

November 5, 2019

Westport Town Hall

**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. Westport Town Hall 307

**DISCUSSION/ACTION:**

1. Minutes: October 29, 2019, *pages 1-2*

**DISCUSSION:**

1. First Reading of the Following Policies:
  - 6171.2, Preschool Students with Disabilities, *pages 3-4*
  - 6159 (or 6171), Individual Education/Special Education, *pages 5-16*
  - 6172, Program Adaptions, Alternate Education Programs, *pages 17-19*
  - 5125, Student Records, Confidentiality, *pages 21-99*
2. Second Reading of the Following Policies:
  - 5141.4, Reporting Child Abuse and Neglect, *pages 101-111*
  - 5113, Attendance and Excuses, *pages 113-117*
  - 5113.2, Truancy, *pages 119-120*
3. Final Reading of:
  - Policy 5131.6, Alcohol, Drugs, Tobacco, *pages 121-131*
  - 3542.43, Food Service Charging Policy, *pages 133-136*
  - 3542.22, Food Services Personnel Code of Conduct, *pages 137-139*
  - 5144.4, Physical Activity and Student Discipline, *pages 41-42*
4. First Reading of the Following Policies:
  - 6161.3, Comparability of Services (Title I), *pages 143-144*
  - 6162.51, Surveys of Students/Student Privacy, *pages 145-146*
  - 6172.4, Title I Parental and Family Engagement Policy, *pages 147-155*
  - 5145.14, On-Campus Recruitment, *pages 157-159*
  - 4115, Evaluation/Supervision, *pages 161-166*
  - 4117.6, Evaluation – Coaches, *pages 167-175*
  - 4112.6, Personnel Records, *pages 177-180*
  - 4116, Probationary/Tenure Status, *pages 181-188*
  - 4118.7, Study/Use of Religious Symbols, Music and Decorations, etc., *pages 189-191*
5. Any Other Policy Matters

**ADJOURNMENT**



**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  
Deborah VanCoughnett Director of Dining Services (left 9:43 a.m.)  
Benjamin Leahey Assistant Director of Dining (left 9:43 a.m.)

**PUBLIC SESSION:** 8:02 a.m., Westport Town Hall 307

**DISCUSSION**

Second Reading of the following policies:

- 3542.43, Food Service Charging Policy
- 3542.22, Food Services Personnel Code of Conduct
- 5141.3, Health Assessments and Immunizations

Final Reading of:

- Bylaw 9324, Meeting Conduct
- Policy 5131.6 Alcohol, Drugs, Tobacco

Discussion of the following policies was postponed to the next meeting date:

- 6161.3, Comparability of Services (Title I)
- 6162.51, Surveys of Students/Student Privacy
- 6171.2, Preschool Students with Disabilities
- 6172.4, Title I Parental and Family Engagement Policy
- 5145.14, On-Campus Recruitment
- 4115, Evaluation/Supervision
- 4117.6, Evaluation – Coaches
- 4112.6, Personnel Records
- 4116, Probationary/Tenure Status
- 4118.7, Study/Use of Religious Symbols, Music and Decorations, etc.
- 5113, Attendance and Excuses
- 5113.2, Truancy

- 5141.4, Reporting Child Abuse and Neglect

## **DISCUSSION/ACTION**

**MINUTES:** October 15, 2019

Mark Mathias moved to approve the minutes of October 22, 2019; seconded by Karen Kleine and approved unanimously (2-0-0).

Karen Kleine moved to bring the following before the full Board for a first reading at the November 11, 2019 meeting; seconded by Mark Mathias and passed unanimously (2-0-0):

- Bylaw 9324, Meeting Conduct
- 5141.3, Health Assessments and Immunizations

## **ADJOURNMENT**

Meeting adjourned at 10:09 a.m..

Respectfully submitted,

Jennifer Caputo

## **Instruction**

### **Special Education**

#### **Pre-School Special Education**

The Board of Education (Board) recognizes the value of special education and its responsibility in ensuring that all resident preschool children with disabilities have the opportunity to participate in special programs and services from which they may benefit. The Board shall maintain an early intervention program for preschool-aged children identified through the "Birth to Age Three" screening process under regulations imposed by the Individuals with Disabilities Act (IDEA) which identifies children with special education needs or developmental delays.

The District's program shall be based upon the "reverse mainstreaming model" which maintains a significant number of non-disabled (regular education) students who serve as role models for the students with identified special needs. The Director/Supervisor of Special Education is responsible to coordinate and evaluate the program annually to make recommendation to the Superintendent of Schools or his/her designee.

The Board authorizes the Superintendent of Schools to establish administrative practices and procedures to carry out this responsibility. Such administrative practices and procedures shall include:

1. Locating and identifying all preschool children, between the ages of three and five, with disabilities pursuant to the relevant provisions of the Individuals with Disabilities Act (IDEA). The register of children eligible to receive preschool special education services is to be maintained and revised annually by the Director/Supervisor of Special Education;
2. Ensuring that the parents of preschool age children with disabilities have received and understand the request for consent for evaluation of their child;
3. Developing an individualized education program (IEP) for each preschool age child with a disability requiring services;
4. Appointing and training appropriately qualified personnel;
5. Providing transportation to students enrolled in the program;
6. Maintaining lists as required by the State Education Department pertaining to the number of children with disabilities who are being served, as well as those identified disabled students not served; and
7. Reporting as required to the State Education Department; and
8. Ensuring the smooth transition from infant to preschool programs.

The Planning and Placement Team's responsibilities will include the evaluation and recommendation for placement in appropriate approved programs and the provision of appropriate special education programs and services for each preschool child with a disability. Children recommended for an educational program may enter at various points throughout the school year.

It is ultimately the responsibility of the Board to provide the appropriate approved preschool program and services for the District children. Should the PPT's determination and recommendations differ from parent or guardian preference, placement may be appealed by a parent or guardian through the procedures outlined in IDEA.

The Board directs the Superintendent or his/her designee to ensure that the District considers that adequate and appropriate space and personnel are made available for such programs and services.

#### **Tuition**

Non-disabled (regular education) students enrolled in the "reverse mainstreaming" preschool program will be required to pay tuition for the program. Identified students or students who qualify for free or reduced lunch will not be charged for tuition. The Board will annually establish the tuition rate for the following school year. The Board, through the Superintendent or his/her designee, will establish a monthly payment plan. Failure to make such tuition payment may result in discontinuation of enrollment in the program.

Legal Reference: Connecticut General Statutes

[10](#) 76a Definitions.

[10](#) 76b State supervision of special education programs and services.

[10](#) 76c Receipt and use of money and personal property.

[10](#) 76d Duties and powers of boards of education to provide special education programs and services. (as amended by PA 97-114)

[10](#) 76e School construction grant for cooperative regional special education facilities.

[10 76f](#) Definition of terms used in formula for state aid for special education.

[10 76g](#) State aid for special education.

[10 76h](#) Special education hearing and review procedure. Mediation of disputes.

[10 76i](#) Advisory council for special education.

[10 76j](#) Five year plan for special education.

[10 76k](#) Development of experimental educational programs.

State Board of Education Regulations.

[10 76m](#) Auditing claims for special education assistance.

[10 76a 1](#) et seq. Definitions.

[10 76b 1](#) through [10 76b 4](#) Supervision and administration.

[10 76d 1](#) through [10 76d 19](#) Conditions of instruction.

[10 76h 1](#) through [10 76h 2](#) Due process.

[10 76l 1](#) Program Evaluation.

[10 145a 24](#) through [10 145a 31](#) Special Education (re teacher certification).

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

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

Individuals with Disabilities Education Act, 20 U.S.C. §1400 et seq. as amended by P.L. 105-17.

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

**Policy adopted:**

**Instruction****Individualized Education Program/Special Education Program**

Any child, whether a student of the school district, of pre-school age, or between the ages of three and 21 years of age, inclusive, but not attending district schools, who is identified as being in need of a special program shall be referred to a "special education planning and placement team" (PPT) which shall make an evaluative study to determine whether the child is a child with a disability as defined in state and federal statutes and if special education is required and to establish the scope of the special education program.

A parent of a child, the State Department of Education, other state agencies available to District may initiate a request for an initial evaluation to determine if the child is a child with a disability. Initial evaluations using a variety of assessment tools and measures to gather relevant functional, developmental, and academic information, must be completed within 60 calendar days of the receipt of written parental consent, for the initial evaluation; or implement the student's IEP within 45 school days of a referral, (not counting the time necessary to obtain written parental consent to conduct the initial evaluation or to begin providing special education). The 45 school day requirement begins after the District receives a completed and signed PPT referral form or letter requesting a referral to the PPT process or per a timeline determined by the State. Exceptions to this timeframe include children moving between school districts and parental refusal to make a child available for evaluation, as provided by law. Assessments for disabled children who are transfer students shall be coordinated between the sending or receiving district in an expeditious manner.

The timeline for implementation of an IEP must occur within 60 school days of the PPT referral in those situations in which a student's IEP requires an out-of-district or private placement (not including the time it takes to obtain written parental consent).

The District will provide parents/guardians with State Department of Education information and resources relating to IEPs as soon as a child is identified as requiring special education.

**Planning and Placement Team or Individualized Education Program Team**

The term "individualized education program team" or "IEP Team" means a group of individuals composed of -

- (i) the parents of a child with a disability
- (ii) not less than one regular education teacher of such child (if the child is, or may be, participating in the regular education environment);
- (iii) not less than one special education teacher, or where appropriate, not less than one special education provider of such child;
- (iv) a representative of the local educational agency who -
  - (I) is qualified to provide, or supervise the provision of, specially designed instruction to meet the unique needs of children with disabilities;
  - (II) is knowledgeable about the general education curriculum; and
  - (III) is knowledgeable about the availability of resources of the local educational agency;
- (v) an individual who can interpret the instructional implications of evaluation results, who may be a member of the team described in clauses (ii) through (vi);
- (vi) at the discretion of the parent or the agency, other individuals who have knowledge or special expertise regarding the child, including related services personnel as appropriate; and
- (vii) the school paraprofessional, if any, assigned to such child, and
- (viii) whenever appropriate, the child with a disability.

NOTE: An IEP Team member is not required to attend all or part of an IEP meeting if the parents and District agree that the team member's participation is not necessary because the member's area of the curriculum or related services is not being modified or discussed at the meeting. If the meeting does involve a modification or discussion of the member's area of the curriculum or related services, parents and the District can agree to excuse the member from attending all or part of the meeting if the member submits written input to the parent and the IEP Team prior to the meeting. Parental consent in writing is required in either case.

In addition to the above, the special education specialist, school psychologist, school nurse, school social worker, counselor, or other student service worker who has conducted an assessment of the student shall participate whenever the results or recommendations based on such assessment are significant to the development of the student's individualized education program and placement. Where the student is limited or non-English speaking, a district representative who is fluent in the student's primary language and who is knowledgeable about the process of second-language acquisition and competent in the assessment of limited English and non-English speaking individuals should be included.

Any member of the PPT employed by the Board of Education who discusses or makes recommendations concerning the provisions of special education and related services during a PPT meeting shall not be disciplined, suspended, or otherwise punished for such recommendations.

The parent/guardian or surrogate parent shall be given at least five (5) school days prior notice of any PPT meeting and shall have the right to be present and participate in all portions of such meetings at which an educational program for their child is developed, reviewed or revised. In addition parents/guardians or surrogate parents have the right to be present at and participate in all portions of the PPT meeting at which an educational program for their child is developed, reviewed or revised. In addition, the parent/guardian/surrogate shall have advisors and the child's assigned paraprofessional, if any, be present at and participate in all portions of the PPT meeting in which the child's educational program is developed, reviewed or revised.

The District shall offer to meet with the student's parents/guardians, upon the request of the parents/guardians, after the student has been assessed for possible placement in special education and before the Planning and Placement Team (PPT) meets. The sole purpose of such meeting is to discuss the PPT process and any concerns the parent/guardian has about the student. The meeting will involve a member of the PPT designated by the District before the referral PPT meeting at which the student's assessments and evaluations will be discussed for the first time. This applies to students under evaluation for possible placement in special education.

Upon request of a parent/guardian, the District will provide the results of the assessments and evaluations used in the determination of eligibility for special education of a student at least three (3) school days before the referral PPT meeting at which such results of the assessment and evaluations will be discussed for the first time.

Parents/Guardians and the District may agree to conduct IEP meetings, and other meetings, through alternative means, such as including but not limited to, videoconferences or conference calls.

(a) **General.** The IEP for each child must include -

(1) An accurate statement of the child's present levels of academic achievement and functional performance based upon parental provider information, current classroom-based, local, state assessments and classroom-based observations, including -

(i) How the child's disability affects the child's involvement and progress in the general education curriculum; or

(ii) For preschool children, as appropriate, how the disability affects the child's participation in appropriate activities;

(2) A statement of measurable annual academic and functional goals that aim to improve educational results and functional performance for each child with a disability, related to -

(i) Meeting the child's needs that result from the child's disability to enable the child to be involved in and progress in the general education curriculum;

(ii) Meeting each of the child's other educational needs that result from the child's disability; and

(iii) Providing a meaningful opportunity for the child to meet challenging objectives.

#### *Alternate Assessments*

(iii) A statement of "benchmarks or short-term objectives" is required only with respect to students with disabilities who take alternate assessments aligned with alternate achievement standards.

If a child will participate in alternate assessments based on either general or alternate achievement standards, the IEP must explain why the child cannot participate in the regular assessment and why the alternate assessment selected is appropriate for the child.

The IEP/PPT Team may only recommend appropriate accommodation or use of alternate assessment, but may not exempt students with disabilities from the state assessment.

(3) A statement of the special education and related services and supplementary aids and services to be provided to the child, or on behalf of the child and a statement of the program modifications or supports for school personnel that will be provided for the child -

(i) To advance appropriately toward attaining the annual goals;

(ii) To be involved and progress in the general curriculum in accordance with paragraph (a)(1) of this section and to participate in extracurricular and other nonacademic activities; and

(iii) To be educated and participate with other children with disabilities and non-disabled children in the activities described in this paragraph;

(4) A school must offer an IEP that is "reasonable calculated to enable a child to make progress appropriate in light of the child's circumstances." The child's educational program must be appropriately ambitious in light of his/her circumstances and every child should have the chance to meet challenging objectives. The IEP Team, in determining whether an IEP is reasonably calculated to enable a child to make progress should consider the child's:

- Previous rate or academic growth,
- Progress towards achieving or exceeding grade-level proficiency,
- Behaviors, if any, interfering with the child's progress, and



- Parent's input and any additional information provided by such parents.

The U.S. Supreme Court, in the *Endrew F* decision stated, “any review of an IEP must consider whether the IEP is reasonably calculated to ensure such progress, not whether it would be considered ideal. (137S.CT. at 99)

- (5) An explanation of the extent, if any, to which the child will not participate with non-disabled children in the regular class and in the activities described in paragraph (a) (3) of this section;
- (6) (i) A statement of any individual modifications in the administration of State or district-wide assessments of student achievement that are needed in order for the child to participate in the assessment; and
- (7) The projected date for the beginning of the services and modifications described in paragraph (a)(3) of this section, and the anticipated frequency, location, and duration of those services and modifications; and
- 8) A statement of -
  - (i) How the child's progress toward the annual goals described in paragraph (a)(2) of this section will be measured; and
  - (ii) How the child's parents will be regularly informed (through such means as periodic report cards), at least as often as parents are informed of their non-disabled children's progress, of -
    - (A) Their child's progress toward the annual goals; and
    - (B) The extent to which that progress is sufficient to enable the child to achieve the goals by the end of the year
- (9) Reevaluation of a student's progress may not occur more than once a year unless agreed to by the parents and the District. Reevaluation must occur at least once every three years unless the parent and District agree that it is unnecessary.

NOTE: In order to make FAPE available to each eligible child with a disability, the child's IEP must be designed to enable the child to be involved in, and maybe progress in, the general education curriculum (“the same curriculum as for nondisabled children which is based on a State's academic content standards. This alignment must guide, and not replace the individualized decision-making required in the IEP process.”)

(b) **Transition services.**

- (1) The IEP must include -
    - (i) For each student beginning not later than the first IEP to be in effect when the child is sixteen, and younger if appropriate, and updated annually, thereafter, appropriate measurable postsecondary goals based upon age appropriate transition assessments related to training, education, employment, and, where appropriate, independent living skills; and
    - (ii) For each student beginning not later than the first IEP to be in effect when the child is sixteen, (or younger, if determined appropriate by the IEP Team), a statement of needed transition services for the student, including courses of study, needed to assist the child in reaching these goals:
    - (iii) For each student, who is at lease fourteen years of age, and diagnosed with autism spectrum disorder, beginning not later than the date on which the first IEP takes effect, a statement of transition service needs which shall include appropriate transition assessments related to training, education, employment and where appropriate, independent living skills. In addition, the statement of transition needs shall include the transition services, including courses of study, needed to assist a child in reaching those goals. Such IEP shall be updated annually.
    - (iv) For a student no longer eligible for services due to graduation from high school with a regular diploma or for a student who exceeds the age of eligibility under State law, a summary of the student's academic achievement and functional performance including recommendations on how to assist the student in meeting his/her postsecondary goals.
  - (2) If the IEP team determines that services are not needed in one or more of the areas specified in §300.27(c)(1) through (c)(4), the IEP must include a statement to that effect and the basis upon which the determination was made.
- (c) **Transfer of rights.** Beginning not later than one year before a student reaches the age of majority under State law, the student's IEP must include a statement that the student has been informed of his or her rights under this title if any, that will transfer to the student on reaching the age of majority, consistent with §615(m)
- (d) **Students with disabilities convicted as adults and incarcerated in adult prisons.** Special rules concerning the content of IEP's for students with disabilities convicted as adults and incarcerated in adult prisons are contained §612(a)(5)A.
- (e) **Students with disabilities identified as deaf or hearing impaired.** For a child identified as deaf or hearing impaired, the PPT shall develop an IEP which includes a language and communication plan which shall address;
- (i) the child's primary language or mode of communication;

- (ii) opportunities for direct communication between the child and his/her peers and professional personnel in the primary child's language or mode of communication;
- (iii) educational options available to the child;
- (iv) the qualifications of teachers and other professional personnel administering the plan for the child, including their proficiency in the child's primary language or mode of communication;
- (v) the accessibility of academic instruction, school services and extracurricular activities to the child;
- (vi) Assistive devices and services for the child;
- (vii) Communication and physical environment accommodations for the child; and
- (viii) An emergency communications plan that includes procedures for alerting the child of an emergency situation and ensuring that the specific needs of the child are met during the emergency situation. Such plan is to be developed for a student identified as deaf, hard of hearing, or both blind or visually impaired and deaf.

## **Transfers**

When an individual has been on an IEP in another school district, the PPT shall make an evaluative study of the student and develop an IEP for the student as though the student were newly referred, but the PPT may use the previous IEP (if available) in developing the new one. If the transfer involves districts within Connecticut, the District will provide services "comparable to those described in the previously held IEP," until the District adopts the previously held IEP or develops, adopts, and implements a new IEP. If the student has transferred from another state, the District will provide services "comparable to those described in the previously held IEP," until the District conducts an evaluation, if deemed necessary, and if appropriate, develops a new IEP. If a student who is on an IEP transfers from this district to another, or to a private school, the written IEP and any additional records relating to the student's program and achievement shall be forwarded to the receiving school on the request of the receiving school and the individual's parent or guardian.

## **Independent Educational Assessment**

If an independent educational assessment is necessary, it shall be conducted by a Connecticut credentialed or licensed professional examiner who is not employed by and does not routinely provide assessment for the State Department of Education or this District.

Legal Reference: Connecticut General Statutes

[10-76a](#) Definitions

[10-76b](#) State supervision of special education programs and services. Regulations. (as amended by PA 12-173)

[10-76d](#) Duties and powers of Boards of Education to provide special education programs and services. (as amended by June Special Session PA 15-5, Section 277 and PA 19-49)

[10-76ff](#) Procedures for determining if a child requires special education

[10-76g](#) State aid for special education.

[10-76h](#) Special education hearing and review procedure.

PA 12-173 An Act Concerning Individualized Education Programs and Other Issues Relating to Special Education

[10-76jj](#) Language and communication plan as part of individualized education program for child identified as deaf or hard of hearing (as amended by PA 19-184)

SDE Guidance Addressing Timeline for Initial Evaluations, Dec. 21, 2018

State Board of Education Regulations

34 C.F.R. 300 et seq. Assistance to States for Education of Handicapped Children.

300.14 Special education definitions.

300.340-349 Individualized education programs.

300.503 Independent educational assessment.

300.533 Placement procedures.

300.550-556 Least restrictive environment.

P.L. 108-446 The Individuals with Disabilities Education Improvement Act of 2004

*Rowley v. Board of Education*, 485 U.S.-176 (1982)

*Endrew F. v. Douglas County School District* RE-1, 15-827 U.S. (2017)

*A.M. v. N.Y. City Department of Education*, 845F.3d 523, 541 (2d Cir.1997)

*Mrs. B., v. Milford Board of Education* 103 F. 3d 1114, 1121 (2d Cir. 1997)

**Policy adopted:**



**NOTICE TO PARENTS UPON INITIAL REFERRAL IN COMPLIANCE WITH PUBLIC ACT 12-173 - INFORMATION ABOUT MEETING; EVALUATIONS; AND IEPs**

[Under Conn. Gen. Stat. §10-76d, upon request by a parent/guardian, school districts must provide an opportunity for the parent/guardian to meet with a member of the PPT prior to the referral PPT to discuss the PPT process. Parents/guardians may also request that copies of assessments and evaluations be provided to them at least three (3) days before the initial eligibility PPT meeting. Upon finding a student eligible for special education, and at each PPT for the student, school districts are also required to provide parents/guardians with information and resources relating to IEPs created by the State Department of Education. To comply with these requirements, we recommend sending this notice to parents along with the initial notice of referral. Districts should also document at the PPT whether: 1) the parent requested a pre-PPT meeting and if this meeting was held; 2) the parent requested and received evaluations prior the eligibility PPT; and 3) the district provided the information regarding IEPs. We have developed a second notice which can be provided to parents at subsequent PPTs to comply with additional requirements under state law.]

**[Board of Education/School Letterhead]**

Dear [PARENT/GUARDIAN/SURROGATE PARENT]:

Your child, [NAME], has been referred to a planning and placement team ("PPT") for consideration of eligibility for special education services. Attached please find the referral form and invitation for a PPT meeting to discuss the referral. If you are unable to attend this meeting at this time/date, please contact my office to reschedule as soon as possible.

Please know that, under Connecticut law, you have the right to request a meeting with a member of the PPT designated by the school district prior to the actual referral PPT in order to discuss the PPT process and/or any concerns that you might have regarding your child. If you would like to schedule a meeting for this purpose, please contact **[PUPIL SERVICES/SPECIAL EDUCATION SUPERVISOR or OTHER CONTACT]** at **[TEL #]**. To ensure that we are able to schedule this meeting at a time that is mutually convenient, if you plan to request a meeting prior to the PPT, we kindly ask that you contact us as soon as possible.

In addition, at the initial referral PPT meeting, the team may discuss whether formal evaluations and/or assessments may be needed to determine your child's eligibility for special education. Should the team recommend initial evaluations/assessments, the school district will convene another PPT meeting to review the results of those evaluations/assessments. Under state law, you have the right to request that the school district provide you with the results of these initial assessments and evaluations at least three (3) school days before the PPT meeting at which these evaluations will be discussed for the first time. Therefore, in the event the PPT recommends formal evaluations/assessments, please notify **[PUPIL PERSONNEL OFFICE]** and/or the PPT team if you would like to receive the results of any such evaluations/assessments prior the follow up PPT.

Finally, Connecticut law also requires that school districts provide parents of students found eligible for special education and related services with information and resources, created by the Connecticut State Department of Education (the "Department"), relating to individualized education programs ("IEPs"). Although your child has not yet been determined eligible for special education, the following list of links to information and resources may be helpful in understanding special education and the PPT process. If you are unable to access these websites, or require a hardcopy of either "A Parent's Guide to Special Education in Connecticut" or the "IEP Manual and Forms," please contact **[PUPIL SERVICES/SPECIAL EDUCATION SUPERVISOR or OTHER APPROPRIATE CONTACT]** at **[TEL #]** to request a copy at the upcoming PPT meeting.

- Bureau of Special Education Resources, <http://www.sde.ct.gov/sde/cwp/view.asp?a=2626&q=320730>
- A Parent's Guide to Special Education in Connecticut, [http://www.sde.ct.gov/sde/lib/sde/PDF/DEPS/Special/Parents\\_Guide\\_SE.pdf](http://www.sde.ct.gov/sde/lib/sde/PDF/DEPS/Special/Parents_Guide_SE.pdf)
- IEP Manual and Forms (Third Revision October 2010), <http://www.sde.ct.gov/sde/lib/sde/PDF/DEPS/Special/IEPManual.pdf>
- A Tool to Assist PPTs in Addressing the Unique Communication Needs of Students Who are Deaf or Hard of Hearing, Language and Communication Plan, [http://www.sde.ct.gov/sde/lib/sde/PDF/DEPS/Special/Language\\_Communication\\_Plan.pdf](http://www.sde.ct.gov/sde/lib/sde/PDF/DEPS/Special/Language_Communication_Plan.pdf)
- Secondary Transition (Including Building a Bridge: A Transition Manual for Students), <http://www.sde.ct.gov/sde/cwp/view.asp?a=2626&q=322676>
- Helpful CT Resources for Families, [http://www.sde.ct.gov/sde/lib/sde/PDF/DEPS/Special/Resources\\_Families.pdf](http://www.sde.ct.gov/sde/lib/sde/PDF/DEPS/Special/Resources_Families.pdf)

If you have any questions, you may contact my office. Thank you.

Sincerely,

[APPROPRIATE SPECIAL EDUCATION ADMINISTRATOR]

9/2015



## NOTICE OF PARENT RIGHTS AND INFORMATION RELATED TO SPECIAL EDUCATION

[Conn. Gen. Stat. §10-76d was recently amended by Public Act 15-209 and Section 277 of Special Session Public Act 15-5 to expand the scope of a school district's obligation to provide notice to parents of children found eligible for special education of certain rights and other information related to special education. This notice must be provided "immediately upon the formal identification of any child requiring special education and at each planning and placement team meeting for the child." To comply with this revised law, we recommend that this notice be provided 1) at the initial eligibility PPT if the student is found eligible for special education; and 2) at each subsequent PPT. While the law provides that the notice must be provided "at each PPT," we believe that providing the notice with an invitation to subsequent PPTs will satisfy the intent of the law, which is to give parents ample notice of their rights, which now includes the right to have their child's paraprofessional at the PPT. If the notice is provided prior to the PPT, the team should document that it was sent to the parent in advance of the meeting. Likewise, if the notice is provided at the PPT, the IEP should document that notice was provided at the meeting. If the parent/guardian/surrogate does not attend the PPT, the notice should be mailed with the IEP.]

[Board of Education/School Letterhead]

### NOTICE OF PARENT RIGHTS

State law (Section 10-76d(a)(8) of the Connecticut General Statutes) requires that upon the formal identification of a child as a student requiring special education, and at each planning and placement ("PPT") meeting for such child, school districts must provide notice to the parents/guardians/surrogate parent of certain rights and other information/resources related to their child's special education program. In compliance with this law, please be informed of the following:

1. Information about the laws relating to special education and your rights under such laws is available through the Connecticut State Department of Education's website at <http://www.sde.ct.gov/sde/cwp/view.asp?a=2626&q=320730#Legal>. The Procedural Safeguards in Special Education developed by the State Department of Education are also available online at: <http://www.sde.ct.gov/sde/lib/sde/PDF/DEPS/Special/Prosaf.pdf>.
2. You have the right to have an advisor of your own choosing and at your own expense be present at and to participate in all portions of the PPT meeting at which an educational program for your child is developed, reviewed or revised. If you plan to bring an advisor to a PPT, the district kindly requests that you notify the district at least five (5) school days prior to the PPT of who you plan to bring to the meeting and what his/her role will be (e.g. advocate, friend, relative, attorney etc.)
3. You have the right to have the school paraprofessional assigned to your child, if any, be present at and to participate in all portions of the PPT meeting in which an educational program for your child is developed, reviewed or revised. A request to have your child's paraprofessional attend the PPT must be made at least five (5) school days in advance of the PPT meeting.
4. If your child is of kindergarten age, you have the right under Section 10-184 of the Connecticut General Statutes not to enroll your child in kindergarten. Specifically, Section 10-184 of the Connecticut General Statutes states: "The parent or person having control of a child five years of age shall have the option of not sending the child to school until the child is six years of age and the parent or person having control of a child six years of age shall have the option of not sending the child to school until the child is seven years of age. The parent or person shall exercise such option by personally appearing at the school district office and signing an option form. The school district shall provide the parent or person with information on the educational opportunities available in the school system." Preschool-age children with an individualized education program (IEP) are already enrolled in the public school and are receiving a free appropriate public education (FAPE). Therefore, five and/or six year old children with an IEP whose parents exercise their option of not enrolling their child in kindergarten at their public school, will not be eligible to continue to receive special education and related services because the child is no longer enrolled in a public school.
5. Connecticut law requires that districts provide parents/guardians/surrogate parents with information and resources, created by the Connecticut State Department of Education, relating to IEPs, including information relating to transition resources and services for high school students. The following list of information and resources may be helpful in understanding special education and the PPT process.
  - Bureau of Special Education Resources, <http://www.sde.ct.gov/sde/cwp/view.asp?a=2626&q=320730>
  - A Parent's Guide to Special Education in Connecticut, [http://www.sde.ct.gov/sde/lib/sde/PDF/DEPS/Special/Parents\\_Guide\\_SE.pdf](http://www.sde.ct.gov/sde/lib/sde/PDF/DEPS/Special/Parents_Guide_SE.pdf)
  - IEP Manual and Forms (Third Revision October 2010), <http://www.sde.ct.gov/sde/lib/sde/PDF/DEPS/Special/IEPManual.pdf>
  - A Tool to Assist PPTs in Addressing the Unique Communication Needs of Students Who are Deaf or Hard of Hearing, Language and Communication Plan, [http://www.sde.ct.gov/sde/lib/sde/PDF/DEPS/Special/Language\\_Communication\\_Plan.pdf](http://www.sde.ct.gov/sde/lib/sde/PDF/DEPS/Special/Language_Communication_Plan.pdf)
  - Secondary Transition (Including Building a Bridge: A Transition Manual for Students), <http://www.sde.ct.gov/sde/cwp/view.asp?a=2626&q=322676>
  - Helpful CT Resources for Families, [http://www.sde.ct.gov/sde/lib/sde/PDF/DEPS/Special/Resources\\_Families.pdf](http://www.sde.ct.gov/sde/lib/sde/PDF/DEPS/Special/Resources_Families.pdf)

If you have any questions about the above information, or if you are unable to access any of the websites listed above and/or require a hardcopy of the Procedural Safeguards in Special Education, A Parent's Guide to Special Education in Connecticut or the IEP Manual and Forms, please contact **[PUPIL SERVICES/SPECIAL EDUCATION SUPERVISOR or OTHER APPROPRIATE CONTACT]** at **[TEL #]**.



**Instruction****Special Education**

The district shall provide a free appropriate public education and necessary related services to all children with disabilities residing within the district, required under the Individuals With Disabilities Education Act ("IDEA"), Section 504 of the Rehabilitation Act of 1973, and the Americans With Disabilities Act.

It is the intent of the District to ensure that students who are disabled within the definition of Section 504 of the Rehabilitation Act of 1973 are identified, evaluated and provided with appropriate educational services. Students may be disabled within the meaning of Section 504 of the Rehabilitation Act even though they do not require services pursuant to the IDEA.

For students eligible for services under IDEA, the District shall follow procedures for identification, evaluation, placement, and delivery of services to children with disabilities provided in state and federal statutes which govern special education. For those students who are not eligible for services under IDEA, but, because of disability as defined by Section 504 of the Rehabilitation Act of 1973, need or are believed to need special instruction or related services, the District shall establish and implement a system of procedural safeguards. The safeguards shall cover students' identification, evaluation, and educational placement. This system shall include notice, an opportunity for the student's parent(s)/guardian(s)/surrogate parent to examine relevant records, an impartial hearing with opportunity for participation by the student's parent(s)/guardians(s), and representation by counsel, and a review procedure.

The Board of Education in fulfilling its legal duties and responsibilities for providing special education programs for the students of the school district, shall be assisted through membership in the Regional Service Center and through cooperative associations with other school districts.

If necessary, students may also be placed in private school education facilities.

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

(cf. [5145.71](#) - Surrogate Parent Program)

Legal Reference: Connecticut General Statutes

[10](#) 76a Definitions.

[10](#) 76b State supervision of special education programs and services. (as amended by PA 12-173)

[10](#) 76c Receipt and use of money and personal property.

[10](#) 76d Duties and powers of boards of education to provide special education programs and services. (as amended by PA 97-114, PA 0048, PA 06-18 and June Special Session PA 15-5, Section 277)

[10](#) 76e School construction grant for cooperative regional special education facilities.

[10](#) 76f Definition of terms used in formula for state aid for special education.

[10](#) 76g State aid for special education.

[10](#) 76h Special education hearing and review procedure. Mediation of disputes.

[10](#) 76i Advisory council for special education.

[10](#) 76j Five year plan for special education.

[10](#) 76k Development of experimental educational programs.

[10](#) 76m Auditing claims for special education assistance.

[10](#) 76a 1 et seq. Definitions

[10](#) 76d 1 through [10](#) 76d 19 Conditions of instruction

[10](#) 76h 1 through [10](#) 76h 2 Due process

[10](#) 76l 1 Program Evaluation

[10](#) 145a 24 through [10](#) 145a 31 Special Education (re teacher certification)

[10](#)-2641 Grants for the operation of interdistrict magnet school programs

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

American with Disabilities Education Act, 20 U.S.C. §12101 et seq.

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

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

P.L. 108-446 The 2004 Reauthorization of the Individuals with Disabilities Act

20 U.S.C. §6368 (3) The No Child Left Behind Act

Bd of Ed of the City School District of the City of New York v. Tom F. 128S.Ct. 1, 76 U.S.L.W. 3197 (2008)

Rowley v. Board of Education, 485 U.S.-176 (1982)

Endrew F. v. Douglas County School District RE-1, 15-827 U.S. (2017)

A.M. v. N.Y. City Department of Education, 845F.3d 523, 541 (2d Cir.1997)

Mrs. B., v. Milford Board of Education 103 F. 3d 1114, 1121 (2d Cir. 1997)

**Policy adopted:**

**Instruction****Alternative Education Programs**

The purpose of this policy is to recognize the need for alternative education programs for some District students.

The Board of Education (Board) is dedicated to providing educational options for all students within available financial constraints. It is recognized there will be students in the District whose needs and interests are best served by participation in an alternative education program.

"Alternative education" means a school or program maintained and operated by the Board that is offered to students in a nontraditional educational setting and addresses the social, emotional, behavioral and academic needs of such students.

The Board may provide alternative education to students in accordance with the guidelines established by the State Board of Education. Such guidelines shall include, but not be limited to, a description of the purpose and expectation of alternative education, criteria for student eligibility, and criteria for how and when a student may enter or exit alternative education.

In providing alternative education to students, the Board may use space in an existing school or establish a new school. Such programs must comply with state laws pertaining to the number and length of school days in an academic year and shall be subject to all other federal and state laws governing public schools.

The Board may form a cooperative arrangement with other boards of education, to provide alternative education pursuant to C.G.S. [10-158a](#).

Such an arrangement may include the establishment of a committee to supervise the program, with committee membership determined by cooperating boards. Such committee shall have the power, in accordance with the terms of the agreement, to (1) apply for, receive directly and expend on behalf of the school districts which have designated the committee an agent for such purpose any state or federal grants which may be allocated to school districts for specified programs, the supervision of which has been delegated to such committee, provided such grants are payable before implementation of any such program or are to reimburse the committee for transportation provided to a school operated by a cooperative arrangement; (2) receive and disburse funds appropriated to the use of such committee by the cooperating school districts, the state or the United States, or given to the committee by individuals or private corporations; (3) hold title to real or personal property in trust, or as otherwise agreed to by the parties, for the appointing boards; (4) employ personnel; (5) enter into contracts; and (6) otherwise provide the specified programs, services and activities. Teachers employed by any such committee shall be subject to the provisions of the general statutes applicable to teachers employed by the board of education of any town or regional school district.

A list of alternative programs will be approved by the Board annually. The Superintendent may provide for the involvement of staff, parents and the community in recommending alternative education programs for Board approval. There shall be an annual evaluation of alternative education programs.

The Board, as required, will post on its website information about any alternative education offered, including purpose, location, contact information, staff directory and enrollment criteria. In addition, the Board recognizes its responsibility to give all children in the District who receive alternative education as nearly equal advantages as may be practicable compared to other children in the District. In addition, the Board shall annually submit to the Commissioner of Education a strategic school profile report for each alternative school or program under its jurisdiction.

Alternative education programs implemented by the District are to maintain learning options that are flexible with regard to environment, structure and pedagogy. Such programs include, but are not limited to, a separate school, tutorial instruction, small group instruction, large group instruction, counseling and guidance, computer-assisted instruction, cooperative work experience, supervised community service activities and supervised independent study.

Students, upon parent request, may be placed in an alternative education program within available financial resources if the District determines that the placement serves the student's educational needs and interests and assists the student in achieving district and state academic content standards.

**Alternative language to consider:**

It shall be the responsibility of the Superintendent of Schools to identify alternative program opportunities to be made available to students at risk, to recommend such alternative programs to the Board for approval, and to familiarize students and parents/guardians with the availability of such alternative programs. The Superintendent shall, through cooperative efforts with other districts, schools, agencies and organizations, periodically recommend additional or modified alternative educational programs to the Board.

(cf. 6172.11 - Relations with Charter Schools)

(cf. 6172.12 - Magnet Schools)

(cf. 6172.41 - Title I Program)

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

[10-4p\(b\)](#) Implementation plan to achieve resource equity and equality of opportunity. Assessment. Reports. (as amended by PA 15-133)

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

[10-16](#) Length of school year.

[10-158a](#) Cooperative arrangements among towns. School building projects. Student transportation.

[10-220](#) Duties of boards of education (as amended by PA 15-133)

[10-223h\(c\)](#) Commissioner's network of schools. Turnaround committees. Operations and instructional audit. Turnaround plans. Report. (as amended by PA 15-133)

PA 15-133 An Act Concerning Alternative Education

**Policy adopted:**

**Series 6000  
Instruction**

**INDIVIDUALS WITH DISABILITIES EDUCATION ACT - ALTERNATIVE  
ASSESSMENTS FOR STUDENTS WITH DISABILITIES FOR STATEWIDE  
AND DISTRICT-WIDE ASSESSMENTS**

The \_\_\_\_\_ Board of Education will, in all respects, comply with the requirements of state and federal law with regard to the special education of students with disabilities. Decisions about whether a student with a disability eligible for special education and related services under the Individuals with Disabilities Education Act shall participate in alternative assessment(s) to particular statewide or district-wide assessments shall be made by each student's planning and placement team in accordance with applicable state and federal law.

**Legal References:**

Conn. Gen. Stat. § 10-14q

Individuals with Disabilities Education Act, 42 U.S.C. § 1400, *et seq.* (IDEA)  
34 C.F.R. § 300.320

Connecticut Alternate Assessment (CTAA) Test Administration Manual,  
Published December 9, 2016, [http://ct.portal.airast.org/wp-content/uploads/CTAA\\_Test-Administration-Manual.pdf](http://ct.portal.airast.org/wp-content/uploads/CTAA_Test-Administration-Manual.pdf)

CTAA and Alternate Science Learner Characteristics Inventory (LCI),  
[http://www.sde.ct.gov/sde/lib/sde/pdf/student\\_assessment/special\\_education/LCI.pdf](http://www.sde.ct.gov/sde/lib/sde/pdf/student_assessment/special_education/LCI.pdf)

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

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

8/28/17



## Students

### Student Records

Student records are developed and maintained by the schools in order to record and store information about students and their families for legitimate educational purposes, including instruction, guidance, and research. Central to these purposes is the welfare of, assistance to and educational progress of students, and the maintenance of a safe and orderly environment. No information may be collected that is not legally required, or of no benefit to the educational program of the student, or unnecessary to maintain the successful operation of the school system. Only the Superintendent, Assistant Superintendent, Principals and/or their designees are authorized to collect information concerning students that is to be recorded, stored and maintained by the school and available for inspection and review by authorized persons.

Educational records include any information recorded in any way, (e.g., handwriting, print, tape, in electronic data bases, videotape, film, microfilm and microfiche) that is directly related to a student and maintained by the school district or by a party acting for the school district, except:

- Personal records that are kept in the sole possession of the school staff member who made them and that are not accessible to or revealed to any other person except the staff member's personal substitute;
- Employment records that are used only in relation to the student's employment by the school district; and
- Alumni records that contain information about a student after he or she is no longer in attendance at the school district. These records do not relate to the person as a student.

"Extra-confidential" records are records to which access by school officials and by other parties should be strictly limited by the need to know. These records include psychiatric evaluations, family assessments and child abuse reports. Administrative procedures shall include regulations for handling these records.

Student records are the confidential property of the school. Access to or disclosure of information contained in student records is limited to the student who has reached the age of majority (18), the parent(s) or legal guardian(s) of minor children and authorized school officials, as defined below who have a legitimate interest, as defined below. The school district will disclose personally identifiable information from a student's educational records only with the written authorization of the student, when appropriate, or a custodial parent or legal guardian except:

1. To school officials who have legitimate educational interest in the records.

a. A school official is:

- A member of the Board of Education or a person employed by the school district as an administrator, supervisor, teacher, teacher aide, administrative assistant, secretary or clerk.
- A person employed by or under contract to the school district to perform a special task (e.g., an attorney, auditor, medical consultant, etc.)

b. A school official has "legitimate educational interest" when:

- Performing a task or responsibility that is specified in his or her job description, position, description or contract agreement
- Performing a task related to a student's education
- Performing a task related to the discipline of a student
- Providing service or benefit to the student and/or the student's family including, but not limited to, health care, parent effectiveness training and homebound instruction.

2. To authorized officials of the U.S. Department of Education, the Comptroller General of the United States, and state and local educational authorities, provided the disclosure of the information pertains to state-supported or federally-supported education programs and meets the requirements of Section 99-35(b) (1) and 99.35 (b) (2) of the Family Educational Rights and Privacy Act of 1974.

3. To state and local authorities and officials, if a state statute adopted before Nov. 19, 1974, specifically requires disclosures to those authorities and officials; and

4. To parents of an eligible student who claim the student as a dependent for income tax purposes, as defined in section 152 of the Internal Revenue Code of 1954.

5. To comply with a judicial order or lawfully issued subpoena;

6. To appropriate parties in connection with an emergency, if knowledge of the information is necessary to protect the health or safety of the student or other individuals.

All student records, as classified on the attached chart, shall be under the custodianship of the authorized administrator as identified on the attached chart, and shall be kept in such a manner as to make them secure from access or inspection by unauthorized persons.

All student records shall be systematically and periodically evaluated during a student's career in the Westport schools, and materials which are not pertinent to the welfare of, assistance to, and educational progress of students shall be removed and destroyed. The administration shall develop procedures and a timetable for review of records and removal of material no longer relevant.

Any custodial parent(s), the legal guardian(s) or the student who is of legal age, shall have the right to challenge the presence in the record of material which they feel is false, inaccurate or inappropriate. Should such challenge be found valid, such materials shall be removed and destroyed. Orderly procedures shall be established to process challenges. Parents have the right to insert their own appropriate record, and to appeal a decision by the administrator not to remove challenged material.

All procedures shall be consistent with applicable state and federal laws and shall be periodically reviewed and revised to conform to any changes in these laws.

Parents and eligible students are to be notified annually of the above policy and procedures, and of rights accorded to them by state and federal law, including the right to inspect and review records, request amendment of records, consent to disclosure of identifiable information, file a complaint with the U.S. Department of Education of alleged failure by the school district to comply, and obtain a copy of the district's policies and procedures.

**Chart of Types of Records**

| <b>Types of Records</b>                                       | <b>Grades</b>  | <b>Location</b>                          | <b>Custodian</b>           |
|---|----------------|--|----------------------------|
| Cumulative School Records and Special Education Records       | Grades K to 5  | Office of School Principal               | School Principal           |
| Cumulative School Records and Special Education Records       | Grades 6 to 8  | Office of the Middle School Principal    | School Principal           |
| Cumulative School Records and Special Education Records       | Grades 9 to 12 | Office of the High School Principal      | School Principal           |
| Discipline Records  | Grades K to 5  | Office of School Principal               | School Principal           |
| Discipline Records  | Grades 6 to 12 | Office of Vice Principal                 | Vice Principal             |
| Extra-Confidential Records                                    | Grades K to 12 | Office of Director of Pupil Services     | Director of Pupil Services |
| Health Records  | Grades K to 12 | Office of the School Nurse               | School Nurse               |
| School Transportation Records                                 | Grades K to 12 | Office of the Transportation Coordinator | Transportation Coordinator |
| Educational Records of Students in Out-of-District Placements | Grades K to 12 | Office of Director of Pupil Services     | Director of Pupil Services |

Legal Reference: Connecticut General Statutes

1-19(b)(11) Access to public records. Exempt records.

7-109 Destruction of documents.

10-15b Access of parent or guardians to student's records.

10-154a Professional communications between teacher or nurse & student.

10-209 Records not to be public.



10-221b Boards of education to establish written uniform policy re: treatment of recruiters.

11-8a Retention, destruction and transfer of documents

11-8b Transfer or disposal of public records. State Library Board to adopt regulations.

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

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

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

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

**Policy adopted: December 16, 2002**

WESTPORT PUBLIC SCHOOLS

Westport, Connecticut

5125

## **Students**

### **Student Records**

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

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

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

### **Adopted:**

**January 13, 2014**

WESTPORT PUBLIC SCHOOLS

Westport, Connecticut



**Students****Student Records; Confidentiality**

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

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

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

**For the purposes of this policy:**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1. Annually informing parents of their rights.
2. Permitting parents to inspect and review educational records, including, at least, a statement of the procedure to be followed by a parent or eligible student who requests to inspect and review the educational records, with an understanding that the procedure may not deny access to educational records; a description of the circumstances in which the district feels it has a legitimate cause to deny a request for a copy of such records; a schedule of fees for copies; and a listing of the types and locations of education records maintained by the school and the titles and addresses of school officials responsible for those records.
3. Not disclosing personally identifiable information from a student's education records without the prior written consent of the student's parent, except as otherwise permitted by administrative regulations; including at least a statement of whether the school will disclose personally identifiable information from the records to other school officials within the school who have been determined by the school to have legitimate educational interests, and, if so, a specification of the criteria for determining which parties are "school officials" and what the school considers to be a "legitimate educational interest"; and a specification of the personally identifiable information to be designated as directory information.
4. Maintaining the record of disclosures of personally identifiable information from a student's education records and permitting a parent to inspect that record.
5. Providing a parent/guardian with an opportunity to seek the correction of the student's education records through a request to amend the records. If the District decides that an amendment of the records as requested is not warranted, to inform the parent/guardian or eligible student and advise him/her of the right to a hearing and permitting the parent/guardian or an eligible student to place a statement in the education records of the student.
6. Guaranteeing access to student records to authorized persons within five days following the date of request.
7. Assuring security of student records.
8. Enumerating and describing the student records maintained by the school system.
9. Annually informing parents under what conditions that their prior consent is not required to disclose information.
10. Ensuring the orderly retention and disposition, per applicable state statutes, of the districts student records.
11. Notifying parents of secondary school students that it is required to release the student's name, address and telephone listing to military recruiters and institutions of higher learning upon request. Parents or eligible students may request that the District not release this information, and the District will comply with the request.
12. Notifying parents annually of the District's policy on the collection or use of personal information collected from students for the purpose of marketing or selling that information or otherwise providing that information to others for that purpose, including arrangements to protect student privacy that are provided by the agency in the event of such collection, disclosure or use.

Legal Reference: Connecticut General Statutes

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

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

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

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

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

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

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

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

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

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

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

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

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

PL 112-278 "The Uninterrupted Scholars Act"

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

## Policy adopted:

**R5125**

## Students

## Student Records; Confidentiality

## Definitions

### As used in this regulation:

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

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

"Student Record" shall not include informal notes related to a student compiled by a school officer or employee which remain in the sole possession of the maker and are not accessible or revealed to any other person except a substitute for the maker of the record. Employment records used only in relation to a student's employment by the district are not considered student records. In addition student records do not include alumni records that contain information about the student after the student is no longer in attendance, records maintained by a law enforcement unit of an educational agency or institution that were created by that unit for the purpose of law enforcement or records of an eligible student that are maintained by a physician, psychologist, professional or paraprofessional made in connection with the treatment of the student and disclosed only to individuals providing such treatment.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

## Types of Records

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

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

- A. Legal name of student, address, gender of student
- B. Date of birth, place of birth
- C. Method of verification of birth date
- D. Name and address of parent of minor student
  - (1) Address of minor student if different than the above
  - (2) An annual verification of the name and address of the parent and the residence of the student
- E. Entering and leaving date of each school year and for any summer session or other extra session
- F. Subjects taken during each year, half year, summer session, or quarter
- G. Academic achievement (grades, transcripts)
- H. Level of academic achievement (class standing/academic level)
- I. If marks or credit are given, the mark or number of credits toward graduation allowed for work taken
- J. Verification or exemption from required immunizations
- K. Date of high school graduation or equivalent
- L. Student activities and significant awards

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

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

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

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

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

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

## **1. Custodian of Records**

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

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

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

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

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

## **2. Files**

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

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

## **3. Information**

A. All anecdotal information and assessment reports maintained as student records must be dated and signed by the individual who originated the record. Each school principal shall keep on file a record of enrollment and scholarship for each student currently enrolled in that school.

## **Access to Student Records**

### **1. School Officials**

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

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

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

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

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

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

(2) Schools may use such methods as:

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

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

### **2. Parents**



- A. Parents of currently enrolled or former students shall have an absolute right during regular business hours to access to any and all student records related to their children which are maintained by the district. Neither the student record, nor any part thereof, shall be withheld or edited. If the student records contain information on more than one student, the parent may inspect and review or be informed of only the specific information which pertains to that student.
- B. A parent or guardian's request for access to student records shall be made in writing to the custodian of student records. Access shall be granted no later than forty-five (45) days following the date of the request.
- C. A requesting parent shall be notified of the location of all student records, if not centrally located.
- D. When a parent's dominant language is not English, the district shall make an effort to
  - (1) provide interpretation of the student record in the dominant language of the parent, or
  - (2) assist the parent in securing an interpreter.

### 3. Parental Consent

- A. The custodian of student records may permit access to student records during regular school hours (a) to any person for whom a student's parent has executed written consent specifying the records to be released and identifying the party or class of parties to whom the records may be released; or (b) to the student if he/she is an eligible student, or has entered a post secondary educational institution.
- B. The recipient must be notified that the transmission of the information to others without the written consent of the parent is prohibited.
- C. The consent notices shall be kept permanently with the student record.
- D. Upon request, the district shall provide the parent/eligible student with a copy of the record which is disclosed. (34 CFR 9910, Rights of Inspection and Review)

### 4. Without Parental Consent

- A. No person or agent shall be permitted access to student records without written parental consent or under judicial order, except that access to those particular records relevant to the legitimate educational interests of the requester shall be permitted to the following:
    - (1) Officials and employees of other public schools or school districts, including local, county, or state correctional facilities where educational programs leading to high school graduation are provided, where the student intends to or is directed to enroll. The authority of the district or school to transfer education records to a student's new school continues after actual enrollment so long as the disclosure is in connection with the student's enrollment. This ensures that a school may supplement, update, or correct records sent during the student's application or transfer period. A school official has a legitimate educational interest if the official needs to review an education record in order to fulfill his or her professional responsibility.
- Note: Section 504 and Title II of the ADFA generally prohibits post-secondary institutions from making pre-admission inquiries about an applicant's disability status. However, after admission, such institutions may request such information concerning a current student.*
- (2) Authorized representatives of the Comptroller General of the United States, the Secretary of Education, an administrative head of an education agency, State Education Officials, or their respective designees, or the United States Office for Civil Rights where such information is necessary to audit or evaluate a state or federally supported education program or pursuant to a federal or state law; provided that except when collection of personally identifiable information is specifically authorized by federal law, any data collected by such officials shall be protected in a manner which will not permit the personal identification of students or their parents by other than those officials, and such personally identifiable data shall be destroyed when no longer needed for such audit, evaluation, and enforcement of federal legal requirements.
  - (3) The U.S. Attorney General or his/her designee in response to a court issued ex parte order, under the USA Patriot Act, in connection with the investigation or persecution of an offense listed in U.S.C. 2332b(g)5(B) or an act of domestic or international terrorism crimes. The District, in response to such an order, is not required to record a disclosure of information, nor acquire consent or notice to the parent or student.
  - (4) Other state and local officials to the extent that such information is specifically required to be reported pursuant to state law.
  - (5) Parents of a student eighteen (18) years of age or older who is a dependent as defined in Section 152 of the Internal Revenue Code of 1954.
  - (6) Schools may disclose information received under a community notification program concerning a student who is required to register as a sex offender in the State.
  - (7) Child welfare agencies that are legally responsible for the care and protection of students, including the educational stability of children in foster care.

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

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

November 5, 2019 Page 31

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

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

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

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

Such disclosure is subject to the following FERPA requirements:

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

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

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

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

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

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

## 5. Court Order

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

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

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

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

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

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

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

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

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

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

- (1) The student is a dependent for Federal income tax purposes.
- (2) The disclosure is in connection with a health or safety emergency; i.e. knowledge of the information is necessary to protect the health or safety of other individuals.
- (3) The student has violated a law or the school's rules or policies governing alcohol or substance abuse.

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

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

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

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

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

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

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

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

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

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

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

## 9. Criteria

- A. "School officials and employees" as used in this regulation means district employees and elected district officers, and other parties as defined in this regulation.
- B. The following criteria shall be used in determining whether a "school official or employee" has a "legitimate educational interest".
  - (1) The employee has an instructional or supervisory responsibility toward the student that, in order to be fulfilled, requires knowledge of the contents of the student's records.
  - (2) The employee has an administrative duty that requires information contained in the student's records.
  - (3) The school official is engaged in a disciplinary proceeding that requires disclosure of all or part of the student's records in order to come to a just conclusion. (Or criteria can be defined by school district)
- C. The district and/or school shall use reasonable methods to identify and authenticate the identity of parents, students, school officials, and any other parties to whom they disclose education records. The district and its schools may use PINS, passwords, personal security questions, "smart cards" and tokens, biometric indicators, or other factors known or possessed only by the user, as appropriate. Identification means determining who is the intended or authorized recipient of the information. Authentication means ensuring that the recipient is who he/she claims to be.

## Challenging Contents of Records

- 1. Following an inspection and review of a student's records the parent or guardian of the student or former student may challenge the content of any student record.
  - A. The parent or eligible student may file a written request with the Superintendent of Schools to correct or remove any information recorded in the written records concerning the parent's child which the parent alleges to be:
    - (1) Inaccurate, misleading or in violation of the student's rights of privacy.
    - (2) An unsubstantiated personal conclusion or inference.
    - (3) A conclusion or inference outside of the observer's area of competence.
    - (4) Not based on the personal observation of a named person with the time and place of the observation noted.
  - B. Within 30 days of receipt of such request, the Superintendent or designee shall meet with the parent or guardian and the certified employee who recorded the information in question, if any, and if such employee is presently employed by the school district.
  - C. The information shall be corrected or removed if the Superintendent sustains any or all of the allegations.
  - D. If the Superintendent denies any or all of the allegations and refuses to order the correction or the removal of the information, the parent or guardian may, within 30 days of the refusal, appeal the decision in writing to the Board of Education.
    - (1) Within 30 days of receipt of such an appeal, the Board of Education shall, in closed session with the parent or guardian and the certified employee who recorded the information in question, if any, and if such employee is presently employed by the district, determine whether or not to sustain or deny the allegations. The decision of the Board of Education shall be final.
    - (2) If the Board of Education sustains any or all of the allegations, it shall order the Superintendent to immediately correct or remove and destroy the information from the student's written records.
    - (3) Records of these administrative proceedings shall be maintained in a confidential manner and shall be destroyed one year after the decision of the Board of Education unless the parent or guardian initiates legal proceedings relative to the disputed information within the prescribed period.
  - E. If the final decision of the Board of Education is unfavorable to the parent or guardian, or if the parent or guardian accepts an unfavorable decision by the Superintendent, the parent or guardian shall have the right to submit a written statement of his/her objections to the information. This statement shall become a part of the student's school record until such time as the information objected to is corrected or removed.
- 2. Hearing Panel
  - A. Either the Superintendent of Schools or the Board of Education may convene a hearing panel upon written request of a parent or eligible student. The hearing shall be provided to afford the opportunity to challenge the content of a student's education records on the grounds that the information contained in the education records is inaccurate, misleading, or otherwise in violation of the privacy rights of the students. The hearing panel shall be composed of the following persons, provided the parent has given written consent to release information from the relevant student's records to the members of the panel so convened, to assist in making determinations;
    - (1) The principal of a public school other than the one at which the record is on file.
    - (2) A certified employee appointed by the parent or guardian.

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

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

B. The persons appointed pursuant to the above paragraph, if possible, shall not be acquainted with the student, his/her parent or guardian, or the certified employee who recorded the information, except when the parent or guardian appoints the person pursuant to paragraph a (2) above.

C. The Principal appointed to the hearing panel shall serve as Chairperson.

D. The hearing panel shall, in closed session, hear the objections to the information of the parent and the testimony of the certified employee who recorded the information in question, if any, and if such employee is currently employed by the school system.

(1) The hearing panel shall be provided with verbatim copies of the information which is the subject of the controversy.

(2) Written findings shall be made setting forth the facts and decisions of the panel, and such findings within a reasonable period of time after the hearing shall be forwarded to the Superintendent or the Board of Education, depending upon who convened the panel.

E. If, after the hearing, the District does not make the requested change, the parent or eligible student shall be informed of his/her right to place a statement on the record commenting on the information or stating why he/she disagrees with the record. Whenever the District discloses the record to third parties, any such statement by the parent or eligible students must also be disclosed. (34 C.F.R. §99.21)

F. The proceedings of the hearing shall not be disclosed or discussed by panel members except in their official capacities.

3. Whenever there is included in any student record information concerning any disciplinary action taken by school system personnel in connection with the student, the student's parent or guardian may include in such student's record a written statement or response concerning the disciplinary action.

#### **Directory Information**

1. The following student information is declared to be directory information:

- A. Name
- B. Address
- C. Telephone number
- D. Date and place of birth
- E. Major field of study
- F. Participation in officially recognized activities and sports
- G. Weight and height of members of athletic teams
- H. Dates of attendance
- I. E-mail address
- J. Parent's name/e-mail address
- K. Degrees and awards received, including honor roll publication
- L. Most recent previous public or private school attended by the student

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

2. Directory information may be released to the following:

- A. Federal, state and local governmental agencies
- B. Representatives of the news media, including but not limited to newspapers, magazines and radio and television stations
- C. Employers or prospective employers
- D. Nonprofit youth organizations
- E. Military recruiters or institutions of higher learning that have requested the names, addresses, and telephone numbers of secondary school students unless parental consent is denied.

3. Subject to the provisions of C.G.S. [1 19](#)(b11), high schools shall provide the same directory information and on campus recruiting opportunities to military recruiters as are offered to nonmilitary recruiters or commercial concerns. (cf. [5145.14](#) On Campus Recruitment).
4. No information may be released to a private profit making entity other than employers, prospective employers and representatives of the news media.
5. The names and addresses of students enrolled in grade 12 or who have terminated enrollment prior to graduation may be provided, in accordance with the terms of the law, to a private school or college cooperating under state law.
6. The custodian of records will normally limit or deny the release of specific categories of directory information unless he determines that such release is required by law or is in the best interests of students.
7. Notice shall be given annually of the categories of information which the school district plans to release and of the recipients.
  - A. The school shall allow a reasonable period of time after such notice has been given for a parent or guardian to inform the custodian of student records that any or all of the information designated should not be released without the parent's or guardian's prior consent.
  - B. No directory information shall be released regarding any student when a parent or guardian has notified the school that such information shall not be released.
8. Disclosure of directory information on former students is permitted without providing notice or additional opt-out opportunities. A former student's opt-out provided while he/she was a student in the district must continue to be honored unless specifically rescinded by the former student.
9. Opt-out from directory information does not prevent a school from identifying a student by name or from disclosing an electronic identifier or instructional e-mail address in the classroom. A student does not have the right to remain anonymous in class and an opt-out may not be used to impede routine classroom communications and interactions, whether the class is held in a specified physical location or online through electronic communications.

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

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

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

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

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

#### **Access Log**

1. A log or record shall be maintained for each student's record which lists all persons, agencies, or organizations requesting or receiving information from the record and the legitimate educational interests.
2. Such listing need not include the following:
  - A. Parents or students to whom access is granted.
  - B. Parties to whom directory information is released.
  - C. Parties for whom written consent has been executed by the parent or guardian.
  - D. School officials or employees having a legitimate educational interest.
3. The log or record shall be open to inspection only by a parent or guardian and the custodian of student records, or the custodian's designee, and to other school officials with legitimate interests in the records, and to the Comptroller General of the United States, the Secretary of the

Office of Education, an administrative head of an education agency as defined in 20 U.S.C. 1232g., and state educational authorities as a means of auditing the school system's operations.

### **Fee for Reproducing Records**

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

### **Transfer of Student Records**

1. Whenever a student transfers to another Connecticut public school district or to a charter school, the following student records shall be forwarded upon written notification of the student's enrollment from the other district:
  - A. The student's Mandatory Permanent Student Record or a copy thereof. The original or a copy shall be retained by this district.
  - B. The student's entire Mandatory Interim Student Record.
2. The student's records shall be transferred to the new school district or charter school no later than 10 days after receipt of such notification.
3. Whenever a student transfers to a school district in another state or to a private school, the district shall transfer the student's Mandatory Permanent Student Record upon receipt of a written request.
4. Permitted student records may be forwarded.
5. Student records shall not be withheld from the requesting district because of any charges or fees owed by the student or the student's parents or guardian.
6. All student records shall be updated prior to transfer.
7. Parent Notification
  - A. If a student's parent or guardian did not give authorization for the transfer of such records, the district shall send notification of the transfer to the parent/guardian at the same time it transfers the records.
  - B. If the transfer is a within state transfer, the receiving school shall notify the parents of the record transfer.
  - C. If the student transfers out of state, the custodian of student records shall notify the parents or guardian at their last known address of the rights accorded them. (34 C.F.R. 99.34 disclosure to other agencies or institutions)
  - D. The notification shall include a statement of the parent's or guardian's right to review, challenge, and receive a copy of the student record, if desired.

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

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

### **Subpoenaed Records**

If the school is served with a subpoena issued by competent authority directing the production of school or student records in connection with any court proceeding, the school upon which such subpoena is served may deliver such record, or at its option a copy thereof, to the clerk of such

court. Such clerk shall give a receipt for the same and shall be responsible for the safekeeping of such records, not permitting the removal of such records from the premises of the court. The clerk shall notify the school to call for the subpoenaed record when it is no longer needed for use in court. Any such record so delivered to the clerk of the court shall be sealed in an envelope which shall indicate the name of the school or student, the name of the attorney subpoenaing the same and the title of the case referred to in the subpoena.

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

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

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

### **Notification of Parents**

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

- A. The type of student records and information contained therein which are directly related to students and maintained by the school system.
- B. The position of the person responsible for the maintenance of each type of record.
- C. The location of the log or record required to be maintained.
- D. The criteria to be used by the school district in defining "school officials and employees" and in determining "legitimate educational interest."
- E. The policies of the school district for reviewing and expunging student records, including the right to inspect and review the student's education records within 45 days of the day the school district receives a request. If circumstances effectively present the parent or eligible student from exercising the right to inspect and review the student's education records, the district shall provide a copy of the records requested or make other arrangements for the inspection or review of the requested records.
- F. The right of the parent or guardian to access (inspect and review) to student records.
- G. The right to request the amendment of student education records that the parent or eligible student believes are inaccurate or misleading.
- H. The procedures for challenging the content of student records.
- I. The policy that no fee will be charged for up to two copies of a record.
- J. The categories of information which the school district has designated as directory information and that pursuant to federal law, military recruiters and institutions of higher learning may request and receive names, addresses and telephone numbers of all high school students, unless their parents/guardians notify the school, in writing, not to release this information.
- K. The right of the parent to file a complaint with the United States Department of Education concerning an alleged failure by the school system to comply with the provisions of Section 438 of the Federal Education Provisions Act (20 U.S.C.A. 1232g).
- L. The right of a parent or eligible student to a hearing regarding the request for amendment of the record if denied by the district.
- M. The right to consent to disclosures of personally identifiable information contained in the student education record, except to the extent that FERPA authorizes disclosure without consent.

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

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

Legal Reference: Connecticut General Statutes

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

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

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



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

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

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

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

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

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

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

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

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

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

PL 112-278 "The Uninterrupted Scholars Act"

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

**Regulation approved:**



## The Family Educational Rights and Privacy Act (FERPA)

### Guidance for Reasonable Methods and Written Agreements

#### *What is the Family Educational Rights and Privacy Act?*

The Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. §1232g, is a Federal privacy law administered by the Family Policy Compliance Office (FPCO or Office) in the U.S. Department of Education. FERPA and its implementing regulations in 34 CFR part 99 protect the privacy of students' education records and afford parents and eligible students (i.e., students who are 18 years of age or older or attend an institution of postsecondary education) certain rights to inspect and review education records, to seek to amend these records, and to consent to the disclosure of Personally Identifiable Information from education records (PII from education records).

The general rule under FERPA is that PII from education records cannot be disclosed without written consent. However, FERPA includes several exceptions that permit the disclosure of PII from education records without consent. Two of these exceptions are discussed in this document—the studies exception and the audit or evaluation exception. The two exceptions contain specific, and slightly different, requirements, described more fully in the implementing regulations (34 CFR Part 99).

#### *What is the purpose of this document?*

The audience for this document includes schools, school districts (also referred to as local educational agencies (LEAs)), postsecondary institutions, and State educational authorities (such as State educational agencies (SEAs)) that may disclose PII from education records. Our intent is to provide these entities with information about requirements and best practices for data disclosures under the studies exception and the audit or evaluation exception.

#### *What is the Studies Exception? (see 20 U.S.C. §1232g(b)(1)(F) and §99.31(a)(6))*

The studies exception allows for the disclosure of PII from education records without consent to organizations conducting studies for, or on behalf of, schools, school districts, or postsecondary institutions. Studies can be for the purpose of developing, validating, or administering predictive tests; administering student aid programs; or improving instruction.

**Example:** An SEA may disclose PII from education records without consent to an organization for the purpose of conducting a study that compares program outcomes across school districts to further assess what programs provide the best instruction and then duplicate those results in other districts.

#### *What is the Audit or Evaluation Exception? (see 20 U.S.C. 1232g(b)(1)(C), (b)(3), and (b)(5) and §§99.31(a)(3) and 99.35)*

The audit or evaluation exception allows for the disclosure of PII from education records without consent to authorized representatives of the Comptroller General of the U.S., the Attorney General, the Secretary of Education, and State or local educational authorities (FERPA-permitted entities). Under this exception, PII from education records must be used to audit or evaluate a Federal- or State-supported education program, or to enforce or comply with Federal legal requirements that relate to those education programs (audit, evaluation, or enforcement or compliance activity). The entity disclosing the PII from education records is specifically required to use reasonable methods to ensure to the greatest extent practicable that its designated authorized representative complies with FERPA and its regulations.

**Example:** An LEA could designate a university as an authorized representative in order to disclose, without consent, PII from education records on its former students to the university. The university then may disclose, without consent, transcript data on these former students to the LEA to permit the LEA to evaluate how effectively the LEA prepared its students for success in postsecondary education.

#### *How do you define education program?*

"Education program" is an important term under the audit or evaluation exception because PII from education records can only be disclosed to audit or evaluate a Federal- or State-supported "education program," or to enforce or to comply with Federal legal requirements related to an education program. As specified in the FERPA regulations, §99.3, an education program must be principally engaged in the provision of education, including, but not limited to, early childhood education, elementary and secondary education, postsecondary education, special education, job training, career and technical education, and adult education, and any program that is administered by an educational agency or institution. For a definition of "early childhood program" please refer to §99.3 of the FERPA regulations.

#### *Do we need to have a written agreement to disclose PII from education records without consent?*

Yes. Both the studies exception and the audit or evaluation exception specifically require that the parties execute a written agreement when disclosing PII from education records without consent. The mandatory elements of that agreement vary slightly between the two exceptions.

#### *Are there mandatory provisions for written agreements under the studies exception?*

Yes. Written agreements under the studies exception must in accordance with the requirements in §99.31(a)(6)(iii)(C):

1. Specify the purpose, scope, and duration of the study and the information to be disclosed. Your agreement must specify the purpose of the study, describe its scope and its duration, and identify the information being disclosed.

2. Require the organization to use PII from education records only to meet the purpose or purposes of the study as stated in the written agreement. Your agreement must specify that the PII from education records must only be used for the study identified in the agreement.
3. Require the organization to conduct the study in a manner that does not permit the personal identification of parents and students by anyone other than representatives of the organization with legitimate interests. Your agreement must require the organization to conduct the study so as not to identify students or their parents. This typically means that the organization should allow internal access to PII from education records only to individuals with a need to know, and that the organization should take steps to maintain the confidentiality of the PII from education records at all stages of the study, including within the final report, by using appropriate disclosure avoidance techniques.
4. Require the organization to destroy all PII from education records when the information is no longer needed for the purposes for which the study was conducted, and specify the time period in which the information must be destroyed. Your agreement must require the organization to destroy the PII from education records when it is no longer needed for the identified study. You should determine the specific time period for destruction based on the facts and circumstances surrounding the disclosure and study. The parties to the written agreement may agree to amend the agreement to extend the time period if needed, but the agreement must include a time limit.

***Are there mandatory provisions for written agreements under the audit or evaluation exception?***

Yes. The mandatory provisions for written agreements under the audit or evaluation exception are similar to, but slightly different from, the provisions required for written agreements under the studies exception. Section 99.35(a)(3) specifically requires that the following provisions be included in written agreements under the audit or evaluation exception:

1. Designate the individual or entity as an authorized representative. Your agreement must formally designate the individual or entity as an authorized representative.
2. Specify the PII from education records to be disclosed. Your agreement must identify the information being disclosed.
3. Specify that the purpose for which the PII from education records is being disclosed to the authorized representative is to carry out an audit or evaluation of Federal- or State-supported education programs, or to enforce or to comply with Federal legal requirements that relate to those programs. Your agreement must state specifically that the disclosure of the PII from education records is in furtherance of an audit, evaluation, or enforcement or compliance activity.
4. Describe the activity with sufficient specificity to make clear that it falls within the audit or evaluation exception. This must include a description of how the PII from education records will be used. Don't be vague - the agreement must describe the methodology and why disclosure of PII from education records is necessary to accomplish the audit, evaluation, or enforcement or compliance activity.
5. Require the authorized representative to destroy the PII from education records when the information is no longer needed for the purpose specified. Your agreement should be clear about how the PII from education records will be destroyed.
6. Specify the time period in which the PII must be destroyed. Your agreement must provide a time period for destruction. You should determine the specific time period for destruction based on the facts and circumstances surrounding the disclosure and activity. The parties to the written agreement may agree to amend the agreement to extend the time period if needed, but the agreement must include a time limit.
7. Establish policies and procedures, consistent with FERPA and other Federal and State confidentiality and privacy provisions, to protect PII from education records from further disclosure (except back to the disclosing entity) and unauthorized use, including limiting use of PII from education records to only authorized representatives with legitimate interests in an audit, evaluation, or enforcement or compliance activity. The agreement must establish the policies and procedures, consistent with FERPA and other Federal and State laws, to protect PII from education records from further disclosure or unauthorized use.

***Can an entity receiving PII from education records disclose it in a way that allows individual students to be identified?***

No. Absent consent from the parent or eligible student, FERPA provides that the PII from education records cannot be published in a way that would allow individual students and their parents to be identified. The organization conducting the study, audit, or evaluation can use PII from education records to conduct the study, audit, or evaluation, but results must be published in a way that protects the privacy and confidentiality of the individuals involved. For example, when publishing tables, cell suppression and other methods of disclosure avoidance can be used so that students cannot be identified through small numbers displayed in table cells.

*Under the audit or evaluation exception, what is your responsibility to use "reasonable methods" to ensure that your authorized representative is FERPA-compliant to the greatest extent practicable? (§99.35(a)(2))*

When you disclose PII from education records under the audit or evaluation exception, you are required to use "reasonable methods" to ensure to the greatest extent practicable that your authorized representative is FERPA-compliant. This specifically means ensuring that your authorized representative does the following:

1. Uses PII from education records only to carry out an audit or evaluation of Federal- or State-supported education programs, or for the enforcement of or compliance with, Federal legal requirements related to these programs. You should make sure that the proposed audit or evaluation is legitimate, and require in your written agreement that your authorized representative use the PII from education records only for that audit, evaluation, or enforcement or compliance activity. You should not disclose all of your PII from education records; rather, you should determine which specific elements your authorized representative needs and disclose only those.
2. Protects the PII from education records from further disclosures or other uses, except as authorized by you in accordance with FERPA. Your agreement must specify that your authorized representative may not further disclose the PII from education records, unless authorized.

Approval to use the PII from education records for one audit or evaluation does not confer approval to use it for another.

3. Destroys the PII from education records when no longer needed for the audit, evaluation, or enforcement or compliance activity. Your agreement must specify that your authorized representative is required to destroy the PII from education records when it is no longer needed and specify the time period in which the PII must be destroyed.

### ***Are there best practices that support reasonable methods?***

Yes. While it is vital for organizations to comply with FERPA and its regulations, FERPA represents the floor for protecting privacy, not the ceiling. Accordingly, the Department is also specifying best practices, in which we describe actions we recommend you take to ensure that your authorized representative is protecting privacy to the greatest extent possible. Best practices are broader than FERPA compliance and describe recommended actions you should take to ensure that your authorized representative is FERPA-compliant to the greatest extent practicable.

These best practices may apply to data sharing under both the audit and evaluation exception and the studies exception. Please keep in mind that not all of the following best practices are appropriate in every instance, and this list does not include every possible protection. Before disclosing PII from education records under one of these exceptions, you should examine the following list and tailor your practices as necessary and appropriate.

- *Convey the limitations on the data.* You should take steps to ensure your authorized representative knows the limitations on the use of the data (i.e., that the data is only to carry out the audit or evaluation of Federal- or State-supported education programs, or to enforce or to comply with Federal legal requirements that relate to those programs).
- *Obtain assurances against redisclosure.* You should obtain assurances from your authorized representative that the data will not be redisclosed without permission, including such assurances that your authorized representative will provide you (the disclosing entity) the right to review any data prior to publication and to verify proper disclosure avoidance techniques have been used.
- *Be clear about destruction.* You should set clear expectations so your authorized representative knows what process needs to be followed for the proper destruction of PII from education records.
- *Maintain a right to audit.* You should maintain the right to conduct audits or other monitoring activities of your authorized representative's policies, procedures, and systems.
- *Verify the existence of disciplinary policies to protect data.* You may want to verify that your authorized representative has appropriate disciplinary policies for employees that violate FERPA. This can include termination in appropriate instances.
- *Verify the existence of a sound data security plan.* You may wish to verify before disclosing PII from education records that your authorized representative has a sound data security program, one that protects both data at rest and data in transmission. You have a responsibility to determine if your authorized representative's data security plan is adequate to prevent FERPA violations. The steps that you may need to take in order to verify a sound data security program are likely to vary with each situation. In some cases, it may suffice to add language to the written agreement that states what data security provisions are required. In other cases, it may be more prudent for you to take a hands-on approach and complete a physical inspection. Additionally, your written agreements could specify required data security elements, including requirements related to encryption, where the data can be hosted, transmission methodologies, and provisions to prevent unauthorized access.
- *Verify the existence of a data stewardship program.* You may want to examine your authorized representative's data stewardship program. Data stewardship should involve internal control procedures that protect PII from education records and include all aspects of data collection - from planning to maintenance to use and dissemination. The Department believes that a good data stewardship plan would have support and participation from across the organization, including the head of the organization, management, legal counsel, and data administrators, providers, and users. The plan should detail the organization's policies and procedures to protect privacy and data security, including the ongoing management of data collection, processing, storage, maintenance, use, and destruction. The plan could also include designating an individual to oversee the privacy and security of the PII from the education records it maintains. For more information, we have posted for comment a technical brief: "Data Stewardship: Managing Personally Identifiable Information in Electronic Student Education Records" that can be found at <http://www2.ed.gov/policy/gen/guid/ptac/technical-briefs.html>
- *Disclose only PII from education records that is needed.* When you consider disclosing PII from education records to an authorized representative for an audit, evaluation, or enforcement or compliance activity, you may want to explore which specific data elements are necessary for that activity and provide only those elements. You should take care to ensure that you are not disclosing more PII from education records than needed for the stated activity and purpose. You should also explore whether PII from education records is actually required, or whether de-identified data would suffice.
- *Know to whom you are disclosing data.* You may want to require your authorized representative to conduct background investigations of employees who will have access to PII from education records, or you may want to conduct these investigations yourself. Additionally, you may want to require your authorized representative to disclose past FERPA or data management violations. If you discover past violations, you would want to explore the circumstances behind the violation, and discover all information that would allow you to make an informed judgment on whether the individual or entity is likely to be a responsible data steward. This may include discovering whether the violation was covered up, including if it was voluntarily reported to affected students or FPCO, and whether appropriate breach response procedures were followed.
- *Verify training.* You may want to verify that your authorized representative has a training program to teach its employees about FERPA and how to protect PII from education records, or you may want to train your authorized representatives yourself.

### ***Are there best practices for written agreements?***

You should consider the following items for inclusion in your written agreements for work under both the audit or evaluation exception and the studies exception. We note that this list may not cover everything you want in your agreement - you should look to the facts and circumstances surrounding the disclosure agreement and include all terms necessary to be clear about roles, responsibilities, and expectations for safeguarding PII from education records.

- *Bind individuals to the agreement.* It can be important to bind not just the entity to whom you are disclosing PII from education records, but also the individuals who will be accessing that data. There are several ways to accomplish this result. One way is to identify the individuals in the agreement itself, and have them execute the agreement in their individual capacity as well as having a representative execute the agreement for the entity. Alternatively, your agreement can require individuals accessing the PII from education records to execute affidavits of nondisclosure or other documentation indicating their individual agreement to handle the PII from education records properly.
- *Agree on limitations on use of the PII from education records.* Your agreement should be clear about limitations on the use of the PII from education records, meaning that it can only be used for the activities described in the agreement. Your agreement may also address methodological limitations, for example, identifying which data sets, if any, the PII from education records may be linked.
- *Agree to not redisclose.* The most basic provision of the agreement is to make clear that the PII from education records is confidential and must not be redisclosed through direct data disclosures or publishing results that allow individuals to be directly or indirectly identified. FERPA-permitted entities may wish to require that specified disclosure avoidance methodologies be applied, or may wish to review all results prior to publication, or both.
- *Specify points of contact/data custodians.* Your written agreements should specify points of contact and data custodians (the individuals directly responsible for managing the data in question).
- *Mention Institutional Review Board (IRB) review and approval.* While FERPA does not mention IRBs, research proposals involving human subjects may have to be reviewed and approved by IRBs, if required under protection of human subject regulations of the Department and other Federal agencies. If IRB review and approval is required or expected, this may be noted in the written agreement.
- *State ownership of PII from education records.* You may wish for your agreement to be clear that, in disclosing PII from education records to an entity, you are in no way assigning ownership of the PII or records to that entity, and that it may only be redisclosed with your permission or otherwise in compliance with FERPA and its regulations.
- *Identify penalties.* Your agreement could include penalties under State contract law such as liquidated damages, data bans of varying length, and any other penalties the parties to the agreement deem appropriate. You may want your agreement to create third-party beneficiary rights, e.g., allowing parties injured by a data breach to sue for damages. While FERPA itself has little flexibility for sanctions, you can include a wide range of appropriate sanctions in your written agreements.
- *Set terms for data destruction.* As discussed previously, written agreements for both studies and audits and evaluations are required to contain provisions dealing with the destruction of PII from education records when those records are no longer needed. The agreement could include a method for documenting the destruction, such as the use of notarized statements.
- *Include funding terms.* If the agreement involves cost reimbursement, these details could be specified.
- *Maintain right to audit.* You may want to include the right to conduct audits or otherwise monitor the entity to which you are disclosing PII from education records to periodically affirm that the entity has appropriate policies and procedures in place to protect the PII from education records.
- *Identify and comply with all legal requirements.* It is important to remember that FERPA may not be the only law that governs your agreement. The agreement could broadly require compliance with all applicable Federal, State, and local laws and regulations, and identify the legal authority (whether express or implied) that permits the audit, evaluation, or enforcement or compliance activity.
- *Have plans to handle a data breach.* While no one anticipates a data breach, data loss may occur. You may wish to include specific procedures in your written agreements detailing the parties' expectations in the event that PII from education records is lost, including specifying the parties' responsibilities with regard to breach response and notification and financial responsibility.
- *Review and approve reported results.* If applicable, the written agreement could specify the parties' agreements with respect to publication of results. For example you may wish to review and approve reports prior to publication to make sure that they reflect the original intent of the agreement.
- *Define terms for conflict resolution.* The agreement could specify procedures for how disputes between the parties would be resolved.
- *Specify modification and termination procedures.* The agreement could specify how it can be modified or terminated. You may wish to provide specific provisions for termination based on improper handling of PII from education records.

### ***What do I do if the terms of the written agreement are violated?***

If the entity to which you have disclosed PII from education records without consent (whether under the studies exception or the audit or evaluation exception) violates the terms of the written agreement, you should evaluate your options under the penalty and termination provisions

of the agreement. You may want to stop disclosing PII from education records to that organization, or pursue legal redress. If you have reason to believe that the entity has violated FERPA, you should contact FPCO.

### ***How should the public be informed?***

It is a best practice to keep the public informed when you disclose PII from education records.

- *Inform the public about written agreements.* Transparency is a best practice. You might want to post your data sharing agreements on your Web site, or provide some equivalent method to let interested parties know what data you are disclosing, the reasons it is being disclosed, and how it is being protected. While the Department generally recommends public posting of written agreements, parties are encouraged to review their contractual data security provisions carefully and redact, prior to publication, any provisions that may aid those seeking unauthorized access to systems. In certain instances a separate confidential IT Security Plan may be appropriate. For more information on data security best practices, see the Privacy Technical Assistance Center (PTAC) Web site: <http://www2.ed.gov/policy/gen/guid/ptac/index.html>

### ***Who should I call if I have questions?***

If you would like more information about best practices to protect PII from education records, contact the PTAC Help Desk at PrivacyTA@ed.gov or 855-249-3072.

If you are a parent, eligible student, school, LEA, or SEA and would like more information on FERPA, please call FPCO at 1-800-872-5327.





**SAMPLE NOTIFICATION OF RIGHTS UNDER FERPA**\_\_\_\_\_  
PUBLIC SCHOOLS

\_\_\_\_\_, Connecticut

Dear Parent or Student:

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

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

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

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

Parents or eligible students may ask the District to amend a record that they believe is inaccurate. They should write the school principal or appropriate school official, clearly identify the part of the record they want changed, and specify why it is inaccurate or misleading, or otherwise violates the student's privacy rights.

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

3. The right to provide written consent before District to disclosures of personally identifiable information contained in the student's education records, except to the extent that FERPA authorizes disclosure without consent.

One exception which permits disclosure without consent is disclosure to school officials, including teachers within the District, with legitimate educational interests. A school official is a person employed by the district as an administrator, supervisor, instructor, or support staff member (including health or medical staff and law enforcement unit personnel); or a person serving on the Board of Education. A school official may also include a volunteer or contractor outside of the District who performs an institutional service or function for which the District would otherwise use its own employees and who is under the direct control of the District with respect to the use and maintenance of personally identifiable information from education records. This includes a person or company with whom the District has contracted to perform a special task (such as an attorney, auditor, medical consultant or therapist); a parent of student serving on an official committee, such as a disciplinary or grievance committee, or assisting another school official in performing his/her tasks. A school official has a legitimate educational interest if the official needs to review an education record in order to fulfill his/her professional responsibility.

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

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

Upon request, the District will disclose a student's education record without consent to officials of another school district or charter school or institution of postsecondary education in which the student seeks or intends to enroll or where the student is already enrolled, if the disclosure is for purposes related to the student's enrollment or transfer. (Note: FERPA requires a school district to make a reasonable attempt to notify the student of the records request unless it states in its annual notification that it intends to forward records on request.)

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

Family Policy Compliance Office

U.S. Department of Education

400 Maryland Avenue

SW Washington DC 20202-4605

*Note: In addition, a school may want to include its directory notice as required by FERPA regulations with its annual notification of rights under FERPA. Such a notice is provided in item #5. Be sure that which is listed as "Directory Information" in this notification agrees with what the district has designated as "Directory Information."*

5. The District has determined that the following information regarding the District's students is not harmful or an invasion of privacy, and therefore will release this information without first obtaining parental consent. If a parent, guardian, person acting as a student's parent in the absence of a parent or guardian, or the student (if 18 or older), does not want the District to release the information listed below, they must notify the District in writing within two weeks of receiving this notice of the information they do not want released.

The following information may be released without obtaining parental consent:

Student's name, parent's name, address, telephone number, electronic mail address, date and place of birth, grade level, major field of study, enrollment status (full-time or part-time), participation in officially recognized activities and sports including audiovisual or photographic records of the openly visible, activities thereof (e.g. artistic performances sporting contests, assemblies, service projects, awards ceremonies, etc.), weight and height of members of athletic teams, dates of attendance, degrees, honors and awards received, most recent previous school attended and photographs of regular school activities that do not disclose specific academic information about the child and/or would not be considered harmful or an invasion of privacy.

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

6. Pursuant to federal law, military recruiters and institutions of higher learning may request and receive the names, addresses and telephone numbers of all high school students, unless their parents or guardians notify the school not to release this information. Please notify the District in writing if you do not want this information released.

7. Personally identifiable information in the student's records may be released to authorized representatives of the Attorney General of the United States, the U.S. Secretary of Education, or State and local educational authorities such as the Connecticut Department of Education in connection with an audit or evaluation of Federal or State supported education programs, or for the enforcement of or compliance with Federal legal requirements that relate to those programs, and to outside entities that are designated by them as their authorized representatives to conduct any audit, evaluation, or enforcement or compliance activity on their behalf.

8. Schools may release information received under a community notification program concerning a student who is required to register as a sex offender in the State, with consent.

9. Except for disclosures to school officials, disclosures related to some judicial orders or lawfully issued subpoenas, disclosures of directory information, and disclosures to the parent/guardian or eligible student, FERPA regulations require the District to record the disclosure. Parents and eligible students have a right to inspect and review the record of disclosures.

10. Information may be disclosed from the education records of a student without obtaining prior written consent of the parents or the eligible student in the following situations:

- a. In connection with financial aid for which the student has applied or which the student has received, if the information is necessary to determine eligibility for the aid, determine the amount of the aid, determine the conditions of the aid, or enforce the terms and conditions of the aid.
- b. To State and local officials or authorities to whom information is specifically allowed to be reported or disclosed by a State statute that concerns the juvenile justice system and the system's ability to effectively serve, prior to adjudication, the student whose records were released.
- c. To organizations conducting studies for, or on behalf of, the school, in order to: (a) develop, validate, or administer predictive tests; (b) administer student aid programs; or (c) improve instruction.
- d. To accrediting organizations to carry out their accrediting functions.
- e. To parents of an eligible student if the student is a dependent for IRS tax purposes.
- f. To comply with a judicial order or lawfully issued subpoena.
- g. To appropriate officials in connection with a health or safety emergency.
- h. Information the school has designated as "directory information."
- i. To child welfare agencies or tribal organizations that are legally responsible for the care and protection of students, including the educational stability of children in foster care.

**NOTIFICATION OF RELEASE OF STUDENT RECORDS PURSUANT TO COURT ORDER OR SUBPOENA**

\_\_\_\_\_  
Public Schools  
\_\_\_\_\_, Connecticut

TO: \_\_\_\_\_

Parent - Student

\_\_\_\_\_  
Address

The purpose of this notice is to notify you that on \_\_\_\_\_ (date), the \_\_\_\_\_ (school district) released the following documents:

\_\_\_\_\_  
from your child's (your own) student records to:

\_\_\_\_\_  
pursuant to a court order or subpoena, a copy of which is attached hereto.

DATED: \_\_\_\_\_

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

**APPLICATION TO REVIEW STUDENT'S RECORDS AND CONSENT THERETO BY PARENT OR STUDENT**

\_\_\_\_\_, Public Schools  
\_\_\_\_\_, Connecticut

I, \_\_\_\_\_  
have hereby requested access to \_\_\_\_\_  
records for the following reasons:

\_\_\_\_\_  
Said records will not be made available to any other person or persons without the specific written consent of (Parent-Student)

DATED: \_\_\_\_\_

**CONSENT**

I hereby consent that \_\_\_\_\_

have access to my child's (to my) records with the understanding that such records will not be released by him/her to other persons without my further consent.

DATED: \_\_\_\_\_

**APPLICATION TO REVIEW STUDENT'S RECORDS  
BY PARTIES ENTITLED THERETO  
WITHOUT CONSENT BY PARENT OR STUDENT**

\_\_\_\_\_ Public Schools  
\_\_\_\_\_, Connecticut

I, \_\_\_\_\_

have hereby requested access to \_\_\_\_\_

records for the following reasons:

\_\_\_\_\_

Said records will not be made available to any other person or persons without the specific written  
consent of (Parent-Student) \_\_\_\_\_

DATED: \_\_\_\_\_

**RELEASE OF CONFIDENTIAL HIV-RELATED INFORMATION**

I hereby authorize \_\_\_\_\_ to release

*[name of individual who holds the information]*

confidential HIV-related information, as defined in Connecticut General Statute §19a-581, concerning

\_\_\_\_\_ to the following personnel:

*[name of protected individual]*

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

This authorization shall be valid for:

1. ☐ The student's stay at \_\_\_\_\_ School
2. ☐ The current school year
3. ☐ Other \_\_\_\_\_ (specify period)

I provide this information based on my responsibility to consent for the health care of \_\_\_\_\_. I understand that such information shall be held confidential by the persons authorized here to receive such information, except as otherwise provided by law.

\_\_\_\_\_

Name

\_\_\_\_\_

Relationship to Student

\_\_\_\_\_

Date

**Series 5000  
Students**

**CONFIDENTIALITY AND ACCESS TO EDUCATION RECORDS**

**I. POLICY**

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

**II. DEFINITIONS**

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

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

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



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

I. Eligible Student is a student or former student who has reached 18 years of age or is attending an institution of post-secondary education or is an emancipated minor.

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

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

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

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

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

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

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

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

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

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

## V. ACCESS TO EDUCATION RECORDS

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

- G. Parents of students eligible to receive special education and related services (or the eligible student) have the right to receive **one free copy** of their child's (his/her) education records. The request for the free copy must be in writing and the Board will comply with the written request within ten (10) school days of the request. Notwithstanding the fact that a test instrument or portion of a test instrument may meet the criteria of an "education record" under the Family Educational Rights and Privacy Act, 20 USC 1232g, any test instrument or portion of a test instrument for which the test manufacturer asserts a proprietary or copyright interest in the instrument shall not be copied. The parent or eligible student retains the right to review and inspect such information and the Board shall respond to reasonable requests from the parent or eligible student for explanations and interpretations of the student's education record, which may include reviewing copyrighted testing instruments.
- H. Aside from a parent or eligible student, staff members, school employees and other school officials may access a student's education records **only if** they have been determined by the school system to have a legitimate educational interest in accessing the information contained in such records. Disclosures to any other parties, may only be made in accordance with the exemptions and provisions set forth in Section VII, below.
- I. Pursuant to the procedures set forth in Section VI, below, the district maintains a record of all parties that have requested access to education records, including access to education records found in computer memory banks.
- J. Non-custodial Parents:
1. Divorced Parents  
  
A parent does not lose his or her right to access to education records upon divorce. Non-custodial parents retain their rights to review their child's education records unless the school district has been provided with evidence that there is a court order, state statute, or legally binding document relating to such matters as divorce, separation, or custody that specifically revokes the non-custodial parent's rights. School notices shall be mailed to the non-custodial parent/guardian requesting the notices at the same time that they are provided to the custodial parent/guardian. Any requests by the non-custodial parent/guardian to receive school notices shall be effective for as long as the child remains in the school the student is attending at the time of the request.
  2. Incarcerated Parents

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

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

K. Unaccompanied Youth:

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

L. Copies of Education Records/Fees:

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

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

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

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

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

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

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

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

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

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



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

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

1. School Officials:

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

3. Transfer Students:

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

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

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

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

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

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

**D. Directory Information**

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

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

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

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

**F. Disciplinary Records:**

Nothing in this policy shall prevent the school district from:

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

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

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

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

1. Documents related to any DCF child abuse and/or neglect investigations that are maintained by the Board are considered education records under the FERPA. As such, they are subject to the confidentiality and disclosure requirements set forth in this policy and in corresponding provisions of state and federal law. Such records, including records of allegations, investigations and reports made to DCF, should be kept in a confidential and central location, with restricted access and shall be disclosed only as authorized by law. In addition to meeting the requirements under FERPA, should the Board receive a request to disclose confidential DCF records to an outside third party, the Board shall redact the name or other personally identifiable information concerning the individual suspected of being responsible for the alleged abuse and/or neglect unless the requested records are being released to the individual named in the DCF records.
  2. In addition, the district shall redact the name or any personally identifiable information related to the identity of any individual responsible for making a report of alleged child abuse and/or neglect before releasing or transferring any DCF records containing such reports.
- I. Except as set forth in subsection I.5, below, the Board shall enter into a written contract with a consultant or operator any time the Board shares or provides access to student information, student records, or student-generated content with such consultant or operator.
1. The provisions of said contract shall comply with the requirements of Conn. Gen. Stat. §§ 10-234aa to 10-234dd.
  2. The district shall maintain and update an Internet web site with information relating to all contracts entered into pursuant to Subsection I, above. On or before September first of each school year, the Board shall electronically notify students and the parents or legal guardians of students of the address of such Internet website. Not later than five (5) business days after executing a contract pursuant to this subsection, the Board shall post notice of such contract on the Board’s website. The notice shall:
    - a. State that the contract has been executed and the date that such contract was executed;



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

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

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

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

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

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

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

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

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

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

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

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

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

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

**B. Procedures**

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

**XI. WAIVER OF RIGHTS**

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

letters and confidential statements of recommendations with the following limitations:

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

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

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

1. Confidential HIV-Related Information

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

2. Health Care Provider

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

3. Protected Individual

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

4. Release of confidential HIV-related information

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

5. School Medical Personnel

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

B. Confidentiality of HIV-related Information

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



C. Accessibility of Confidential HIV-related Information

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

D. Procedures

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

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

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

#### E. Disclosures Pursuant to a Release

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

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

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

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

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

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

#### **Legal References:**

##### **State Law:**

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

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

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

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

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

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

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

Federal Law:

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

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

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

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

34 CFR 99.1 - 99.67

34 CFR 300.560-300.576

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

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

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

8/17/2018

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

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

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

### **A. CATEGORY “A” RECORDS:**

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

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

## B. CATEGORY “B” RECORDS

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

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

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

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

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



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

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

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

Category C shall include (where applicable):

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

## **D. CATEGORY “D” RECORDS**

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

Category “D” shall include (if applicable):

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

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

#### **E. DURATION OF EDUCATION RECORDS**

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

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

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

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

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

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

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

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

8/17/2018

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

8/28/17



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

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

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

## RELEASE OF CONFIDENTIAL HIV-RELATED INFORMATION

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

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

This authorization shall be valid for

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

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

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

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

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

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

8/28/17

## TRANSFER OF CONFIDENTIAL STUDENT INFORMATION

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

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

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

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

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

(Please check all that apply)

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

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

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

Name

Address: \_\_\_\_\_

Street

Town

State/Zip Code

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

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

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

\_\_\_\_\_  
Date

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

\*\*\*\*\*

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

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

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

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

---

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

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

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

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

\*\*\*\*\*

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

\_\_\_\_\_  
Date

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

8/28/17



## Personnel

### Reportings of Suspected Child Abuse, ~~or Neglect, of Children~~ or Sexual Assault

Conn. Gen. Stat. Section 17a-101 et seq. requires school employees ~~certain educational personnel (school teachers, school administrators, school superintendents, school guidance counselors, school coaches and paraprofessionals) as well as registered and licensed practical nurses, psychologists, social workers, mental health professionals, and certain professional counselors~~ who have reasonable cause to suspect or believe (1) that any child under eighteen has been abused or neglected, has had a nonaccidental physical injury, or injury which is at variance with the history given of such injury, or has been placed at imminent risk of serious harm, or (2) that any person who is being educated by the technical high school system or a local or regional board of education, other than as part of an adult education program, is a victim of sexual assault, and the perpetrator is a school employee, to report such suspicions to the appropriate authority ~~abuse and/or neglect~~. In furtherance of this statute and its purpose, it is the policy of the Westport Board of Education ("Board") to require ALL EMPLOYEES of the Board of Education to report suspected abuse and/or neglect, nonaccidental physical injury, imminent risk of serious harm, or sexual assault of a student by a school employee, in accordance with the procedures set forth below. ~~For purposes of this policy, school employees also include any person who, under a contract with the Board, and 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.~~

#### 1. Scope of Policy

This policy applies not only to employees who are required by law to report suspected child abuse and/or neglect, nonaccidental physical injury, imminent risk of serious harm, or sexual assault of a student by a school employee, but to ALL EMPLOYEES of the Board of Education.

#### 2. Definitions

For the purposes of this policy:

"Abused" means that a child (a) has had physical injury or injuries inflicted upon him or her other than by accidental means, or (b) has injuries which are at variance with the history given of them, or (c) is in a condition which is the result of maltreatment, such as, but not limited to, malnutrition, sexual molestation or exploitation, deprivation of necessities, emotional maltreatment or cruel punishment.

"Neglected" means that a child (a) has been abandoned, or (b) is being denied proper care and attention, physically, educationally, emotionally or morally, or (c) is being permitted to live under conditions, circumstances or associations injurious to his well-being, or (d) has been abused.

"School employee" means (a) a teacher, substitute teacher, school administrator, school superintendent, guidance counselor, school counselor, psychologist, social worker, nurse, physician, school paraprofessional or coach employed by the Board or who is working in a Board elementary, middle or high school; or (b) any other person who, in the

performance of his or her duties, has regular contact with students and who provides services to or on behalf of students enrolled in the Westport Public Schools ("District"), pursuant to a contract with the Board.

"Sexual assault" means, for the purposes of the mandatory reporting laws and this policy, a violation of Sections 53a-70, 53a-70a, 53a-71, 53a-72a, 53a-72b or 53a-73a of the Connecticut General Statutes. Please see Appendix A of this policy for the relevant statutory definitions of sexual assault laws and related terms covered by the mandatory reporting laws and this policy.

"Statutory mandated reporter" means an individual required by Conn. Gen. Stat. Section 17a-101 to report suspected abuse and/or neglect of children or the sexual assault of a student by a school employee. ~~In the public school context, t~~The term "statutory mandated reporter" includes all school employees, as defined above, any person who is a licensed behavior analyst, and any person who holds or is issued a coaching permit by the State Board of Education, is a coach of intramural or interscholastic athletics, and is eighteen years of age or older. ~~teachers, school administrators, school superintendents, school guidance counselors, school coaches, paraprofessionals, registered and licensed practical nurses, psychologists, social workers, mental health professionals, certified alcohol and drug counselors and any other licensed professional counselor.~~

**P 4118.25(b)**  
**5141.4**

## **Personnel**

### **~~Reports of Suspected Abuse or Neglect of Children~~**

#### 3. What Must Be Reported

a) A report must be made when any employee of the Board of Education in the ordinary course of such person's employment or profession has reasonable cause to suspect or believe that a child under the age of eighteen years:

~~a~~i) has been abused or neglected;

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

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

b) A report must be made when any employee of the Board of Education in the ordinary course of such person's employment or profession has reasonable cause to suspect or believe that any person, regardless of age, who is being educated by the technical high school system or a local or regional board of education, other than as part of an adult education program, is a victim of the following sexual assault crimes, and the perpetrator is a school employee:

i) sexual assault in first degree;

ii) aggravated sexual assault in the first degree;

iii) sexual assault in the second degree;



iv) sexual assault in the third degree;

v) sexual assault in the third degree with a firearm; or

vi) sexual assault in the fourth degree.

Please see Appendix A of this policy for the relevant statutory definitions of sexual assault laws and related terms covered by the mandatory reporting laws and this policy.

c) The suspicion or belief of a Board employee may be based on factors including, but not limited to, observations, allegations, facts or statements by a child or victim, as described above, or a third party. Such suspicion or belief does not require certainty or probable cause.

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

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

When an employee of the Board of Education who is a statutory mandated reporter and who, in the ordinary course of the person's employment, has reasonable cause to suspect or believe that a child has been abused or neglected or placed at imminent risk of serious harm, or is a victim of sexual assault by a school employee, as described in Paragraph 3, above, the following steps shall be taken.

(1) ~~(1)~~ — The employee shall make an oral report as soon as practicable, but not later than twelve(12) hours after having reasonable cause to suspect or believe that a child has been abused or neglected or placed at imminent risk of serious harm, or is a victim of sexual assault by a school employee. ~~Such oral report shall be made by telephone or in person to the Commissioner of Children and Families or the local law enforcement agency.~~

(a) An oral report shall be made by telephone or in person to the Commissioner of the Department of Children and Families (“DCF”) or the local law enforcement agency. DCF has established a 24 hour Child Abuse and Neglect Careline at 1-800-842-2288 for the purpose of making such oral reports.

(b) An electronic report shall be made in the manner prescribed by the Commissioner of DCF. An employee making an electronic report shall respond to further inquiries from the Commissioner of DCF or designee made within twenty-four (24) hours. Such employee shall inform the Superintendent or his/her designee as soon as possible as to the nature of the further communication with the Commissioner or designee.

(2) The employee shall also make an oral report as soon as practicable to the Building Principal or his/her designee, and/or Superintendent or the Superintendent's designee. If the Building Principal is the alleged perpetrator of the abuse/neglect or sexual assault of a student, then the employee shall notify the Superintendent or his/her designee directly.

- (3) In cases involving suspected or believed abuse, ~~or~~ neglect, , or sexual assault of a student by a school employee, the Superintendent or his/her designee shall immediately notify the child's parent or guardian that such a report has been made.
- (4) Not later than forty-eight ~~Within~~ (48) hours of making an oral report the employee shall submit a written or electronic report to the Commissioner of ~~Children and Families~~ DCF or the Commissioner's designee containing all of the required information. The written or electronic report should be submitted in the manner prescribed by the Commissioner of DCF. When such report is submitted electronically, the employee shall respond to further inquiries from the Commissioner of DCF or designee made within twenty-four (24) hours. Such employee shall inform the Superintendent or his/her designee as soon as possible as to the nature of the further communication with the Commissioner or designee. ~~or his/her representative containing all of the required information.~~
- ~~(4)~~ (5) The employee shall immediately submit a copy of the written or electronic report to the Building Principal or his/her designee and the Superintendent or the Superintendent's designee.

**P 4118.25(e)**

**5141.4**

---

## **Personnel**

### **~~Reports of Suspected Abuse or Neglect of Children~~**

- (6) If the report concerns suspected abuse ~~or~~ neglect, or sexual assault of a student by a school employee holding a certificate, authorization or permit issued by the State Department of Education, the the Commissioner of DCF (or his/her designee) ~~Superintendent~~ shall submit a copy of the written report to the Commissioner of Education (or his/her representative designee).

## **5. Reporting Procedures for Employees Other Than Statutory Mandated Reporters**

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

- a) When an employee who is not a statutory mandated reporter and who, in the ordinary course of the person's employment or profession, has reasonable cause to suspect or believe that a child has been abused or neglected or placed at imminent risk of serious harm, , or is a victim of sexual assault by a school employee, as described in Paragraph 3, above, the following steps shall be taken.

- (1) The employee shall make an oral report as soon as practicable, but not later than twelve (12) hours after the employee has reasonable cause to suspect or believe that a child has been abused or neglected, ~~or~~ placed at imminent risk of serious harm or is a victim of sexual assault by a school employee. Such oral report shall be made by telephone or in person to the Superintendent of Schools or his/her designee, to be followed by an immediate written report to the Superintendent or his/her designee.
  - (2) If the Superintendent or his/her designee determines that there is reasonable cause to suspect or believe that a child has been abused or neglected or placed at imminent risk of serious harm or is a victim of sexual assault by school employee, he/she shall cause reports to be made in accordance with the procedures set forth for statutory mandated reporters, ~~set forth above~~.
- b) Nothing in this policy shall be construed to preclude an employee reporting suspected child abuse and/or neglect from reporting the same directly to the Commissioner of ~~Children and Families~~ DCF.

## 6. Contents of Reports

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

**P-4118.25(d)**  
**5141.4**

---

## **Personnel**

### **~~Reports of Suspected Abuse or Neglect of Children~~**

- a) The names and addresses of the child\* and his/her parents or other person responsible for his/her care;
- b) the age of the child;
- c) the gender of the child;
- d) the nature and extent of the child's injury or injuries, maltreatment or neglect;
- e) the approximate date and time the injury or injuries, maltreatment or neglect occurred;
- f) information concerning any previous injury or injuries to, or maltreatment or neglect of the child or his/her siblings;
- g) the circumstances in which the injury or injuries, maltreatment or neglect came to be known to the reporter;
- h) the name of the person or persons suspected to be responsible for causing such injury or injuries, maltreatment or neglect; and

- i) the reasons such person or persons are suspected of causing such injury or injuries, maltreatment or neglect;
- j) any information concerning any prior cases in which such person or persons have been suspected of causing an injury, maltreatment or neglect of a child; and
- k) whatever action, if any, was taken to treat, provide shelter or otherwise assist the child.

## 7. Investigation of the Report

- a) ~~—If the suspected abuser is a school employee, the~~ The Superintendent or his/her designee shall thoroughly investigate the reports of suspected abuse, neglect or sexual assault if/when such report involves an employee of the Board of Education or other individual under the control of the Board, provided the procedures in subparagraph (b), below are followed. In all other cases, DCF shall be responsible for conducting the investigation with the cooperation and collaboration of the Board, as appropriate.
- b) ~~—Recognizing that the fact that the Department of Children and Families (“DCF”) is the lead agency for the investigation of child abuse and neglect reports and reports of a student’s sexual assault by school employees, the Superintendent’s investigation shall permit and give priority to any investigation conducted by the Commissioner of be coordinated with DCF and/ the appropriate local law enforcement agency 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. The Superintendent shall conduct the District’s investigation and take any disciplinary action, consistent with state law, upon notice from the Commissioner of DCF or the appropriate local law enforcement agency that the District’s investigation will not When investigating a report, the Superintendent shall endeavor to obtain, when possible, the consent of parents or guardians or other persons responsible for the care of the child to an interview with a 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 of the alleged abuse, or where DCF has indicated that obtaining such consent will interfere with its the investigation the Commissioner of DCF or the local law enforcement agency.~~
- c) The Superintendent shall coordinate investigatory activities in order to minimize the number of interviews of any child or student victim of sexual assault and share information with other persons authorized to conduct an investigation of child abuse or neglect, as appropriate.
- d) Any person reporting child abuse or neglect or the sexual assault of a student by a school employee, or having any information relevant to alleged abuse or neglect or of the sexual assault of a student by a school employee, shall provide the Superintendent with all information related to the investigation that is in the possession or control of such person, except as expressly prohibited by state or federal law.
- e) When the school district is conducting an investigation involving suspected abuse or neglect or sexual assault of a student by an employee of the Board or other individual under the control of the Board, the Superintendent’s investigation shall include an opportunity for the individual suspected of abuse, neglect or sexual assault to be heard with respect to the allegations contained within the report. During the course of such investigation, the Superintendent may suspend a Board employee

may place the employee on administrative leave with pay, pending the outcome of the investigation. If the individual is one who provides services to or on behalf of students enrolled in the District, pursuant to a contract with the Board of Education, the Superintendent may suspend the provision of such services, and direct the individual to refrain from any contact with students enrolled in the District, pending the outcome of the investigation.

**P-4118.25(e)**

**5141.4**

---

## **Personnel**

### **Reports of Suspected Abuse or Neglect of Children**

~~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.~~

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

a) ~~Evidence of Abuse by a School Employee Holding a Certificate, Authorization or Permit Issued by the State Department of Education~~

a) If, upon completion of the investigation by the Commissioner of Children and Families ("Commissioner"), the Superintendent has received a report from the Commissioner that he or she has reasonable cause to believe that (1) a child has been abused by a school employee, as defined above who holds a certificate, permit, or authorization issued by the State Department of Education, and that the Commissioner has recommended that such employee be placed on the child abuse and neglect registry, or (2) a student is a victim of sexual assault by a school employee, the Superintendent shall ~~make a written request (and the law provides) that DCF notify the Superintendent not later than five (5) working days after such finding, and provide the Superintendent with records, whether or not created by DCF, concerning such investigation. to the Commissioner that he or she provide all records, whether or not created by DCF, concerning such investigation to the Superintendent.~~ In addition, the Superintendent shall suspend ~~the such school employee,~~ Such suspension shall be with if not previously suspended, with pay and without diminution or termination of benefits to such employee.

b) ~~Within~~ Not later than seventy-two (72) hours after such suspension the Superintendent shall notify the Board of Education and the Commissioner of Education, or the Commissioner of Education's ~~or his or her~~ representative, of the reasons for and the conditions of the suspension. The Superintendent shall disclose records received from DCF to the Commissioner of Education and the Board of Education or its attorney for purposes of review of employment status or the status of such employee's certificate, permit or authorization. ~~For certified personnel, such suspension shall remain in effect until the Board of Education acts pursuant to the provisions of Conn. Gen. Stat. Section 10-151, if any.~~

- c) The suspension of a school employee employed in a position requiring a certificate shall remain in effect until the Superintendent and/or Board of Education acts pursuant to the provisions of Conn. Gen. Stat. §10-151. If the contract of employment of such certified school employee is terminated, or such certified school employee resigns such employment, the Superintendent shall notify the Commissioner of Education, or the Commissioner of Education's representative, within seventy-two (72) hours after such termination or resignation.
- d) The suspension of a school employee employed in a position requiring an authorization or permit shall remain in effect until the Superintendent and/or Board of Education acts pursuant to any applicable termination provisions. If the contract of employment of a school employee holding an authorization or permit from the State Department of Education is terminated, or such school employee resigns such employment, the Superintendent shall notify the Commissioner of Education, or the Commissioner of Education's representative, within seventy-two (72) hours after such termination or resignation.
- e) Regardless of the outcome of any investigation by the Commissioner of 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 abused or neglected by a school ~~staff member who holds a certificate, permit or authorization issued by the State Department of Education~~ employee or that a student has been a victim of sexual assault by a school employee.
- f) The District shall not employ a person whose employment contract is terminated or who resigned from employment following a suspension pursuant to Paragraph 8(a) of this policy and Conn. Gen. Stat. § 17a-101i, if such person is convicted of a crime involving an act of child abuse or neglect or an act of sexual assault of a student, as described in Paragraph 2 of this policy.

**P-4118.25(f)**  
**5141.4**

---

## **Personnel**

### **Reports of Suspected Abuse or Neglect of Children**

~~If the contract of employment of such certified school employee is terminated as a result of an investigation into reports of child abuse and neglect, the Superintendent shall notify the Commissioner of Education, or his or her representative, within seventy two (72) hours after such termination.~~

#### 9. Evidence of Abuse, Neglect or Sexual Assault by An Independent Contractor of the Board of Education

##### ~~b) ——— Evidence of Abuse by Other School Staff~~



If the investigation by the Superintendent and/or the Commissioner of ~~Children and Families~~ DCF produces evidence that a child has been abused or neglected, or a student has been sexually assaulted, by any individual who provides services to or on behalf of students enrolled in the District, pursuant to a contract with the Board, the Superintendent shall permanently suspend the provision of such services, and direct the individual to refrain from any contact with students enrolled in the District.

~~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.~~

#### 810. Delegation of Authority by Superintendent

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

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

Except as provided in Section ~~10-13~~ below, any employee who fails to comply with the requirements of this policy shall be subject to discipline, up to and including termination of employment.

#### 12. The District shall not hire any person whose employment contract was previously terminated by a board of education or who resigned from such employment, if such person has been convicted of a violation of Section 17a-101a of the Connecticut General Statutes, as amended, relating to mandatory reporting, when an allegation of abuse or neglect or sexual assault has been substantiated.

#### ~~10~~13. Non-Discrimination Policy/Prohibition Against Retaliation

The Board of Education expressly prohibits retaliation against individuals reporting child abuse or neglect or the sexual assault of a student by a school employee and shall not discharge or in any manner discriminate or retaliate against any employee who, in good faith makes a report pursuant to this policy, or testifies or is about to testify in any proceeding involving abuse or neglect or sexual assault by a school employee. The Board of Education also prohibits any employee from hindering or preventing or attempting to hinder or prevent any employee from making a report pursuant to this policy or state law concerning suspected child abuse or neglect or the sexual assault of a student by a school employee or testifying in any proceeding involving child abuse or neglect or the sexual assault of a student by a school employee.

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

#### 15. Distribution of Policy and Posting of Careline Information

This policy shall be distributed annually to all school employees employed by the Board. The Board shall document that all such school employees have received this written policy and completed the training and refresher training programs required by in Section 16, below. The Board shall post the Internet web site address and telephone number for the DCF Child Abuse and Neglect Careline in a conspicuous location frequented by students in each school under the jurisdiction of the Board.

## 16. Training

- a) All new school employees, as defined above, shall be required to complete an educational training program for the accurate and prompt identification and reporting of child abuse and neglect. Such training program shall be developed and approved by the Commissioner of DCF.
- b) All school employees, as defined above, shall take a refresher training course developed and approved by the Commissioner of DCF at least once every three years.
- c) The principal for each school shall annually certify to the Superintendent that each school employee, as defined above, working at such school, is in compliance with the training provisions in this policy and as required by state law. The Superintendent shall certify such compliance to the State Board of Education.

## 17. Records

- a) The Board shall maintain in a central location all records of allegations, investigations, and reports that a child has been abused or neglected by a school employee employed by the Board or that a student has been a victim of sexual assault by a school employee employed by the Board, as defined above, and conducted in accordance with this policy. Such records shall include any reports made to the DCF. The State Department of Education shall have access to such records upon request.
- b) Notwithstanding the provisions of Conn. Gen. Stat. §10-151c, the Board shall provide the Commissioner of DCF, upon request and for the purposes of an investigation by the Commissioner of DCF of suspected child abuse or neglect by a teacher employed by the Board, any records maintained or kept on file by the Board. Such records shall include, but not be limited to, supervisory records, reports of competence, personal character and efficiency maintained in such teacher's personnel file with reference to evaluation of performance as a professional employee of the Board, and records of the personal misconduct of such teacher. For purposes of this section, "teacher" includes each certified professional employee below the rank of superintendent employed by the Board in a position requiring a certificate issued by the State Board of Education.

## 18. Child Sexual Abuse and/or Sexual Assault Response Policy and Reporting Procedure

The Board has adopted a uniform child sexual abuse and/or sexual assault response policy and reporting procedure in connection with the implementation of its sexual assault and abuse prevention and awareness program, as outlined in Board Policy [#]. **Child Sexual Abuse and/or Sexual Assault Response Policy and Reporting Procedure.** Upon receipt of any report of child sexual abuse and/or sexual assault from any source, a school employee shall report such suspicion to the Safe School Climate Coordinator in addition to complying with his/her obligations under this Policy and the law regarding mandatory reporting of abuse, neglect and sexual assault.



Legal References:

Connecticut General Statutes:

Section 10-151

[Section 10-221s](#)

Section 17a-101 et seq.

[—Section 17a-101q, Statewide Sexual Abuse and Assault Awareness and Prevention Program](#)

Section 17a-103

[Section 46b-120](#)

[Section 53a-65](#)

~~Public Act 09-242, “An Act Concerning Sexual Activity between School Workers and Students and Including School Superintendents as Mandated Reporters of Child Abuse or Neglect”~~

Policy Adopted: March 22, 2010

[Amended:](#)

WESTPORT PUBLIC SCHOOLS

Westport, Connecticut



## Students

### Attendance and ~~/Excuses/Dismissal~~

Connecticut state law requires parents to cause their children, ages five through eighteen inclusive, to attend school regularly during the hours and terms the public school is in session. Parents or persons having control of a child five years of age have the option of not sending the child to school until ages six or seven. Mandatory attendance terminates upon graduation or withdrawal with written parent/guardian consent at age seventeen.

A student is considered to be "in attendance" if present at his/her assigned school, or an activity sponsored by the school (e.g., field trip), for at least half of the regular school day. A student who is serving an out-of-school suspension or expulsion should always be considered absent. A student not meeting the definition of "in attendance" shall be considered absent.

Classroom learning experiences are the basis for public school education. Time lost from class is lost instructional opportunity. The Board of Education requires that accurate records be kept of the attendance of each child, and students should not be absent from school without parental knowledge and consent.

### Definitions (related to chronic absenteeism)

**Chronically absent child:** An enrolled student whose total number of absences at any time during a school year is equal to or greater than ten percent of the total number of days that such student has been enrolled at such school during such school year.

**Absence:** An excused absence, unexcused absence or disciplinary absence, as those terms are defined by the State Board of Education pursuant to C.G.S. 10-198b.

**District chronic absenteeism rate:** The total number of chronically absent children in the previous school year divided by the total number of children under the jurisdiction of the Board of Education for such school year.

**School chronic absenteeism rate:** The total number of chronically absent children for a school in the previous school year divided by the total number of children enrolled in such school for such school year.

### Excuses

*Note: The use of the state approved definitions of "excused" and "unexcused" absences are for state purposes for the reporting of truancy. Districts are not precluded from using separate definitions of such absences for their internal uses such as involving decisions on areas such as promotion and grading.*

A student's absence from school shall be considered "excused" if written documentation of the reason for such absence has been submitted within ten (10) school days of the student's return to school and meets the following criteria:

A. For absences one through nine, a student's absences from school are considered "excused" when the student's parent/guardian approves such absence and notifies school officials.

B. For the tenth absence and all absences thereafter, a student's absences from school are considered excused for the following reasons:

1. Student illness (must be verified by a licensed medical professional to be deemed excused, regardless of the length of the absence);

2. Student's observance of a religious holiday;

3. Death in the student's family or other emergency beyond the control of the student's family;

4. Mandated court appearances (documentation required);

5. The lack of transportation that is normally provided by a district other than the one the student attends (no parental documentation required);

6. Extraordinary educational opportunities pre-approved by District administration and to be in accordance with Connecticut State Department of Education guidance.

C. A student's absence from school shall be considered unexcused unless:

1. The absence meets the definition of an excused absence and meets the documentation requirements; or

2. The absence meets the definition of a disciplinary absence, which is the result of school or District disciplinary action and are excluded from these State Board of Education approved definitions.

When the school in which a child is enrolled receives no notification from a parent or other person having control of the child is aware of the child's absence, a reasonable effort shall be made by school personnel or volunteers under the direction of school personnel to notify by telephone and other means such parent or other person having control of the child.

### **Excused Absences for Children of Service Members**

An enrolled student, age five to eighteen, inclusive, whose parent or legal guardian is an active duty member of the armed forces, as defined in section 27-103, and has been called to duty for, is on leave from, or has immediately returned from deployment to a combat zone or combat support posting, shall be granted ten days of excused absences in any school year and, at the discretion of the Board of Education, additional excused absences to visit such child's parent or legal guardian with respect to such leave or deployment of the parent or legal guardian. In the case of such excused absences such child and parent or legal guardian shall be responsible to obtaining assignments from the student's teacher prior to any period of excused absence, and for ensuring that such assignments are completed by such child prior to his or her return to school from such period of excused absence.

## Chronic Absenteeism

The Board of Education, in compliance with statute, requires the establishment of attendance review teams when chronic absenteeism rates in the District or at individual schools in the District meet the following circumstances:

1. A team for the District must be established when the District chronic absenteeism rate is 10 percent or higher.
2. A team for the school must be established when the school chronic absenteeism rate is 15 percent or higher.
3. A team for either the District or each school must be established when (a) more than one school in the District has a school chronic absenteeism rate of 15 percent or higher or (b) a District has a District chronic absenteeism rate of 10 percent or higher and one or more schools in the District have a school chronic absenteeism rate of 15 percent or higher.

The membership of attendance review teams may consist of school administrators, guidance counselors, school social workers, teachers, chronically absent children, parents or guardians of chronically absent children, and representatives from community-based programs who address issues related to student attendance by providing programs and services to truants.

Each attendance review team shall be responsible for reviewing the cases of truants and chronically absent children, discussing school interventions and community referrals for such truants and chronically absent children and making any additional recommendations for such truants and chronically absent children and their parents or guardians. Each established attendance review team shall meet at least monthly.

The District shall utilize the chronic absenteeism prevention and intervention plan developed by the State Department of Education. Such plan must include the means for collecting and analyzing data relating to student attendance, truancy and chronic absenteeism. The data must be disaggregated by school district, school grades and subgroups such as race, ethnicity, gender, eligibility for free and reduced priced lunches, students whose primary language is not English, and students with disabilities.

The District shall annually include in information for the strategic school profile report for each school and the District that is submitted to the Commissioner of Education, data pertaining to truancy and chronically absent children.

The Principal or his/her designee of any elementary or middle school located in a town/city designated as an alliance district may refer to the children's truancy clinic established by the Probate Court serving the town/city, a parent/guardian with a child defined as a truant or who is at risk of becoming a truant. (An attendance officer or a police officer shall deliver the citation and summons and a copy of the referral to the parent/guardian.)

## Dismissal

No school, grade, or class may be dismissed before the regularly scheduled dismissal time without the approval of the Superintendent or his/her designee.

No student may be permitted to leave school at any time other than at regular dismissal without the approval of the student's parent/guardian. If a court official with legal permission to take custody of a child, or if a police officer arrests a student, the parent/guardian should be notified of these situations by the administration.

(cf. 5142 - Student Safety)

(cf. 5113.2 - Truancy)

(cf. 6113 - Released Time)

~~The Board of Education and the Administration believe that regular attendance is important because:~~

- ~~● It assures that students will receive the necessary formal instruction from teachers, and the appropriate services of other professional staff.~~
- ~~● It makes it possible for teachers to get to know students well.~~
- ~~● It provides opportunities for class discussion, laboratory work and other exploratory activities, work on group projects, interaction with teachers and classmates, library work, and other experience that contribute to educational growth.~~
- ~~● It permits the student to enter fully into the life of the school to participate in sports, or other extra-curricular activities and school cultural and social events.~~

~~Therefore, in compliance with State law, the Board of Education:~~

- ~~1. Requires students to attend school regularly.~~
- ~~2. Discourages parents from taking children on vacations when school is in session.~~
- ~~3. Discourages parents from keeping children out of school for a day or requesting early dismissals for any but important health related reasons.~~
- ~~4. Directs school staff members, through their work with parents and students, to foster the value of regular school attendance and to establish procedures to assure that each student (including those beyond the compulsory school age) attend school regularly.~~
- ~~5. Directs the administration, in cases of truancy to pursue any and all courses of action necessary, including working with other appropriate agencies, to insure that students of compulsory school age, are in compliance with the law.~~
- ~~6. Encourages students beyond compulsory school age to remain in school through graduation, or, if they have left school, to return to school or to explore other alternatives for continuing their high school education.~~
- ~~7. Directs administrators and other staff members to facilitate the return of drop-outs, and/or to help students explore alternative ways of earning their high school diplomas.~~

## **Students**

### **Attendance/Excuses/Dismissal**

Legal Reference: Connecticut General Statutes

10-184 Duties of parents (as amended by PA 98-243, ~~and~~ PA 00-157, and PA 18-15)

10-185 Penalty

10-198a Policies and procedures concerning truants (as amended by P.A.11-136, An Act Concerning Minor Revisions to the Education Statutes and PA 14-198, An Act Concerning Excused Absences from School for Children of Service Members, and PA 16-147, An Act Concerning the Recommendations of the Juvenile Justice Policy and Oversight Committee)

10-198b State Board of Education to define "excused absence," "unexcused absence," and "disciplinary absence"

10-198d Chronic absenteeism (as amended by PA 17-14 and PA 18-182)

45a-8c Truancy clinic. Administration. Policies and procedures. Report. (as amended by PA 15-25)

10-199 through 10-202 Attendance, truancy - in general

Action taken by State Board of Education on January 2, 2008, to define "attendance."

Action taken by State Board of Education on June 27, 2012, to define "excused" and "unexcused" absences.

PA 17-14 An Act Implementing the Recommendations of the Department of Education





## Students

### Attendance, ~~T~~Truancy, and Chronic Absenteeism

Regular and punctual student attendance in school is essential to the educational process. Connecticut state law places responsibility for assuring that students attend school with the parent or other person having control of the child. To assist parents and other persons in meeting this responsibility, the Board of Education (the “Board”), through its Superintendent, will adopt and maintain procedures to implement this policy.

In addition, the Board takes seriously the issue of chronic absenteeism. To address this issue, the Board, through its Superintendent, will adopt and maintain procedures regarding chronic absenteeism in accordance with state law.

Legal References: Connecticut General Statutes §10-220

Connecticut General Statutes §10-184

Connecticut General Statutes §10-186

Connecticut General Statutes §10-198a`

Connecticut General Statutes § 10-198b

Connecticut General Statutes § 10-198c

Connecticut General Statutes § 10-198d

Connecticut General Statutes § 10-198e

~~Public Act 11-136, An Act Concerning Minor Revisions to the Education Statutes~~

Guidelines for Reporting Student Attendance in the Public School Information —System (Connecticut State Department of Education, January 2008)

~~Connecticut State Department of Education Circular Letter C-2, Utilizing Local Support Resources Prior to Referral of Students for Family with Service Needs (August 4, 2009)~~

Connecticut State Board of Education Memorandum, Definitions of Excused and Unexcused Absences (June 27, 2012)

Connecticut State Department of Education, *Guidelines for Implementation of the Definitions of Excused and Unexcused Absences and Best Practices for Absence Prevention and Intervention* (April 2013)

Connecticut State Department of Education, *Reducing Chronic Absence in Connecticut's Schools: A Prevention and Intervention Guide for Schools and Districts* (April 2017)

Connecticut State Department of Education Memorandum, *Youth Service Bureau Referral for Truancy and Defiance of School Rules* (February 22, 2018)

Connecticut State Department of Education, *Youth Service Bureau Referral Guide* (February 2018)

Policy adopted: ~~\_\_\_\_\_~~ October 22, 2007

Amended: \_\_\_\_\_ WESTPORT PUBLIC SCHOOLS  
Westport, Connecticut

## **Students**

### **Alcohol Use, Drugs, and Tobacco (Including Performance Enhancing Substances)**

#### **Drugs and Alcohol**

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.

#### **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 drugs, performance enhancing substances, or alcohol, the student/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.**

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.

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 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 or 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 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 or student athlete 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.

**(5) Involuntary Disclosure or Discovery of Drug/Alcohol Problems.**

When a professional employee, or a coach or volunteer responsible for or involved in student athletic programs, 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 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 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, coach, or volunteer who reasonably suspects that a student is violating a state/federal law, or a school substance abuse/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'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/chemical health 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.

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

(a) Any student in the Westport 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) 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.

(g) 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 student athletic participation privileges revoked.

(h) 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.

(i) 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.

### **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)**



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.

### **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-S, 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.

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 or on the grounds of any preschool, elementary school, 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.

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.

### 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).
- (6) 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](http://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.
- (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.
- (8) 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.

- (9) 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.
- (10) 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.
- (11) Electronic cigarette liquid means a liquid that, when used in an electronic nicotine delivery system or vapor product, produces a vapor that may or may not include nicotine and is inhaled by the user of such electronic nicotine delivery system or vapor product.

#### Legal References:

#### 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.

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 10-220b Policy statement on drugs

Section 10-221

Sections 10-233a through 10-233f

Section 21a-240

Section 21a-243

Section 21a-408a through 408q

53-198 Smoking in motor buses, railroad cars and school buses

Public Act 11-73 An Act Regulating the Sale and Possession of Synthetic Marijuana and Salvia Divinorum.

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

[Public Act 12-55 An Act Concerning the Palliative Use of Marijuana.](#)

[Public Act 14-76 An Act Concerning the Governor's Recommendations Regarding Electronic Nicotine Delivery Systems and Youth Smoking Prevention.](#)

[Public Act 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:

WESTPORT PUBLIC SCHOOLS  
Westport, Connecticut



## Business and Non-Instructional Operations

### Food Service

#### Charging Policy

The goal of the food service program is to provide students with nutritious and healthy foods, through the District's food services program, that will enhance learning. The school nutrition program is an essential part of the education system and by providing good-tasting, nutritious meals in pleasant surroundings; we are helping to teach students the value of good nutrition.

Connecticut's school Child Nutrition Programs consist of the National School Lunch, School Breakfast, Special Milk, After School Snack and Fresh Fruit and Vegetable Programs. It is a local decision as to in which programs the District selects to participate. These programs are federally funded and are administered by the United States Department of Agriculture's Food and Nutrition Service. At the State level, the school Child Nutrition Programs are administered by the Connecticut State Department of Education, which operates the program through agreements with the local school food authorities.

The school nutrition program is an extension of the school's educational programs and it is the District's vision to have a partnership among students, staff, school family and the community in offering access to and providing nutritious meals, which are attractively presented at an affordable price.

The Board realizes that funds from the non-profit school food service account, according to federal regulations, cannot be used to cover the cost of charged meals that have not been paid.

In order to sustain the District's food services program, the District cannot permit the excessive charging of student meals. Therefore, any charging of meals must be consistent with this policy and any accompanying regulations. The Superintendent or his/her designee shall develop regulations designed to effectively and respectfully address family responsibility for unpaid meals.

1. Parents are responsible for providing meals or meal money for their student(s). Borrowing or charging is for one meal only in an emergency. Repayment is expected without delay. Snack and a-la-carte purchases are cash only for delinquent account holders.

2. Although not required by law, because of the District's participation in the school Child Nutrition Programs, the Board of Education approves the establishment of a system to allow a student to charge a meal. The Board authorizes the Superintendent to develop rules which address:

a. What can be charged;

b. The limit on the number of charges per student;

b. The system used for identifying and recording charged meals;

c. The system used for collection of repayments; and

d. Ongoing communication of the policy to parents/guardians and students.

Any parent/guardian who anticipates a problem with paying for meals is encouraged to contact the Food Services Manager/Director and/or the applicable school Principal for assistance. The Board encourages all families who may have a child eligible for free or reduced price lunch to apply. There will be outreach to families.

## Definitions

"Alternate Meals" are not clearly defined in federal and state regulations. The use of alternate meals refers to any meal served to a student that is different from the day's advertised reimbursable meal. Alternate meals are most often provided to those students who have forgotten their meal payment(s) or medium of exchange.

"Delinquent Debt" are unpaid meal charges, like any other money owed to the nonprofit school food service account when payment is overdue, as defined by state or local policies.

"Bad Debt" are when unpaid meal charges are not collected and are considered a loss. Such debt must be written off as an operating loss, which cannot be absorbed by the nonprofit school food service account, but must be restored using nonfederal funds.

## Elementary and Secondary Students

1. The District uses My School Bucks, an automated prepayment system, which allows parents/guardians to view their child's meal account balance and purchases, receive low-balance notifications, as well as, make deposits, to their child's school meal account. Any student whose account has insufficient funds (i.e., is at the charging limit) and does not bring a meal from home may charge any combination of meals up to a negative balance of \$10.00. When the charge limit is reached, the student will be given the same reimbursable meal that other children are provided. No snacks or a-la-carte items may be charged. Parents of students who charge with low balances or delinquent accounts shall be notified by phone, after their child has received the meal periodically, until the charges are paid in full. Negative balance status can be avoided by making a payment in the form of cash or check payable to "Westport School Lunch", or by credit card to the My School Bucks website.

2. No student shall be deprived a reimbursable meal due to forgotten or lost meal money. The school Principal will be responsible for maintaining a fund of money to loan to students without meal money. The pool of money may be established from school or PTA/PTO funds. The Principal or his/her designee is responsible for collecting money that has been loaned to students. Students will be responsible for repaying all loaned money before the distribution of graduation robes. A note shall be mailed to the student's home to inform parents of the loan obligation. In situations in which a student is consistently without meal money, the Principal or his/her designee should encourage the parent/guardian to apply for free or reduced price meals.

3. Students shall be allowed to charge up to five meals. The student with delinquent accounts will be given the same reimbursable meal that other children are provided. Parents of students who charge shall be notified by phone, after their child has received the meal. After charging four meals, the parents shall receive written notification that the child will then be given an alternate meal consisting of one or more of the choices listed above. If a pattern of charging continues,



attempts will be made to discuss the issue with the parents/guardians and encourage them to complete a free and reduced meal application, and/or refer them to Human Services.

## **District-Wide**

### **Delinquent Debt and Bad Debt**

The District's efforts to recover from households money owed due to the charging of meals must not have a negative impact on the children involved and shall focus primarily on the adults in the household responsible for providing funds for meal purchases. The school food authority is encouraged to consider whether the benefits of potential collections outweigh the costs which would be incurred to achieve those collections.

Money owed because of unpaid meal charges shall be considered "delinquent debt," as defined, as long as it is considered collectable and reasonable efforts are being made to collect it.

After reasonable attempts are made to collect the delinquent debt, and it is determined that further collection efforts are useless or too costly, the debt must be reclassified as "bad debt." Such debt shall be written off as an operating loss not to be absorbed by the nonprofit school food service account but must be restored using non-federal funds.

Collection procedures shall be in place that include the administration and food service provider.

### **Dissemination of Policy**

This policy shall be provided in writing to all households at the start of each school year and to households transferring to the school or school district during the school year.

This policy shall be included in student/parent handbooks, on online portals that households use to access student accounts, placed on the District's website, on the website of each school, and published at the beginning of each school year at the time information is distributed regarding free and reduced price meals and again to the household the first time the policy is applied to a specific child.

This policy shall be provided to all school staff and/or school food authority staff responsible for its enforcement. In addition, school social workers, nurses, the homeless liaison, and other staff members assisting children in need or who may be contacted by families with unpaid meal charges also should be informed of this policy.

The District's school food authority shall maintain, as required, documentation of the methods used to communicate this policy to households and school or school food authority-level staff responsible for policy enforcement.

(cf. 3542 - Food Service)

(cf. 3542.31 - Free or Reduced Price Lunch Program)

Legal Reference: Connecticut General Statutes

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

10-215a Nonpublic school and nonprofit agency participation in feeding programs.

10-215b Duties of State Board of Education re feeding programs.

State Board of Education Regulations

State of Connecticut, Bureau of Health/Nutrition, Family Services and Adult Education  
Operational Memorandum No. 4-17, "Guidance on Unpaid Meal Charges and Collection of  
Delinquent Meal Payments," Nov. 2, 2016

Operational Memorandum #19-10, State of Connecticut, Bureau of Health/Nutrition, Family  
Services and Adult Education "Unallowable Charges to No-profit School Food Service Accounts  
and the Serving of Meals to No-paying Full and Reduced Price Students"

National School Lunch Program and School Breakfast Program; Competitive Foods. (7 CFR  
Parts 210 and 220, Federal Register, Vol 45 No. 20, Tuesday, January 29, 1980, pp 6758-6772

USDA Guidance:

- SP 46-2016, "Unpaid Meal Charges: Local Meal Charge Policies"
- SP 47-2016, "Unpaid Meal Charges: Clarification on Collection of Delinquent Meal  
Payment"
- SP 57-2016 "Unpaid Meal Charges: Guidance and Q and A"
- SP 58-2016 "2016 Edition: Overcoming the Unpaid Meal Challenge: Proven Strategies  
from Our Nation's Schools"

Policy adopted:

WESTPORT PUBLIC SCHOOLS  
Westport, Connecticut

## **Business and Non-Instructional Operations**

### **Food Service**

#### **Food Service Personnel - Code of Conduct**

The following conduct is expected of all persons who are engaged in the award and administration of contracts for the Westport School Lunch Program supported by the Child Nutrition Program (CNP) funds. These programs include, but are not limited to, the National School Lunch Program, School Breakfast Program, Child and Adult Care Food Program, and Summer Food Service Program.

No employee, officer or agent of the Westport School District shall participate in selection or in the award or administration of a contract supported by program funds if a conflict of interest, real or apparent, would be involved.

To ensure objective contractor performance and eliminate unfair competitive advantage, a person that develops or drafts specifications, requirements, statements of work, invitations, for bids, requests for proposals, contract terms and conditions of other documents for use by the child nutrition program in conducting procurement shall be excluded from competing for such procurements. Such persons are ineligible for such procurements regardless of the procurement method used.

Conflicts of interest arise when a school district employee:

1. Has a financial or other interest in the firm selected for the award;
2. Is an employee, officer, or agent of the firm selected for the award;
3. Has a member of the immediate family who is an employee, officer or agent of the firm selected for the award;
4. Is about to be employed by the firm selected for the award; or
5. Has a member of the immediate family who is about to be employed by the firm selected for the award.

The Westport School District employees, officers or agents shall neither solicit nor accept gratuities, favors, or anything of material monetary value from contractors, potential contractors or parties to sub-agreements.

~~The purchase during the school day of any food or service from a contractor for individual use is prohibited.~~

Westport Board of Education employees, officers and agents shall be governed by the following rules:

1. The purchase during the school day of any food or service from a contractor for individual use is prohibited.

1. The removal of any food, supplies, equipment or school property, such as official records, recipe books, and the like is prohibited unless express permission of the Food Service Coordinator/Business Manager/Cafeteria Supervisor has been granted.

2. Individual sales by any school person to an outside agency or other school person are prohibited.

Failure of any employee to abide by this Code of Conduct could result in a fine, suspension or dismissal.

(cf. 3326 - Ordering Goods and Services, Paying for Goods and Services)

(cf. 3542 - School Lunch Service)

(cf. 3542.31 - Participation in the Nutritional School Lunch Program)

(cf. 3542.33 - Food Sales Other Than National School Lunch Program)

(cf. 3542.34 - Nutrition Program)

(cf. 4118.13/4218.13 - Conflict of Interest)

(cf. 6142.101 - Student Nutrition and Physical Wellness, School Wellness)

Legal Reference: Connecticut General Statutes

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

10-215a Nonpublic school and nonprofit agency participation in feeding programs.

10-215b Duties of State Board of Education re feeding programs.

10-216 Payment of expenses.

State Board of Education Regulations

10-215b-1 School lunch and nutrition programs.

10-215b-11 Requirement for meals.

10-215b-12 Reimbursement payments. (including free and reduced price meals)

Child Nutrition and WIC Reauthorization Act of 2004, 42 U.S.C. Section 1751.

School Lunch and Breakfast Programs 42 U.S.C. Section 1751 et seq.

National Food Service Programs, Title 7 Code of Federal Regulations, 7 CFR Part 210, Part 220, Part 215, Part 245.

42 U.S.C. Sec. 1758(h)/7 CFR Sect 210.13, 220.7 (School Food Safety Inspections).

Federal Register (74 Fed. Reg. 66213) amending federal regulations (7 CFR Part 210 and 220).

P.L. 111-296 Healthy, Hunger-Free Kids Act of 2010 (HHFKA), 42 U.S.C. 1751

7 CFR Parts 210 & 220 - Nutrition Standards in the National School Lunch & School Breakfast Programs.

Nondiscrimination on the Basis of Handicap in Programs or Activities

Title 7 Chapter 11 of the Code of Federal Regulation Federal Management Circular A- 102, Attachment 0 FNS Instruction 796-1 Revision 2.

2 CFR 200.318 General Procurement Standards



## **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.

#### **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. 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.

In an effort to promote physical exercise, the Board prohibits school employees from disciplining elementary school students by preventing them from participating in the ~~entire full 20 minutes of~~ time devoted to physical exercise or undirected school play 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 as amended by PA 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

Policy adopted: WESTPORT PUBLIC SCHOOLS

---

Westport, Connecticut



**Instruction****Comparability of Services**

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

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

Comparability, is defined, for purposes of this policy, that the District uses state and local funds to provide services to Title I schools that are comparable to those offered in non-Title I schools in order to get federal funding under ESSA.

The Board of Education believes that at all times its schools should be equally as well equipped and maintained as may be possible within existing financial limitations.

It shall be the policy of the Board of Education to insure comparability of services funded by state and local sources in both Title I project schools and non-project schools. The Board of Education will therefore:

1. Maintain a district-wide salary schedule.
2. Provide services with federal, state and local funds in schools serving Title I project areas that are at least comparable to services in non project areas.
3. Use federal, state and local funds to provide for an equivalence among all schools in all schools with the same grade levels in teachers, administrators, auxiliary personnel.
4. Use federal, state and local funds to provide for an equivalence among all schools with the same grade levels in the provision of curriculum and instructional materials, books and supplies.

The District shall maintain records that are updated biannually documenting its compliance with this ESSA requirement.

Nothing in this policy will prohibit the administration from addressing identified problems at individual schools.

*Note: The comparability requirements of 20 U.S.C. Section 6321(c) shall not apply to a district that does not have more than one building from each grade span. (20 U.S.C. Section 6321(c)(4))*

Legal Reference: Title I Improving Basic Programs Operated by State and Local Educational Agencies, Improving Every Student Succeeds Act, P.L. 114-95

20 U.S.C. Section 6321 (c)

Agostini v. Felton 521 U.S. 103 (1997)

**Policy adopted:****Instruction****Research: Testing****Testing Program**

A plan of system-wide testing in addition to mandated statewide assessments, shall be developed and implemented as one indication of the success and quality of the district's total educational program. In the case of individual students, standardized achievement tests, in combination with other criteria, can provide an indication of student achievement. When appropriate, students may also be tested for mental ability, aptitude and interest.

The purposes of the district-wide testing program are to facilitate and provide information for the following:

1. **Student Achievement** - To produce information about relative student achievement so that parents/guardians, students and teachers have a baseline against which to monitor academic progress. Within the limitations of group testing instruments, the information should be useful to serve as a validation device for other measures of student progress.
2. **Student Counseling** - To serve as a tool in the counseling and guidance of students for further direction and for specific academic placement.

**3. Instructional Change** - To provide data which will assist in the preparation of recommendations for instructional program changes to:

- a. Help teachers with instructional decisions, plans and changes regarding classroom objectives and program implementation;
- b. Help the professional staff formulate and recommend instructional policy; and
- c. Help the Board of Education adopt instructional policies.

**4. School and District Assessment** - To provide additional indicators of the progress of the district toward established goals.

The testing program is an integral part of the district's needs assessment and evaluation programs. The program should be developed primarily for furnishing needed information to decision makers, including the Board, administrators, teachers, parents/guardians and students.

The needs of these various groups shall be clearly identified, and the testing program shall be limited to obtaining that information which is needed and useful.

In planning, every effort will be made to see that testing contributes to the learning process rather than detracts from it. Efforts shall be made to incorporate necessary culture-free and culture-fair tests to assure reasonably accurate measurements.

The district shall not discriminate in the methods, practices and materials used for testing, evaluating and counseling students on the basis of sex, race, national origin, creed, sexual orientation or physical, mental, emotional or learning disability. Discrimination complaints shall be processed in accordance with established procedures.

Parents shall be notified prior to any individual student testing, beyond that which is part of the regular classroom routine. Parental notification shall include the reason for the testing and an explanation of the test to be used. All such tests results shall be shared with parents.

Staff will receive in-service education in the use of designated tests, confidentiality issues and interpretation of test results.

A periodic review and evaluation of the district's testing program will be conducted.

Policy adopted:

**Instruction****Survey of Students**

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

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

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

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

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

Surveys conducted for other agencies, organizations or individuals must have the recommendation of the Superintendent of Schools and the approval of the Board of Education as to content and purpose. The results of such approved surveys must be shared with the Board of Education.

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

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

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

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

1. The collection, disclosure and use of personal information gathered from students for the purpose of marketing or selling that information. This does not apply to the collection, disclosure, or use of personal information collected from students for the exclusive purpose of developing, evaluating, or providing educational products or services for, or to students, such as:
  - a. College or other post-secondary education recruitment, or military recruitment;
  - b. Book clubs, magazines and programs providing access to low-cost literary products;
  - c. Curriculum and instructional materials used in schools;
  - d. Tests and assessments;
  - e. Student recognition programs; and
  - f. The sale by students of products or services to raise funds for school-related activities;

2. The administration of any survey that delves into the restricted sensitive subject areas identified and listed above, or
3. The administration of any non-emergency, invasive physical examination or screening that is required as a condition of attendance, administered by the school not necessary to protect the immediate health or safety of the student or other students and not otherwise permitted or required by state law.

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

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

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

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

(cf. 6141.11 - Curriculum Research/Experimental Projects)

(cf. [6161](#) - Equipment, Books and Materials: Provision/Selection)

(cf. [6161.1](#) - Evaluation/Selection of Instructional Materials)

(cf. 6161.12 - Reconsideration of Materials)

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

Regulation 34 CFR Part 98 (PPRA Regulations)

**Policy adopted:**

**Instruction****Title I Parent Involvement**

The Board of Education endorses the parent involvement goals of Title I and encourages the regular participation by parents of Title I eligible children in all aspects of the program. The education of children is viewed as a cooperative effort among the parents, school and community. In this policy, the word "parent" also includes guardians and other family members involved in supervising the child's schooling.

Pursuant to federal law, the District will develop jointly with, agree on with and distribute to parents of children participating in the Title I program a written parent involvement policy.

At the required annual meeting of Title I parents, parents will have opportunities to participate in the design, development, operation and evaluation of the program for the next school year. Proposed activities shall be presented to fulfill the requirements necessary to address the requirements of parental involvement.

In addition to the required annual meeting, at least three additional meetings shall be held, at various times of the day and/or evenings, for parents of children participating in the Title I program. These meetings shall be used to provide parents with:

1. Information about programs provided under Title I;
2. A description and explanation of the curriculum in use, the forms of academic assessment used to measure student progress, and the proficiency levels students are expected to meet;
3. Opportunities to formulate suggestions and to participate, as appropriate, in decisions relating to the education of their children; and
4. The opportunity to bring parent comments, if they are dissatisfied with the school's Title I program, to the district level.

Title I funding, if sufficient, may be used to facilitate parent attendance at meetings through payment of transportation and childcare costs.

The parents of children identified to participate in Title I programs shall receive from the school Principal and Title I staff an explanation of the reasons supporting each child's selection for the program, a set of objectives to be addressed, and a description of the services to be provided. Opportunities will be provided for the parents to meet with the classroom and Title I teachers to discuss their child's progress. Parents will also receive guidance as to how they can assist in the education of their children at home.

Each school in the District receiving Title I funds shall jointly develop with parents of children served in the program a "School-Parent Compact" outlining the manner in which parents, school staff and students share the responsibility for improved student academic achievement in meeting State standards.

The "School-Parent Compact" shall:

1. Describe the school's responsibility to provide high-quality curriculum and instruction in a supportive and effective learning environment enabling children in the Title I program to meet the State's academic achievement standards;
2. Indicate the ways in which each parent will be responsible for supporting their children's learning, such as monitoring attendance, homework completion, monitoring television watching, volunteering in the classroom, and participating, as appropriate, in decisions related to their child's education and positive use of extra-curricular time; and
3. Address the importance of parent-teacher communication on an on-going basis, with at a minimum, parent-teacher conferences, frequent reports to parents, and reasonable access to staff.

Note: Districts with more than one school participating in a Title I program may wish to consider the establishment of a district wide parent advisory council.

(cf. [1110.1](#) - Parent Involvement)

(cf. [6161.3](#) - Comparability of Services)

Legal Reference: Improving America's Schools Act, P.L. No. 103-382, Sec. 1112 Local Educational Agency Plans.

Improving America's School Act (IASA), P.L. 103-382.

PL 107-110, "No Child Left Behind Act of 2001," Title I - Improving the Academic Achievement of the Disadvantaged, Sec. 1118

Policy adopted:



---

**Series 6000  
Instruction**

**PARENT AND FAMILY ENGAGEMENT POLICY  
FOR TITLE I STUDENTS**

**[Note: This policy must be developed jointly with, and agreed upon by, parents and family members of children participating in Title I programs.]**

In accordance with Section 1010 of the Every Student Succeeds Act (“ESSA”), Public Law 1114-95, it is the policy of the [ ] Board of Education to provide parents and family members of students participating in the district’s Title I programs meaningful opportunities to participate in the education of their children within these programs. To facilitate parental and family participation, the Board encourages parents and family members of Title I eligible students to be involved in regular meetings, communications, and activities that will inform them about the district’s Title I programs, to participate in the improvement of such programs and to help improve their child’s progress within these programs.

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

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

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

3. strategies to support successful school and family interactions.

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

In addition to the required annual meeting, and if requested by parents, schools within the district that are involved in Title I programs shall offer opportunities for regular meetings at flexible times of the day in order to allow parents to formulate suggestions for the Board's Title I programs and their application to their child(ren)'s programs; and to participate, as appropriate, in decisions related to the education of their children. Parents will be given opportunities to participate in the joint development of the district's Title I plan, as required by Section 1006 of ESSA, and in the process of any school review and improvement in accordance with the State's plan, as required by Section 1111 of ESSA. At any time, if a parent is dissatisfied with a school's Title I program, he/she shall have the opportunity to submit comments for review at the district level.

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

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

1. provide assistance to parents of students participating in Title I programs in understanding topics such as the challenging state academic standards, state and local academic assessments, the requirements under Title I, and how to monitor their child's progress and work with educators to improve the achievement of their children;
2. provide materials and training to help parents to work with their children, such as literacy training and using technology (including education about the harms of copyright piracy);



3. educate teachers, specialized instructional support personnel, staff and administrators, with the assistance of parents, about how to better communicate and work with parents;
4. to the extent feasible and appropriate, coordinate and integrate parent involvement programs and activities with other federal, state and local programs, including public preschool programs, conduct other activities that encourage and support parent participation;
5. ensure that information related to school and parent programs, meetings and other activities is sent to participating parents in a format and, to the extent practicable, in a language the parents can understand;
6. provide such other reasonable support for parental involvement activities as parents may request; and
7. inform parents and parental organizations of the existence and purpose of parent resource centers within the State.

### **School-Parent Compact**

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

1. describe the school's responsibility to provide high-quality curriculum and instruction in a supportive and effective learning environment that enables Title I students to meet the challenging State academic standards;
2. indicate the ways in which each parent will be responsible for supporting their child's learning; volunteering in their child's classroom; and participating, as appropriate, in decisions related their child's education and positive use of extracurricular time;
3. address the importance of ongoing teacher-parent communication through parent-teacher conferences, frequent reports to parents, reasonable access to school staff, and opportunities to volunteer, participate in, and observe their child's classroom activities; and
4. ensure regular, two-way, meaningful communication between family members and school staff, and, to the extent practicable, in a language that family members can understand.

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

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

Connecticut General Statutes:

10-220(c) Duties of Boards of Education

Federal Law:

20 U.S.C. § 6318, as amended by Every Student Succeeds Act, Pub. L. No.  
114-95, § 1010 (2015).  
20 U.S.C. § 7801. Definitions

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

7/5/2016

## SAMPLE LETTER FOR PARENTS

[Insert School Letterhead]

[Parents Name]  
[Parents Address]

[Date]

Re:

[Insert School Letterhead]

[Parents Name]  
[Parents Address]

[Date]

Re: **Meeting for Parents of Students Participating in Title I Programs**

Dear [insert parent name]:

Each year, [insert name of school] must conduct a meeting to involve parents of students participating in programs conducted under Title I of the Every Student Succeeds Act of 2015 in the planning, review and improvement of programs funded by Title I. This year, the meeting will be held on [insert date, time] at [insert location of meeting].

At this meeting, parents will be provided with a description and explanation of the Title I programs available in the district, the curriculum in use at the school, the forms of academic assessment used, the challenging State academic standards, and information regarding the importance of parental involvement. We welcome this opportunity to speak with parents of participating students and to inform you of the important work being done within our school. All parents of students participating in Title I programs are encouraged to attend and participate in the discussion.

For your convenience and information, enclosed with this letter is a copy of the [insert town] Board of Education's Parent and Family Engagement Policy for Title I Students. We look forward to seeing you on [insert date and time].

Sincerely,

[insert name of building principal]

Enclosure

Cc: [insert name of Superintendent], Superintendent of Schools  
Revised 7/5/2016

## SAMPLE

**[Note: This compact must be developed jointly with parents of students participating in Title I programs. Districts must work jointly with parents to develop more specific strategies to foster a strong alliance among parents, teachers and students in order to improve academic achievement.]**

### Parent-School Compact

Parents, students and staff involved in Title I programs within the [ ] School District agree to share responsibility for improving student academic achievement. In furtherance of this agreement, these parties agree to the following:

The [ ] school [ or school district] shall be responsible for:

- *providing high-quality curriculum and instruction in a supportive and effective learning environment that enables students in the [name of school] Title I program to meet the challenging state academic standards;*
- *communicating with parents regarding their child's progress and providing timely information about Title I programs and assessment tools;*
- *encouraging ongoing communication between teachers and parents;*
- *educating staff about the importance of parental involvement;*
- *providing, at minimum, annual parent-teacher conferences during which the school-parent compact will be discussed as it related to the individual child's achievement;*
- *providing frequent reports to parents on their child's progress;*
- *providing reasonable access to school staff;*
- *providing opportunities for parents to volunteer, participate in and observe their child's classroom activities; and*
- *ensuring regular, two-way, meaningful communication between family members and school staff, and, to the extent practicable, in a language that family members can understand.*

Teachers participating in Title I programs shall be responsible for:

- *communicating with parents on an ongoing basis;*
- *participating in parent-teacher conferences, at least annually, during which the school-parent compact will be discussed as it relates to the individual child's achievement;*
- *providing frequent reports to parents on their child's progress; and*
- *providing opportunities for parents to volunteer, participate and observe their child's classroom activities.*

Parents shall be responsible for supporting their child's learning in the following ways:

- *volunteering in their child's classroom;*
- *encouraging positive use of their child's extracurricular time; and*
- *participating, as appropriate, in decisions relating to their child's education.*

7/5/16  
341034v9



**Students****On-Campus Recruitment**

All recruiters, military, non-military, commercial and educational providing information to high school students about post high-school educational and/or career opportunities shall be afforded substantially equal opportunity, with respect to the conduct of on-campus student recruitment. Recruiters will be afforded the opportunity to conduct meetings during the school day, at a time, and in place designated by the high school administration, with those students who are voluntarily interested. The administration may limit the number of such opportunities to be granted to each organization and agency to avoid undue interference with the educational process.

Follow up visits to the high school by recruiters (in all categories specified above) in order to meet with individual students will be permitted, provided that the student is a voluntary participant in the follow up and that the appointment is scheduled on the request of the student.

(cf. [5145.15](#) – Disclosure of Directory Information Regarding Students to Commercial, Military and College Recruiters and Others)

Legal Reference: Connecticut General Statutes

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

[10-221b](#) Boards of education to establish written uniform policy re treatment of recruiters.(as amended by PA 98-252)

Public Law 107-110, No Child Left Behind Act

**Policy adopted: November 19, 1984**





**Students****On-Campus Recruitment**

Subject to the provisions of Subdivision (11) of Subsection (b) of Section [1-210](#) of the Connecticut General Statutes, the high schools of the school district shall provide the same directory information and on campus recruiting opportunities to representatives of the armed forces of the United States of America and State Armed Services as are offered to nonmilitary recruiters, recruiters for commercial concerns and recruiters representing institutions of higher education.

The Board of Education (Board) will inform, at the middle and high school level, students and parents/guardians of the availability of (1) vocational, technical and technological education and training at technical high schools, and (2) agricultural sciences and technology education at regional agricultural science and technology education centers.

The Board shall also provide full access for the recruitment of students by technical high schools, regional agricultural science and technology education centers, inter-district magnet schools, charter schools and inter-district student attendance programs, provided such recruitment is not for the purpose of interscholastic athletic competition. The Board shall also post information about these school options on its website.

Directory information or class lists of student names and/or addresses shall not be distributed without the consent of the parent or legal guardian of the student or by the student who has attained majority status.

Military recruiters or institutions of higher learning shall have access to secondary school students' names, addresses, and telephone listings unless the parent/guardian of such student submits a written request that such information not be released without their prior written consent. A student, eighteen years of age or older, rather than his/her parent/guardian, may request in writing that such information not be released without his/her prior written permission. The Board of Education shall notify parents/guardians and students of the option to make such request and shall comply with any request received.

*ESSA requires the release of the student's name, address and telephone listing unless, after giving appropriate notice to parents/guardians and students 18 years of age or older, of their right to opt-out and to require, after such opt-out, written permission to release the information.*

The school administrator may make the determination of when the recruitment meetings are to take place and reserves the right to deny such meeting where the holding of such meeting will materially and substantially interfere with the proper and orderly operation of the school.

Any person or organization denied the rights accorded under this policy shall have the right to request a review of the decision by the Board of Education by filing a written request with the Superintendent of Schools.

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

Legal Reference: Connecticut General Statutes

[1-210](#) (11) Access to public records. Exempt records.

[10-220d](#) Student recruitment by a regional and interdistrict specialized schools and programs. Recruitment of athletes prohibited (as amended by P.A. 12-116, An Act Concerning Educational Reform)

[10-221b](#) Boards of education to establish written uniform policy re treatment of recruiters.(as amended by PA 98-252)

P.L. 106-398, 2000 H.R. 4205: The National Defense Authorization Act for Fiscal Year 2001

Section 8025 of Public Law 114-95, "The Every Student Succeeds Act of 2015"

**Policy adopted:**



**Personnel --Certified****Evaluation**

The Professional Development and Evaluation Program (PDEP) is the system used in Westport for evaluating teachers' performance and fostering professional improvement. The ultimate goal of PDEP is the improvement of instruction, resulting in improved student learning.

The evaluation component of PDEP serves three basic purposes: the first is to improve student learning, the second to help teachers improve; the third is to establish the basis for decisions about a teacher's employment status. PDEP employs a constructive approach to evaluation that has improvement of performance and high student achievement as its objective.

The basic assumption underlying Westport's system of staff evaluation is that staff members are capable of increasing their skills and willing to make efforts to do so. The PDEP evaluation process provides teachers with the feedback and support necessary for them to develop their professional skills. The Plan complies with State mandates.

**Basic Performance Expectation**

Performance expectations for Westport teachers, administrators and school psychologists, guidance counselor, social workers and speech/language pathologists are enumerated in the evaluation document. These are the standards by which the performance of staff members is assessed. The standards are used by the supervisor in making employment status recommendations for staff.

The evaluation document references the "Connecticut Teaching and Administrative Competencies".

(cf. [4131](#) - Staff Development)

Legal Reference: Connecticut General Statutes

[10-145b](#) Teaching certificates

[10-151b](#) Evaluation by superintendent of certain educational personnel. (as modified by Public Act [95-58](#) An Act Concerning, Teacher Evaluations, Tenure and Dismissal)

[10-220a](#) In-service training. Professional development. Institutes for educators. Cooperative and beginning teacher programs, regulations.

**Policy adopted: May 16, 1988**

**Policy revised: 2004**



## Personnel - Certified

### Evaluation and Support Program

It is universally accepted that good teaching is the most important element in a sound educational program. Student learning is directly affected by teacher competence; therefore, teacher evaluation shall be accomplished using a teacher evaluation plan which demonstrates a clear link between teacher evaluation, professional development and improved student learning. (The educator evaluation and support plan or revisions must be approved annually by the State Department of Education prior to District implementation.)

The submission of the District's evaluation plans for SDE review and approval, including flexibility requests, shall take place no later than the annual deadline set by the State Department of Education.

*Note: "Teacher" or "Administrator" for purposes of evaluation shall include each professional employee of the Board, below the rank of Superintendent, who holds a certificate or permit issued by the State Board of Education.*

Appraisal of teaching performance should serve three purposes:

1. To raise the quality of instruction and educational services to the children of our community resulting in improved student learning.
2. To raise the standards of the teaching profession as a whole.
3. To aid the individual teacher to grow professionally, linking district-wide teacher evaluation and professional development plans.

Evaluation of teacher performance must be a cooperative, continuing process designed to improve student learning and the quality of instruction. The Superintendent shall annually evaluate or cause to be evaluated all certified employees in accordance with the teacher evaluation and support program, developed through mutual agreement with the Professional Development and Evaluation committee for the District. The required union representation on such committee shall include at least one representative from each of the teachers' and administrators' unions. The teacher shares with those who work with the teacher the responsibility for developing effective evaluation procedures and instruments and for the development and maintenance of professional standards and attitudes regarding the evaluation process.

The Board of Education shall adopt and implement a teacher evaluation and support program. Such teacher evaluation and support program shall be developed through mutual agreement with the District's Professional Development and Evaluation Committee. If unable to attain mutual agreement, the Board and the Professional Development and Evaluation Committee shall consider adopting by mutual agreement the State Board of Education (SBE) adopted model teacher evaluation and support program without any modification. Further, if the Board and the Professional Development and Evaluation Committee fail to agree on the SBE model, the Board, will use its statutory authority to adopt and implement a teacher evaluation program of its choice, provided such program is consistent with the SBE adopted guidelines.

The system-wide program for evaluating the instructional process and all certified personnel is viewed as one means to improve student learning and insure the quality of instruction. The evaluation plan shall include, but need not be limited to, strengths, areas needing improvement, strategies for improvement and multiple indicators of student academic growth. \*Further, claims of failure to follow the established procedures of such teacher evaluation and support program shall be subject to the grievance procedure in collective bargaining agreements negotiated subsequent to July 1, 2004.

*Note: The district's evaluation plan, submitted to the State Department of Education for approval, may be the district's selection of the state model evaluation plan, SEED (Connecticut's System for Educator Evaluation and Development), or a hybrid of SEED, or a district proposed alternative evaluation and support plan which fulfills the state guidelines.*

The Superintendent and all employees whose administrative and supervisory duties equal at least 50% of their time shall include a minimum of fifteen hours of training in the evaluation of teachers pursuant to Section 10-151b, as part of the required professional development activity during each five year period for reissuance of their professional educator certificate.

*The State Board of Education as required has adopted guidelines for a model teacher and administrator evaluation and support program which is to provide guidance on the use of multiple indicators of student academic growth in teacher evaluations. The guidelines include, but are not limited to:*

1. The use of four performance evaluations designators: exemplary, proficient, developing and below standards;
2. The use of multiple indicators of student academic growth and development in teacher and administrative evaluations;
3. Methods for assessing student academic growth and development;
4. A consideration of control factors, tracked by the state-wide public school information system that may influence teacher performance ratings, including, but not limited to, student characteristics, student attendance and student mobility;
5. Minimum requirements for teacher evaluation instruments and procedures, including scoring systems to determine exemplary, proficient, developing and below standard ratings;
6. The development and implementation of periodic-training programs regarding the teacher evaluation and support program to be offered by the local or regional board of education or RESC to teachers whose performance is being evaluated and to administrators who are conducting the performance evaluations;
7. The provision of professional development services based on individual or group needs identified through the evaluation process;
8. The creation of individual teacher improvement and remediation plans for teachers who are rated "developing" or "below standard" in

performance, designed in consultation with such teacher and his/her exclusive bargaining representative chosen pursuant to CGS [10-1536](#);  
9. Opportunities for career development and professional growth; and  
10. A validation procedure to audit evaluation ratings of "exemplary" or "below standard" evaluation ratings by the SDE or third-party entity approved by the SDE.

The Superintendent shall annually evaluate or cause to be evaluated each teacher and administrator in accordance with the teacher evaluation and support program and may conduct additional formative evaluations toward producing an annual summative evaluation.

In the event that a teacher or an administrator does not receive a summative evaluation during the school year, such individual shall receive a rating of "not rated" for that year.

*Note: The SBE may waive the requirement of consistency with SBE's model guidelines for any district that, before the model guidelines are validated, (after the pilots 2012-2013), developed a teacher evaluation program that is determined by the SBE to substantially comply with the guidelines.*

The Superintendent shall report to the Board by September 15th annually on the status of the evaluations. In addition, annually, by dates determined by the State Department of Education, the Superintendent shall report to the Commissioner of Education on the implementation of the teacher evaluation and support program, including the frequency of evaluations, aggregate evaluation ratings, the number of teachers and administrators not evaluated, and other requirements as determined by the State Department of Education.

### **Improvement and Remediation Plans**

Teachers rated "below standard" or "developing" shall have a well-articulated improvement and remediation plan that:

1. is developed in consultation with the teacher and his/her union representative and is differentiated by the level of identified need and/or stage of development;
2. identifies resources, support, and other strategies to be provided by the Board to address documented deficiencies;
3. contains a timeline for implementing such measures in the same school year as the plan is issued; and
4. provides success indicators that include a minimum overall rating of "proficient" at the end of the improvement and remediation plan.

### **Evaluation Training**

The Board, prior to any evaluation conducted under the teacher evaluation and support program, shall conduct training programs for all evaluators and orientation for all District teachers regarding the District's teacher evaluation and support program. Such training shall provide instruction to evaluators regarding how to conduct proper performance evaluations prior to conducting an evaluation under the teacher evaluation and support program. The orientation for each teacher shall be completed before a teacher receives an evaluation under the teacher evaluation and support program.

*Note: "Teacher" includes all certified employees below the rank of Superintendent.*

### **Implementation Plan**

The Board of Education recognizes that the State Board of Education (SBE) utilizes a flexible plan for the implementation of Connecticut's Educator Evaluation and Support System.

*Note: Districts intending to renew or request waivers shall do so in conformity with the process and timelines established by the State Department of Education.*

### **Options: The District will:**

- ☐ Implement the SEED state model in its entirety and implement all components as written within the Handbook.
- ☐ Use the State Department of Education approved plan with adopted flexibilities.
- ☐ Use a District developed plan. (Such plan must have at least one variation from any of the elements/components of the SEED model.)

Beginning with the 2014-15 school year and all subsequent years, the submission of the District's evaluation plans for State Department of Education's review and approval, including flexibility requests, shall take place by annual deadlines set by the State Department of Education.

### **Complementary Observers**

The primary evaluator for most teachers will be the school principal or assistant principal who will be responsible for the overall evaluation process, including assigning summative ratings. The District may also decide to use complementary observers to assist the primary evaluator. Complementary observers are certified educators, who may have specific content knowledge, such as department heads or curriculum coordinators. Complementary observers shall be fully trained as evaluators in order to be authorized to serve in this role.

Complementary observers may assist primary evaluators by conducting observations, including pre- and post-conferences, collecting additional evidence, reviewing student learning objectives (SLOs) and providing additional feedback. A complementary observer shall share his/her

feedback with the primary evaluator as it is collected and shared with teachers.

Primary evaluators will have sole responsibility for assigning final summative ratings. Both primary evaluators and complementary observers must demonstrate proficiency in conducting standards-based observations.

### **Dispute-Resolution Process**

In accordance with the requirement in the "Connecticut Guidelines for Teacher Evaluation and Professional Development," in establishing or amending the local teacher evaluation plan, the Board of Education shall include a process for resolving disputes in cases where the evaluator and teacher cannot agree on goals/objectives, the evaluation period, feedback or the professional development plan.

When such agreement cannot be reached, the issue in dispute may be referred for resolution to a subcommittee of the Professional Development and Evaluation Committee (PDEC). The Superintendent and the collective bargaining unit for the District shall each select one representative from the PDEC to constitute this subcommittee, as well as a neutral party as mutually agreed upon between the Superintendent and the collective bargaining unit. In the event the designated committee does not reach a unanimous decision, the issue shall be considered by the Superintendent whose decision shall be binding. This provision is to be utilized in accordance with the specified processes and parameters regarding goals/objectives, evaluation period, feedback, and professional development contained in this document entitled "Connecticut Guidelines for Educator Evaluation." Should the process not result in resolution of a given issue, the determination regarding that issue shall be made by the Superintendent. An example will be provided within the State model.

*Note: The above is an illustrative example of such a process provided by the State Board of Education.*

### **Data Management**

Annually prior to September 15, the District's Professional Development and Evaluation Committee will review and report to the Board the user experiences and efficiency of the District's data management system/platform to be used by teachers and administrators to manage the evaluation plans.

Annually, data management systems/platform to be used by teacher and administrators to manage evaluation plans shall be selected by the Board with considerations given to functional requirements/needs and efficiencies identified by the Professional Development and Evaluation Committee.

Such plans shall consider guidance pertaining to the entry of data into the District's data management system/platform needed to manage the evaluation plan. Such guidance shall address items to be entered, prohibitions pertaining to the sharing and transference of individual teacher data to another district or entity without consent of the teacher or administrator, limits on the access to teacher and administrator data and a process for recording authorized individuals' access to information.

### **Audit**

The Board, if selected, will participate as required, in an audit of its evaluation program, conducted by the State Department of Education.

All teachers teaching in public schools at the elementary, middle and high school levels (including special education teachers) must be determined to be an "effective educator," as defined in the Every Student Succeeds Act. To be determined an "effective educator," a teacher must meet state certification and licensure criteria.

The reauthorized Individuals with Disabilities Act (IDEA) identifies special education teachers as teachers who must demonstrate competency in the core academic subjects that they teach.

The District evaluates a teacher's subject-matter competency in the core academic content areas, based on the Common Core of Teaching (CCT), using both of the following:

- A. foundational skills and competencies; and
- B. the discipline-based professional standards.

(cf. [2400](#) - Evaluation of Administrators and Administration)

(cf. [4111/4211](#) - Recruitment and Selection)

(cf. [4131](#) - Staff Development)

Legal Reference: Connecticut General Statutes

[10-145b](#) Teaching certificates.

[10-151a](#) Access of teacher to supervisory records and reports in personnel file.

[10-151b](#) Evaluation by superintendent of certain educational personnel. (amended by PA 04-137, P.A.

[10-111](#), P.A. 12-116, PA 12-2 (June Special Session), PA 13-245, PA 15-5 (June Special Session)

[10-151c](#) Records of teacher performance and evaluation not public records.

[10-220a\(b\)](#) In-service training. Professional development. Institutes for educators. Cooperative and beginning teacher programs, regulations.

PA 11-135 An Act Concerning Implementation Dates for Secondary School Reform.

PA 12-116 An Act Concerning Education Reform (as amended by PA 13-145 An Act Concerning Revisions to the Reform Act of 2012.)

Connecticut Guidelines for Educator Evaluation, adopted by the State Board of Education, June 27, 2012.

Connecticut's System for Educator Evaluation and Development (SEED) state model evaluation system.

"Flexibility to Guidelines for Educator Evaluation" adopted by Connecticut State Board of Education, February 6, 2014

34 C.F.R. 200.55 Federal Regulations.

PL 114-95 Every Student Succeeds Act, §9213

**Policy adopted:**



**Personnel – Certified****Employment of Athletic Coaches**

It is the policy of the Board of Education of the Town of Westport (the “Board”) that an athletic coach employed by the Board shall:

1. adhere to all Board policies, rules and regulations;
2. conduct himself or herself in a professional manner;
3. serve as a role model for students; and
4. demonstrate competence and proficiency in his or her role as an athletic coach of a particular sport.

For purposes of this policy, the term “athletic coach” means any person holding a coaching permit who is hired by a local or regional board of education to act as a coach for a sport season. This term “coach” under this policy shall include coaches who have direct responsibility for one or more teams [assistant coaches who serve as coach to a team (e.g., JV)] and other assistant coaches.

**I. Evaluations**

Pursuant to state law, the Board requires that an athletic coach employed by the Board be evaluated on an annual basis by the coach's immediate supervisor. An athletic coach shall be provided with a copy of any such evaluation.

**II. Employment of an Athletic Coach**

Athletic coaches serve at the discretion of the Superintendent, and their employment in their specific coaching positions (e.g., basketball, golf) may be non-renewed or terminated at any time except as follows.

If the athletic coach has served in the same coaching position for two or more consecutive school years, the following procedures shall apply. The Athletic Director may non-renew the employment of any such athletic coach by providing written notification of that action within ninety (90) calendar days of the end of the season. The Athletic Director or the Superintendent may terminate the employment of any such athletic coach at any time for 1) for reasons of moral misconduct, insubordination, failure to comply with the Board's policies, rules and regulations; or 2) because the sport has been canceled. If a decision to terminate a coach's employment is made during the athletic season, the Superintendent shall remove the coach from duty during the pendency of any hearing conducted pursuant to this policy.

**III. Hearing Procedures**

An athletic coach who has served in the same coaching position for two or more consecutive years may appeal any such non-renewal or termination decision (except if such decision was due to cancellation of the sport) as follows:

First, within seven school days of the written notification of non-renewal or termination, the coach may file a written request to the Superintendent for review of that decision. Failure to submit a timely request for review shall constitute a waiver of said opportunity for review. The Superintendent shall meet with the coach, the evaluator and other appropriate personnel, and shall render a written decision on the matter within seven school days of such meeting.

If the coach is not satisfied with the decision of the Superintendent, the coach may appeal to the Board of Education in accordance with the following procedures:

- A. The athletic coach must file a written appeal with the Board within ten (10) calendar days of the Superintendent's written decision. Such appeal shall set forth the basis on which the athletic coach seeks review of that decision, and a copy of said appeal shall be sent to the Superintendent. Failure to submit a timely written appeal shall constitute a waiver of said appeal opportunity.
- B. Within a reasonable period of time of its receipt of a written appeal of the Superintendent's decision, a subcommittee of the Board that consists of no more than four (4) members, shall conduct a hearing to consider such appeal. Reasonable notice of the time and place for such hearing shall be issued to the athletic coach prior to the commencement of the hearing.
- C. At the hearing, the athletic coach shall have an opportunity to present facts and evidence in support of renewal and/or reinstatement, and the Superintendent shall have the opportunity (but shall not be obligated) to present facts and evidence in support of the decision of non-renewal and/or termination. For good cause shown, the athletic coach may call a limited number of witnesses to testify if there is a clear need for witnesses to present factual information (rather than simply expressing an opinion on the skill or competence of the athletic coach). In any event, cumulative or redundant testimony shall not be allowed.
- D. The decision of non-renewal or termination shall be affirmed unless the Board determines that the decision is arbitrary and capricious. The coach shall bear the burden of proof on this point.
- E. Within a reasonable period of time following the hearing (generally within fourteen (14) school days), the Board shall evaluate the findings of its subcommittee and shall determine whether the Superintendent acted in an arbitrary and capricious manner in making his/her decision not to renew and/or to terminate, and shall provide a written decision to the coach. The decision of the Board shall be final.

Legal References: Public Act 04-243

**Policy adopted: May 2, 2005**

**Personnel - Certified****Evaluation****Coaches**

There shall be an annual evaluation of all coaches, to be conducted by the athletic director or the coach's immediate supervisor. Each coach shall receive a written copy of the evaluation.

The purposes of evaluation are:

1. To provide a systematic process whereby coaches may increase the effectiveness of their services to the athletic program utilizing the available professional resources.
2. To provide an opportunity for coaches to analyze their strengths and weaknesses, and to discuss objectively the contributions they have made to the athletic program.
3. To provide an opportunity for the administrative staff to analyze the strengths and weaknesses of individual coaches, and to utilize this knowledge to develop supervisory service to assist individuals in developing their competence.
4. To provide an effective means by which administrators may make recommendations concerning the continued employment of personnel, the granting of increments, and/or other recommendations to the Board of Education.

It is the responsibility of all administrators, coaches and other professional staff members to recognize that the district schools intend to seek and maintain the best qualified staff to provide quality coaching for student athletes. In keeping with this goal, all personnel are expected to participate fully in the appraisal process.

An integral part of this process is self appraisal. The self and administrative appraisals include: knowledge of sports area, coaching skills and techniques, attitudes, behavior patterns, values and ethics.

Any coach that has held the same coaching position for three or more years, for which the Board terminates or non-renews the contract shall be informed of the Board's decision within ninety (90) days of the completion of the sport season covered by the contract. The coach may request a written statement from the Board specifying the reason(s) for the Board's action. The statement shall be provided within thirty (30) days of the request. The decision to terminate or non-renew the coach's contract may be appealed by the coach in a manner prescribed by the Board.

The Board may terminate the contract of any coach at any time for reasons of moral misconduct, insubordination or a violation of the rules of the Board or because a sport has been cancelled by the Board.

Legal Reference: Connecticut General Statutes

[10-149](#) Qualifications for coaches of intramural and interscholastic athletic coaches (as amended by P.A. 13-41)

[10-151b](#) Evaluation by superintendent of certain educational personnel

[10-220a](#) In-service training

[10-222e](#) Policy on evaluation and termination of athletic coaches (as amended by P.A. 13-41)

P.A. 13-41 An Act Concerning Hiring Standards for Athletic Directors

P.A. 02-243 An Act Concerning Notification in Cases of Termination of Coaches

Policy adopted:



**Series 4000  
Personnel**

**EVALUATION, TERMINATION AND NON-RENEWAL OF ATHLETIC  
COACHES**

It is the policy of the [ ] Board of Education (the “Board”) that an athletic coach employed by the Board shall:

- 1) adhere to all Board policies, rules and regulations;
- 2) shall conduct himself or herself in a professional manner;
- 3) serve as a role model for students; and
- 4) demonstrate competence and proficiency in his or her role as an athletic coach of a particular sport.

For purposes of this policy, the term “**athletic coach**” means any person holding (and required to hold) a coaching permit issued by the Connecticut State Department of Education who is hired by the [ ] Board of Education to act as a coach for a sport season. This term “coach” under this policy shall include only coaches who have direct responsibility for one or more teams (including assistant coaches if they serve as a coach to another team (*e.g.*, JV)), and the term shall not include other assistant coaches and volunteer coaches.

The Superintendent may adopt administrative regulations in accordance with this policy.

**I. Evaluations**

Pursuant to state law, the Board requires that an athletic coach employed by the Board be evaluated on an annual basis by the coach’s immediate supervisor. An athletic coach shall be provided with a copy of any such evaluation. Other assistant and volunteer coaches may be evaluated as directed by the Superintendent of Schools or his/her designee.

**II. Employment of an Athletic Coach**

- A. Athletic coaches serve at the discretion of the Superintendent, and their employment in their specific coaching positions (*e.g.*, basketball, golf) may be non-renewed or terminated at any time, subject to the provisions set forth below which apply to athletic coaches who have served in the same position for three or more consecutive years.
- B. If the Superintendent terminates or non-renews the coaching contract of an athletic coach who has served in the same coaching position for three or more

consecutive school years, the Superintendent shall inform such coach of the decision within ninety (90) calendar days of the end of the athletic season covered by the contract. In such cases, the athletic coach will have an opportunity to appeal the decision of the Superintendent in accordance with the procedures set forth below in Section III.

- C. Notwithstanding any rights an athletic coach may have to a hearing, nothing prohibits a Superintendent from terminating the employment contract of any athletic coach at any time, including an athletic coach who has served in the same coaching position for three or more consecutive school years:
  - 1) for reasons of moral misconduct, insubordination, failure to comply with the Board's policies, rules and regulations; or
  - 2) because the sport has been canceled.
- D. If a decision to terminate a coach's employment is made during the athletic season, the Superintendent shall remove the coach from duty during the pendency of any hearing conducted pursuant to this policy.

### **III. Hearing Procedures:**

An athletic coach who has served in the same coaching position for three or more consecutive years may appeal any such non-renewal or termination decision (except if such decision was due to cancellation of the sport) to the Board of Education in accordance with the following procedures:

- A. The athletic coach must file a written appeal with the Board within ten (10) calendar days of the Superintendent's written notification of non-renewal or termination. Such appeal shall set forth the basis on which the athletic coach seeks review of that decision, and a copy of said appeal shall be sent to the Superintendent. Failure to submit a timely written appeal shall constitute a waiver of said appeal opportunity.
- B. Within a reasonable period of time of its receipt of a written appeal of the Superintendent's decision, the Board or a committee of the Board as designated by the Chairperson shall conduct a hearing to consider such appeal. Reasonable notice of the time and place for such hearing shall be issued to the athletic coach prior to the commencement of the hearing.
- C. At the hearing, the athletic coach shall have an opportunity to present facts and evidence in support of renewal and/or reinstatement, and the Superintendent shall have the opportunity (but shall not be obligated) to present facts and evidence in support of the decision of non-renewal and/or termination. For good cause shown, the athletic coach may call a limited number of witnesses to testify if there is a clear need for witnesses to present factual information (rather than simply

expressing an opinion on the skill or competence of the athletic coach). In any event, cumulative or redundant testimony shall not be allowed.

- D. The decision of non-renewal or termination shall be affirmed unless the Board determines that the decision is arbitrary and capricious. The coach shall bear the burden of proof on this point.
- E. Within a reasonable period of time following the hearing, the Board shall determine whether the Superintendent acted in an arbitrary and capricious manner in making his/her decision not to renew and/or to terminate, and shall provide a written decision to the coach. The decision of the Board shall be final.

Legal References: Conn. Gen. Stat. § 10-222e

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

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

10/12/12

**Personnel - Certified and Non Certified****Personnel Records**

Personnel records shall be maintained securely and confidentially in the central office for all current employees and shall include information customarily kept in personnel files. Files also shall be maintained for past employees, including years of employment, salaries, and such other basic and essential information as the Superintendent of Schools shall require.

There shall be only one personnel file for each employee, and Principals shall not maintain employee files separate from the official employee file in the Central Office.

Requests for access to personnel files, except from an employee to see his or her own file, shall be referred to the Superintendent who shall determine whether disclosure of such records would legally constitute invasion of employee privacy. If the Superintendent believes disclosure is not an invasion of privacy, requested information shall be disclosed, but professional courtesy suggests the employee should be notified of such disclosure.

If the Superintendent determines disclosure would invade employee privacy, the employee/s and collective bargaining representatives if any, shall be notified in writing of the request. If the Superintendent does not receive a written objection, from the employee or bargaining representative, within seven business days from receipt of their notification, or if there is no evidence of receipt not later than nine business days from the date the notice was mailed, sent, posted, or otherwise given, requested records shall be disclosed. However, if an objection is received in a timely manner on the form prescribed, the Superintendent shall not disclose requested information unless directed to do so by the Freedom of Information Commission. Notwithstanding an objection filed by an employee's bargaining representative, the employee may subsequently approve disclosure of records by filing a written notice with the Superintendent.

Employee or bargaining representative objections to disclosure of records shall be made in writing on a form developed by the Superintendent including a signed statement by the employee or bargaining representative, under penalties of false statement, that to the best of respondent's knowledge, information, and belief, there is good grounds to support the objection and that the objection is not interposed for delay.

The records may be disclosed when the Superintendent does not believe such disclosure would legally constitute an invasion of privacy. The records, in such a situation, shall first be disclosed to the requestor, followed within a reasonable time after disclosure, with the sending of a written or electronic copy or brief description of such request to the employee and any applicable collective bargaining representative. Disclosure shall only be considered an invasion of privacy where (1) such records do not pertain to a legitimate matter of public interest and (2) disclosure of such records would be highly offensive to a reasonable person.

Records maintained or kept on file by the State Department of Education or the Board which are records of a teacher's personal misconduct shall be deemed to be public records, and subject to disclosure under the Freedom of Information Act. Disclosure of such records of a teacher's personal misconduct shall not require the consent of the teacher.

Notwithstanding earlier provisions of this policy, personnel evaluations of certified employees, except the Superintendent, are not public records subject to disclosure - unless the employee consents in writing to the release of such records.

Each employee's own file shall be available for his or her inspection at reasonable times, and, upon request, employees will be provided a copy of information contained in his or her file.

In accordance with federal law, (ESSA), the District shall notify parents at the beginning of each school year of their right to request information regarding the professional qualifications and degrees of teachers and the qualifications of paraprofessionals for any teacher or paraprofessional who is employed by a school receiving Title I funds and who provides instruction to their child at that school. The District will provide such information on request in a timely manner. The District shall also provide notification to the parent/guardian of a child who has been assigned or has been taught for four or more consecutive weeks by a teacher not meeting applicable state certification at the grade level and subject area in which the teacher has been assigned.

Files containing medical information regarding an employee will be kept separate from other personnel files.

Legal Reference: Connecticut General Statutes

[1-213](#) Agency administration. Disclosure of personnel, birth and tax records.

[1-214](#) Objection to disclosure of personnel or medical files (as amended by PA 18-93)

[1-215](#) Record of arrest as public record.

[1-206](#) Denial of access to public records or meetings.

[10-151a](#) Access of teacher to supervisory records and reports in personnel file.

[10-151c](#) Records of teacher performance and evaluation not public records. (as amended by PA 02-138 and PA 13-122)

Perkins v. Freedom of Information Commission, 228 Conn. 158 (1993)



The Americans with Disabilities Act

Section 1112(c)(6) The Every Student Succeeds Act (ESSA)

Section 1112(e)(1)(B) The Every Student Succeeds Act (ESSA)

**Policy adopted:**



## WPS Existing Reg. - Requires Policy

### Personnel --Certified/Non-Certified

#### Personnel Records: Regulation

Personnel records shall be kept on all current employees and shall include information usually expected in good personnel administration.

A file shall be kept for all resigned or retired employees, including such essential information as shall seem appropriate to the administration as specified by state and federal laws.

The Superintendent or designee, on behalf of the Board, shall notify an employee and a collective bargaining representative, if any, in writing when a request is made for disclosure of the employee's personnel, medical or similar files, if the Superintendent reasonably believes disclosure would invade the employee's privacy.

The records will be disclosed unless written objection is received from the teacher or employee's collective bargaining representative, within seven business days from the receipt by employee or collective bargaining representative.

Records of a teacher's performance and evaluation shall not be released without the written consent of the teacher.

All written materials shall be made available for inspection by the employee and a collective bargaining representative, if any, involved at an off-duty time in the presence of an administrator. Upon request, in accordance with state law, a professional employee will be provided a copy of supervisory records and reports maintained in said employee's personal file as a guide to evaluation of performance.

Legal Reference: Connecticut General Statutes

[1-19b](#) Agency administration. Disclosure of personnel, birth and tax records.

[1-20a](#) Objection to disclosure of personnel or medical files.

[1-21i\(b\)](#) Denial of access to public records or meetings.

[10-151a](#) Access of teacher to supervisory records and reports in personnel file.

[10-151c](#) Records of teacher performance and evaluation not public records.

**Regulation approved: 2006**



**Personnel - Certified and Non Certified****Personnel Records**

Personnel records shall be maintained securely and confidentially in the central office for all current employees and shall include information customarily kept in personnel files. Files also shall be maintained for past employees, including years of employment, salaries, and such other basic and essential information as the Superintendent of Schools shall require.

There shall be only one personnel file for each employee, and Principals shall not maintain employee files separate from the official employee file in the Central Office.

Requests for access to personnel files, except from an employee to see his or her own file, shall be referred to the Superintendent who shall determine whether disclosure of such records would legally constitute invasion of employee privacy. If the Superintendent believes disclosure is not an invasion of privacy, requested information shall be disclosed, but professional courtesy suggests the employee should be notified of such disclosure.

If the Superintendent determines disclosure would invade employee privacy, the employee/s and collective bargaining representatives if any, shall be notified in writing of the request. If the Superintendent does not receive a written objection, from the employee or bargaining representative, within seven business days from receipt of their notification, or if there is no evidence of receipt not later than nine business days from the date the notice was mailed, sent, posted, or otherwise given, requested records shall be disclosed. However, if an objection is received in a timely manner on the form prescribed, the Superintendent shall not disclose requested information unless directed to do so by the Freedom of Information Commission. Notwithstanding an objection filed by an employee's bargaining representative, the employee may subsequently approve disclosure of records by filing a written notice with the Superintendent.

Employee or bargaining representative objections to disclosure of records shall be made in writing on a form developed by the Superintendent including a signed statement by the employee or bargaining representative, under penalties of false statement, that to the best of respondent's knowledge, information, and belief, there is good grounds to support the objection and that the objection is not interposed for delay.

The records may be disclosed when the Superintendent does not believe such disclosure would legally constitute an invasion of privacy. The records, in such a situation, shall first be disclosed to the requestor, followed within a reasonable time after disclosure, with the sending of a written or electronic copy or brief description of such request to the employee and any applicable collective bargaining representative. Disclosure shall only be considered an invasion of privacy where (1) such records do not pertain to a legitimate matter of public interest and (2) disclosure of such records would be highly offensive to a reasonable person.

Records maintained or kept on file by the State Department of Education or the Board which are records of a teacher's personal misconduct shall be deemed to be public records, and subject to disclosure under the Freedom of Information Act. Disclosure of such records of a teacher's personal misconduct shall not require the consent of the teacher.

Notwithstanding earlier provisions of this policy, personnel evaluations of certified employees, except the Superintendent, are not public records subject to disclosure - unless the employee consents in writing to the release of such records.

Each employee's own file shall be available for his or her inspection at reasonable times, and, upon request, employees will be provided a copy of information contained in his or her file.

In accordance with federal law, (ESSA), the District shall notify parents at the beginning of each school year of their right to request information regarding the professional qualifications and degrees of teachers and the qualifications of paraprofessionals for any teacher or paraprofessional who is employed by a school receiving Title I funds and who provides instruction to their child at that school. The District will provide such information on request in a timely manner. The District shall also provide notification to the parent/guardian of a child who has been assigned or has been

taught for four or more consecutive weeks by a teacher not meeting applicable state certification at the grade level and subject area in which the teacher has been assigned.

Files containing medical information regarding an employee will be kept separate from other personnel files.

Legal Reference: Connecticut General Statutes

[1-213](#) Agency administration. Disclosure of personnel, birth and tax records.

[1-214](#) Objection to disclosure of personnel or medical files (as amended by PA 18-93)

[1-215](#) Record of arrest as public record.

[1-206](#) Denial of access to public records or meetings.

[10-151a](#) Access of teacher to supervisory records and reports in personnel file.

[10-151c](#) Records of teacher performance and evaluation not public records. (as amended by PA 02-138 and PA 13-122)

Perkins v. Freedom of Information Commission, 228 Conn. 158 (1993)

The Americans with Disabilities Act

Section 1112(c)(6) The Every Student Succeeds Act (ESSA)

Section 1112(e)(1)(B) The Every Student Succeeds Act (ESSA)

**Policy adopted:**

**Personnel -- Certified****Probationary/Tenure Status****Teacher Tenure Interpretations**

A. Teachers with less than forty consecutive school months of Westport service go on tenure at the time forty consecutive school months of Westport service is completed on the recommendation of the Superintendent of Schools and offered a contract to return for the following year. During this probationary period, the Board of Education may notify the teacher prior to April 1 that his/her contract will not be renewed for the following year. Upon a teacher's written request, such notice shall be supplemented within seven days by a statement of the reason or reasons for such failure to renew. Within twenty days of receipt of non-renewal notice, the teacher may request in writing a hearing before the Board of Education, unless the reason for the non-renewal is elimination of position or loss of position to another teacher, to be held within fifteen days of such request, and at such hearing the teacher has a right to appear with counsel of his choice.

B. When a teacher who has attained tenure status in another Connecticut town moves to Westport, he/she becomes covered by the tenure provisions of the law after twenty consecutive school months unless April 1 non-renewal notice is given him/her prior to the completion of twenty months service.

C. Westport "service" includes only that teaching experience in Westport for teachers holding certificates issued by the State Board of Education.

D. Tenure includes all certified staff members below the rank of Superintendent. When a person moves from a Westport teaching assignment to an administrative position he/she retains his/her tenure rights as a teacher, but must serve a three (3) year probationary period in administrative work.

E. A tenure teacher who is granted a leave of absence by the Board does not forfeit tenure rights. However, a tenure teacher who interrupts continuity of service by resignation or transfer to another system, must serve the probationary period of 20 months upon reemployment.

Teachers who leave the Westport schools prior to attaining tenure must serve the full probationary period of forty consecutive months after re-employment.

Legal Reference: Connecticut General Statutes

[10-151](#) - Employment of Teachers. Definitions.

Notice and hearing on failure to renew or termination

of contract. Appeal.

**Policy adopted: July 1964**

**Policy revised: 2006**





*A policy to consider.*

## **Personnel - Certified**

### **Probationary/Tenure Status**

All certified personnel may attain tenure as provided by law. (C.G.S. 10-151, as amended\*)

The Board of Education will expect thorough and competent evaluations of all personnel before they become candidates for tenure. The awarding of a contract by the Superintendent for a teacher to return for the following year must be based on effective practice as informed by performance evaluations conducted pursuant to Connecticut General Statute 10-151b, as amended and with the teacher evaluation guidelines recommended by the Performance Evaluation Advisory Council (PEAC) and approved by the State Board of Education (6/27/12).

Procedures for continuation or termination of a contract, failure to renew a teacher's contract, or appeals thereof shall be in accordance with Connecticut General Statute 10-151, as amended.

### **Teachers Working Under Cooperative Arrangements**

Teachers working under cooperative arrangements recognized in statute retain their credited service toward tenure with a Board of Education if their service is transferred to a committee administering a cooperative arrangement and the District is part of the committee. Also permitted is allowing a teacher with tenure at a district to be considered as having continuous employment for tenure purposes if the teacher becomes employed under a cooperative arrangement in which the district participates.

(cf. 4115 - Evaluation/Supervision)

(cf. 4117.4 - Dismissal/Suspension)

Legal Reference: Connecticut General Statutes

10-151 Employment of teachers. Notice and hearing on termination of or failure to renew contract. Appeals as amended by P.A. 10-111, An Act Concerning Education Reform in Connecticut, and PA 12-116, An Act Concerning Educational Reform and PA 19-139, An Act Concerning Education Issues.

10-158a Cooperative arrangements among towns. School building projects. Student transportation.

Connecticut Guidelines for Educator Evaluation adopted by the State Board of Education, June 27, 2012.

Connecticut's System for Educator Evaluation and Development (SEED)

Policy adopted:

rev 10/19

*Another version to consider.*

## **Personnel - Certified**

### **Awarding of Tenure**

The most important person in the educational life of any student is his or her teacher. Therefore, it is the policy of the Board of Education to allow tenure to accrue only to those teachers who have demonstrated outstanding achievement and talent in their work in this school system. The awarding of a contract the Superintendent for a teacher to return for the following year must be based on effective practice as informed by performance evaluations conducted pursuant to Connecticut General Statute 10-151b, as amended and with the teacher evaluation guidelines recommended by the Performance Evaluation Advisory Council (PEAC) and approved by the State Board of Education (6/27/12).

In addition to the evaluations usually done by Principals and/or Department Heads, the Superintendent of Schools shall formally observe and evaluate, under the District's Evaluation Document, the work of each non-tenured teacher each year. In addition, 60 days before the date on which tenure shall accrue to a teacher, the Superintendent shall review with the Board of Education in executive session the quality of that teacher's work.

### **Teachers Working Under Cooperative Arrangements**

Teachers working under cooperative arrangements recognized in statute retain their credited service toward tenure with a board of education if their service is transferred to a committee administering a cooperative arrangement and the District is part of the committee. Also permitted is allowing a teacher with tenure at a district to be considered as having continuous employment for tenure purposes if the teacher becomes employed under a cooperative arrangement in which the district participates.

Legal Reference: Connecticut General Statutes

10-145 Certificate necessary for employment.

10-151 Employment of teachers. Notice and hearing on termination of or failure to renew contract. Appeals as amended by P.A. 10-111, An Act Concerning Education Reform in Connecticut, and PA 12-116, An Act Concerning Educational Reform and PA 19-139, An Act Concerning Education Issues.

10-158a Cooperative arrangements among towns. School building projects. Student transportation.

10-220 Duties of boards of education.

## **Personnel - Certified**

### **Probationary/Tenure Status**

Legal Reference: Connecticut General Statutes (continued)

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

Connecticut Guidelines for Educator Evaluation adopted by the State Board of Education, June 27, 2012.

Connecticut's System for Educator Evaluation and Development (SEED)

Policy adopted:

rev 7/11  
rev 5/12  
rev 3/13  
rev 10/19

*An optional policy to consider.*

## **Personnel -- Certified**

### **Notification of Tenure Status**

The Superintendent shall present to the Board the names of those teachers who will achieve tenure if their contracts are renewed for the following year. Achievement of tenure shall be in compliance with the state statutes and regulations. The Superintendent or his/her designee also will apprise the Board of the pending tenure date of each non-tenured teacher. The Board will publicly recognize teachers who have achieved tenure.

Legal Reference: Connecticut General Statutes

10-145 Certificate necessary for employment.

10-151 Employment of teachers. Notice and hearing on termination of or failure to renew contract. Appeals as amended by P.A. 10-111, An Act Concerning Education Reform in Connecticut, and PA 12-116, An Act Concerning Educational Reform and PA 19-139, An Act Concerning Education Issues.

10-158a Cooperative arrangements among towns. School building projects. Student transportation.

10-220 Duties of boards of education.

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

Connecticut Guidelines for Educator Evaluation adopted by the State Board of Education, June 27, 2012.

Connecticut's System for Educator Evaluation and Development (SEED)

Policy adopted:

cps 3/14  
rev 10/19

## Personnel - Certified

## Study/Use of Religious Symbols, Music, etc.

**Study/Display:** On a developmentally appropriate basis, the school system should encourage students to learn about the customs, practices and holiday celebrations of many different religions and cultures. Studies of the religious histories, arts, symbols, and tenets, must be for educational purposes, and must neither advocate nor disparage the practice of religion or the beliefs of any particular religion.

1. **Religious Holidays:** May be noted at appropriate times; their historical origins, contemporary significance and symbols may be studied. Teachers should be sensitive to children of different religions and provide balance in assignments.
2. **Religious Symbols:** These include Buddha, Crèche, Cross, Star of David, and symbols of other religions that may be studied within the curriculum. These are sacred to particular faiths and belong primarily in a place of worship or a home. School use must be for educational purposes only, on a brief, temporary basis.
3. **Holiday Symbols:** Symbols such as Santa Claus, menorah, dreidels, shofar, Easter eggs, Christmas wreaths and trees, etc., while they may have no religious significance or liturgical applications, have unquestionably become associated with religious celebrations. Therefore, to avoid having students or visitors to the schools feel uncomfortable or left out, staff should be sensitive when displaying holiday symbols. If used in classrooms or hall bulletin boards, they are to be used in an educational context, and are to reflect cultural and religious diversity.

Decorations in public areas should be minimal. They should not use the holiday symbols of one religion exclusively or dominantly, or display them in such a way as to suggest that the school is celebrating a particular religious holiday.

4. **Art, Literature, Music:** Some of the world's greatest art, music and literature were developed in connection with religion. They may be studied if presented in an objective and neutral manner as the cultural heritage of religious holiday.

**Performances: Follow these guidelines for winter holiday programs:**

1. Material for performances near religious holidays must be chosen on the basis of educational merit.
2. Material associated with one religion should not dominate a program.
3. Sacred music should **not** be included in elementary schools, as there is a wide selection of non-sacred music appropriate for this age group.
4. Sacred music may be used at the middle schools and Staples. We rely on the sensitivity of our staff to plan a mixture of secular and sacred music, to seek balance so that sacred music of one religion does not dominate, and to convey that study and/or performance of such music will not be construed as a religious holiday observance.

**Scheduling**

**Normal School/Extra Curricular Activities:** No school events (including rehearsals, games and athletic practices) are to be scheduled on major religious holidays that are also school holidays, i.e., Good Friday, Easter, Christmas, Rosh Hashanah, Yom Kippur. Normal school activities may proceed on religious holidays that are not school holidays but ***students are not to be required to attend or to be penalized for missing practices, rehearsals, etc., because of religious observance.*** Jewish holidays run from sundown the evening before the holiday to just after sundown on the day of the holiday. Therefore, avoid evenings before the holidays.

**Special Programs:** On religious holidays that are *not* school holidays, some observant children may miss school or be involved in family observances the night before. Therefore, although normal school activities may be scheduled, *whenever possible* do not schedule special programs, assemblies, one-time performances, field trips, proms, or other activities that are *unique or hard to duplicate* on days or evenings when some students may be unable to attend. The same sensitivity should be shown in planning programs for parents such as Back-to-School Nights, curriculum nights, and special informational meetings, so that those involved in religious obligations do not miss important events.

**Exceptions:** There may be times when such scheduling is unavoidable because of the involvement of other districts, athletic leagues, etc., or because a particular site or speaker is available only at that time. Similarly, in developing the system-wide calendar, avoidance of scheduling on a religious holiday may be difficult or may not be possible because of conflicts with other school or school system events, staff members' own schedules, etc.

**Homework and Tests:** Students involved in religious observance or family celebrations on some holidays may not have the time to do schoolwork assigned specifically over the holiday period, or to study for a test scheduled for the very next day. Teachers may find it least complicated not to assign homework to be due on, or schedule tests for, those days. If assignments are unavoidable, students observing the holidays are to be given the opportunity to make up tests or homework. *All students should be required to do all assigned work but no student should be penalized for religious observances.*

**Note:** *The homework caveat need not apply to assignments given many weeks in advance.* During any lengthy period, many students encounter diversions due to family obligations, temporary illness, extra-curricular activities, and after school jobs, as well as religious observances. It is appropriate to expect students to plan ahead, so that they can complete their work on time despite those other demands.

**New Material:** Teachers should avoid introducing new material, or work that would be difficult to repeat or make up, on days when some students may be absent for religious observance.

**Regulation approved: 1996**

**Personnel - Certified****Study/Use of Religious Symbols, Music, etc.**

**Study/Display:** On a developmentally appropriate basis, the school system should encourage students to learn about the customs, practices and holiday celebrations of many different religions and cultures. Studies of the religious histories, arts, symbols, and tenets, must be for educational purposes, and must neither advocate nor disparage the practice of religion or the beliefs of any particular religion.

1. **Religious Holidays:** May be noted at appropriate times; their historical origins, contemporary significance and symbols may be studied. Teachers should be sensitive to children of different religions and provide balance in assignments.
  2. **Religious Symbols:** These include Buddha, Crèche, Cross, Star of David, and symbols of other religions that may be studied within the curriculum. These are sacred to particular faiths and belong primarily in a place of worship or a home. School use must be for educational purposes only, on a brief, temporary basis.
  3. **Holiday Symbols:** Symbols such as Santa Claus, menorah, dreidels, shofar, Easter eggs, Christmas wreaths and trees, etc., while they may have no religious significance or liturgical applications, have unquestionably become associated with religious celebrations. Therefore, to avoid having students or visitors to the schools feel uncomfortable or left out, staff should be sensitive when displaying holiday symbols. If used in classrooms or hall bulletin boards, they are to be used in an educational context, and are to reflect cultural and religious diversity.
- Decorations in public areas should be minimal. They should not use the holiday symbols of one religion exclusively or dominantly, or display them in such a way as to suggest that the school is celebrating a particular religious holiday.
4. **Art, Literature, Music:** Some of the world's greatest art, music and literature were developed in connection with religion. They may be studied if presented in an objective and neutral manner as the cultural heritage of religious holiday.

**Performances: Follow these guidelines for winter holiday programs:**

1. Material for performances near religious holidays must be chosen on the basis of educational merit.
2. Material associated with one religion should not dominate a program.
3. Sacred music should **not** be included in elementary schools, as there is a wide selection of non-sacred music appropriate for this age group.
4. Sacred music may be used at the middle schools and Staples. We rely on the sensitivity of our staff to plan a mixture of secular and sacred music, to seek balance so that sacred music of one religion does not dominate, and to convey that study and/or performance of such music will not be construed as a religious holiday observance.

**Scheduling**

**Normal School/Extra Curricular Activities:** No school events (including rehearsals, games and athletic practices) are to be scheduled on major religious holidays that are also school holidays, i.e., Good Friday, Easter, Christmas, Rosh Hashanah, Yom Kippur. Normal school activities may proceed on religious holidays that are not school holidays but ***students are not to be required to attend or to be penalized for missing practices, rehearsals, etc., because of religious observance.*** Jewish holidays run from sundown the evening before the holiday to just after sundown on the day of the holiday. Therefore, avoid evenings before the holidays.

**Special Programs:** On religious holidays that are *not* school holidays, some observant children may miss school or be involved in family observances the night before. Therefore, although normal school activities may be scheduled, *whenever possible* do not schedule special programs, assemblies, one-time performances, field trips, proms, or other activities that are *unique or hard to duplicate* on days or evenings when some students may be unable to attend. The same sensitivity should be shown in planning programs for parents such as Back-to-School Nights, curriculum nights, and special informational meetings, so that those involved in religious obligations do not miss important events.

**Exceptions:** There may be times when such scheduling is unavoidable because of the involvement of other districts, athletic leagues, etc., or because a particular site or speaker is available only at that time. Similarly, in developing the system-wide calendar, avoidance of scheduling on a religious holiday may be difficult or may not be possible because of conflicts with other school or school system events, staff members' own schedules, etc.

**Homework and Tests:** Students involved in religious observance or family celebrations on some holidays may not have the time to do schoolwork assigned specifically over the holiday period, or to study for a test scheduled for the very next day. Teachers may find it least complicated not to assign homework to be due on, or schedule tests for, those days. If assignments are unavoidable, students observing the holidays are to be given the opportunity to make up tests or homework. *All students should be required to do all assigned work but no student should be penalized for religious observances.*

**Note:** *The homework caveat need not apply to assignments given many weeks in advance.* During any lengthy period, many students encounter diversions due to family obligations, temporary illness, extra-curricular activities, and after school jobs, as well as religious observances. It is appropriate to expect students to plan ahead, so that they can complete their work on time despite those other demands.

**New Material:** Teachers should avoid introducing new material, or work that would be difficult to repeat or make up, on days when some students may be absent for religious observance.

**Regulation approved: 1996**



*A sample policy to consider.*

## **Personnel – Certified/Non-Certified**

### **Freedom of Speech**

### **Display of Religious Symbols and Decorations**

This policy applies to office, administrative, and other spaces where the instruction of students or the provision of services to students is not intended to occur and where students are not typically found.

It is the policy of the Board that it shall neither promote nor discourage any religious belief or non-belief. Instead, the Board encourages all students and employees to have an appreciation for and tolerance of the many points of view which they may encounter among the District's many students and employees.

Consistent with this policy the Board recognizes and respects the right of all of its employees to engage in private and quiet religious activities, so long as that conduct is not disruptive and does not interfere with the rights of others to not participate in those activities or to have those activities imposed upon them. Employees whose religious beliefs require religious activity during the work day are to request of their supervisor a non-disruptive place for such practice. Time for such practice will be during break periods or non-paid time.

In some religious traditions there is an expectation that specific apparel will be worn in the workplace. Moreover, many employees occasionally, choose to wear to work clothing that suggests or implies the observance of a religious holiday. The District's policy is to balance the rights of employees to express their religious beliefs with the right of their co-employees to not have religious beliefs, customs, or practices imposed upon them. At the same time, the District requires all employees to maintain a professional appearance and to respect the integrity of the workplace. Restraint, tolerance, and respect for the traditions of other employees is both expected and required.

The use of District resources, including office supplies and equipment, including word processors, copying machines and fax machines, in connection with or in support of the personal observance of religious beliefs, is no more appropriate than the use of District resources and equipment for any non-religious personal purpose, and will not be tolerated.

Any and all decoration of work spaces by employees is expected to be done in a manner which is not disruptive and which does not interfere with work performance. Employees are expected to be sensitive to the rights and views of others. The visibility of decorations to other employees and their resulting impact upon the workplace should be considered by employees who place them in the workplace, and will be considered by the Administration in monitoring adherence to this policy.

Policy adopted:

cps 9/03