#) Destruction of documents.

[10-15b](#) Access of parent or guardians to student's records. (as amended by PA 17-68, Section 4)

[10-154a](#) Professional communications between teacher or nurse & student.

[10-209](#) Records not to be public.

[10-221b](#) Boards of education to establish written uniform policy re: treatment of recruiters.

[11-8a](#) Retention, destruction and transfer of documents

[11-8b](#) Transfer or disposal of public records. State Library Board to adopt regulations.

[46b-56](#) (e) Access to Records of Minors.

Connecticut Public Records Administration Schedule V Disposition of Education Records (Revised 1983).

Federal Family Educational Rights and Privacy Act of 1974 (section 438 of the General Education Provisions Act, as amended, added by section 513 of P.L. 93-568, codified at 20 U.S.C.1232g.).

Dept. of Educ. 34 C.F.R. Part 99 (May 9, 1980 45 FR 30802) regs. implementing FERPA enacted as part of 438 of General Educ. provisions act (20 U.S.C. 1232g) parent and student privacy and other rights with respect to educational records, as amended 11/21/96, and Final Rule 34 CFR Part 99, December 9, 2008)

USA Patriot Act of 2001, PL 107-56, 115 Stat. 272, Sec 507, 18 U.S.C. §2332b(g)(5)(B) and 2331

PL 112-278 "The Uninterrupted Scholars Act"

Owasso Independent Sch. Dist. No.1-011 v. Falvo, 534 U.S.426 (2002)

## **Policy adopted:**

**R5125**

## **Students**

### **Student Records; Confidentiality**

#### **Definitions**

#### **As used in this regulation:**

**1. "Student"** means an individual who is or has been "in attendance" in person at an educational agency or institution for whom education records are maintained. It also includes those situations in which students "attend" classes but are not physically present, including attendance by videoconference, satellite, Internet, or other electronic information and telecommunication technologies.

**2. "Student Record"** means any item of information directly related to an identifiable student, other than directory information, which is maintained by the school district or required to be maintained by an employee in the performance of his/her duties whether recorded by handwriting, print, computer media, video or audio tape, film, microfilm and microfiche. Student records include information relative to an individual student gathered within or without the school system and maintained within the school district, regardless of the physical form in which it is maintained. Any information which is maintained for the purpose of review by a second party is considered a student record.

"Student Record" shall not include informal notes related to a student compiled by a school officer or employee which remain in the sole possession of the maker and are not accessible or revealed to any other person except a substitute for the maker of the record. Employment records used only in relation to a student's employment by the district are not considered student records. In addition student records do not include

alumni records that contain information about the student after the student is no longer in attendance, records maintained by a law enforcement unit of an educational agency or institution that were created by that unit for the purpose of law enforcement or records of an eligible student that are maintained by a physician, psychologist, professional or paraprofessional made in connection with the treatment of the student and disclosed only to individuals providing such treatment.

"Substitute" means a person who performs the duties of the individual who made the notes on a temporary basis, and does not refer to a person who permanently succeeds the maker of notes in his or her position. Medical records are not open to public inspection.

"Post-enrollment Records" means that records that pertain to an individual's previous attendance as a student are "education records" under FERPA regardless of when they were created or received by the institution.

**3. "Directory Information"** means information contained in a student's education record that would not generally be considered harmful or an invasion of privacy if disclosed. Directory information includes, but is not limited to, one or more of the following items: parent's name and/or e-mail address, student's name, address, telephone number, date and place of birth, major field(s) of study, participation in officially recognized activities and sports, photographic, computer and/or video images, grade levels, electronic mail address, weight and height of members of athletic teams, dates of attendance, degrees and awards received, and the most recent previous public or private school attended by the student.

A student's Social Security Number or student ID number is prohibited from designation as directory information. However, student ID numbers and other electronic personal identifiers used to access or communicate in electronic systems may be disclosed only if the identifier is not used by itself to authenticate identity and cannot be used to gain access to education records.

A student's ID number or other unique personal identifier that is displayed on a student ID badge is considered directory information, but only if the identifier cannot be used to gain access to education records except when used in conjunction with one or more factors that authenticate the user's identity, such as a PIN, password, or other factor known or possessed only by the authorized user.

**4. "Parent"** means a natural parent, an adopted parent, or legal guardian or an individual acting as a parent in the absence of a parent or guardian. If parents are divorced or legally separated, both the parent granted custody and the parent not granted custody have the legal right of access to the academic, medical, hospital or other health records of the child, unless a court order prohibits access.

Whenever a student has attained eighteen (18) years or is attending an institution of post secondary education, the permission or consent required of, and the rights accorded to, the parents or guardian of the student shall thereafter only be required of, and accorded to, the student, unless parents of a student eighteen (18) years of age or older who is a dependent as defined in Section 152 of the Internal Revenue Code of 1956.

5. **"School Official"** means a person employed by the district as an administrator, supervisor, instructor or support staff member, including health or medical staff and law enforcement unit personnel, a person serving on the Board of Education, a person or company with whom the district has contracted to perform a special task (such as an attorney, auditor, medical consultant, or therapist), or a parent or student serving on an official committee such as a disciplinary or grievance committee, or assisting another school official in performing his/her tasks.

6. **"Disclosure"** means to permit access to or the release, transfer, or other communication of personally identifiable information contained in education records, to any party, by any means including oral, written, or electronic means. It is also permitted to return an educational record to the provider or creator of the record, including the return of a questionable document to the purported sender for verification of information in the document.

7. **"Personally Identifiable Information"** includes but is not limited to the student's name, the name of the student's parent or other family member, the address of the student or student's family, a personal identifier such as the student's Social Security Number or student number, or "biometric records" (a record of one or more measurable biological or behavioral characteristics that can be used for automated recognition of an individual, including fingerprints, retina and iris patterns, voice prints, DNA sequence, facial characteristics and handwriting), a list of personal characteristics or indirect identifiers, such as the name of the student's parent or other family members and the date and place of birth and mother's maiden name, or other information that would allow a reasonable person in the school or community who does not have personal knowledge of the relevant circumstances, to identify the student with reasonable certainty.

8. **"Record"** means any information recorded in any way, including, but not limited to, handwriting, print, computer media, video or audio tape, film, microfilm and microfiche.

9. **"Access"** means a personal inspection and review of a record or an accurate copy of a record, an oral description or communication of a record or an accurate copy of a record and a request to release a copy of any record.

10. **"Student"** means a person who is or was enrolled in a school.

11. **"Adult student"** means a person who is or was enrolled in school and who is at least eighteen (18) years of age.

12. **"Eligible Student"** means a student or former student who has reached eighteen years (18) of age or who is attending an institution of post-secondary education or is an emancipated minor.

13. **"Law Enforcement Unit"** means an individual office, department, division, or other component of an education agency or institution that is officially authorized or designated by that agency or institution to (1) enforce laws or refer matters of law enforcement to appropriate authorities, or (2) maintain the physical security and safety of the agency or institution.

**14. "Legitimate Education Interest"** means the need for a school official to review an educational record in order to fulfill his/her professional responsibilities.

**15. "Signed and Dated Waiver Consent"** means signed and dated written consent to disclose personally identifiable student information from a student's records must specify the records to be disclosed, the purpose of disclosure and the party to whom such records should be provided. Consent may include a record and signature in electronic form provided that the consent identifies and authenticates a particular person as the source of consent.

**16. "Authorized Representative"** means any entity or individual designated by a state or local educational authority or an agency headed by an official listed in §99.31(a)(3) to conduct with respect to Federal or State-supported education programs, any audit or evaluation, or any compliance or enforcement activity in connection with Federal legal requirements that relate to these programs.

**17. "Education Program"** means any program that is principally engaged in the provision of education, including, but not limited to, early childhood education, elementary and secondary education, postsecondary education, special education, job training, career and technical education and adult education, and any program that is administered by an educational agency or institution.

**18. "Early Childhood Education Program"** means a Head Start program, a state licensed or regulated child care program, or a program that serves children from birth through age six that addresses the children's cognitive, social, emotional and physical development and is a (i) state prekindergarten program; (ii) a program authorized under the Individuals with Disabilities Education Act; or (iii) is a program operated by a local educational agency.

## **Types of Records**

The school district shall maintain only the following three categories of records:

**1. "Mandatory Permanent Student Records"** are those records which are maintained in perpetuity (at least 50 years) and which schools have been directed to compile by statute, regulation, or authorized administrative directive. Such records shall include the following:

A. Legal name of student, address, gender of student

B. Date of birth, place of birth

C. Method of verification of birth date

D. Name and address of parent of minor student

(1) Address of minor student if different than the above

(2) An annual verification of the name and address of the parent and the residence of the student

- E. Entering and leaving date of each school year and for any summer session or other extra session
- F. Subjects taken during each year, half year, summer session, or quarter
- G. Academic achievement (grades, transcripts)
- H. Level of academic achievement (class standing/academic level)
- I. If marks or credit are given, the mark or number of credits toward graduation allowed for work taken
- J. Verification or exemption from required immunizations
- K. Date of high school graduation or equivalent
- L. Student activities and significant awards

**2. "Mandatory Interim Student Records"** are those records which the schools are directed to compile and maintain for stipulated periods of time and are then destroyed as per statute, regulations (6 years following the student's graduation, or the graduation of the class to which he/she belonged, after appropriate notification to parents and/or eligible students via media and an opportunity provided to copy said records), or authorized administrative directive. Such records include the following:

- A. A log or record shall be maintained for each student's record which lists all persons, agencies or organizations requesting or receiving information from the record, and the legitimate interests therefor. (Exception from listing, see Access Log, #2.)
- B. Health information, including Child Health Developmental Disabilities Prevention Program verification or waiver. (Comprehensive Health Record)
- C. Participation in special education programs including required tests, case studies, authorizations, and actions necessary to establish eligibility for admission or discharge.
- D. Language training records.
- E. Progress slips and/or notices.
- F. Parental restrictions regarding access to directory information or related stipulations.
- G. Parent or adult student rejoinders to challenged records and to disciplinary action.
- H. Parental authorizations or prohibitions of student participation in specific programs.
- I. Results of standardized tests administered within the preceding three years.

*Note: Disciplinary records of suspension and expulsion are subject to being expunged according to state and federal statutes.*

**3. "Permitted Records"** are those records having clear importance only to the current educational process of the student. Such records may be destroyed after 6 years following the student's graduation, or the graduation of the class to which he/she belonged, after appropriate notification to parents and/or eligible students via media and an opportunity provided to copy said records. Such records may include the following:

- A. Objective counselor and/or teacher ratings
- B. Standardized test results older than three years
- C. Routine discipline data
- D. Verified reports of relevant behavioral patterns
- E. All disciplinary notices

## **Maintenance and Security of Student Records**

### **1. Custodian of Records**

A. (Name of certified person) is hereby designated as custodian of student records. The address of the custodian is (please indicate the title of the appropriate person).

(1) The custodian is charged with district wide responsibility for implementing Board of Education policies and administrative regulations relating to student records.

(2) The custodian shall be responsible for security of student records and shall devise procedures for assuring that access to such records is limited to authorized persons.

(3) The custodian of records or a designated certified employee shall be responsible during the inspection for interpretation of the records where necessary and for prevention of their alteration, damage or loss.

B. In each school, the principal, or a certified employee designated by the principal, is responsible for implementation of Board of Education policies and administrative regulations relating to student records maintained in that school.

### **2. Files**

A. A record for each individual student shall be maintained in a central file at the school attended by the student, or when records are maintained in different locations, a notation shall be placed in the central file indicating where such records may be found.

B. Student records shall be stored in locked containers (files) or rooms.

### **3. Information**

A. All anecdotal information and assessment reports maintained as student records must be dated and signed by the individual who originated the record. Each school

principal shall keep on file a record of enrollment and scholarship for each student currently enrolled in that school.

## **Access to Student Records**

### **1. School Officials**

A. School officials, as defined, have access to students' educational records without consent, if the official has been determined to have a legitimate educational interest in the records. A school official has a legitimate educational interest if the official needs to review an education record in order to fulfill his/her professional responsibility.

B. Contractors, consultants, volunteers, and other parties to whom a school has outsourced services or functions are considered "school officials" who may have access to student records, without parental consent, if the following conditions are met:

- The party is under the direct control of the school.
- The party is subject to the same conditions governing the use and redisclosure of education records applicable to other school officials.
- The contractor must ensure that only individuals with legitimate educational interests, as determined by the district or school, obtain access to the education records. The contractor may not redisclose personally identifiable information without consent unless the district or school has authorized the redisclosure under a FERPA exception and the district or school records the subsequent disclosure.

C. The district or school may not disclose education records to an outside service provider unless it has specified in its annual FERPA notification to parents/students that it uses contractors, consultants, volunteers, as "school officials" to provide certain institutional services and functions.

D. In controlling access to education records by school officials and outside service providers, schools must:

(1) Use "reasonable methods" to ensure an official is given access to only those education records, paper or electronic, in which the official has a legitimate educational interest.

(2) Schools may use such methods as:

- Physical controls such as locked filing cabinets;
- Technological controls such as role-based access controls for electronic records;
- Administrative policies, in lieu of physical or technological controls. Such policies must be effective in controlling access.

(It is recommended that access to education records by school officials be tracked.)

## **2. Parents**

A. Parents of currently enrolled or former students shall have an absolute right during regular business hours to access to any and all student records related to their children which are maintained by the district. Neither the student record, nor any part thereof, shall be withheld or edited. If the student records contain information on more than one student, the parent may inspect and review or be informed of only the specific information which pertains to that student.

B. A parent or guardian's request for access to student records shall be made in writing to the custodian of student records. Access shall be granted no later than forty-five (45) days following the date of the request.

C. A requesting parent shall be notified of the location of all student records, if not centrally located.

D. When a parent's dominant language is not English, the district shall make an effort to

(1) provide interpretation of the student record in the dominant language of the parent, or

(2) assist the parent in securing an interpreter.

## **3. Parental Consent**

A. The custodian of student records may permit access to student records during regular school hours (a) to any person for whom a student's parent has executed written consent specifying the records to be released and identifying the party or class of parties to whom the records may be released; or (b) to the student if he/she is an eligible student, or has entered a post secondary educational institution.

B. The recipient must be notified that the transmission of the information to others without the written consent of the parent is prohibited.

C. The consent notices shall be kept permanently with the student record.

D. Upon request, the district shall provide the parent/eligible student with a copy of the record which is disclosed. (34 CFR 9910, Rights of Inspection and Review)

## **4. Without Parental Consent**

A. No person or agent shall be permitted access to student records without written parental consent or under judicial order, except that access to those particular records relevant to the legitimate educational interests of the requester shall be permitted to the following:

(1) Officials and employees of other public schools or school districts, including local, county, or state correctional facilities where educational programs leading to high school graduation are provided, where the student intends to or is directed to enroll. The authority of the district or school to transfer education records to a

student's new school continues after actual enrollment so long as the disclosure is in connection with the student's enrollment. This ensures that a school may supplement, update, or correct records sent during the student's application or transfer period. A school official has a legitimate educational interest if the official needs to review an education record in order to fulfill his or her professional responsibility.

*Note: Section 504 and Title II of the ADA generally prohibits post-secondary institutions from making pre-admission inquiries about an applicant's disability status. However, after admission, such institutions may request such information concerning a current student.*

(2) Authorized representatives of the Comptroller General of the United States, the Secretary of Education, an administrative head of an education agency, State Education Officials, or their respective designees, or the United States Office for Civil Rights where such information is necessary to audit or evaluate a state or federally supported education program or pursuant to a federal or state law; provided that except when collection of personally identifiable information is specifically authorized by federal law, any data collected by such officials shall be protected in a manner which will not permit the personal identification of students or their parents by other than those officials, and such personally identifiable data shall be destroyed when no longer needed for such audit, evaluation, and enforcement of federal legal requirements.

(3) The U.S. Attorney General or his/her designee in response to a court issued ex parte order, under the USA Patriot Act, in connection with the investigation or persecution of an offense listed in U.S.C. 2332b(g)5(B) or an act of domestic or international terrorism crimes. The District, in response to such an order, is not required to record a disclosure of information, nor acquire consent or notice to the parent or student.

(4) Other state and local officials to the extent that such information is specifically required to be reported pursuant to state law.

(5) Parents of a student eighteen (18) years of age or older who is a dependent as defined in Section 152 of the Internal Revenue Code of 1954.

(6) Schools may disclose information received under a community notification program concerning a student who is required to register as a sex offender in the State.

(7) Child welfare agencies that are legally responsible for the care and protection of students, including the educational stability of children in foster care.

**B. Information from student records may be released to the following:**

(1) Appropriate persons in connection with an emergency if the knowledge of such information is necessary to protect the health or safety of other persons. The factors to be considered in determining whether information may be disclosed include the seriousness of the threat to the health or safety of the student or other

individuals, the need for the information to meet the emergency, whether the parties to whom the information is disclosed are in a position to deal with the emergency, and the extent to which time is of the essence in dealing with the emergency. 34 CFR 99.36, Conditions for disclosure of information in health and safety emergencies.

(2) Agencies or organizations in connection with a student's application form or receipt of financial aid, provided that information permitting the personal identification of students or their parents may be disclosed only as may be necessary for such purposes as to determine the amount of the financial aid, to determine the conditions which will be imposed regarding the financial aid, or to enforce the terms or conditions of the financial aid.

(3) Accrediting organizations in order to carry out their accrediting functions.

(4) Organizations conducting studies for or on behalf of state educational agencies and state higher education authorities, educational agencies or institutions for the purpose of developing, validating, or administering predictive tests, administering student aid programs, and improving instruction, if such studies are conducted in such a manner as will not permit the personal identification of students or their parents by persons other than representatives of such organizations and such information will be destroyed when no longer needed for the purpose for which it is conducted.

Such disclosure is subject to the following FERPA requirements:

- The school does not have to initiate the research request or agree with or endorse the conclusion or results of the study.
- The school must agree with the purposes of the study and retain control over information from the education records it discloses.
- The school must have a written agreement with the receiving organization that:
  - Specifies the purpose, scope, and duration of the study or studies and the information to be disclosed.
  - Requires the organization to use the information from education records only to meet the purpose or purposes of the study stated in the agreement.
  - Requires the organization to conduct the study in a manner that does not permit personal identification of parents and students by anyone other than representatives of the organization with legitimate interests.
  - Requires the organization to destroy or return all personally identifiable information when no longer needed for purposes of the study.

- Specifies the time period in which the information must be returned or destroyed.

*Note: It is recommended that whenever possible agencies and institutions either release de-identified information or remove student's names and Social Security Numbers to reduce the risk of unauthorized disclosure of personally identifiable information.*

(5) Officials and employees of private schools or school districts where the student is enrolled or intends to enroll subject to the rights of parents by law.

(6) An agency caseworker or other representative of a State or local child welfare agency, or tribal organization who has the right to access a student's case plan, as defined and determined by the State or tribal organization, when such agency or organization is legally responsible for the care and protection of the student, provided that the education records, or the personally identifiable information contained in such records will not be disclosed by such agency or organization, except to an individual or entity engaged in addressing the education needs of the students and authorized by such agency or organization to receive such disclosure.

C. No person, persons, agency, or organization permitted access to student records pursuant to this regulation shall permit access to any information obtained from such records by any other person, persons, agency or organization without the written consent of the student's parent; provided, however, that this paragraph shall not be construed to require prior parental consent when information obtained pursuant to this regulation is shared with other persons within the district so long as such persons have an equal legitimate interest in the information.

D. Education records may be released without consent if all personally identifiable information has been removed. The district must reach a "reasonable determination" that a student's identity is not personally identifiable because of unique patterns of information about that student, whether through single or multiple releases, taking into account other reasonably available information. Also, de-identified student level data may be released for the purpose of educational research by attaching a code to each record. It may be necessary to look to local news, events, and media coverage in the "school community" in determining, in a highly publicized incident, whether other information would make a particular record personally identifiable even if all direct identifiers have been removed.

## **5. Court Order**

A. Information concerning a student shall be furnished in compliance with a court order.

(1) Unless otherwise judicially instructed, the custodian shall, prior to the disclosure of any student's records pursuant to a court order, give the parent and the student three days notice, if lawfully possible, within the requirements of the judicial order, of the name of the requesting agency and the specific records requested. Such notice shall be in writing if possible.

(2) Only those records related to the specific purpose of the court order shall be disclosed.

(3) When a parent is a party to a court proceeding involving child abuse or neglect, or dependency matters, and a judicial order is issued in the context of that proceeding, or pursuant to a lawfully issued subpoena, additional notice to the parent by the educational agency or institution is not required pertaining to the disclosure of the records.

B. The service of a subpoena upon a district employee or official solely for the purpose of causing the employee to produce a school record pertaining to any student may be complied with by such employee, in lieu of personal appearance as witness in the proceeding, by submitting to the court, or other agency issuing the subpoena, at the time and place required by the subpoena, a copy of such record, accompanied by an affidavit certifying that such copy is a true copy of the original record on file in the school or school office. The copy of the record shall be in the form of a photograph, microfilm, micro card, or miniature photograph or other photographic copy or reproduction or an enlargement thereof.

Nothing in this regulation shall preclude the district from providing in its discretion statistical data from which no student may be identified to any public agency or entity or private nonprofit college, university, or educational research and development organization when such actions would be in the best educational interests of students.

If it is determined, per the federal regulations, that a third party improperly redisclosed personally identifiable information from education records in violation of 599.33(a), the district may not allow that third party access to personally identifiable information from education records for at least five years.

## **6. Disclosure to Parents of "Eligible Students" and Rights of Students**

A. Rights of parents under FERPA transfer to students once the student has reached 18 years of age or is attending a post secondary institution and thereby becomes an "eligible student."

B. Disclosure to parents without student consent after FERPA rights have transferred to students is permitted under the following circumstances:

(1) The student is a dependent for Federal income tax purposes.

(2) The disclosure is in connection with a health or safety emergency; i.e. knowledge of the information is necessary to protect the health or safety of other individuals.

(3) The student has violated a law or the school's rules or policies governing alcohol or substance abuse.

## **7. Disclosure of Information in Health and Safety Emergencies (Also see section above)**

A. The district may include in the education records of a student appropriate information concerning disciplinary action taken against the student for conduct that posed a significant risk to the safety or well being of that student, other students, or other members of the school community.

B. Such appropriate information concerning disciplinary action may be disclosed to teachers and school officials in the district who have been determined to have legitimate educational interests in the behavior of the student. This must be strictly construed.

C. Such appropriate information, concerning disciplinary action, may be disclosed to teachers and school officials in other schools who have been determined to have legitimate educational interests in the behavior of the student.

D. In making a determination, the district or school must take into account the totality of the circumstances pertaining to a threat to the safety or health of the student or other individuals. If a school determines that there is an articulable and significant threat to the safety or health of a student or other individuals, it may disclose information from education records to appropriate parties whose knowledge of the information is necessary to protect the health and safety of the student or other individuals.

E. The district or school is required to record the articulable and significant threat that formed the basis for the disclosure and the parties to whom the information was disclosed. "Appropriate parties" include the parents of an eligible student.

F. Pursuant to C.G.S. [19a-581](#) through [19a-585](#), confidential information concerning HIV status may not be released to anyone EXCEPT a health care provider with a written release from the parents.

## **8. Redisclosure of Educational Records**

A. Federal and State officials that receive education records for audits, evaluation, and compliance and enforcement purposes may redisclose such records under the same conditions that apply to other recipients of education records.

B. A state educational agency that received records for audit, evaluation or compliance or enforcement purposes may redisclose records for other qualifying purposes, such as:

- (1) Forwarding records to a student's new school district;
- (2) Forwarding records to another listed official, including the Education Secretary or a post secondary authority;
- (3) Forwarding to an accrediting agency; or
- (4) In connection with a health or safety emergency.

## **9. Criteria**

A. "School officials and employees" as used in this regulation means district employees and elected district officers, and other parties as defined in this regulation.

B. The following criteria shall be used in determining whether a "school official or employee" has a "legitimate educational interest".

(1) The employee has an instructional or supervisory responsibility toward the student that, in order to be fulfilled, requires knowledge of the contents of the student's records.

(2) The employee has an administrative duty that requires information contained in the student's records.

(3) The school official is engaged in a disciplinary proceeding that requires disclosure of all or part of the student's records in order to come to a just conclusion. (Or criteria can be defined by school district)

C. The district and/or school shall use reasonable methods to identify and authenticate the identity of parents, students, school officials, and any other parties to whom they disclose education records. The district and its schools may use PINS, passwords, personal security questions, "smart cards" and tokens, biometric indicators, or other factors known or possessed only by the user, as appropriate. Identification means determining who is the intended or authorized recipient of the information. Authentication means ensuring that the recipient is who he/she claims to be.

### **Challenging Contents of Records**

1. Following an inspection and review of a student's records the parent or guardian of the student or former student may challenge the content of any student record.

A. The parent or eligible student may file a written request with the Superintendent of Schools to correct or remove any information recorded in the written records concerning the parent's child which the parent alleges to be:

(1) Inaccurate, misleading or in violation of the student's rights of privacy.

(2) An unsubstantiated personal conclusion or inference.

(3) A conclusion or inference outside of the observer's area of competence.

(4) Not based on the personal observation of a named person with the time and place of the observation noted.

B. Within 30 days of receipt of such request, the Superintendent or designee shall meet with the parent or guardian and the certified employee who recorded the information in question, if any, and if such employee is presently employed by the school district.

C. The information shall be corrected or removed if the Superintendent sustains any or all of the allegations.

D. If the Superintendent denies any or all of the allegations and refuses to order the correction or the removal of the information, the parent or guardian may, within 30 days of the refusal, appeal the decision in writing to the Board of Education.

(1) Within 30 days of receipt of such an appeal, the Board of Education shall, in closed session with the parent or guardian and the certified employee who recorded the information in question, if any, and if such employee is presently employed by the district, determine whether or not to sustain or deny the allegations. The decision of the Board of Education shall be final.

(2) If the Board of Education sustains any or all of the allegations, it shall order the Superintendent to immediately correct or remove and destroy the information from the student's written records.

(3) Records of these administrative proceedings shall be maintained in a confidential manner and shall be destroyed one year after the decision of the Board of Education unless the parent or guardian initiates legal proceedings relative to the disputed information within the prescribed period.

E. If the final decision of the Board of Education is unfavorable to the parent or guardian, or if the parent or guardian accepts an unfavorable decision by the Superintendent, the parent or guardian shall have the right to submit a written statement of his/her objections to the information. This statement shall become a part of the student's school record until such time as the information objected to is corrected or removed.

## 2. Hearing Panel

A. Either the Superintendent of Schools or the Board of Education may convene a hearing panel upon written request of a parent or eligible student. The hearing shall be provided to afford the opportunity to challenge the content of a student's education records on the grounds that the information contained in the education records is inaccurate, misleading, or otherwise in violation of the privacy rights of the students. The hearing panel shall be composed of the following persons, provided the parent has given written consent to release information from the relevant student's records to the members of the panel so convened, to assist in making determinations;

(1) The principal of a public school other than the one at which the record is on file.

(2) A certified employee appointed by the parent or guardian.

(3) A parent appointed by the Superintendent or by the Board of Education, depending upon who convenes the panel.

Alternate: The hearing will be conducted by a person or persons appointed by the Superintendent of Schools. This person(s) shall be knowledgeable of the policies relating to confidentiality and shall not have a direct interest in the outcome of the hearing.

- B. The persons appointed pursuant to the above paragraph, if possible, shall not be acquainted with the student, his/her parent or guardian, or the certified employee who recorded the information, except when the parent or guardian appoints the person pursuant to paragraph a (2) above.
  - C. The Principal appointed to the hearing panel shall serve as Chairperson.
  - D. The hearing panel shall, in closed session, hear the objections to the information of the parent and the testimony of the certified employee who recorded the information in question, if any, and if such employee is currently employed by the school system.
    - (1) The hearing panel shall be provided with verbatim copies of the information which is the subject of the controversy.
    - (2) Written findings shall be made setting forth the facts and decisions of the panel, and such findings within a reasonable period of time after the hearing shall be forwarded to the Superintendent or the Board of Education, depending upon who convened the panel.
  - E. If, after the hearing, the District does not make the requested change, the parent or eligible student shall be informed of his/her right to place a statement on the record commenting on the information or stating why he/she disagrees with the record. Whenever the District discloses the record to third parties, any such statement by the parent or eligible students must also be disclosed. (34 C.F.R. §99.21)
  - F. The proceedings of the hearing shall not be disclosed or discussed by panel members except in their official capacities.
3. Whenever there is included in any student record information concerning any disciplinary action taken by school system personnel in connection with the student, the student's parent or guardian may include in such student's record a written statement or response concerning the disciplinary action.

### **Directory Information**

- 1. The following student information is declared to be directory information:
  - A. Name
  - B. Address
  - C. Telephone number
  - D. Date and place of birth
  - E. Major field of study
  - F. Participation in officially recognized activities and sports
  - G. Weight and height of members of athletic teams

- H. Dates of attendance
- I. E-mail address
- J. Parent's name/e-mail address
- K. Degrees and awards received, including honor roll publication
- L. Most recent previous public or private school attended by the student

*Note: FERPA regulations prohibits the use of a Social Security Number (SSN) as an identification element when disclosing or confirming directory information unless the student has provided written consent for the disclosure.*

2. Directory information may be released to the following:
  - A. Federal, state and local governmental agencies
  - B. Representatives of the news media, including but not limited to newspapers, magazines and radio and television stations
  - C. Employers or prospective employers
  - D. Nonprofit youth organizations
  - E. Military recruiters or institutions of higher learning that have requested the names, addresses, and telephone numbers of secondary school students unless parental consent is denied.
3. Subject to the provisions of C.G.S. [1-19\(b11\)](#), high schools shall provide the same directory information and on campus recruiting opportunities to military recruiters as are offered to nonmilitary recruiters or commercial concerns. (cf. [5145.14](#) On Campus Recruitment).
4. No information may be released to a private profit making entity other than employers, prospective employers and representatives of the news media.
5. The names and addresses of students enrolled in grade 12 or who have terminated enrollment prior to graduation may be provided, in accordance with the terms of the law, to a private school or college cooperating under state law.
6. The custodian of records will normally limit or deny the release of specific categories of directory information unless he determines that such release is required by law or is in the best interests of students.
7. Notice shall be given annually of the categories of information which the school district plans to release and of the recipients.
  - A. The school shall allow a reasonable period of time after such notice has been given for a parent or guardian to inform the custodian of student records that any or all of the information designated should not be released without the parent's or guardian's prior consent.

- B. No directory information shall be released regarding any student when a parent or guardian has notified the school that such information shall not be released.
8. Disclosure of directory information on former students is permitted without providing notice or additional opt-out opportunities. A former student's opt-out provided while he/she was a student in the district must continue to be honored unless specifically rescinded by the former student.
9. Opt-out from directory information does not prevent a school from identifying a student by name or from disclosing an electronic identifier or instructional e-mail address in the classroom. A student does not have the right to remain anonymous in class and an opt-out may not be used to impede routine classroom communications and interactions, whether the class is held in a specified physical location or online through electronic communications.

*Note: A district may adopt and implement a limited directory information policy that allows for the disclosure of directory information to specific parties, for specific purposes, or both. Such a policy must be specified in the public notice to parents/guardians and eligible students. The District must then limit directory information disclosures to those specified in the public notice.*

#### **Alternate: Limited Disclosure of Directory Information**

The District limits its disclosure of directory information to the following, without prior written consent of parent/guardian or eligible student unless the District has been advised to the contrary:

1. Military recruiters or institutions of higher learning. Such disclosure is limited to the student's name, address and telephone listing.
2. Companies that manufacture class rings.
3. Companies that publish yearbooks.
4. Playbills showing a student's role in a drama or vocal production.
5. Honor roll or other recognition lists.
6. Graduation programs.
7. Sports activity sheets.

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

#### **Access Log**

1. A log or record shall be maintained for each student's record which lists all persons, agencies, or organizations requesting or receiving information from the record and the legitimate educational interests.
2. Such listing need not include the following:
  - A. Parents or students to whom access is granted.

- B. Parties to whom directory information is released.
  - C. Parties for whom written consent has been executed by the parent or guardian.
  - D. School officials or employees having a legitimate educational interest.
3. The log or record shall be open to inspection only by a parent or guardian and the custodian of student records, or the custodian's designee, and to other school officials with legitimate interests in the records, and to the Comptroller General of the United States, the Secretary of the Office of Education, an administrative head of an education agency as defined in 20 U.S.C. 1232g., and state educational authorities as a means of auditing the school system's operations.

### **Fee for Reproducing Records**

1. A fee based upon the actual cost of reproduction, handling and postage (if any) shall be charged for furnishing copies of any student record.
2. The custodian of student records annually shall recommend a fee schedule for approval by the Board of Education.
3. No fee shall
  - A. effectively prevent the parents or guardians from exercising their right to inspect and review student records.
  - B. be charged for searching or retrieving a student's record.
  - C. be made for furnishing
    - (1) up to two transcripts of former student's records.
    - (2) up to two verifications of various records of former students.

### **Transfer of Student Records**

1. Whenever a student transfers to another Connecticut public school district or to a charter school, the following student records shall be forwarded upon written notification of the student's enrollment from the other district:
  - A. The student's Mandatory Permanent Student Record or a copy thereof. The original or a copy shall be retained by this district.
  - B. The student's entire Mandatory Interim Student Record.
2. The student's records shall be transferred to the new school district or charter school no later than 10 days after receipt of such notification.
3. Whenever a student transfers to a school district in another state or to a private school, the district shall transfer the student's Mandatory Permanent Student Record upon receipt of a written request.
4. Permitted student records may be forwarded.

5. Student records shall not be withheld from the requesting district because of any charges or fees owed by the student or the student's parents or guardian.
6. All student records shall be updated prior to transfer.
7. Parent Notification
  - A. If a student's parent or guardian did not give authorization for the transfer of such records, the district shall send notification of the transfer to the parent/guardian at the same time it transfers the records.
  - B. If the transfer is a within state transfer, the receiving school shall notify the parents of the record transfer.
  - C. If the student transfers out of state, the custodian of student records shall notify the parents or guardian at their last known address of the rights accorded them. (34 C.F.R. 99.34 disclosure to other agencies or institutions)
  - D. The notification shall include a statement of the parent's or guardian's right to review, challenge, and receive a copy of the student record, if desired.

### **Retention and Destruction of Student Records**

1. No additions, except routine updating, shall be made to a student's record after high school graduation or permanent departure without the parent's or guardian's prior consent for those students who have not reached the age of eighteen years. Adult students may give consent for themselves.
2. The guide to disposal of municipal records in Connecticut is found in Connecticut General Statutes Section 7-109. For disposal of education records, see Schedule V of "Records Retention Schedules 1982" (Revised 1983) published by the Public Records Administration, Connecticut State Library, Hartford, Connecticut.
3. The method of destruction shall assure that records are not available to possible public inspection during the destruction process.

### **Subpoenaed Records**

If the school is served with a subpoena issued by competent authority directing the production of school or student records in connection with any court proceeding, the school upon which such subpoena is served may deliver such record, or at its option a copy thereof, to the clerk of such court. Such clerk shall give a receipt for the same and shall be responsible for the safekeeping of such records, not permitting the removal of such records from the premises of the court. The clerk shall notify the school to call for the subpoenaed record when it is no longer needed for use in court. Any such record so delivered to the clerk of the court shall be sealed in an envelope which shall indicate the name of the school or student, the name of the attorney subpoenaing the same and the title of the case referred to in the subpoena.

No such record or copy shall be open to inspection by any person except upon the order of a judge of the court concerned, and any such record or copy shall at all times be subject to the order of such judge.

Any and all parts of any such record or copy, if not otherwise inadmissible, shall be admitted in evidence without any preliminary testimony, if there is attached thereto the certification in affidavit form of the person in charge of such record indicating that such record or copy is the original record or copy thereof, made in the regular course of such business to make such record and that it was the regular course of such business to make such record at the time of the transactions, occurrences or events recorded therein or within a reasonable time thereafter.

A subpoena directing production of such school or student records shall be served not less than eighteen (18) hours before the time for production, provided such subpoena shall be valid if served less than eighteen (18) hours before the time of production if written notice of intent to serve such subpoena has been delivered to the person in charge of such records not less than eighteen hours (18) nor more than two weeks before such time for production.

### **Notification of Parents**

1. Parents shall be notified in writing of their rights under this regulation upon the date of the student's initial enrollment, and annually thereafter of students current attendance at the same time as notice is issued. The notice shall be in a form which reasonably notifies parents of the availability of the following specific information:

- A. The type of student records and information contained therein which are directly related to students and maintained by the school system.
- B. The position of the person responsible for the maintenance of each type of record.
- C. The location of the log or record required to be maintained.
- D. The criteria to be used by the school district in defining "school officials and employees" and in determining "legitimate educational interest."
- E. The policies of the school district for reviewing and expunging student records, including the right to inspect and review the student's education records within 45 days of the day the school district receives a request. If circumstances effectively present the parent or eligible student from exercising the right to inspect and review the student's education records, the district shall provide a copy of the records requested or make other arrangements for the inspection or review of the requested records.
- F. The right of the parent or guardian to access (inspect and review) to student records.
- G. The right to request the amendment of student education records that the parent or eligible student believes are inaccurate or misleading.
- H. The procedures for challenging the content of student records.
- I. The policy that no fee will be charged for up to two copies of a record.
- J. The categories of information which the school district has designated as directory information and that pursuant to federal law, military recruiters and institutions of higher learning may request and receive names, addresses and telephone numbers of

all high school students, unless their parents/guardians notify the school, in writing, not to release this information.

K. The right of the parent to file a complaint with the United States Department of Education concerning an alleged failure by the school system to comply with the provisions of Section 438 of the Federal Education Provisions Act (20 U.S.C.A. 1232g).

L. The right of a parent or eligible student to a hearing regarding the request for amendment of the record if denied by the district.

M. The right to consent to disclosures of personally identifiable information contained in the student education record, except to the extent that FERPA authorizes disclosure without consent.

### **Issue/Practice of Peer Grading**

The definition of "education records" excludes grades on peer-graded papers before they are collected and recorded by a teacher. Peer-grading does not violate FERPA.

Legal Reference: Connecticut General Statutes

[1](#) [19](#)(b)(11) Access to public records. Exempt records.

[7](#) 109 Destruction of documents.

[10](#) 15b Access of parent or guardian to student's records.

[10](#) 94i Rights and liabilities of surrogate parents.

[10](#) 154a Professional communications between teacher or nurse and student.

[10](#) 209 Records not to be public.

[10](#) 221b Boards of education to establish written uniform policy re treatment of recruiters.

[11](#)-8a Retention, destruction and transfer of documents

[11](#)-8b Transfer or disposal of public records. State Library Board to adopt regulations.

[46b](#) [56](#)(e) Access to records of minors.

Federal Family Educational Rights and Privacy Act of 1974 (section 438 of the General Education Act, as amended, added by section 513 of P.L. 93 568, codified at 20 U.S.C. 1232g and Final Rule 34 CFR Part 99, December 9, 2008)

Connecticut Public Records Administration Schedule V Disposition of  
Education Records (Revised 1983).

USA Patriot Act of 2001, PL 107-56, 115 Stat. 272, Sec 507, 18 U.S.C.  
§2332b(g)(5)(B) and 2331

PL 112-278 "The Uninterrupted Scholars Act"

Owasso Independent Sch. Dist. No.1-011 v. Falvo, 534 U.S.426 (2002)

**Regulation approved:**

## Students

### Administration of Medications

**Purpose:** To promote the safe administration of medications to students in order to maintain their health, support their learning, and intervene in medical emergencies.

The Westport Board of Education shall adopt written policies and procedures, in accordance with C.G.S., Section 10-212a and Connecticut regulations, Section 10-212a-1 through Section 10-212a-10. Pursuant to the regulations, Section 10-212a-2 (a) (4), the Board, with the advice and approval of the school medical advisor and health services supervisor, shall review and revise the policy and procedures concerning medication administration in school as needed, but at least biennially, except that the policy and procedures specific to school readiness and before-and-after school programs shall be reviewed on an annual basis. Once so approved, administration of medication, including over the counter medicines, shall be in accordance with the policy, procedures and health services protocols of Westport Public Schools for the administration of medications.

For the administration of medication in school readiness and before-and-after school programs, as defined in Connecticut regulations, Section 10-212a-1, the Westport Board of Education shall develop, and review on an annual basis, procedures for administration of medication in these programs, with input from the school medical advisor, or a licensed physician, and the school nurse supervisor. Once so approved, administration of medication in school readiness and before-and-after school programs shall be in accordance with Connecticut regulations, Section 10-212a-10, this policy, and Westport Public Schools' procedures for the administration of medications.

The Board authorizes the Superintendent or his/her designee to develop administrative regulations and/or procedures in accordance with this policy and applicable state law concerning the administration of medication to students in school.

In accordance with Connecticut General Statutes, Section 10-212a, no school nurse or other nurse, principal, teacher, licensed physical or occupational therapist employed by a school district, coach, school paraprofessional (pursuant to subsection (d) of the statute), or director or director's designee of a school readiness or before-or-after school program shall be liable to a student, or a parent or guardian of such student, for civil damages for any personal injuries which result from acts or omissions of a school nurse or other nurse, principal, teacher, licensed physical or occupational therapist employed by a school district, coach, school paraprofessional (pursuant to subsection (d) of the statute), or director or director's designee of a school readiness or before-or-after school program in administering such preparations which may constitute ordinary negligence. This immunity shall not apply to acts or omissions constituting gross, willful or wanton negligence.

Legal Reference: Connecticut General Statutes

Section [10-212](#)

Section [10-212a](#)

Section [19a-900](#)

Section [20-87a](#)

Section [21a-240](#)

Section [21a-262](#)

Regulations of Conn. State Agencies:

Sections [10-212a-1](#) through [10-212a-10](#), inclusive

Section [21a-254](#) (f) and (h)

Section 21a-262-1, 2, 3 and 8 and 9

Code of Federal Regulations:

Title 21 Part 1307.21

Other

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**POLICY ADOPTED: June 18, 1990**  
**REVISED: May 10, 2011**  
**REVISED: September 17, 2018**

WESTPORT PUBLIC SCHOOLS  
Westport, Connecticut

**Series 5000  
Students**

**ADMINISTRATION OF  
STUDENT MEDICATIONS IN THE SCHOOLS**

A. Definitions

Administration of medication means any one of the following activities: handling, storing, preparing or pouring of medication; conveying it to the student according to the medication order; observing the student inhale, apply, swallow, or self-inject the medication, when applicable; documenting that the medication was administered; and counting remaining doses to verify proper administration and use of the medication.

Authorized prescriber means a physician, dentist, optometrist, advanced practice registered nurse or physician assistant, and, for interscholastic and intramural athletic events only, a podiatrist.

Before or After School Program means any child care program operated and administered by a local or regional board of education exempt from licensure by the Office of Early Childhood pursuant to subdivision (1) of subsection (b) of Section 19a-77 of the Connecticut General Statutes. Such programs do not include public or private entities licensed by the Office of Early Childhood or board of education enhancement programs and extra-curricular activities.

Cartridge Injector means an automatic prefilled cartridge injector or similar automatic injectable equipment used to deliver epinephrine in a standard dose for emergency first aid response to allergic reactions.

Coach means any person holding a coaching permit who is hired by a local or regional board of education to coach for a sport season.

Controlled drugs means those drugs as defined in Conn. Gen. Stat. Section 21a-240.

Cumulative health record means the cumulative health record of a pupil mandated by Conn. Gen. Stat. Section 10-206.

Director means the person responsible for the day-to-day operations of any school readiness program or before-and-after school program.

Eligible student means a student who has reached the age of eighteen or is an emancipated minor.

Error means:

- (1) the failure to do any of the following as ordered:
  - (a) administer a medication to a student;
  - (b) administer medication within the time designated by the prescribing physician;
  - (c) administer the specific medication prescribed for a student;
  - (d) administer the correct dosage of medication;
  - (e) administer medication by the proper route;
  - (f) administer the medication according to generally accepted standards of practice; or
- (2) the administration of medication to a student which is not ordered, or which is not authorized in writing by the parent or guardian of such student, except for the administration of epinephrine or naloxone for the purpose of emergency first aid as set forth in Sections D and E below.

Guardian means one who has the authority and obligations of guardianship of the person of a minor, and includes: (1) the obligation of care and control; and (2) the authority to make major decisions affecting the minor's welfare, including, but not limited to, consent determinations regarding marriage, enlistment in the armed forces and major medical, psychiatric or surgical treatment.

Intramural athletic events means tryouts, competition, practice, drills, and transportation to and from events that are within the bounds of a school district for the purpose of providing an opportunity for students to participate in physical activities and athletic contests that extend beyond the scope of the physical education program.

Interscholastic athletic events means events between or among schools for the purpose of providing an opportunity for students to participate in competitive contests that are highly organized and extend beyond the scope of intramural programs and includes tryouts, competition, practice, drills and transportation to and from such events.

Investigational drug means any medication with an approved investigational new drug (IND) application on file with the Food and Drug Administration (FDA), which is being scientifically tested and clinically evaluated to determine its efficacy, safety and side effects and which has not yet received FDA approval.

Licensed athletic trainer means a licensed athletic trainer employed by the school district pursuant to Chapter 375a of the Connecticut General Statutes.

Medication means any medicinal preparation, both prescription and non-prescription, including controlled drugs, as defined in Conn. Gen. Stat. Section 21a-240. This definition includes Aspirin, Ibuprofen or Aspirin substitutes containing Acetaminophen.

Medication Emergency means a life-threatening reaction of a student to a medication.

Medication plan means a documented plan established by the school nurse in conjunction with the parent and student regarding the administration of medication in school. Such plan may be a stand-alone plan, part of an individualized health care plan, an emergency care plan or a medication administration form.

Medication order means the authorization by an authorized prescriber for the administration of medication to a student which shall include the name of the student, the name and generic name of the medication, the dosage of the medication, the route of administration, the time of administration, the frequency of administration, the indications for medication, any potential side effects including overdose or missed dose of the medication, the start and termination dates not to exceed a 12-month period, and the written signature of the prescriber.

Nurse means an advanced practice registered nurse, a registered nurse or a practical nurse licensed in Connecticut in accordance with Chapter 378, Conn. Gen. Stat.

Occupational Therapist means an occupational therapist employed full time by the local or regional board of education and licensed in Connecticut pursuant to Chapter 376a of the Connecticut General Statutes.

Optometrist means an optometrist licensed to provide optometry pursuant to Chapter 380 of the Connecticut General Statutes.

Paraprofessional means a health care aide or assistant or an instructional aide or assistant employed by the local or regional board of education who meets the requirements of such board of employment as a health care aide or assistant or instructional aide or assistant.

Physical therapist means a physical therapist employed full time by the local or regional board of education and licensed in Connecticut pursuant to Chapter 376 of the Connecticut General Statutes.

Physician means a doctor of medicine or osteopathy licensed to practice medicine in Connecticut pursuant to Chapters 370 and 371 of the Connecticut General Statutes, or licensed to practice medicine in another state.

Podiatrist means an individual licensed to practice podiatry in Connecticut pursuant to Chapter 375 of the Connecticut General Statutes.

Principal means the administrator in the school.

Research or study medications means FDA-approved medications being administered according to an approved study protocol. A copy of the study protocol shall be provided to the school nurse along with the name of the medication to be administered and the acceptable range of dose of such medication to be administered.

School means any educational facility or program which is under the jurisdiction of the Board excluding extracurricular activities.

School nurse means a nurse appointed in accordance with Conn. Gen. Stat. Section 10-212.

School nurse supervisor means the nurse designated by the local or regional board of education as the supervisor or, if no designation has been made by the board, the lead or coordinating nurse assigned by the board.

School readiness program means a program that receives funds from the State Department of Education for a school readiness program pursuant to subsection (b) of Section 10-16p of the Connecticut General Statutes and exempt from licensure by the Office of Early Childhood pursuant to subdivision (1) of subsection (b) of Section 19a-77 of the Connecticut General Statutes.

Self-administration of medication means the control of the medication by the student at all times and is self-managed by the student according to the individual medication plan.

Teacher means a person employed full time by the Board who has met the minimum standards as established by the Board for performance as a teacher and has been approved by the school medical advisor and school nurse to be designated to administer medications pursuant to the Regulations of Connecticut State Agencies Sections 10-212a-1 through 10-212a-7.

B. General Policies On Administration of Medications

- (1) Except as provided below in Section D, no medication, including non-prescription drugs, may be administered by any school personnel without:
  - (a) the written medication order of an authorized prescriber;
  - (b) the written authorization of the student's parent or guardian or eligible student; and

- (c) the written permission of a parent for the exchange of information between the prescriber and the school nurse necessary to ensure safe administration of such medication.
- (2) Prescribed medications shall be administered to and taken by only the person for whom the prescription has been written.
- (3) Except as provided in Section D, medications may be administered only by a licensed nurse or, in the absence of a licensed nurse, by:
- (a) a full-time principal, a full-time teacher, or a full-time licensed physical or occupational therapist employed by the school district. A full-time principal, teacher, licensed physical or occupational therapist employed by the school district may administer oral, topical, intranasal or inhalant medications. Such individuals may administer injectable medications only to a student with a medically diagnosed allergic condition that may require prompt treatment to protect the student against serious harm or death.
  - (b) students with chronic medical conditions who are able to possess, self-administer, or possess and self-administer medication, provided all of the following conditions are met:
    - (i) an authorized prescriber provides a written medication order, including the recommendation for possession, self-administration, or possession and self-administration;
    - (ii) there is a written authorization for possession, self-administration, or possession and self-administration from the student's parent or guardian or eligible student;
    - (iii) the school nurse has developed a plan for possession, self-administration, or possession and self-administration, and general supervision, and has documented the plan in the student's cumulative health record;
    - (iv) the school nurse has assessed the student's competency for self-administration and deemed it safe and appropriate, including that the student: is capable of identifying and selecting the appropriate medication by size, color, amount or other label identification; knows the frequency and time of day for which the medication is ordered; can identify the presenting symptoms that require medication; administers the medication appropriately; maintains safe control of the medication at all times; seeks adult supervision whenever

warranted; and cooperates with the established medication plan;

- (v) the principal, appropriate teachers, coaches and other appropriate school personnel are informed the student is possessing, self-administering, or possessing and self-administering prescribed medication;
  - (vi) such medication is transported to school and maintained under the student's control in accordance with this policy; and
  - (vii) controlled drugs, as defined in this policy, may not be possessed or self-administered by students, except in extraordinary situations, such as international field trips, with approval of the school nurse supervisor and the school medical advisor in advance and development of an appropriate plan.
- (c) a student diagnosed with asthma who is able to self-administer medication shall be permitted to retain possession of an asthmatic inhaler at all times while attending school, in order to provide for prompt treatment to protect such child against serious harm or death, provided all of the following conditions are met:
- (i) an authorized prescriber provides a written order requiring the possession of an inhaler by the student at all times in order to provide for prompt treatment in order to protect the child against serious harm or death and authorizing the student's self-administration of medication, and such written order is provided to the school nurse;
  - (ii) there is a written authorization from the student's parent or guardian regarding the possession of an inhaler by the student at all times in order to protect the child against serious harm or death and authorizing the student's self-administration of medication, and such written authorization is provided to the school nurse;
  - (iii) the conditions set forth in subsection (b) above have been met, except that the school nurse's review of a student's competency to self-administer an inhaler for asthma in the school setting shall not be used to prevent a student from retaining and self-administering an inhaler for asthma. Students may self-administer medication with only the written authorization of an authorized prescriber and

written authorization from the student's parent or guardian or eligible student; and

- (iv) the conditions for self-administration meet any regulations as may be imposed by the State Board of Education in consultation with the Commissioner of Public Health.
- (d) a student diagnosed with an allergic condition who is able to self-administer medication shall be permitted to retain possession of a cartridge injector at all times while attending school, in order to provide for prompt treatment to protect such child against serious harm or death, provided all of the following conditions are met:
- (i) an authorized prescriber provides a written order requiring the possession of a cartridge injector by the student at all times in order to provide for prompt treatment in order to protect the child against serious harm or death and authorizing the student's possession, self-administration, or possession and self-administration of medication, and such written order is provided to the school nurse;
  - (ii) there is a written authorization from the student's parent or guardian regarding the possession of a cartridge injector by the student at all times in order to protect the child against serious harm or death and authorizing the student's possession, self-administration, or possession and self-administration of medication, and such written authorization is provided to the school nurse;
  - (iii) the conditions set forth in subsection (b) above have been met, except that the school nurse's review of a student's competency to self-administer cartridge injectors for medically-diagnosed allergies in the school setting shall not be used to prevent a student from retaining and self-administering a cartridge injector for medically-diagnosed allergies. Students may self-administer medication with only the written authorization of an authorized prescriber and written authorization from the student's parent or guardian or eligible student; and
  - (iv) the conditions for self-administration meet any regulations as may be imposed by the State Board of Education in consultation with the Commissioner of Public Health.
- (e) a student with a medically diagnosed life-threatening allergic condition may possess, self-administer, or possess and self-

administer medication, including but not limited to medication administered with a cartridge injector, to protect the student against serious harm or death, provided the following conditions are met:

- (i) the parent or guardian of the student has provided written authorization for the student to possess, self-administer, or possess and self-administer such medication; and
  - (ii) a qualified medical professional has provided a written order for the possession, self-administration, or possession and self-administration.
- (f) a coach of intramural or interscholastic athletic events or licensed athletic trainer who has been trained in the administration of medication, during intramural or interscholastic athletic events, may administer inhalant medications prescribed to treat respiratory conditions and/or medication administered with a cartridge injector for students with medically diagnosed allergic conditions which may require prompt treatment to protect the student against serious harm or death, provided all of the following conditions are met:
- (i) the school nurse has determined that a self-administration plan is not viable;
  - (ii) the school nurse has provided to the coach a copy of the authorized prescriber's order and parental permission form;
  - (iii) the parent/guardian has provided the coach or licensed athletic trainer with the medication in accordance with Section K of this policy, and such medication is separate from the medication stored in the school health office for use during the school day; and
  - (iv) the coach or licensed athletic trainer agrees to the administration of emergency medication and implements the emergency care plan, identified in Section H of this policy, when appropriate.
- (g) an identified school paraprofessional who has been trained in the administration of medication, provided medication is administered only to a specific student in order to protect that student from harm or death due to a medically diagnosed allergic condition, except as provided in Section D below, and the following additional conditions are met:

- (i) there is written authorization from the student's parents/guardian to administer the medication in school;
  - (ii) medication is administered pursuant to the written order of (A) a physician licensed under chapter 370 of the Connecticut General Statutes, (B) an optometrist licensed to practice optometry under chapter 380 of the Connecticut General Statutes, (C) an advanced practice registered nurse licensed to prescribe in accordance with section 20-94a of the Connecticut General Statutes, or (D) a physician assistant licensed to prescribe in accordance with section 20-12d of the Connecticut General Statutes;
  - (iii) medication is administered only with approval by the school nurse and school medical advisor, if any, in conjunction with the school nurse supervisor and under the supervision of the school nurse;
  - (iv) the medication to be administered is limited to medications necessary for prompt treatment of an allergic reaction, including, but not limited to, a cartridge injector; and
  - (v) the paraprofessional shall have received proper training and supervision from the school nurse in accordance with this policy and state regulations.
- (h) a principal, teacher, licensed athletic trainer, licensed physical or occupational therapist employed by the Board, coach or school paraprofessional, provided medication is antiepileptic medication, including by rectal syringe, administered only to a specific student with a medically diagnosed epileptic condition that requires prompt treatment in accordance with the student's individual seizure action plan, and the following additional conditions are met:
- (i) there is written authorization from the student's parents/guardians to administer the medication;
  - (ii) a written order for such administration has been received from the student's physician licensed under Chapter 370 of the Connecticut General Statutes;
  - (iii) the principal, teacher, licensed athletic trainer, licensed physical or occupational therapist employed by the Board, coach or school paraprofessional is selected by the school

nurse and school medical advisor, if any, and voluntarily agrees to administer the medication;

- (iv) the principal, teacher, licensed athletic trainer, licensed physical or occupational therapist employed by the Board, coach or school paraprofessional annually completes the training program established by the Connecticut State Department of Education and the Association of School Nurses of Connecticut, and the school nurse and medical advisor, if any, have attested, in writing, that such training has been completed; and
  - (v) the principal, teacher, licensed athletic trainer, licensed physical or occupational therapist employed by the Board, coach or school paraprofessional receives monthly reviews by the school nurse to confirm competency to administer antiepileptic medication.
- (i) a director of a school readiness program or a before or after school program, or the director's designee, provided that the medication is administered:
    - (i) only to a child enrolled in such program; and
    - (ii) in accordance with Section L of this policy.
  - (j) a licensed practical nurse, after the school nurse has established the medication plan, provided that the licensed practical nurse may not train or delegate the administration of medication to another individual, and provided that the licensed practical nurse can demonstrate one of the following:
    - (i) training in administration of medications as part of their basic nursing program;
    - (ii) successful completion of a pharmacology course and subsequent supervised experience; or
    - (iii) supervised experience in the administration of medication while employed in a health care facility.
- (4) Medications may also be administered by a parent or guardian to his/her own child on school grounds.
  - (5) Investigational drugs or research or study medications may be administered only by a licensed nurse. For FDA-approved medications

being administered according to a study protocol, a copy of the study protocol shall be provided to the school nurse along with the name of the medication to be administered and the acceptable range of dose of such medication to be administered.

C. Diabetic Students

- (1) The \_\_\_\_\_ Board of Education (the “Board”) permits blood glucose testing by students who have a written order from a physician or an advanced practice registered nurse stating the need and capability of such student to conduct self-testing.
- (2) The Board will not restrict the time or location of blood glucose testing by a student with diabetes on school grounds who has written authorization from a parent or guardian and a written order from a physician or an advanced practice registered nurse stating that such child is capable of conducting self-testing on school grounds.
- (3) In the absence or unavailability of the school nurse, select school employees may administer medication with injectable equipment used to administer glucagon to a student with diabetes that may require prompt treatment in order to protect the student against serious harm or death, under the following conditions:
  - (a) The student’s parent or guardian has provided written authorization;
  - (b) A written order for such administration has been received from the student’s physician licensed under Chapter 370 of the Connecticut General Statutes;
  - (c) The school employee is selected by either the school nurse or principal and is a principal, teacher, licensed athletic trainer, licensed physical or occupational therapist employed by a school district, coach or school paraprofessional;
  - (d) The school nurse shall provide general supervision to the selected school employee;
  - (e) The selected school employee annually completes any training required by the school nurse and school medical advisor in the administration of medication with injectable equipment used to administer glucagon;
  - (f) The school nurse and school medical advisor have attested in writing that selected school employee completed the required training; and

- (g) The selected school employee voluntarily agrees to serve as one who may administer medication with injectable equipment used to administer glucagon to a student with diabetes that may require prompt treatment in order to protect the student against serious harm or death.

D. Epinephrine for Purposes of Emergency First Aid Without Prior Authorization

- (1) For purposes of this Section D, “regular school hours” means the posted hours during which students are required to be in attendance at the individual school on any given day.
- (2) The school nurse shall maintain epinephrine in cartridge injectors for the purpose of emergency first aid to students who experience allergic reactions and do not have prior written authorization of a parent or guardian or a prior written order of a qualified medical professional for the administration of epinephrine.
  - (a) The school nurse, in consultation with the school nurse supervisor, shall determine the supply of epinephrine in cartridge injectors that shall be available in the individual school.
  - (b) In determining the appropriate supply of epinephrine in cartridge injectors, the nurse may consider, among other things, the number of students regularly in the school building during the regular school day and the size of the physical building.
- (3) The school nurse or school principal shall select principal(s), teacher(s), licensed athletic trainer(s), licensed physical or occupational therapist(s) employed by the Board, coach(es) and/or school paraprofessional(s) to maintain and administer the epinephrine in cartridge injectors for the purpose of emergency first aid as described in Paragraph (2) above, in the absence of the school nurse.
  - (a) More than one individual must be selected by the school nurse or school principal for such maintenance and administration in the absence of the school nurse.
  - (b) The selected personnel, before conducting such administration, must annually complete the training made available by the Department of Education for the administration of epinephrine in cartridge injectors for the purpose of emergency first aid.

- (c) The selected personnel must voluntarily agree to complete the training and administer epinephrine in cartridge injectors for the purpose of emergency first aid.
- (4) Either the school nurse or, in the absence of the school nurse, at least one of the selected and trained personnel as described in Paragraph (3) above shall be on the grounds of each school during regular school hours.
- (a) The school principal, in consultation with the school nurse supervisor, shall determine the level of nursing services and number of selected and trained personnel necessary to ensure that a nurse or selected and trained personnel is present on the grounds of each school during regular school hours.
  - (b) If the school nurse, or a substitute school nurse, is absent or must leave school grounds during regular school hours, the school nurse, school administrator or designee shall send an email to all staff indicating that the selected and trained personnel identified in Paragraph (3) above shall be responsible for the emergency administration of epinephrine.
- (5) The administration of epinephrine pursuant to this section must be done in accordance with this policy, including but not limited to the requirements for documentation and record keeping, errors in medication, emergency medical procedures, and the handling, storage and disposal of medication, and the Regulations adopted by the Department of Education.
- (6) The parent or guardian of any student may submit, in writing, to the school nurse or school medical advisor, if any, that epinephrine shall not be administered to such student pursuant to this section.
- (a) The school nurse shall notify selected and trained personnel of the students whose parents or guardians have refused emergency administration of epinephrine.
  - (b) The Board shall annually notify parents or guardians of the need to provide such written notice.
- (7) Following the emergency administration of epinephrine by selected and trained personnel as identified in this section:
- (a) Such emergency administration shall be reported immediately to:
    - (i) The school nurse or school medical advisor, if any, by the personnel who administered the epinephrine; and

- (ii) The student’s parent or guardian, by the school nurse or personnel who administered the epinephrine.
- (b) A medication administration record shall be:
  - (i) Submitted to the school nurse by the personnel who administered the epinephrine as soon as possible, but no later than the next school day; and
  - (ii) filed in or summarized on the student’s cumulative health record, in accordance with Section E of this policy.

*[Optional insert for boards of education wishing to make Naloxone (“Narcan”) available in its schools. Naloxone is a controlled medication that is used as an emergency first aid measure in the event of an opioid overdose. Boards of education are not required to make Naloxone available in its schools. We encourage boards of education considering inclusion of this optional language to consult with legal counsel, so that the relevant legal considerations may be discussed.]*

**E. Naloxone for Purposes of Emergency First Aid**

- (1) *Pursuant to a standing order of the Board’s medical advisor and authorization from the Superintendent of Schools, and in accordance with Connecticut law and this policy, a school nurse may maintain naloxone, for the purpose of administering emergency first aid to students who experience a known or suspected opioid overdose.*
  - (a) *The school nurse, in consultation with the Board’s medical advisor, shall determine the supply of naloxone that shall be maintained in the individual school.*
  - (b) *The school nurse shall be responsible for the safe storage of naloxone maintained in a school and shall ensure any supply of naloxone maintained is stored in accordance with the manufacturer’s instructions.*
  - (c) *The school nurse shall be responsible for maintaining an inventory of naloxone maintained in the school, tracking the date(s) of expiration of the supply of naloxone maintained in a school, and, as appropriate, refreshing the supply of naloxone maintained in the school.*
- (2) *The school nurse, in consultation with the Superintendent and the building principal, shall provide notice to parents and guardians of the Board’s policies and procedures regarding the emergency*

*administration of naloxone in the event of a known or suspected opioid overdose.*

- (3) *A school nurse shall be approved to administer naloxone for the purpose of emergency first aid, as described in Paragraph (1) above, in the event of a known or suspected opioid overdose, provided that such nurse has completed appropriate training, as identified by the Board's medical advisor, which shall include training in the identification of opioid abuse and overdose.*
- (3) *The administration of naloxone pursuant to this section must be effected in accordance with this policy and procedures regarding the acquisition, maintenance, and administration established by the Superintendent in consultation with the Board's medical advisor.*
- (4) *Following the emergency administration of naloxone by a school nurse:*
  - (a) *Such emergency administration shall be reported immediately to:*
    - (i) *The Board medical advisor; and*
    - (ii) *The Superintendent; and*
    - (iii) *The student's parent or guardian.*
  - (b) *A medication administration record shall be:*
    - (i) *Maintained by the school nurse who administered the naloxone as soon as possible, but no later than the next school day; and*
    - (ii) *filed in or summarized on the student's cumulative health record, in accordance with Section F of this policy.*

F. Documentation and Record Keeping

- (1) Each school or before-and-after school program and school readiness program where medications are administered shall maintain an individual medication administration record for each student who receives medication during school or program hours. This record shall include the following information:
  - (a) the name of the student;
  - (b) the student's state-assigned student identifier (SASID);
  - (c) the name of the medication;
  - (d) the dosage of the medication;

- (e) the route of the administration, (i.e. oral, topical, inhalant, etc.);
  - (f) the frequency of administration;
  - (g) the name of the authorized prescriber;
  - (h) the dates for initiating and terminating the administration of medication, including extended-year programs;
  - (i) the quantity received at school and verification by the adult delivering the medication of the quantity received;
  - (j) the date the medication is to be reordered (if any);
  - (k) any student allergies to food and/or medication(s);
  - (l) the date and time of each administration or omission, including the reason for any omission;
  - (m) the dose or amount of each medication administered;
  - (n) the full written or electronic legal signature of the nurse or other authorized school personnel administering the medication; and
  - (o) for controlled medications, a medication count which should be conducted and documented at least once a week and co-signed by the assigned nurse and a witness.
- (2) All records are either to be made in ink and shall not be altered, or recorded electronically in a record that cannot be altered.
  - (3) Written orders of authorized prescribers, written authorizations of parent or guardian, the written parental permission for the exchange of information by the prescriber and school nurse to ensure safe administration of such medication, and the completed medication administration record for each student shall be filed in the student's cumulative health record or, for before-and-after school programs and school readiness programs, in the child's program record.
  - (4) Authorized prescribers may make verbal orders, including telephone orders, for a *change* in medication order. Such verbal orders may be received only by a school nurse and must be followed by a written order, which may be faxed, and must be received within three (3) school days.
  - (5) Medication administration records will be made available to the Department of Education for review until destroyed pursuant to Section 11-8a and Section 10-212a(b) of the Connecticut General Statutes.
    - (a) The completed medication administration record for non-controlled medications may, at the discretion of the school district, be destroyed in accordance with Section M8 of the Connecticut Record Retention Schedules for Municipalities, so long as it is superseded by a summary on the student health record.

- (b) The completed medication administration record for controlled medications shall be maintained in the same manner as the non-controlled medications. In addition, a separate medication administration record needs to be maintained in the school for three (3) years pursuant to Section 10-212a(b) of the Connecticut General Statutes.
- (6) Documentation of any administration of medication by a coach or licensed athletic trainer shall be completed on forms provided by the school and the following procedures shall be followed:
- (a) a medication administration record for each student shall be maintained in the athletic offices;
  - (b) administration of a cartridge injector medication shall be reported to the school nurse at the earliest possible time, but no later than the next school day;
  - (c) all instances of medication administration, except for the administration of cartridge injector medication, shall be reported to the school nurse at least monthly, or as frequently as required by the individual student plan; and
  - (d) the administration of medication record must be submitted to the school nurse at the end of each sport season and filed in the student's cumulative health record.

G. Errors In Medication Administration

- (1) Whenever any error in medication administration occurs, the following procedures shall apply:
- (a) the person making the error in medication administration shall immediately implement the medication emergency procedures in this Policy if necessary;
  - (b) the person making the error in medication administration shall in all cases immediately notify the school nurse, principal, school nurse supervisor, and authorized prescriber. The person making the error, in conjunction with the principal, shall also immediately notify the parent or guardian, advising of the nature of the error and all steps taken or being taken to rectify the error, including contact with the authorized prescriber and/or any other medical action(s); and

- (c) the principal shall notify the Superintendent or the Superintendent's designee.
- (2) The school nurse, along with the person making the error, shall complete a report using the authorized medication error report form. The report shall include any corrective action taken.
- (3) Any error in the administration of medication shall be documented in the student's cumulative health record or, for before-and-after school programs and school readiness programs, in the child's program record.
- (4) These same procedures shall apply to coaches and licensed athletic trainers during intramural and interscholastic events, except that if the school nurse is not available, a report must be submitted by the coach or licensed athletic trainer to the school nurse the next school day.

#### H. Medication Emergency Procedures

- (1) Whenever a student has a life-threatening reaction to administration of a medication, resolution of the reaction to protect the student's health and safety shall be the foremost priority. The school nurse and the authorized prescriber shall be notified immediately, or as soon as possible in light of any emergency medical care that must be given to the student.
- (2) Emergency medical care to resolve a medication emergency includes but is not limited to the following, as appropriate under the circumstances:
  - (a) use of the 911 emergency response system;
  - (b) application by properly trained and/or certified personnel of appropriate emergency medical care techniques, such as cardio-pulmonary resuscitation;
  - (c) administration of emergency medication in accordance with this policy;
  - (d) contact with a poison control center; and
  - (e) transporting the student to the nearest available emergency medical care facility that is capable of responding to a medication emergency.
- (3) As soon as possible, in light of the circumstances, the principal shall be notified of the medication emergency. The principal shall immediately thereafter contact the Superintendent or the Superintendent's designee, who shall thereafter notify the parent or guardian, advising of the existence and nature of the medication emergency and all steps taken or being taken to resolve the emergency and protect the health and safety of the student, including contact with the authorized prescriber and/or any other medical action(s) that are being or have been taken.

I. Supervision

- (1) The school nurse is responsible for general supervision of administration of medications in the school(s) to which that nurse is assigned.
- (2) The school nurse's duty of general supervision includes, but is not limited to, the following:
  - (a) availability on a regularly scheduled basis to:
    - (i) review orders or changes in orders and communicate these to personnel designated to give medication for appropriate follow-up;
    - (ii) set up a plan and schedule to ensure medications are given properly;
    - (iii) provide training to licensed nursing personnel, full-time principals, full-time teachers, full-time licensed physical or occupational therapists employed by the school district, coaches of intramural and interscholastic athletics, licensed athletic trainers and identified paraprofessionals designated in accordance with Section B(3)(g), above, which training shall pertain to the administration of medications to students, and assess the competency of these individuals to administer medication;
    - (iv) support and assist other licensed nursing personnel, full-time principals, full-time teachers, full-time licensed physical or occupational therapists employed by the school district, coaches of intramural and/or interscholastic athletics, licensed athletic trainers and identified paraprofessionals designated in accordance with Section B(3)(g), above, to prepare for and implement their responsibilities related to the administration of specific medications during school hours and during intramural and interscholastic athletics as provided by this policy;
    - (v) provide appropriate follow-up to ensure the administration of medication plan results in desired student outcomes, including providing proper notification to appropriate employees or contractors regarding the contents of such medical plans; and

- (vi) provide consultation by telephone or other means of telecommunications, which consultation may be provided by an authorized prescriber or other nurse in the absence of the school nurse.
- (b) In addition, the school nurse shall be responsible for:
- (i) implementing policies and procedures regarding the receipt, storage, and administration of medications;
  - (ii) reviewing, on a periodic basis, all documentation pertaining to the administration of medications for students;
  - (iii) performing observations of the competency of medication administration by full-time principals, full-time teachers, full-time licensed physical or occupational therapists employed by the school district, coaches of intramural and/or interscholastic athletics and licensed athletic trainers in accordance with Section B(3)(f), above, and identified paraprofessionals designated in accordance with Section B(3)(g), above, who have been newly trained to administer medications; and,
  - (iv) conducting periodic reviews, as needed, with licensed nursing personnel, full-time principals, full-time teachers, full-time licensed physical or occupational therapists employed by the school district, coaches of intramural and/or interscholastic athletics and licensed athletic trainers in accordance with Section B(3)(f), above, and identified paraprofessionals designated in accordance with Section B(3)(g), above, regarding the needs of any student receiving medication.

J. Training of School Personnel

- (1) Full-time principals, full-time teachers, full-time licensed physical or occupational therapists employed by the school district, coaches of intramural and/or interscholastic athletics and licensed athletic trainers in accordance with Section B(3)(f), above, and identified paraprofessionals designated in accordance with Section B(3)(g), above, who are designated to administer medications shall at least annually receive training in their safe administration, and only trained full-time principals, full-time teachers, full-time licensed physical or occupational therapists employed by the school district, coaches of intramural and/or interscholastic athletics and licensed athletic trainers in accordance with Section B(3)(f), above,

and identified paraprofessionals designated in accordance with Section B(3)(g), above, shall be allowed to administer medications.

- (2) Training for full-time principals, full-time teachers, full-time licensed physical or occupational therapists employed by the school district, coaches of intramural and/or interscholastic athletics and licensed athletic trainers in accordance with Section B(3)(f), above, and identified paraprofessionals designated in accordance with Section B(3)(g), above, shall include, but is not necessarily limited to, the following:
  - (a) the general principles of safe administration of medication;
  - (b) the procedures for administration of medications, including the safe handling and storage of medications, and the required record-keeping; and
  - (c) specific information related to each student's medication plan, including the name and generic name of the medication, indications for medication dosage, routes, time and frequency of administration, therapeutic effects of the medication, potential side effects, overdose or missed doses of the medication, and when to implement emergency interventions.
- (3) The principal(s), teacher(s), licensed athletic trainer(s), licensed physical or occupational therapist(s) employed by the Board, coach(es) and/or school paraprofessional(s) who administer epinephrine as emergency first aid, pursuant to Section D above, shall annually complete the training program developed by the Departments of Education and Public Health and training in cardiopulmonary resuscitation and first aid.
- (4) The Board shall maintain documentation of medication administration training as follows:
  - (a) dates of general and student-specific trainings;
  - (b) content of the trainings;
  - (c) individuals who have successfully completed general and student-specific administration of medication training for the current school year; and
  - (d) names and credentials of the nurse or school medical advisor, if any, trainer or trainers.
- (5) Licensed practical nurses may not conduct training in the administration of medication to another individual.

*[Local and regional boards of education that employ their own bus drivers should include the following language.*

**(6) *Bus Drivers.***

- (a) *Not later than June 30, 2019, the Board shall provide training to all of its school bus drivers, which training may be completed using an online module, on topics including, but not limited to, the following:***
- (i) *the identification of the signs and symptoms of anaphylaxis;***
  - (ii) *the administration of epinephrine by a cartridge injector;***
  - (iii) *the notification of emergency personnel; and***
  - (iv) *the reporting of an incident involving a student and a life-threatening allergic reaction.***
- (c) *On and after July 1, 2019, the Board shall provide the training described in subsections J(6)(a), above as follows:***
- (i) *In the case of a school bus driver who is employed by the Board, such training shall be provided to such school bus driver following the issuance or renewal of a public passenger endorsement to operate a school bus pursuant to Conn. Gen. Stat. 14-44(a), to such school bus driver; and***
  - (ii) *In the case of a school bus driver who is not employed by the Board at the time when such endorsement is issued or renewed to such school bus driver, upon the hiring of such school bus driver by the Board, except the Board is not required to provide such training to any school bus driver who has previously received such training following the most recent issuance or renewal of such endorsement to such school bus driver.]***

**K. Handling, Storage and Disposal of Medications**

- (1) All medications, except those approved for transporting by students for self-medication, those administered by coaches of intramural or interscholastic athletics or licensed athletic trainers in accordance with Section B(3)(f) above, and epinephrine or naloxone to be used for**

emergency first aid in accordance with Sections D and E above, must be delivered by the parent, guardian, or other responsible adult to the nurse assigned to the student's school or, in the absence of such nurse, the school principal who has been trained in the appropriate administration of medication. Medications administered by coaches of intramural or interscholastic athletics or licensed athletic trainers must be delivered by the parent or guardian directly to the coach or licensed athletic trainer in accordance with Section B(3)(f) above.

- (2) The nurse shall examine on-site any new medication, medication order and the required authorization to administer form, and, except for epinephrine and naloxone to be used as emergency first aid in accordance with Sections D and E above, shall develop a medication administration plan for the student before any medication is given to the student by any school personnel. No medication shall be stored at a school without a current written order from an authorized prescriber.
- (3) The school nurse shall review all medication refills with the medication order and parent authorization prior to the administration of medication, except for epinephrine and naloxone intended for emergency first aid in accordance with Sections D and E above.
- (4) Emergency Medications
  - (a) Except as otherwise determined by a student's emergency care plan, emergency medications shall be stored in an unlocked, clearly labeled and readily accessible cabinet or container in the health room during school hours under the general supervision of the school nurse or, in the absence of the school nurse, the principal or the principal's designee who has been trained in the administration of medication.
  - (b) Emergency medication shall be locked beyond the regular school day or program hours, except as otherwise determined by a student's emergency care plan.
- (5) All medications, except those approved for keeping by students for self-medication, shall be kept in a designated and locked location used exclusively for the storage of medication. Controlled substances shall be stored separately from other drugs and substances in a separate, secure, substantially constructed, locked metal or wood cabinet.
- (6) Access to stored medications shall be limited to persons authorized to administer medications. Each school or before-and-after school program and school readiness program shall maintain a current list of such authorized persons.

- (7) All medications, prescription and non-prescription, shall be delivered and stored in their original containers and in such a manner that renders them safe and effective.
- (8) At least two sets of keys for the medication containers or cabinets shall be maintained for each school building or before-and-after school program and school readiness program. One set of keys shall be maintained under the direct control of the school nurse or nurses and an additional set shall be under the direct control of the principal and, if necessary, the program director or lead teacher who has been trained in the general principles of the administration of medication shall also have a set of keys.
- (9) Medications that must be refrigerated shall be stored in a refrigerator at no less than 36 degrees Fahrenheit and no more than 46 degrees Fahrenheit. The refrigerator must be located in the health office that is maintained for health services with limited access. Non-controlled medications may be stored directly on the refrigerator shelf with no further protection needed. Controlled medication shall be stored in a locked box that is affixed to the refrigerator shelf.
- (10) All unused, discontinued or obsolete medications shall be removed from storage areas and either returned to the parent or guardian or, if the medication cannot be returned to the parent or guardian, the medication shall be destroyed in collaboration with the school nurse:
  - (a) non-controlled drugs shall be destroyed in the presence of at least one witness;
  - (b) controlled drugs shall be destroyed in pursuant to Section 21a-262-3 of the Regulations of Connecticut State Agencies; and
  - (c) accidental destruction or loss of controlled drugs must be verified in the presence of a second person, including confirmation of the presence or absence of residue, and jointly documented on the student medication administration record and on a medication error form pursuant to Section 10-212a(b) of the Connecticut General Statutes. If no residue is present, notification must be made to the Department of Consumer Protection pursuant to Section 21a-262-3 of the Regulations of Connecticut State Agencies.
- (11) Medications to be administered by coaches of intramural or interscholastic athletic events or licensed athletic trainers shall be stored:
  - (a) in containers for the exclusive use of holding medications;

- (b) in locations that preserve the integrity of the medication;
  - (c) under the general supervision of the coach or licensed athletic trainer trained in the administration of medication; and
  - (d) in a locked secured cabinet when not under the general supervision of the coach or licensed athletic trainer during intramural or interscholastic athletic events.
- (12) In no event shall a school store more than a three (3) month supply of a medication for a student.

L. School Readiness Programs and Before-and-After School Programs

- (1) As determined by the school medical advisor, if any, and school nurse supervisor, the following procedures shall apply to the administration of medication during school readiness programs and before-and-after school programs run by the Board, which are exempt from licensure by the Office of Early Childhood:
- (a) Administration of medication at these programs shall be provided only when it is medically necessary for participants to access the program and maintain their health status while attending the program.
  - (b) Except as provided by Sections D and E above, no medication shall be administered in these programs without:
    - (i) the written order of an authorized prescriber; and
    - (ii) the written authorization of a parent or guardian or an eligible student.
  - (c) A school nurse shall provide consultation to the program director, lead teacher or school administrator who has been trained in the administration of medication regarding the safe administration of medication within these programs. The school medical advisor and school nurse supervisor shall determine whether, based on the population of the school readiness program and/or before-and-after school program, additional nursing services are required for these programs.
  - (d) Only school nurses, directors or directors' designees, lead teachers or school administrators who have been properly trained may administer medications to students as delegated by the school nurse or other registered nurse. Properly trained directors or

directors' designees, lead teachers or school administrators may administer oral, topical, intranasal or inhalant medications. Investigational drugs or research or study medications may not be administered in these programs.

- (e) Students attending these programs may be permitted to self-medicate only in accordance with the provisions of Section B(3) of this policy. In such a case, the school nurse must provide the program director, lead teacher or school administrator running the program with the medication order and parent permission for self-administration.
  - (f) In the absence of the school nurse during program administration, the program director, lead teacher or school administrator is responsible for decision-making regarding medication administration.
  - (g) Cartridge injector medications may be administered by a director, lead teacher or school administrator only to a student with a medically-diagnosed allergic condition which may require prompt treatment to protect the student against serious harm or death.
- (2) Local poison control center information shall be readily available at these programs.
  - (3) Procedures for medication emergencies or medication errors, as outlined in this policy, must be followed, except that in the event of a medication error a report must be submitted by the program director, lead teacher or school administrator to the school nurse the next school day.
  - (4) Training for directors or directors' designees, lead teachers or school administrators in the administration of medication shall be provided in accordance with Section J of this policy.
  - (5) All medications must be handled and stored in accordance with Section K of this policy. Where possible, a separate supply of medication shall be stored at the site of the before-and-after or school readiness program. In the event that it is not possible for the parent or guardian to provide a separate supply of medication, then a plan shall be in place to ensure the timely transfer of the medication from the school to the program and back on a daily basis.
  - (6) Documentation of any administration of medication shall be completed on forms provided by the school and the following procedures shall be followed:

- (a) a medication administration record for each student shall be maintained by the program;
  - (b) administration of a cartridge injector medication shall be reported to the school nurse at the earliest possible time, but no later than the next school day;
  - (c) all instances of medication administration, except for the administration of cartridge injector medication, shall be reported to the school nurse at least monthly, or as frequently as required by the individual student plan; and
  - (d) the administration of medication record must be submitted to the school nurse at the end of each school year and filed in the student's cumulative health record.
- (7) The procedures for the administration of medication at school readiness programs and before-and-after school programs shall be reviewed annually by the school medical advisor, if any, and school nurse supervisor.

M. Review and Revision of Policy

In accordance with the provisions of Conn. Gen. Stat. Section 10-212a(a)(2), the Board shall review this policy periodically, and at least biennially, with the advice and approval of the school medical advisor, if any, or other qualified licensed physician, and the school nurse supervisor. Any proposed revisions to the policy must be made with the advice and approval of the school medical advisor, school nurse supervisor or other qualified licensed physician.

Legal References:

Connecticut General Statutes:

Section 10-206  
Section 10-212  
Section 10-212a  
Section 10-220j  
Section 19a-900  
Section 21a-240  
Section 52-557b

Public Act 18-185, "An Act Concerning the Recommendations of the Task Force on Life-Threatening Food Allergies in Schools"

Regulations of Conn. State Agencies:

Sections 10-212a-1 through 10-212a-10, inclusive

Memorandum of Decision, In Re: Declaratory Ruling/Delegation by Licensed Nurses to  
Unlicensed Assistive Personnel, Connecticut State Board of Examiners for  
Nursing (April 5, 1995)

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

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

07/31/18

***[NOTE: This form makes reference to a school medical advisor. If your district does not, and is not required to, have a medical advisor, all references to such should be deleted before providing this form to parents]***

**[Board of Education/School Letterhead]  
REFUSAL TO PERMIT ADMINISTRATION  
OF EPINEPHRINE FOR EMERGENCY FIRST AID**

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

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

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

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

Connecticut law requires the school nurse and other qualified school personnel in all public schools to maintain epinephrine in cartridge injectors (EpiPens) for the purpose of administering emergency first aid to students who experience allergic reactions and do not have a prior written authorization of a parent or guardian or a prior written order of a qualified medical professional for the administration of epinephrine. State law permits the parent or guardian of a student to submit a written directive to the **school nurse or school medical advisor** that epinephrine shall not be administered to such student in emergency situations. This form is provided for those parents who refuse to have epinephrine administered to their child. The refusal is valid for only for the 20\_\_-20\_\_ school year.

I, \_\_\_\_\_, the parent/guardian of \_\_\_\_\_,  
Print name of parent/guardian Print name of student  
refuse to permit the administration of epinephrine to the above named student for purposes of emergency first aid in the case of an allergic reaction.

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

\_\_\_\_\_  
Date

**Please return the completed original form to your child's school nurse or school medical advisor,**  
\_\_\_\_\_ *[Insert name of medical advisor]* at \_\_\_\_\_ *[Insert address of medical advisor]*.

10/2017



## Students

### Administering Medications

The purpose of this policy is for the Board of Education (Board) to determine who shall administer medications in a school and the circumstances under which self-administration of medication by students shall be permitted.

The Board of Education allows students to self-administer medication and school personnel to administer medication to students in accordance with the established procedures, and applicable state regulations, sections [10-212a-1](#) through [10-212a-10](#) inclusive. In order to provide immunity afforded to school personnel who administer medication, the Board of Education, with the advice and approval of the School Medical Advisor and the school nurse supervisor, shall review and/or revise this policy and regulation biennially concerning the administration of medications to District students by a nurse, or in the absence of a nurse, by qualified personnel for schools. The District's School Medical Advisor (or other qualified physician) shall approve this policy, its regulations and any changes prior to adoption by the Board.

### Definitions

**Administration of medication** means any one of the following activities: handling, storing, preparing or pouring of medication; conveying it to the student according to the medication order; observing the student inhale, apply, swallow, or self-inject the medication, when applicable; documenting that the medication was administered; and counting remaining doses to verify proper administration and use of the medication.

**Advanced practice registered nurse** means an individual licensed pursuant to C.G.S. [20-94a](#).

**Authorized prescriber** means a physician, dentist, optometrist, advanced practice registered nurse or physician assistant, and for interscholastic and intramural athletic events only, a podiatrist.

**Before- and after-school program** means any child care program operated and administered by a local or regional Board of Education or municipality exempt from licensure by the Office of Early Childhood pursuant to subdivision (1) of subsection (b) of C.G.S. [19a-77](#). Such programs shall not include public or private entities licensed by the Office of Early Childhood or Board of Education enhancement programs and extra-curricular activities.

Board of Education means a local or regional Board of Education, a regional educational service center, a unified school district, the regional vocational-technical school system, an approved private special education facility, the Gilbert School, the Norwich Free Academy, Woodstock Academy or a non-public school whose students receive services pursuant to Section [10-217a](#) of the Connecticut General Statutes.



**Carrier** means any school district, educational institution, or person, firm or corporation under contract to such district or institution engaged in the business of transporting students. (C.G.S. [14-212](#) (2)).

**Cartridge injector** means an automatic prefilled cartridge injector or similar automatic injectable equipment used to deliver epinephrine in a standard dose for emergency first aid response to allergic reaction.

**Coach** means any person holding a coaching permit hired by the Board of Education to coach for a sport season.

**Controlled drugs** means those drugs as defined in Connecticut General Statutes Section [21a-240](#).

**Cumulative health record** means the cumulative health record of a student mandated by Connecticut General Statutes Section [10-206](#).

**Director** means the person responsible for the operation and administration of any school readiness program or before- and after-school program.

**Eligible student** means a student who has reached the age of eighteen or is an emancipated minor.

**Error** means:

- (1) the failure to do any of the following as ordered:
  - (a) administer a medication to a student;
  - (b) administer medication within the time designated by the prescribing physician;
  - (c) administer the specific medication prescribed for a student;
  - (d) administer the correct dosage of medication;
  - (e) administer medication by the proper route; and/or
  - (f) administer the medication according to generally accepted standards of practice;or
- (2) the administration of medication to a student which is not ordered by an authorized prescriber, or which is not authorized in writing by the parent or guardian of such student, except for the administration of epinephrine for the purpose of emergency first aid pursuant to Connecticut General Statutes [10-212a](#) and Section [10-212a-2](#) of the Regulations of Connecticut State Agencies.

**Extracurricular activities** means activities sponsored by local or regional Boards of Education that occur outside of the school day, are not part of the educational program, and do not meet the definition of before- and after-school programs and school readiness programs.



**Guardian** means one who has the authority and obligations of guardianship of the person of a minor, and includes: (1) the obligation of care and control; and (2) the authority to make major decisions affecting the minor's welfare, including, but not limited to, consent determinations regarding marriage, enlistment in the armed forces and major medical, psychiatric or surgical treatment.

**Intramural athletic events** means tryouts, competition, practice, drills, and transportation to and from events that are within the bounds of a school district for the purpose of providing an opportunity for students to participate in physical activities and athletic contests that extend beyond the scope of the physical education program.

**Interscholastic athletic events** means events between or among schools for the purpose of providing an opportunity for students to participate in competitive contests which are highly organized and extend beyond the scope of intramural programs and includes tryouts, competition, practice, drills, and transportation to and from such events.

**Investigational drug** means any medication with an approved investigational new drug (IND) application on file with the Food and Drug Administration (FDA), which is being scientifically tested and clinically evaluated to determine its efficacy, safety and side effects and which has not yet received FDA approval.

**Licensed athletic trainer** means a licensed athletic trainer employed by the school district pursuant to Chapter 375a of the Connecticut General Statutes.

**Medication** means any medicinal preparation including over-the-counter, prescription and controlled drugs, as defined in Connecticut General Statutes Section [21a-240](#). This definition includes Aspirin, Ibuprofen or Aspirin substitutes containing Acetaminophen.

**Medication emergency** means a life-threatening reaction of a student to a medication.

**Medication plan** means a documented plan established by the school nurse in conjunction with the parent and student regarding the administration of medication in school. Such plan may be a stand-alone plan, part of an individualized health care plan, an emergency care plan or a medication administration form.

**Medication order** means the written direction by an authorized prescriber for the administration of medication to a student which shall include the name of the student, the name and generic name of the medication, the dosage of the medication, the route of administration, the time of administration, the frequency of administration, the indications for medication, any potential side effects including overdose or missed dose of the medication, the start and termination dates not to exceed a 12-month period, and the written signature of the prescriber.

**Nurse** means an advanced practice registered nurse, a registered nurse or a practical nurse licensed in Connecticut in accordance with Chapter 378 of the Connecticut General Statutes.

**Occupational therapist** means an occupational therapist employed full time by the local or regional board of education and licensed in Connecticut pursuant to Chapter 376a of the Connecticut General Statutes.



**Optometrist** means an optometrist licensed to provide optometry pursuant to Chapter 380 of the Connecticut General Statutes.

**Paraprofessional** means a health care aide or assistant or an instructional aide or assistant employed by the local or regional Board of Education who meets the requirements of such Board for employment as a health care aide or assistant or instructional aide or assistant.

**Physical therapist** means a physical therapist employed full time by the local or regional Board of Education and licensed in Connecticut pursuant to Chapter 376 of the Connecticut General Statutes.

**Physician** means a doctor of medicine or osteopathy licensed to practice medicine in Connecticut pursuant to Chapters 370 and 371 of the Connecticut General Statutes, or licensed to practice medicine in another state.

**Physician assistant** means an individual licensed to prescribe medications pursuant to Section [20-12d](#) of the Connecticut General Statutes.

**Podiatrist** means an individual licensed to practice podiatry in Connecticut pursuant to Chapter 375 of the Connecticut General Statutes.

**Principal** means the administrator in the school.

**Qualified medical professional**, as defined in C.G.S. [10-212](#), means a physician licensed under Chapter 370, an optometrist licensed to practice optometry under Chapter 380, an advanced practice registered nurse licensed to prescribe in accordance with Section [20-94a](#) or a physician assistant licensed to prescribe in accordance with Section [20-12d](#).

**Qualified personnel for schools** means (a) a qualified school employee who is a full time employee or is a coach, athletic trainer, or school paraprofessional or for school readiness programs and before and after school programs, means the director or director's designee and any lead teachers and school administrators who have been trained in the administration of medications. For school readiness programs and before- and after-school programs, Directors or Director's designee, lead teachers and school administrators who have been trained in the administration of medication may administer medications pursuant to Section [10-212a-10](#) of the State regulations.

**Qualified school employee**, as defined in C.G.S. [10-212](#), means a principal, teacher, licensed athletic trainer, licensed physical or occupational therapist employed by a school district, coach or school paraprofessional.

Research or study medications means FDA-approved medications being administered according to an approved study protocol. A copy of the study protocol shall be provided to the school nurse along with the name of the medication to be administered and the acceptable range of dose of such medication to be administered.

**School** means any educational facility or program which is under the jurisdiction of the Board excluding extracurricular activities.

**School medical advisor** means a physician appointed pursuant to C.G.S. [10-205](#).



**School nurse** means a nurse appointed in accordance with Connecticut General Statutes Section [10-212](#).

**School nurse supervisor** means the nurse designated by the local or regional Board of Education as the supervisor or, if no designation has been made by the Board, the lead or coordinating nurse assigned by the Board.

**School bus driver** means any person who holds a commercial driver's license with a public passenger endorsement to operate a school bus pursuant to subsection (a) of C.G.S. [14-44](#).

**School readiness program** means a program that receives funds from the State Department of Education for a school readiness program pursuant to subsection (b) of Section [10-16p](#) of the Connecticut General Statutes and exempt from licensure by the Office of Early Childhood pursuant to subdivision (1) of subsection (b) of Section [19a-77](#) of the Connecticut General Statutes.

**Self-administration of medication** means the control of the medication by the student at all times and is self-managed by the student according to the individual medication plan.

**Supervision** means the overseeing of the process of the administration of medication in a school.

**Teacher** means a person employed full time by a Board of Education who has met the minimum standards as established by that Board for performance as a teacher and has been approved by the School Medical Advisor and school nurse to be designated to administer medications pursuant to the Regulations of Connecticut State Agencies Sections [10-212a-1](#) through [10-212a-7](#).

### **General Policies on Administration of Medication**

A child with diabetes may test his/her own blood glucose level per the written order of a physician stating the need and the capacity of such child to conduct self-testing along with written authorization of the parent/guardian. Such self-testing shall be pursuant to guidelines promulgated by the Commissioner of Education. The time or place where a student with diabetes may test his/her blood-glucose level on school grounds shall not be restricted provided the student has written parental/guardian permission and a written order from a physician licensed in Connecticut.

The school nurse or school principal shall select a qualified school employee to, under certain conditions, give a glucagon injection to a student with diabetes who may require prompt treatment to protect him/her from serious harm or death. The nurse or principal must have the written authority from the student's parent/guardian and a written order from the student's Connecticut-licensed physician. The authorization shall be limited to situations when the school nurse is absent or unavailable.

No qualified school employee shall administer this medication unless he/she has annually completed any training required by the school nurse and school medical advisor in the administration of medication with injectable equipment used to administer glucagon, the school nurse and school medical advisor must attest that the qualified school employee has completed such training and the qualified school employee voluntarily agrees to serve as a qualified school



employee. The injections are to be given through an injector or injectable equipment used to deliver an appropriate dose of glucagon as emergency first aid response to diabetes.

The school nurse or school principal may select a qualified school employee to, under certain conditions, give a Diastat rectal gel syringe to a student with seizures who may require prompt treatment to protect him/her from serious harm or death. The nurse or principal must have the written authority from the student's parent/guardian and a written order from the student's Connecticut-licensed physician. The authorization shall be limited to situations when the school nurse is absent or unavailable. No qualified school employee shall administer this medication unless he/she has annually completed the "Antiepileptic Medication Administration Training Program for Connecticut's Unlicensed School Personnel" created by the CT State DOE in consultation with the CT School Nurse Advisory Council and the Association of School Nurses of CT. The school nurse and/or school medical advisor must attest that the qualified school employee has completed such training and the qualified school employee voluntarily agrees to serve as a qualified school employee. The medication is to be given via a rectal syringe that is used to deliver a predetermined dose of Diastat rectal gel as an emergency first aid response to a seizure.

A child diagnosed with asthma or a diagnosed life-threatening allergic condition, pursuant to State Board of Education regulations, may possess, self-administer or possess and self-administer medicine administered through the use of an asthmatic inhaler or an EpiPen or similar device in the school at all times or while receiving school transportation services if he/she is under the care of a physician, physician assistant, or advanced practice registered nurse (APRN) and such practitioner certifies in writing to the Board of Education that the child needs to keep an asthmatic inhaler or EpiPen at all times to ensure prompt treatment of the child's asthma or allergic condition and protect the child against serious harm or death. A written authorization of the parent/guardian is also required.

A school nurse may administer medication to any student pursuant to the written order of an authorized prescriber (physician, dentist, optometrist, an advanced practice registered nurse, or a physician assistant and for interscholastic and intramural athletic events only, a podiatrist) and the written authorization of a parent or guardian of such child or eligible student and the written permission of the parent/guardian for the exchange of information between the prescriber and the school nurse necessary to ensure the safe administration of such medication.

In the absence of a school nurse, any other nurse licensed pursuant to the provisions of Chapter 378, including a nurse employed by, or providing services under the direction of the Board of Education at a school-based clinic, only qualified personnel for schools who have been properly trained may administer medications to students as delegated by the school nurse upon approval of the School Medical Advisor and the school nurse may administer medication to any student in the school following the successful completion of specific training in administration of medication and satisfactory completion of the required criminal history check.

Medications with a cartridge injector may be administered by qualified personnel for schools only to a student with a medically diagnosed allergic condition which may require prompt treatment to protect the student against serious harm or death. Qualified personnel for schools, as defined, may administer oral, topical, intranasal, or inhalant medication in the absence of a



licensed nurse. Investigational drugs or research or study medications may not be administered by qualified personnel for schools.

Coaches and licensed athletic trainers during intramural and interscholastic events may administer medications pursuant to Section [10-212a-9](#) of the Regulations of Connecticut State Agencies and as described in this policy and in the administrative regulations to this policy.

In compliance with all applicable state statutes and regulations, parents/guardians may administer medications to their own children on school grounds.

### **Administration of Medication by Paraprofessionals**

A specific paraprofessional, through a plan approved by a school nurse supervisor and School Medical Advisor, may administer medications including medications administered with a cartridge injector, to a specific student with a medically diagnosed allergic condition that may require prompt treatment in order to protect the student against serious harm or death pursuant to Section [10-212a-9](#) of the Regulations of Connecticut State Agencies and as described in the administrative regulations. The approved plan also requires the written authorization of the student's parent/guardian and pursuant to the written order from the student's authorized prescriber licensed to prescribe medication.

### **Administration of Medications in School Readiness Programs and Before- and After-School Programs**

Directors, or their designees, who may include lead teachers or school administrators, who have been properly trained, may administer medications to students as delegated by the school nurse or other registered nurse, in school readiness programs and before- and after-school programs that are child care programs. Such programs must either be District-administered or administered by a municipality exempt from licensure by the Department of Public Health and are located in a District public school. Medicine may be administered pursuant to the Regulations of Connecticut State Agencies, Section [10-212a-10](#), to children enrolled in these programs.

Administration of medications shall be provided only when it is medically necessary for program participants to access the program and maintain their health status while attending the program. A child attending any before- or after-school program, defined as any child care program operated and administered by the Board in any building or on the grounds of any district school, upon the request and with the written authorization of the child's parent/guardian and pursuant to the written order from the student's authorized prescriber, will be supervised by the District staff member (Director or designee, lead teacher, school administrator) trained to administer medication including a cartridge injector. Such administration shall be to a particular student medically diagnosed with an allergy that may require prompt treatment to avoid serious harm or death.

Investigational drugs or research or study medications may not be administered by Directors or their designees, lead teachers or school administrators.

Properly trained Directors, Directors' designees, lead teachers or school administrators may administer medications to students as delegated by the school nurse or other registered nurse. They may administer oral, topical, intranasal, or inhalant medications. No medication shall be



administered without the written order of an authorized prescriber and the written approval of the parent/guardian.

The selected staff member shall be trained in the use of a cartridge injector by either a licensed physician, physician's assistant, advanced practice registered nurse or registered nurse. *(Optional: The selected staff member is also required to complete a course in first aid offered by the American Red Cross, the American Heart Association, the National Ski Patrol, the Department of Public Health or any Director of Health.)*

The administration shall determine, in cooperation with the School Medical Advisor and school nurse [supervisor] whether additional school nursing services/nurses are required based on the needs of the program and the participants in the program. This determination shall include whether a licensed nurse is required on site. The recommendation shall be subject to Board approval.

The Board will allow students in the school readiness and before- and after-school programs to self-administer medication according to the student's individual health plan and only with the written order of an authorized prescriber, written authorization of the child's parent or guardian, written approval of the school nurse (The nurse has evaluated the situation and deemed it appropriate and safe and has developed a plan for general supervision of such self-medication.), and with the written permission of the parent or guardian for the exchange of information between the prescriber and the school nurse necessary to ensure the safe administration of such medication.

An error in the administration of medication shall be reported immediately to the school nurse, the parents/guardians and the prescribing physician. In case of an anaphylactic reaction or the risk of such reaction a school nurse may administer emergency oral and/or injectable medication to any child in need thereof on school grounds, or in the school building, according to the standing order of the School Medical Advisor or the child's private physician. However, in an emergency any other person trained in CPR and First Aid may administer emergency oral and/or injectable medication to any child in need on school grounds, or in the school building. In addition, local poison control center information shall be readily available at the sites of these programs. The Program Director or his/her designee shall be responsible for decision making in the absence of the nurse.

In the event of a medical emergency, the following will be readily available: (1) local poison information center contact information; (2) the physician, clinic or emergency room to be contacted in such an emergency; and (3) the name of the person responsible for the decision making in the absence of a school nurse.

All medications shall be handled and stored in accordance with the provisions of subsection (a) to (k) inclusive of the Regulations of Connecticut State Agencies, as outlined in the accompanying administrative regulation to this policy.

Where possible, a separate supply of the child's medication shall be stored at the site of the before- or after-school program or school readiness program. If this is not possible, a plan should be in place to ensure the timely transfer of the medication from the school to the program and back on a daily basis.



Documentation and record keeping shall be done in compliance with the stipulations outlined in the administrative regulation accompanying this policy.

THE PORTION OF THIS POLICY PERTAINING TO THE ADMINISTRATION OF MEDICATION IN SCHOOL READINESS PROGRAMS AND BEFORE- AND AFTER-SCHOOL PROGRAMS SHALL BE REVIEWED BY THE BOARD ON AN ANNUAL BASIS WITH INPUT FROM THE SCHOOL MEDICAL ADVISOR OR A LICENSED PHYSICIAN AND THE SCHOOL NURSE SUPERVISOR.

During intramural and interscholastic athletic events, a coach or licensed athletic trainer who has been trained in the general principles of medication administration applicable to receiving, storing, and assisting with inhalant medications or cartridge injector medications and documentation, may administer medication for select students for whom self-administration plans are not viable options as determined by the school nurse.

The medication which may be administered is limited to: (1) inhalant medications prescribed to treat respiratory conditions and (2) medication administered with a cartridge injector for students with a medically diagnosed allergic condition which may require prompt treatment to protect the student against serious harm or death.

The school nurse is responsible for the student's individualized medication plan and shall provide the coach with a copy of the authorized prescriber's order and the parental/guardian permission form. Parents are responsible for providing the medication, such as the inhaler or cartridge injector, to the coach or licensed athletic trainer, which shall be kept separate from the medication stored in the school health office during the school day.

Medications to be used in athletic events shall be stored in containers for the exclusive use of holding medications; in locations that preserve the integrity of the medication; under the general supervision of the coach or licensed athletic trainer trained in the administration of medication; and in a locked secure cabinet when not in use at athletic events.

The agreement of the coach or licensed athletic trainer is necessary for the administration of emergency medication and the implementation of the emergency care plan.

### **Administration of Medication by Coaches and Licensed Athletic Trainers During Intramural and Interscholastic Events**

Coaches and athletic trainers are required to fulfill the documentation requirements as outlined in the administrative regulations accompanying this policy. Errors in the administration of medication shall be addressed as specified in Section [10-212a-6](#) of the Regulations of Connecticut State Agencies, and detailed in the administrative regulation pertaining to this policy. If the school nurse is not available, a report may be submitted by the coach or licensed athletic trainer to the school nurse on the next school day.

### **Storage and Administration of Epinephrine**

#### **Storage and Use of Epinephrine Cartridge Injectors (Emergency Administration of Epinephrine to Students without Prior Written Authorization)**



A school nurse or, in the absence of a school nurse, a "qualified school employee" who has completed the training required by PA 14-176, shall maintain epinephrine in cartridge injectors for the purpose of emergency first aid to students who experience allergic reactions, who were not previously known to have serious allergies and who do not have a prior written authorization of a parent/guardian or a prior written order of a qualified medical professional for the administration of epinephrine.

Note: Epipens expire yearly. Therefore, schools are responsible for refilling their prescriptions annually. It is estimated that each school would require two to three two-pack epipens.

The school nurse or school principal shall select qualified school employees who voluntarily agree to be trained to administer such epinephrine as emergency first aid. There shall be at least one such qualified school employee on the grounds of each District school during regular school hours in the absence of the school nurse. Each school must maintain a supply of epinephrine in cartridge injectors (epipens) for such emergency use.

Note: This requirement pertains only during regular school hours and does not include after-school activities.

The school shall fulfill all conditions and procedures promulgated in the regulations established by the State Board of Education (Section [10-212a-2](#)) for the storage and administration of epinephrine by school personnel to students for the purpose of emergency first aid to students who experience allergic reaction and do not have prior written authorization for epinephrine administration.

The school nurse or, in the absence or unavailability of such school nurse, such qualified school employee may administer epinephrine to a student experiencing a life-threatening undiagnosed allergic reaction as emergency first aid, to students who do not have a prior written authorization from a parent or guardian or a prior written order from a qualified medical professional for the administration of epinephrine. A qualified school employee must annually complete the required training program in order to be permitted to administer epinephrine utilizing an epipen.

Following the emergency administration of epinephrine by a qualified school employee to a student who does not have a prior written authorization of a parent/guardian or a prior written order of a qualified medical professional, such administration must be reported immediately to the school nurse or medical advisor, the student's parent/guardian by the school nurse or the qualified school employee and a medication administration record shall be submitted by the qualified school employee at the earliest possible time, but not later than the next school day. Such record must be filed in or summarized on the student's cumulative health record.

The parent/guardian of a student may submit, in writing, to the school nurse and school medical advisor, if any, that epinephrine shall not be administered to his/her child permitted by statute. The District shall annually notify parents/guardians of the need to provide such written notice.

The Board of Education, recognizing this emergency use of epinephrine for previously undiagnosed students, per the statute, is to take place during "regular school hours" establishes



such hours to be from the arrival of the first students to the school site to the departure of the last bus serving the school at the conclusion of the day's instructional programs.

Note: The regulations indicate that boards of education determine the regular school hours for each school. Another definition could be the hours specified in the Teacher's Contract for the normal school/employment day in terms of hours.

### **Administration of Anti-Epileptic Medications to Students**

With the written authorization of a student's parent/guardian, and pursuant to the written order of a physician, a school nurse (and a school medical advisor, if any), shall select and provide general supervision to a qualified school employee, who voluntarily agrees to serve as a qualified school employee, to administer anti-epileptic medication, including by rectal syringe, to a specific student with a medically diagnosed epileptic condition that requires prompt treatment in accordance with the student's individual seizure action plan. Such authorization is limited to situations when the school nurse is absent or unavailable. No qualified school employee shall administer such medication unless he/she annually completes the training program developed by the State Department of Education, in consultation with the School Nurse Advisory Council.

In addition the school nurse (and school medical advisor, if any), shall attest, in writing, that such qualified school employee has completed the required training. The qualified school employee shall also receive monthly reviews by the school nurse to confirm his/her competency to administer anti-epileptic medication. For purposes of the administration of anti-epileptic medication, a "qualified school employee" means a principal, teacher, licensed athletic trainer, licensed physical or occupational therapist employed by the District, coach or school paraprofessional.

### **School Bus Drivers Training**

By June 30, 2019, school transportation carriers must 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. Such training can be completed online, provided the online module fulfills legislative requirements.

Beginning July 1, 2019, each carrier must provide the training to school bus drivers (1) following the issuance or renewal of a public passenger endorsement to operate a school bus for carrier employees, and (2) 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.

(cf. [4112.5/4212.5](#) - Security Check/Fingerprinting)

(cf. [5141](#) - Student Health Services)

(cf. 5141.23 - Students with Special Health Care Needs)

Legal Reference: Connecticut General Statutes



[10-206](#) Health Assessment

[10-212](#) School nurses and nurse practitioners. Administration of medications by parents or guardians on school grounds. Criminal history; records check.

[10-212a](#) Administration of medications in schools. (as amended by PA 99-2, and June Special Session and PA 03-211, PA 04-181, PA 07-241, PA 07-252, PA 09-155, PA 12-198, PA 14-176, PA 15-215 and PA 18-185)

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

[10-220j](#) Blood glucose self-testing by children. Guidelines. (as amended by PA 12-198)

[19a-900](#) Use of cartridge injector by staff member of before- or after-school program, day camp or day care facility.

[21a-240](#) Definitions

[29-17a](#) Criminal history checks. Procedure. Fees.

[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)

Connecticut Regulations of State Agencies [10-212a-1](#) through [10-212a-10](#), inclusive, as amended.

Code of Federal Regulations: Title 21 Part 1307.2

[20-12d](#) Medical functions performed by physician assistants. Prescription authority.

[20-94a](#) Licensure as advanced practice registered nurse.

[29-17a](#) Criminal history checks. Procedure. Fees.

PA 18-185 An Act Concerning the Recommendations of the Task Force on Life-Threatening Food Allergies in Schools.

**Policy adopted:**

## Students

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

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

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

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

#### Legal References:

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

#### Other References:

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

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

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

Policy adopted: November 5, 2018

WESTPORT PUBLIC SCHOOLS  
Westport, Connecticut

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**5000 Series  
Students**

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

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

Conn. Gen. Stat. § 10-76b

Conn. Gen. Stat. § 10-76d

Conn. Gen. Stat. § 10-236b

Conn. Gen. Stat. §§ 53a-18 to 53a-22

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

**Other References:**

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

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

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

APPROVED:

REVISED:

7/26/18



## Students

### Use of Physical Force

#### Physical Restraint/Seclusion/Exclusionary Time Out

The Board of Education (Board) believes that maintaining an orderly, safe environment is conducive to learning and is an appropriate expectation of all staff members within the district. To the extent that staff actions comply with all applicable statutes and Board policy governing the use of physical force, including physical restraint of students and seclusion of students, staff members will have the full support of the Board of Education in their efforts to maintain a safe environment.

The Board recognizes that there are times when it becomes necessary for staff to use reasonable restraint or place a student in seclusion as an emergency intervention to protect a student from harming himself/herself or to protect others from harm. (Alternative language: "to use reasonable restraint or place a student in seclusion to provide a safe environment for students.")

#### Definitions

**Life-threatening physical restraint** means any physical restraint or hold of a person that restricts the flow of air into a person's lungs, whether by chest compression or any other means, or immobilizes or reduces the free movement of a person's arms, legs or head while the person is in the prone position.

**Psychopharmacologic agent** means any medication that affects the central nervous system, influencing thinking, emotion or behavior.

**Physical restraint** means any mechanical or personal restriction that immobilizes or reduces the free movement of a person's arms, legs or head, including, but not limited to, carrying or forcibly moving a person from one location to another. Excluded from this definition is briefly holding a person in order to calm or comfort the person; restraint involving the minimum contact necessary to safely escort a person from one area to another; medical devices including but not limited to, supports prescribed by a health care provider to achieve proper body position or balance; helmets or other protective gear used to protect a person from injuries due to a fall; helmets, mitts and similar devices used to prevent self-injury when the device is part of a documented treatment plan or individualized education program pursuant to Connecticut's special education laws or prescribed or recommended by a medical professional and is the least restrictive means to prevent such self-injury or an exclusionary timeout.

**School employee** means a teacher, substitute teacher, school administrator, Superintendent, guidance counselor, school counselor, psychologist, social worker, nurse, physician, school paraprofessional, or coach employed by the Board of Education or working in a public



elementary, middle or high school; or any other individual who, in the performance of his/her duties has regular contact with students and who provides services to or on behalf of students enrolled in the district's schools, pursuant to a contract with the board of education.

**Seclusion** means the involuntary confinement of a student in a room, from which the student is physically prevented from leaving. Seclusion does not include an exclusionary time out.

**Student** means a child (A) enrolled in grades kindergarten to twelve, inclusive, in a public school under the jurisdiction of a local or regional Board of Education, (B) receiving special education and related services in an institution or facility operating under contract with a local or regional Board of Education, (C) enrolled in a program or school administered by a regional education service center, or (D) receiving special education and related services from an approved private special education program, but shall not include any child receiving educational services from Unified School District #2 or the Department of Mental Health and Addiction Services.

**Exclusionary time out** means a temporary, continuously monitored separation of a student from an ongoing activity in a non-locked setting, for the purpose of calming such student or deescalating such student's behavior.

### **Conditions Pertaining to the Use of Physical Restraint and/or Seclusion**

- A. School employees shall not use a life-threatening physical restraint on a student under any circumstance.
- B. If any instance of physical restraint or seclusion of a student exceeds fifteen minutes an administrator or his/her designee, or a school health or mental health personnel, or a board certified behavioral analyst, who has received training in the use of physical restraint and seclusion shall determine whether continued physical restraint or seclusion is necessary to prevent immediate or imminent injury to the student or to others. Upon a determination that such continued physical restraint or seclusion is necessary, such individual shall make a new determination every thirty minutes thereafter regarding whether such physical restraint or seclusion is necessary to prevent immediate or imminent injury to the student or to others.
- C. No student shall be placed in seclusion unless:
  - a. The use of seclusion is as an emergency intervention to prevent immediate or imminent injury to the student or to others, provided the seclusion is not used for discipline or convenience and is not used as a substitute for a less restrictive alternative.
  - b. Such student is continually monitored by a school employee during the period of such student's seclusion. Any student voluntarily or involuntarily placed in seclusion or restrained shall be regularly evaluated by a school employee for indications of physical distress. The school employee conducting the evaluation shall enter each evaluation in the student's educational record. Monitor shall mean by direct observation or by observation using video monitoring within physical proximity sufficient to provide aid as may be required.



- c. The area in which such student is secluded is equipped with a window or other fixture allowing the student a clear line of sight beyond the area of seclusion.
  - d. Seclusion shall not be utilized as a planned intervention in a student's behavioral intervention plan, individualized education program or plan pursuant to Section 504 of the Rehabilitation Act of 1973, as amended from time to time.
- D. School employees may not use a psychopharmacologic agent on a student without that student's consent except (1) as an emergency intervention to prevent immediate or imminent injury to the student or to others, or (2) as an integral part of the student's established medical or behavioral support or educational plan, as developed consistent with Section [17a-543](#) of the Connecticut General Statutes or, if no such plan has been developed, as part of a licensed practitioner's initial orders. The use of psychopharmacologic agents, alone or in combination, may be used only in doses that are therapeutically appropriate and not as a substitute for other appropriate treatment.
- E. In the event that physical restraint or seclusion is used on a student four or more times within twenty school days:
- a. An administrator, one or more of such student's teachers, the parent/guardian of such student and, if any, a mental health professional shall convene for the purpose of:
    - i. Conducting or revising a behavioral assessment of the student;
    - ii. Creating or revising any applicable behavioral intervention plan; and
    - iii. Determining whether such student may require special education.
  - b. If such student is a child requiring special education or is a child being evaluated for eligibility for special education and awaiting a determination, such student's planning and placement team shall convene for the purpose of (1) conducting or revising a behavioral assessment of the student, and (2) creating or revising any applicable behavioral intervention plan, including, but not limited to, such student's individualized education plan.
- F. The parent/guardian of a student who is placed in physical restraint or seclusion shall be notified not later than twenty-four hours after the student is placed in physical restraint or seclusion. A reasonable effort shall be made to provide such notification immediately after such physical restraint or seclusion is initiated.
- G. School employees shall not use a physical restraint on a student or place a student in seclusion unless he/she has received training on the proper means for performing such physical restraint or seclusion.
- H. The Board of Education, and each institution or facility operating under contract with the Board to provide special education for children, including any approved private special education program, shall:
- a. Record each instance of the use of physical restraint or seclusion on a student;



- b. Specify whether the use of seclusion was in accordance with an individualized education program;
  - c. Specify the nature of the emergency that necessitated the use of such physical restraint or seclusion; and
  - d. Include such information in an annual compilation on its use of such restraint and seclusion on students.
- I. The Board and institutions or facilities operating under contract with the Board to provide special education for children, including any approved private special education program shall provide such annual compilation to the Department of Education in order to examine incidents of physical restraint and seclusion in schools.
- J. Any use of physical restraint or seclusion on a student shall be documented in the student's educational record. The documentation shall include:
- a. The nature of the emergency and what other steps, including attempts at verbal de-escalation, were taken to prevent the emergency from arising if there were indications that such an emergency was likely to arise; and
  - b. A detailed description of the nature of the restraint or seclusion, the duration of such restraint or seclusion and the effect of such restraint or seclusion on the student's established educational plan.
- K. Any incident of the use of restraint or seclusion that results in physical injury to a student shall be reported to the State Board of Education.

### **Required Training and Prevention Training Plan**

Training shall be provided by the Board to the members of the crisis intervention team for each school in the district. The Board may provide such training to any teacher, administrator, school professional or other school employee, designated by the school principal and who has direct contact with students regarding physical restraint and seclusion of students. Such training shall be provided during the school year commencing July 1, 2017 and each school year thereafter, and shall include, but not be limited to:

1. An overview of the relevant laws and regulations regarding the use of physical restraint and seclusion on students and the proper uses of physical restraint and seclusion. (Such overview is to be provided by the Department of Education commencing July 1, 2017 and annually thereafter, in a manner and form as prescribed by the Commissioner of Education.)
2. The creation of a plan by which the Board will provide training regarding the prevention of incidents requiring physical restraint or seclusion of students.

Such plan is to be implemented not later than July 1, 2018.



3. The Board will create a plan, to be implemented not later than July 1, 2018, requiring training regarding the proper means of physical restraint or seclusion of a student, including, but not limited to:
  - a. Verbal defusing and de-escalation;
  - b. Prevention strategies;
  - c. Various types of physical restraint and seclusion;
  - d. The differences between life-threatening physical restraint and other varying levels of physical restraint;
  - e. The differences between permissible physical restraint and pain compliance techniques; and
  - f. Monitoring methods to prevent harm to a student who is physically restrained or in seclusion, including training in the proper means of physically restraining or secluding a student.
  - g. Recording and reporting procedures on the use of physical restraint and seclusion.

### **Crisis Intervention Teams**

For the school year commencing July 1, 2017 and each school year thereafter, the Board requires each school in the District to identify a crisis intervention team. Such team shall consist of any teacher, administrator, school professional or other school employee designated by the school principal and who has direct contact with student and trained in the use of physical restraint and seclusion.

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

Each member of the crisis intervention team shall be recertified in the use of physical restraint and seclusion on an annual basis. The Board shall maintain a list of the members of the crisis intervention team for each student.

Not later than January 1, 2019, the Board establishes this portion of this policy regarding the use of an exclusionary time out, as defined in this policy. This policy regarding exclusionary time outs includes, but need not be limited to, the following requirements:

1. exclusionary time outs are not to be used as a form of discipline;
2. at least one school employee remain with the student, or be immediately available to the student such that the student and school employee are able to communicate verbally, throughout the exclusionary time out;
3. the space used for an exclusionary time out is clean, safe, sanitary and appropriate for the purpose of calming such student or deescalating such student's behavior;



4. the exclusionary time out period terminate as soon as possible; and
5. if such student is a child requiring special education, as defined in C.G.S. [10-76a](#), or a child being evaluated for special education, pursuant to C.G.S. [10-76d](#), and awaiting a determination, and the interventions or strategies are unsuccessful in addressing such student's problematic behavior, such student's planning and placement team shall convene as soon as is practicable to determine alternative interventions or strategies.

### **Dissemination of Policy**

This policy and its procedures shall be made available on the District's website and in the Board's procedural manual. The policy shall be updated not later than sixty (60) days after the adoption or revision of regulations promulgated by the State Board of Education.

(cf. [4148/4248](#) - Employee Protection)

(cf. 5141.23 - Students with Special Health Care Needs)

(cf. 5144.2 - Use of Exclusionary Time Out Settings)

Legal Reference: Connecticut General Statutes

[10-76b](#) State supervision of special education programs and services.

[10-76d](#) Duties and powers of boards of education to provide special education programs and services.

[10-236b](#) Physical restraint and seclusion of students by school employees. (as amended by PA 17-220 and PA 18-51)

[46a-150](#) Definitions. (as amended by PA 07-147 and PA 15-141)

[46a-152](#) Physical restraint, seclusion and use of psychopharmacologic agents restricted. Monitoring and documentation required.

[46a-153](#) Recording of use of restraint and seclusion required. Review of records by state agencies. Reviewing state agency to report serious injury or death to Office of Protection and Advocacy for Persons with Disabilities and to Office of Child Advocate. (as amended by PA 12-88)

[53a-18](#) Use of reasonable physical force or deadly physical force generally.

[53a-19](#) Use of physical force in defense of person.

[53a-20](#) Use of physical force in defense of premises.

[53a-21](#) Use of physical force in defense of property.



PA 07-147 An Act Concerning Restraints and Seclusion in Public Schools.

PA 15-141 An Act Concerning Seclusion and Restraint in Schools.

State Board of Education Regulations Sections [10-76b-5](#) through [10-76b-11](#).

**Policy adopted:**

- 5123
- 5125
- ▶ 5125.1
- 5125.11
- 5131.1-C19
- 5131.61
- 5131.7
- 5131.81-C19
- 5131.911
- ▶ 5131.911 Sample Fo
- 5131.911 Form 1
- 5131.911 Form 2
- 5131.911 Form 3
- 5131.912
- 5141.21
- 5141.3
- 5141.5
- 5141.5 Appendix A
- 5141.5 Appendix B
- 5141.5 Appendix C
- 5141.6
- 5142.1
- 5142.4
- 5144
- 5144.4
- 5145
- 5145.12
- 5145.14
- 5145.15
- 5145.3
- ▶ 5145.41
- 5145.5
- 5145.5 Appendix A
- 5145.5 Appendix B
- 5145.511
- 5156
- 5200

**Students**

**Disclosure of Directory Information Regarding Students to Commercial, Military and College Recruiters and Others**

It is the policy of the Board of Education that directory information regarding students enrolled in its schools is confidential and is not subject to public disclosure. The Board of Education will not make directory information regarding students in its schools available to any commercial, military or college recruiter who requests such information or to any non-school-related individual or group. For the purposes of this policy, directory information will include the student’s name, address, telephone number and date and place of birth.

Legal Reference: Connecticut General Statutes

[1-19\(b\)\(11\)](#) Access to public records. Exempt records.

[10-221b](#) Boards of education to establish written uniform policy re treatment of recruiters.

Public Law 107-110, No Child Left Behind Act

**Policy adopted: November 19, 1984**

**5145.15**

**Students**

**Directory Information**

**School Groups**

1. School groups such as clubs and student activities may receive directory information for internal, school purposes.
2. PTA’s may receive directory information for internal PTA purposes such as newsletter mailings, membership activities, notices, recruiting of volunteers or chaperones, room-mother lists, etc.
3. If PTA’s wish to publish and distribute directories, they must:
  - a. notify all parents and students over 18 of the intention to publish a directory;
  - b. parents and students must be given the opportunity to have their names removed from the directory;
  - c. the notice should advise parents that the directory, once distributed, will no longer be under the control of the PTA and that it could therefore code into the possession of non-school-related interests such as commercial enterprises, military recruiters, etc.

**Others**

1. Individuals may not receive Directory Information for private, non-school use (e.g. parents [except for room mothers] may not receive class lists).
2. Non-school related groups may not receive Directory Information.

**Additional Procedures**

The Board of Education has other policies which permit cooperation:

1. With certain non-profit groups or agencies wishing to disseminate information which has been reviewed as appropriate.
2. With outside researchers whose projects have been approved by the Superintendent or designee.

This cooperation may take various forms ranging from permission to post flyers, to permission to distribute flyers in school, to assistance with mailings to some or all parents and/or students.)

All such requests will continued to be processed through the central office.

**Military Recruiters**

The No Child Left Behind Act, directory information on high school juniors and seniors is supplied to U.S. Military Recruiters unless parents request in writing that such information be withheld. Notification of their request to “opt out” will be given to parents of high school students annually.

**Regulation approved: June 2005**



## Students

### Directory Information

Directory information or class lists of student names and/or addresses, and telephone lists shall not be distributed without the consent of the parent or legal guardian of the student or by the student who has attained status as an eligible student. (An eligible student is a student or former student who has reached eighteen years of age or who is attending an institution of post-secondary education or is an emancipated minor.)

#### *Alternative Language*

The District may disclose any of the items listed as "Directory Information" without prior written consent, unless notified in writing to the contrary.

**"Directory information"** means one or more of the following items: student's name, address, telephone number, date and place of birth, major field(s) of study, participation in officially recognized activities and sports, photographic, computer and/or video images, grade levels, electronic mail address, weight and height of members of athletic teams, dates of attendance, degrees and awards received, including honor roll publication, and the most recent previous public or private school attended by the student, parent's name and/or e-mail address.

A student's Social Security Number or student ID number is prohibited from designation as directory information. However, student ID numbers, user ID, or other electronic personal identifiers used by a student to access or communicate in electronic systems may be disclosed only if the identifier cannot be used to gain access to education records except when used in conjunction with one or more factors that authenticates the user's identity such as a personal identification number (PIN), password or other factor known or possessed only by the authorized user.

Military recruiters or institutions of higher learning shall have access to secondary school students' names, addresses, and telephone listings unless a secondary student eighteen years of age or older or the parent of the student requests that such information not be released without prior written parental consent. The Board of Education shall notify parents and students of the option to make such a request and shall comply with any request received.

*ESSA requires the release of the student's name, address and telephone listing unless, after giving appropriate notice to parents/guardians and students eighteen years of age or older, of their right to opt-out and to require, after such opt-out, written permission to release the information.*



Any person or organization denied the rights accorded under this policy shall have the right to request a review of the decision by the Board of Education by filing a written request with the Superintendent of Schools.

## Public Notice

The District will give annual public notice to parents/guardians of students in attendance and students eighteen years of age or emancipated. The notice shall identify the types of information considered to be directory information, the District's option to release such information and the requirement that the District must, by law, release secondary students' names, addresses and telephone numbers to military recruiters and/or institutions of higher education, unless parents/guardians or eligible students request the District withhold this information and such release would require their written permission. Such notice will be given prior to the release of directory information.

A student ID number or other unique personal identifier that is displayed on a student ID badge may be considered as directory information only if the identifier cannot be used to gain access to education records except when used in conjunction with one or more factors that authenticates the user's identity, such as a PIN, password, or other factor known or possessed only by the authorized user.

## Exclusions

Exclusions from any or all directory categories named as directory information or release of information to military recruiters and/or institutions of higher education must be submitted in writing to the Principal by the parent/guardian, student of eighteen years of age or emancipated student with fifteen days of the annual public notice.

(cf. [5125](#) Student Records; Confidentiality)

*Note: A district may adopt and implement a limited directory information policy that allows for the disclosure of directory information to specific parties, for specific purposes, or both. Such a policy must be specified in the public notice to parents/guardians and eligible students. The District must then limit directory information disclosures to those specified in the public notice. See version #2 of this policy for an example.)*

Legal Reference: Connecticut General Statutes

[1](#)-210 (11) Access to public records. Exempt records.

[10](#)-221b Boards of education to establish written uniform policy re treatment of recruiters.

Federal Family Educational Rights and Privacy Act of 1974 (section 438 of the General Education Act, as amended, added by section 513 of P.L. 93 568, codified at 20 U.S.C. 1232g and Final Rule 34 CFR Part 99, December 9, 2008 and December 2, 2011.)



P.L. 106-398, 2000 H.R. 4205: The National Defense Authorization Act for Fiscal Year 2001.

Section 8528, ESEA, as amended by NCLB and ESSA

34 C.F.R. §99.3

34 C.F.R. §99.31(11)

34 C.F.R. §99.37

**Policy adopted:**

## Students

### Non-Discrimination

The Board of Education complies with all applicable federal, state and local laws prohibiting the exclusion of any person from any of its educational programs or activities, or the denial to any person of the benefits of any of its educational programs or activities because of race, religion, color, national origin, sex, sexual orientation, marital status, age, disability (including pregnancy), veteran status or gender identity or expression, subject to the conditions and limitations established by law.

It is the policy of the Board that any form of discrimination or harassment on the basis of race, religion, color, national origin, sex, sexual orientation, marital status, age, disability (including pregnancy), veteran status, gender identity or expression, or any other basis prohibited by state or federal law is prohibited, whether by students, Board employees or third parties subject to the control of the Board. The Board's prohibition of discrimination or harassment in its educational programs or activities expressly extends to academic, nonacademic and extracurricular activities, including athletics. It is also the policy of the Board to provide for the prompt and equitable resolution of complaints alleging any discrimination on the basis of protected characteristics such as race, color, religion, age, sex, sexual orientation, marital status, national origin, disability (including pregnancy), veteran status or gender identity or expression.

For the purposes of this policy, "veteran" means any person honorably discharged from, or released under honorable conditions from active service in, the United States Army, Navy, Marine Corps, Coast Guard and Air Force and any reserve component thereof, including the Connecticut National Guard.

For the purposes of this policy, "gender identity or expression" means a person's gender-related identity, appearance or behavior, whether or not that gender-related identity, appearance or behavior is different from that traditionally associated with the person's physiology or assigned sex at birth, which gender-related identity can be shown by providing evidence including, but not limited to, medical history, care or treatment of the gender-related identity, consistent and uniform assertion of the gender-related identity or any other evidence that the gender-related identity is sincerely held, part of a person's core identity or not being asserted for an improper purpose.

Any student and/or parent/guardian wishing to file a complaint regarding discrimination may obtain a copy of the Board's complaint procedures and complaint form which are included in the Board's Administrative Regulations Regarding Non-Discrimination/Students. These regulations accompany Board Policy #5145.41 and are available online at <http://www.westportps.org/district/policies> or upon request from the main office of any district school.

If a complaint involves allegations of discrimination or harassment based on reasons such as gender/sex or disability, such complaints will be handled under other appropriate policies (e.g., Policy #5145.5, Students/Sex Discrimination and Harassment; Policy #5145, Section 504/ADA).

Any student and/or parent/guardian also may file a complaint with the Office for Civil Rights,

U.S. Department of Education (“OCR”):

Office for Civil Rights, Boston Office  
U.S. Department of Education  
8th Floor  
5 Post Office Square  
Boston, MA 02109-3921  
(617) 289-0111  
<http://www2.ed.gov/about/offices/list/ocr/docs/howto.html>

Any student and/or parent/guardian may also file a complaint with the Connecticut Commission on Human Rights and Opportunities:

Connecticut Commission on Human Rights and Opportunities  
450 Columbus Blvd.  
Hartford, CT 06103-1835  
(800-477-5737)

Anyone who has questions or concerns about this policy, or would like a copy of the Board’s complaint procedures or complaint forms related to claims of discrimination, may contact:

**Office of the Superintendent, 203-341-1025**

Anyone who has questions or concerns about the Board’s policies regarding discrimination on the basis of gender/sex may contact the Board’s Title IX Coordinator:

**Director of Human Resources and General Administration, 203-341-1023**

Anyone who has questions or concerns about the Board’s policies regarding discrimination on the basis of disability may contact the Board’s Section 504/ADA Coordinator:

**Director of Pupil Services, 203-341-1250**

Legal References:

Title IX of the Education Amendments of 1972, 20 U.S.C. § 1681, et seq.  
Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d, et seq.  
Americans with Disabilities Act, 42 U.S.C. § 12101, et seq.  
Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794, et seq.  
Connecticut General Statutes § 10-15c, § 46a-58, and § 46a-81a, et seq.  
Connecticut General Statutes § 1-1n, “Gender Identity or Expression” defined  
Public Act 17-127, An Act Concerning Discriminatory Practices Against Veterans,  
Leaves of Absence for National Guard Members, Application for Certain  
Medicaid Programs, and Disclosure of Certain Records to Federal Military  
Law Enforcement.

ADOPTED: January 22, 2018

WESTPORT PUBLIC SCHOOLS  
Westport, Connecticut

**Series 5000  
Students**

**NON-DISCRIMINATION (STUDENTS)**

The Board of Education complies with all applicable federal, state and local laws prohibiting the exclusion of any person from any of its educational programs or activities, or the denial to any person of the benefits of any of its educational programs or activities because of race, religion, color, national origin, alienage, sex, sexual orientation, marital status, age, disability (including pregnancy), veteran status or gender identity or expression, subject to the conditions and limitations established by law.

It is the policy of the Board that any form of discrimination or harassment on the basis of race, religion, color, national origin, alienage, sex, sexual orientation, marital status, age, disability (including pregnancy), veteran status, gender identity or expression, or any other basis prohibited by state or federal law is prohibited, whether by students, Board employees or third parties subject to the control of the Board. The Board's prohibition of discrimination or harassment in its educational programs or activities expressly extends to academic, nonacademic and extracurricular activities, including athletics. It is also the policy of the Board to provide for the prompt and equitable resolution of complaints alleging any discrimination on the basis of protected characteristics such as race, color, religion, age, sex, sexual orientation, marital status, national origin, alienage, disability (including pregnancy), veteran status or gender identity or expression.

For the purposes of this policy, "veteran" means any person honorably discharged from, or released under honorable conditions from active service in, the United States Army, Navy, Marine Corps, Coast Guard and Air Force and any reserve component thereof, including the Connecticut National Guard.

For the purposes of this policy, "gender identity or expression" means a person's gender-related identity, appearance or behavior, whether or not that gender-related identity, appearance or behavior is different from that traditionally associated with the person's physiology or assigned sex at birth, which gender-related identity can be shown by providing evidence including, but not limited to, medical history, care or treatment of the gender-related identity, consistent and uniform assertion of the gender-related identity or any other evidence that the gender-related identity is sincerely held, part of a person's core identity or not being asserted for an improper purpose.

Any student and/or parent/guardian wishing to file a complaint regarding discrimination may obtain a copy of the Board's complaint procedures and complaint form which are included in the Board's Administrative Regulations Regarding Non-Discrimination/Students. These regulations accompany Board Policy # \_\_\_\_\_ **[Insert**

**Policy # for Students/Non-Discrimination Policy]** and are available online at **[Insert website address for Board policies]** or upon request from the main office of any district school.

If a complaint involves allegations of discrimination or harassment based on reasons such as gender/sex or disability, such complaints will be handled under other appropriate policies (e.g., Policy #\_\_\_\_\_ **[Insert Policy #]**, Students/Sex Discrimination and Harassment; Policy #\_\_\_\_\_ **[Insert Policy #]**, Section 504/ADA).

Any student and/or parent/guardian also may file a complaint with the Office for Civil Rights, U.S. Department of Education (“OCR”):

Office for Civil Rights, Boston Office  
U.S. Department of Education  
8th Floor  
5 Post Office Square  
Boston, MA 02109-3921  
(617) 289-0111  
<http://www2.ed.gov/about/offices/list/ocr/docs/howto.html>

Any student and/or parent/guardian may also file a complaint with the Connecticut Commission on Human Rights and Opportunities:

Connecticut Commission on Human Rights and Opportunities  
450 Columbus Blvd.  
Hartford, CT 06103-1835  
(800-477-5737)

Anyone who has questions or concerns about this policy, or would like a copy of the Board’s complaint procedures or complaint forms related to claims of discrimination, may contact:

**[Insert name/title, address, telephone number of person(s)]**

Anyone who has questions or concerns about the Board’s policies regarding discrimination on the basis of gender/sex may contact the Board’s Title IX Coordinator:

**[Insert name/title, address, telephone number]**

Anyone who has questions or concerns about the Board’s policies regarding discrimination on the basis of disability may contact the Board’s Section 504/ADA Coordinator:

**[Insert name/title, address, telephone number]**

Legal References:

Title IX of the Education Amendments of 1972, 20 U.S.C. § 1681, et seq.  
Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d, et seq.  
Americans with Disabilities Act, 42 U.S.C. § 12101, et seq.  
Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794, et seq.  
Connecticut General Statutes § 10-15c, § 46a-58, and § 46a-81a, et seq.  
Connecticut General Statutes § 1-1n, “Gender Identity or Expression”  
defined  
Connecticut General Statutes § 46a-58. Deprivation of Rights

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

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

8/22/2019

*A revised sample policy to consider.*

## **Students**

### **Nondiscrimination**

#### **Americans with Disabilities Act**

The Board of Education recognizes its responsibility to comply with the letter and spirit of federal and state statutes regarding people with disabilities, including the Americans with Disabilities Act, (ADA) as amended. Discrimination against individuals with a physical or mental impairment is prohibited even if the impairment doesn't substantially limit a major life activity. It is the policy of the Board of Education to provide a free and appropriate education for students with disabilities, regardless of the nature or severity of the student's disability; including those who are in need of special education and related services.

The term "disability" shall be broadly construed. The question of whether an individual's impairment is a disability under the ADA shall not demand extensive analysis.

#### **Definitions**

**Disability:** An individual is disabled if he/she (1) has a physical or mental impairment that substantially limits a major life activity; (2) has a record of such impairment; and (3) is regarded as having such impairment. An impairment that is episodic or in remission is considered a disability if it would substantially limit a major life activity when active.

**Physical or Mental Impairment:** This means any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more body systems, such as: neurological, musculoskeletal, special sense organs, respiratory, (including speech organs), cardiovascular, reproductive, digestive, genitourinary, immune, circulatory, hemic, lymphatic, skin and endocrine or any mental or psychological disorder such as intellectual disability, organic brain syndrome, emotional or mental illness, and specific learning disability. This includes, but is not limited to, contagious and non-contagious diseases and conditions such as orthopedic, visual, speech and hearing impairments, cerebral palsy, epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart disease, diabetes, intellectual disability, emotional illness, dyslexia, and other specific learning disabilities, Attention Deficit Hyperactivity Disorder, Human Immunodeficiency Virus infection, tuberculosis, drug addiction, and alcoholism. It does not include homosexuality or bisexuality.

**Rules of Construction:** These are rules to be applied when determining whether an impairment substantially limits a major life activity to school employees and students. They specify that (1) the term "disability" must be construed broadly in favor of expansive coverage, to the maximum extent permitted by the terms of the ADA; (2) the term "major life activity" must not be interpreted strictly to create a demanding standard and that whether an activity is a major life activity is not determined by reference to whether it is of central importance to daily life; and (3) the term "substantially limits" must be construed broadly in favor of expansive coverage and is not meant to be a demanding standard.

## Students

### Nondiscrimination

#### Americans with Disabilities Act

##### Definitions (continued)

**Predictable Assessments:** These are impairments that in virtually all cases will result in a determination that an individual has an actual disability because they virtually always can be found to impose a substantial limitation on a major life activity. Such impairments include major depressive disorder, bipolar disorder, schizophrenia, deafness, blindness, intellectual disability, partially or completely missing limbs, autism, cancer, cerebral palsy, diabetes, epilepsy, and HIV. With respect to these types of impairments, the necessary individualized assessment should be particularly simple and straight forward.

The operation of a major bodily function includes the operation of an individual organ within a body system.

**Major Life Activity:** A major life activity includes, but is not limited to, basic tasks such as caring for oneself, performing manual tasks, seeing, hearing, thinking, walking, eating, sleeping, reading, writing, standing, lifting, bending, speaking, breathing, learning, concentrating, communicating, interacting with others and working. The operation of a major bodily function is to be considered a major life activity. This includes functions of the immune system, normal cell growth, digestive, brain, respiratory, bowel, bladder, neurological, special sense organs and skin, genitourinary, cardiovascular, hemic, lymphatic, circulatory, endocrine, musculoskeletal, and reproductive functions.

**Substantially Limits:** A person is considered an individual with a disability when one or more of the individual's important life functions are restricted as to the conditions, manner, or duration under which they can be performed in comparison to most people. Ameliorative effects of mitigating measures will not be considered in the classification of a person with a disability. Mitigating measures include medication, prosthetics, hearing aids, oxygen therapy equipment, assistive technology, reasonable accommodations, mobility devices, and low-vision devices which magnify, enhance, or augment a visual image. Ordinary eyeglasses and contact lenses are exempt.

**Being Regarded as Having Such Impairment:** This means if the individual establishes that he/she has been subject for an action prohibited under the ADA, as amended, because of an actual or perceived physical or mental impairment whether or not the impairment limits or is perceived to limit a major life activity. This does not apply to conditions that are "transitory and minor," having a duration of less than six months.

The District shall not coerce, intimidate, threaten, retaliate against or interfere with any person who attempts to assert a right protected by the above law and will cooperate with investigating and enforcement proceedings under the ADA as well as Section 504, Title IX and Title VI.

## Students

### Nondiscrimination

#### Americans with Disabilities Act (continued)

The District shall designate at least one employee to coordinate its efforts to comply with the ADA, in addition to Title IX and Section 504. All students and staff shall be notified annually of the name, address, and telephone number of the designated individual. (or: The District's Compliance Officer in this policy is also the District's Section 504 and Title IX Compliance Officer.)

The Board directs the Superintendent to develop administrative regulations in order to implement appropriate ADA provisions for students, employees and others who may be affected by this Act. The District shall adopt and publish grievance procedures for prompt and equitable resolution of student/employee complaints alleging discrimination under these statutes.

(cf. 0521 – Nondiscrimination)

(cf. 4118.11/4218.11 – Nondiscrimination)

(cf. 4118.12/4218.12 – Disabilities)

Legal Reference: Connecticut General Statutes

19-581 through 585 AIDS testing and medical information.

10-209 Records not to be public.

46a-60 Discriminatory employment practices prohibited.

Section 504 and the Federal Vocational Rehabilitation Act of 1973, 20 U.S.C. 706(7)(b).

American Disability Act of 1989 (42 U.S.C. Ch 126 §12112), as amended by ADA Amendments Act of 2008

Amendments of Americans with Disabilities Act, Title II and Title III, Regulation to Implement ADA Amendments Act of 2008. Federal Register, Vol. 81, No. 155 (28 CFR Parts 35 & 36)

*Chalk v. The United States District Court of Central California.*

Policy adopted:

rev 1/09

rev 1/17

*Another version of this policy to consider.*

## **Students**

### **Nondiscrimination**

#### **Americans with Disabilities Act/Section 504**

In compliance with its obligations under both Section 504 of the Rehabilitation Act of 1973 and Title II of the Americans with Disabilities Act, as amended, the District does not discriminate against otherwise qualified students with disabilities in the provision of its educational programs and activities.

It is the intent of the District to provide a free and appropriate public education to each Section 504/ADA qualified and eligible student with a disability within its jurisdiction, as defined in 28 CFR, Parts 35 & 36, Amendment to Americans with Disabilities Act Title II and Title III.

It is the further intent of the District to ensure that each student with a disability within the meaning of Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act, as amended, is identified, evaluated, and provided with a free and appropriate public education.

Students who because of a disability, need or are believed to need reasonable accommodations, services, and/or programs are addressed under this policy. Under this policy, a student with a disability is one who (a) has a physical or mental impairment that subsequently limits one or more major life activities, including learning; (b) has a record of such impairment; or (c) is regarded as having such an impairment.

A student may be a student with a disability under Section 504 and this policy even though the student does not require services pursuant to the Individuals with Disabilities Education Improvement Act (IDEIA). Students who are identified as individuals with exceptional needs according to the IDEIA criteria are not addressed under this policy, as the needs of such students are provided for elsewhere under state and federal law, and the District's special education procedures.

(cf. 0521 – Nondiscrimination)  
(cf. 4118.11/4218.11 – Nondiscrimination)  
(cf. 4118.12/4218.12 – Disabilities)  
(cf. 6171 – Special Education)

**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.  
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 and PA 06-18)

## **Students**

### **Nondiscrimination**

#### **Americans with Disabilities Act/Section 504**

Legal Reference: Connecticut General Statutes (continued)

10-76ff Procedures for determining if a child requires special education. (as amended by PA 06-18)

10-76h Special education hearing and review procedure. Mediation of disputes. (as amended by PA 00-48)

10-76k Development of experimental educational programs.

PA 06-18 An Act Concerning Special Education.

State Board of Education Regulations.

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.

10-145a-24 through 10-145a-31 Special Education (re teacher certification).

34 C.F.R. 3000 Assistance to States for Education for Handicapped Children.

American with Disabilities Act, 42 U.S.C. §12101 et seq. (42 U.S.C. Ch 126 §12112), as amended by ADA Amendments Act of 2008.

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.

20 U.S.C. §6368(3) The No Child Left Behind Act.

Section 504 and the Federal Vocational Rehabilitation Act of 1973, 20 U.S.C. 706(7)(b).

American Disability Act of 1989 (42 U.S.C. Ch 126 §12112), as amended by ADA Amendments Act of 2008.

Amendments of Americans with Disabilities Act, Title II and Title III, Regulation to Implement ADA Amendments Act of 2008. Federal Register, Vol. 81, No. 155 (28 CFR Parts 35 & 36)

Policy adopted:

cps 1/09  
rev 1/17

*Another version of this policy to consider.*

## Students

### Nondiscrimination

#### **Americans with Disabilities Act/Section 504 (Rights of Students with Disabilities Under Section 504)**

The Board of Education shall ensure that no student is discriminated against in programs or activities receiving federal financial assistance. Individuals protected by Section 504 of the Rehabilitation Act of 1973 and the Americans with Disability Act (ADA), as amended, are those individuals who: have a physical or mental impairment which substantially limits one or more major life activities (e.g. caring for one's self, performing manual tasks, walking, standing, lifting, bending, seeing, hearing, speaking, writing breathing, learning, reading, concentrating, thinking, communicating and working); have a record of such impairment; or are regarded as having such an impairment. Students who qualify for protection under Section 504 are: of an age during which non-disabled children are provided preschool, elementary or secondary education services; of an age during which it is mandatory under state law to provide such educational services to disabled children; or to whom a state is required to provide a free appropriate public education (e.g. under IDEA), or eligible for accommodations under the ADA.

The Board directs the administration to identify, evaluate, refer, place, provide adaptations for and review all eligible students with disabilities. A student whose disability is episodic or in remission is still eligible to be qualified under the Act. In addition, the determination that a student has an impairment that substantially limits a major life activity will be made without regard to whether mitigating measures (such as medication, devices, prosthetics, hearing aids, etc.) ameliorate the effects of the disability.

Students with disabilities pursuant to Section 504 and/or ADA shall be provided a free appropriate public education which may include, but is not limited to, providing a structured learning environment; repeating and simplifying instructions about in-class and homework assignments; supplementing verbal instructions with visual instructions; using behavioral management techniques; adjusting class schedules; modifying test delivery; using tape recorders, computer-aided instruction, and/or other audiovisual equipment; selecting modified textbooks or workbooks and tailoring homework assignments or modification of nonacademic times such as lunchroom, recess and physical education.

***NOTE:** Examples of program adaption that may be provided to students in response to Section 504 include, but is not limited to, the list offered above. Under the ADAAA of 2008 more students may be qualified to receive a 504 plan but might not necessarily be entitled to a full panoply of services if their needs are effectively met by medication or a device. The focus of the plan may, for example, in certain instances be monitoring appropriate and consistent use of their medication/device. This is an area for further examination. Thus, under the ADAAA of 2008, districts may be obligated to develop and provide a 504 plan to an array of students who previously were not entitled to such protection. All such new procedures and processes should be designed in consultation with the district's school attorney.*

## Students

### Nondiscrimination

#### **Americans with Disabilities Act/Section 504 (Rights of Students with Disabilities Under Section 504)**

The Board directs the Superintendent to provide the staff appropriate training in this area of the law so as to ensure that the District is able to comply with the law in not discriminating against students with disabilities.

The Board shall adopt a grievance procedure to resolve Section 504 complaints and designate an individual to coordinate compliance with Section 504 and the ADA. The Board shall ensure that students with disabilities and their parents are notified annually of the Board's responsibilities under Section 504 and the ADA.

(cf. 0521 – Nondiscrimination)  
(cf. 4118.11/4218.11 – Nondiscrimination)  
(cf. 4118.12/4218.12 – Disabilities)  
(cf. 5141 – Student Health Services)

Legal Reference: Connecticut General Statutes  
19-581 through 585 AIDS testing and medical information.  
10-209 Records not to be public.  
46a-60 Discriminatory employment practices prohibited.  
Section 504 and the Federal Vocational Rehabilitation Act of 1973, 20 U.S.C. 706(7)(b).  
American Disability Act of 1989 (42 U.S.C. Ch 126 §12112), as amended by ADA Amendments Act of 2008 (Americans with Disabilities Act Amendment Act of 2008, 42 USC §§12101 et seq)  
Individuals with Disabilities Education Act, 20 USC §§1400 et seq. (IDEA)  
*Chalk v. The United States District Court of Central California.*  
Amendments of Americans with Disabilities Act, Title II and Title III, Regulation to Implement ADA Amendments Act of 2008. Federal Register, Vol. 81, No. 155 (28 CFR Parts 35 & 36)

Policy adopted:  
cps 2/09  
rev 1/17

*A version from Madison to consider, updated to reflect new legislation.*

## **Students**

### **Nondiscrimination**

This school system pledges to avoid discriminatory actions and seeks to foster good human and educational relations which will help to maintain:

1. equal right and opportunities for all students in the school community;
2. equal opportunity for all students to participate in the total school program of the schools;
3. continual study and development of curricula toward improving human relations and understanding and appreciating cultural differences;
4. training opportunities for improving staff ability and responsiveness to educational and social needs of students;
5. opportunities in educational programs which are broadly available to all students with access not solely based upon race, color, religious creed, age, marital status, national origin, sex, sexual orientation, handicap or physical disability;
6. an appropriate learning environment for all students which includes (a) adequate instructional books, supplies, materials, equipment, staffing, facilities and technology, (b) equitable allocation of resources among district schools and (c) a safe school setting.

Each student, at the time he/she becomes eligible for participation, will be advised of his/her right to equal access under Rehabilitation Act of 1973, Section 504 to participate in school programs without discrimination on account of age, race, color, sex, sexual orientation, gender identity or expression, religion or national origin, marital status or physical disability.

The Superintendent shall develop regulations for hearing student grievances.

The Board will designate an individual to serve as the school system's nondiscrimination Compliance Officer and will publicize the name, office address, and business telephone number of the designee. Inquiries about the enforcement of this nondiscrimination policy can be directed to the Compliance Officer, or to the Director of the Office of Civil Rights, Washington, D.C.

Legal Reference: Connecticut General Statutes

Section 504 and the Federal Vocational Rehabilitation Act of 1973, 20 U.S.C. 706 (7)(b).

10-15c Discrimination in public school prohibited. (as amended by PA 11-55 to include gender identity or expression)

10-18a Contents of textbooks and other general instructional materials. 10-226a Pupils of racial minorities.

10-145a(b) Certificates of qualification for teachers; Inter-group relations programs.

## Students

### Nondiscrimination

Legal Reference: Connecticut General Statutes (continued)

10-220 Duties of boards of education, as amended by PA 97-290, An Act Enhancing Educational Choices and Opportunities.

Title IX of the Education Amendments of 1972, 20 U.S.C., 1681 et seq. Section 504, U.S. Rehabilitation Act, 1973, 29 U.S. C. 791

10-153 Discrimination on account of marital status 46a-60 Discriminatory employment practices prohibited Federal Law

Title VII of the Civil Rights Act 1964

Section 504 and the Federal Vocational Rehabilitation Act of 1973, 20 U.S.C. 706 American Disability Act of 1989

*Chalk v. The United States District Court of Central California* Title IX of the Education Amendments of 1972

Civil Rights Act of 1987

Policy adopted:

cps 10/03  
rev 7/11

MADISON PUBLIC SCHOOLS  
Madison, Connecticut

*Another version to consider.*

## **Students**

### **Non-Discrimination**

The Board of Education complies with all applicable federal, state and local laws prohibiting the exclusion of any person from any of its educational programs or activities, or the denial to any person of the benefits of any of its educational programs or activities because of race, creed, color, national origin, ancestry, sex, sexual orientation, gender identity or expression, marital status, age, or disability, (including pregnancy), subject to the conditions and limitations established by law.

Legal Reference: Connecticut General Statutes

- 10-15c Discrimination in public school prohibited. (Amended by P.A. 97-247 to include “sexual orientation” and PA 11-55 to include “gender identity or expression”)
- 10-153 Discrimination on account of marital status
- 46a-60 Discriminatory employment practices prohibited Federal Law
- 19-581 through 585 AIDS testing and medical information.
- 10-209 Records not to be public.
- 46a-60 Discriminatory employment practices prohibited.
- Section 504 and the Federal Vocational Rehabilitation Act of 1973, 20 U.S.C. 706(7)(b).
- Public Act 07-62 An Act Concerning the Deprivation of Rights on Account of Sexual Orientation
- Public Act 11-55 An Act Concerning Discrimination
- Amendments of Americans with Disabilities Act, Title II and Title III, Regulation to Implement ADA Amendments Act of 2008. Federal Register, Vol. 81, No. 155 (28 CFR Parts 35 & 36)

#### **Policy adopted:**

cps 1/09  
rev 7/11  
rev 1/17  
rev 10/18

*Ridgefield's version of this policy to consider.*

## **Students**

### **Nondiscrimination**

The Board shall not discriminate on the basis of race, color, religion, sex, sexual orientation, gender identity or expression, national origin, disability, marital status or age. The Board will promote an educational environment free from harassment and discrimination.

In keeping with requirements of federal and state law, the Board strives to remove any element of discrimination in employment, assignment and promotion of personnel; in educational opportunities and services offered to students; in student assignment to schools and classes; in student discipline; in location and use of facilities; in educational offerings and materials; and in accommodating the public at public meetings.

The Board shall adopt and the District shall publish grievance procedures providing for prompt and equitable resolution of complaints concerning the Americans with Disabilities Act (ADA), Section 504 of the Rehabilitation Act of 1973, Title IX, and the Age Discrimination Act. As part of those procedures, the Superintendent shall appoint and publish the names of the individuals to contact with any such complaints.

Federal civil rights laws prohibit discrimination and/or retaliation against an individual because he/she has opposed any discriminatory act or practice or because that person has filed a charge, testified, assisted or participated in an investigation, proceeding or hearing. The Board shall not retaliate against any person for these types of protected activities, or coerce, intimidate, threaten or interfere with an individual for exercising the rights guaranteed under these federal laws.

Legal Reference: Connecticut General Statutes  
19-581 through 585 AIDS testing and medical information.  
10-209 Records not to be public.  
46a-60 Discriminatory employment practices prohibited.  
Section 504 and the Federal Vocational Rehabilitation Act of 1973, 20 U.S.C. 706(7)(b).  
Federal Laws  
Rehabilitation Act of 1973, 29 U.S.C. § 701 et seq., 34 CFR § 104.1 et seq.  
Americans with Disabilities Act, 42 U.S.C. § 12131 et seq.,  
28 CFR § 35.101 et seq.  
Title IX of the Educational Amendments of 1972, 20 U.S.C. § 1681 et seq., 34 CFR § 106.1 et seq.  
Title VI, Civil Rights Act, 42 U.S.C. § 2000d, et seq.  
Title VII, Civil Rights Act, 42 U.S.C. § 2000e, et seq.

**Students**

**Nondiscrimination**

Legal Reference: (continued)

Age Discrimination Act of 1975, 42 U.S.C. § 6101 et seq., 34 CFR § 110.1 et seq.

Guidelines on Discrimination Because of Sex, 29 CFR § 1604.1, et seq.

Guidelines on Discrimination Because of Religion, 29 CFR § 1605.1 et seq.

Guidelines on Discrimination Because of National Origin, 29 CFR § 1606.1 et seq.

OCR Guidelines on Sexual Harassment, 62 Fed Reg. 12034 (March 13, 1997) and 66 Fed. Reg. 5512 (January 19, 2001).

Policy adopted: December 12, 2011  
cps 5/12

RIDGEFIELD PUBLIC SCHOOLS  
Ridgefield, Connecticut

*East Haven's version of this policy to consider.*

## **Students**

### **Nondiscrimination (Section 504)**

#### **Policy Regarding Section 504 Of The Rehabilitation Act Of 1973**

Section 504 of the Rehabilitation Act of 1973 (“Section 504”) prohibits discrimination against individuals with a disability in any program receiving Federal financial assistance. To be protected under Section 504, an individual must be determined to: (1) have a physical or mental impairment that substantially limits one or more major life activities; (2) have a record of such an impairment; or (3) be regarded as having such an impairment.

In order to fulfill its obligation under Section 504, the East Haven Public Schools recognize a responsibility to avoid discrimination in policies and practices regarding its personnel, students, parents and members of the public who participate in school sponsored programs. In this regard, the East Haven Public Schools prohibits discrimination against any person with a disability in any of the programs operated by the school system.

The school district also has specific responsibilities under Section 504 to identify, evaluate and provide an educational placement for students who have a physical or mental impairment that substantially limits a major life activity. The school district’s obligation includes providing access to free appropriate public education (“FAPE”) for students determined to be, eligible under Section 504 Under Section 504, FAPE is defined as the provision of regular or special education and related services that are designed to meet the individual educational needs of a student with a disability as adequately as the needs of students without disabilities are met, and that are provided without cost (except for fees imposed on nondisabled students/parents). If the parent or guardian of a student disagrees with the decisions made by the professional staff of the school district with respect to the identification, evaluation, or educational placement of his/her child, a parent/guardian has a right to utilize the complaint procedures outlined in the Board’s Administrative Regulations, and/or may file a complaint with the Office of Civil Rights, U.S. Department of Education.

Any student, parent, guardian or other individual who believes he/she has been discriminated against by or within the district on the basis of a disability may utilize the complaint procedures outlined in the Board’s Administrative Regulations, and/or may file a complaint with the Office of Civil Rights, U.S. Department of Education.

Anyone who wishes to file a complaint, or who has questions or concerns about this policy, should contact Roberta K. Wezenski, the Section 504 Coordinator for the East Haven Public Schools, at phone number (203) 468-3218.

## **Students**

### **Nondiscrimination (Section 504)**

Legal Reference: 29 U.S.C. §794  
34 C.F.R. §104 et. seq.  
42 U.S.C. 12101 et. seq.  
ADA Amendments of 2008, Public Law 110-325

*Protecting Students with Disabilities, Frequently Asked Questions About Section 504 and the Education of Children with Disabilities*, Office for Civil Rights (March 17, 2011),  
available at: <http://www.ed.gov/about/offices/list/ocr/504faq.html>

Dear Colleague Letter, United States Department of Education, Office for Civil Rights (January 19, 2012)

Policy adopted:  
cps 5/18

EAST HAVEN PUBLIC SCHOOLS  
East Haven, Connecticut

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

**POLICY CONCERNING USE OF FACE COVERINGS IN SCHOOL (NEW)**

The \_\_\_\_\_ Board of Education (the “Board”) recognizes the importance of protecting the health and safety of students, staff, and the community during the COVID-19 pandemic. As such, and in accordance with requirements and guidelines issued by the Connecticut State Department of Education (“SDE”), the Board requires that all individuals entering a school building, a \_\_\_\_\_ Public Schools (“District”) facility, or a District transportation vehicle wear an appropriate face covering. An appropriate face covering shall consist of a cloth mask or disposable procedure-style mask that completely covers the individual’s nose and mouth. ***[Optional: An appropriate face covering shall not include “neck gaitors,” bandanas or exhalation valve masks.]*** Any individual who presents for entrance into a school building, District facility or District transportation vehicle who is not wearing an appropriate face covering shall be provided an appropriate face covering by the District.

Compliance with this policy shall be mandatory for all individuals while in a school building, District facility and/or District transportation vehicle, unless an applicable exception applies. Any individual who refuses to wear an appropriate face covering at all times while in a school building, District facility or District transportation vehicle shall be denied admission and/or required to leave the premises, unless an applicable exception applies. In addition, failure to comply with this policy may lead to disciplinary action for students and staff, and exclusion from school property for members of the community, in accordance with applicable laws, rules, regulations, and/or Board policies.

***[Optional: All individuals participating in or attending any school-sponsored activities must wear an appropriate face covering, whether or not those activities occur in a school building, District facility or District transportation vehicle, unless an applicable exception applies or the Administration, in consultation with the local health department, determines that face coverings are not required for athletes participating in certain athletic activities.]***

The Board authorizes the Superintendent or designee to develop administrative regulations and/or protocols to implement this policy. Such administrative regulations and/or protocols shall outline authorized exceptions to the requirement that all individuals wear an appropriate face covering in the school buildings, District facilities and District transportation vehicles and may identify additional face covering rules as related to the safe operation of the school community.

**Legal References:**

Connecticut General Statutes § 10-221

Adapt, Advance, Achieve: Connecticut's Plan to Learn and Grow Together,  
Connecticut State Department of Education, as amended by Addendums 1-11 (June  
29, 2020 through August 31, 2020).

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

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

Temporary Policy Rev. 9/2/2020



  **4118.237/4218.237**

**5141.8**

## **Personnel - Certified and Non Certified**

### **Students**

#### **Face Masks/Coverings**

This policy pertains to students, faculty, staff, and visitors. It has been developed to fulfill the guiding principles contained in the *Framework for Connecticut Schools*, specifically to safeguard the health and safety of students and staff and to allow all students the opportunity to return into classrooms full time.

The Board of Education (Board) is implementing this masking requirement to promote the safest possible learning, teaching and work environment for students, faculty, staff and visitors during the COVID-19 pandemic. The first priority of the Board is the health and well-being of students and staff as the District prepares for and implements the safe reopening of schools.

The Center for Disease Control (CDC) and the Connecticut Department of Health (DPH) and the Connecticut State Department of Education, as outlined in *Adapt, Advance, Achieve: Connecticut's Plan to Learn and Grow Together* requires the wearing of face coverings for all students and staff when they are inside school buildings and while riding school transportation vehicles, with certain exceptions.

It is important to remember that while extremely important, face coverings are just one part of a system or procedures that are in place to safeguard the health and safety of students, teachers, and school staff during the COVID-19 pandemic. The other parts of this system of procedures include physical distancing, good ventilation, enhanced cleaning and disinfection, frequent hand cleaning, cohorting where possible, and efficient identification, isolation and exclusion of sick students and staff.

#### **Definitions**

**Face covering/mask** - a cloth, paper, or disposable face covering that covers the nose and mouth. It may or may not be medical grade. (Evidence shows that the proper wearing of facial masks or coverings helps stop the spread of the virus, which is currently by droplets when an individual coughs, sneezes or talks.)

**Face shield** - a clear, plastic shield that covers the forehead, extends below the chin and wraps around the sides of the face, protecting the eyes, nose and mouth from contamination from respiratory droplets, along with masks or respirators.

**Clear plastic barrier** - a clear plastic or solid surface that can be cleaned and sanitized often.



## **Transportation**

Student passengers are required to wear a face mask or cloth face covering that completely covers the nose and mouth during transit. The student's face covering must be in place prior to boarding the bus, van or other vehicles and must be kept in place until they are completely off the bus or van. The Board shall provide back-up masks if students do not have face coverings when boarding a school bus or van. The face mask or cloth face covering is also applicable to the drivers of the vehicle.

The Board may consider the option of assigning a temporary monitor on student transportation at the beginning of the school year to facilitate compliance with this new face mask protocol.

## **School Buildings and Grounds**

All students, staff, and visitors are required to use face coverings, that completely covers the nose and mouth, when they are inside the school building or on school grounds, even when social distancing is maintained. An individual shall be excused from this requirement for the following listed reasons, per CDC guidance.

The individual:

1. has trouble breathing;
2. is unconscious;
3. is incapacitated; or
4. cannot remove the mask or face covering without assistance.

In addition, masks or face coverings shall not be required for anyone who has a medical reason making it unsafe to wear a face mask or face covering, subject to the restrictions pertaining to exemptions listed in this policy. A written notification from a licensed medical provider, the Department of Developmental Services or other state agency that provides or supports services for people with emotional, intellectual or physical disabilities, or a person authorized by any such agency is required in order for the Board to permit a medical exemption. Such documentation need not name or describe the condition that qualifies the person for the exemption. Schools shall also consider if supporting documentation exists in a student's existing school medical record, where the medical condition and/or need for an exemption is obvious, thereby eliminating the need for additional documentation previously described.

The Board supports the position of the SDE that an exemption "has possible serious consequences for the health of other students and their families, and for the school's ability to stay open in the face of community spread, medical professionals should give serious consideration to the risk-benefit of giving medical notes for mask exemptions and discuss these considerations with the requesting families, including the possibility that a medical attestation of compromised health severe enough to present a contraindication to mask wearing may also constitute a directive for fully-virtual learning."

The State Department of Education (SDE) has proclaimed that the need for a medical exemption for the wearing of masks "is rare." The SDE has stated that "medical contraindications" to the wearing of masks "are generally limited to individuals suffering from severe chronic obstructive pulmonary disease (COPD) such as might be seen with cystic fibrosis, severe emphysema, heart



failure or significant facial burns that would cause extreme pain or interfere with the healing of a skin graft." The SDE has indicated that these "severe medical conditions will be rare in students or staff capable of presenting to the school for work or instruction", as these "individuals would not be able to move about freely without significant assistance." It is recommended by the SDE "for anyone suffering from any of these underlying conditions for that person to remain at home and engage in fully virtual learning due to their risk of developing severe complications if they did become infected with COVID-19."

The Board supports the SDE position that "mild or intermittent respiratory or other common conditions such as asthma, cardiovascular diseases, kidney disease, or other similar conditions are generally not considered contraindications to the wearing of loose-fitting face coverings." However, it is recognized that while certain "mild" medical conditions will not justify the exemption from mask wearing, some students may have difficulty breathing through a mask creating a significant health risk or if psychological responses to a mask, such as claustrophobia, cannot be accommodated by trying different mask types, then the mask could be considered contraindicated.

The Board recognizes that apart from the medical contraindications other situations may exist where exemptions to mask wearing shall be considered. Some students with developmental disabilities may not tolerate or be able to comply well with mask wearing, but this alone should not be a basis for their exclusion from school. The District shall assess, on an individualized basis, the appropriate accommodations for students with disabilities who are unable to wear a face mask. An exemption to mask wearing may be appropriate for children with special needs, such as hearing or language challenges, autism, or developmental disabilities if they have issues tolerating a face covering.

In addition, the Board recognizes that some students and staff involved with certain special education activities, such as, but not limited to, speech therapy or where lip reading is required, may need to be exempted from wearing a mask intermittently. In such situations in which an exception is requested based upon a disability, a Planning and Placement Team (PPT) or Section 504 meeting, "as appropriate, shall be held in order to consider programming revisions or appropriate accommodations. In those situations where masks will not be in use, other key mitigation strategies shall be used, including maximizing distancing, holding activities outdoors or to a well-ventilated space, and/or the use of face shields or other physical barriers.

Parents/guardians may not excuse their child from this face mask requirement, by signing a waiver, because such wearing is a mandated requirement that the Office of the Governor, the Connecticut State Department of Education, and/or the Connecticut State Department of Public Health have defined as necessary for school districts to comply with in order to open schools from the COVID-19 caused closure.

In addition to the wearing of face masks, the District will maximize social distancing between student's workstations and desks, achieving six feet when feasible. Space between the teacher and students is to be maximized to reduce the risk of increased droplets from teachers during instruction. A teacher is permitted to remove a face covering or mask during instruction to an individual or group. If the teacher removes the face covering or mask during instruction, spacing shall be increased beyond six feet. A teacher who remains seated during instruction requires the



use of Plexiglas or other physical barrier in place which is preferable to the use of a face shield. Face shields, however, are not an acceptable substitute for face covering masks.

The Board acknowledges the position of the SDE that teachers should still wear a face covering/mask at all times in school "except for in the rare circumstances where face covering is detrimental to the specific instruction being given."

Transparent (clear) masks should be considered as an option for teachers and students in classes for deaf and hard of hearing students. Pre-K and special education teachers should consider wearing clear masks.

Face shields may be an option for those students with medical, behavioral or other challenges who are unable to wear face masks or coverings. The Board recognizes that face shields are not as effective for source control and should be used only when other methods are not available or appropriate. Therefore, the use of face shields for those with medical conditions is done with the understanding of their limitations and a heightened need for strict adherence to social distancing.

The Board shall provide to any student, staff member or visitor a face mask if such individual does not have one. Training shall be provided as necessary regarding the proper use of face coverings. Information shall be provided to staff, students and students' families regarding the proper use, removal and washing of cloth face coverings.

### **Limited Exceptions to Use of Face Coverings**

When other and appropriate mitigating practices are in place, such as social distancing, students will not be required to wear face masks or coverings while eating, drinking, during physical education classes, or when students are outside and effectively practicing social distancing and any other possible mitigants. Exceptions may also be necessary for certain special education students or other special populations.

Teachers and staff may be excused from wearing a face mask or covering while teaching provided they are properly socially distancing or remaining static behind a physical barrier. Face shields may be useful in situations where it is important for students to see how a teacher pronounces words (e.g. English Learners, early childhood, foreign language, etc.) and social distancing is maintained. However, face shields alone are not a sufficient alternate to the wearing of face mask for source control.

The SDE has indicated that "when the wearing of a face mask is problematic, (i.e. when the teacher's and student's mouth must be visible during speech therapy, when a child with hearing loss needs to read lips, etc.) other appropriate control measures should be implemented, including proper social distancing and/or the use of physical barriers between students and staff."

### **Mask Breaks**

Breaks from wearing masks, for a period of time per break limited to no more than 15 minutes, shall be scheduled throughout the school day, by the teacher, provided that strict social distancing requirements are maintained and limitations are enforced regarding student and staff mobility.



Priority shall be placed for mask breaks to be outdoors if possible, or indoors in large areas where students can appropriately distance. With respect to indoor breaks, which should occur in well-ventilated areas, students and/or staff shall maintain a distance of six feet or more apart and have no physical contact. It is recommended that everyone face in the same direction. Loud talking, yelling/bellowing or singing must be avoided during mask breaks.

During time of eating, face masks or coverings may be removed. Masks are required in all dining areas while entering and leaving or getting food and drinks. They may be removed at appropriately socially distanced tables in order to eat but must be replaced after eating.

A recess period may be used as a break from wearing masks when no more than one class is outside at a time and social distancing requirements are maintained to the greatest degree feasible.

### **Violations of this Policy**

Violations of this policy, whether by students or staff, shall be handled in the same manner as other violations of applicable Board policy. Prior to the imposition of disciplinary measures, staff is encouraged to remind students of the significant health implications of this decision and work with the student to correct and encourage cooperation. Staff is encouraged to pursue a broad spectrum of non-exclusionary options to support students prior to pursuing discipline.

If a student refuses to wear a face mask or covering and does not fulfill any of the exemptions allowed by this policy, such student shall be sent to a room or space designated by the school. The parent/guardian shall be contacted to rectify the situation, school personnel to explain the options available regarding schooling and for the possible removal of the child from the school setting.

If a visitor refuses to wear a face covering, for non-medical reasons, entry to the school/district facility may be denied. (*alternate position:* The District will provide a suitable face covering for a visitor who presents to school without a face covering.)

Teachers or schools may provide incentives for compliance with the face mask requirement.

### **Community Outreach**

The District shall engage in community education programs including signage, mass and targeted communication, and positive reinforcement that will actively promote mask use consistent with CDC, DDH, CSDE and OSHA guidance. Community members will be reminded that mask use does not replace the need for social distancing, washing of hands and other preventative practices recommended by all appropriate authorities.

### **Other Considerations**

- The District shall maintain in each school a supply of disposable face coverings in the event that a staff member, student or visitor does not have one for use.
- Special attention must be given to putting on and removing face coverings for purposes such as eating. After use, the front of the face covering is considered contaminated and



should not be touched during removal or replacement. Hand hygiene should be performed immediately after removing and after replacing the face covering.

- When medically appropriate, nurses shall substitute use of metered dose inhalers and spacers for students with respiratory issues.
- Face shields with face masks may be used by staff who support students with special healthcare needs such as those who are unable to wear masks and who may need assistance with activities of daily living, such as toileting and eating.
- Mask use will not be required by employees when they are alone in private offices. However, they are required to mask when anyone enters a private office space and required to wear a mask if their office space is physically shared with others and does not allow for 6 feet of physical distancing or if the work area is frequented by others (such as a reception area).
- CDC does not recommend masks with exhalation valves for use in the school setting,

Until further notice the Board will require the wearing of masks as prescribed in this policy. The Board reserves the right to interpret the provisions of this policy and to modify any or all matters contained in this policy at any time, subject to applicable law.

(cf. [5141.22](#) - Communicable/Infectious Diseases)

(cf. [5141.6](#) - Crisis Management Plan)

(cf. [6114](#) - Emergencies and Disaster Preparedness)

(cf. [6114.6](#) - Emergency Closings)

(cf. [6114.8](#) - Pandemic/Epidemic Emergencies)

(cf. [6114.81](#) - Emergency Suspension of Policy During Pandemic)

Legal Reference: Connecticut General Statutes

[10-154a](#) Professional communications between teacher or nurse and student.

[10-207](#) Duties of medical advisors.

[10-221](#) Boards of education to prescribe rules.

[19a-221](#) Quarantine of certain persons.

[52-557b](#) Immunity from liability for emergency medical assistance, first aid or medication by injection. School personnel not required to administer or render.

CT. Executive Order 7NNN, August 14, 2020

The Family Educational Rights and Privacy Act of 1974, (FERPA), 20 U.S.C. 1232g, 45 C.F.R. 99.

Adapt, Advance, Achieve: Connecticut's Plan to Learn and Grow Together



Connecticut LEA School Reopening Template

Addendum 11-Interim Guidance for the Use of Face coverings in

Schools during COVID-19, August 31, 2020, SDE.

"Frequently Asked Questions Regarding Reopening K-12 Public Schools" series, Vol. 3, September 2, 2020, SDE.

CDC Considerations for Schools

CDC Symptoms of Coronavirus

CDC Quarantine & Isolation

CDC Use of Cloth Face Coverings to Help Slow the Spread of COVID-19

CDC Interim Guidance for Administrators of US K-12 Schools and Child Care Programs

CDC Schools Decision Tree for Schools Reopening

**Policy adopted:**

## Community Relations

### Smoke Free Environment

The Westport Board of Education recognizes the deleterious health effect of smoking, and second-hand smoke. The Board also recognizes that adults should be providing positive role models for students. Therefore, the Board of Education prohibits any student or adult smoking on school property or at school-sponsored events at any time. The Board of Education is supportive of a system-wide educational campaign, about the harmfulness of smoking, and of programs of assistance to help smokers cure the habit.

**Students:** Students are not permitted to smoke at any time, or be in possession of any tobacco products, or non-tobacco smoking products in school buildings, on school grounds, on school buses, vans or any school-provided transportation, or at any school-sponsored activity.

**Staff and Other Adults:** Staff and other adults are not permitted to smoke at any time in school buildings, on school grounds, on school buses, vans or any school-provided transportation, or at any school-sponsored activity. Smoking is prohibited in any offices assigned to, or public reception areas used by Board of Education personnel, and at public meetings held under the aegis of the Board of Education.

**Definition:** As used herein, “smoke” or “smoking” means the lighting or carrying of a lighted cigarette, cigar or pipe or similar device.

(cf. 1120 Board of Education Meetings)

(cf. 1330 Use of School Facilities)

(cf. 4118/4218.231 Employee Smoking, Drinking, and Use of Drugs on School Premises)

(cf. 5131.6 Drugs, Tobacco, and Alcohol)

Legal Reference: Connecticut General Statutes

19a-342 Smoking prohibited in certain places. Signs required. Penalties.

21a-242 Schedules of controlled substances.

Policy adopted: April 4, 1997  
Policy modified: August 20, 2001

WESTPORT PUBLIC SCHOOLS  
Westport, Connecticut

**Series 1000  
Community/ Board Operations**

**PROHIBITION AGAINST SMOKING**

The [ \_\_\_\_\_ ] Board of Education (“Board”) prohibits smoking, including smoking using an electronic nicotine delivery system (e.g., e-cigarettes) or vapor product, within any of its schools, including any indoor facility owned or leased or contracted for, and utilized by the Board for the provision of routine or regular kindergarten, elementary, or secondary education or library services to children, or on the grounds of such school, or at any school-sponsored activity. For purposes of this policy, the term “electronic nicotine delivery system” shall mean an electronic device used in the delivery of nicotine or other substances to a person inhaling from the device and includes, but is not limited to, an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe or electronic hookah and any related device and any cartridge or other component of such device, including, but not limited to, electronic cigarette liquid. The term “vapor product” shall mean any product that employs a heating element, power source, electronic circuit or other electronic, chemical or mechanical means, regardless of shape or size, to produce a vapor that may or may not include nicotine and is inhaled by the user of such product. The term “school-sponsored activity” shall mean any activity sponsored, recognized or authorized by the Board and includes activities conducted on or off school property.

**[Optional language: The Board further prohibits smoking including smoking using an electronic nicotine delivery system (e.g., e-cigarettes) or vapor product on the real property of any administrative office building. Real property means the land and all temporary and permanent structures comprising the district’s administrative office building(s) and includes, but is not limited to storage facilities and parking lots.]**

Legal References:

Public Act 19-13  
Conn. Gen. Stat. § 10-233a(h)  
Conn. Gen. Stat. § 19a-342  
Conn. Gen. Stat. § 19a-342a  
Conn. Gen. Stat. § 53-344b  
Pro-Children Act of 2001, Pub. L. 107-110, 115 Stat. 1174, 20 U.S.C. § 7183

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



## Community Relations

### Smoke Free Environment

#### Students

In accordance with law and to promote the health and safety of all students and staff, the District prohibits all employees, students and patrons from smoking or using tobacco or tobacco products in all school facilities, buildings, and all school property, both inside and outside and buses or other District transportation at all times, including athletic events and meetings. Tobacco includes, but is not limited to, cigarettes, cigars, snuff, smoking tobacco, smokeless tobacco, nicotine delivering devices (e-cigarettes) or vapor products, chemicals or devices that produce the same flavor or physical effect of nicotine substances; and any other tobacco or nicotine innovations. This prohibition extends to all facilities the District owns/operates, contracts for or leases to provide educational services, routine health care, daycare or early childhood development services to children, as well as facilities in which services are not provided to children.

#### Definitions

**Electronic nicotine delivery system** means an electronic device used in the delivery of nicotine or other substance to a person inhaling from the device, and includes, but is not limited to, an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe or electronic hookah and any related device and any cartridge or other component of such device.

**Liquid nicotine container** means a container that holds a liquid substance containing nicotine that is sold, marketed or intended for use in an electronic nicotine delivery system or vapor product, except “liquid nicotine container” does not include such a container that is prefilled and sealed by the manufacturer and not intended to be opened by the consumer.

**Vapor product** means any product that employs a heating element, power source, electronic circuit or other electronic, chemical or mechanical means, regardless of shape or size, to produce a vapor that may or may not include nicotine that is inhaled by the user of such product.

This prohibition does not apply to any private residence or any portion of a facility that is used for inpatient hospital treatment of individuals dependent on, or addicted to, drugs or alcohol in which the District provides services.

In addition, the prohibition does not apply to a classroom where a demonstration of the use of an electronic nicotine delivery system or vapor product is taking place as part of a medical or scientific experiment or lesson.



Breaks by employees to smoke or use tobacco products are considered recreational activities. If an employee takes a break from work to smoke or use tobacco products or leaves school grounds at any time for any reason other than District business, including to smoke or use tobacco products, He/she will not be considered to be acting within the normal course and scope of employment.

An ongoing program of student support and counseling will be offered to provide support for students who wish to break the smoking habit.

### **Staff and Public**

An ongoing program of staff support and counseling will be offered to provide support for staff who wish to break the smoking habit.

A sign shall be posted on school premises indicating that smoking, including the use of e-cigarettes is prohibited by state law.

(cf. [1120](#) Board of Education Meetings)

(cf. [1330](#) Use of School Facilities)

(cf. [4118.231/4218.231](#) Employee Smoking, Drinking, and Use of Drugs on School Premises)

(cf. [5131.6](#) Drugs, Tobacco, and Alcohol)

Legal Reference: Connecticut General Statutes

[10-233a\(h\)](#) Definitions, “School-sponsored activity”

[19a-342](#) Smoking prohibited in certain places. Signs required. Penalties. (as amended by PA 19-13)

[21a-242](#) Schedules of controlled substances.

P.A. 14-76 An Act Concerning the Governor’s Recommendations Regarding Electronic Nicotine Delivery Systems and Youth Smoking Prevention

P.A. 15-206 An Act Regulating Electronic Nicotine Delivery Systems and Vapor Products

P.L. 107-110, Section 4303, “Non-smoking Policy for Children’s Services”

20 U.S.C. 7181-7184 The Pro Children Act of 2001, PL 107-110, 115 Stat 1174

**Policy adopted:**

## **Students**

### **Alcohol, Drugs, and Tobacco**

#### **Inhalant Use**

In addition to the prohibitions pertaining to alcohol, drugs and tobacco contained in Policy 5131.6, no student shall inhale, ingest, apply, use or possess an abusable glue, aerosol paint or substance containing a volatile chemical with intent to inhale, ingest, apply or use any of these in a manner:

1. Contrary to directions for use, cautions or warnings appearing on a label of a container of the glue, paint aerosol or substance; and
2. Designed to affect the central nervous system, create or induce a condition of intoxication, hallucination or elation, or change, distort, or disturb the person's eyesight, thinking process, balance or coordination.

For purposes of this policy, inhalants are defined as follows, but not limited to:

- Nitrous Oxide - Laughing Gas, Whippets, CO2 Cartridge
- Amyl Nitrite - "Locker Room," "Rush," "Poppers," "Snappers"
- Butyl Nitrite - "Bullet," "Climax"
- Chlorohydrocarbons - Aerosol Paint Cans, Cleaning Fluids
- Hydrocarbons - Aerosol Propellants, Gasoline, Glue, Butane

Further, no student, 18 years of age or older, shall intentionally, knowingly or recklessly deliver or sell potentially abusable inhalant materials as listed above to a minor student.

No student shall intentionally use or possess with intent to use inhalant paraphernalia to inhale, ingest, or otherwise introduce into the body an abusable glue, aerosol paint or substance or other substance that contains a volatile chemical.

Any student in the District schools found to be in possession of, using, distributing, or selling potentially abusable inhalant materials shall be subject to disciplinary action as outlined in this policy, up to and including suspension and a recommendation for expulsion. Violators of this policy may also be required to complete an appropriate rehabilitation program. The Superintendent shall propose and the Board of Education shall approve procedures and regulations to ensure that any student violating this policy is subjected to disciplinary action, and that any disciplinary actions imposed for similar violations are treated consistently.

Legal References:

Connecticut General Statutes:

10-19 Teaching about alcohol, nicotine or tobacco, drugs and acquired immune deficiency syndrome. Training of personnel.

Section 10-154a

Section 10-220b Policy statement on drugs

Section 10-221

Sections 10-233a through 10-233f

Section 21a-240

Section 21a-243

Section 21a-408a through 408q

Federal Regulation 34 CFR Part 85 Drug-free Schools & Communities Act.

PL 114-95 Every Student Succeeds Act, Section 8573

Synthetic Drug Abuse Prevention Act of 2012. (part of s.3187, the Food and Drug Administration Safety and Innovation Act)

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

Policy adopted: January 6, 2020

WESTPORT PUBLIC SCHOOLS  
Westport, Connecticut



## Students

### Alcohol Use, Drugs, and Tobacco (including Performance Enhancing Substances)

Pursuant to the goal of the Board of Education (Board) to maintain a drug, tobacco and alcohol-free school district, schools shall take positive action through education, counseling, parental involvement, and medical and police referral in handling incidents in the schools involving possession, sale, and/or use of behavior affecting substances. These substances shall include but not be limited to alcohol and controlled substances as defined in the Penal Code of the State of Connecticut.

Alcohol, tobacco, stimulants, street drugs, including but not limited to marijuana, heroin and cocaine; anabolic steroids, hormones and analogues, diuretics and other performance enhancing substances; including supplements and Creatine, are addressed by this policy and accompanying administrative regulations.

Possessing, using, or transmitting any substance which is represented to be or looks like a narcotic drug, hallucinogenic drug, amphetamine, barbiturate, marijuana, alcoholic beverage, stimulant, depressant, or intoxicant of any kind, including such substances that contain chemicals which produce the same effect of illegal substances including but not limited to Spice and K2 and bath salts are addressed by this policy.

### Definitions

**Drugs** are defined as any substance other than food or water that is intended to be taken or administered (ingested, injected, applied, implanted, inhaled, etc.) for the purpose of altering, sustaining, or controlling the recipient's physical, mental, or emotional state. Drugs may include, but not be limited to, alcoholic beverages; controlled substances such as marijuana, hallucinogens, cocaine, barbiturates, amphetamines, narcotics; and non-authorized prescription drugs.

**Controlled substances**, for purposes of this policy shall include all controlled substances prohibited by federal and state law, look-alike drugs, alcoholic beverages, anabolic steroids, drug paraphernalia, any volatile solvents or inhalants, such as but not limited to glue and aerosol products, and prescription or patent drugs, except those for which permission for use in school has been granted pursuant to Board policy.

**Under the influence**, for purposes of this policy shall include any consumption or ingestion of controlled substances by a student.

**Electronic nicotine delivery system** means an electronic device that may be used to simulate smoking in the delivery of nicotine or other substance to a person inhaling from the device, and includes, but is not limited to, an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe or electronic hookah and any related device and any cartridge or other component of such device.



**Liquid nicotine container** means a container that holds a liquid substance containing nicotine that is sold, marketed or intended for use in an electronic nicotine delivery system or vapor product, except "liquid nicotine container" does not include such a container that is prefilled and sealed by the manufacturer and not intended to be opened by the consumer.

**Vapor product** means any product that employs a heating element, power source, electronic circuit or other electronic, chemical or mechanical means, regardless of shape or size, to produce a vapor that may or may not include nicotine that is inhaled by the user of such product.

### **Privacy Rights**

Personal privacy rights of students shall be protected as provided by law. School properties may be inspected by school authorities to maintain health and safety. Searches to locate drugs, narcotics, liquor, weapons, poisons, and missing properties are matters relating to health and safety and may be regarded as reasonable grounds for searches by school personnel. Privileged communication between a certified or paraprofessional employee and a student concerning drug abuse shall remain confidential except in cases where the employee is obtaining physical evidence of a controlled substance, and/or where there is an immediate threat to, or where students' health, safety, and welfare may be jeopardized.

### **Illegal Activities**

Use, possession, sale or distribution of drugs, including prescription drugs, drug paraphernalia and/or alcoholic beverages in violation of state law or Board of Education policy is prohibited at any time on school premises or at any school-sponsored activity. If a student is under the influence of a drug or alcohol, or engaged in the illegal activity of possessing or selling drugs and/or alcohol, the police will be notified, his/her parent(s)/guardian will be contacted, he/she will be suspended from school, referred to a Student Support Team, and considered for expulsion. In cases of the illegal activity of possessing or selling drugs or alcohol, students will be referred to the appropriate law enforcement authorities. If a student is arrested and is awaiting trial for possession of, or possession of with intent to sell drugs in or on school property or at a school-sponsored event, the student will not be allowed to attend school without the permission of the Superintendent, per the guidelines set forth in Policy [#5114](#).

### **Notification of Policy**

Annually, students will be notified through the student handbook, or through other means, of disciplinary sanctions for violation of this policy.

Principals shall include statements, appropriate to student maturity, in school handbooks and on District/school websites to the effect that:

1. the unlawful manufacture, distribution, sale, dispensing, possession or use of controlled substances, other illegal drugs, performance-enhancing substances, alcohol or tobacco, including electronic nicotine delivery systems and vapor products, is prohibited in school, on school grounds, on school transportation and at school sponsored activities;
2. compliance with the standards of conduct stated in the handbook is mandatory;



3. a violation of its provisions will subject students to disciplinary action up to and including expulsion and referral for prosecution: and
4. CIAC controlled activities at the high school and middle school levels sponsored by the District/school are included in this policy and accompanying administrative regulations.
5. CIAC may impose sanctions beyond those applied by the District for the use of performance-enhancing substances, as defined in this policy, by athletes.

### **Disciplinary Action**

Students who violate this policy will be subject to disciplinary action which includes, but is not limited to, suspension or expulsion, and/or a program recommended by the Student Support Team. Student athletes who violate this policy, participating in CIAC-controlled activities shall also be declared ineligible for such activities in accordance with CIAC policy and regulation. Any disciplinary actions imposed will ensure that similar violations will be treated consistently. The Superintendent shall propose and the Board of Education shall approve procedures and regulations to ensure that any student violating this policy is subjected to disciplinary action, and that any disciplinary actions imposed for similar violations are treated consistently.

The following guidelines for reporting alleged violations are to be followed:

1. If an employee suspects student possession, use, abuse, distribution or sale of controlled substances, other illegal drugs, performance-enhancing drugs, alcohol, or tobacco/tobacco products the employee shall refer the matter to the Principal or his/her designee. The Principal or designee will notify the student's parent/guardian, recommend a specific assessment, as appropriate, and contact law enforcement personnel as appropriate.
2. If an employee obtains physical evidence of a controlled substance, other illegal drug, drug paraphernalia, performance-enhancing drugs, alcohol, tobacco products or tobacco paraphernalia from a student in school, on school grounds, on school provided transportation or at a school sponsored event, the employee shall turn the student and the controlled substance over to the school principal or designee. The Principal will notify the student's parent/guardian, recommend a specified assessment as appropriate, notify law enforcement personnel and shall surrender possession of the controlled substance to the proper authorities within the time period required by state law.

### **Drug-Free Awareness Program**

The Superintendent shall assure that the school District provides a drug-free awareness program for students including the following topics:

- health and safety-related dangers of drug abuse;
- review of the Board of Education's policy of maintaining drug-free schools;
- notification of the availability of drug counseling and rehabilitation programs; and



- official penalties for drug abuse violations in schools.

## **Drugs and Alcohol**

It is the policy of the Board to prevent and prohibit the use (except as duly authorized through the school nurse), possession, distribution or sale of any drug, drug paraphernalia, or alcohol by any student at any time on school property, at school-sponsored events or on school-provided transportation. The District provides (1) a supportive environment for recovering chemically dependent students during and/or after their involvement in a treatment program for chemical dependency; and will provide (2) assistance to those students who are affected by drug/alcohol possession or use by others. Any student in District schools found to be using, selling, distributing, in possession of or under the influence of intoxicants, mood altering drugs or substances, or look-alike drugs, or in possession of any related drug paraphernalia during a school session, on school premises, or anywhere at a school-sponsored activity or trip, on school-provided transportation, or otherwise off school grounds when such student's conduct violates the substance abuse policy and is seriously disruptive of the educational process shall be subject to consequences as stated in the student handbook.

A breath alcohol tester is approved for use at events/activities such as dances and proms at the middle school and high school levels where, in the judgment of the school administrator, there exists reasonable suspicion that a student has consumed an alcoholic beverage and then, only under the following circumstances:

- The student denies to an administrator that he/she has consumed alcoholic beverages and wishes to establish his/her innocence. Should the student register a positive reading on the breath alcohol tester, consequences will be administered as outlined in the discipline/behavior regulations in the Code of Conduct
- The student denies to an administrator that he/she has consumed alcoholic beverages and elects not to utilize the breath alcohol tester to establish his/her innocence. The judgment of the administrator will then be utilized to determine if the student has consumed an alcoholic beverage. In this instance, consequences will be administered as outlined in the discipline/behavior regulations in the Code of Conduct.

## **Inhalant Abuse**

In addition to the prohibitions pertaining to alcohol, drugs and tobacco contained in this policy, no student shall inhale, ingest, apply, use or possess an abusable glue, aerosol paint or substance containing a volatile chemical with intent to inhale, ingest, apply or use any of these in a manner:

1. Contrary to directions for use, cautions or warnings appearing on a label of a container of the glue, paint aerosol or substance; and
2. Designed to affect the central nervous system, create or induce a condition of intoxication, hallucination or elation, or change, distort, or disturb the person's eyesight, thinking process, balance or coordination.

For purposes of this policy, inhalants are defined as follows, but not limited to:



Nitrous Oxide - Laughing Gas, Whippets, CO<sub>2</sub> Cartridge

Amyl Nitrite - "Locker Room," "Rush," "Poppers," "Snappers"

Butyl Nitrite - "Bullet," "Climax"

Chlorohydrocarbons - Aerosol Paint Cans, Cleaning Fluids

Hydrocarbons - Aerosol Propellants, Gasoline, Glue, Butane

Further, no student, 18 years of age or older, shall intentionally, knowingly or recklessly deliver or sell potentially abusable inhalant materials as listed above to a minor student.

No student shall intentionally use or possess with intent to use inhalant paraphernalia to inhale, ingest, or otherwise introduce into the body an abusable glue, aerosol paint or substance or other substance that contains a volatile chemical.

Any student in the District schools found to be in possession of, using, distributing, or selling potentially abusable inhalant materials shall be subject to disciplinary action as outlined in this policy, up to and including suspension and a recommendation for expulsion. Violators of this policy may also be required to complete an appropriate rehabilitation program. The Superintendent shall propose and the Board of Education shall approve procedures and regulations to ensure that any student violating this policy is subjected to disciplinary action, and that any disciplinary actions imposed for similar violations are treated consistently.

The Board of Education shall incorporate into the curriculum at all levels education pertaining to potential inhalant abuse which is appropriate for students given their age, maturity, and grade level. Inhalant abuse educational programs/information for parents/guardians will be offered in a manner convenient to parents/guardians.

### **Performance-Enhancing Drugs (including food supplement)**

In addition to the prohibition pertaining to alcohol, drugs, tobacco and inhalants, the Board of Education prohibits the use, possession, distribution or sale of performance-enhancing drugs, including anabolic steroids and food supplements, including Creatine, by students involved in school-related athletics or any co-curricular or extracurricular school activity/program, other than use for a valid medical purpose as documented by a physician. Bodybuilding and enhancement of athletic ability and performance are not considered valid medical purposes.

School personnel and coaches will not dispense any drugs, medication or food supplements except as in compliance with Connecticut State law, District policy and as prescribed by a student's physician, dentist, physician assistant or advanced practice registered nurse.

Students shall be made aware of the dangers of steroid abuse and that such abuse, unauthorized possession, purchase, or sale will subject them to disciplinary action and CIAC sanctions.

Students who violate this policy will be subject to disciplinary action. The Superintendent shall propose, and the Board of Education shall approve, procedures and regulations to ensure that any student violating this section is subjected to disciplinary action, and that any disciplinary actions imposed for similar violations are treated consistently.



It is the expectation of the Board that District schools, as members of the Connecticut Interscholastic Athletic Association (CIAC), require all athletes playing in CIAC-controlled sports to be chemical free.

### **Tobacco/E-Cigarette Use by Students**

There shall be no smoking or any other unauthorized use or possession of tobacco, tobacco products, including chewing tobacco or tobacco paraphernalia, and electronic nicotine delivery systems or vapor products by students in any school building or school vehicle at any time or on any school grounds during the school day, or at any time when the student is subject to the supervision of designated school personnel. Such as when the student is at any school function, extracurricular event, field trip, or school related activity such as a work-study program. An ongoing program of student support and counseling will be offered to provide support for students who wish to break the smoking habit.

Tobacco includes, but is not limited to cigarettes, cigars, snuff, smoking tobacco, smokeless tobacco, nicotine, nicotine delivering systems or vapor product, chemicals, or devices that produce the same flavor or physical effect of nicotine substances; and any other tobacco or nicotine innovations.

Alternate language to consider: For purposes of this policy, "use of tobacco" shall mean all uses of tobacco, including but is not limited to, cigarettes, cigars, snuff, blunts, bidis, pipes, chewing tobacco, or any other substance that contains tobacco or nicotine, and all other forms of smokeless tobacco, rolling papers and any other items containing or reasonably resembling tobacco or tobacco products. In order to protect students and staff, the Board prohibits the use of tobacco or nicotine-based products in school buildings, on school grounds, in school vehicles, or at any school-related event.

Students who violate this policy will be subject to disciplinary action. The Superintendent shall propose and the Board of Education shall approve procedures and regulations to ensure that any student violating this policy is subjected to disciplinary action, and that any disciplinary actions imposed for similar actions are treated consistently.

### **Medical Marijuana**

The conditions which follow are applicable to a District student who holds a certificate authorizing the palliative use of marijuana issued by the Connecticut Department of Consumer Protection (DCP) for the medical use of marijuana as set out in P.A. 12-55, "An Act Concerning the Palliative Use of Marijuana" and as amended by P.A. 16-23.

The District will not refuse to enroll a student or otherwise penalize a student for being a medical marijuana certificate holder unless failure to do so would cause the school to lose a monetary or licensing benefit under federal law or regulations.

A student medical marijuana certificate holder is subject to, without bias, the same code of conduct and disciplinary standards applicable to all students attending District schools. A student medical marijuana certificate holder shall not:



- Undertake any task under the influence of marijuana that would constitute negligence;
- Possess or engage in the medical use of marijuana
- On a school bus,
- On the grounds of any preschool, elementary or secondary school,
- Utilize marijuana on any form of public transportation or in any public place.
- Operate, navigate, or be in actual physical control of any motor vehicle while under the influence of marijuana, except that a qualifying certified marijuana user for medical purposes shall not be considered to be under the influence of marijuana solely because of the presence of metabolites or components of marijuana that appear in insufficient concentration to cause impairment;
- Use marijuana in any manner not authorized by P.A. 12-55 as amended by P.A. 16-23; or
- Offer to give, sell, or dispense medical marijuana to another student or other individual on school property, in school-provided vehicles, at school events, or when functioning as a representative of the school.

If District officials have reasonable belief that a student may be under the influence, in possession of, or distributing medical marijuana, in a manner not authorized by the medical marijuana statute, law enforcement authorities will be informed.

A student who violates any portion of this policy shall be subject to disciplinary action and applicable criminal prosecution.

Alternate language to consider: Although possession and use of marijuana for certain medical conditions, consistent with Connecticut's P.A. 12-55, "An Act Concerning the Palliative Use of Marijuana," as amended by P.A. 16-23, is no longer a crime in Connecticut, the possession and use of marijuana remains illegal under federal law. Consistent with federal law, including the Controlled Substances Act and the Drug-Free Schools and Communities Act, the use and or possession of marijuana continues to be prohibited while a student is on a school bus, at school, on school grounds or at a school-sponsored activity. The District will continue to enforce its policies regarding controlled substances and any students who violate District policy prohibiting the use, sale or possession of illegal drugs in District facilities and school property will be subject to disciplinary and criminal action.

(cf. [5114](#) - Suspension/Expulsion)

(cf. [5131](#) - Conduct)

(cf. 5131.61 - Inhalant Abuse)

(cf. [5131.62](#) - Steroid Use)



(cf. 5131.612 - Surrender of Physical Evidence Obtained from Students)

(cf. [5131.8](#) - Out of School Grounds Misconduct)

(cf. 5131.92 - Corporal Punishment)

(cf. 5144 - Discipline/Punishment)

(cf. [5145.12](#) - Search and Seizure)

(cf. [5145.121](#) - Vehicle Searches on School Grounds)

(cf. [5145.122](#) - Use of Dogs to Search School Property)

(cf. 5145.124 - Breathalyzer Testing)

(cf. 5145.125 - Drug Testing-Extracurricular Activities)

(cf. [6164.11](#) - Drugs, Alcohol, Tobacco)

Legal Reference: Connecticut General Statutes

[1-21b](#) Smoking prohibited in certain places.

[10-19](#) Teaching about alcohol, nicotine or tobacco, drugs and acquired immune deficiency syndrome. Training of personnel.

[10-154a](#) Professional communications between teacher or nurse and student. Surrender or physical evidence obtained from students.

[10-220b](#) Policy statement on drugs.

[10-221\(d\)](#) Boards of education to prescribe rules, policies and procedures re sale or possession of alcohol or controlled drugs.

[21a-240](#) Definitions dependency producing drugs.

[21a-240\(8\)](#) Definitions "Controlled Drugs," dependency producing drugs.

[21a-240\(9\)](#) Definitions "controlled substance."

[21a-243](#) Regulation re schedules of controlled substances.

[21a-408 et. seq.](#) Palliative Uses of Marijuana (as amended by P.A. 16-23)



[53-198](#) Smoking in motor buses, railroad cars and school buses.

P.A. 11-73 An Act Regulating the Sale and Possession of Synthetic Marijuana and Salvia Divinorum.

P.A. 12-55 An Act Concerning the Palliative Use of Marijuana.

P.A. 16-23 An Act Concerning the Palliative Use of Marijuana

P.A. 14-76 An Act Concerning the Governor's Recommendations Regarding Electronic Nicotine Delivery Systems and Youth Smoking Prevention.

P.A. 15-206 An Act Regulating Electronic Nicotine Delivery Systems and Vapor Products

Federal Regulation 34 CFR Part 85 Drug-free Schools & Communities Act.

PL 114-95 Every Student Succeeds Act, Section 8573

Synthetic Drug Abuse Prevention Act of 2012. (part of s.3187, the Food and Drug Administration Safety and Innovation Act)

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

Veronia School District 47J v. Acton, 515 U.S. 646. (1995)

Board of Education of Independent School District No 92 of Pottawatomie County v. Earls 01-332 U.S. (2002).