

**WESTPORT BOARD OF EDUCATION
POLICY COMMITTEE
NOTICE OF SPECIAL MEETING
AGENDA**

(Agenda Subject to Modification in Accordance with Law)

WORK SESSION:

8:00 a.m. Staples High School 1025c

DISCUSSION/ACTION:

Minutes: September 10 and 17, 2019, *pages 1-3*

DISCUSSION:

1. First reading and discussion of Policy 6146 Graduation Requirements, *pages 5-31*
2. First reading of the following policies:
 - 4118.11/4218.11 Nondiscrimination (Title IX), *pages 33-41*
 - 4118.234 Psychotropic Drug Use, *pages 43-49*
 - 4212.42 Drug and Alcohol Testing for Bus Drivers, *pages 51-52*
 - 5118.1 Homeless Students, *pages 53-79*
 - 5125.11 Health/Medical Records (HIPAA), *pages 81-82*
 - 5131.6 Alcohol, Drugs, Tobacco, *pages 83-127*
 - 5131.7 Weapons and Dangerous Instruments, *pages 105-130*
 - 5144.4 Physical Exercise and Discipline of Students, *pages 131-134*
 - 5145.511 Sexual Abuse Prevention Education Program, *pages 135-157*

ADJOURNMENT

Meeting: September 10, 2019
Hall

Westport Town

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

Board Members Present:

Karen Kleine Committee Chair
Mark Mathias Board Chair

Administrators Present:

David Abbey Interim Superintendent (arrived at 8:19 a.m.)
John Bayers Director of Human Resources

PUBLIC SESSION: 8:04 a.m., Westport Town Hall Room 307

MINUTES: September 18, October 4, October 16, and November 13, 2018

Karen Kleine moved to approve the minutes of JSeptember 18, October 4, October 16, and November 13, 2018; seconded by Mark Mathias and approved unanimously (2-0-0).

DISCUSSION

Second reading and discussion of Board of Education bylaws

Karen Kleine moved to bring all bylaws before the full Board for a first reading at the September 16, 2019 meeting; seconded by Mark Mathias and passed unanimously (2-0-0).

First reading and discussion of the following policies and regulations:

- P 7551 Naming Facilities
- R 3515/1330 Regulations Governing Use of School Facilities

ADJOURNMENT

Karen Kleine moved to adjourn the meeting at 9:23 a.m.; seconded by Mark Mathias and passed unanimously.

Respectfully submitted,

Jennifer Caputo

**Meeting: September 17, 2019
Hall**

Westport Town

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

Board Members Present:

Karen Kleine Committee Chair
Mark Mathias Board Chair

Administrators Present:

John Bayers Director of Human Resources

PUBLIC SESSION: 8:03 a.m., Westport Town Hall Room 307

DISCUSSION

Review of CAFE policy audit

Discussion of the following policies and regulations:

- P 7551 Naming Facilities
- R 3515/1330 Regulations Governing Use of School Facilities

First reading and discussion of Policy 6146 Graduation Requirements

ADJOURNMENT

Meeting adjourned at 8:58 a.m.

Respectfully submitted,

Jennifer Caputo

Instruction

Graduation Requirements

Overview

To graduate from Staples High School, a student must meet the following requirements:

- Earn at least 25 credits distributed across certain subjects as stated in Appendix B.
- Performance Standards

Students are required to satisfy district performance standards in the following areas as outlined in Appendix C, *Academic Expectations for Student Learning*:

- a) Reading*

b) Writing*

c) Problem Solving*

d) Technology

e) Critical Thinking
- f) Effective Speaking

g) Effective Listening

h) Understanding Human Experience

i) Physical Health

j) Understanding Aesthetics

Note: Problem solving is embedded in the mathematics and science courses, and incorporates mathematics standards and science standards.

*Directly related to CAPT Standards

- Attain Goal on all Sections of the Connecticut Academic Performance Test (CAPT) or master specific skills in Grades 11 and 12 courses.

See Appendix D, *Support for Student Achievement* and Appendix E, *Alternate Route to Meeting Graduation Requirements*.

Policy adopted: March 13, 2006

CLASS OF 2010 AND BEYOND

STAPLES HIGH SCHOOL CREDIT AND DISTRIBUTION REQUIREMENT

Area	# of Credits
English (1.0 each year) Distribution: As part of the English requirement, all students must complete and pass a major research paper (usually in the junior year) in one of the following courses:	4.0
<ul style="list-style-type: none"> English III 	

<ul style="list-style-type: none"> AP English Language 	
<ul style="list-style-type: none"> Effective Writing 	
<ul style="list-style-type: none"> Research and Understanding Literature 	
Social Studies (for classes of 2012,-2014)	3.5
Distribution:	
<ul style="list-style-type: none"> Western Humanities 1.0 	
<ul style="list-style-type: none"> U.S. History 1.0 	
<ul style="list-style-type: none"> Area Studies 0.5 	
<ul style="list-style-type: none"> American Government 0.5 	
<ul style="list-style-type: none"> Additional Elective 0.5 <p>For class of 2015 and beyond: Area studies requirement will be replaced by World Studies requirement in 11th grade.</p>	
Mathematics	3.0
Science	2.0
World Language (Any one world language, in sequence)	2.0
Physical Education and Health	3.0
Distribution:	
<ul style="list-style-type: none"> Freshman year 1.0 	

<ul style="list-style-type: none"> • Sophomore year 1.0 • Junior year 1.0 	
Arts	1.5
Distribution: (Minimum of 0.5 in fine arts and 0.5 in practical/human arts; remaining 0.5 in either area.)	
<ul style="list-style-type: none"> • Fine Arts: Art, Music, Theater 	
<ul style="list-style-type: none"> • Practical Arts/Human Arts: Academic Support Classes, Advanced Journalism, Child Development, Child Study, Community Service, Computer Science, Culinary, Media, Relationships, Scientific Research, Technology Education 	
Electives	6.0
TOTAL	25

Westport Board of Education: Approved March 13, 2006

6146 Appendix C

ACADEMIC EXPECTATIONS: READING, WRITING & PROBLEM SOLVING
Students must demonstrate that they have achieved the following Academic Expectations:

A. Reading

Skills Required to Meet the Reading Standard

- Identify main ideas, author's purpose and intended audience
- Locate supporting details
- Evaluate authenticity and reliability of sources
- Make connections within and among texts
- Formulate questions based on the text
- Develop interpretation of the text
- Evaluate the text

B. Writing

Skills Required to Meet the Writing Standard

- Write with clarity, organization and coherence
- Write for a variety of purposes and audiences
- Write with mechanical correctness
- Develop an idea completely
- Provide sufficient supporting details
- Use clear, correct and varied sentence structure
- Make appropriate word choices

Skills must be demonstrated & Academic Expectations satisfied as follows:

(1) Pass Prescribed Courses

During the 9th, 10th, and 11th grades, students must take and pass three English courses and two social studies courses (a Western Humanities and a U.S. History Course) which specifically require the above skills. The same courses will be used to assess the student's writing and interpretive reading skills.

All students are required to take a full year of English in grade 9 and grade 10. In each of those full-year courses, students must earn a 3 or higher on a 4-point rubric on a minimum of four essays in order to pass the course. In the 11th grade, all students are required to take an English course in which they write a research paper, demonstrating the following skills, related both to reading and writing:

- Formulate a research question
- Collect and evaluate sources
- Use multi-media technology
- Read sources for main ideas and supporting details
- Take notes
- Develop a thesis
- Support thesis with credible evidence
- Synthesize information from various sources
- Create working draft
- Revise and edit document
- Credit sources

Students must earn a 3 or higher on a 4-point rubric on the research paper in order to pass the English course in which it is written.

(2) In addition, students must meet the state goal in reading and writing on the Connecticut Academic Performance Test (CAPT)

A student who does not meet the goal in the sophomore year is strongly encouraged to retake the reading and/or writing sub-test as a junior (with additional assistance provided as needed) OR pass an additional post-10th grade *prescribed*

Grade 11 or 12 English course for reading and a post-10th grade *prescribed* social studies course for writing. Demonstrating mastery on the CAPT means that the student achieves the state goal in reading and writing across the disciplines on the Connecticut Academic Performance Test.

If the student fails to achieve goal on the CAPT in *reading*, the student must take a post-10th grade *prescribed* course in which the student produces two major literary analysis essays during the 11th grade or the first semester of the 12th grade. If the student fails to achieve the CAPT goal in *writing*, the student must take a post-10th grade prescribed course in social studies during the 11th grade or the first semester of the 12th grade and produce two persuasive essays. The required performance tasks will be measured by applying the Staples High School rubrics for reading and writing respectively. The student must achieve a 3 or higher on the respective 4-point rubric to meet this graduation requirement.

C. Problem Solving

Skills Required to Meet the Problem Solving Academic Expectation

Identify and define a problem

- Understand the relevant issues presented by a problem
- Identify and locate the relevant information needed to solve a problem
- Develop a logical approach leading to a valid conclusion
- Collect and analyze data
- Address all parts of a problem
- Clearly communicate the results

Academic Expectations satisfied as follows:

(1) Pass prescribed courses.

Students must earn three math credits and two science credits during their four years at Staples. The problem solving academic expectation is embedded in these courses. In order to pass these courses, students must demonstrate proficiency in problem solving by attaining a score of 3 on the 4-point problem solving rubric.

(2) In addition, students must meet the state goal on the CAPT in

Mathematics and Science. (If a student does not meet the goal in the sophomore year the student is strongly encouraged to retake the mathematics and/or science sub-test as a junior. Additional assistance is provided as needed).

Mathematics: Students who fail to meet the CAPT goal in mathematics must demonstrate problem solving skill in a post-10th grade third mathematics course. Students must attain a 3 or higher on a 4-point problem solving rubric in order to pass this course.

Science: Students who fail to meet the CAPT goal for science must take and pass any post-10th grade science course in the first or second semesters of 11th grade or the first semester of 12th grade.

In order to satisfactorily complete a science course, a student must demonstrate proficiency in problem solving by completing a series of performance tasks within the course. Each of the performance tasks will consist of real-world problems. The performance tasks will require students to attain a 3 or higher on a 4-point performance rubric which will require them to show their work or explain their reasoning, thereby communicating their understanding of the relevant scientific method.

D. Additional Academic Expectations (To satisfactorily meet these expectations, students must attain at least a 3 or higher on the 4-point rubric applicable to each skill)

(1) Students will think critically in a variety of contexts and situations.

To that end students will:

- Interpret, compare and contrast
- Apply knowledge in new contexts
- Generalize, predict and draw conclusions
- Analyze, evaluate and synthesize

Evidenced in English 1 and 2.

(2) Students will speak effectively.

To that end students will:

- Express ideas clearly
- Adjust tone and style for a variety of purposes and audiences
- Maintain eye contact during communication with other speakers
- Express informed and reasoned opinions when engaged in discourse
- Use appropriate language

Evidenced in American Government or Speech or a World Language course.

(3) Students will listen effectively.

To that end students will:

- Listen for main ideas, principles and concepts
- Use constructive feedback to improve two-way communication skills
- Interpret and synthesize information conveyed by other speakers
- Demonstrate an openness to speakers with differing points of view

Evidenced in American Government

(4) Students will use technology as a tool for learning.

To that end students will:

- Use appropriate technology to research information
- Use technology to analyze data
- Use technology to communicate ideas and information
- Understand the strengths and weaknesses of various types of technology

(5) Students will demonstrate an understanding of the human experience through a study of history and diverse cultures.

To that end students will:

- Demonstrate an awareness of various past and present political, social and economic systems.
- Understand the concept and implications of ethnocentrism
- Assess the impact of diverse ideologies on the human condition

- Understand the significance of events and trends of the past and present

Evidenced in Western Humanities and U.S. History and any area studies course or World Language Course.

(6) Students will recognize the importance of physical, mental and emotional health.

To that end students will:

- Develop skills necessary to perform a variety of physical activities
- Participate regularly in practices and activities to help achieve and maintain physical, mental and emotional well being
- Know how to cope, reduce tension and look for support

Evidenced in freshman, sophomore and junior PE and Health.

(7) Students will demonstrate awareness and a critical understanding of aesthetics.

To that end students will:

- Demonstrate the ability to work in an artistic medium
- Demonstrate an understanding of the elements of the creative process
- Demonstrate knowledge of the historical and cultural contexts in which art is created
- Demonstrate an openness to the aesthetic experience
- Demonstrate a knowledge of artists and their works

Evidenced in English 1 and Western Humanities or any Fine Arts course.

Approved Oct. 12, 2004

6146 Appendix D

Support For Student Achievement

Students who fail to meet the academic expectations on the CAPT or in prescribed courses for reading, writing and mathematics can receive academic support either prior to or subsequent to the CAPT test through the following learning enhancement opportunities:

- Math/Science Learning Center
- Language Arts/Social Studies Learning Center
- Reading Center
- Intensive Reading and Writing
- Math Problem Solving I and II
- Writing Workshop
- Reading Support

Teachers are assigned to learning centers as part of their professional duties, and students voluntarily seek help or are referred to the centers during any period of the school day.

Scoring Of The Academic Expectations

Any papers and scores formally contested in writing are reviewed by a panel of teachers and the Department Chair.

Assessments submitted by students which are judged not to be satisfactory will be kept on file after initial evaluation.

Recently established rubrics that have evolved through the standards work of the self-study for the New England Association of Schools and Colleges accreditation process are used to assess student performance.

Exemptions (Updated As Required By CSDE).

All students except for students in the following categories must meet the prescribed academic expectations and CAPT goal or alternatives for graduation:

A. ESOL

The exemptions for ESOL students are as follows:

1. May be exempted from the Reading Across the Disciplines and Writing Across the Disciplines tests, which include Response to Literature, Reading for Information, Editing & Revising and both Interdisciplinary Writing Tests.
2. Must take the Language Assessment Scales (LAS) and that participation will be counted toward the reading AYP participation calculation.
3. May be exempted from the science test.
4. Must take the mathematics test with accommodations, if necessary, and that participation will be counted toward the mathematics AYP participation.

B. Special Needs

Students with identified special education needs who cannot meet goal on the CAPT and/or meet the academic expectations will be referred to the Planning and Placement Team (PPT) for IEP review. The PPT will meet after the student has made at least one attempt to meet the standards.

C. Transfers

Students who transfer as sophomores or juniors prior to the CAPT must take the CAPT and meet goal on all subtests or take the alternative route described above.

Students who transfer as juniors subsequent to the CAPT or as seniors must meet only those expectations identified in the various courses within their individual schedules.

Notification

1. Of teachers: At the beginning of the school year, the Guidance Department/Administration will provide teachers (in subject areas requiring performance tasks for graduation) with a list of all students who have not met a standardized test goal in their areas. Teachers in prescribed courses will be immediately notified of the junior CAPT scores upon their receipt at the school.

2. Of students and parents:

Juniors: The Guidance Department/Administration will write to juniors who do not meet the CAPT goal, and to their parents, to remind them of the performance standard requirements for graduation.

Seniors: Prior to the beginning of the school year, each senior will be notified by his/her guidance counselor of his/her status relative to meeting the performance standards for graduation.

Parents: The Guidance Department/Administration will also notify in writing the parents of seniors who have not met the performance standard goal in any area and must therefore pass one or more of the district performance tasks.

Alternate Route to Meeting Graduation Requirements

Seniors who are not eligible for graduation with their class due to failure to meet the district graduation requirements in one or more areas as described above, may select one of the following options:

- A. Meet goal on another administration of the CAPT.
- B. Enroll in summer school and pass the prescribed course(s) including attainment of skill as measured by the appropriate rubric.
- C. Return to Staples in September as a fifth year student.

(cf. [5123](#) - Promotion and Retention)

Legal References: Connecticut General Statutes

[10-18](#) Courses in United States history, government and duties and responsibilities of citizenship

[10-19](#) Teaching about alcohol, nicotine or tobacco, drugs and acquired immune deficiency syndrome

[10-220](#) Duties of boards of education

[10-220a](#) High School graduation requirements

Westport Board of Education: Approved: Oct. 12, 2004



Staples High School Graduation Requirements - Beginning 2019-20 for the Class of 2023

	Category	Minimum Credits
Humanities	English (4.0) Social Studies (3.0) Global Themes (1.0) U.S. History (1.0) Civics Requirement (0.5) Area Studies (0.5) Visual and Performing Arts (1.0) Open Humanities (1.0) Any course in: English, Social Studies, Visual and Performing Arts, World Languages	9.0
STEAM	Math (3.0) Science (3.0) Open STEAM (3.0) Any course in: Mathematics, Science, Technology Education, Media Or: See attached	9.0
P.E./Health	Health (1.0) P.E. (1.5)	2.5
World Languages	World Languages	2.0
	Mastery-Based Diploma Requirement	1.0
	Electives	2.5
	TOTAL MINIMUM CREDITS:	26

Instruction**Graduation Requirements**

Graduation from our public school implies (1) that students have satisfactorily completed the prescribed courses of study for the several grade levels in accordance with their respective abilities to achieve, (2) that they have satisfactorily passed any examinations and satisfactorily demonstrated the district's performance standards, assessed in part by the statewide mastery examinations, established by the faculty and approved by the Board of Education, and (3) that they have fulfilled the legally mandated number and distribution of credits. Graduation shall not be held until 180 days and 900 hours of actual school work are completed.

The Board of Education, in establishing a graduation date, may establish for any school year a firm graduation date for students in grade twelve which is no earlier than the one-hundred-eighty-fifth day in the Board's adopted school calendar. After April first in any school year the Board may establish a firm graduation date for the school year which, at the time of such establishment provides for at least 180 days of school.

The Principal shall submit to the Board of Education through the Superintendent his/her detailed requirements and standards to agree with the goals of our schools as adopted by the Board of Education. It is expected that the faculty will apply measures of achievement to provide evidence that each student has progressed far enough toward school goals to warrant graduation according to the terms of paragraph #1 above.

The Board of Education, in recognition of its responsibility for the education of all youths in the school system, including those who do not successfully complete the assessment criteria listed above, and those who drop out of school, shall make available to all the school district's youths a course of study or alternative programs for meeting standards that will enable them to acquire a high school or vocational school diploma.

The Board of Education shall award a high school diploma to any World War II veteran or veteran of the Korean Hostilities or Vietnam Era veteran requesting such diploma who left high school for military service as defined in the statutes and did not receive a diploma as a consequence of such service. *(optional)*

The Board of Education shall award a high school diploma to any person who (1) withdrew from high school prior to graduation to work in a job that assisted the war effort during World War II, December 7, 1941 to December 31, 1946, inclusive, (2) did not receive a diploma as a consequence of such work, and (3) has been a resident of the state for at least fifty (50) consecutive years. *(optional)*

The Board of Education may grant students high school credit for successful completion of coursework earned from an accredited institution of higher learning taken either during the school year or summer months.

Commencing with the graduating class of 2023 (beginning with the incoming class of 2019-2020) and for each graduating class thereafter, in order to graduate and be granted a diploma, students must satisfactorily complete a minimum of twenty-five (25) credits, including not fewer than (1) nine credits in the humanities, including civics and the arts; (2) nine credits in science, technology, engineering and mathematics; (3) one credit in physical education and wellness; (4) one credit in health and safety education; (5) one credit in world languages and (6) a one credit mastery-based diploma assessment.

A student shall be excused from the physical education requirement upon presentation of a certificate from a physician or advanced practice registered nurse indicating that participation in physical education is medically contradicted because of the student's physical condition. The credit for physical education may be fulfilled by an elective.

In addition, also beginning with the graduating class of 2023, the Board of Education will provide adequate student support and remedial services for students beginning in grade seven (2017-2018 school year). Such student support and remedial services shall provide alternate means for a student to complete any of the high school graduation requirements, previously listed if such student is unable to satisfactorily complete any of the required courses or exams. Such student support and remedial services shall include, but not be limited to, (1) allowing students to retake courses in summer school or through an on-line course; (2) allowing students to enroll in a class offered at a constituent unit of the state system of higher education, allowing students who received a failing score, as determined by the Commissioner of Education, on an end of the school year exam to take an alternate form of the exam; and (4) allowing those students whose individualized education plans state

that such students are eligible for an alternate assessment to demonstrate competency on any of the five core courses through success on such alternate assessment.

The Board of Education shall grant a student credit towards meeting high school graduation requirements for (1) completing a world-language course provided by a non-profit organization and (2) passing a subject area proficiency test identified and approved by the Commissioner of Education. Up to four credits for a private non-profit world language course shall be granted if the student achieves a passing grade on a test prescribed by the Commissioner of Education. In other subject areas, credit shall be granted, based upon successful passage of the subject area proficiency tests prescribed or identified and approved by the Commissioner of Education,* regardless of the number of hours spent by the student in a public school classroom learning the subject matter. *(optional)*

**The Commissioner, per statute, must prescribe or identify and approve the examinations within available appropriations.*

The fulfillment of the mandated one credit foreign language requirement, beginning with the class of 2023, can include the successful completion of a world language course in grades six seven or eight, or an online course successfully completed, or the successful completion of a course offered privately through a nonprofit provider, provided such student achieves a passing grade on an examination prescribed by the Commissioner and such credits do not exceed four.

All credits earned toward meeting any of the graduation requirements through the successful completion of online courses must fulfill the requirements established in policy #[6172.6](#), "Virtual/On-line Courses."

The Board shall create a student success plan for each enrolled student, beginning in grade six. Such plan shall include a students' career and academic choices in grades six to twelve, inclusive.

Per statute (C.G.S. 221a(f)) the determination of eligible credits is at the discretion of the Board of Education, provided the primary focus of the curriculum of eligible credits corresponds directly to the subject matter of the specified course requirements. The Board may permit a student to graduate during a period of expulsion if the Board determines the student has satisfactorily completed the necessary credits. The graduation requirements shall apply to any student requiring special education except when the Planning and Placement Team (PPT) determines the requirement not to be appropriate.

A credit shall consist of not less than the equivalent of a forty-minute class period for each school day of a school year except for a credit or part of a credit toward high school graduation earned (1) at an institution accredited by the Board of Regents for Higher Education or State Board of Education or regionally accredited, (2) through on-line course work or (3) through a demonstration of mastery based on competency and performance standards, in accordance with guidelines adopted by the State Board of Education.

Only courses taken in grades nine through twelve, inclusive, and that are in accordance with the state-wide subject matter content standards, adopted by the State Board of Education shall satisfy the graduation requirements except that the Board may grant a student credit toward meeting the high school graduation requirements upon the successful demonstration of mastery of the subject matter content described in this section achieved through educational experiences and opportunities that provided flexible and multiple pathways to learning, including cross-curricular graduation requirements, career and technical education, virtual learning, work-based learning, service learning, dual enrollment and early college, course taken in middle school, internships and student designed independent studies, provided such demonstration of mastery is in accordance with such state-wide content standards; toward meeting a specified course requirement upon successful completion in grade seven or eight of a course that corresponds directly to the subject matter of a specified course requirement in grades nine through twelve.

Academic Advancement Program

The Board of Education permits students in grades eleven and twelve to substitute (1) achievement of a passing score on an existing nationally recognized examination, approved by the State Board of Education, or series of examinations approved by the State Board of Education, (2) a cumulative grade point average determined by the State Board of Education and (3) at least three letters of recommendation from school professionals (defined in [10-66dd](#)), for the required high school graduation requirement. The State Board of Education will issue an Academic Advancement Program Certificate to any student successfully completing such program. The Academic Advancement Program Certificate shall be considered in the same manner as a high school diploma for purposes of determining eligibility of a student for enrollment at a Connecticut public institution of higher education.

The Board of Education shall permit a student to graduate from high school upon the successful completion of the above described academic advancement program.

Connecticut Seal of Biliteracy

Commencing with the graduating class of 2018, and for each graduating class thereafter, the Board of Education, utilizing criteria established by the State Board of Education, may/shall affix the "Connecticut State Seal of Biliteracy" to a diploma awarded to a student who has achieved a high level of proficiency in English and one or more foreign languages. "Foreign language" means a world language other than English and includes American Sign Language and any other language spoken by a federally recognized Native American tribe. The Board of Education shall include on such student's transcript a designation that the student received the "Connecticut Seal of Biliteracy."

(cf. [5121](#) - Examination/Grading/Rating

(cf. [6111](#) - School Calendar)

(cf. [6146.2](#) - Statewide Proficiency/Mastery Examinations)

(cf. [6172.6](#) - Virtual/On-line Courses)

Legal Reference: Connecticut General Statutes

[10-5](#) State high school diploma" "honors diploma." Payment of fees; exceptions. (as amended by PA 17-29)

[10-5c](#) Board examination series pilot program. Issuance of certificate (as amended by P.A. 13-247 and P.A. 15-215)

[10-14n](#) State-wide mastery examination. Conditions for reexamination. Limitation on use of test results. (as amended by Section 115 of PA 14-217)

[10-16\(l\)](#) Graduation exercises. (as amended by P.A. 96-108, An Act Concerning Student Use of Telecommunication Devices and the Establishment of Graduation Dates)

[10-221a](#) High school graduation requirements. (As amended by P.A. 00-124, An Act Concerning High School Diplomas and Veterans of World War II, P.A. 00-156, An Act Requiring A Civics Course for High School Graduation, P.A. 08-138, An Act Concerning High School Credit for Private World Language Courses and Other Subject Areas, P.A. 10-111, An Act Concerning Education Reform in Connecticut, P.A. 11-135, An Act Concerning Implementation Dates for Secondary School Reform, P.A. 13-57, An Act Concerning Honorary Diplomas for Vietnam Veterans, P.A. 13-122, An Act Concerning Minor Revisions to the Education Statutes, P.A. 13-247, Budget Implementer Bill, P.A. 15-237 An Act Concerning High School Graduation and P.A. 16-4(SS), section 310), PA 17-42, An Act Concerning Revisions to the High School Graduation Requirements and PA 17-29, An Act Concerning Connecticut's Seal of Biliteracy)

[10-233\(a\)](#) Promotion and graduation policies. (as amended by PA 01-166)

P.A. 13-108, An Act Unleashing Innovation in Connecticut Schools.

P.A. 13-247, An Act Implementing Provisions of the State Budget.

P.A. 15-237 An Act Concerning High School Graduation

P.A. 17-42 An Act Concerning Revisions to the High School Graduation Requirements

Policy adopted:

P6146

Instruction

Graduation Requirements (Based on a Mastery-Based Learning)

A sample policy to consider for a district wanting to utilize a mastery-based (proficiency-based) learning system. This sample policy is based on a model promulgated by the Great Schools Partnership, with some modifications to reflect Connecticut statutes.

To ensure that all students graduate from our schools with the knowledge, skills, and work habits they will need in adult life, the _____ Public Schools has adopted a mastery-(proficiency) based system of teaching, learning, promotion, and graduation. Beginning with the _____ High School Class of 20__, all students will need to demonstrate achievement of all cross-curricular and content-area graduation standards before receiving a high school diploma. These new graduation requirements will ensure that each student provides evidence that they have achieved expected learning standards, and acquired the knowledge, skills, and work habits that will prepare them for postsecondary education and modern careers.

The District's standards-based diploma system also requires our schools and educators to provide the interventions, support systems, and personalized-learning pathways that each student needs to master the expected standards and graduate college, career and life ready.

Graduation from our public school implies (1) that students have satisfactorily completed the prescribed courses of study for the several grade levels in accordance with their respective abilities to achieve, (2) that they have satisfactorily passed any examinations and satisfactorily demonstrated the district's performance standards, assessed in part by the statewide mastery examinations, established by the faculty and approved by the Board of Education, and (3) that they have fulfilled the legally mandated number and distribution of credits.

Commencing with the graduating class of 2023 (beginning with the incoming class of 2019-2020) and for each graduating class thereafter, in order to graduate and be granted a diploma, students must satisfactorily complete a minimum of twenty-five (25) credits, including not fewer than (1) nine credits in the humanities, including civics and the arts; (2) nine credits in science, technology, engineering and mathematics; (3) one credit in physical education and wellness; (4) one credit in health and safety education; (5) one credit in world languages and (6) a one credit mastery-based diploma assessment.

The Principal shall submit to the Board of Education through the Superintendent his/her detailed requirements and standards to agree with the goals of our schools as adopted by the Board of Education. It is expected that the faculty will apply measures of achievement to provide evidence that each student has progressed far enough toward school goals to warrant graduation.

Definitions

Competency-Based Learning refers to approaches used in which students advance upon demonstrated mastery. (Multiple terms have been used when discussing this approach, including proficiency-based, mastery-based, standards-based, outcomes-based and performance-based learning. Mastery-based learning is the term used in Connecticut) Students move ahead when they have demonstrated mastery of content, not when they have reached a certain birthday or completed the required hours in a classroom.

A Mastery-Based Learning Environment consists of state standards and district level-competencies that put the focus on students demonstrating what they know and are able to do through the compilation of a body of evidence. The competencies that all students are expected to meet are clearly articulated. The identified competencies must be drawn from, and align with, the various state-wide subject matter content standards adopted by the State Board of Education. The structure of the learning environment is based on locally-developed graduation competencies; content area graduation competencies; and unit-based student learning objectives. (Alternate: Mastery learning, an instructional strategy and educational philosophy, is a set of group-based, individualized, teaching and learning strategies based on the premise that students will achieve a high level of understanding in a given domain if they are given enough time.)

Mastery-Based Graduation Standards are when students earn credits toward graduation by demonstrating mastery of required knowledge and skills rather than by completing courses. Mastery is demonstrated within a traditional classroom setting or in other learning opportunities that are aligned with graduation standards.

Locally-Developed Graduation Competencies are standards created by the local district through research-based curricular concepts that focus instruction on the most foundational, enduring and leveraged concepts and skills within district-determined competencies.

Content Area Graduation Competencies are standards that focus instruction on the most foundational, enduring and leveraged concepts and skills within each content area. Attaining these competencies requires multiple years of learning as

students engage with and deepen their capacity through age-appropriate goals. Students are expected to demonstrate achievement for each graduation competency in each required content area over time. (The SDE recommends five to eight graduation competencies in each content area.)

Unit-Based Student Learning Objectives derive from competencies. They are daily classroom learning expectations grouped by units of study or grade levels. They are defined statements of what a student needs to know or be able to do and facilitate the progression toward a complex critical knowledge base or skill.

A Personalized Learning System recognizes that students engage in different ways and in different places. Students benefit from individually paced, targeted learning task that start from where the student is, formatively assessing existing skills and knowledge, and addresses the student's needs and interests.

Blended Learning involves instruction that combines traditional face-to-face teaching with online and media-delivered instruction.

Carnegie Unit is a measure of the amount of time a student has studied a subject in class.

Dual enrollment is when students are concurrently earning college credits while enrolled in high school.

Communicating Graduation Requirements

To ensure that every student and family has the information and resources they need to appropriately plan and sequence the student's educational decisions, our schools, educators, and staff will clearly and consistently communicate prior to entering high school and throughout the student's educational career the graduation standards and diploma requirements that must be met to earn a high school diploma.

The Superintendent or his/her designee, through the High School Principal or other designee, shall be responsible for ensuring that accurate, up-to-date information concerning all graduation standards and diploma requirements are (1) readily available to all incoming students and their families in the spring preceding the start of each school year, and (2) published on the District and High School websites. A detailed guide to graduation standards, academic expectations, and diploma requirements will be disseminated to all incoming ninth-grade students at the time of course selection. This policy will also be referenced in each edition of the High School Student Handbook and on the District and High School websites.

As soon as it is practical and feasible, the Board expects the Superintendent or designee to inform all students and their families of any modifications made to the district's graduation requirements, which extends to all applicable changes in relevant state law, rules, or regulations.

The Board has approved the following schedule of minimum requirements for graduation, which encompasses minimum graduation requirements specified by the state and described in relevant laws, rules, and regulations. The Board is aware that current law and regulations are subject to change.

1. All students will demonstrate that they have achieved mastery in the content-area graduation standards based on Connecticut state requirements: (or through a demonstration of mastery based on competency and performance standards, in accordance with guidelines adopted by the State Board of Education, aligned with state content standards.)
 - a. English Language Arts
 - b. Mathematics
 - c. Social Studies
 - d. Science and Technology
 - e. Health Education and Physical Education
 - f. Visual and Performing Arts
 - g. World Languages

The _____ Public School's administration, faculty, and staff will apply the set of standards and performance indicators that are aligned with the content-area standards of the State of Connecticut.

2. All students must satisfy graduation requirements utilizing personalized pathways through active engagement in mastery-based educational experiences in all the above content areas.

_____ High School graduates will demonstrate that they have achieved mastery in the cross-curricular standards:

- a. A clear and effective communicator
- b. A self-directed learner and collaborative worker
- c. A creative and practical problem solver
- d. A responsible citizen
- e. An informed thinker

Alternate set of performance standards:

- a. Effectively apply critical and creative thinking skills to solve relevant problems.
- b. Actively read, analyze, evaluate, and synthesize informational and persuasive texts thinking skills to solve relevant problems.
- c. Produce written materials that appropriately respond to the varying demands of audience, task, purpose, and discipline.
- d. Create, interpret, and evaluate verbal and nonverbal presentations using a variety of tools/media in varied contexts for a variety of purposes.
- e. Access and apply appropriate digital resources, media, and other technology in varied contexts for a variety of purposes.
- f. Work collaboratively to solve problems and accomplish goals.
- g. Make appropriate decisions in the areas of health, wellness and physical fitness.
- h. Contribute positively to the community.

(Students to complete a service learning requirement under the supervision of a teacher during senior year. It is possible for a student to complete this requirement in another discipline and earlier than the senior year, but all projects will be evaluated by senior year social studies teachers. The purpose of this requirement is to build stronger partnerships with the community, explore career paths, promote active citizenship, and provide a real life experience for students. The service learning project will be scored using a uniform rubric.)

Students for items "a" through "g" above, through the various subject areas, will have designated assignments that measure their ability to meet each of the academic expectations. Performance requirements will be assessed twice yearly, at the end of the second and fourth quarters. To meet the graduation performance standard in each area, a student must score at or above the proficient level during their sophomore, junior and senior years.

3. All students will design, document and defend a culminating/capstone project that demonstrates their mastery of content and cross curricular graduation standards.

Alternate language: All students will complete a capstone project through which students will demonstrate their knowledge, skills, and work habits by conducting in-depth research, using technological applications, producing a high-quality exhibition of learning and presenting their research and findings to a review panel.

4. All students will complete and submit at least one application to a postsecondary educational institution, training program, or other certified learning experience, such as the military, that will provide them with continued opportunities for academic, career, and personal growth.

5. While most students will satisfy graduation requirements over the course of a four-year academic program, students may also satisfy the District's graduation requirements during a period of time that is either accelerated or lengthened, based on their distinct learning needs. All students are expected to develop a Student Success Plan with assistance from counselors, teachers, and/or administrators that allows them to master expected standards at the pace and with the support they need.

Multiple Pathways

The District's High School(s) will offer all students multiple learning options that allow students to demonstrate mastery of content and cross curricular standards, earn academic credit and satisfy graduation requirements. Students shall be encouraged to explore a broad range of personalized learning experiences.

To pursue personalized learning experiences, students must design a Student Success Plan that documents and defends how the experience satisfies both graduation requirements and expected cross curricular and content area standards.

Learning options may include, but are not limited to, the following:

- a. Academic courses offered by the school in grades 9 through 12 inclusive that are in accordance with the state-wide subject matter content standards adopted by the State Board of Education
- b. Grade 7 or 8 course completion that corresponds directly to the subject matter of a specified course requirement in grades 9 through 12
- c. Cross-curricular graduation requirements
- d. Work-based learning
- e. Service learning
- f. Dual enrollment and early college courses
- g. Career and technical education
- h. Online or blended learning options (virtual learning)
- i. Alternative or at-risk programming
- j. Internships, field work, or exchange experiences
- k. Student designed independent studies or long-term projects

Transfer and Home School Students

For students who transfer to _____ High School from another state, country, school, program, or home-schooling situation, including educational programs that are not aligned with the District's High School's cross curricular and content area graduation standards, the Principal shall evaluate the value of the student's prior educational experiences and determine to what degree the student has met the school's graduation requirements.

After enrolling in the District, these students will need to satisfy all assessment, proficiency, and graduation requirements in the appropriate subject areas, as determined by the Principal or his/her designee. The Superintendent will ultimately determine whether these students are eligible to receive a diploma. Transfer and home-schooled students must have attended the District's High School for a minimum of two (2) years or four (4) semesters to be eligible for a diploma.

Students Receiving Special Education Services

Students who successfully meet the District's cross-curricular and content-area graduation standards, as specified in the goals and objectives of their Individualized Education Plans (IEP), will be awarded diplomas.

Delayed Awarding of Diplomas

If a student leaves high school to attend an accredited, degree-granting institution of higher education, the student may, upon satisfactory completion of the freshman year, be awarded a high school diploma, provided that the student has notified the Principal at the time of the early admission.

Extended Study

Students are eligible for extended years of study to complete the school's graduation requirements if they have not reached the age of 20. Students eligible for extended years of study may be referred to adult education or other programs and resources.

Academic Advancement Program

The Board of Education permits students in grades eleven and twelve to substitute (1) achievement of a passing score on an existing nationally recognized examination as determined, by the State Department of Education, or series of examinations approved by the State Board of Education, (2) a cumulative grade point average determined by the State Board of Education and (3) at least three letters of recommendation from school professionals (defined in 10-66dd), for the required high school graduation requirement. The State Board of Education will issue an Academic Advancement Program Certificate to any student successfully completing such program. The Academic Advancement Program Certificate shall be considered in the same manner as a high school diploma for purposes of determining eligibility of a student for enrollment at a Connecticut public institution of higher education.

The Board of Education shall permit a student to graduate from high school upon the successful completion of the above described academic advancement program.

Connecticut Seal of Biliteracy

Commencing with the graduating class of 2018, and for each graduating class thereafter, the Board of Education, utilizing criteria established by the State Board of Education, may/shall affix the "Connecticut State Seal of Biliteracy" to a diploma awarded to a student who has achieved a high level of proficiency in English and one or more foreign languages. "Foreign language" means a world language other than English and includes American Sign Language and any other language spoken by a federally recognized Native American tribe. The Board of Education shall include on such student's transcript a designation that the student received the "Connecticut Seal of Biliteracy."

Service Learning Project (*optional*)

Students must complete a Service Learning Requirement under the supervision of a teacher in the senior year. The purpose of this requirement is to build stronger partnerships with the community, explore career paths, promote active citizenship, and provide real life experiences for students. The Service Learning Project will be scored using a uniform rubric. It is possible for a student to complete this requirement in any discipline and earlier than the senior year. However, all projects will be evaluated by senior year social-studies teachers.

Participation in Graduation Ceremony

A student must complete all Board of Education requirements for a high school diploma to participate in graduation exercises.

Honorary Diplomas for Veterans (*optional*)

The Board of Education shall award a high school diploma to any World War II veteran or veteran of the Korean Hostilities or Vietnam Era veteran requesting such diploma who left high school for military service as defined in the statutes.

The Board of Education shall award a high school diploma to any person who (1) withdrew from high school prior to graduation to work in a job that assisted the war effort during World War II, December 7, 1941 to December 31, 1946, inclusive, (2) did not receive a diploma as a consequence of such work, and (3) has been a resident of the state for at least fifty (50) consecutive years.

(cf. [5123](#) - Promotion/Acceleration/Retention)

(cf. [5126](#) - Academic Recognition)

(cf. [6146.1](#) - Grading and Reporting System)

(cf. 6146.12 - Dual Enrollment and Early College)

(cf. [6146.13](#) - Multiple Pathways)

Legal Reference: Connecticut General Statutes

[10-5](#) State high school diploma; "honors diploma." Payment of fees; exceptions. (as amended by PA 17-29)

[10-5c](#) Board examination series pilot program. Issuance of certificate (as amended by P.A. 13-247 and P.A. 15-215)

[10-14n](#) State-wide mastery examination. Conditions for reexamination. Limitation on use of test results. (as amended by Section 115 of PA 14-217)

[10-16\(l\)](#) Graduation exercises. (As amended by P.A. 96-108, An Act Concerning Student Use of Telecommunication Devices and the Establishment of Graduation Dates)

[10-221a](#) High school graduation requirements. (As amended by P.A. 00-124, An Act Concerning High School Diplomas and Veterans of World War II, P.A. 00-156, An Act Requiring A Civics Course for High School Graduation, P.A. 08-138, An Act Concerning High School Credit for Private World Language Courses and Other Subject Areas, P.A. 10-111, An Act Concerning Education Reform in Connecticut, P.A. 11-135, An Act Concerning Implementation Dates for Secondary School Reform, P.A. 13-57, An Act Concerning Honorary Diplomas for Vietnam Veterans, P.A. 13-122, An Act Concerning Minor Revisions to the Education Statutes P.A. 13-247, Budget Implementer Bill and P.A. 15-237, An Act Concerning High School Graduation, PA 17-42, An Act Concerning Revisions to the High School Graduation Requirements and PA 17-29, An Act Concerning Connecticut's Seal of Biliteracy.)

[10-233\(a\)](#) Promotion and graduation policies. (as amended by PA 01-166)

P.A. 13-108 An Act Unleashing Innovation in Connecticut Schools.

Mastery-Based Learning-Guidelines for Implementation, Connecticut State Department of Education, June 3, 2015.

Policy adopted:

Series 5000
Students

HIGH SCHOOL GRADUATION REQUIREMENTS

[Note: Section 1 of Public Act 17-42, effective July 1, 2017, revised the new graduation course credit requirements set forth in Conn. Gen. Stat. § 10-221a(c) that previously were to have become effective commencing with the graduating class of 2022. The newly revised graduation requirements will be effective for the class graduating in 2023. The requirements set forth in the model policy below reflect the existing graduation requirements.]

In order to satisfy the high school graduation requirements within _____ Public Schools, a student must have satisfactorily completed his or her prescribed courses of study, demonstrated proficiency in basic skills identified by the _____ Board of Education and satisfied the legally mandated number and distribution of credits required to graduate from high school.

Required Coursework and Credits for Graduation

The _____ Board of Education conforms with state law regarding credits for graduation from high school.

Classes Graduating in 2018 to 2022

For classes graduating in 2018 to 2022, the following [insert #] credits are required: ***[Note: Current state law requires a minimum of 20 credits to graduate from any public high school.]***

English	<i>[insert # of credits, law requires minimum of 4]</i>
Mathematics	<i>[insert # of credits, law requires minimum of 3]</i>
Science	<i>[insert # of credits, law requires minimum of 2]</i>
Physical Education	<i>[insert # of credits, law requires minimum of 1]</i>
Social Studies	<i>[insert # of credits, law requires minimum of 3, must include at least .5 credits in civics and American Government]</i>
Arts or Vocational Education	<i>[insert # of credits, law requires minimum of 1]</i>

[Note: Add any other subject areas necessary for graduation. Any eligible mandatory or optional credits beyond those listed above are subject to the discretion of the Board of Education]

Classes Graduating in 2023 and Thereafter

For classes graduating in 2023 and thereafter, the following **[insert #]** credits are required: ***[Note: Current state law requires a minimum of 25 credits to graduate from any public high school for classes graduating in 2023 or thereafter.]***

Humanities ***[[insert # of credits, law requires a minimum of 9 credits, including civics and the arts]***

Science, Technology, Engineering, and Math (STEM) ***[insert # of credits, law requires a minimum of 9]***

Physical Education and Wellness ***[insert # of credits, law requires a minimum of 1]***

Health and Safety Education ***[insert # of credits, law requires a minimum of 1]***

World Languages ***[insert # of credits, law requires a minimum of 1]***

Mastery-Based Diploma Assessment ***[insert # of credits, law requires a minimum of 1]***

[Note: Add any other subject areas necessary for graduation. Any eligible mandatory or optional credits beyond those listed above are subject to the discretion of the Board of Education]

A student who presents written documentation from a physician or advanced practice registered nurse stating that participation in physical education is not advisable because of the physical condition of the student, shall be excused from the physical education requirement. In such a case, another subject must be substituted.

Any student who is deaf or hearing impaired may be exempted from any world language graduation requirement if his or her parent or guardian requests such exemption in writing.

A credit is defined as the equivalent of one forty minute class period for each school day of a school year. One-half credit is granted for a course with a forty minute class period each school day for one semester or 90 days. ***[Optional in lieu of the preceding two sentences: A credit is defined as not less than the equivalent of a forty-minute class period for each school day of a school year except for a credit or part of a credit]***

toward high school graduation earned (1) at an institution accredited by the Board of Regents for Higher Education or Office of Higher Education or regionally accredited, (2) through on-line coursework that is in accordance with Board policy, or (3) through a demonstration of mastery based on competency and performance standards, in accordance with guidelines adopted by the State Board of Education.]

Only courses taken in grades nine to twelve inclusive, and that are in accordance with the state-wide subject matter content standards, adopted by the State Board of Education, shall satisfy the above graduation requirements, except that the Board will grant a student credit:

[Note: each of the following provisions in boldface are optional at the Board's Discretion:]

[Optional] High school graduation credit will be granted to students upon the successful demonstration of mastery of subject matter achieved through educational experiences and opportunities that provide flexible and multiple pathways to learning, including:

- **Cross-curricular graduation requirements,**
- **Career and technical education,**
- **Virtual learning,**
- **Work-based learning,**
- **Service learning,**
- **Dual enrollment and early college**
- **Courses taken in middle school, and**
- **Internships and student-designed independent studies;**

Provided that such demonstration of mastery is in accordance with such state-wide subject matter content standards.

[Optional] High school graduation credit will be granted to students for courses successfully completed with a **[B]** or better in grades seven and eight so long as the primary focus of the course corresponds directly to the subject matter of a specified course requirement at the high school level.

[Optional] High school graduation credit will be granted to students for World Language courses successfully completed with a **[B]** or better in grades six, seven or eight. In addition, high school graduation credit will be granted to students for World Language courses successfully completed with a **[B]** or better, or its equivalent, as determined by the Superintendent or his/her designee, through on-line coursework or upon achievement of a passing grade, as determined by the Superintendent or his/her designee, in a course offered privately through a nonprofit provider.

[Optional] High school graduation credit will be granted to students who pass a subject area proficiency examination identified and approved by the Commissioner

of the Department of Education, regardless of the number of hours a student spent in a _____ Public Schools classroom learning the subject matter.

[Optional] High school graduation credit will be granted to students for coursework completed during the school year or summer months at an institution accredited by the Board of Regents for Higher Education or Office of Higher Education or regionally accredited. One three-credit semester course, or its equivalent, at such an institution shall equal one-half credit for purposes of this policy.

[Optional] High school graduation credit will be granted to students upon the successful completion of on-line coursework in accordance with the Board's on-line coursework policy.

[Optional] A student may be granted one-half credit for documented community service provided it is supervised by an administrator or teacher and consists of not less than fifty (50) hours of actual service that may be performed at times when school is not regularly in session and not less than ten (10) hours of related classroom instruction. Such community service does not include partisan political activities.]

Demonstration of Proficiency in Basic Skills

[Note: Connecticut law requires boards of education to specify the basic skills necessary for graduation and include a process to assess a student's level of competency in such skills. The assessment criteria must include, but not be exclusively based on, the results of the mastery examination for students in grade ten or eleven. Boards of education must also identify a course of study for those students who have not successfully completed the assessment criteria to assist such students to reach a satisfactory level of competency prior to graduation.]

In addition to meeting the coursework and credit graduation requirements listed above, to graduate high school, each student must demonstrate proficiency in the basic skills.

[Insert basic skills necessary for graduation]

Students may demonstrate proficiency in the basic skills described above by achieving satisfactory results on the following:

[Insert district-selected methods of demonstrating proficiency and/or a combination thereof, e.g., mastery examinations (but which cannot be the sole measure), standardized testing such as AP tests, portfolio review, passing required grade 10 or 11 classes, teacher review committee of student's body of work, or any other assessment method determined by the Board or Administration.]

Graduation During Period of Expulsion

A student may graduate during an expulsion period if the Board determines that the student has completed the necessary credits required for graduation.

Academic Advancement Program

Notwithstanding the graduation requirements in this policy, students shall be permitted to graduate from high school upon the successful completion of the academic advancement program established by the State Board of Education.

Legal References:

Public Act 17-42, An Act Concerning Revisions to the High School Graduation Requirements

Conn. Gen. Stat. § 10-5c

Conn. Gen. Stat. § 10-14n

Conn. Gen. Stat. § 10-16b

Conn. Gen. Stat. § 10-221a

Conn. Gen. Stat. § 10-223a

ADOPTED: _____
REVISED: _____

8/31/17

Personnel -- Certified/Non-Certified

Nondiscrimination

In compliance with regulations of Title VII of the Civil Rights Act 1964, Title IX of the Education Amendments of 1972 and Section 504 of the Rehabilitation Act of 1973, the Civil Rights Act of 1987 and the American With Disabilities Act, the _____ Board of Education adopts the following Equal Employment Opportunity and Equal Education Opportunity Policies.

Equal Employment Opportunity

Both federal and state law prohibits discriminatory practices in hiring and employment. The Board of Education prohibits discriminatory acts in all district matters dealing with employees and applicants for positions and requires equal employment opportunities for all employees and applicants. As an equal opportunity employer, the _____ Board of Education does not discriminate on the basis of race, color, religious creed, age, marital status, national origin, ancestry, sex, sexual orientation, genetic information, gender identity or expression, disability, (including pregnancy), status as a Veteran, or any classification protected by state or federal law, regarding any individual who can perform the essential functions of the job with or without reasonable accommodations physical disability (including blindness) or other disability (except in the case of a bona fide occupational qualification or need.)

Alternate Language:

The Board of Education shall not exclude or otherwise deny equal jobs or job benefits to a qualified individual because of the known disability of an individual with whom the qualified individual is known to have a relationship or association. Further, the District shall make reasonable accommodations for the known physical or mental limitations of an otherwise qualified individual with a disability who is an applicant or employee, unless the accommodation would impose undue hardship on the operations of the District.

Equal Education Opportunity

Pursuant to the IDEA, Americans With Disabilities Act (ADA) and Section 504 of the Rehabilitation Act of 1973, no otherwise qualified individual with handicaps shall, solely by reason of such handicap, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program of the _____ Board of Education.

Every student has the right to participate fully in classroom instruction and extracurricular activities and shall not be abridged or impaired because of age, sex, sexual orientation, gender identity or expression, race, religion, color, national origin, disability (including pregnancy), parenthood, marital status, or for any reason not related to his/her individual capabilities.

The Civil Rights Coordinators for the _____ Board of Education have the responsibility to monitor the compliance of this policy. The names and location of the Civil Rights Coordinators are set forth below. Further compliance with policy is a responsibility of all district administrators in accordance with the procedures set forth in the attached regulations.

Students shall not be discriminated against, including but not limited to, in the areas of:

Admission

Use of School Facilities

Vocational Education

Competitive Athletics

Student Rules, Regulations and Benefits

Financial Assistance

School-sponsored Extracurricular Activities

Enrollment in Courses

Counseling and Guidance

Physical Education

Graduation Requirements

Treatment as a Married and/or Pregnant Student

Health Services

Most Other Aid, Benefits or Services

Employee/or applicants shall not be discriminated against, including but not limited to, the areas of:

Hiring and Promotion

Compensation

Job Assignments

Leaves of Absence

Fringe Benefits

Labor Organization

Contracts or Professional Agreements

Sexual harassment has been established as a form of sexual discrimination and is defined as follows:

"Any unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature, when (1) submission to such conduct is made either explicitly or implicitly a term or condition of employment or participation in an educational function (2) submission or rejection of such conduct by an individual is used as the basis for employment or educational decisions affecting the individual or (3) such conduct has the purpose or effect of unreasonably interfering with an individual's work or educational performance or creating an intimidating, hostile or offensive working environment."

Examples of specific behaviors (that are unwanted and sexual in nature) that could constitute sexual harassment include, but not be limited to:

Inappropriate Touching

Sexually explicit comments

Sexual name calling

Sexual rumors

Inappropriate public display of affections

Overly personal a conversation

Gestures

Corner/blocking

Sexually explicit jokes/cartoons/pictures

Leers

Pulling at clothes

Attempted rape/rape

Harassing telephone calls

If an employee believes that he or she has been discriminated against in regard to either of the preceding policies, a grievance may be filed charging that the employee's personal rights have been denied or violated.

Employees wishing to discuss these regulations or rights under this policy, the need for a reasonable accommodation, or wish to discuss or file a grievance, should contact _____, the District's Civil Rights Coordinators, or an administrator.

Forms are available in our Guidance Office or from our Civil Rights Coordinators. Contact with the Civil Rights Coordinators should take place within forty (40) calendar days of the alleged occurrence.

Discrimination Grievance Procedure

The purpose of this procedure is to secure, at the lowest possible administrative level, equitable solutions to problems which may arise concerning claims of discrimination. Evidence of reprisal against a complainant or witness shall be viewed as a violation of this policy.

Any person who wishes to inquire or to register a complaint concerning alleged discrimination in the _____ Public Schools shall have an opportunity to bring such concerns to the attention of the Civil Rights Officers or Superintendent, who has the authority to resolve such complaints. The following grievance procedure shall be utilized by any student, parent or employee in making a complaint or inquiry. Officials shall be governed by this procedure.

Level I: The complainant shall discuss the alleged discriminatory act or practice with the Civil Rights Officers or the individual closest to the daily decision-making level. This will normally be a Principal, teacher, counselor, Department Chairperson, Head Custodian, or Cafeteria Manager. If satisfaction cannot be achieved through informal discussion, the following procedure must be initiated.

Level II: The complainant shall, within forty (40) calendar days of the alleged incident, on forms provided, put the complaint in writing and file it with either of the Civil Rights Officers. Within five (5) working days a conference must be held. Within five (5) working days following the conference, the complaint must be resolved to the satisfaction of both parties or referred to the Superintendent of Schools. Within five (5) working days, the Civil Rights Officer shall notify the Superintendent and must notify the complainant of this notification. The Board will be apprised by the Superintendent of any grievance reaching Level II.

Level III: Within ten (10) working days after receipt of such complaint, the Superintendent must hold a hearing; and within five (5) working days of the hearing, resolve the complaint, negotiate a long-term solution or refer the matter to the Board of Education for consideration.

Level IV: The Board of Education, Superintendent and the Civil Rights Officers shall proceed in accordance with appropriate laws or regulations.

Legal Reference: Connecticut General Statutes

[10-153](#) Discrimination on account of marital status.

[46a-51](#) Definitions

[46a-58](#) Deprivation of rights. Desecration of property. Placing of burning cross or noose on property. Penalty. (as amended by PA 17-127)

[46a-60](#) Discriminatory employment practices prohibited.

P.A. 11-55 An Act Concerning Discrimination

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(7)(b).

American Disability Act of 1989, as amended by the ADA Amendments Act of 2008

Chalk v. The United States District Court of Central California.

Title IX of the Education Amendments of 1972.

Civil Rights Act of 1987.

The Vietnam's Era Veterans' Readjustment Assistance Act of 1974, as amended, 38 U.S.C. §4212

Title II of the Genetic Information Nondiscrimination Act of 2008

Policy adopted:

R4118.11

4218.11

Personnel - Certified and Non Certified

Nondiscrimination

Discrimination Grievance Procedure

The purpose of this procedure is to secure, at the lowest possible administrative level, equitable solutions to problems which may arise concerning claims of discrimination. Evidence of reprisal against a complainant or witness shall be viewed as a violation of this policy.

Any person who wishes to inquire or to register a complaint concerning alleged discrimination in the Public Schools shall have an opportunity to bring such concerns to the attention of the Civil Rights Officers or Superintendent, who has the authority to resolve such complaints. The following grievance procedure shall be utilized by any student, parent or employee in making a complaint or inquiry. Officials shall be governed by this procedure.

Level I: The complainant shall discuss the alleged discriminatory act or practice with the Civil Rights Officers or the individual closest to the daily decision making level. This will normally be a principal, teacher, counselor, department chairperson, head custodian, or cafeteria manager. If satisfaction cannot be achieved through informal discussion, the following procedure must be initiated.

Level II: The complainant shall, within forty (40) calendar days of the alleged incident, on forms provided, put the complaint in writing and file it with either of the Civil Rights Officers. Within five (5) working days a conference must be held. Within five (5) working days following the conference, the complaint must be resolved to the satisfaction of both parties or referred to the Superintendent of Schools. Within five (5) working days, the Civil Rights Officer shall notify the Superintendent and must notify the complainant of this notification. The Board will be apprised by the Superintendent of any grievance reaching Level II.

Level III: Within ten (10) working days after receipt of such complaint, the Superintendent must hold a hearing; and within five (5) working days of the hearing, resolve the complaint, negotiate a long term solution or refer the matter to the Board of Education for consideration.

Level IV: The Board of Education, Superintendent and the Civil Rights Officers shall proceed in accordance with appropriate laws or regulations.

Discrimination Grievance Form

Any student, parent/guardian, employee or employment applicant who feels that he/she has been discriminated against on the basis of race, color, age, religion, national origin, ancestry, sex, sexual orientation, gender identity or expression, marital status, genetic information, status as a Veteran, or mental or physical disability (including pregnancy), may discuss and/or file a grievance with either of the Civil Rights Coordinators of the Public Schools. Reporting should take place within 40 calendar days of the alleged discrimination. Civil Rights Coordinators: _____

Name of Presenter/Complainant: _____

Circle One: Employee Employment Applicant Student Parent/Guardian

Home address: _____

Telephone _____ Date of Claim _____ Date of Incident _____

1. Statement of Incident/Issue (include all pertinent information: who, how, where, when, how often, feelings, witness).

2. Please attach any additional information/documentation as necessary.

Signature of Presenter: _____

Signature of Civil Rights Coordinator: _____

_____ Date Received

Forms are available from Civil Rights Coordinators', Administrators' and Guidance Offices.

Existing Westport Policy

Personnel Certified/Non Certified

Non-Discrimination

The Board of Education will not make employment decisions (including decisions related to hiring, assignment, compensation, promotion, demotion, disciplinary action and termination) on the basis of race, color, religion, age, sex, marital status, sexual orientation, national origin, ancestry, disability (including pregnancy), genetic information, veteran status or gender identity or expression, except in the case of a bona fide occupational qualification.

It is the policy of the Board of Education 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), genetic information, veteran status or 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 of Education 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, "genetic information" means the information about genes, gene products, or inherited characteristics that may derive from an individual or a family member. "Genetic information" may also include an individual's family medical history, the results of an individual's or family member's genetic tests, the fact that an individual or an individual's family member sought or received genetic services, and genetic information of a fetus carried by an individual or an individual's family member or an embryo lawfully held by an individual or family member receiving assistive reproductive services.

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 employee 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/Personnel. These regulations accompany Board Policy #[4111.1](#) and Board Policy #[4211.1](#) 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 #[4118.112](#) and Policy #[4218.112](#), Sex Discrimination/Harassment in the Workplace; Policy #[4111.4](#) and [4211.4](#), Section 504/ADA).

Any employee 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>

Employees may also file a complaint regarding employment discrimination with the Equal Employment Opportunity Commission:

Equal Employment Opportunity Commission, Boston Area Office

John F. Kennedy Federal Building

475 Government Center

Boston, MA 02203

(800-669-4000)

Employees 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:

The 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 VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d et seq.

Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e et seq.

Title IX of the Education Amendments of 1972, 20 U.S.C. § 1681 et seq.

Age Discrimination in Employment Act, 29 U.S.C. § 621

Americans with Disabilities Act, 42 U.S.C. § 12101

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

Title II of the Genetic Information Nondiscrimination Act of 2008, Pub.L.110-233, 42 U.S.C. § 2000ff; 29 CFR 1635.1 et seq.

Connecticut General Statutes § [10](#)-153. Discrimination on basis of marital status

Connecticut Fair Employment Practices Act, Connecticut General Statutes § [46a-60](#)

Connecticut General Statutes § [46a](#)-81a Discrimination on basis of sexual orientation: Definitions

Connecticut General Statutes § [46a](#)-81c Sexual orientation discrimination: Employment.

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.

Policy adopted: October 1976

Policy amended: December 1978

Policy amended: March 2005

Policy amended: January 22, 2018

WESTPORT PUBLIC SCHOOLS

Westport, Connecticut

Personnel - Certified

Students

Psychotropic Drug Use

The Board of Education, in accordance with CGS [10-212b](#), prohibits all school personnel from recommending the use of psychotropic drugs for any student enrolled within the school system. Moreover, personnel may not require that a child obtain a prescription for a controlled substance in order for the child to: (1) attend school; (2) receive an initial evaluation or reevaluation to determine eligibility for special education; or (3) receive special education and related services. For purposes of this policy, the term "recommend" shall mean to directly or indirectly suggest that a child use psychotropic drugs.

Psychotropic drugs are defined as prescription medications for behavioral or social-emotional concerns, such as attentional deficits, impulsivity, anxiety, depression and thought disorders and includes, but is not limited to stimulant medications and anti-depressants.

However, school health or mental health personnel, including school nurses or nurse practitioners, the District's Medical Advisor, school psychologists, school social workers, and school counselors (note: The Board may also include other school personnel it has identified as the person responsible for communication with a parent or guardian about a child's need for medical evaluation, such as the district's director of special services/special education.) may recommend that a student be evaluated by an appropriate medical practitioner and school personnel may consult with such practitioner with the consent of the parents/guardian of such child in accordance with this policy.

The District shall follow procedures for identification, evaluation, placement and delivery of services to children with disabilities or suspected disabilities provided in state and federal statutes that govern special education.

or

Communications between and among school health, mental health personnel and other school personnel pertaining to a child in possible need of a recommendation for a medical evaluation provided that there is a legitimate interest in sharing such informative and such communication shall remain confidential, to the extent required by law. This shall be accomplished through the District's established child study teams and/or the planning and placement team and its procedures, in conformity with state and federal special education statutes.

or

Procedures shall be established by the Superintendent of Schools or his/her designee (or Director of Special Education) delineating the manner in which school personnel and school health and mental health personnel shall communicate with each other regarding children who may need to be recommended for a medical evaluation. Such procedures shall also include how school health and mental health personnel should communicate the need for a medical evaluation to the child's parents/guardians. Such procedures shall be consistent with all mandatory and existing procedures and due process safeguards governing assessment and diagnosis.

Further, upon the consent of the student's parents or guardian, obtained, in writing, through the Planning and Placement Team process, school personnel may consult with the medical practitioner regarding such use.

In addition, the Planning and Placement Team (PPT) may recommend a medical evaluation as part of an initial evaluation or reevaluation, as needed to determine either a child's eligibility for special education and related services, or educational needs for an individualized education program (IEP).

or

Nothing in this policy shall be construed to prohibit a Planning and Placement Team (PPT) from discussing with parents and/or guardians of a child the appropriateness of consultation with, or evaluation by, medical practitioners with the consent of the parents and/or guardians of a child.

The Board recognizes that the refusal of a parent or other person having control of a child to administer or consent to the administration of any psychotropic drug to the child shall not, in and of itself, constitute grounds for the Department of Children and Families (DCF) to take such child into custody or for any court of competent jurisdiction to order that such child be taken into custody by the Department, unless such refusal causes such child to be neglected or abused, as defined in C.G.S. [46b](#)-120.

The Superintendent of Schools or his/her designee shall promulgate this policy to district staff and parents/guardians of students annually and upon the registration of new students.

(cf. [5141.4](#) - Reporting of Child Abuse and Neglect)

Legal Reference: Connecticut General Statutes

[10](#)-212b Policies prohibiting the recommendation of psychotropic drugs by school personnel. (as amended by PA 03-211)

[46b](#)-120. Definitions

[10](#) 76a Definitions. (as amended by PA 00-48)

[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. (as amended by PA 97-114 and PA 00-48)

[10](#) 76h Special education hearing and review procedure. Mediation of disputes. (as amended by PA 00-48)

State Board of Education Regulations.

34 C.F.R. 3000 Assistance to States for Education for Handicapped Children.

34 C.F.R. §300.174 Prohibition on mandatory medication

American with Disabilities Act, 42 U.S.C. §12101 et seq.

Individuals with Disabilities Education Act, 20 U.S.C. §1400 et seq.

Rehabilitation Act of 1973, Section 504, 29 U.S.C. § 794.

Policy adopted:

R4118.234

5141.231

Personnel - Certified

Students

Psychotropic Drug Use

In order to properly implement the Board policy prohibiting school personnel from recommending the use of psychotropic drugs for any child, the following administrative regulations are hereby established:

1. Psychotropic drugs are defined as prescription medications for behavioral or social-emotional concerns, such as attention deficits, impulsivity, anxiety, depression and thought disorders.
2. "Recommend" means to directly or indirectly suggest that a child should use psychotropic drugs.

3. Psychotropic drugs include, but are not limited to, Ritalin, Adderal, Dexedrine and other stimulant medication, and anti-depressants.

4. All school personnel, including teachers and administrators are prohibited from any communications, both oral and written, to the parents and/or guardians of a child in which the use of psychotropic drugs is recommended.
5. School health or mental health personnel which includes school nurses or nurse practitioners, the District Medical Advisor, school psychologists, school social workers, and school counselors is permitted to discuss with parents and/or guardians of a child the advisability of a medical evaluation by an appropriate medical practitioner when there are behaviors or concerns that may be indicative of medication considerations.
6. School personnel, through the Planning and Placement Team referral process, shall communicate to the school medical staff about a child's behavior that may indicate the need for an evaluation.
7. The Planning and Placement Team (PPT) has the authority and responsibility to recommend a medical evaluation as part of an initial evaluation or reevaluation as needed to determine a child's eligibility for special education and related services, or educational needs for a child's individualized education program (IEP).
8. If a parent/guardian determines that it is necessary to share medical information, including the results of any medical evaluation with school personnel, he/she may do so at any time. School personnel receiving such information directly from a parent/guardian must maintain the confidentiality of such information, to the extent required by law.
9. As required, the District may seek remedy through the due process provisions allowed under the Individuals with Disabilities Educational Act (IDEA) if a parent and/or guardian refuses consent for a reevaluation.
10. Appropriate medical practitioners, such as a psychiatric consultant or physician, with whom the District contracts for services to students or to whom the District makes a referral for an evaluation may recommend such medications.
11. School personnel may consult with the medical practitioner performing the evaluation with the informed consent of the parent or guardian of the child. The purposes of such communication include the following:
 - a. Conveying concerns or observations of a child, both prior to and following a medical evaluation;
 - b. Requesting health records and other educationally relevant medical evaluations;
 - c. Providing school records to medical practitioners upon request;
 - d. Providing information on school performance to help a medical practitioner monitor and evaluate the effectiveness of psychotropic drugs and/or other medical interventions and/or treatment;
 - e. Discussing with medical practitioners appropriate and necessary nursing or health care in schools to ensure student safety;
 - f. Disclosure of educationally relevant information by the medical practitioner to school personnel.
12. The Department of Children and Families (DCF) is limited by this legislation to take a child into custody solely on the refusal of a parent or guardian to administer or consent to the administration of any psychotropic drug. However, a PPT meeting may be convened if the child is eligible or may be eligible for special education or making a referral to the Department of Children and Families if there are concerns about a child's safety and possible abuse or neglect.

(cf. [5141.4](#) - Reporting of Child Abuse and Neglect)

Regulation approved:

**Series 4000
Personnel**

PROHIBITION ON RECOMMENDATIONS FOR PSYCHOTROPIC DRUGS

In accordance with Conn. Gen. Stat. § 10-212b, the Board of Education prohibits school personnel from recommending the use of psychotropic drugs for any child. Moreover, personnel may not require that a child obtain a prescription for a controlled substance (as defined in the Controlled Substances Act, 21 U.S.C. § 801 et seq.) in order for the child to: 1) attend school; 2) receive an initial evaluation or reevaluation to determine a child's eligibility for special education; or 3) receive special education and related services. Notwithstanding the foregoing, school health or mental health personnel may recommend that a child be evaluated by an appropriate medical practitioner and school personnel may consult with such practitioner with the consent of the parents or guardian of such child, in accordance with the procedures outlined below.

I. Definitions

For purposes of this policy, the following definitions apply:

- A. Psychotropic drugs means prescription medications for behavioral or social-emotional concerns, such as attentional deficits, impulsivity, anxiety, depression and thought disorders, and includes, but is not limited to, stimulant medication and antidepressants.
- B. Recommend means to directly or indirectly suggest that a child should use psychotropic drugs.
- C. School health or mental health personnel means:
 - 1. school nurses or nurse practitioners appointed pursuant to Conn. Gen. Stat. § 10-212;
 - 2. school medical advisors appointed pursuant to Conn. Gen. Stat. § 10-205;
 - 3. school psychologists;
 - 4. school social workers;
 - 5. school counselors;
 - 6. school administrators;

7. other school personnel (such as a teacher designated as a child's Case Manager) who have been identified by a Planning and Placement Team, Section 504 team, Student Assistance Team or similar group of district professionals as the person responsible for communication with a parent or guardian about a child's need for medical evaluation;
8. a school professional staff member designated by the Superintendent to communicate with a child's parent or guardian about a child's need for medical evaluation.

II. Procedures

- A. A school health or mental health personnel, as defined above, may communicate with other school personnel about a child who may require a recommendation for a medical evaluation, provided that 1) there is a legitimate educational interest in sharing such information; and 2) such communication shall remain confidential, to the extent required by law.
- B. A school health or mental health personnel, as defined above, may communicate a recommendation to a parent or guardian that a child be evaluated by a medical practitioner provided that 1) based on such person's professional experience, objective factors indicate that a medical evaluation may be necessary to address concerns relating to the child's education and overall mental health; and 2) any communication includes the basis for the recommendation.
- C. If a parent or guardian determines that it is necessary to share medical information, including results of any medical evaluation, with school personnel, he or she may do so at any time. School personnel who receive such information directly from a parent must maintain the confidentiality of such information, to the extent required by law.
- D. Any school personnel with a legitimate educational interest in obtaining information from a child's medical practitioner outside the school who is not a school employee must obtain prior, written consent from the child's parent or guardian to communicate with such outside medical practitioners. Any school health or mental health personnel, as defined above, may request written consent from the parent or guardian. To be valid, the written consent must: 1) be signed by the child's parent or guardian; 2) be dated; 3) provide the child's name; 4) provide the name of the medical practitioner and relevant contact information, to the extent known; and 5) indicate the scope of the consent.

Nothing in this policy shall be construed to prevent school personnel from consulting with a medical practitioner who has information concerning a child, as long as the school district has obtained consent from the parent(s) or guardian(s) of the child, in accordance

with Section II.D., above. Nothing in this policy shall prevent a Planning and Placement Team from recommending a medical evaluation as part of an initial evaluation or reevaluation, as needed to determine a child's (i) eligibility for special education and related services, or (ii) educational needs for an individualized education program.

Legal References:

Conn. Gen. Stat. 10-76d

Conn. Gen. Stat. § 10-212b

34 C.F.R. § 300.174. Prohibition on mandatory medication

ADOPTED: _____

REVISED: _____

8/4/16

Personnel - Certified**Drug and Alcohol Testing For School Bus Drivers**

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

In addition to the above cited federal requirement, the Board of Education expects its school transportation carrier, by June 30, 2019, to provide training to all school bus drivers, including instruction on (1) identifying the signs and symptoms of anaphylaxis, (2) administering epinephrine by a cartridge injector ("EpiPen"), (3) notifying emergency personnel, and (4) reporting an incident involving a student's life-threatening allergic reaction.

Beginning July 1, 2019, each carrier must provide the training to school bus drivers following the issuance or renewal of a public passenger endorsement to operate a school bus for carrier employees, and upon the hiring of a school bus driver who is not employed by such carrier (e.g., subcontractor), except a driver who received the training after the most recent issuance or renewal of his or her endorsement is not required to repeat it.

Additional language to consider:

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

Alternate Version

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

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

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

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

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

In addition to the above cited federal requirement, the Board of Education expects its school transportation carrier, by June 30, 2019, to provide training to all school bus drivers, including instruction on (1) identifying the signs and symptoms of anaphylaxis, (2) administering epinephrine by a cartridge injector ("EpiPen"), (3) notifying emergency personnel, and (4) reporting an incident involving a student's life-threatening allergic reaction.

Beginning July 1, 2019, each carrier must provide the training to school bus drivers following the issuance or renewal of a public passenger endorsement to operate a school bus for carrier employees, and upon the hiring of a school bus driver who is not employed by such carrier (e.g., subcontractor), except a driver who received the training after the most recent issuance or renewal of his or her endorsement is not required to repeat it.

2717 Alcohol and controlled substances testing (Omnibus Transportation Employee Testing Act of 1991)

Code of Federal Regulations, Title 49; section 40.85

40 Procedures for Transportation Workplace Drug and Alcohol Testing Programs

382 Controlled Substance and Alcohol Use and Testing

395 Hours of Service Drivers

Holiday v. City of Modesto (1991) 229 Cal. App. 3d. 528, 540.

International Brotherhood of Teamsters v. Department of Transportation

932 F. 2d 1292 (1991)

American Trucking Association, Inc. v. Federal Highway Administration, (1995) WL 136022 (4th circuit)

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

[14-261b](#) Drug and alcohol testing of drivers of certain vehicles, mechanics and forklift operators

[14-276a](#) School bus operators and operators of student transportation vehicles: Regulations: qualifications; training; drug testing.

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

Policy adopted:

Students

Homeless Students

The Board shall make reasonable efforts to identify homeless children and youths within the district, encourage their enrollment in school and eliminate existing barriers to their education, which may exist in district policies or practices, in compliance with all applicable federal and state laws.

Optional Language:

The District administration shall attempt to remove existing barriers to school attendance by homeless children or youth, which may include:

- A. Records** - The selected school for the homeless student shall enroll the child or youths even in the absence of records normally required for enrollment. The last school in which the student was enrolled shall be contacted to obtain records.
- B.** Other enrollment requirements that may constitute a barrier to the education of the homeless child or youth may be waived at the discretion of the Superintendent.
- C. Grade Level Placement** - If the District is unable to determine the student's grade level due to missing or incomplete records, the District shall administer tests or utilize other reasonable means to determine the appropriate grade level for the child.
- D.** Fees and charges, which may present a barrier to the enrollment or transfer of a homeless child or youth, shall be waived.
- E.** Transportation services must be comparable to those provided other students in the selected school. Transportation shall be provided to the student's school of origin in compliance with federal and state regulations.
- F.** Official school records, policies, and regulations shall be waived at the discretion of the Superintendent, in compliance with federal and state regulations.
- G. Immunization Records** - The District shall make a reasonable effort to locate immunization records from information available. The District's liaison shall assist the parent/guardian in obtaining the necessary immunizations and records. The District shall arrange for students to receive immunizations through health agencies and at District expense if no other recourse is available. Immunizations may, however, be waived for homeless youth only in accordance with provisions of Board of Education policy on immunizations.
- H.** Other barriers to school attendance by homeless children or youth may be waived at the discretion of the Superintendent of Schools.

Further, it is the policy of the Board of Education that no child or youth shall be discriminated against or stigmatized in this school district because of homelessness. Homeless students, as defined by federal and state statutes, residing within the district or residing in temporary shelters in the district are entitled to free school privileges.

Homeless students shall not be separated from the mainstream school environment on the basis of their homelessness. Such students shall have access to education and other services they need to meet the same challenging State academic standards to which all students are held.

Homeless students within the district not placed in a shelter remain the district's responsibility to provide continued educational services. Such services for the child may be:

1. continued in the school ("school of origin") that the student attended when permanently housed or the school of last enrollment; or
2. provided in the school that is attended by other students living in the same attendance area where the homeless child lives.

To the extent feasible, a homeless child will be kept in the school of origin, unless it is against the wishes of the parent/guardian. If placement in the school of origin is not feasible, the homeless student must be placed in the school that is attended by other students living in the same attendance area in which the homeless child lives.

The District will provide a written explanation, including the right to appeal, whenever the District sends a homeless student to a school other than the school of origin, a school requested by the parent/guardian or unaccompanied youth.

Homeless children shall be provided educational services that are comparable to those provided to other students enrolled in the District, including but not limited to, Title I, transportation services, compensatory educational programs, gifted and talented, special education, ESL, health services and food and nutrition programs, and preschools operated by the District, if they meet the established criteria for these services.

The Superintendent of Schools shall refer identified homeless children under the age of eighteen who may reside within the school district, unless such children are emancipated minors, to the Connecticut Department of Children and Families (DCF).

The district administration shall attempt to remove existing barriers to school attendance by homeless emancipated minors and youth eighteen years of age:

1. The selected school for the homeless child shall enroll the child, even in the absence of records normally required for enrollment. The last school enrolled shall be contacted to obtain records.
2. Other enrollment requirements that may constitute a barrier to the education of the homeless child or youth may be waived at the discretion of the Superintendent. If the district is unable to determine the student's grade level due to missing or incomplete records, the district shall administer tests or utilize other reasonable means to determine the appropriate grade level for the child.
3. Fees and charges, which may present a barrier to the enrollment or transfer of a homeless child or youth, may be waived at the discretion of the Superintendent.
4. Transportation services must be comparable to those provided other students in the selected school. Transportation shall be provided to the student's school of origin in compliance with federal and state regulations. If the school of origin is in a different school district from where the homeless child or youth is currently living, both school districts shall agree on a method for sharing the responsibility and costs, or share the costs equally.
5. Official school records policies and regulations shall be waived at the discretion of the Superintendent, in compliance with federal statutes.
6. The district shall make a reasonable effort to locate immunization records from information available. The District's liaison shall assist the parent/guardian in obtaining the necessary immunizations and records. The District shall arrange for students to receive immunizations through health agencies and at District expense if no other recourse is available. Immunizations may, however, be waived for homeless youth only in accordance with provisions of Board of Education policy on immunizations.
7. The Board will provide any homeless student, who is not in the physical custody of a parent/guardian, full access to his/her educational records, including medical records, in the Board's possession.
8. Other barriers to school attendance by homeless children or youth may be waived at the discretion of the Superintendent of Schools.
9. The District will treat information about a homeless child or youth's living situation as a student education record subject to the protections of the Family Educational Rights and Privacy Act (FERPA). Such information shall not be deemed to be directory information.

The District's educational liaison for homeless children is _____. The liaison must assist homeless children and youth, as described within the administrative regulations, in the placement/enrollment decisions, considering the youth's wishes and provide notice of appeal under the Act's enrollment disputes provisions. The liaison shall also participate in State provided professional development programs for local liaisons.

Students residing in a temporary shelter are entitled to free school privileges from the district in which the shelter is located or from the school district where they would otherwise reside if not for the placement in the temporary shelter. The district in which the temporary shelter is located shall notify the district where the student would otherwise be attending. The district so notified may choose to either:

1. continue to provide educational services, including transportation between the temporary shelter and the school in the home district; or
2. pay tuition to the district in which the temporary shelter is located.

The Superintendent shall develop regulations, to ensure compliance with applicable statutes in the implementation of this policy.

(cf. 5143 - Student Health Assessments and Immunizations)

(cf. 5146 - Child Abuse and Neglect)

Legal Reference: Connecticut General Statutes

[10-253\(e\)](#) School privileges for children in certain placements, non-resident children and children in temporary shelters. (as amended by PA 17-194)

[17a](#) 101 Protection of children from abuse. Reports required of certain professional persons. When child may be removed from surroundings without court order.

[17a](#) 103 Reports by others.

[17a](#) 106 Cooperation in relation to prevention, identification and treatment of child abuse and neglect.

[46b](#) 120 Definitions.

PA 17-194 An Act Concerning Access to Student Records for Certain Unaccompanied Youths.

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 and Youths Program, Vol. 81, No. 52, 3/17/2016.

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, December 2, 2011.

Policy adopted:

**Series 5000
Students**

HOMELESS CHILDREN AND YOUTH

In accordance with federal law, it is the policy of the [_____] Board of Education (the “Board”) to prohibit discrimination against, segregation of, or stigmatization of, homeless children and youth. The Board authorizes the Administration to establish regulations setting forth procedures necessary to implement the requirements of law with respect to homeless children and youth. In the event of conflict between federal and/or state law and these administrative regulations, the provisions of law shall control.

Legal References:

State Law:

Public Act 19-179, “An Act Concerning Homeless Students’ Access to Education”

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

10-253 School privileges for children in certain placements, non-resident children and children in temporary shelters

Federal Law:

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.

ADOPTED: _____

REVISED: _____

8/29/2019

**Series 5000
Students**

**ADMINISTRATIVE REGULATIONS REGARDING HOMELESS CHILDREN
AND YOUTH**

In accordance with federal law, the _____ Board of Education (the “Board”) does not permit discrimination against, segregation of, or stigmatization of, homeless children and youth. The following sets forth the procedures to implement the requirements of law with respect to homeless children and youth. In the event of conflict between federal and/or state law and these regulations with respect to homeless children and youth, the provisions of law shall control.

I. Definitions:

- A. Enroll and Enrollment:** includes attending classes and participating fully in school activities.
- B. Homeless Children and Youth:** means children and youth twenty-one years of age and younger who lack a fixed, regular, and adequate nighttime residence, including children and youth who:
 - 1. Are sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason.
 - 2. Are living in motels, hotels, trailer parks or camping grounds due to the lack of alternative adequate accommodations.
 - 3. Are living in emergency or transitional shelters.
 - 4. Are abandoned in hospitals.
 - 5. Have a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings.
 - 6. Are living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings.
 - 7. Are migratory children living in the above described circumstances.
- C. School of Origin:** means the school that a homeless child or youth attended when permanently housed or the school in which the homeless child was last enrolled. School of origin may include preschool

administered by the District and, when a homeless child or youth completes the final grade level served by the school of origin, school of origin also includes the designated receiving school at the next grade level for all feeder schools.

- D. **Unaccompanied Youth:** means a homeless child or youth not in the physical custody of a parent or guardian.

II. Homeless Liaison:

- A. The District's Homeless Liaison is _____.

- B. The duties of the Homeless Liaison include:

1. Ensuring that homeless children and youth are identified by school personnel and through outreach and coordination with other entities and agencies.
2. Ensuring that homeless children and youth enroll in, and have full and equal opportunity to succeed in the District's schools, including ensuring that such homeless children and youth have opportunities to meet the same challenging State academic standards as other children and youths.
3. Ensuring that homeless families, children, and youths receive educational services for which such families, children and youth are eligible, including services through Head Start and Even Start, early intervention services under Part C of the Individuals with Disabilities Education Act and preschool programs administered by the District.
4. Ensuring that parents and guardians of homeless children and youth and unaccompanied youth receive referrals to health care services, dental services, mental health and substance abuse services, housing services, and other appropriate services.
5. Ensuring that parents and guardians of homeless children and youth and unaccompanied youth are informed of educational and related opportunities available to homeless children and youth, including extracurricular activities, and that parents and guardians of homeless children and youth are provided with meaningful opportunities to participate in the education of their children.
6. Ensuring that public notice of the educational rights of homeless children under the McKinney-Vento Act is disseminated in locations

frequented by parents, guardians, and unaccompanied youth in a manner and form that is understandable to them.

7. Ensuring that enrollment disputes are mediated in accordance with the McKinney-Vento Act, including carrying out the initial dispute resolution process and ensuring that homeless students are immediately enrolled pending resolution of any enrollment dispute.
8. Ensuring that parent(s)/guardian(s) of homeless children and youth and unaccompanied youth are fully informed of all transportation services, including transportation to and from the school of origin, and are assisted in accessing those services.
9. Assisting homeless children and youth in enrolling in school and accessing school services and removing barriers to enrollment and retention due to outstanding fees, fines or absences.
10. Informing parent(s)/guardian(s) of homeless children and youth and unaccompanied youth, school personnel, and others of the rights of such students.
11. Assisting homeless children and youth who do not have immunizations or immunization/medical records to obtain necessary immunizations or immunization/medical records.
12. Assisting unaccompanied youth in placement/enrollment decisions, including considering the unaccompanied youth's wishes in those decisions, and providing notice to the unaccompanied youth of his or her right to appeal such decisions.
13. Ensuring that high school age homeless children and youth receive assistance from counselors to advise such youths on preparation and readiness for college, including informing such children and youths of their status as independent students under the Higher Education Act of 1965 and that they may obtain assistance from the district to receive verification of this status for purposes of the Free Application for Federal Student Aid (FAFSA).
14. Ensuring collaboration with community and school personnel responsible for providing education and related support services to homeless children and youth.
15. Collaborating with and participating in professional development and technical assistance activities offered by the State Office of the Coordinator for the Education of Homeless Children and Youth.

16. Ensuring that school personnel providing services to homeless children and youth receive professional development and other technical assistance activities regarding the McKinney-Vento Act.
17. Ensuring that unaccompanied youth are enrolled in school and that procedures are implemented to identify and remove barriers that prevent them from receiving credit for full or partial coursework satisfactorily completed at a prior school, in accordance with State, local, and school policies.
18. With appropriate training, affirming that a child or youth who is eligible for and participating in a program provided by the District, or the immediate family of such a child or youth, is eligible for homeless assistance programs administered under Title IV of the McKinney-Vento Act.

III. Enrollment of Homeless Children and Youth:

- A. Enrollment of homeless children and youth may not be denied or delayed due to the lack of any document normally required for enrollment. However, administrators shall require the parent/guardian or unaccompanied youth to provide contact information prior to enrollment.
- B. To facilitate enrollment, administrators:
 1. May permit parents/guardians of homeless children and youth and unaccompanied youth to sign affidavits of residency to replace typical proof of residency.
 2. May permit unaccompanied youth to enroll with affidavits to replace typical proof of guardianship.
 3. Shall refer parent/guardian/unaccompanied youth to the Liaison who will assist in obtaining immunizations.
 4. Shall contact previous schools for records and assistance with placement decisions.
 5. Shall maintain records so that the records are available in a timely fashion when the student enters a new school or school district.

IV. School Selection:

- A. Standards for School Selection:

1. The District is required to make a determination as to the best interests of a homeless child or youth in making a determination as to the appropriate school of placement.
2. In making such a determination, the District is required to keep a homeless child or youth in his/her school of origin for the duration of homelessness when a homeless child or youth becomes homeless between academic years or during an academic year; or for the remainder of the academic year if the homeless child or youth becomes permanently housed during an academic year, to the extent feasible, unless it is against the wishes of the parent or guardian or unaccompanied youth. Otherwise, the homeless child or youth shall be enrolled in a public school that non-homeless students who live in the area where the homeless child or youth is actually living are eligible to attend.
3. The District must presume that keeping the homeless child or youth in the school of origin is in the child's or youth's best interest unless doing so is contrary to the request of the child's or youth's parent or guardian, or in the case of an unaccompanied youth, the unaccompanied youth. In considering the child's or youth's best interest, the District must consider student-centered factors related to the child's or youth's best interest, giving priority to the request of the parent or guardian or unaccompanied youth.

B. Procedures for Review of School Selection Recommendation:

1. The Principal or his/her designee of the school in which enrollment is sought review an enrollment request in accordance with the standards discussed above, and shall make an initial recommendation regarding same. If the Principal or his/her designee's recommendation is to select a placement other than the school desired by the parent(s) or guardian(s) of the homeless child or youth or the unaccompanied youth, then the Principal or his/her designee shall refer the matter to the Superintendent or his/her designee for review of the recommendation and the reasons therefor, and shall notify the District's Homeless Liaison of same.
2. The Superintendent or his/her designee shall review the matter and consult with the District Homeless Liaison concerning same. If the Superintendent or his/her designee agrees with the recommendation of the Principal or his/her designee, and a dispute remains between the District and the parent(s) or guardian(s) of a homeless child or youth or an unaccompanied youth about a school selection and/or enrollment decision; the Superintendent or his/her designee shall provide the parent(s) or guardian(s) of a homeless child or youth or

an unaccompanied youth with a written explanation of the District's decision regarding this matter, and the right to appeal such decision to the Board.

C. Dispute Resolution Process:

1. The District's Homeless Liaison shall be responsible for promoting objective and expeditious dispute resolutions, and adherence to these administrative regulations.
2. If the parent(s) or guardian(s) of a homeless child or youth or an unaccompanied youth disputes the school placement decision or enrollment, the District must immediately enroll the homeless child or youth in the school in which enrollment is sought, pending resolution of the dispute. The homeless child or youth shall also have the right to all appropriate educational services, including transportation to and from the school in which enrollment is sought, while the dispute is pending.
3. If necessary, the District Homeless Liaison shall assist parent(s) or guardian(s) of a homeless child or youth or an unaccompanied youth with completion of the necessary appeal paperwork required to file for an appeal to the Board, and provide the parent(s) or guardian(s) of a homeless child or youth or an unaccompanied youth with a copy of Section 10-186(b).
4. Not later than ten (10) days after receipt of an appeal to the Board by a parent(s) or guardian(s) of a homeless child or youth or an unaccompanied youth, the District shall hold a hearing before the Board concerning such appeal, and such hearing shall be conducted in accordance with Section 10-186(b).
5. If the Board finds in favor of the Superintendent or his/her designee, a parent or guardian of a homeless child or youth or unaccompanied youth may appeal the Board's decision to the State Board of Education within twenty (20) days of receipt of the Board's written decision, in accordance with Section 10-186(b). If necessary, the District Homeless Liaison shall assist a parent or guardian of a homeless child or youth or unaccompanied youth with filing the necessary appeal paperwork to the State Board of Education. The homeless child or youth or unaccompanied youth shall remain in his or her school of origin pending resolution of the dispute, including all available appeals.

V. Services:

- A. Homeless children and youth shall be provided with services comparable to those offered other students in the selected school including:
 - 1. Title I services or similar state or local programs, educational programs for students with disabilities, programs for students with limited English proficiency, and preschool programs.
 - 2. Transportation services.
 - 3. Vocational and technical education.
 - 4. Programs for gifted and talented students.
 - 5. School nutrition programs.
 - 6. Before and after school programs.
- B. The District shall coordinate with local social service agencies, other service providers, housing assistance providers and other school districts to ensure that homeless children and youth have access and reasonable proximity to available education and support services.

VI. Transportation:

- A. The District shall provide transportation comparable to that available to other students.
- B. Transportation shall be provided, at a parent or guardian or unaccompanied youth's request, to and from the school of origin for a homeless child or youth. Transportation shall be provided for the entire time the child or youth is homeless and until the end of any academic year in which they move into permanent housing. Transportation to the school of origin shall also be provided during pending disputes. The Liaison shall request transportation to and from the school of origin for an unaccompanied youth. Parents and unaccompanied youth shall be informed of this right to transportation before they select a school for attendance.
- C. To comply with these requirements:
 - 1. Parents/guardians, schools, and liaisons shall use the district transportation form to process transportation requests.
 - 2. If the homeless child or youth is living and attending school in this District, the District shall arrange transportation.

3. If the homeless child or youth is living in this District but attending school in another, or attending school in this District and living in another, the District will follow the inter-district transportation agreement to determine the responsibility and costs for such transportation. If there is no inter-district transportation agreement, the District shall confer with the other school district's Homeless Liaison to determine an apportionment of the responsibility and costs.
4. If no mutually agreeable arrangement can be reached, then the District shall:
 - (a) arrange transportation immediately;
 - (b) bring the matter to the attention of the State Coordinator for the Education of Homeless Children and Youth; and
 - (c) ensure that such disputes do not interfere with the homeless child or youth attending school.

VII. Records

An unaccompanied youth, as defined in section I.D., above, is entitled to knowledge of and access to all educational, medical, or similar records in the cumulative record of such unaccompanied youth maintained by this District.

VII. Contact Information

A. Local Contact: for further information, contact:

[Name of Liaison]
[Title]
[Telephone No.]

B. State Contact: for further information or technical assistance, contact:

Louis Tallarita, State Coordinator
Connecticut Department of Education
450 Columbus Boulevard
Hartford, CT 06103
(860) 807-2058
Louis.Tallarita@ct.gov

Legal References:

State Law:

Public Act 19-179, An Act Concerning Homeless Students’
Access to Education

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

10-253 School privileges for children in certain placements,
non-resident children and children in temporary shelters

Federal Law:

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.

ADOPTED: _____

REVISED: _____

8/29/2019

**DISPUTE RESOLUTION PROCESS
UNDER CONNECTICUT GENERAL STATUTES SECTION 10-186**

(1) If any board of education denies such accommodations, the parent or guardian of any child who is denied schooling, or an emancipated minor, a pupil eighteen years of age or older or an unaccompanied youth who is denied schooling, or an agent or officer charged with the enforcement of the laws concerning attendance at school, may, in writing request a hearing by the board of education. The board of education may

- (A) conduct the hearing,
- (B) designate a subcommittee of the board composed of three board members to conduct the hearing, or
- (C) establish a local impartial hearing board of one or more persons not members of the board of education to conduct the hearing.

The board, subcommittee or local impartial hearing board shall give such person a hearing not later than ten days after receipt of the written request, make a stenographic record or tape recording of the hearing and make a finding not later than ten days after the hearing. Hearings shall be conducted in accordance with the provisions of sections 4-176e to 4-180a, inclusive, and section 4-181a. Any child, emancipated minor, pupil eighteen years of age or older or unaccompanied youth who is denied accommodations on the basis of residency may continue in attendance in the school district at the request of the parent or guardian of such child or emancipated minor, pupil eighteen years of age or older or unaccompanied youth, pending a hearing pursuant to this subdivision. The party claiming ineligibility for school accommodations shall have the burden of proving such ineligibility by a preponderance of the evidence, except in cases of denial of schooling based on residency, the party denied schooling shall have the burden of proving residency by a preponderance of the evidence, unless the party denied schooling is claiming that he or she is a homeless child or youth, as defined in 42 USC 11434a, as amended from time to time, in which case, the party claiming ineligibility based on residency shall have the burden of proving that the party denied schooling is not a homeless child or youth by a preponderance of the evidence in accordance with the provisions of 42 USC 11431, et seq., as amended from time to time.

(2) Any homeless child or youth who is denied accommodations by a board of education as the result of a determination by such board, or a subcommittee of the board or local impartial hearing board, that the child is not entitled to school accommodations in the district, shall continue in attendance or be immediately enrolled in the school selected by the child in the school district pursuant to 42 USC 11432(g)(3), as amended from time to time. The board of education for such school district shall (A) provide, in accordance with the provisions of 42 USC 11432(g)(3)(E)(ii), as amended from time to time, the homeless child or youth or the parent or guardian of such homeless child or youth with (i) a written explanation of the reasons for the denial of accommodations that is in a manner and form understandable to such homeless child or youth or parent or guardian, and (ii) information regarding the right to appeal the decision of the denial of accommodations pursuant to subdivision (3) of this subsection, and (B) refer, in accordance with the provisions of 42

USC 11432(g)(3)(E)(iii), as amended from time to time, the homeless child or youth or the parent or guardian of such homeless child or youth to the liaison, designated pursuant to 42 USC 11432(g)(1)(J)(ii), as amended from time to time, who is responsible for carrying out the duties described in 42 USC 11432(g)(6)(A), as amended from time to time.

(3) Any such parent, guardian, emancipated minor, pupil eighteen years of age or older, unaccompanied youth, or agent or officer, aggrieved by the finding shall, upon request, be provided with a transcript of the hearing within thirty days after such request and may take an appeal from the finding to the State Board of Education. A copy of each notice of appeal shall be filed simultaneously with the local or regional board of education and the State Board of Education. Any child, emancipated minor or pupil eighteen years of age or older or unaccompanied youth who is denied accommodations by a board of education as the result of a determination by such board, or a subcommittee of the board or local impartial hearing board, that the child is not a resident of the school district and therefore is not entitled to school accommodations in the district may continue in attendance in the school district at the request of the parent or guardian of such child or such minor or pupil, pending a determination of such appeal, except any homeless child or youth shall be entitled to continue in attendance in the school district during all available appeals pursuant to 42 USC 11432(g)(2)(E). If an appeal is not taken to the State Board of Education within twenty days of the mailing of the finding to the aggrieved party, the decision of the board, subcommittee or local impartial hearing board shall be final. The local or regional board of education shall, within ten days after receipt of notice of an appeal, forward the record of the hearing to the State Board of Education. The State Board of Education shall, on receipt of a written request for a hearing made in accordance with the provisions of this subsection, establish an impartial hearing board of one or more persons to hold a public hearing in the local or regional school district in which the cause of the complaint arises. Members of the hearing board may be employees of the state Department of Education or may be qualified persons from outside the department. No member of the board of education under review nor any employee of such board of education shall be a member of the hearing board. Members of the hearing board, other than those employed by the state of Connecticut, shall be paid reasonable fees and expenses as established by the State Board of Education within the limits of available appropriations. Such hearing board may examine witnesses and shall maintain a verbatim record of all formal sessions of the hearing. Either party to the hearing may request that the hearing board join all interested parties to the hearing, or the hearing board may join any interested party on its own motion. The hearing board shall have no authority to make a determination of the rights and responsibilities of a board of education if such board is not a party to the hearing. The hearing board may render a determination of actual residence of any child, emancipated minor, pupil eighteen years of age or older or unaccompanied youth where residency is at issue.

(4) The hearing board shall render its decision within forty-five days after receipt of the notice of appeal except that an extension may be granted by the Commissioner of Education upon an application by a party or the hearing board describing circumstances related to the hearing which require an extension.

(5) If, after the hearing, the hearing board finds that any child is illegally or unreasonably denied schooling, the hearing board shall order the board of education under whose jurisdiction it has been found such child should be attending school to make arrangements to enable the child to attend public school. Except in the case of a residency determination, the finding of the local or regional board of education, subcommittee of such board or a local impartial hearing board shall be upheld unless it is determined by the hearing board that the finding was arbitrary, capricious or unreasonable. If such school officers fail to take action upon such order in any case in which such child is currently denied schooling and no suitable provision is made for such child within fifteen days after receipt of the order and in all other cases, within thirty days after receipt of the order, there shall be a forfeiture of the money appropriated by the state for the support of schools amounting to fifty dollars for each child for each day such child is denied schooling. If the hearing board makes a determination that the child was not a resident of the school district and therefore not entitled to school accommodations from such district, the board of education may assess tuition against the parent or guardian of the child or the emancipated minor or pupil eighteen years of age or older based on the following: One one-hundred-eightieth of the town's net current local educational expenditure, as defined in section 10-261, per pupil multiplied by the number of days of school attendance of the child in the district while not entitled to school accommodations provided by that district. The local board of education may seek to recover the amount of the assessment through available civil remedies.

SAMPLE WRITTEN NOTIFICATION OF ENROLLMENT DECISION

[Month] __, 20__

VIA HAND DELIVERY AND U.S. MAIL

[Insert Name of Parent or Unaccompanied Youth]

[Insert Home Address]

Re: Notification of Enrollment Decision

Dear [Parent/Guardian or Unaccompanied Youth]:

After reviewing your request to enroll the student(s) listed above [name(s)], the enrollment request is denied. This determination is based upon the following factors:

[List factors]

Under the McKinney-Vento Homeless Education Assistance Act, you have the right to appeal this decision by completing the form attached to this notice or by contacting the school district's homeless education liaison:

[Name of Liaison]

[Title]

[Telephone No.]

In addition, the student listed above has the right to immediately enroll in the school of choice pending resolution of the dispute. You may provide written or verbal evidence to support your position. You may seek the assistance of advocates or attorneys at your own expense; however, you may qualify for free legal services. To inquire about free legal assistance, please call Statewide Legal Services at 1-800-453-3320. You may also contact the state coordinator for homeless education:

Louis Tallarita, State Coordinator
State Department of Education
450 Columbus Boulevard
Hartford, CT 06103
(860) 807-2058

Louis.Tallarita@ct.gov

A copy of the dispute resolution process under section 10-186 is attached to this notice.

Please contact the District Liaison listed above if you have any questions.

Sincerely,

[Name]
Superintendent of Schools

cc: **[Superintendent of Schools in which enrollment is sought, if appropriate]**

**SAMPLE NOTIFICATION OF DECISION
TO APPEAL EDUCATIONAL PLACEMENT**

This form is to be completed by the parent, guardian, caretaker, or unaccompanied youth when a dispute arises. If you need assistance in preparing this form, you may meet with the District Liaison, _____, who can be reached at _____.

Person completing form: _____

Relation to Student: _____

Contact Information: _____

I am requesting a Board of Education Hearing under Section 10-186 of the Connecticut General Statutes to appeal the enrollment decision made by [Name of District], [Name of School]. I have been provided with a written explanation of the District's decision, contact information for the District's homeless education liaison, and a copy of the Dispute Resolution Process under Connecticut General Statutes Section 10-186.

Name

Date

Optional. You may also include a written explanation to support your appeal in the space below or provide your explanation verbally to the District Liaison.

**SAMPLE NOTIFICATION OF HEARING
REGARDING ENROLLMENT DISPUTE**

[Month] __, 20__

VIA HAND DELIVERY AND U.S. MAIL

[Insert Name of Parent or Unaccompanied Youth]

[Insert Home Address]

Re: Educational Placement

Dear [Name of Parent or Unaccompanied Youth]:

You have requested a hearing before the [town] Board of Education regarding the educational placement of [insert name(s) of student(s)] at [name of school]. The [town] Board of Education will conduct a hearing regarding your claim on [date] at [time]. The hearing will be held at the offices of the [town] Board of Education, which are located at [insert address].

The hearing will be conducted in accordance with the provisions of Section 10-186 of the Connecticut General Statutes, a copy of which is enclosed. The hearing will be conducted in executive session, and the Board of Education will make either a tape recording or a stenographic record of the hearing. You may be represented by counsel or by an advocate, at your expense, if you so desire; however, you may qualify for free legal services. To inquire about free legal assistance, please call Statewide Legal Services at 1-800-453-3320.

Please contact the District Liaison, [insert name], if you have any questions.

Sincerely,

[Name]

Superintendent of Schools

cc: **[Superintendent of Schools in which enrollment is sought, if appropriate]**

[Name of District]

Birthdate: _____

I, _____ declare and affirm as follows:

I am the parent/legal guardian/caregiver of _____ (name of student) who is of school age and is seeking admission to [School District].

This location is:

- If the location is shared housing with other persons, please specify the reason why the student is living in such housing:

From _____ (date) to _____ (date).

I authorize school district officials to contact _____ (case worker/shelter staff/other) at _____ to obtain further information in order to verify the information contained in this affidavit and in order to coordinate necessary services for the student.

I declare under penalty of perjury under the laws of Connecticut that the information provided is true and correct and of my own personal knowledge. I understand that giving false or otherwise untrue information on this form could result in a criminal charge of perjury being brought against me.

AFFIANT,

Signature of Affiant

Print Name of Affiant

Subscribed and sworn to before me
this ____ day of ____, 20__.

NOTARY PUBLIC

**STUDENT RESIDENCY AFFIDAVIT
[UNACCOMPANIED YOUTH FORM]**

[Name of District]

Name of student: _____

Birthdate: _____

Name and Location of School Last Attended: _____

I, _____ declare and affirm as follows:

I, _____ am of school age and is seeking admission to [School District].

Since _____ (date), I, _____ have not had a permanent home. I am currently staying at _____ (may list multiple addresses, if applicable). I have been staying there since _____ (date).

This location is:

- _____ a shelter
- _____ a motel/hotel
- _____ a campsite
- _____ shared housing with other persons
- _____ other _____

If the location is shared housing with other persons, please specify the reason why the student is living in such housing:

_____.

Prior to staying at this location, I was staying at _____
From _____ (date) to _____ (date).

I regularly receive my mail at: _____.
I am currently staying at the following address(es): _____,
_____. I plan to stay at this/these
location(s) until: _____ (date). I can be reached at the following telephone number:
_____. I can be reached for emergencies at: _____.

I authorize school district officials to contact _____ (case worker/shelter staff/other) at _____ to obtain further information in order to verify the information contained in this affidavit and in order to coordinate necessary services for me.

I declare under penalty of perjury under the laws of Connecticut that the information provided is true and correct and of my own personal knowledge. I understand that giving false or

otherwise untrue information on this form could result in a criminal charge of perjury being brought against me.

AFFIANT,

Signature of Affiant

Print Name of Affiant

Subscribed and sworn to before me
this ____ day of ____, 20__.

NOTARY PUBLIC

AFFIDAVIT FOR MISSING ENROLLMENT DOCUMENTATION
[PARENT FORM]

[District]

I, _____, being duly sworn upon oath and based on my personal knowledge hereby state and affirm the following information regarding [name of student's] missing enrollment documentation for the following:

_____ Proof of residency	_____ Immunization Record
_____ Proof of guardianship	_____ School Health Record
_____ Proof of identity	_____ School Records
_____ Birth Certificate	

I am of legal age and believe in the obligations of an oath.

I am unable to present a copy of the document(s) requested above for the following reasons:

The name and location of the last school the student attended is

_____.

I understand that I must obtain the necessary immunization and health records and provide a copy to the District. I understand that the Homeless Liaison is available to assist me in obtaining any such immunization or health records. The Homeless Liaison is _____ and can be reached at _____.

AFFIANT,

Signature of Affiant

Print Name of Affiant

Subscribed and sworn to before me
this ____ day of ____, 20__.

NOTARY PUBLIC

AFFIDAVIT FOR MISSING ENROLLMENT DOCUMENTATION
[UNACCOMPANIED YOUTH FORM]

[District]

I, _____, being duly sworn upon oath and based on my personal knowledge hereby state and affirm the following information regarding my missing enrollment documentation for the following:

_____ Proof of residency	_____ Immunization Record
_____ Proof of guardianship	_____ School Health Record
_____ Proof of identity	_____ School Records
_____ Birth Certificate	

I am unable to present a copy of the document(s) requested above for the following reasons:

The name and location of the last school I attended is

_____.

I understand that I must obtain the necessary immunization and health records and provide a copy to the District. I understand that the Homeless Liaison is available to assist me in obtaining any such immunization or health records. The Homeless Liaison is _____ and can be reached at _____.

AFFIANT,

Signature of Affiant

Print Name of Affiant

Subscribed and sworn to before me
this ____ day of ____, 20__.

NOTARY PUBLIC

Students

Health/Medical Records

When applicable, District schools will comply with the Health Insurance Portability and Accountability Act of 1996 (HIPAA) to maintain the privacy of protected health information that it receives, obtains, transmits or sends. The Board of Education designates the _____ as its HIPAA Privacy Officer.

Student education records, including personally identifiable health information, maintained by the District is subject to and protected by the Family Educational Rights and Privacy Act (FERPA). Both the United States Department of Health and Human Services and the United States Department of Education Family Policy Compliance Office have stated that student records under FERPA are not subject to HIPAA. Therefore, District schools will comply with FERPA's confidentiality provisions rather than HIPAA's.

The District will seek Medicaid eligibility information to determine if services to a student may be billed. Bills will be processed electronically for Medicaid reimbursement for qualified services to eligible special education students. The District will comply with HIPAA's electronic transactions requirements. Procedures and safeguards will be developed to protect the privacy of health information and prevent wrongful user and disclosure. At a minimum, the policy and procedure for student records will comply with the Family Educational Rights and Privacy Act of 1974 (FERPA) with assurances that the District has obtained authorization from the parent or adult student prior to the release of protected health information for the purpose of Medicaid billing. Individuals involved in the Medicaid billing process for the District shall be trained on the privacy procedures. Discipline shall be imposed, up to and including discharge, for staff that wrongfully uses or discloses protected health information.

(cf. [3231](#) - Medical Reimbursement for Special Education Students)

(cf. [5125](#) - Student Records; Confidentiality)

Legal Reference: Connecticut General Statutes

- [1](#)- 19(b)(11) Access to public records. Exempt records.
- [10](#)- 15b Access of parent or guardians to student's records.
- [10](#)- 154a Professional communications between teacher or nurse & student.
- [10](#)- 209 Records not to be public
- [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.

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

42 U.S.C. 1320d-1320d-8, P.L. 104-191, Health Insurance Portability and Accountability Act of 1996 (HIPAA)

65 Fed. Reg. 92462-82829

63 Fed. Reg. 43242-43280

67 Fed. Reg. 53182-53273

Policy adopted:

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, 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.

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).

Policy adopted:

**Series 5000
Students**

DRUG AND ALCOHOL USE BY STUDENTS

Policy Statement

The Board is required by Connecticut law to prescribe rules for the management and discipline of its schools. In keeping with this mandate, the unlawful use, sale, distribution or possession of controlled drugs, controlled substances, drug paraphernalia, as defined in C.G.S. Section 21a-240, or alcohol on or off school property or during any school sponsored activity is prohibited. It shall be the policy of the Board to take positive action through education, counseling, discipline, parental involvement, medical referral, and law enforcement referral, as appropriate, in the handling of incidents in the schools involving the unlawful possession, distribution, sale or use of substances that affect behavior.

Definitions

- (1) Controlled Drugs: means those drugs which contain any quantity of a substance which has been designated as subject to the federal Controlled Substances Act, or which has been designated as a depressant or stimulant drug pursuant to federal food and drug laws, or which has been designated by the Commissioner of Consumer Protection pursuant to C.G.S. Section 21a-243, as having a stimulant, depressant or hallucinogenic effect upon the higher functions of the central nervous system and as having a tendency to promote abuse or psychological or physiological dependence, or both. Such controlled drugs are classifiable as amphetamine-type, barbiturate-type, cannabis-type, cocaine-type, hallucinogenic, morphine-type and other stimulant and depressant drugs. C.G.S. Section 21a-240(8).
- (2) Controlled Substances: means a drug, substance or immediate precursor in schedules I to V, inclusive, of the Connecticut controlled substance scheduling regulations adopted pursuant to C.G.S. Section 21a-243. C.G.S. Section 21a-240(9).
- (3) Professional Communication: any communication made privately and in confidence by a student to a professional employee of such student's school in the course of the professional employee's employment. C.G.S. Section 10-154a(a)(4).
- (4) Professional Employee: means a person employed by a school who "(A) holds a certificate from the State Board of Education, (B) is a member of a faculty where certification is not required, (C) is an administration officer of a school, or (D) is a

registered nurse employed by or assigned to a school." C.G.S. Section 10-154a(a)(2).

- (5) Drug Paraphernalia: means any equipment, products and materials of any kind which are used, intended for use or designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing or concealing, or injecting, ingesting, inhaling or otherwise introducing controlled drugs or controlled substances into the human body, including but not limited to all items specified in C.G.S. Section 21a-240(20)(A), such as "bongs," pipes, "roach clips," miniature cocaine spoons, crack cocaine vials, tobacco rolling papers, and any object or container used, intended or designed for use in storing, concealing, possessing, distributing or selling controlled drugs or controlled substances. C.G.S. Section 21a-240(20)(A).

Procedures

- (1) Emergencies.

If an emergency situation results from drug or alcohol use, the student shall be sent to the school nurse or medical advisor immediately. The parent or designated responsible person will be notified.

- (2) Prescribed Medications.

Students may possess and/or self-administer medications in school in accordance with the Board's policy concerning the administration of medication in school.

Students taking improper amounts of a prescribed medication, or otherwise taking medication contrary to the provisions of the Board's policy on the administration of medication will be subject to the procedures for improper drug or alcohol use outlined in this policy.

- (3) Voluntary Disclosure of Drug/Alcohol Problem (Self-Referral).

The following procedures will be followed when a student privately, and in confidence, discloses to a professional employee in a professional communication information concerning the student's use, possession, distribution or sale of a controlled drug, controlled substance or alcohol.

- (a) Professional employees are permitted, in their professional judgment, to disclose any information acquired through a professional communication with a student, when such information concerns alcohol or drug abuse or any alcohol or drug problem of such student. In no event, however, will they be required to do so. C.G.S. Section 10-154a(b).

- (b) Any physical evidence obtained from such student through a professional communication indicating that a crime has been or is being committed by the student **must** be turned over to school administrators or law enforcement officials as soon as possible, but no later than two calendar days after receipt of such physical evidence, excluding Saturdays, Sundays and holidays. Employees are encouraged to contact the school administrator immediately upon obtaining physical evidence. In no case, however, will such employee be required to disclose the name of the student from whom the evidence was obtained. C.G.S. Section 10-154a(b).
 - (c) Any professional employee who has received a professional communication from a student may obtain advice and information concerning appropriate resources and refer the student accordingly, subject to the rights of the professional employee as described in paragraph (a) above.
 - (d) If a student consents to disclosure of a professional communication concerning the student's alcohol or drug problem, or if the professional employee deems disclosure to be appropriate, the professional employee should report the student's name and problem to the school's building administrator or designee who shall refer the student to appropriate school staff members for intervention and counseling.
- (4) Involuntary Disclosure or Discovery of Drug/Alcohol Problems.

When a professional employee obtains information related to a student *from a source other than the student's confidential disclosure*, that the student, on or off school grounds or at a school sponsored activity, is under the influence of, or possesses, uses, dispenses, distributes, administers, sells or aids in the procurement of a controlled drug, controlled substance, drug paraphernalia or alcohol, that information is considered to be involuntarily disclosed. In this event, the following procedures will apply.

- (a) The professional employee will immediately report the information to the building administrator or designee. The building administrator or designee will then refer the student to appropriate school staff members for intervention and counseling.
- (b) Any physical evidence (for example, alcohol, drugs or drug paraphernalia) obtained from a student indicating that a crime has been or is being committed by the student must be turned over to the building administrator or designee or to law enforcement officials as soon as possible, but no later than within two calendar days after receipt of such physical evidence, excluding Saturdays, Sundays and holidays. C.G.S. Section 10-154a(b). Because such evidence was **not** obtained through a

professional communication, the name of the student must be disclosed to the building administrator or designee.

- (c) Search and Seizure of Students and/or Possessions: A professional employee who reasonably suspects that a student is violating a state/federal law or a school substance abuse policy must **immediately** report his/her suspicion to the building administrator or designee. The building administrator or designee may then search a student's person or possessions connected to that person, in accordance with the Board's policies and regulations if he/she has reasonable suspicion from the inception of the search that the student has violated or is violating either the law or a school substance abuse policy.

Any physical evidence obtained in the search of a student, or a student's possessions, indicating that the student is violating or has violated a state or federal law **must** be turned over to law enforcement officials as soon as possible, but not later than within three calendar days after receipt of such physical evidence, excluding Saturdays, Sundays and holidays. C.G.S. Section 10-154a(c). All school employees are encouraged to contact the school administration immediately upon obtaining physical evidence.

(5) Consequences for the Use, Sale, Distribution or Possession of Controlled Drugs, Controlled Substances, Drug Paraphernalia or Alcohol.

- (a) Any student in the [] Public Schools using, consuming, possessing, being under the influence of, manufacturing, distributing, selling or aiding in the procurement of controlled drugs, controlled substances, drug paraphernalia or alcohol either on or off school property, or at a school-sponsored activity, except as such use or possession is in accordance with Connecticut General Statutes § 21a-408a through 408q, is subject to discipline up to and including expulsion pursuant to the Board's student discipline policy.
- (b) In conformity with the Board's student discipline policy, students may be suspended or expelled for drug or alcohol use off school grounds if such drug or alcohol use is considered seriously disruptive of the educational process. In determining whether the conduct is seriously disruptive of the educational process, the Administration and the Board may consider, among other factors: 1) whether the drug or alcohol use occurred within close proximity of a school; 2) whether other students from the school were involved; and 3) whether any injuries occurred.
- (c) If a school administrator has reason to believe that any student was engaged, on or off school grounds, in offering for sale or distribution a controlled substance (as defined by Conn. Gen. Stat. § 21a-240(9)), whose manufacturing, distribution, sale, prescription, dispensing, transporting, or

possessing with intent to sell or dispense, offering or administering is subject to criminal penalties under Conn. Gen. Stats. §§ 21a-277 and 21a-278, the administrator will recommend such student for expulsion, in accordance with the Board's student discipline policy.

- (d) Students found to be in violation of this policy may be referred by the building administrator to an appropriate agency licensed to assess and treat drug and alcohol involved individuals. In such event, assessment and treatment costs will be the responsibility of the parent or guardian.
- (e) A meeting may be scheduled with appropriate school staff members for the purpose of discussing the school's drug and alcohol policy with the student and parent or guardian.
- (f) Law enforcement officials may be contacted by the building administrator in the case of suspected involvement in the use, sale or distribution of controlled drugs, controlled substances, drug paraphernalia or alcohol.

Legal References:

Connecticut General Statutes:

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

Section 10-154a
Section 10-212a
Section 10-221

Sections 10-233a through 10-233f
Section 21a-240
Section 21a-243
Section 21a-408a through 408q

ADOPTED: _____
REVISED: _____

07/30/18

**Series 5000
Students**

CHEMICAL HEALTH POLICY FOR STUDENT ATHLETES

Policy Statement

The Board participates in the Connecticut Interscholastic Athletic Conference (“CIAC”). In accordance with CIAC participation rules and the Board’s obligation under state and federal law, the Board prohibits the unauthorized use, sale, distribution or possession of controlled drugs, controlled substances, drug paraphernalia, performance enhancing substances or alcohol during any school sponsored athletic activity, whether occurring on or off school property. It shall be the policy of the Board to take positive action through education, counseling, discipline, parental involvement, medical referral, and law enforcement referral, as appropriate, in the handling of incidents by student athletes involving the possession, distribution, sale or use of substances that affect behavior, including performance enhancing substances. This policy applies to all student athletes participating in school sponsored athletics, whether or not such athletes are participating in CIAC controlled activities.

Definitions

- (1) Controlled Drugs: means those drugs which contain any quantity of a substance which has been designated as subject to the federal Controlled Substances Act, 21 U.S.C. § 801 *et seq.*, or which has been designated as a depressant or stimulant drug pursuant to federal food and drug laws, or which has been designated by the Commissioner of Consumer Protection pursuant to Connecticut General Statutes Section 21a-243, as having a stimulant, depressant or hallucinogenic effect upon the higher functions of the central nervous system and as having a tendency to promote abuse or psychological or physiological dependence, or both. Such controlled drugs are classifiable as amphetamine-type, barbiturate-type, cannabis-type, cocaine-type, hallucinogenic, morphine-type and other stimulant and depressant drugs. Connecticut General Statutes Section 21a-240(8).
- (2) Controlled Substances: means a drug, substance or immediate precursor in schedules I to V, inclusive, of the Connecticut controlled substance scheduling regulations adopted pursuant to Connecticut General Statutes Sections 21a-243 and 21a-240(9).
- (3) Drug Paraphernalia: means any equipment, products and materials of any kind which are used, intended for use or designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing or concealing, or injecting, ingesting, inhaling or otherwise

introducing controlled drugs or controlled substances into the human body, including but not limited to all items specified in Connecticut General Statutes Section 21a-240(20)(A), such as "bongs," pipes, "roach clips," miniature cocaine spoons, crack cocaine vials, tobacco rolling papers, and any object or container used, intended or designed for use in storing, concealing, possessing, distributing or selling controlled drugs or controlled substances. Connecticut General Statutes Section 21a-240(20)(A).

- (4) Performance Enhancing Substances: means any anabolic steroid, hormone or analogue, diuretic or other substance designed to enhance a student's performance in athletic competition, including creatine, androstenedione, ephedrine or other performance enhancing nutritional supplements as defined by the World Anti-Doping Agency (WADA) www.wada-ama.org, except when used under the care and direction of a licensed medical professional and only then in the manner prescribed by the medical professional and manufacturer's recommendations.
- (5) Professional Communication: means any communication made privately and in confidence by a student to a professional employee of such student's school in the course of the professional employee's employment. Connecticut General Statutes Section 10-154a(a)(4).
- (6) Professional Employee: means a person employed by a school who (A) holds a certificate from the State Board of Education, (B) is a member of a faculty where certification is not required, (C) is an administration officer of a school, or (D) is a registered nurse employed by or assigned to a school. Connecticut General Statutes Section 10-154a(a)(2).
- (7) Student Athlete: means any student participating in an extracurricular school-sponsored athletic activity, whether interscholastic or intramural, including but not limited to student athletes who are participating in CIAC controlled activities.

Procedures

- (1) Discretionary Nature of Student Athletics.

The Board sponsors athletic programs as part of its extracurricular program. The opportunity to participate in extracurricular activities such as student athletics is a privilege, not a right. The Board may remove students from participation in athletics activities in its discretion.

- (2) Emergencies.

If an emergency situation results from the use of drugs, performance enhancing substances or alcohol, the student athlete shall be sent to the school nurse or medical advisor immediately, or emergency medical personnel will be notified. The parent or designated responsible person will also be notified as soon as possible.

(3) Prescribed Medications.

The parent or guardian of any student athlete who is required to take any prescribed medication during student athletic activities shall so inform the school nurse or the person designated to act in the absence of a nurse. Such prescribed medication will then be administered to the student athlete under the supervision of the school nurse or designee in accordance with Connecticut General Statute Section 10-212a and the applicable regulations and in accordance with any Board policies and regulations concerning medication administration, except as provided below.

Student athletes taking improper amounts of a prescribed medication, or taking a prescribed medication without proper notification and supervision of the school nurse or designee, will be subject to the procedures for improper drug or alcohol use outlined in this policy.

Student athletes with a documented medical history demonstrating the need for regular use of performance enhancing substances for therapeutic purposes shall not be considered to be in violation of this policy when such substances are properly prescribed and taken by the student athlete in accordance with Connecticut General Statute Section 10-212a and the applicable regulations and in accordance with any Board policies and regulations concerning medication administration.

Student athletes with a documented medical history demonstrating the need for regular, palliative use of marijuana shall not be considered to be in violation of this policy when such substance is properly prescribed and taken by the student athlete in accordance with Connecticut General Statutes § 21a-408a through 408q. Under no circumstances shall the school nurse or designee administer to the student, or permit the palliative use of marijuana by the student, on a school bus, school grounds or property, in public places or in the presence of persons under the age of eighteen.

(4) Voluntary Disclosure of Drug/Alcohol Problem (Self-Referral).

The following procedures will be followed when a student athlete privately, and in confidence, discloses to a professional employee in a professional communication information concerning the student's use, possession, distribution or sale of a controlled drug, controlled substance or alcohol.

- (a) Professional employees are permitted, in their professional judgment, to disclose any information acquired through a professional communication with a student, when such information concerns alcohol or drug abuse or any alcohol or drug problem of such student athlete. In no event, however, will they be required to do so. Connecticut General Statutes Section 10-154a(b).

- (b) Any physical evidence obtained from such student athlete through a professional communication indicating that a crime has been or is being committed by the student athlete **must** be turned over to school administrators or law enforcement officials as soon as possible, but no later than two calendar days after receipt of such physical evidence, excluding Saturdays, Sundays and holidays. Employees are encouraged to contact the school administrator immediately upon obtaining physical evidence. In no case, however, will such employee be required to disclose the name of the student athlete from whom the evidence was obtained. Connecticut General Statutes Section 10-154a(b).
 - (c) Any professional employee who has received a professional communication from a student athlete may obtain advice and information concerning appropriate resources and refer the student athlete accordingly, subject to the rights of the professional employee as described in paragraph (a) above.
 - (d) If a student athlete consents to disclosure of a professional communication concerning the student athlete's alcohol or drug problem, or if the professional employee deems disclosure to be appropriate, the professional employee should report the student athlete's name and problem to the school's building administrator or designee who shall refer the student athlete to appropriate school staff members for intervention and counseling.
- (5) Involuntary Disclosure or Discovery of Drug/Alcohol Problems.

When any school staff member, or a coach or volunteer responsible for or involved in student athletic programs, obtains information related to a student athlete ***from a source other than the student athlete's confidential disclosure***, that the student athlete, on or off school grounds or at a school sponsored activity, is unlawfully under the influence of, or unlawfully possesses, uses, dispenses, distributes, administers, sells or aids in the procurement of a controlled drug, controlled substance, drug paraphernalia, performance enhancing substances or alcohol, that information is considered to be involuntarily disclosed. In this event, the following procedures will apply.

- (a) The staff member, coach or volunteer will immediately report the information to the building administrator or designee. The building administrator or designee will then refer the student athlete to appropriate school staff members for intervention and counseling.
- (b) Any physical evidence (for example, alcohol, drugs, drug paraphernalia or performance enhancing substances) obtained from a student athlete indicating that a crime has been or is being committed by the student athlete must be turned over to the building administrator or designee or to law enforcement officials as soon as possible, but no later than within two calendar days after receipt of such physical evidence, excluding Saturdays,

Sundays and holidays. Connecticut General Statutes Section 10-154a(b). The name of the student athlete must be disclosed to the building administrator or designee.

- (c) Search and Seizure of Students and/or Possessions: A staff member, coach or volunteer who reasonably suspects that a student athlete is violating a state/federal law, school substance abuse policy or this chemical health policy must **immediately** report his/her suspicion to the building administrator or designee. The building administrator or designee may then search a student athlete's person or possessions connected to that person, in accordance with the Board's policies and regulations if he/she has reasonable suspicion from the inception of the search that the student athlete has violated or is violating either the law, a school substance abuse policy, or this chemical health policy.

Any physical evidence obtained in the search of a student athlete, or a student athlete's possessions, indicating that the student athlete is violating or has violated a state or federal law **must** be turned over to law enforcement officials as soon as possible, but not later than within three calendar days after receipt of such physical evidence, excluding Saturdays, Sundays and holidays. Connecticut General Statutes Section 10-154a(c). All school employees are encouraged to contact the school administration immediately upon obtaining physical evidence.

(6) Consequences for the Use, Sale, Distribution or Possession of Controlled Drugs, Controlled Substances, Drug Paraphernalia, Performance Enhancing Substances or Alcohol.

- (a) Any student athlete in the [] Public Schools using, consuming, possessing, being under the influence of, manufacturing, distributing, selling or aiding in the procurement of controlled drugs, controlled substances, drug paraphernalia, performance enhancing substances or alcohol, either on or off school property, or at a school-sponsored activity, except as such use or possession is in accordance with Connecticut General Statutes § 21a-408a through 408q, is subject to discipline up to and including expulsion pursuant to the Board's student discipline policy.
- (b) Student athletes found to be in violation this policy may be referred by the building administrator to an appropriate agency licensed to assess and treat drug and alcohol involved individuals. In such event, assessment and treatment costs will be the responsibility of the parent or guardian.
- (c) A meeting may be scheduled with appropriate school staff members for the purpose of discussing the school's drug and alcohol policy and this chemical health policy with the student athlete and parent or guardian.
- (d) Law enforcement officials may be contacted by the building administrator in the case of suspected involvement in the use, sale or distribution of

controlled drugs, controlled substances, drug paraphernalia, performance enhancing substances or alcohol.

- (e) A student athlete found by the administration to have violated this policy may, in the discretion of school administrators, be suspended from play for short or long term periods, or may have their have their student athletic participation privileges revoked.
 - (f) A student athlete found by the administration to have used performance enhancing substances shall receive a minimum penalty of revocation of athletic participation privileges for one hundred eighty (180) days. The Board shall report the violation to the CIAC.
 - (f) The Board recognizes that the CIAC may impose additional sanctions on student athletes participating in CIAC controlled activities who are found to have violated this policy.
- (7) Prohibition on the Promotion or Dispensing of Performance Enhancing Substances by School Staff Members, Coaches or Volunteers.
- (a) No school staff member, coach or volunteer responsible for or involved in student athletic programs shall dispense any drug, medication (prescription or non-prescription), or food supplement to any student athlete except under the supervision of the school nurse or designee in accordance with Connecticut General Statute. Section 10-212a and the applicable regulations, and in accordance with any Board policies and regulations concerning medication administration.
 - (b) No school staff member, coach or volunteer responsible for or involved in student athletic programs shall encourage the use of any drug, medication (prescription or non-prescription), or food supplement in a manner not described by the manufacturer.
 - (c) No school staff member, coach or volunteer responsible for or involved in student athletic programs shall supply, recommend, or knowingly permit student athletes to use any drug, medication (prescription or non-prescription), or food supplement for the specific purpose of enhancing their athletic performance.
 - (d) A school staff member, or coach responsible for or involved in student athletic programs, who violates the terms of this policy shall be subject to discipline, up to and including termination of employment. The Board may also report violations of this policy by employees to parents of student athletes and/or state and local authorities.
 - (e) The Board shall immediately terminate a volunteer responsible for or involved in student athletic programs who violates the terms of this policy.

The Board may also report violations of this policy by volunteers to parents of student athletes and/or state and local authorities.

(8) Publication of Chemical Health Policy to School Staff Members, Coaches, Volunteers and Student Athletes.

- (a) The Board shall publish this chemical health policy to all school staff members, coaches and volunteers responsible for or involved in student athletic programs.
- (b) The Board shall publish this chemical health policy to all student athletes and their parents/guardians.

Legal References:

Connecticut General Statutes:

Section 10-154a
Section 10-212a
Section 10-221
Section 21a-240
Section 21a-243
Section 21a-408a through 408q

Public Act 16-23, “An Act Concerning the Palliative Use of Marijuana”

ADOPTED: _____

REVISED: _____

6/29/2016

Related Westport Policy

Students

Student Discipline

I. Definitions

- A. **Dangerous Instrument** means any instrument, article or substance which, under the circumstances in which it is used or attempted or threatened to be used, is capable of causing death or serious physical injury, and includes a "vehicle" or a dog that has been commanded to attack.
- B. **Deadly Weapon** means any weapon, whether loaded or unloaded, from which a shot may be discharged, or a switchblade knife, gravity knife, billy, blackjack, bludgeon or metal knuckles. A weapon such as a pellet gun and/or air soft pistol may constitute a deadly weapon if such weapon is designed for violence and is capable of inflicting death or serious bodily harm. In making such determination, the following factors should be considered: design of weapon; how weapon is typically used (e.g. hunting); type of projectile; force and velocity of discharge; method of discharge (i.e. spring v. CO2 cartridge) and potential for serious bodily harm or death.
- C. **Electronic Defense Weapon** means a weapon which by electronic impulse or current is capable of immobilizing a person temporarily, but is not capable of inflicting death or serious physical injury, including a stun gun or other conductive energy device.
- D. **Emergency** means a situation in which the continued presence of the student in school poses such a danger to persons or property or such a disruption of the educational process that a hearing may be delayed until a time as soon after the exclusion of such student as possible.
- E. **Exclusion** means any denial of public school privileges to a student for disciplinary purposes.
- F. **Expulsion** means the exclusion of a student from school privileges for more than ten (10) consecutive school days and shall be deemed to include, but not be limited to, exclusion from the school to which such pupil was assigned at the time such disciplinary action was taken. The expulsion period may not extend beyond one (1) calendar year.
- G. **Firearm**, as defined in 18 U.S.C. § 921, means (a) any weapon (including a starter gun) that will, is designed to, or may be readily converted to expel a projectile by the action of an explosive, (b) the frame or receiver of any such weapon, (c) a firearm muffler or silencer, or (d) any destructive device. The term firearm does not include an antique firearm. As used in this definition, a "**destructive device**" includes any explosive, incendiary, or poisonous gas device, including a bomb, a grenade, a rocket having a propellant charge of more than four ounces, a missile having an explosive or incendiary charge of more than one-

quarter ounce, a mine, or any other similar device; or any weapon (other than a shotgun or shotgun shell particularly suited for sporting purposes) that will, or may be readily converted to, expel a projectile by explosive or other propellant, and which has a barrel with a bore of more than ½" in diameter. The term "destructive device" also includes any combination of parts either designed or intended for use in converting any device into any destructive device or any device from which a destructive device may be readily assembled. A "destructive device" does not include: an antique firearm; a rifle intended to be used by the owner solely for sporting, recreational, or cultural purposes; or any device which is neither designed nor redesigned for use as a weapon.

- H. **Impartial Hearing Board** means a board composed of one (1) or more persons appointed by the Board, provided that no member of the Board may serve on such hearing board. The Impartial Hearing Board shall have the authority to conduct hearings and render a final decision in accordance with the provisions of the Uniform Administrative Procedures Act, Conn. Gen. Stat. §§ 4-176e to 4-180a, and § 4-181a.
- I. **In-School Suspension** means an exclusion from regular classroom activity for no more than ten (10) consecutive school days, but not exclusion from school, provided such exclusion shall not extend beyond the end of the school year in which such in-school suspension was imposed. No student shall be placed on in-school suspension more than fifteen (15) times or a total of fifty (50) days in one (1) school year, whichever results in fewer days of exclusion.
- J. **Martial Arts Weapon** means a nunchaku, kama, kasari-fundo, octagon sai, tonfa or chinese star.
- K. **Removal** is the exclusion of a student from a classroom for all or part of a single class period, provided such exclusion shall not extend beyond ninety (90) minutes.
- L. **School Days** shall mean days when school is in session for students.
- M. **School-Sponsored Activity** means any activity sponsored, recognized or authorized by the Board and includes activities conducted on or off school property.
- N. **Seriously Disruptive of the Educational Process**, as applied to off-campus conduct, means any conduct that markedly interrupts or severely impedes the day-to-day operation of a school.
- O. **Suspension** means the exclusion of a student from school and/or transportation services for not more than ten (10) consecutive school days, provided such suspension shall not extend beyond the end of the school year in which such suspension is imposed; and further provided no student shall be suspended more than ten (10) times or a total of fifty (50) days in one school year, whichever results in fewer days of exclusion, unless such student is granted a formal hearing as provided below.

- P. **Weapon** means any BB gun, any blackjack, any metal or brass knuckles, any police baton or nightstick, any dirk knife or switch knife, any knife having an automatic spring release device by which a blade is released from the handle, having a blade of over one and one-half inches in length, any stiletto, any knife the edged portion of the blade of which is four inches and over in length, any martial arts weapon or electronic defense weapon, or any other dangerous or deadly weapon or instrument, unless permitted by law under Section 29-38 of the Connecticut General Statutes.
- Q. Notwithstanding the foregoing definitions, the reassignment of a student from one regular education classroom program in the district to another regular education classroom program in the district shall not constitute a suspension or expulsion.

II. Scope of the Student Discipline Policy

A. *Conduct on School Grounds or at a School-Sponsored Activity:*

Students may be disciplined for conduct on school grounds or at any school-sponsored activity that **endangers persons or property, is seriously disruptive of the educational process, or that violates a publicized policy of the Board.**

B. *Conduct off School Grounds:*

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

In making a determination as to whether such conduct is seriously disruptive of the educational process, the Administration and/or an Impartial Hearing Board or the Board of Education may also consider **whether such off-campus conduct involved the illegal use of drugs.**

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

Conduct which may lead to disciplinary action (including, but not limited to, removal from class, suspension and/or expulsion in accordance with this policy) includes conduct on school grounds or at a school-sponsored activity (including on a school bus), and conduct off school grounds, as set forth above. Such conduct includes, but is not limited to, the following:

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

materials, or ignition of any material causing a fire. Possession of any materials designed to be used in the ignition of combustible materials, including matches and lighters except with prior written permission from the principal or his/her designee and consistent with applicable law.

15. Unlawful possession, sale, distribution, use, or consumption of tobacco, electronic nicotine delivery systems (e.g. e-cigarettes), vapor products, drugs, narcotics or alcoholic beverages (or any facsimile of tobacco, drugs, narcotics or alcoholic beverages, or any item represented to be tobacco, drugs or alcoholic beverages), including being under the influence of any such substances or aiding in the procurement of any such substances. For the purposes of this Paragraph 15, the term “electronic nicotine delivery system” shall mean an electronic device 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. For the purposes of Paragraph 15, the term “vapor product” shall mean any product that employs a heating element, power source, electronic circuit or other electronic, chemical or mechanical means, regardless of shape or size, to produce a vapor that may or may not include nicotine, that is inhaled by the user of such product. For the purposes of this Paragraph 15, the term "drugs" shall include, but shall not be limited to, any medicinal preparation (prescription and non-prescription) and any controlled substance whose possession, sale, distribution, use or consumption is illegal under state and/or federal law.
16. Sale, distribution, or consumption of substances contained in household items; including, but not limited to glue, paint, accelerants/propellants for aerosol canisters, and/or items such as the aerators for whipped cream; if sold, distributed or consumed for the purpose of inducing a stimulant, depressant, hallucinogenic or mind-altering effect.
17. Unlawful possession of paraphernalia used or designed to be used in the consumption, sale or distribution of drugs, alcohol or tobacco, as described in subparagraph (15) above. For purposes of this policy, drug paraphernalia includes any equipment, products and materials of any kind which are used, intended for use or designed for use in growing, harvesting, manufacturing, producing, preparing, packaging, storing, containing or concealing, or injecting, ingesting, inhaling or otherwise introducing controlled drugs or controlled substances into the human body, including but not limited to items such as "bongs," pipes, "roach clips," vials, tobacco rolling papers, and any object or container used, intended or designed for use in storing, concealing, possessing, distributing or selling controlled drugs or controlled substances.
18. The destruction of real, personal or school property, such as, cutting, defacing or otherwise damaging property in any way.
19. Accumulation of offenses such as school and class tardiness, class or study hall cutting, or failure to attend detention.

20. Trespassing on school grounds while on out-of-school suspension or expulsion.
21. Making false threats (e.g. bomb, fire, gun violence) to the safety of students, staff members, and/or other persons.
22. Defiance of school rules and the valid authority of teachers, supervisors, administrators, other staff members and/or law enforcement authorities.
23. Throwing snowballs, rocks, sticks and/or similar objects, except as specifically authorized by school staff.
24. Unauthorized and/or reckless and/or improper operation of a motor vehicle on school grounds or at any school-sponsored activity.
25. Leaving school grounds, school transportation or a school-sponsored activity without authorization.
26. Use of or copying of the academic work of another individual and presenting it as the student's own work, without proper attribution; or any other form of academic dishonesty, cheating or plagiarism.
27. Possession and/or use of a cellular telephone, radio, portable audio player, CD player, blackberry, personal data assistant, walkie talkie, Smartphone, mobile or handheld device, or similar electronic device, on school grounds or at a school-sponsored activity in violation of Board policy and/or administrative regulations regulating the use of such devices.
28. Possession and/or use of a beeper or paging device on school grounds or at a school-sponsored activity without the written permission of the principal or his/her designee.
29. Unauthorized use of or tampering with any school computer, computer system, computer software, Internet connection or similar school property or system, or the use of such property or system for inappropriate purposes.
30. Possession and/or use of a laser pointer, unless the student possesses the laser pointer temporarily for an educational purpose while under the direct supervision of a responsible adult.
31. Hazing.
32. Bullying, defined as the repeated use by one or more students of a written, oral or electronic communication, such as cyberbullying, directed at another student attending school in the same district, or a physical act or gesture by one or more students repeatedly directed at another student attending school in the same school district, which:
 - a. causes physical or emotional harm to such student or damage to

such student's property;

- b. places such student in reasonable fear of harm to himself or herself, or of damage to his or her property;
- c. creates a hostile environment at school for such student;
- d. infringes on the rights of such student at school; or
- e. substantially disrupts the education process or the orderly operation of a school.

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

- 33. Cyberbullying, defined as any act of bullying through the use of the Internet, interactive and digital technologies, cellular mobile telephone or other mobile electronic devices or any electronic communications.
- 34. Acting in any manner that creates a health and/or safety hazard for staff members, students, or the public, regardless of whether the conduct is intended as a joke.
- 35. Engaging in a plan to stage or create a violent situation for the purposes of recording it by photographing, audio, or video; or recording by photographic, audio, or video acts of violence for purposes of later publication.
- 36. Engaging in a plan to stage sexual activity for the purposes of recording it by photographing, audio, or video; or recording by photographing, audio, or video sexual acts for purposes of later publication.
- 37. Using computer systems, including email, instant messaging, text messaging, blogging or the use of social media, or other forms of electronic communications, to engage in any conduct prohibited by this policy.
- 38. Use of a privately owned electronic or technological device in violation of school rules, including, without limitation, the unauthorized photographic, audio, and/or video recording of another individual without permission of the individual or a school staff member.
- 39. Engaging in teen dating violence, defined as any act of physical, emotional or sexual abuse, including stalking, harassing and threatening, that occurs between two students who are currently in or who have recently been in a

dating relationship.

40. Any action prohibited by any Federal or State law.
41. Any other violation of school rules or regulations or a series of violations which makes the presence of the student in school seriously disruptive of the educational process and/or a danger to persons or property.
42. Violation of the district's "Acceptable Use Agreement: Intranet/Internet" for the applicable grade level.

IV. Discretionary and Mandatory Expulsions

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

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

- C. In any preschool program provided by the Board of Education or provided by a regional educational service center or a state or local charter school pursuant to an agreement with the Board of Education, no **student enrolled in such a preschool program** shall be expelled from such preschool program, except an expulsion hearing shall be conducted by an Impartial Hearing Board or the Board of Education in accordance with Section VIII of this policy whenever the Administration has reason to believe that a student enrolled in such preschool program was in **possession of a firearm** as defined in 18 U.S.C. § 921, as amended from time to time, on or off school grounds or at a preschool program-

sponsored event. The term **“firearm”** is defined above in Section I.

- D. Upon receipt of an expulsion recommendation, the Superintendent may conduct an inquiry concerning the expulsion recommendation.

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

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

V. Procedures Governing Removal from Class

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

VI. Procedures Governing Suspension

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

pupil:

- a. in grades three to twelve, inclusive, if, during the informal hearing, (i) the principal or designee determines that the student poses such a danger to persons or property or such a disruption of the educational process that he or should be excluded from school during the period of suspension; or (ii) the principal or designee determines that an out-of-school suspension is appropriate based on evidence of (A) the student's previous disciplinary problems that have led to suspensions or expulsion of such student, and (B) previous efforts by the Administration to address the student's disciplinary problems through means other than out-of-school suspension or expulsion, including positive behavioral support strategies, or
 - b. in grades preschool to two, inclusive, if the principal or designee determines that an out-of-school suspension is appropriate for such pupil based on evidence that such pupil's conduct on school grounds is of a violent or sexual nature that endangers persons.
3. Evidence of past disciplinary problems that have led to removal from a classroom, suspension, or expulsion of a student who is the subject of an informal hearing may be received by the principal or designee, but only considered in the determination of the length of suspensions.
4. By telephone, the principal or designee shall make reasonable attempts to immediately notify the parent or guardian of a minor student following the suspension and to state the cause(s) leading to the suspension.
5. Whether or not telephone contact is made with the parent or guardian of such minor student, the principal or designee shall forward a letter promptly to such parent or guardian to the last address reported on school records (or to a newer address if known by the principal or designee), offering the parent or guardian an opportunity for a conference to discuss same.
6. In all cases, the parent or guardian of any minor student who has been suspended shall be given notice of such suspension within twenty-four (24) hours of the time of the institution of the suspension.
7. Not later than twenty-four (24) hours after the commencement of the suspension, the principal or designee shall also notify the Superintendent or his/her designee of the name of the student being suspended and the reason for the suspension.
8. The student shall be allowed to complete any classwork, including examinations, without penalty, which he or she missed while under suspension.
9. The school Administration may, in its discretion, shorten or waive the suspension period for a student who has not previously been suspended or

expelled, if the student completes an Administration-specified program and meets any other conditions required by the Administration. Such Administration-specified program shall not require the student and/or the student's parents to pay for participation in the program.

10. Notice of the suspension shall be recorded in the student's cumulative educational record. Such notice shall be expunged from the cumulative educational record if the student graduates from high school. In cases where the student's period of suspension is shortened or waived in accordance with Section VI.A(9), above, the Administration may choose to expunge the suspension notice from the cumulative record at the time the student completes the Administration-specified program and meets any other conditions required by the Administration.
 11. If the student has not previously been suspended or expelled, and the Administration chooses to expunge the suspension notice from the student's cumulative record prior to graduation, the Administration may refer to the existence of the expunged disciplinary notice, notwithstanding the fact that such notice may have been expunged from the student's cumulative file, for the limited purpose of determining whether any subsequent suspensions or expulsions by the student would constitute the student's first such offense.
 12. The decision of the principal or designee with regard to disciplinary actions up to and including suspensions shall be final.
 13. During any period of suspension served out of school, the student shall not be permitted to be on school property and shall not be permitted to attend or participate in any school-sponsored activities, unless the principal specifically authorizes the student to enter school property for a specified purpose or to participate in a particular school-sponsored activity.
- B. In cases where a student's suspension will result in the student being suspended more than ten (10) times or for a total of fifty (50) days in a school year, whichever results in fewer days of exclusion, the student shall, prior to the pending suspension, be granted a formal hearing before an Impartial Hearing Board. Notwithstanding the foregoing, the Board reserves the right to conduct formal suspension hearings itself, in which case such hearings will be conducted by any three or more Board members. The principal or designee shall report the student to the Superintendent or designee and request a formal hearing. If an emergency situation exists, such hearing shall be held as soon after the suspension as possible.

VII. Procedures Governing In-School Suspension

- A. The principal or designee may impose in-school suspension in cases where a student's conduct endangers persons or property, violates school policy, seriously disrupts the educational process or in other appropriate circumstances as determined by the principal or designee.

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

VIII. Procedures Governing Expulsion Hearing

A. ***Emergency Exception:***

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

B. ***Hearing Board:***

- 1. The Board delegates the authority to conduct expulsion hearings and render a final decision on expulsion matters to an Impartial Hearing Board.
- 2. Notwithstanding Section VIII.B.1 of this policy, the Board reserves the right to conduct expulsion hearings itself, in which case such hearings will be conducted by any three or more Board members. A decision to expel a student must be supported by a majority of the Board members present, provided that no less than three (3) affirmative votes to expel are cast.

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

- 1. Written notice of the expulsion hearing must be given to the student, and, if the student is a minor, to his/her parent(s) or guardian(s) at least five (5) business days before such hearing.
- 2. A copy of this Board policy on student discipline shall also be given to the student, and if the student is a minor, to his/her parent(s) or guardian(s), at the time the notice is sent that an expulsion hearing will be convened.
- 3. The written notice of the expulsion hearing shall inform the student of the following:
 - a. The date, time, place and nature of the hearing.

- b. The legal authority and jurisdiction under which the hearing is to be held, including a reference to the particular sections of the legal statutes involved.
- c. A short, plain description of the conduct alleged by the Administration.
- d. The student may present as evidence relevant testimony and documents concerning the conduct alleged and the appropriate length and conditions of expulsion; and that the expulsion hearing may be the student's sole opportunity to present such evidence.
- e. The student may cross-examine witnesses called by the Administration.
- f. The student may be represented by an attorney or other advocate of his/her choice at his/her expense or at the expense of his/her parent(s) or guardian(s).
- g. A student is entitled to the services of a translator or interpreter, to be provided by the Board of Education, whenever the student or his/her parent(s) or guardian(s) requires the services of an interpreter because he/she/they do(es) not speak the English language or is(are) disabled.
- h. The conditions under which the Board is not legally required to give the student an alternative educational opportunity (if applicable).
- i. Information concerning the parent's(s') or guardian's(s') and the student's legal rights and concerning about free or reduced-rate legal services and how to access such services.
- j. The parent(s) or guardian(s) of the student have the right to have the expulsion hearing postponed for up to one week to allow time to obtain representation, except that if an emergency exists, such hearing shall be held as soon after the expulsion as possible.

D. *Hearing Procedures:*

- 1. The hearing will be conducted by the Presiding Officer of the Impartial Hearing Board (or the Board, where applicable), who will call the meeting to order, introduce the parties, introduce any Board members and counsel present, briefly explain the hearing procedures, and swear in any witnesses called by the Administration or the student.
- 2. The hearing will be conducted in executive session. A verbatim record of the hearing will be made, either by tape recording or by a stenographer. A record of the hearing will be maintained, including the verbatim record, all

written notices and documents relating to the case and all evidence received or considered at hearing.

3. The Administration shall bear the burden of production to come forward with evidence to support its case and shall bear the burden of persuasion. The standard of proof shall be a preponderance of the evidence.
4. Formal rules of evidence will not be followed. The Impartial Hearing Board (or the Board, where applicable) has the right to accept hearsay and other evidence if it deems that evidence relevant or material to its determination. The Presiding Officer will rule on testimony or evidence as to it being immaterial or irrelevant.
5. The hearing will be conducted in two (2) parts. In the first part of the hearing, the Impartial Hearing Board (or the Board, where applicable) will receive and consider evidence regarding the conduct alleged by the Administration.
6. In the first part of the hearing, the charges will be introduced into the record by the Superintendent or his/her designee.
7. Each witness for the Administration will be called and sworn. After a witness has finished testifying, he/she will be subject to cross-examination by the opposite party or his/her legal counsel, by the Presiding Officer and by Board members, where applicable.
8. The student shall not be compelled to testify at the hearing.
9. After the Administration has presented its case, the student will be asked if he/she has any witnesses or evidence to present concerning the charges. If so, the witnesses will be sworn, will testify, and will be subject to cross examination and to questioning by the Presiding Officer (and/or by the Board, where applicable). The student may also choose to make a statement at this time. If the student chooses to make a statement, he or she will be sworn and subject to cross examination and questioning by the Presiding Officer (and/or by the Board, where applicable). Concluding statements will be made by the Administration and then by the student and/or his or her representative.
10. In cases where the student has denied the allegation, the Impartial Hearing Board (or the Board, where applicable) must determine whether the student committed the offense(s) as charged by the Superintendent.
11. If the Impartial Hearing Board (or the Board, where applicable) determines that the student has committed the conduct as alleged, then the Impartial Hearing Board (or the Board, where applicable) shall proceed with the second portion of the hearing, during which the Impartial Hearing Board (or the Board, where applicable) will receive and consider relevant evidence regarding the length and conditions of expulsion.

12. When considering the length and conditions of expulsion, the Impartial Hearing Board (or the Board, where applicable) may review the student's attendance, academic and past disciplinary records. The Impartial Hearing Board (or the Board, where applicable) may not review notices of prior expulsions or suspensions which have been expunged from the student's cumulative record, except as so provided in Section VI.A (9), (10), (11), above, and Section X, below. The Impartial Hearing Board (or the Board, where applicable) may ask the Superintendent for a recommendation as to the discipline to be imposed.
13. Evidence of past disciplinary problems which have led to removal from a classroom, suspension or expulsion of a student being considered for expulsion may be considered only during the second portion of the hearing, during which the Impartial Hearing Board (or the Board, where applicable) is considering length of expulsion and nature of the alternative educational opportunity to be offered.
14. Where administrators presented the case in support of the charges against the student, such administrative staff shall not be present during the deliberations of the Impartial Hearing Board (or the Board, where applicable) either on questions of evidence or on the final discipline to be imposed. The Superintendent may, after reviewing the incident with administrators, and reviewing the student's records, make a recommendation to the Impartial Hearing Board (or the Board, where applicable) as to the appropriate discipline to be applied.
15. The Impartial Hearing Board (or the Board, where applicable) shall make findings as to the truth of the charges, if the student has denied them; and, in all cases, the disciplinary action, if any, to be imposed. While the hearing itself is conducted in executive session, any Board vote regarding expulsion must be made in open session and in a manner that preserves the confidentiality of the student's name and other personally identifiable information.
16. Except for a student who has been expelled based on possession of a firearm or deadly weapon as described in subsection IV.B(1) and (2) above, the Impartial Hearing Board (or the Board, where applicable) may, in its discretion, shorten or waive the expulsion period for a student who has not previously been suspended or expelled, if the student completes a program specified by the Impartial Hearing Board or the Board, where applicable (a "Board-specified program"), and meets any other conditions required by the Impartial Hearing Board (or the Board, where applicable). The Board-specified program shall not require the student and/or the student's parents to pay for participation in the program.
17. The Impartial Hearing Board (or the Board, where applicable) shall report its final decision in writing to the student, or if such student is a minor, also to the parent(s) or guardian(s), stating the reasons on which the decision is based, and the disciplinary action to be imposed. Said decision shall be based solely on evidence presented at the hearing. The parents or guardian or any minor student who has been expelled shall be given notice

of such disciplinary action within twenty-four (24) hours of the time of the institution of the period of the expulsion.

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

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

F. ***Stipulated Agreements:***

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

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

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

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

Education.

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

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

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

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

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

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

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

Notwithstanding Sections IX.B. through D. above, if the Board of Education expels a student who has been identified as eligible for services under the Individuals with Disabilities Education Act ("IDEA"), it shall offer an alternative educational opportunity to such student in accordance with the requirements of IDEA, as it may be amended from time to time.

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

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

X. Notice of Student Expulsion on Cumulative Record

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

In cases where the student's period of expulsion is shortened or waived in accordance with Section VIII.D(14), above, the Impartial Hearing Board (or the Board, where applicable) may choose to expunge the expulsion notice from the cumulative record at the time the student completes the Board-specified program and meets any other conditions required by the Impartial Hearing Board (or the Board, where applicable).

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

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

XI. Change of Residence During Expulsion Proceedings

A. ***Student moving into the school district:***

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

public school district's expulsion would also warrant expulsion by the Board.

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

Where a student withdraws from school after having been notified that an expulsion hearing is pending, but before a decision has been rendered by the Impartial Hearing Board (or the Board, where applicable), the notice of the pending expulsion hearing shall be included on the student's cumulative record and the Impartial Hearing Board (or the Board, where applicable) shall complete the expulsion hearing and render a decision. If the Impartial Hearing Board (or the Board, where applicable) subsequently renders a decision to expel the student, a notice of the expulsion shall be included on the student's cumulative record.

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

A. *Suspension of IDEA students:*

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

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

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

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

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

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

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

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

1. School personnel may remove a student eligible for special education under the IDEA to an appropriate interim alternative educational setting for not more than forty-five (45) school days if the student:
 - a. Was in possession of a dangerous weapon, as defined in 18 U.S.C. 930(g)(2), as amended from time to time, on school grounds or at a school-sponsored activity, or
 - b. Knowingly possessed or used illegal drugs or sold or solicited the sale of a controlled substance while at school or at a school-sponsored activity; or
 - c. Has inflicted serious bodily injury upon another person while at school, on school premises, or at a school function.
2. The following definitions shall be used for this subsection XII.C.:

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

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

- A. Except as provided in subsection B below, notwithstanding any provision to the contrary, if the Administration recommends for expulsion a student identified as eligible for educational accommodations under Section 504 who has violated any rule or code of conduct of the school district that applies to all students, the following procedures shall apply:
 - 1. The parents of the student must be notified of the decision to recommend the student for expulsion.
 - 2. The district shall immediately convene the student’s Section 504 team (“504 team”) for the purpose of reviewing the relationship between the student’s disability and the behavior that led to the recommendation for expulsion. The 504 team will determine whether the student’s behavior was a manifestation of his/her disability.
 - 3. If the 504 team finds that the behavior was a manifestation of the student’s disability, the Administration shall not proceed with the recommended expulsion.
 - 4. If the 504 team finds that the behavior was not a manifestation of the student’s disability, the Administration may proceed with the recommended expulsion.
- B. The Board may take disciplinary action for violations pertaining to the use or possession of illegal drugs or alcohol against any student with a disability who currently is engaging in the illegal use of drugs or alcohol to the same extent that such disciplinary action is taken against nondisabled students. Thus, when a

student with a disability is recommended for expulsion based solely on the illegal use or possession of drugs or alcohol, the 504 team *shall not be required to meet* to review the relationship between the student's disability and the behavior that led to the recommendation for expulsion.

XIV. Procedures Governing Expulsions for Students Committed to a Juvenile Detention Center

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

XV. Early Readmission to School

An expelled student may apply for early readmission to school. The Board delegates the authority to make decisions on readmission requests to the Superintendent. Notwithstanding the foregoing, the Board reserves the right to make decisions on readmission requests itself, in which case hearings regarding any such requests will be conducted by any three or more Board members. Students desiring readmission to school shall direct such readmission requests to the Superintendent (or the Board, where applicable). The Superintendent (or the Board, where applicable) has the discretion to approve or deny such readmission requests, and may condition readmission on specified criteria.

XVI. Dissemination of Policy

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

XVII. Compliance with Documentation and Reporting Requirements

- A. The Board of Education shall include on all disciplinary reports the individual student's state-assigned student identifier (SASID).
- B. The Board of Education shall report all suspensions and expulsions to the State Department of Education.
- C. If the Board of Education expels a student for sale or distribution of a controlled substance, as defined in Conn. Gen. Stat. § 21a-240(9), whose manufacture, distribution, sale, prescription, dispensing, transporting or possessing with the intent to sell or dispense, offering, or administration is the subject to criminal

penalties under Conn. Gen. Stat. §§ 21a-277 and 21a-278, the Board shall refer such student to an appropriate state or local agency for rehabilitation, intervention or job training and inform the agency of its action.

- D. If the Board of Education expels a student for possession of a firearm, as defined in 18 U.S.C. § 921, or deadly weapon, dangerous instrument or martial arts weapon, as defined in Conn. Gen. Stat. § 53a-3, the Board shall report the violation to the local police.

Legal References:

Connecticut General Statutes:

Public Act 17-237, An Act Concerning Education Mandate Relief
Public Act 16-147, An Act Concerning the Recommendations of the Juvenile Justice Policy and Oversight Committee
§§ 4-176e through 4-180a and § 4-181a, Uniform Administrative Procedures Act
§ 10-222d Safe school climate plans. Definitions. Safe school climate assessments
§§ 10-233a through 10-233f Suspension and expulsion of students
§ 10-233l Expulsion and suspension of children in preschool programs
§ 19a-342a Use of electronic nicotine delivery system or vapor product prohibited
§§ 21a-408a through 408p Palliative Use of Marijuana
§ 29-38 Weapons in vehicles
§ 53a-3 Definitions
§ 53-344b Sale and delivery of electronic nicotine delivery system or vapor products to minors
§ 53-206 Carrying of dangerous weapons prohibited.
Packer v. Board of Educ. of the Town of Thomaston, 246 Conn. 89 (1998).
State v. Hardy, 896 A.2d 755, 278 Conn. 113 (2006).
State v. Guzman, 955 A.2d 72, 2008 Conn. App. LEXIS 445 (Sept. 16, 2008).

Federal law:

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

Policy adopted: December 16, 2002
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WESTPORT PUBLIC SCHOOLS
Westport, Connecticut

Students

Weapons and Dangerous Instruments

The Board of Education determines that possession, concealment, and/or use of a weapon by a student is detrimental to the welfare and safety of the students and school personnel within the district. Possession and/or use of any dangerous or deadly weapon, firearm, or destructive device in any school building on school grounds, in any school vehicle, or at any school-sponsored activity is prohibited.

Such weapons include but are not limited to any pistol, revolver, rifle, shotgun, air gun or spring gun; slingshot; bludgeon; brass knuckles or artificial knuckles of any kind; knives having a blade of greater than two inches, any knife the blades of which can be opened by a flick of a button or pressure on the handle, or any pocketknife where the blade is carried in a partially opened position; martial arts weapon; destructive device.

Alternate language: A "dangerous weapon" is any weapon, device, instrument, material or substance, which under the circumstances in which it is used, attempted to be used or threatened to be used is readily capable of causing death or serious injury. A "deadly weapon" is any instrument, article or substance specifically designed for and presently capable of causing death or serious injury.

Pursuant to federal law, the term firearm includes, but is not limited to, any weapon designed to or may readily be converted to expel a projectile by the action of an explosive, the frame or receiver of any such weapon, a muffler or silencer for such a weapon, or destructive device. A student who violates this policy will be reported to law enforcement authorities.

A "destructive device" is considered any device with an explosive, incendiary or poison gas component or any combination of parts either designed or intended for use in converting any device into any destructive device or from which a destructive device may be readily assembled. A destructive device does not include any device which is designed primarily for use as a signaling, pyrotechnic, line-throwing, safety or similar device.

The possession or use of any such weapon or devices will require that the proceedings for the suspension and/or expulsion of the student involved will be initiated immediately by the principal. If the student is found to have possessed a firearm or other dangerous weapon as defined in Connecticut General Statutes [53a-3](#) in violation of [29-35](#) or [53-206](#), in or on the real property of a school or at any school activity as defined in Connecticut General Statutes [10-233a](#), he/she must be expelled for one calendar year. The Board of Education or hearing board may modify the period of expulsion on a case by case basis. To comply with federal law, any finding of an exception shall be reduced to writing. All legal restrictions and requirements will be adhered to pertaining to special education students.

The Board shall consider a student's conduct off school grounds that is seriously disruptive of the educational process or is violative of publicized policies of the Board as grounds for expulsion.

Additional optional language to consider:

Weapons under the control of law enforcement personnel are permitted. The Superintendent may authorize other persons to possess weapons for courses, programs and activities approved by the District and conducted on District property.

In accordance with the federal Gun-Free School Zone Act, possession or discharge of a firearm in a school zone is prohibited. A "school zone" is defined by federal law, means in/on school grounds or within 1,000 feet of school grounds.

"Gun-Free School Zone" signs will/may be posted in cooperation with city/town officials as appropriate. Violations, unless otherwise excepted by law or this policy, shall be reported to the appropriate law enforcement agency.

(cf. [5114](#) - Suspension/Expulsion)

(cf. [5145.12](#) - Search and Seizure)

Legal Reference: Connecticut General Statutes

[10-233a through 10-233f](#) - Expulsion as amended by PA 95-304

[53a-3](#) Definitions.

[53a-217b](#) - Possession of firearms and deadly weapons on school grounds

[53-206](#) Carrying and sale of dangerous weapons.

PA 94-221 An Act Concerning School Discipline and Safety.

Gun-Free School Zones Act of 1990, 18 U.S.C. §§ 921(a)(25)-(26), 922(q) (2006)

GOALS 2000: Educate America Act

18 U.S.C. 921 Definitions.

20 U.S.C. §7961, The Gun-Free School Act, 8561 of the Every Student Succeeds Act.

Youth Handgun Safety Act, 18 U.S.C. §§ 922(x), 924(a)(6) (2006)

Safe and Drug-Free Schools and Communities Act, 20 U.S.C. §§ 7101-7117

Policy adopted:

Students

Discipline

Physical Exercise and Discipline of Students

The Board of Education (Board) recognizes that a positive approach toward exercise and physical activity is important to the health and well-being of students. The Board requires that each student in elementary school shall have not less than twenty minutes daily in total devoted to physical exercise, except that a Planning and Placement Team may alter such schedule for a child requiring special education and related services. Further, the Board permits, in its elementary schools, including an additional amount of time, beyond the required twenty minutes for physical exercise, devoted to undirected play during the regular school day, subject to the approval of the building administration.

All aspects of the school experience should encourage students to have a healthy attitude toward exercise and promote the life-long enjoyment of physical activity. Therefore, when school employees impose disciplinary consequences for student misconduct during the regular day, the following restrictions shall apply:

1. Loss of Recess as Disciplinary Consequence

Except as provided below, school employees may NOT prevent a student in elementary school from participating in the entire time devoted to physical exercise or undirected play in the regular school day as a form of discipline. Recess and other physically active learning opportunities may include movement-oriented learning activities in the academic environment, physical activity breaks, and regularly scheduled school wide routines and events that engage students in physical activity that is the time devoted each day (at least 20 minutes) to physical exercise in the District's elementary schools.

Loss of recess or other physically active learning opportunities as a form of discipline may be permitted on a case-by-case basis if approved in writing by the building administration prior to the imposition of the discipline. Such approval may be granted for safety reasons, as a last resort before in-school suspension, or in extraordinary situations when alternative strategies to address student misconduct have been ineffective.

This restriction shall not apply to students who are receiving in-school suspension.

2. Physical Activity as Punishment

School employees may NOT require students enrolled in grades K-12, inclusive, to engage in physical activity as a form of discipline during the school day.

3. Wellness Instruction

School employees shall not prevent students from participating in physical exercise or undirected play during wellness instruction as a form of discipline.

This restriction does not apply to brief periods of respite/time-outs, referrals to the building administrator, or for safety reasons.

At no time shall an entire class be prevented from participating in wellness instruction or physical exercise activity as a disciplinary consequence.

The Superintendent of Schools is authorized to develop guidelines to implement this policy.

Nothing in this policy shall prevent a school employee from acting in accordance with an Individualized Education Plan (IEP) developed by the student's Planning and Placement Team (PPT).

For the purpose of this policy, "school employee" means a teacher, substitute teacher, school administrator, school superintendent, guidance counselor, school counselor, psychologist, social worker, nurse, physician, school paraprofessional or coach employed by the Board or working in a public elementary, middle or high school; or any other individual who, in

the performance of his or her duties, has regular contact with students and who provides services to, or on behalf of students enrolled in a public elementary, middle or high school, pursuant to a contract with the Board.

Any employee who fails to comply with this policy will be subject to discipline, up to and including termination of employment. Any contracted individual who provides services to or on behalf of District students and who fails to comply with the requirements of this policy may be subject to having his/her contract for services suspended by the District.

(cf. [6142.10](#) – Health Education Program)

(cf. [6142.101](#) – Wellness)

(cf. 6142.61 – Physical Activity)

(cf. 6142.6 – Physical Education)

Legal Reference: Connecticut General Statutes

[10-221o](#) Lunch periods. Recess (as amended by P.A. 12-116, An Act Concerning Educational Reform, P.A. 13-173, An Act Concerning Childhood Obesity and Physical Exercise in Schools and P.A. 19-173 An Act Concerning the Improvement of Child Development Through Play)

[10-221u](#) Boards to adopt policies addressing the use of physical activity as discipline. (as amended by PA 18-15)

Policy adopted:

**Series 5000
Students**

PHYSICAL ACTIVITY AND STUDENT DISCIPLINE

It is the policy of the Board to promote the health and well-being of district students by encouraging healthy lifestyles including promoting physical exercise and activity as part of the school day.

[NOTE: Conn. Gen. Stat. § 10-221u requires boards of education to adopt a policy, as the board deems appropriate, concerning the issue regarding any school employee being involved in preventing a student from participating in the entire time devoted to physical exercise in the regular school day as a form of discipline. Below is suggested language that prohibits a school employee from depriving elementary students from participating in the full 20 min/day of physical exercise required under current law. Boards have discretion in adopting rules to regulate the restriction on time devoted to physical exercise. Therefore, this policy is offered as a sample for consideration and boards of education may consider other reasonable rules regarding the deprivation of physical exercise as a form of punishment consistent with board philosophy and the needs of individual districts].

Prohibition on Deprivation of Physical Exercise Period as a Form of Discipline:

For elementary school students, the Board includes a time of not less than twenty (20) minutes in total, during the regular school day, to be devoted to physical exercise, except that a planning and placement team (“PPT”) may develop a different schedule for students requiring special education and related services.

In an effort to promote physical exercise, the Board prohibits school employees from disciplining elementary school students by preventing them from participating in the full 20 minutes of time devoted to physical exercise during the regular school day, except in instances where the student’s behavior poses a health and/or safety concern.

Prohibition on Compulsion of Physical Activity as a Form of Discipline:

For all students, the Board prohibits school employees from disciplining students by requiring students to engage in physical activity as a form of discipline during the regular school day.

Definition:

For the purposes of this policy, a “school employee” is defined as (1) a teacher, substitute teacher, school administrator, school superintendent, guidance counselor, psychologist,

social worker, nurse, physician, school paraprofessional or coach employed by the Board or working in the district schools, or (2) any other individual who, in the performance of his or her duties, has regular contact with students and who provides services to or on behalf of students enrolled in the district schools pursuant to a contract with the Board.

Disciplinary Action for Failure to Follow Policy:

Any employee who fails to comply with the requirements of this policy may be subject to discipline, up to and including termination of employment. Any contracted individual who provides services to or on behalf of students enrolled in the district and who fails to comply with the requirements of this policy may be subject to having his/her contract for services suspended by the district.

Legal References:

Connecticut General Statutes:

§ 10-221o Lunch periods. Recess. Boards to adopt policies
addressing the limitations of physical exercise

§ 10-221u Boards to adopt policies addressing the use of physical
activity as discipline

ADOPTED: _____

REVISED: _____

8/11/16

Students

Exploitation: Sexual Harassment

Sexual Abuse Prevention and Education Program

Definitions

Sexual violence is a multi-layered oppression that occurs at the societal and individual level and is connected to and influenced by other forms of oppression, in particular, sexism, racism and heterosexism. On the societal level, it is the preponderance of attitudes, actions, social norms that perpetuate and sustain environments and behaviors that promote a cultural tolerance, acceptance, and denial of sexual assault and abuse. On an individual level, sexual violence is a wide range of sexual acts and behaviors that are unwanted, coerced, committed without consent, or forced either by physical means or through threats.

Sexual abuse refers to coerced or forced sexual contact or activity that may be ongoing or occurs over time, often within a trusting relationship. Most victims know their perpetrators. Perpetrators are usually older than their victims and may trick or force them into gradually doing the sexual behavior. The sexual behavior may not be violent and may even be pleasurable to the child, who doesn't necessarily know it is wrong. Perpetrators of ongoing sexual abuse control the child/youth through secrecy, shame, or threats. Children cannot consent to sexual contact with adults or older youth, and sexual contact is considered abuse, regardless of whether it includes touching or not.

Sexual assault usually refers to forced or unwanted sexual contact or activity that occurs as a single incident, as opposed to ongoing sexual abuse that may continue over time. It may also involve verbal or visual behaviors, or any type of pressure designed to coerce or force someone to join in the unwanted sexual contact or activity. The assault may involve a similar range of behaviors that are attempted or perpetrated against a victim's will or when a victim cannot consent because of age, disability, or the influence of alcohol or drugs. Sexual assault may involve actual or threatened physical force, use of weapons, coercion, intimidation or pressure. The offender usually takes advantage of the victim's vulnerability. Anyone can perpetrate this type of abuse - a trusted friend or family member, a stranger, a casual acquaintance, or an intimate partner.

Alternate Definition

Sexual assault can be defined as any type of sexual contact or behavior that occurs by force or without consent of the recipient of the unwanted sexual activity. This includes sexual activity such as forced sexual intercourse, forcible sodomy, child molestation, incest, fondling, and attempted rape. It includes sexual acts against people who are unable to consent either due to age or lack of capacity.

Program

The _____ Public Schools shall implement the Sexual Abuse and Assault Awareness and Prevention Program identified or developed, in compliance with CGS [17a-101q](#), by the Department of Children and Families, in collaboration with the Department of Education and other assisting entities, with the goal of informing students and staff about child sexual abuse and assault awareness and available resources. The District's implementation of the Sexual Abuse and Assault Awareness and Prevention Program, per statute, shall be not later than October 1, 2016. The program, for students in Grades K-12, inclusive, shall include, but not be limited to:

1. Providing teachers instructional modules that may include, but not be limited to:
 - a. Training regarding the prevention and identification of, and response to, child sexual abuse and assault, and
 - b. Resources to further student, teacher and parental awareness regarding child sexual abuse and the prevention of such abuse and assault.

Alternate Language:

1. Providing mandatory training to all District staff to ensure they are fully informed on:

- a. The warning signs of sexual abuse and sexual misconduct involving a child, including recognizing and reporting child sexual abuse,
 - b. Mandatory reporting requirements,
 - c. School District policies pertaining to sexual abuse and sexual misconduct,
 - d. Establishing and maintaining professional relationships with students,
 - e. Available resources for children affected by sexual abuse or misconduct, and
 - f. Appropriate follow-up and care for abused students as they return to the classroom setting.
2. Providing students age-appropriate educational materials designed for children in grades kindergarten to twelve, inclusive, regarding child sexual abuse and assault awareness and prevention that may include, but not be limited to:
- a. The skills to recognize:
 - i. Child sexual abuse and assault,
 - ii. Boundary violations and unwanted forms of touching and contact, and
 - iii. Ways offenders groom or desensitize victims.
 - b. Strategies to promote disclosure, reduce self-blame and mobilize bystanders.
 - c. Actions that child victims of sexual abuse and assault may take to obtain assistance.
 - d. Intervention and counseling options for child victims of sexual abuse and assault.
 - e. Access to educational resources to enable child victims of sexual abuse and assault to succeed in school.
 - f. Uniform procedures for reporting instances of child sexual abuse and assault to school staff members.

The lessons should be evidence-informed, developmentally and age appropriate and informed by the required curricula standards and performance indicators contained in the SDE Guidelines (Section Three).

[Note: Above items a, b, c, d, e, and f are required per P.A. 14-196.]

3. Implementing a child sexual abuse curriculum to provide age-appropriate information to teach students the difference between appropriate and inappropriate conduct in situations where child sexual abuse or sexual assault could occur, and to identify actions a child may take to prevent and report sexual abuse or sexual assault. Students will be:
- a. Provided with resources and referrals to handle these potentially dangerous situations.
 - b. Provided access to available counseling and educational support.

The Board of Education directs the Superintendent develop administrative regulations to address the issues of students obtaining assistance, intervention and counseling options, access to educational resources and procedures for reporting instances of child sexual abuse and assault.

A student shall be excused from participating in the sexual abuse, assault awareness and prevention program offered within the school, in its entirety or any part thereof, upon receipt by the Principal or his/her designee, of a written request from the student's parent/guardian.

(Alternate language: A student shall be excused from participating in classroom instruction regarding sexual abuse and sexual assault upon receipt by the Principal of a written request from the student's parent or guardian.)

Any student exempted from the sexual abuse and assault awareness and prevention program shall be provided, during the period of time in which the student would otherwise be participating in such program, an opportunity for other study or academic work.

Reporting Child Sexual Abuse and Assault

Students shall be encouraged to disclose abuse to a trusted adult member of the staff, including, but not limited to, teachers, administrators, nurses, coaches, and counselors. Child abuse reporting procedures will be followed for all acts of violence and sexual abuse against children as delineated in policy #[5141.4](#), "Reporting of Suspected Child Abuse," and its accompanying regulations.

Connecticut General Statutes §[17a](#)-101, as amended, requires all school employees including the Superintendent of Schools, school teachers, substitute teachers, administrators, school guidance counselors, school paraprofessionals, licensed nurses, physicians, psychologists, social workers, coaches of intramural or interscholastic athletics, or any other person, who in the performance of his/her duties, has regular contact with students and who provides services to District students, who have reasonable cause to suspect or believe that a child has been abused, neglected, or placed in imminent risk of serious harm to report such abuse and/or neglect in compliance with applicable state statutes.

An oral report by telephone or in person shall be made as soon as possible but no later than 12 hours to the Commissioner of Children and Families and to the Superintendent of Schools or his/her designee followed within 48 hours by a written report to the Department of Children and Families.

Reporting suspected abuse and/or neglect of children, in addition to the requirements pertaining to staff training, record keeping and dissemination of this policy, shall be in accordance with the procedures established and set forth in the Administrative Regulation #[5141.4](#).

(cf. [5131.911](#) - Bullying)

(cf. [5141.4](#) - Reporting of Suspected Child Abuse)

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

Legal Reference: Connecticut General Statutes

[17a](#)-101q Statewide sexual abuse and assault awareness and prevention program (as amended by Section 415 of the June 2015 Special Session Public Act 15-5)

A Statewide K-12 Sexual Assault and Abuse Prevention and Awareness Program developed by DCF, SDE, and Connecticut Alliance (The Alliance) to End Sexual Violence.

Policy adopted:

5145.511

Students

Exploitation: Sexual Harassment

Sexual Abuse Prevention and Education Program

Prevention Strategy

Schools will design and build their capacity to implement comprehensive prevention strategies that engage students, parents/guardians/caregivers and school personnel. By engaging each of these populations, schools can reduce and prevent abusive sexual behaviors and sexual assault from occurring and create a climate that promotes positive peer relationships.

Students

1. Strengthen students' knowledge, attitudes and skills for healthy relationships by implementation of the DCF/SDE sexual abuse and assault awareness and prevention program.
2. Strengthen students' skills for modeling pro-social behavior and intervening as proactive bystander for the prevention and intervention of abusive behavior and/or sexual assault on campus.

3. Increase awareness among students of students' rights under District policy including how to report and seek help for students who may have experienced sexual abuse or sexual assault.

Parents/Caregivers and School Personnel

1. Strengthen parents/guardians/caregivers' knowledge, attitudes and skills for promoting healthy relationships including positive bystander behavior through workshops, school newsletter, and other events.
2. Strengthen school personnel's (administrators, teachers, coaches, and others) knowledge, attitudes and skills for promoting healthy relationships including modeling pro-social behavior or positive bystander behavior through professional development, utilizing the DCF/SDE developed instructional modules.
3. Increase awareness among parents of students' rights under District policy including how to report and seek help for students who may have experienced sexual abuse or assault.
4. Increase awareness among school personnel of District policy including their responsibility to report incidents and concerns regarding sexual abuse and sexual assault.
5. Increase awareness among parents/caregivers and school personnel of school and community-based resources for students and families.

School Climate

1. Strengthen positive school climate by engaging students in age-appropriate activities to promote healthy relationships and positive bystander behavior.
2. Reduce risk for sexual abuse and sexual assault by educating school personnel on how to support healthy relationships, implement prevention curricula, and respond effectively to incidents and disclosures.

Reporting Procedure

Students should be encouraged to disclose if they have been sexually abused to any member of the staff whom they trust. The Principal of each school shall establish and prominently publicize to students, staff, volunteers, and parents/guardians, how a report of sexual abuse and assault may be filed either in-person or anonymously and how this report will be acted upon. The victim of sexual abuse and assault or anyone who witnessed an act of sexual abuse or assault, and anyone who has reasonable suspicion that an act of sexual abuse or assault has taken place may file a report.

In addition, members of the staff, as a result of training, should be aware of the signs of child sexual abuse in students which can include, but are not limited to, expressions of shame, guilt/self-blame, difficulty trusting others, low self-esteem, cognitive deficits, depression, mental health problems, poor school performance, unhealthy relationships, self-harm, substance abuse and thoughts or expressions of suicide.

A report must be made when any mandated reporter of the Board of Education, in his/her professional capacity, has reasonable cause to suspect or to believe that a child under the age of eighteen (*Mandated reporters include all school employees, the Superintendent, administrators, teachers, substitute teachers, guidance counselors, school paraprofessionals, coaches of intramural and interscholastic athletics, as well as licensed nurses, physicians, psychologists and social workers either employed by the Board or working in one of the District schools, or any other person who, in the performance of his or her duties, has regular contact with students and who provides services to or on behalf of students enrolled in District schools*) is in danger of being or has been sexually abused or assaulted.

Any written or oral reporting of an act of sexual abuse or assault shall be considered an official means of reporting such act(s).

The following procedures apply only to statutory mandated reporters, as defined above.

1. When an employee of the Board of Education suspects or believes that a child has been sexually abused or sexually assaulted, the following steps shall be taken:

- a. The employee shall immediately, upon having reasonable cause to suspect or believe that a child has been abused, and in no case later than twelve (12) hours after having such a suspicion or belief, make an oral report by telephone or

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

- b. The employee shall also immediately make an oral report to the Building Principal or his/her designee and/or the Superintendent or his/her designee.
- c. If a report concerns suspected abuse by a school employee, the Superintendent or his/her designee, shall immediately notify the child's parent or guardian that such a report has been made.
- d. Not later than 48 hours of making an oral report, the employee shall submit a written report to the Commissioner of Children and Families, or his/her representative, containing all of the required information.
- e. The employee shall immediately, submit a copy of the written report to the Principal and/or Superintendent or the Superintendent's designee.
- f. If a report concerns suspected sexual abuse by a school employee who possesses a certificate, permit or authorization issued by the State Board of Education, the Superintendent shall submit a copy of the written report to the Commissioner of Education, or his/her representative.

Contents of Reports

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

1. The names and addresses of the child and his/her parents or other persons responsible for his/her care;
2. The age of the child;
3. The gender of the child;
4. The nature and the extent of the child's sexual abuse or assault;
5. The approximate date and time the sexual abuse or assault occurred;
6. Information concerning any previous injury or injuries to, or maltreatment or neglect of, the child or his/her siblings;
7. The circumstances in which sexual abuse or assault came to be known to the reporter;
8. The name of the person or persons suspected to be responsible for causing the sexual abuse or assault;
9. The reasons such person or persons are suspected of causing such sexual abuse;
10. Any information concerning any prior cases in which such person or persons have been suspected of causing an injury, maltreatment or neglect of a child; and
11. Whatever action, if any, was taken to treat, provide shelter or otherwise assist, the child.

Investigation of the Report

If the suspected abuser is a school employee, the Superintendent or his/her designee shall thoroughly investigate the report, provided that such investigation does not interfere with or impede the investigation by the Department of Children and Families or by a law enforcement agency. To the extent feasible, this investigation shall be coordinated with the Commissioner of Children and Families and/or the police in order to minimize the number of interviews of any child and to share information with other persons authorized to conduct an investigation of child abuse and neglect. When investigating a report, the Superintendent or his/her designee shall endeavor to obtain, when possible, the consent of parents or guardians or other persons responsible for the care of the child, to interview the child, except in those cases in which there is reason to believe that the parents or guardians or other persons responsible for the care of such child are the perpetrators or the alleged abusers.

The investigation shall include an opportunity for the suspected abuser to be heard with respect to the allegations contained within the report. During the course of an investigation of suspected abuse by a school employee, the Superintendent may

suspend the employee with pay or may place the employee on administrative leave with pay pending the outcome of the investigation.

A person reporting child sexual abuse shall provide any person authorized to conduct an investigation into such claim with all information related to the investigation that is in the possession or control of the person reporting child sexual abuse except as expressly prohibited by state or federal law.

Evidence of Abuse by Certain School Employees

After an investigation has been completed, if the Commissioner of Children and Families, based upon the results of such investigation, has reasonable cause to believe that a child has been sexually abused or assaulted by an employee who has been entrusted with the care of a child or has recommended that such employee be placed on the Department of Children and Families Abuse and Neglect Registry, the Commissioner shall notify within five (5) working days after the completion of the investigation into child abuse or neglect by a school employee, the Superintendent and the Commissioner of Education of such finding and shall provide records, whether or not created by the Department of Children and Families, concerning such investigation to the Superintendent and the Commissioner of Education. The Superintendent shall suspend the employee, if not previously suspended, with pay and without diminution or termination of benefits if DCF has reasonable cause that the employee sexually abused a child and recommends the employee be placed on the DCF Child Abuse and Neglect Registry. Not later than 72 hours after such suspension, the Superintendent shall notify the Board of Education and the Commissioner of Education, or his/her representative, of the reasons for the conditions of suspension. The Superintendent shall disclose records received from the Department of Children and Families to the Commissioner of Education and the Board of Education, or its attorney, for the purposes of review of employment status, certification, permit or authorization. Any decision of the Superintendent concerning such suspension shall remain in effect until the Board of Education Acts, pursuant to the provisions of Connecticut General Statutes. The Commissioner of Education shall also be notified if such certified person resigns from his/her employment in the District. Regardless of the outcome of any investigation by DCF and/or the police, the Superintendent and/or the Board, as appropriate, may take disciplinary action up to and including termination of employment in accordance with the provisions of any applicable statute, if the Superintendent's investigation produces evidence that a child has been sexually abused by a certified, permit or authorized school staff member.

If the contract of employment of a certified school employee holding a certificate, permit or authorization issued by the State Board of Education is terminated as a result of an investigation into reports of child sexual abuse, the Superintendent shall notify the Commissioner of Education, or his/her representative, within 72 hours of such termination.

Evidence of Abuse by Other School Staff

If the investigation by the Superintendent and/or Commissioner of Children and Families did produce evidence that a child has been sexually abused by a non-certified school staff member the Superintendent and/or the Board, as appropriate, may take disciplinary action up to and including termination of employment.

The District shall maintain records of allegations, investigations and reports that a child has been sexually abused or assaulted by a school employee. Such records will be maintained in the District's Central Office. The records shall include any reports made to the Department of Children and Families. The State Department of Education is to have access to all such records.

The Board shall provide to the Commissioner of Children and Families, upon request for the purposes of an investigation by the Commissioner of Children and Families of suspected child sexual abuse by a teacher employed by the Board, any records maintained or kept in District files. Such records shall include, but not be limited to, supervisory records, reports of competence, personal character and efficiency maintained in such teacher's personnel file with reference to evaluation of performance as a professional employee of such Board of Education, and records of the personal misconduct of such teacher. (*"Teacher" includes each certified professional employee below the rank of Superintendent employed by a Board of Education in a position requiring a certificate issued by the State Board of Education.*)

The Board of Education shall permit and give priority to any investigation conducted by the Commissioner of Children and Families or the appropriate local law enforcement agency that a child has been sexually abused or assaulted. The Board shall conduct its own investigation and take any disciplinary action, in accordance with the provisions of section [17a-101i](#) of the general statutes, as amended, upon notice from the Commissioner or the appropriate local law enforcement agency that the Board's investigation will not interfere with the investigation of the Commissioner or such local law enforcement agency.

The Department of Children and Families will review, at least annually, with the State Department of Education all records and information relating to reports and investigations that a child has been sexually abused by a school employee, in the Department of Children and Families' possession to ensure that records and information are being shared properly.

The Superintendent may appoint a designee for the purposes of receiving and making reports, notifying and receiving notification, or investigating reports pursuant to this policy.

Disciplinary Action for Failure to Follow Policy

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

Response to Sexual Abuse and Sexual Assault

Schools will develop and implement an effective and consistent response to sexual abuse or sexual assault that takes place on school grounds, while traveling to and from school or a school-sponsored activity, whether on or off campus, as well as abusive behavior expressed through technology using District or school-provided computers, email addresses, or servers.

Students and parents/guardians are to be informed of the District's policy regarding sexual abuse and sexual assault.

Students are to be encouraged to contact the Principal or his/her designee or other school personnel if they or another student has been sexually abused or sexually assaulted. Students will also be encouraged to report to school authorities if they are aware that another student or adult individual has committed sexual abuse or sexual assault.

Support Services

The Principal or designee will first take steps to increase safety and well-being of the student experiencing sexual abuse and/or sexual assault. This might include offering individual or support group counseling for the student experiencing abuse and/or sexual assault at school or by referring the student to a local victim service organization.

Protection Against Retaliation

No retaliation will be taken by the District or by any of its employees or students against any complainant or any participant in the complaint process, including witnesses, and will take steps to ensure there is no retaliation against any involved party, and will respond appropriately to any incident of retaliation. Any person found to have retaliated against another individual for reporting an incident of sexual abuse, harassment or assault will be subjected to the same disciplinary action created in accordance with this policy. Those persons who assist or participate in an investigation of abusive behavior are also protected from retaliation under this policy.

Confidentiality

Any investigation that takes place pursuant to this policy and administrative regulation will, to the maximum extent possible, be conducted in a manner that protects the privacy of the student experiencing sexual abuse and/or sexual assault, complainant, and accused. However, if it is suspected that child abuse has occurred or any law has been violated, such abuse will be reported to the proper authorities. When possible students will be notified and reminded of limits of confidentiality and be made aware of possible reports to outside officials. Notification of the outcome of the investigation will be made in accordance with relevant state and federal law.

Preclusion

This policy should not be interpreted as preventing a student experiencing sexual abuse and/or sexual assault from seeking redress under any other available law, either civil or criminal.

The District will keep and maintain a confidential written record, including but not limited to, witness statements, investigative reports, and correspondence, from the date any allegation of abusive sexual behavior or sexual assault is reported to District personnel. The information in the written record will include the action taken by the District in response to each allegation.

Roles and Responsibilities

The District will:

1. Ensure that the Superintendent or his/her designee is the individual responsible for implementation of the policy and these procedures and for the provision of technical assistance and training for school personnel on the development and implementation of the steps for a comprehensive prevention strategy and effective and consistent intervention and response to incidents of sexual abuse and sexual assault.
2. Assure students of their rights to be free from sexual abuse and sexual assault including cyber-harassment;
3. Ensure that students know that sexual abuse and sexual assault violate District policy; that abusive behavior should be reported; and that violators will be subject to disciplinary and/or legal action;
4. Expect all personnel to intervene directly or to contact police when necessary, whenever they witness or become aware of an incident of sexual abuse or sexual assault. There is a duty to report to the Principal or his/her designee when any staff member knows or reasonably should have known of an incident of sexual abuse or sexual assault. Any staff member who permits or fails to report an incident of sexual abuse or sexual assault may be subject to disciplinary action.

The School will:

1. Staffing and Notification

- a. The Principal or his/her designee is responsible for implementation of the policy, administrative regulations, the provision of technical assistance and training for school personnel on sexual abuse and sexual assault and effective and consistent intervention and response to incidents of such behavior;
- b. Review policy and procedures on sexual abuse and sexual assault annually with all staff and provide recommendations and/or revisions to the policy and regulations;
- c. Ensure that all staff, students, and parents/caregivers receive the name and contact information at the school and District level, a summary of prohibited behaviors and a summary of this policy at the beginning of the school year, as part of the student handbook and/or information packet, as part of the new student orientation, and as part of the school system's notification to parents;
- d. Create easy public access to the full text of this policy via the school website(s), staff and student handbooks with complaint forms, District policy manuals, contact information etc.; and
- e. Review policy and procedures on sexual abuse and sexual assault annually with all staff and provide recommendations and/or revisions to the policy.

2. Prevention

- a. Engage students, as developmentally appropriate, and school personnel and, if possible, community-based organizations to collaborate on the development and implementation of comprehensive prevention strategies;
- b. Strengthen students' knowledge, attitudes and skills for healthy relationships, social and emotional learning, and pro-social behavior, such as positive bystander behavior through evidence-based or evidence-informed curricula, lesson plans, or other classroom or school-wide activities;
- c. Strengthen parents/caregivers' knowledge, attitudes and skills for promoting healthy relationships, social and emotional learning, such as positive bystander behavior through workshops, school newsletter, and other events;
- d. Strengthen school personnel knowledge, attitudes and skills for promoting healthy relationships and social and emotional learning, such as positive bystander behavior through professional development;
- e. Strengthen positive school climate through positive social norm youth-developed campaigns or activities to promote healthy relationships, social and emotional learning, and/or positive bystander behavior; and
- f. Assure students of their rights to be free from sexual abuse and sexual assault including cyber-harassment and that students know that sexual abuse and sexual assault violate District policy and law; that abusive behavior should be reported; and that violators will be subject to disciplinary action and/or legal action.

3. Intervention and Response

- a. All school personnel are expected to utilize the reporting procedure previously described in this regulation or to contact police directly, when necessary, whenever they witness or become aware of an incident of sexual abuse or sexual assault. There is a duty to report to the Principal or Principal's designee when any staff member knows or reasonably should have known of an incident of sexual abuse or sexual assault.
- b. Staff members must intervene or make a report when they witness, become aware of, or reasonably should have known of an incident of sexual abuse or sexual assault on the campus; while traveling to and from school or a school-sponsored activity; whether on or off campus; or perpetrated using school-owned property such as email addresses and servers.
- c. Each incident reported will be promptly investigated in a manner prescribed by statute that protects the student experiencing abuse and/or sexual assault.
- d. The school will make all efforts to keep a report of sexual abuse or sexual assault and the results of any investigation confidential to the extent permitted by law, except that the abused child and the accused will be notified of the outcome of an investigation consistent with federal and state laws.
- e. Increase students' safety and well-being by assisting student experiencing sexual abuse and/or sexual assaults in accessing legal protection.
- f. Support a student experiencing abuse and/or sexual assaults by offering individual counseling, support groups, and/or referrals to local victim service providers who serve minors. Establish a relationship with a local domestic or sexual violence program and/or health care providers experienced with sexual abuse and/or sexual assault for access to resources and training;

Providing Instruction

The instructional staff of District schools, subject to the rules of the State Board of Education and the Board of Education, shall teach all statutorily required comprehensive health components including a health education curriculum for students in grades K through 12 in the area of sexual abuse or assault. This instruction shall include teen dating violence, a sexual abuse and assault component that includes, but is not limited to, the definition of dating violence, sexual abuse, sexual assault, the warning signs of abusive behavior, the characteristics of healthy relationships, measures to prevent and stop dating violence, sexual abuse, sexual assault, and community resources available to victims of dating violence, sexual abuse and assault.

Regulation approved:

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

The [] Board of Education has adopted a uniform child sexual abuse and/or sexual assault response policy and reporting procedure in connection with the implementation of its sexual assault and abuse prevention and awareness program.

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

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

- D. Upon receipt of any report of child sexual abuse and/or sexual assault from any source, a school employee shall report such suspicion to the appropriate authority in accordance with Board Policy [#], pertaining to **REPORTS OF SUSPECTED ABUSE OR NEGLECT OF CHILDREN OR SEXUAL ASSAULT OF STUDENTS BY SCHOOL EMPLOYEES**.

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

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

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

III. Support Strategies

- A. Child sexual abuse and/or sexual assault can take many forms and can vary dramatically in the nature of the offense and the impact the behavior may have on the victim and other students. Accordingly, there is no one prescribed response to child sexual abuse and/or sexual assault.
- B. The following sets forth possible interventions and supports which may be utilized to support individual student victims of child sexual abuse and/or sexual assault:
1. Referral to a school counselor, psychologist or other appropriate social or mental health service.
 2. Encouragement of the student victim to seek help when feeling overwhelmed or anxious in the school environment.
 3. Facilitated peer support groups.
 4. Designation of a specific adult in the school setting for the student victim to seek out for assistance.
 5. Periodic follow-up by the Safe School Climate Specialist and/or Title IX Coordinator with the victim of sexual abuse and assault.

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

IV. Safe School Climate Specialists

The Safe School Climate Specialists for the [] Public Schools are:

[list by name, title, school building and email and telephone contact information]

V. Community Resources

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

A. National Resources:

National Center for Missing & Exploited Children Resource Center

<http://www.missingkids.com/Publications>

699 Prince Street, Alexandria, Virginia 22314-3175

24-hour call center: 1-800-843-5678

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

National Children's Advocacy Center

www.nationalcac.org

210 Pratt Ave., Huntsville, Alabama 35801

Telephone: (256) 533-5437

National Child Traumatic Stress Network

www.nctsn.org

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

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

National Sexual Violence Resource Center (Includes Multilingual Access)

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

123 North Enola Drive

Enola, PA 17025

Toll Free Telephone: 877-739-3895

Darkness to Light

<http://www.d2l.org>

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

1064 Gardner Road, Suite 210

Charleston, SC 29407

National Helpline: (866) FOR-LIGHT

Administrative Office: (843) 965-5444

B. Statewide Resources:

Department of Children and Families

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

Connecticut agency responsible for protecting children who are abused or neglected
505 Hudson Street

Hartford, Connecticut 06106

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

Telephone, Central Office: (860) 550-6300

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

The Connecticut Alliance to End Sexual Violence

<http://EndSexualViolenceCT.org/>

Telephone: (860) 282-9881

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

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

Connecticut Children's Alliance

www.ctchildrensalliance.org

75 Charter Oak Ave Suite 1-309

Hartford, Connecticut 06106

Phone: (860) 610-6041

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

Connecticut Network of Care

<http://connecticut.networkofcare.org>

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

C. Local Resources:

[Local resources will vary depending on the district's location; many State-level resources indicate applicable regional offices and programs.]

Legal References:

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

ADOPTED: _____

REVISED: _____

9/21/2016

Related Westport Policy

Students

Policy Regarding Sex Discrimination and Sexual Harassment

It is the policy of the Board of Education that any form of sex discrimination or sexual harassment is prohibited, whether by students, Board employees or third parties subject to the control of the Board. Students, Board employees and third parties are expected to adhere to a standard of conduct that is respectful of the rights of students. Any student or employee who engages in conduct prohibited by this policy shall be subject to disciplinary action.

The Superintendent of Schools shall develop Administrative Regulations implementing this Policy.

Definitions

Sex discrimination occurs when a person, because of his or her sex, is denied participation in or the benefits of any education program receiving federal financial assistance.

Sexual harassment: In a school setting, sexual harassment is conduct that 1) is sexual in nature; 2) is unwelcome; and 3) denies or limits a student's ability to participate in or benefit from a school's educational program. Sexual harassment can be verbal, nonverbal or physical. Sexual violence is a form of sexual harassment. Sexual harassment creates a hostile environment if the conduct is sufficiently severe or pervasive such that it interferes with or limits a student's ability to participate in or benefit from the school's program. Although not an exhaustive list, the following are examples of sexual conduct prohibited by this policy:

1. Statements or other conduct indicating that a student's submission to, or rejection of, sexual overtures or advances will affect the student's grades and/or other academic progress.
2. Unwelcome attention and/or advances of a sexual nature, including verbal comments, sexual invitations, leering and physical touching.
3. Display of sexually suggestive objects, or use of sexually suggestive or obscene remarks, invitations, letters, emails, text messages, notes, slurs, jokes, pictures, cartoons, epithets or gestures.
4. Touching of a sexual nature or telling sexual or dirty jokes.
5. Transmitting or displaying emails or websites of a sexual nature.
6. Using computer systems, including email, instant messaging, text messaging, blogging or the use of social media websites, or other forms of electronic communications, to engage in any conduct prohibited by this policy.

Sexual Violence: Sexual violence is a form of sexual harassment. For the purposes of this policy, sexual violence refers to physical acts that are sexual in nature, perpetrated against a person's will or where a person is incapable of giving consent due to the victim's use of drugs or alcohol.

Procedure

It is the express policy of the Board of Education to encourage victims of sex discrimination or sexual harassment to report such claims. Students are encouraged to promptly report complaints of sex discrimination or sexual harassment to the appropriate personnel, as set forth in the Administrative Regulations implementing this Policy. The district will investigate such complaints promptly, take interim measures, and take corrective action where appropriate. The district will maintain confidentiality to the extent appropriate. The district will not tolerate any reprisals or retaliation that occur as a result of the good faith reporting of charges of sexual harassment or sex discrimination. Any such reprisals or retaliation will result in disciplinary action against the retaliator.

The school district will periodically provide staff development for district administrators, and periodically distribute this Policy and the implementing Administrative Regulations to staff and students in an effort to maintain an environment free of sexual discrimination and sex harassment.

Sex discrimination and/or sexual harassment may also constitute bullying behavior under the Board's Bullying Behavior in the Schools Policy.

Legal Reference:

- United States Constitution, Amendment XIV
- Title IX of the Education Amendments of 1972, 20 U.S.C. § 1681, et seq.
- Title IX of the Education Amendments of 1972, 34 C.F.R § 106.1, et seq.
- Gebser v. Lago Vista Independent School District, 524 U.S. 274 (1998)
- Davis v. Monroe County Board of Education, 526 U.S. 629 (1999)
- Office for Civil Rights, U.S. Department of Education, Revised Sexual Harassment Guidance: Harassment of Students by School Employees, Other Students, or Third Parties, 66 Fed. Reg. 5512 (Jan. 19, 2001).
- Office for Civil Rights, U.S. Department of Education Dear Colleague Letter: Sexual Violence (April 4, 2011).
- Constitution of the State of Connecticut, Article I, Section 20.

Policy adopted: June 23, 1993

REVISED: January 22, 2018

WESTPORT PUBLIC SCHOOLS

Westport, Connecticut

5145.5

Students

Sexual Harassment

ADMINISTRATIVE REGULATIONS REGARDING
SEX DISCRIMINATION AND SEXUAL HARASSMENT (STUDENTS)

It is the policy of the Board of Education that any form of sex discrimination or sexual harassment is forbidden, whether by students, Board employees or third parties subject to the control of the Board. Students, Board employees and third parties are expected to adhere to a standard of conduct that is respectful of the rights of students. Any student or employee who engages in conduct prohibited by the Board's sex discrimination and sexual harassment policy shall be subject to disciplinary action.

Definitions

Sex discrimination occurs when a person, because of his or her sex, is denied participation in or the benefits of any education program receiving federal financial assistance.

Sexual harassment: In a school setting, sexual harassment is conduct that 1) is sexual in nature; 2) is unwelcome; and 3) denies or limits a student's ability to participate in or benefit from a school's educational program. Sexual harassment can be verbal, nonverbal or physical. Sexual violence is a form of sexual harassment. Sexual harassment creates a hostile environment if the conduct is sufficiently severe or pervasive that it interferes with or limits a student's ability to participate in or benefit from the school's program. Although not an exhaustive list, the following are examples of sexual conduct prohibited by this policy:

1. Statements or other conduct indicating that a student's submission to, or rejection of, sexual overtures or advances will affect the student's grades and/or other academic progress.

2. Unwelcome attention and/or advances of a sexual nature, including verbal comments, sexual invitations, leering and physical touching.

3. Display of sexually suggestive objects, or use of sexually suggestive or obscene remarks, invitations, letters, emails, text messages, notes, slurs, jokes, pictures, cartoons, epithets or gestures.

4. Touching of a sexual nature or telling sexual or dirty jokes.

5. Transmitting or displaying emails or websites of a sexual nature.

6. Using computer systems, including email, instant messaging, text messaging, blogging or the use of social networking websites, or other forms of electronic communications, to engage in any conduct prohibited by this policy.

Sexual Violence: Sexual violence, which includes (without limitation) rape, sexual assault, sexual battery, and sexual coercion, is a form of sexual harassment. For the purposes of this policy, sexual violence refers to physical acts that are sexual in nature, perpetrated against a person's will or where a person is incapable of giving consent due to the victim's use of drugs or alcohol.

Complaint Procedure

1. It is the express policy of the Board of Education to encourage victims of sex discrimination or sexual harassment to promptly report such claims. Preferably, complaints should be filed within thirty (30) days of the alleged occurrence. Timely reporting of complaints facilitates the investigation and resolution of such complaints, and facilitates the school's efforts to effectively support the needs of students.

2. As soon as a student feels that he or she has been subjected to sex discrimination or sexual harassment, he/she or his/her parent/legal guardian should make a written complaint to the building Title IX Coordinator (see attached list) or to the building principal, or his/her designee. The student will be provided a copy of the Board's policy and regulation and made aware of his or her rights.

3. The complaint should state the:

A. Name of the complainant,

B. Date of the complaint,

C. Date(s) of the alleged harassment/discrimination,

D. Name(s) of the harasser(s) or discriminator(s),

E. Location where such harassment/discrimination occurred,

F. Names of any witness(es) to the harassment/discrimination,

G. Detailed statement describing the alleged harassment/discrimination; and

H. Remedy requested.

4. Any student who makes an oral complaint of harassment or sex discrimination to any of the above-mentioned personnel will be provided a copy of this regulation and will be requested to make a written complaint pursuant to the above procedure in his/her own words. In appropriate circumstances, such as due to the age of the student making the complaint, a parent or school administrator may be permitted to fill out the form on the student's behalf.

5. If the complainant is a minor student, the person to whom the complaint is given should consider whether a child abuse report should be completed in accordance with the Board's policy on the Reports of Suspected Child Abuse or Neglect of Children.

6. All complaints are to be forwarded immediately to the building principal or designee unless that individual is the subject of the complaint, in which case the complaint should be forwarded directly to the Superintendent of Schools or

his/her designee. In addition, a copy of any complaint filed under this policy shall be forwarded to the Title IX Coordinator.

7. The Title IX Coordinator or designee shall promptly investigate all complaints of sexual discrimination or sexual harassment against a student, regardless of whether the conduct occurred on or off-school grounds. The investigation shall be conducted discreetly, maintaining confidentiality insofar as possible while still conducting an effective and thorough investigation.

8. Any student who makes a complaint shall be notified of the District's intent to investigate the complaint. In the event the student requests confidentiality or that an investigation not be conducted, the District will take reasonable steps to investigate and respond to the complaint to the extent possible, given the request for confidentiality or that the District not investigate the complaint. If the student insists that his/her personally identifiable information not be shared with the alleged perpetrator, the student will be informed that the District's ability to investigate and/or take corrective action may be limited.

9. Upon receipt of a sexual harassment or sex discrimination complaint, the Title IX Coordinator shall either promptly commence an investigation of the complaint, or shall designate a school administrator to promptly investigate the complaint. The Title IX Coordinator or designee shall:

- a) offer to meet with the complainant within ten (10) school days to discuss the nature of the complaint, identify individuals the complainant believes has relevant information, and obtain any relevant documents the complainant may have. The complainant will be offered the opportunity to have his/her parent(s)/legal guardian(s), one school counselor/pupil personnel staff member, and/or one teacher attend this meeting for the purposes of support. The role of the parent/legal guardian, school counselor/pupil personnel staff member, and/or teacher is to support the complainant and not to make statements for or on behalf of the complainant. After this meeting, the complainant may meet with his/her school counselor for any additional support and/or resources as necessary.
- b) provide the complainant with a copy of the Board's sexual harassment policy and accompanying regulations;
- c) consider whether any interim measures may be appropriate to protect the alleged victim, pending the outcome of the investigation;
- d) consider whether any interim measures may be appropriate for the alleged perpetrator, pending the outcome of the investigation;
- e) investigate the factual basis of the complaint, including, as applicable, conducting interviews with individuals deemed relevant to the complaint;
- f) consider whether alleged sex discrimination or sexual harassment has created a hostile school environment, including consideration of the effects of off-campus conduct on the school;
- g) communicate the outcome of the investigation in writing to the complainant, and to any individual properly identified as a party to the complaint (to the extent permitted by state and federal confidentiality requirements), within sixty (60) school days from the date the complaint was received by the Superintendent's office. The investigator may extend this deadline for no more than fifteen (15) additional school days if needed to complete the investigation. The complainant shall be notified of such extension. The written notice shall include a finding whether the complaint was substantiated and if so, shall identify, to the extent possible, how the district will remedy the discrimination or harassment, adhering to the requirements of state and federal law;
- h) when sex discrimination or sexual harassment has been found, take steps that are reasonably calculated to end the discrimination, take corrective and/or disciplinary action aimed at preventing the recurrence of the harassment or discrimination, as deemed appropriate by the Superintendent or his/her designee, and take steps to remedy the effects of the sex discrimination or sexual harassment;

10. If the student complainant or alleged perpetrator is dissatisfied with the findings of the investigation, he or she may file a written appeal within thirty (30) calendar days to the Title IX Coordinator, or, if he/she conducted the investigation, to the Superintendent of Schools, who shall review the Title IX Coordinator or designee's written report, the information collected by the Title IX Coordinator or designee together with the recommended disposition of the complaint, and determine whether the alleged conduct constitutes sexual harassment or sex discrimination. The Title IX Coordinator or Superintendent of Schools may determine if further action and/or investigation is warranted. After completing this

review, the Title IX Coordinator or Superintendent of Schools shall respond to the complainant, in writing, within fifteen (15) school days following the receipt of the written request for review.

If a sex discrimination complaint raises a concern about bullying behavior, the Title IX Coordinator shall notify the Safe School Climate Specialist or designee who shall coordinate any bullying investigation with the Title IX Coordinator, so as to ensure that any such bullying investigation complies with the requirements of applicable Board policies.

Retaliation against any individual who complains pursuant to the Board's policy and regulations is strictly prohibited. The district will take actions necessary to prevent retaliation as a result of filing a complaint.

At any time, a complainant alleging sex discrimination or sexual harassment may file a formal complaint with the Office for Civil Rights, Boston Office, U.S. Department of Education, 8th Floor, 5 Post Office Square, Boston, MA 02109-3921 (TELEPHONE NUMBER (617) 289-0111).

Copies of this regulation will be distributed to all students.

Title IX Coordinator

The Title IX Coordinator for the Westport Board of Education is: John Bayers, Director of Human resources and General Administration, whose office is located at Westport Town Hall, 110 Myrtle Avenue, Westport, CT 06880 and whose telephone number is 203-341-1023.

Regulation approved: June 23, 1993

Revised: June 11, 2018

WESTPORT PUBLIC SCHOOLS

Westport, Connecticut

5145.5 Appendix A

Westport Public Schools

Title IX Coordinators

Board of Education	John Bayers, Director of Human Resources 203-341-1004, jbayers@westportps.org
Staples High School	Richard Franzis, Assistant Principal 203-341-1282, rfranzis@westportps.org Marty Lisevick, Athletic Director 203-341-1263, mlisevick@westportps.org Meghan Ward, Assistant Principal 203-341-1242, mward@westportps.org
Bedford Middle School	Denise Emmerthal, Assistant Principal 203-341-1520, demmerthal@westportps.org Adam Rosen, Principal

	203-341-1263, arosen@westportps.org
Coleytown Middle School	Micah Lawrence, Assistant Principal 203-341-1641, mlawrence@westportps.org Lauren Pitocco, Assistant Principal 203-341-1620, lpitocco@westportps.org
Coleytown Elementary School	Johanna Davis, Assistant Principal 203-341-1887, jdavis@westportps.org
Greens Farms Elementary School	Beth Heroux, Assistant Principal 203-222-3617, bheroux@westportps.org
Kings Highway Elementary School	Catherine Carmona, Assistant Principal 203-341-1820, ccarmona@westportps.org
Long Lots Elementary School	Megan Clarke, Assistant Principal 203-341-1905, mclarke@westportps.org
Saugatuck Elementary School	Sandy Rodriguez, Assistant Principal 203-221-2920, srodriguez@westportps.org

Individuals may also 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>

Employees may also file a complaint regarding employment discrimination with the Equal Employment Opportunity Commission:

Equal Employment Opportunity Commission, Boston Area Office

John F. Kennedy Federal Building

475 Government Center

Boston, MA 02203

(800-669-4000)

Individuals 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)

5145.5 Appendix B

**COMPLAINT FORM REGARDING SEX DISCRIMINATION
AND SEXUAL HARASSMENT (STUDENTS)**

Name of the complainant _____

Date of the complaint _____

Date of the alleged discrimination/harassment _____

Name or names of the discriminator(s) or harasser(s) _____

Location where such discrimination/harassment occurred _____

Name(s) of any witness(es) to the discrimination/harassment _____

Detailed statement describing the alleged discrimination or harassment _____

Remedy requested _____
