#### **5000 Series – Students**

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#### **Equal Opportunity**

Each eligible student will be given an equal opportunity to participate in activities, programs, and courses of study without discrimination on any basis prohibited by law.

Since students vary widely in capacities and interests, the goal of the Stamford Public Schools will be to meet the particular needs of each student.

The Board will also attempt to maintain equity among facilities and means for all who wish to learn.

**Policy Adopted:** June 14, 1988

Amended June 27, 2000

5000.1

### **Equity and Diversity**

#### Purpose

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

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

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

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

#### Definitions

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

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

B. "**District Staff**" includes all employees, consultants and contractors of the Stamford Public Schools.

C. **"Equity"** means the guarantee of fair treatment, access, opportunity, and advancement while at the same time striving to identify and eliminate barriers that have prevented the full participation of some groups. The principle of equity acknowledges that there are historically underserved and underrepresented populations, and that fairness regarding these unbalanced conditions is needed to assist equality in the provision of effective opportunities to all groups.

D. "Educational Equity" means raising the achievement of all students while (1) narrowing the gaps between the lowest and highest performing students, and (2) eliminating the racial or cultural predictability and disproportionality of which student groups occupy the highest and lowest achievement categories including rates of graduation.

E. **"Race Equity"** means the condition where one's race identity has no influence on how one fares in society. Race equity is one part of race justice and must be addressed at the root causes and not just the manifestations. This includes the elimination of policies, practices, attitudes, and cultural messages that reinforce differential outcomes by race.

F. **"Racism"** means a system of advantage and oppression based on race. A way of organizing society based on dominance and subordination based on race. Racism penetrates every aspect of personal, cultural, and institutional life. It includes prejudice against people of color, as well as exclusion, discrimination against, suspicion of, and fear and hate of people of color.

G. **"Institutional Racism"** means the collective failure of a public or private organization to provide an appropriate and professional service to people because of their race, color, culture or ethnic origin, which can be seen or detected in practices, processes, systems, attitudes and behavior. It looks beyond individual acts of

prejudice to the systemic biases that may be built into institutions. These systemic biases discriminate against and disadvantage people of color through unwitting prejudice, ignorance, thoughtlessness or racial stereotyping.

H. "Anti-oppression Organization" means an organization that actively recognizes and mitigates the oppressive effects of white dominant culture and power dynamics, striving to equalize that power imbalance internally and for the communities with which they work.

I. **"Critical Race Theory"** means theory that explicitly states and recognizes that racism is ingrained in the fabric and system of American society. Even without overt racists present, institutional racism is pervasive in dominant culture. Critical Race Theory examines existing

power structures, and identifies these structures as based on white privilege and white supremacy, which perpetuate the marginalization of people of color.

J. **"Inclusion"** means the act of creating environments in which any individual or group can be and feel welcomed, respected, supported, and valued to fully participate and bring their full, authentic selves to work. An inclusive and welcoming climate embraces differences and offers respect in the words/actions/ thoughts of all people.

K. **"Microaggression"** means the everyday verbal, nonverbal, and environmental slights, snubs, or insults, whether intentional or unintentional, which communicate hostile, derogatory, or negative messages to target persons based solely upon their marginalized group membership.

L. **"Social Justice"** means the concept of fair and just relations between the individual and society. This is measured by the explicit and tacit terms for the distribution of power, wealth, education, healthcare, and other opportunities for personal activity and social privileges.

M. **"White Supremacy"** means the existence of racial power that denotes a system of structural or societal racism which privileges white people over others, regardless of the presence or the absence of racial hatred. White racial advantages occur at both a collective and an individual level, and both people of color and white people can perpetuate white dominant culture, resulting in the overall disenfranchisement of people of color in many aspects of society.

N. **"Privilege"** A social theory that special rights or advantages are available only to a particular person or group of people (Twine & Gardener, 2013).

O. "Achievement Gap" means any significant and persistent disparity in academic performance, social emotional outcomes, or educational attainment between different groups of students, such as white students and minorities, for example or students from higher-income and lower-income households.

P. **"Opportunity Gap**" means the disparity in access to quality schools and the resources needed for all children to be academically successful. Opportunity gaps means the existence of a significant disparity in the academic performance of students among and between (A) racial groups, (B) ethnic groups, (C) socioeconomic groups, (D) genders, and (E) English Language Learners and students whose primary language is English.

Q. **"Bias"** Prejudice in favor of or against one thing, person or group compared with another, usually in a way considered to be unfair.

R. "Culturally Relevant Practices / Culturally Relevant Pedagogy" it "allows for a fluid understanding of culture, and a teaching a practice that explicitly engages questions of equity and justice" (Ladson-Billings, 2014).

S. **"Culturally Responsive Teaching"** Can be defined as using the cultural knowledge, prior experiences, frames of reference, and performance styles of ethnically diverse students to make

learning encounters more relevant to and effective for them. "It teaches to and through the strengths of these students. It is culturally validating and affirming" (Gay, 2010).

T. **"Racial Consciousness or racial awareness"** Is the understanding of the uniqueness of one's race compared to other races. A racially conscious person is aware of the physical characteristics, history, culture, traditions, and mores of his own race and how those things differ from other races.

#### **General Statement of Policy**

A. The District welcomes, respects and values the diversity of its students, parents, guardians, staff and the broader community.

B. The following are established as District values:

1. All students and their families deserve and will receive optimal treatment, opportunities and education.

2. All students and their families have dignity and worth, and will be treated accordingly by staff.

3. All students are equally, while differently, gifted.

4. Academic, social and emotional participation outcomes, not intentions, shall be the measure of whether we are successful.

5. Inclusion of all students and families supports District goals to increase academic performance and student engagement (social and emotional).

6. Embracing our diversity through inclusion creates an environment that leverages that diversity and creates schools where students, families, community members, and employees feel welcomed, valued, supported, and where students and staff can perform to their personal bests.

C. The District is committed to advancing optimum participation in, contribution to, benefit from and enjoyment of learning and work experiences by diverse students, parents, guardians, staff and community.

D. The District is committed to promoting and providing equitable distribution of resources, opportunities, facilities and supports, selecting culturally diverse curriculum and instructional materials, even when this means differentiating resource allocations on the basis of student needs. Resource allocation shall support the definition of educational equity adopted in this policy while complying with state and federal funding mandates.

E. The District shall employ staffing processes that support and engender racial, gender, and language diversity in its staff through recruitment, employment, training and retention of employees. It is important that children of all races, cultures, and backgrounds are provided with familiar role models in schools. The recruitment of diverse teachers and staff provides all students with a better chance of seeing themselves as part of the education system. Diversity in education provides all children with the opportunity to learn from others with dissimilar backgrounds and recognizes the value of diversity in all learning environments. The District is committed to increasing the recruitment and retention of highly qualified diverse staff. The District is committed to fostering a learning environment where diversity is encouraged and to recruiting and retaining a workforce that reflects the diversity of our students and community. The Board is committed to hiring the best employees of all racial and ethnic backgrounds who will bring their unique talents and skills into the school system.

F. The District shall provide ongoing professional development for staff and Board members specifically designed to strengthen knowledge and skills for eliminating racism, institutional racism, implicit bias, and disproportionality in achievement and opportunity gaps between groups of students. The District shall offer opportunities for all staff to improve its cultural competencies in serving a diverse student body and community. The District staff shall work together to increase their individual and collective capacity to effectively teach a culturally, racially and ethnically diverse student population and serve culturally, racially and ethnically diverse families and communities. The District shall offer opportunities for all staff to improve culturally responsive instructional practices, curriculum, and assessments competencies in serving our diverse student body and community to increase individual and collective capacity to effectively teach our diverse student population and serve diverse families. Practices, procedures and programs that result in over or under representation of any group of students compared to peers shall be subject to close review to assure that such results are due to meeting student legitimate educational, social or emotional needs. Practices that do not meet this close review shall be eliminated. Teachers, administrators and district staff shall collaborate to establish and implement culturally responsive instructional practices, curriculum and assessments.

G. The District shall promote the diversification of its vendor and supplier corps in accordance with law, city charter and district policy.

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

#### Responsibility

A. The Board shall consider the values stated in this policy in conducting its business and in exercising its responsibilities to the people of this community.

B. The Superintendent shall establish in accordance with this policy such plans and procedures as may be necessary and appropriate to accomplish its purpose and intent. Plans and procedures established shall include clear accountability for actions and oversight.

C. The Superintendent, in partnership with students, may promulgate regulations, programs, and activities for the implementation of this policy as deemed necessary.

D. The Board and Superintendent may establish specific goals to implement this policy as permitted by law and deemed necessary.

E. The Superintendent shall annually report to the Board and the community regarding District performance goals on academic achievement and progress toward meeting these goals and closing the achievement and opportunity gaps. The report will also highlight discrepancies between the targets set and actual performance when applicable. This annual public report shall include an equity and diversity impact assessment that demonstrates policies with the least disparate impact have been adopted by the District.

F. District staff shall within the parameters of their various duties and responsibilities comply with and execute such plans as are designed to address the values and directions included in this policy. District staff is further responsible to make such suggestions to the appropriate authority to improve the ability of the District to reduce the achievement and opportunity gaps that exist.

G. Families are partners with the District in its effort to address achievement and opportunity gaps.

H. Students are partners in their academic achievement. School attendance and engagement are essential to reduce achievement and opportunity gaps that exist.

I. The Board, Superintendent and staff will work with students, parents and guardians to identify barriers to achievement and opportunities for academic success.

J. The Board will review this policy at a minimum of every three years, but no more than 5 years.

- (cf. 1100.1 Parent Teacher Communication)
- (cf. 1330 Use of School Buildings, Grounds, and Equipment)
- (cf. 4001 Staff Development)
- (cf. 4111 Recruitment and Selection)
- (cf. 4111.1 Affirmative Action/Nondiscrimination)
- (cf. 4118.112 Sexual Harassment)
- (cf. 5001 Nondiscrimination/Sex Discrimination/Sexual Harassment)
- (cf. 5005 Bullying Behavior in Schools)
- (cf. 5009 School Governance Councils)
- (cf. 5131 Student Behavior)
- (cf. 6121 Standards Based Curriculum)
- (cf. 9133 Special Committees/Temporary Committees/Ad Hoc Committees)

Legal Reference: Connecticut General Statutes

46a-60 Discriminatory employment practices prohibited.

10-15c Discrimination in public schools prohibited. School attendance by five-year olds. (Amended by P.A. 97-247 to include "sexual orientation" and P.A. 11-55 to include "gender identity or expression")

10-153 Discrimination on account of marital status.

17a-101 Protection of children from abuse.

Legal References: Connecticut State Board of Education "Position Statement on Culturally Responsive Education," adopted May 4, 2011

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

#### **Policy adopted:**

May 4, 2021 (effective immediately under the suspension of the rules)

#### **Nondiscrimination**

There shall be no discrimination among students in access to or benefit from any educational program or activity on any basis prohibited by law.

#### **Sex Discrimination**

No discrimination between the sexes shall be permitted in opportunities for admission, participation in school activities including intramural and interscholastic sports, privileges or other advantages. In certain special cases, as provided by law and policies and regulations in this manual, separate provisions may be made for students according to sex with respect to such matters as protection of modesty in shower rooms and in sex instruction and some athletic competition.

The faculty must be especially sensitive to guard against unconscious sex discrimination and stereotyping in all school operations.

#### Sexual Harassment

Sexual harassment will not be tolerated among students of the school district. It is the policy of the board of education that any form of sexual harassment is forbidden whether by students, supervisory or non-supervisory personnel, individuals under contract, or volunteers subject to the control of the board. Students are expected to adhere to a standard of conduct that is respectful and courteous to employees, to fellow students, and to the public.

#### A. Definition

Sexual harassment is defined as unwelcome conduct of a sexual nature, whether verbal or physical, including, but not limited to: insulting or degrading sexual remarks or conduct; threats or suggestions that a student's submission to or rejection of unwelcome conduct will in any way influence a decision regarding that student; or conduct of a sexual nature which substantially interferes with the student's learning, or creates an intimidating, hostile or offensive learning environment, such as the display in the educational setting of sexually suggestive objects or pictures.

#### **B.** Procedure

It is the express policy of the board of education to encourage victims of sexual harassment to report such claims. Students are encouraged to promptly report complaints of sexual harassment to the appropriate personnel or the principal or his/her designee. Complaints will be investigated promptly and corrective action will be taken when allegations are verified. Confidentiality will be maintained by all persons involved in the investigation to the extent possible and reprisals or retaliation which occur as a result of the good faith reporting of charges of sexual harassment will result in disciplinary action against the retaliator.

The school district will provide staff development for district administrators and will periodically distribute its policy and grievance procedures to staff and students in an effort to maintain an environment free of sexual harassment.

**Policy Adopted:** November 12, 1985 **Policy Amended:** June 27, 2000

#### Transgender, Nonbinary, and Gender Non-Conforming Youth

#### Purpose

Federal and state law and District policy require that all programs, activities, and employment practices be free from discrimination based on sex, sexual orientation, or gender identity or expression. This policy is designed in keeping with these mandates to create a safe learning environment for all students and to ensure that every student has equal access to all school programs and activities.

This policy sets out guidelines for schools and District staff to address the needs of transgender, nonbinary, and gender non-conforming students and clarifies how state law should be implemented in situations where questions may arise about how to protect the legal rights or safety of such students. This policy does not anticipate every situation that might occur with respect to transgender, nonbinary, or gender non-conforming students must be assessed on a case-by-case basis. In all cases, the goal is to ensure the safety, comfort, and healthy development of the transgender, nonbinary, or gender non-conforming student while maximizing the student's social integration and minimizing stigmatization of the student.

#### Definitions

The definitions provided here are not intended to label students but rather to assist in understanding this policy and the legal obligations of District staff. It is recognized that students might or might not use these terms to describe themselves.

"Sex Assigned at Birth" refers to the sex designation recorded on an infant's birth certificate should such a record be provided at birth.

**"Gender identity"** is a person's deeply held sense or psychological knowledge of their own gender, regardless of the sex they were assigned at birth. One's gender identity can be the same or different from their sex assigned at birth.

**"Transgender"** is a term used to describe people whose gender identity differs from the sex they were assigned at birth.

"Cisgender" refers to individuals whose gender identity conforms to what is typically associated with their sex assigned at birth.

"Nonbinary" describes people who identify outside of traditional gender categories. This includes people who identify as both, neither, or fluid genders.

"Gender Minority" is an umbrella term referring to individuals not identifying as cisgender.

**"Genderfluid"** May be a form of gender identity or gender expression. It generally describes individuals who may not identify as the same gender all the time, and whose gender expression may change accordingly.

**"Gender expression"** refers to the manner a person represents or expresses gender to others, often through behavior, clothing, hairstyles, pronouns, or mannerisms.

**"Gender non-conforming"** describes people whose gender identity and/or expression does not in some way meet the stereotypical expectations of their assigned sex at birth. Gender nonconforming can also refer to having a gender expression that does not conform to gender norms, such as "feminine" boys, "masculine" girls, and those who are perceived as androgynous. Transgender and nonbinary individuals are gender non-conforming, but a person does not have to be transgender or nonbinary to be considered gender non-conforming.

"Gender dysphoria" is the persistent and authentic disconnect between a gender minoirty student's sex assigned at birth and gender identity, which may include a desire to change gender expression and primary and/or secondary sex characteristics. This disconnect can cause undue pain and psychological distress which can have a harmful impact on the daily life of gender minority students. Not all gender minority students experience dysphoria.

"Gender affirmation" refers to an interpersonal, interactive process whereby a person receives social recognition and support for their gender identity and expression. Receiving gender affirming support can alleviate the psychological harms of gender dysphoria in transgender and nonbinary students. As transgender, nonbinary, and gender nonconforming students are at a higher risk for peer ostracism, victimization, and bullying, recognition and support on an institutional level plays an important role in creating a safe and nurturing educational environment.

"Gender transition" is the process in which a person changes physical, social and other characteristics to better reflect their gender identity. While not all transgender and nonbinary people transition, many do. Gender transition looks different for every person. In order to feel more comfortable, transgender and nonbinary people may take a variety of steps to alter their gender expression such as using a nickname or legally changing their name, changing one's pronouns, choosing clothes and hairstyles to reflect their gender identity. Some, but not all, transgender and nonbinary people undergo hormone therapy and/or surgical procedures to change their bodies to better reflect their gender identity. Transitioning may or may not include changing identity documents (e.g., driver's license, Social Security record) to reflect one's gender identity.

#### "Bullying" means

(A) the repeated use by one or more students of a written, oral or electronic communication, such as cyberbullying, directed at or referring to another student attending school in the same school district, or

(B) a physical act or gesture by one or more students repeatedly directed at another student attending school in the same school district, that:

(i) Causes physical or emotional harm to such student or damage to such student's property,

(ii) places such student in reasonable fear of harm to himself or herself, or of damage to his or her property,

(iii) creates a hostile environment at school for such student,

(iv) infringes on the rights of such student at school, or

(v) substantially disrupts the education process or the orderly operation of a school.

Bullying shall include, but not be limited to, a written, oral or electronic communication or physical act or gesture based on any actual or perceived differentiating characteristic, such as race, color, religion, ancestry, national origin, sex, sexual orientation, gender identity or expression, socioeconomic status, academic status, physical appearance, or mental, physical, developmental or sensory disability, or by association with an individual or group who has or is perceived to have one or more of such characteristics;

**"Harassment"** means written, verbal or physical conduct that adversely affects the ability of one or more students to participate in or benefit from the school's educational programs or activities because the conduct is so severe, persistent or pervasive. This includes conduct that is based on a student's actual or perceived race, color, national origin, sex, disability, sexual orientation, gender identity or expression, or religion. This also includes conduct that targets a student because of a characteristic of a friend, family member or other person or group with whom a student associates.

"Gender Markers" are the designation on school and other records that indicate what a student's gender is. For most students, the gender marker is determined by a student's assigned birth sex. For transgender and nonbinary students, however, the gender marker is determined by the student's asserted gender identity.

#### Privacy

All persons, including students, have a right to privacy. This includes the right to keep private one's transgender or nonbinary status or gender non-conforming presentation at school. Information about a student's transgender or nonbinary status, legal name, or gender assigned at birth also may constitute confidential medical information. School personnel should not disclose information that may reveal a student's transgender or nonbinary status or gender non-conforming presentation to others, including parents and other school personnel, unless legally required to do so or unless the student has authorized such disclosure. Transgender, nonbinary, and gender non-conforming students have the right to discuss and express their gender identity and expression openly and to decide when, with whom, and how much to share private information.

When contacting the parent or guardian of a transgender or nonbinary student, school personnel should use the student's legal name and the pronoun corresponding to the student's sex assigned at birth unless the student, parent, or guardian has specified otherwise.

#### **Official Records**

The District is required to maintain a mandatory permanent student record ("official record") that includes a student's legal name and legal gender. However, the District is not required to use a student's legal name and gender on other school records or documents. The District will change a student's official record to reflect a change in legal name or legal gender upon receipt of documentation that such change has been made pursuant to a court order. However, a court order shall not be required to change a student's official record. The District recognizes, under FERPA\*, that a student has the right to request the school to change their name and gender on such student's school records if the student or parent/guardian, if such a student is under 18 years of age, believes the records are incorrect, misleading, or violate a student's privacy. (In general, a school should treat requests to change student records based on transgender or nonbinary status no differently than it would treat any other request for a change to student records.) Upon such a request, schools should correct student education records to accurately reflect the student's chosen name and gender identity, regardless of whether the student has completed a legal name change. \*(Family Educational Rights and Privacy Act)

In situations where school staff or administrators are required by law to use or to report a transgender or nonbinary student's legal name or gender, such as for purposes of standardized testing, school staff and administrators shall adopt practices to avoid the inadvertent disclosure of such confidential information.

#### Names/Pronouns

A student has the right to be addressed by a name and pronoun that corresponds to the student's gender identity. A court-ordered name or gender change is not required, and the student need not change his or her official records.

The intentional or persistent refusal to respect a student's gender identity (for example, intentionally referring to the student by a name or pronoun that does not correspond to the student's gender identity) is a violation of this policy.

#### **Gender-Segregated Activities**

To the extent possible, all schools should reduce or eliminate the practices of segregating students by gender. In situations where students are historically segregated by gender, such as in selected health education classes, transgender and nonbinary students should have access to the group that corresponds to their gender identity. In no case shall a transgender or nonbinary student be required to participate in a group that conflicts with the student's gender identity.

#### **Student Information Systems**

The District shall modify its student information system, as necessary, to prevent disclosure of confidential information and ensure that school personnel use a student's preferred name and pronouns consistent with the student's gender identity.

#### **Restroom Accessibility**

Students shall have access to the restroom that corresponds to their gender identity consistently asserted at school. Any student who has a need or desire for increased privacy, regardless of the underlying reason, should be provided access to a single user restroom. However, no student shall be required to use such a restroom because they are transgender, nonbinary, or gender non-conforming.

#### Locker Room Accessibility

The use of locker rooms and dressing rooms by transgender and nonbinary students shall be assessed on a case-by-case basis with the goals of maximizing the student's social integration and equal opportunity to participate in physical education classes, sports, and other extracurriculars and extracurricular activities, ensuring the student's safety and comfort, and minimizing stigmatization of the student. Transgender students should have access to the locker room or dressing room that corresponds to their gender identity consistently asserted at school, like all other students. Any student, transgender, nonbinary or not, who has a need or desire for increased privacy, regardless of the underlying reason, should be provided with a reasonable alternative changing area such as the use of a private area (e.g., a nearby restroom stall with a door, an area separated by a curtain, a P.E. instructor's office in the locker room, or a nearby health office restroom), or with a separate changing schedule (e.g., using the locker room or dressing room that corresponds to their gender identity before or after other students). Any alternative arrangement should be provided in a way that protects the student's ability to keep his or her transgender or nonbinary status confidential. In no case shall a transgender or nonbinary student be required to use a locker room or dressing room that conflicts with the student's gender identity.

#### **Field Trips**

The use of commercial residential premises such as hotels, motels, or inns for overnight field trips by transgender and nonbinary students shall be assessed on a case-by-case basis with the goals of maximizing the student's social integration and equal opportunity to participate in education and extracurricular activities, ensuring the student's safety and comfort, and minimizing stigmatization of the student. Transgender students should have access to housing that corresponds to their gender identity consistently asserted at school, like all other students. Any student, transgender, nonbinary or not, who has a need or desire for increase privacy, regardless of the underlying reasons, should be provided with a reasonable alternative housing area (e.g., a private hotel room). Any alternative arrangement should be provided in a way that protects the student's ability to keep his or her transgender or nonbinary status confidential. In no case shall a transgender or nonbinary student be required to use a housing area that conflicts with the student's gender identity.

#### **Physical Education Classes & Intramural Sports**

Transgender and nonbinary students shall be permitted to participate in physical education classes and intramural sports in a manner consistent with their gender identity.

#### **Interscholastic Competitive Sports Teams**

Transgender and nonbinary students shall be permitted to participate in interscholastic athletics in a manner consistent with the applicable regulations of the Connecticut Interscholastic Athletic Association (CIAC).

#### **Dress Codes**

Transgender, nonbinary, and gender non-conforming students have the right to dress in a manner consistent with their gender identity and gender expression. In general, District schools may not adopt dress codes that restrict students' clothing or appearance on the basis of gender identity or sex.

#### **Discrimination/Harassment**

It is the responsibility of each school and the District to ensure that transgender, nonbinary, and gender non-conforming students have a safe school environment. This includes ensuring that any incident of discrimination, harassment, or violence is given immediate attention, including investigating the incident, taking appropriate corrective action, and providing students and staff with appropriate resources.

Complaints alleging discrimination or harassment based on a person's actual or perceived transgender or nonbinary status or gender nonconformity are to be handled in the same manner as other discrimination or harassment complaints. Complaints can be filed using the SPS Community Concern or Complaint Form.

#### Transferring a Student to Another School (Opportunity Transfers)

In general, schools should aim to keep transgender, nonbinary, and gender non-conforming students at the original school site. Opportunity transfers should not be a school's first response to harassment and should be considered only when necessary for the protection or personal welfare of the transferred student, or when requested by the student or the student's parent/guardian. The student or the student's parent or guardian must consent to any such transfer.

#### **Professional Development**

The Board of Education directs the Superintendent to provide training for all district teachers and staff, at minimum, annually, to ensure that all students, regardless of their gender identity, gender expression and/or sexual orientation, receive equal educational opportunities. School counselors, social workers, and school psychologists should receive specific training to address the unique social and emotional challenges that transgender, nonbinary, and gender nonconforming students may face. Additional training should be made available at the request of any, administrator, teacher or staff member. Developmentally age-appropriate education shall also be provided for students.

- (cf. 1312 Public Complaints)
- (cf. 4001 Staff Development)
- (cf. 5001 Non-discrimination/Sex Discrimination/Sexual Harassment)
- (cf. 5002R Sexual Harassment)
- (cf. 5005 Bullying Behavior in Schools)
- (cf. 5005R Administrative Regulations Concerning Bullying Behavior in the Schools)
- (cf. 5131R Student Behavior)
- (cf. 6153R Field Trips)
- (cf. 6163 Physical Education)

Legal Reference: Connecticut General Statutes

<u>1</u>-1n "Gender identity or expression" defined.

<u>10</u>-15c Discrimination in public school prohibited. (Amended by P.A. 97-247 to include "sexual orientation" and PA 11-55 to include "gender identity or expression")

<u>10</u>-222g Prevention and intervention strategy re bullying and teen dating violence as amended by PA 19-166.

46a-51 Definitions.

<u>46a</u>-58(a) Deprivation of rights. Desecration of property. Placing of burning cross or noose on property. Penalty.

<u>46a</u>-60 Discriminatory employment practices prohibited Federal Law.

46a-64(a)(1)(2) Discriminatory public accommodations practices prohibited. Penalty.

<u>10</u>-209 Records not to be public.

<u>46a</u>-60 Discriminatory employment practices prohibited.

Section 504 and the Federal Vocational Rehabilitation Act of 1973, 20 U.S.C. 706(7)(b).

Public Act 07-62 An Act Concerning the Deprivation of Rights on Account of Sexual Orientation.

Public Act 11-55 An Act Concerning Discrimination.

Title IX of the Education Amendments of 1972, 20 U.S.C. §1681(a).

Meritor Savings Bank. FSB v. Vinson, 477 U.S. 57 (1986).

*Faragher v. City of Boca Raton, No.* 97-282 (U.S. Supreme Court, June 26, 1998).

Burlington Industries, Inc. v. Ellerth, No. 97-569, (U.S. Supreme Court, June 26,1998).

*Gebbser v. Lago Vista Indiana School District,* No. 99-1866, (U.S. Supreme Court, June 26,1998).

*Davis v. Monroe County Board of Education*, No. 97-843 (U.S. Supreme Court, May 24, 1999).

Federal Family Educational Rights and Privacy Act of 1974, 20 U.S.C. 1232g

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

#### **Policy adopted:**

March 23, 2021

#### Accommodating Transgender and Gender Non-Conforming Students

This administrative regulation's accommodation and support guidelines advance the District's goals of (1) providing all students equal access to a safe, non-hostile learning environment, and (2) implementing risk management controls in a developing and unsettled area of the law in which the Federal Office for Civil Rights (OCR) and Department of Justice (DOJ) have issued guidance.

While there is no mandate requiring administrative regulations for accommodating transgender students or gender non-conforming students, this administrative regulation guides school officials through the: (1) application of State and Federal anti-discrimination laws to this student population, and (2) common needs in which transgender or gender non-conforming students may request accommodations and support at school. This administrative regulation applies to all school activities, school-provided transportation, and school-sponsored events regardless of where they occur.

The Building Principal, Nondiscrimination Coordinator, and/or Complaint Manager, with input from others as appropriate, will implement this administrative regulation. They will work with each transgender or gender non-conforming student, and as appropriate with the student's parent(s)/guardian(s), to manage a student's accommodations and supports on a case-by-case basis. The Board's legal counsel will be consulted concerning legal compliance.

Additional direction can be acquired from the Connecticut State Department of Education (CSDE) publication "<u>Guidance on Civil Rights Protections and Supports for Transgender</u> <u>Students.</u>"

#### **Gender-Based Discrimination is Prohibited**

School districts must provide equal educational opportunities to transgender students and gender non-conforming students. Under State law, sex discrimination extends to claims of discrimination based on sexual orientation and gender identity or expression.

Federal law prohibits exclusion and discrimination on the basis of sex. 20 U.S.C. \$1681(a), Title IX of the Education Amendments of 1972. According to the U.S. Department of Education's Office for Civil Rights ("OCR") and the U.S. Department of Justice, Title IX protects lesbian, gay, bisexual, and transgender students, from gender discrimination.

This administrative regulation's guidance on accommodating transgender students or gender nonconforming students is based on OCR pronouncements.

#### Accommodating Transgender and Gender Non-Conforming Students

#### Gender-Based Bullying and/or Harassment is Prohibited

The laws prohibiting gender discrimination require the District to protect transgender students and gender non-conforming students from bullying and harassment by other students.

According to OCR, a school district is responsible for damages suffered by a student who was the victim of protected-class harassment: (1) that is severe, pervasive, or persistent; (2) about which school officials knew or should have known; and (3) that interferes with or limits a student's participation in or benefit from services, activities, or opportunities offered by the school.

State statute 10-15c, as amended, prohibits bullying on the basis of actual or perceived sexual orientation, gender-related identity or expression, and/or association with a person or group with one of the aforementioned actual or perceived characteristics. The Board policy on bullying and it's School Climate Plan must be used to address and resolve peer bullying and harassment of transgender or gender non-conforming students. (see Policy #1316.1)

#### **Glossary of Terms/Definitions**

The District may use the following terms and definitions when discussing accommodations for a transgender student or gender non-conforming student. NOTE: Definitions are not intended to label students, but rather to assist with understanding.

**Gender-based discrimination** is a form of sex discrimination, and refers to differential treatment or harassment of a student based on the student's sex, including gender identity, gender expression, and non-conformity with gender stereotypes, that results in the denial or limitation of education services, benefits, or opportunities. Conduct may constitute gender-based discrimination regardless of the actual or perceived sex, gender identity, or sexual orientation of the persons experiencing or engaging in the conduct.

**Sex assigned at birth and assigned sex** refers to the sex designation recorded on an infant's birth certificate should such a record be provided at birth.

#### 5002R

#### Students

#### Accommodating Transgender and Gender Non-Conforming Students

#### Gender-Based Bullying and/or Harassment is Prohibited (continued)

**Gender identity** refers to a person's deeply held sense or psychological knowledge of their own gender which may be different from one's assigned sex, and which is consistently and uniformly asserted, or for which there is other evidence that the gender identity is sincerely held as part of the student's core identity.

**Transgender** For purposes of this administrative regulation, a transgender student is a student who consistently and uniformly asserts a gender identity different from the student's assigned sex, or for whom there is documented legal or medical evidence that the gender identity is sincerely held as part of the student's core identity. Transgender boy and transgender male refer to an individual assigned the female sex at birth who has a male gender identity. Transgender girl and transgender female refer to an individual assigned the male sex at birth who has a female gender identity.

**Cisgender** is a term used to describe people whose gender identity conforms to what is typically associated with their sex assigned at birth.

**Nonbinary** describes people who identify outside of traditional gender categories. This includes people who identify as both, neither, or fluid genders.

Gender Minority is an umbrella term referring to individuals not identifying as cisgender.

**Genderfluid** may be a form of gender identity or gender expression. It generally describes individuals who may not identify as the same gender all the time, and whose gender expression may change accordingly.

**Gender expression** refers to the manner a person represents or expresses gender to others, often through external cues that one uses to represent or communicate one's gender to others, such as behavior, clothing, hairstyles, activities, voice, mannerisms, or body characteristics.

**Gender dysphoria** is the persistent and authentic disconnect between a gender minority student's sex assigned at birth and gender identity, which may include a desire to change gender expression and primary and/or secondary sex characteristics. This disconnect can cause undue pain and psychological distress which can have a harmful impact on the daily life of gender minority students. Not all gender minority students experience dysphoria.

#### Accommodating Transgender and Gender Non-Conforming Students

#### Gender-Based Bullying and/or Harassment is Prohibited (continued)

**Gender affirmation** refers to an interpersonal, interactive process whereby a person receives social recognition and support for their gender identity and expression. Receiving gender affirming support can alleviate the psychological harms of gender dysphoria in transgender and nonbinary students. As transgender, nonbinary, and gender non-conforming students are at a higher risk for peer ostracism, victimization, and bullying, recognition and support on an institutional level plays an important role in creating a safe and nurturing educational environment.

**Gender transition** is the process in which a person changes physical, social and other characteristics to better reflect their gender identity. While not all transgender and nonbinary people transition, many do. Gender transition looks different for every person. In order to feel more comfortable, transgender and nonbinary people may take a variety of steps to alter their gender expression such as using a nickname or legally changing their name, changing one's pronouns, choosing clothes and hairstyles to reflect their gender identity. Some, but not all, transgender and nonbinary people undergo hormone therapy and/or surgical procedures to change their bodies to better reflect their gender identity. Transitioning may or may not include changing identity documents (e.g., driver's license, Social Security record) to reflect one's gender identity.

**Gender stereotypes** refers to stereotypical notions of masculinity and femininity, including expectations of how boys or girls represent or communicate one's gender to others, such as behavior, clothing, hairstyles, activities, voice, mannerisms, or body characteristics.

**Gender non-conforming** describes people whose gender identity and/or expression does not in some way meet the stereotypical expectations of their assigned sex at birth. Gender non-conforming can also refer to having a gender expression that does not conform to gender stereotypes.

**Facilities** refers to facilities and accommodations used by students at school or during school sponsored activities and trips, and include, but are not limited to, restrooms, locker rooms, and overnight facilities.

#### Accommodating Transgender and Gender Non-Conforming Students

### Relevant Board Policies for Accommodations, Supports, and Inclusion of Transgender or Gender Non-Conforming Students

- 5145.44 Title IX Grievance Procedures policy, contains the process for an individual to seek resolution of a complaint. A student may use this policy to complain about bullying. The Title IX Officer shall investigate the complaint promptly and equitably.
- 1330, Use of Building, Grounds, and Equipment Equal Access, grants student-initiated groups or clubs the free use of school premises for their meetings, under specified conditions.
- 5000, Equal Opportunity, requires that equal educational and extracurricular opportunities be available to all students without regard to, among other protected statuses, sex, sexual orientation, and gender identity.
- 5001, Nondiscrimination, prohibits discrimination among students in access to or benefit from any educational program or activity on any basis prohibited by law, including sex, sexual orientation, and gender identity.
- 5002, Transgender, Nonbinary, and Gender Non-Conforming Youth, sets out guidelines for schools and District staff to address the needs of transgender, nonbinary, and gender non-conforming students and clarifies how state law should be implemented.
- 5005, Bullying Behavior in the Schools, contains the comprehensive structure for the District's prevention of and response to bullying, intimidation, and harassment.
- 5115, Student Records Confidentiality and Access, contains the comprehensive structure for managing school student records, keeping them confidential, and providing access as allowed or required.
- 5147, Dress and Grooming, prohibits students from dressing or grooming in a manner that is disruptive, unsafe, contrary to law, or interferes with the learning process.

## Common Needs for Transgender and Gender Non-Conforming Students; Accommodations and Supports

The goal of an accommodation is to allow a transgender or gender non-conforming student to equally participate in educational and extracurricular opportunities. The right of transgender students to accommodations is generally found in legislation such as Title IX but has not been fully interpreted by the courts. Determining appropriate accommodations is difficult because school officials must balance the rights of transgender or gender non-conforming students to freedom from discrimination and freedom of expression with the rights of other students to freedoms of religion and expression. The Board's legal counsel as an indispensable member of the team that will identify accommodations for a specific student.

#### Accommodating Transgender and Gender Non-Conforming Students

### Common Needs for Transgender and Gender Non-Conforming Students; Accommodations and Supports (continued)

This list is not exhaustive, and each student's request must be managed on a case-by-case basis. A particular student may not be interested in an accommodation for each item listed. Seek the Board's legal counsel advice concerning the scope and extent of accommodations.

- 1. Gender transition
- 2. Names and pronouns
- 3. School student records
- 4. Student privacy and confidentiality
- 5. Access to gender-segregated areas (e.g. locker rooms and restrooms)
- 6. Sports and physical education classes participation in competitive athletic activities and

contact sports is resolved pursuant to Policy #5002

- 7. Dress codes
- 8. Gender segregation in other areas (e.g., class discussions and field trips)

#### **Training for School Staff Members**

When and where appropriate, professional development for staff members should include opportunities to gain a better understanding of equal educational opportunity laws, gender identity, gender expression, and gender diversity; the development of gender identity in children and adolescents; developmentally appropriate strategies for communicating with students and parents/guardians about issues related to gender identity; gender-affirming approaches to ensuring the safety and support of transgender students and gender non-conforming students; developmentally appropriate strategies for preventing and intervening in bullying incidents; and Board policies regarding bullying, discrimination, and student privacy.

#### **CIAC Rules of Eligibility for Transgender Participation (From CIAC Handbook)**

"The CIAC is committed to providing transgender student-athletes with equal opportunities to participate in CIAC athletic programs consistent with their gender identity. Hence, this policy addresses eligibility determinations for students who have a gender identity that is different from the gender listed on their official birth certificates. The CIAC has concluded that it would be fundamentally unjust and contrary to applicable state and federal law to preclude a student from participation on a gender specific sports team that is consistent with the public gender identity of that student for all other purposes. Therefore, for purposes of sports participation, the CIAC shall defer to the determination of the student and his or her local school regarding gender identification. In this regard, the school district shall determine a student's eligibility to participate in a CIAC gender specific sports team based on the gender identification of that student in current school records and daily life activities in the school and community at the time that sports eligibility is determined for a particular season. Accordingly, when a school district submits a roster to the CIAC, it is verifying that it has determined that the students listed on a gender specific sports team are entitled to participate on that team due to their gender identity and that the school district has determined that the expression of the student's gender identity is bona fide and not for the purpose of gaining an unfair advantage in competitive athletics.

Students who wish to participate on a CIAC gender specific sports team that is different from the gender identity listed on the student's current school records are advised to address the gender identification issue with the local school district well in advance of the deadline for athletic eligibility determinations for a current sports season. Students should not be permitted to participate in practices or to try out for gender specific sports teams that are different from their publicly identified gender identity at that time or to try out simultaneously for CIAC sports teams of both genders.

Nothing in this policy shall be read to entitle a student to selection to any particular team or to permit a student to transfer from one gender specific team to a team of a different gender during a sports season. In addition, the CIAC shall expect that, as a general matter, after the issue of gender identity has been addressed by the student and the school district, the determination shall remain consistent for the remainder of the student's high school sports eligibility. The CIAC has concluded that this criterion is sufficient to preclude the likelihood that a student will claim a particular gender identity for the purpose of gaining a perceived advantage in athletic competition.

Regulation approved: February 25, 2022

#### Sexual Harassment

Any student who feels that he/she has been subjected to sexual harassment should make a written complaint to the school principal, assistant principal, or counselor.

The student who makes a written or oral complaint of sexual harassment shall be furnished with a copy of this procedure and informed of his/her rights.

• If an elementary student makes an oral complaint to any school employee, the employee shall refer the matter directly to the building principal, who shall obtain the above information, and complete a sexual harassment complaint form.

• If the complainant is a minor student, the person to whom the complaint is given should consider whether a child abuse report should be completed.

• A copy of the sexual harassment complaint shall be sent to the school principal, and, if the alleged harasser is a school employee, to the director of personnel or the superintendent of schools.

Upon receipt of the complaint, the principal or his/her designee shall commence a prompt, thorough, and impartial investigation of the complaint. The investigator shall consult with all individuals reasonably believed to have relevant information, including the student and the alleged harasser, any witnesses to the conduct, and victims of similar conduct that the investigator reasonably believes may exist. The investigation shall be carried on discretely, maintaining confidentiality insofar as possible, while still conducting an effective and thorough investigation.

At the conclusion of the investigation, the investigator shall provide to the superintendent a written report summarizing the results of the investigation, and a recommendation for disposition of the matter. If there is reasonable cause to believe that sexual harassment has occurred, the superintendent, or his/her designee, shall take all reasonable actions to ensure that the harassment ceases and will not recur. Actions taken in response to allegations of harassment may include suspension or expulsion if the harasser is a student, and reassignment, transfer, or other disciplinary action up to and including termination of employment if the harasser is a school employee.

Regulation Adopted:

September 12, 1995

**Regulation Amended:** June 27, 2000

#### **Bullying Behavior in the Schools**

The Stamford Board of Education is committed to creating and maintaining an educational environment that is physically, emotionally and intellectually safe and thus free from bullying, harassment and discrimination. In accordance with state law, it is the policy of the Board of Education that any form of bullying behavior, whether in the classroom, on school property, on a school bus, or at school-sponsored events, is expressly forbidden.

The Superintendent or his/her designee shall be responsible for developing and implementing administrative regulations in furtherance of this policy. As provided by statute, such regulations shall:

(1) enable students to anonymously report acts of bullying to teachers and school administrators and require that students to be notified annually of the process by which they may make such anonymous reports,

(2) enable the parents or guardians of students to file written reports of suspected bullying,(3) require school employees who witness acts of bullying or receive reports of bullying to orally notify the safe school climate specialist or school administrator if the safe school climate specialist is unavailable, not later than one school day after such school employee witnesses or receives a report of bullying, and to file a written report not later than two school days after making such oral report;

(4) require school administrators to investigate any written reports and to review any anonymous reports (except that no disciplinary action shall be taken solely on the basis of an anonymous report),

(5) include a prevention and intervention strategy, as defined by this policy, for school staff to deal with bullying,

(6) provide for the inclusion of language in student codes of conduct concerning bullying,(7) require school administrators of each school to notify both the parents or guardians of students who commit any verified acts of bullying and the parents or guardians of students against whom such acts were directed, and to invite them to attend at least one meeting to communicate the measures being taken by the school to ensure the safety of the student against whom such act was directed and to prevent further acts of bullying;

(8) require each school within the district to maintain a list of the number of verified acts of bullying in such school and make such list available for public inspection, and within available appropriations, report such number annually to the Department of Education, in such manner as prescribed by the

Commissioner of Education,

(9) direct the development of case-by-case interventions for addressing repeated incidents of bullying against a single individual or recurrently perpetrated bullying incidents by the same individual that may include both counseling and discipline, and

(10) identify the appropriate school personnel as the safe school climate specialist responsible for taking a bullying report and investigating the complaint.

(13) direct the development of student safety support plans for students against whom an act of bullying was directed that address safety measures the school will take to protect such students against further acts of bullying;

(14 require the principal of a school, or the principal's designee, to notify the appropriate local law enforcement agency when such principal, or the principal's designee, believes that any acts of bullying constitute criminal conduct;

(16) require, at the beginning of each school year, each school to provide all school employees with a written or electronic copy of the school district's safe school climate plan; and (17) require that all school employees annually complete the training described in Conn. Gen. Stat. § 1 0-220a.

The notification required pursuant to subdivision (7) shall include a description of the response of school staff to such acts and any consequences that may result from the commission of further acts of bullying. Such regulations may include provisions addressing bullying outside of the school setting if it has a direct and negative impact on a student's academic performance or safety in school Any information provided under this policy shall be provided in accordance with the confidentiality restrictions imposed under the Family Educational Rights Privacy Act ("FERP A") and the district's Confidentiality and Access to Student Information policy and regulations.

For purposes of this policy, **"Bullying"** means the repeated use by one or more students of a written, verbal or electronic communication, such as cyberbullying, directed at or referring to another student attending school in the same school district, or a physical act or gesture by one or more students repeatedly directed at another student attending school in the same school district, that: causes physical or emotional harm to such student or damage to such student's property; places such student in reasonable fear of harm to himself or herself, or of damage to his or her property; creates a hostile environment at school for such student; infringes on the rights of such student at school; or substantially disrupts the education process or the orderly operation of a school.

For purposes of this policy, "School-Sponsored Activity" shall mean any activity conducted on or off school property (including school buses and other school-related vehicles) that is sponsored, recognized or authorized by the Board of Education.

For the purposes of this policy, "Prevention and Intervention Strategy" may include, but shall not be limited to, (1) implementation of a positive behavioral supports process or another evidence-based model approach for safe school climate or for the prevention of bullying, including any such program identified by the Department of Education, 2) a school survey to determine the prevalence of bullying, (3) establishment of a bullying prevention coordinating committee with broad representation to review the survey results and implement the strategy, (4) school rules prohibiting bullying, harassment and intimidation and establishing appropriate consequences for those who engage in such acts, (5) adequate adult supervision of outdoor areas, hallways, the lunchroom and other specific areas where bullying is likely to occur, (6) inclusion of grade-appropriate bullying prevention curricula in kindergarten through high school, (7) individual interventions with the bully, parents and school staff, and interventions with the bullied child, parents and school staff, (8) school-wide training related to safe school climate, and (9) promotion of parent involvement in bullying prevention through individual or team participation in meetings, trainings and individual interventions.

Students who engage in bullying behavior shall be subject to school discipline up to and including expulsion in accordance with the Board's policies on student discipline, suspension and expulsion.

Effective July 1, 2012, this policy and the applicable regulations shall be included in the school district's publication of the rules, procedures, and standards of conduct for schools and in all student handbooks.

Not later than January I, 2012, the Stamford Board of Education shall approve the Safe School Climate Plan developed pursuant to this policy and submit such plan to the Department of Education. Not later than thirty (30) calendar days after approval by the Board, the Board shall make such plan available on the Board's and each individual school in the school district's web site and ensure that the Safe School Climate Plan is included in the school district's publication of the rules, procedures and standards of conduct for schools and in all student handbooks.

**Legal References:** 

Conn. Gen. Stat. § 10-222d Conn. Gen. Stat. §§ I 0-233a through 10-233f Public Act No. 08-160

**Policy Adopted:** March 25, 2003

**Policy Amended:** February 23, 2010 November 22, 2011

#### Administrative Regulations Concerning Bullying Behavior in the Schools

The following sets forth the procedures to implement the Board Policy concerning the prohibition against bullying. Bullying behavior is strictly prohibited, and students who are determined to have engaged in such behavior are subject to disciplinary action, which may include suspension or expulsion from school, in accordance with the Board's Student Discipline policy. The district's commitment to addressing bullying behavior, however, involves a multi-faceted approach, which includes education and the promotion of a school atmosphere in which bullying will not be tolerated by students or staff.

It is imperative that bullying be identified only when the specific elements of the definition are met, because the designation of conduct as bullying carries with it special statutory obligations. Any misconduct by one student against another student, whether or not appropriately defined as bullying , however, will subject the perpetrator to disciplinary action in accordance with the Board's policies on student discipline, suspension and expulsion.

#### I. Definition:

In accordance with Board policy, "bullying" means *any overt acts by* a *student or group of students directed against another student with the intent to ridicule, harass, humiliate, or intimidate the other student while on school grounds, on* a *school bus, or at* a *school-sponsored activity, (which acts are committed more than once against any student during the school year.)* The prohibition against *bullying behavior specifically includes cyberbullying, which generally includes using information and/or communication technologies to commit such overt acts against another student with the intent to ridicule, harass, humiliate or intimidate the other student.* Such overt acts, even if committed off campus, may result in discipline up to and including suspension and expulsion from school.

In accordance with this definition, the following factors should be considered before identifying conduct by a student or group of students as bullying in violation of Board policy. The determination that conduct does not constitute bullying under state law and Board policy, however, does not restrict the right of the Administration and of the Board of Education to impose appropriate disciplinary consequences for student misconduct.

• <u>Location</u>. Bullying behavior in violation of Board policy may occur on or off school grounds, at a school-sponsored activity, or on a school bus. Conduct that occurs off-campus, (e.g. physical intimidation in the community) is considered bullying under the Board's Policy and this Regulation if it has a direct and negative impact on a student's academic performance or safety in school. Cyber-bullying, which is the use of electronic equipment to commit acts of bullying, is also considered bullying.

• <u>Misconduct Committed More Than Once.</u> Bullying behavior in violation of Board policy must be "committed more than once against any student during the school year." An isolated incident, however egregious, is not "bullying" under state law and Board policy. Similarly, numerous acts of misconduct against different students do not constitute "bullying" under state law and Board policy. Conversely, where there are multiple incidents of bullying against a single individual or recurrently perpetrated bullying incidents by the same individual, during

the school year, the responsible administrator shall develop a case-specific intervention to address such repeated incidents of bullying, which may include both counseling and discipline. • **<u>Ridicule, harassment, humiliation, and/or intimidation.</u>** Bullying behavior is more than misconduct. Such behavior is marked by the intent to ridicule, harass, humiliate or intimidate the victim. In evaluating whether conduct constitutes bullying, special attention should be paid to the words chosen or actions taken, whether such conduct occurred in front of others or was communicated to others, how the perpetrator interacted with the victim, and the motivation of the perpetrator.

• <u>Types of conduct.</u> Bullying can take many forms and can include many different behaviors having the overt intent to ridicule, harass, humiliate or intimidate another student. Examples of conduct that could constitute bullying include:

1. Physical violence and/or attacks;

2. Verbal taunts, name-calling and put-downs, including taunts based on race, ethnicity, gender, religion, sexual orientation, or other protected and/or individual characteristics such as socioeconomic status or physical appearance;

3. Threats and intimidation (through words and/or gestures);

4. Extortion or stealing of money and/or possessions;

5. Cyberbullying, defined as use of computer systems, including email, instant messaging, text messaging, blogging or the use of social networking websites, or other forms of electronic communications, to commit acts of bullying.

#### **II.** Complaint processes

#### A. Publication of the policy and regulations against bullying

Effective July 1, 2010, this policy and the applicable regulations shall be included in the school district's publication of the rules, procedures, and standards of conduct for schools and in all student handbooks.

#### **B.** Appropriate school personnel

All school administrators are charged with the responsibility of taking reports of bullying and appropriately investigating them. Reports may be made to any building administrator.

#### C. Formal/written complaints

Students and/or their parents or guardians may file written reports of conduct that they consider to be bullying. Such written reports shall be reasonably specific as to the actions giving rise to the suspicion of bullying, including time and place of the conduct alleged, the number of such incidents, the target of such suspected bullying, and the names of any potential student or staff witnesses. Such reports may be filed with any building administrator for review and action in accordance with Section III below.

#### D. Informal/verbal complaints by Students

Students may also make informal/verbal complaints of conduct that they consider to be bullying by verbally reporting to a teacher, administrator, or other professional employee such as a guidance counselor, school psychologist, nurse, social worker or therapist. Such informal/verbal complaints shall be reasonably specific as to the actions giving rise to the suspicion of bullying, including time and place of the conduct alleged, the number of such incidents, the target of such suspected bullying, and the names of any potential student or staff witnesses. A teacher, other professional employee, or administrator who receives an informal/verbal complaint shall promptly reduce the complaint to writing, including the information provided. Such written report by the teacher, other professional employee and/or administrator shall be promptly forwarded to the building principal (or other responsible program administrator) for review and action in accordance with Section III below.

#### E. Anonymous complaints

Students who make complaints of bullying to a teacher, administrator, or other professional employee such as a guidance counselor, school psychologist, nurse, social worker or therapist, may request that their name be maintained in confidence by the staff member who receives the complaint. Should anonymity be requested, the principal or his/her designee shall meet with the student to review the request for anonymity and the impact that maintaining anonymity of the complaint may have on the investigation of the complaint and/or possible remedial action. At such meeting, the student shall be given the choice as to whether to maintain the anonymity of the complaint. Anonymous complaints shall be reviewed and reasonable action will be taken to address the situation, to the extent such action may be taken that (1) does not disclose the source of the complaint, and (2) is consistent with the due process rights of the student(s) alleged to have committed acts of bullying.

#### III. Staff responsibilities and intervention strategies

#### A. Teachers and other school staff

1. Teachers and other school staff, who witness acts of bullying, as defined above, shall promptly notify the building principal and/or his/her designee in writing of the events observed, and shall promptly file a written incident report concerning the events witnessed. Teachers and other school staff who receive student reports of suspected bullying shall promptly notify the building principal and/or his/her designee of such report(s). If the report is a formal, written complaint, such complaint shall be forwarded promptly (no later than the next school day) to the building principal or his/her designee. If the report is an informal/verbal complaint by a student that is received by a teacher, administrator or other professional employee, he or she shall prepare a succinct written report of the informal complaint, which shall be forwarded promptly (no later than the next school day) to the building principal or his/her designee. If the report is an informal complaint, which shall be forwarded promptly (no later than the next school day) to the building principal or his/her designee. If the report is an informal complaint, which shall be forwarded promptly (no later than the next school day) to the building principal or his/her designee. If the report is an informal complaint, which shall be forwarded promptly (no later than the next school day) to the building principal or his/her designee. If the report is an informal complaint by a student that is received by other school staff, this employee shall verbally report the matter to the principal and/or his/her designee promptly (no later than the next school day).

2. In addition to addressing both informal and formal complaints, teachers and other professional employees are encouraged to address the issue of bullying in other interactions with students. Teachers and other professional employees may find opportunities to educate students about bullying and help eliminate bullying behavior through class discussions, counseling, and reinforcement of socially-appropriate behavior. Teachers and other professional employees should intervene promptly whenever they observe student conduct that has the purpose or effect of ridiculing, harassing, humiliating or intimidating another student, even if such conduct does not meet the formal definition of "bullying."

#### **B.** Administrator responsibilities

#### 1. Investigation

a. The principal (or other responsible program administrator) shall be promptly notified of any formal or informal complaint of suspected bullying received by any building administrator, teacher or other professional employee. Under the direction of the building principal or his/her designee, all such complaints shall be investigated promptly. In order to allow the district to adequately investigate all formal complaints, the parent of the student suspected of being bullied must complete a consent form that permits the district to release that student's name to those third parties who the district contacts as part of its investigation of that complaint. With regard to the investigation of informal complaints, the parent of the student suspected of being bullied must complete the above-referenced consent form so long as that student has not requested anonymity.

b. A written report of the investigation shall be prepared when the investigation is complete. Such report shall include findings of fact, a determination of whether acts of bullying were verified, and, when acts of bullying are verified, a recommendation for intervention, which may include disciplinary action. Where appropriate, written witness statements shall be attached to the report.

c. Notwithstanding the foregoing, when a student making an informal complaint has requested anonymity, the investigation of such complaint shall be limited as is appropriate in view of the anonymity of the complainant. Such limitation of investigation may include restricting action to a simple review of the complaint (with or without discussing it with the alleged perpetrator), subject to receipt of further information and/or the withdrawal by the complaining student of the condition that his/her report be anonymous.

#### 2. Remedial actions

a. Verified acts of bullying shall result in intervention by the building principal (or other responsible program administrator) or his/her designee that is intended to address the acts of the perpetrator and the needs of the victim and to assure that the prohibition against bullying behavior is enforced with the goal that any such bullying behavior will end as a result.

b. Bullying behavior can take many forms and can vary dramatically in how serious it is, and what impact it has on the victim and other students. Accordingly, there is no one prescribed response to verified acts of bullying. While conduct that rises to the level of "bullying", as defined above, will generally warrant disciplinary action against the perpetrator of such bullying, whether and to what extent to impose disciplinary action (e.g., detention, inschool suspension, suspension or expulsion) is a matter for the professional discretion of the building principal (or responsible program administrator or his/her designee). No disciplinary action may be taken solely on the basis of an anonymous complaint.
The following sets forth possible interventions for building principals (or other responsible program administrators) to enforce the Board's prohibition against bullying.

#### C. Addressing bullying behavior

#### 1. Non-disciplinary interventions

When verified acts of bullying are identified early and/or when such verified acts of bullying do not reasonably require a disciplinary response, students may be counseled as to the definition of bullying, its prohibition, and their duty to avoid any conduct that could be considered bullying.

If a complaint arises out of conflict between students or groups of students, peer mediation may be considered. Special care, however, is warranted in referring such cases to peer mediation. A power imbalance may make the process intimidating for the victim and therefore inappropriate. In such cases, the victim should be given additional support. Alternatively, peer mediation may be deemed inappropriate to address the concern.

In any instance in which bullying is verified, the building principal (or other responsible program administrator) shall invite the parents or guardians of the perpetrator and the parents or guardians of the bullied student to attend at least one meeting. In the discretion of the building principal or other responsible program administrator, the meeting(s) described in this section may be held jointly or separately.

#### 2. Disciplinary interventions

When acts of bullying are verified and a disciplinary response is warranted, students are subject to the full range of disciplinary consequences that apply to on campus and off campus conduct. Anonymous complaints, however, shall not be the basis for disciplinary action.

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

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

In those cases where bullying behavior has occurred *off campus* (and outside of any school-sponsored activity), discipline for such conduct may be imposed if such conduct violates a publicized policy of the Board and is seriously disruptive of the educational process.

3. Interventions for bullied students

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

a. Counseling;

b. Increased supervision and monitoring of student to observe and intervene in bullying situations;

c. Encouragement of student to seek help when victimized or witnessing victimization;

d. Peer mediation where appropriate.

4. General Prevention and Intervention Strategies

In addition to the prompt investigation of complaints of bullying and direct intervention when acts of bullying are verified, other district actions may ameliorate potential problems with bullying in school or at school-sponsored activities. While no specific action is required, and school needs for specific prevention and intervention strategies may vary from time to time, the following list of potential prevention and intervention strategies shall serve as a resource for administrators, teachers and other professional employees in each school:

a. Implementation of a positive behavioral interventions and supports process or another evidence-based model approach for safe school climate or for the prevention of bullying, including any such program identified by the Department of Education;

b. A school survey to determine the prevalence of bullying;

c. Establishment of a bullying prevention coordinating committee with broad representation to review school climate survey results and implement appropriate strategies;

d. Active adult supervision of outdoor areas, hallways, the lunchroom and other specific areas where bullying is likely to occur;

e. Inclusion of grade-appropriate bullying prevention curricula;

f. Individual interventions with the perpetrator, parents and school staff, and interventions with the bullied student, parents and school staff;

g. School-wide training related to safe school climate;

h. Promotion of parent involvement in bullying prevention through individual or team participation in meetings, trainings and individual interventions;

i. Respectful responses to bullying concerns raised by students, parents or staff;

j. Planned professional development programs addressing prevention and intervention strategies;

k. Use of peers to help ameliorate the plight of victims and include them in group activities;

1. Avoidance of sex-role stereotyping;

m. Continuing awareness and involvement on the part of staff and parents with regards to prevention and intervention strategies;

n. Modeling by teachers of positive, respectful, and supportive behavior toward students;

o. Creating a school atmosphere of team spirit and collaboration that promotes appropriate social behavior by students in support of others;

p. Employing classroom strategies that instruct students how to work together in a collaborative and supportive atmosphere.

#### **IV. Reporting obligations**

#### A. Report to the parent or guardian of the perpetrator

If after investigation, acts of bullying by a specific student are verified, the building principal (or other responsible program administrator or his/her designee) shall notify the parent or guardian of the perpetrator in writing of that finding. If disciplinary consequences are imposed against such student, a description of such discipline shall be included in such notification.

#### B. Reports to the victim and his/her parent or guardian

If after investigation, acts of bullying against a specific student are verified, the building principal (or other responsible program administrator or his/her designee) shall notify the parent or guardian of the victim of such finding. In providing such notification, care must be taken to respect the statutory privacy rights of the perpetrator of such bullying. The specific disciplinary consequences imposed on the perpetrator, as reflected in the student's educational records, shall not be disclosed to the parents or guardian of the victim, except as provided by law.

#### C. List of verified acts of bullying

The principal of each school shall maintain a list of the number of verified acts of bullying in the school, and this list shall be available for public inspection upon request. Given that any determination of bullying involves repeated acts over time, each report prepared in accordance with Section III above that includes verified acts of bullying shall be tallied as one verified act of bullying unless the specific actions that are the subject of the report involve separate and distinct acts of bullying. The list shall be limited to the number of such verified acts of bullying in the school , and it shall not set out the particulars of each verified act, including but not limited to any personally identifiable student information, which is confidential information by law.

#### **D.** Report to Department of Education

Within available appropriations, the principal of each school shall report the number of verified acts of bullying in the school annually to the Department of Education, in such manner as prescribed by the Commissioner of Education.

**Legal References:** 

Conn. Gen. Stat. § 10-222d Conn. Gen. Stat. §§ I 0-233a through 10-233f Public Act No. 08-160

## **Regulation Adopted:** April 27, 2004

**Revised:** July 13, 2010

## ADMINISTRATIVE REGULATIONS REGARDING HOMELESS CHILDREN AND YOUTH

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

## I. Definition:

**A. Enroll and Enrollment**: includes attending classes and participating fully in school activities.

**B. Homeless Children and Youth:** means children and youth twenty-one years of age and younger who lack a fixed, regular, and adequate nighttime residence, including children and youth who:

1. Are sharing the housing of other persons due to Joss of housing, economic hardship, or a similar reason.

2. Are living in motels, hotels, trailer parks or camping grounds due to the lack of alternative adequate accommodations.

3. Are living in emergency or transitional shelters.

4. Are abandoned in hospitals.

5. Are awaiting foster care placement.

6. Have a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings.

7. Are living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings.

8. Are migratory children living in the above described circumstances?

**C. School of Origin:** means the school that a homeless child or youth attended when permanently housed or the school in which the homeless child was last enrolled.

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

#### **II. Homeless Liaison:**

A. The District's Homeless Liaison is Mr. Joseph O'Callaghan.

B. The duties of the Homeless Liaison include:

1. Ensuring that homeless children and youth are identified by school personnel and through coordination activities with other entities and agencies.

2. Ensuring that homeless children and youth enroll in, and have full and equal opportunity to succeed in, the District's schools.

3. Ensuring that homeless families, children, and youths receive educational services for which such families, children and youth are eligible.

4. Ensuring that parents and guardians of homeless children and youth are informed of educational and related opportunities available to their children. and are provided with meaningful opportunities to participate in the education of their children.

5. Ensuring that public notice of the educational rights of homeless children and youth is disseminated in places in which these children and youth receive services under the McKinney-Vento Act.

6. Ensuring that enrollment disputes are mediated in accordance with the McKinney-Vento Act.

7. Ensuring that parent(s)/guardian(s) of homeless children and youth or unaccompanied youth are fully informed of all transportation services, including transportation to and from the school of origin, and are assisted in accessing those services.

8. Assisting homeless children and youth in enrolling in school and accessing school services.

9. Informing parent(s)/guardian(s) of homeless children and youth, school personnel, and others of the rights of such children and youth.

10. Assisting homeless children and youth who do not have immunizations or immunization/medical records to obtain necessary immunizations or immunization/medical records.

11. Assisting unaccompanied youth in placement/enrollment decisions, including considering the youth's wishes in those decisions, and providing notice to the youth of his or her right to appeal such decisions.

12. Ensuring that homeless children and youth and unaccompanied youth are immediately enrolled in school pending resolution of disputes that might arise over enrollment or placement.

13. Collaborating and coordinating with State Coordinators for the Education of Homeless Children and Youth am community and school personnel responsible for providing education and related support services to homeless children and youth.

#### **III. Enrollment of Homeless Children and Youth:**

A. Enrollment of homeless children and youth may not be denied or delayed due to the lack of any document normally required for enrollment. However, administrators shall require the parent/guardian to provide contact information prior to enrollment.

B. To facilitate enrollment administrators:

1. May permit parents/guardians of homeless children and youth to sign affidavits of residency to replace typical proof of residency.

2. May permit unaccompanied youth to enroll with affidavits to replace typical proof of guardianship.

3. Shall refer parent/guardian/unaccompanied youth to the Liaison who will assist in obtaining immunizations.

4. Shall contact previous school for records and assistance with placement decisions.

5. Shall maintain records so that the records are available in a timely fashion when the student enters a new school or school district.

#### **IV. School Selection:**

A. Standards for School Selection:

1. The District is required to make a determination as to the best interests of a homeless child or youth in making a determination as to the appropriate school of placement.

2. In making such a determination, the District is required to keep a homeless child or youth in his/her school of origin for the duration of homelessness when a family becomes homeless between academic years or during an academic year; or for the remainder of the academic year if the child or youth becomes permanently housed during an academic year, to the extent feasible, unless it is against the wishes of the parent or guardian Otherwise, the homeless child or youth shall be enrolled in a public school that non-homeless students who live in the area where the child or youth is actually living are eligible to attend.

B. Procedures fur Review of School Selection Recommendation:

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

2. The Superintendent or his/her designee shall review the matter and consult with the District Homeless Liaison concerning same. If the Superintendent or his/her designee agrees with the recommendation of the Principal or his/her designee, and a dispute remains between the District and the parent(s) or guardian(s) of a homeless child or

youth or an unaccompanied youth about a school selection and/or enrollment decision; the Superintendent or his/her designee shall provide the parent(s) or guardian(s) of a homeless child or youth or an unaccompanied youth with

a written explanation of the District's decision regarding this matter, and the right to appeal such decision to the Stamford Board of Education

#### C. Dispute Resolution Process:

1. The District's Homeless Liaison shall be responsible for promoting objective and expeditious dispute resolutions, and adherence to these administrative regulations.

2. If the parent(s) or guardian(s) of a homeless child or youth or an unaccompanied youth disputes the school placement decision or enrollment, the District must immediately enroll the homeless child or

youth in the school in which enrollment is sought, pending resolution of the dispute. The homeless child or youth shall also have the right to all appropriate educational services, including transportation to and from the school in which enrollment is sought, while the dispute is pending.

3. If necessary, the District Homeless Liaison shall assist parent(s) or guardian(s) of a homeless child or youth or an unaccompanied youth with completion of the necessary appeal paperwork required to file for an appeal to the Stamford Board of Education, and provide the parent(s) or guardian(s) of a homeless child or youth or an unaccompanied youth with a copy of Section 10-1 86(b).

4. Within ten (10) days of receipt of an appeal to the Stamford Board of Education by a parent(s) or guardian(s) of a homeless child or youth or an unaccompanied youth, the District shall hold a hearing before the Stamford Board of Education concerning such appeal, and such hearing shall be shall be conducted in accordance with Section 10-186(b).

5. If the Stamford Board of Education finds in favor of the Superintendent or his/her designee, a parent or guardian of a homeless child or youth or unaccompanied youth may appeal the Stamford Board of Education's decision to the State Board of Education within twenty (20) days of receipt of the Stamford Board of Education's written decision, in accordance with Section 10-186(b). If necessary, the District Homeless Liaison shall assist the parent or guardian of a homeless child or youth or unaccompanied youth with filing the necessary appeal paperwork to the State Board of Education. The homeless child or youth or unaccompanied youth shall remain in his or her school of origin pending the determination of the appeal.

#### V. Services:

A. Homeless children and youth shall be provided with services comparable to those offered other students in the selected school including:

1. Title I services or similar state or local programs, educational programs for students with disabilities, programs for students with limited English proficiency, and preschool programs.

- 2. Transportation services.
- 3. Vocational and technical education.
- 4. Programs for gifted and talented students.
- 5. School nutrition programs.
- 6. Before and after school programs.

B. The District shall coordinate with local social service agencies, other service providers, housing assistance providers and other school districts to ensure that homeless children and youth have access and reasonable proximity to available education and support services.

#### **VI.** Transportation

A. The District shall provide transportation comparable to that available to other students.

B. Transportation shall be provided, at a parent or guardian's request, to and from the school of origin for a homeless child or youth. Transportation shall be provided for the entire time the child or youth is homeless and until the end of any academic year in which they move into permanent housing. Transportation to the school of origin shall also be provided during pending disputes. The Liaison shall request transportation to and from the school of origin for an unaccompanied youth. Parents and unaccompanied youth shall be informed of this right to transportation before they select a school for attendance.

C. To comply with these requirements:

1. Parents/guardians, schools, and liaisons shall use the district transportation form to process transportation requests.

2. If the homeless child or youth is living and attending school in this District, the District shall arrange transportation.

3. If the homeless child or youth is living in this District but attending school in another, or attending school in this District and living in another, the District will follow the inter-district transportation agreement to determine the responsibility and costs for such transportation. If there is no inter-district transportation agreement, the District shall confer with the other school district's Homeless Liaison to determine an apportionment of the responsibility and costs.

4. If no mutually agreeable arrangement can be reached, then the District shall:

(a) arrange transportation immediately;

(b) bring the matter to the attention of the State Coordinator for the Education of Homeless Children and Youth; and

(c) shall ensure that such disputes do not interfere with

#### **VII. Contact Information**

A. Local Contact: for further information, contact: Joseph O'Callaghan Department Head, Social Work and Home Instruction (203) 977-4521

 B. State Contact: for further information or technical assistance, contact: Louis Tallarita, State Coordinator Connecticut Department of Education 25 Industrial Park Road Middletown, CT 06457-1543 (203) 807-2058

#### **Legal References:**

#### State Law:

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

#### Federal Law:

The McKinney-Vento Homeless Education Assistance Act, 42 U.S.C. §§ 11431 <u>et.seq</u>.

## **Regulation Adopted:**

April 27, 2004

**Revised:** 

## PARENTAL INVOLVEMENT POLICY FOR TITLE I STUDENTS

In accordance with Section 1118 of the No Child Left Behind Act of2001 ("NCLB"), Public Act 1 07-110, it is the policy of the Stamford Board of Education to provide parents of students participating in the district's Title I programs substantial and meaningful opportunities to participate in the education of their children within these programs. To facilitate parental participation, the Board encourages parents 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 of children participating in Title I programs. The district shall distribute this written parental involvement policy to parents 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 parental involvement under Section 1118 of NCLB.

The Board shall, with the involvement of Title I parents, conduct an annual evaluation of this policy in order to assess its effectiveness in involving parents in the improvement of the Title I programs and to identify barriers to greater parent participation in Title I program activities.

Each year, the Board shall also 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, the proficiency levels students are expected to meet and information regarding the importance of parental involvement.

In addition to the required annual meeting, and if requested by parents, the Board 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 1112 of NCLB, and in the process of any school review and improvement should a school fail to make adequate annual progress as required by Section 1116 of NCLB. 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 Title I schools in planning and implementing effective parent involvement. Parental involvement in Title I programs shall be coordinated with parental involvement strategies under other 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 related to their child's progress, such as explanation of state academic standards and assessment tools, the requirements under Title I, and how to monitor their child's progress;

2. provide materials and training to help parents to work with their children., such as literacy training and using technology;

3. educate teachers, staff and administrators about how to better communicate and work with parents;

4. 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;

5. provide such other reasonable support for parental involvement activities as parents may request; and

6. 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 State's student academic achievement standards;

2. indicate the ways in which each parent will be responsible for supporting their child's learning, such as monitoring attendance, homework completion, and television watching; volunteering in their child's classroom; and participating, as appropriate, in decisions related their child's education and positive use of extra-curricular time;

3. stress 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.

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.

#### **Legal References:**

20 U.S.C. § 6318. Parental Involvement 20 U.S.C. § 7801. Definitions

**Policy Adopted:** 

March 23, 2004

#### **Revised:**

*10/21103* 341034 v.04 S

## Parent – School Compact

Parents, students and staff involved in Title I programs within the Stamford Public School District agree to share responsibility for improving student academic achievement. In furtherance of this agreement, these parties agree to the following:

The Stamford Public Schools 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 state academic achievement 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.

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;
- 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

- *monitoring their child's attendance;*
- monitoring their child's homework completion and television watching
- volunteering in their child's classroom;
- encouraging positive use of their child's extracurricular time;
- promoting familiarity and compliance with Board of Education policies regarding school conduct; and
- participating, as appropriate, in decisions relating to their child's education.

#### 10/20/03

## **School Governance Council**

Public Act 10-111 includes provisions for school governance councils. The Stamford Board of Education will establish and maintain school governance councils in accordance with applicable legal requirements.

**Policy Adopted:** November 22, 2011

## **School Governance Council**

Public Act 10-111 includes provisions for school governance councils. The Stamford Board of Education will establish and maintain school governance councils in accordance with applicable legal requirements.

## Superintendent's Reasonable Interpretation

#### **Provision One:**

The Stamford Board of Education will establish school governance councils in accordance with applicable legal requirements

#### Superintendent's Reasonable Interpretation:

- Schools must establish procedures for School Governance Councils to conduct their elections
- Schools must establish procedures and by-laws for School Governance Councils to conduct their meetings and perform their advisory duties and responsibilities

• The district must assist in the process and ensure procedures are consistent with district policy and/or regulations and/or legal considerations.

#### **Evidence of Compliance:**

- Artifacts related to procedures
- Artifacts related to elections
- Artifacts related to communication
- Professional development reports

#### **Provision Two:**

The Stamford Board of Education will maintain school governance councils in accordance with applicable legal requirements

#### Superintendent's Reasonable Interpretation:

• There must be extensive communication on procedures on how and when School *Governance* Councils conduct all future elections in order to ensure sustainability and the meaningful engagement of all stake holders which reflect all members of the school community

• There must be extensive communication on procedures on how and when School *Governance* Councils conduct their meetings and perform their advisory duties and

responsibilities

• Training must be conducted to ensure compliance with district policy and/or regulations and/or legal considerations

• Training must be conducted to ensure alignment with district priorities and school based needs

## **Evidence of Compliance:**

- Artifacts related to meetings
- Artifacts related to communication
- Professional development reports
- Survey reports

#### Admission and Attendance Age

The Stamford Public Schools shall provide an education for all eligible persons as required by law.

Children reaching the age of five on or before the first of January will be eligible for Kindergarten in the preceding September.

Children who apply for initial admission to the district's schools by transfer from non-public schools or from schools outside the district will be placed at the grade they would have reached elsewhere pending observation and evaluation by classroom teachers, guidance personnel, and the school principal.. After such observations and evaluations have been completed, the principal will determine the final grade placement of the children.

**Policy Adopted:** November 12, 1985

Amended: March 14, 1989 June 27, 2000

#### Admission and Attendance Age

All children seeking admission to the district's schools must provide for the school authorities the following information (unless excused by law):

1. A legal birth certificate as verification of age. In lieu of a birth certificate, the date of birth listed on a valid passport/ visa may be accepted. Such date of birth from either of these sources shall be duly recorded in the legal records of the district;

2. Proof of residency in Stamford (unless excused by law);

3. Proof of compliance with required immunizations (unless excused in accordance with applicable law, including Conn. Gen. Stat. Section 10- 204a because (a) a physician has provided written certification that immunization is contraindicated or (b) the parent(s) has provided a written statement that immunization is contrary to J:ris/her religious beliefs).

#### References:

Please see Regulation 5007-R, Administrative Regulations Regarding Homeless Students and Youth, for additional information regarding the enrollment of homeless students.

**Regulation Adopted:** November 12, 1985

Amended:

April 2, 1989 June 27, 2000 November 23, 2004

## **Residency**

It shall be the policy of the Stamford Board of Education to enroll only those students eligible to attend the Stamford Public Schools in accordance with applicable law. Any exceptions to this policy shall be made by application to the Board.

#### References:

*Please see Regulation 5007-R, Administrative Regulations Regarding Homeless Students and Youth, for additional information regarding the enrollment of homeless students.* 

**Regulation Adopted:** September 12, 1995

**Amended:** June 27, 2000 November 23, 2004

#### **Residency**

#### **Registration of Students**

In order to implement the policy of the Stamford Board of Education regarding the enrollment of legal residents in the Stamford Public Schools, the following procedures shall be followed:

A. Whenever a student enrolls in the Stamford Public Schools, the registration form will establish the legal residence of the parent or legal guardian with whom the student resides. In order to verify the address provided, the following documentation shall be required by each school principal or his/her designee at the time of registration:

1) a lease, effective during the current, or upcoming school year; or

2) a recorded deed showing ownership of a residence within the City of

Stamford; and

3) driver's license; and

4) other documentation, such as a current utility bill for household service such as electricity or water, that would establish a basis for residency.

B. If the student is residing with a legally appointed guardian, the guardian shall provide, in addition to the documentation listed in part A above, a court order indicating appointment as guardian of the student.

C. If the student is residing with a relative or nonrelative who is not a parent or legally appointed guardian, the parent or guardian and the individual with whom the student resides shall provide, in addition to the documentation listed in part A above, a sworn, notarized affidavit affirming the following:

1) the student resides with the relative or nonrelative; and

2) this residence is intended by both the relative or nonrelative, and the parent or guardian *or* the student, to be permanent; and

3) the residence is provided without any pay to the relative or nonrelative with whom the student resides; and

4) the residence is not for the sole purpose of obtaining school accommodations in

Stamford;

D. Random verifications of these registrations may be made at any time.

E. If the student is a legally emancipated minor or adult, the student shall provide, in addition to the documentation listed in part A above, proof of his or her emancipated or adult status.

F. If the student is placed by the Department of Children and Families or any other state agency with a family in Stamford, that family shall provide, in addition to the documentation listed in part A above, proof of such placement.

G. If the student is residing in a temporary shelter, or is homeless as defined by federal law, the student, parent, guardian or other adult responsible for the student shall provide evidence of the student's residence in the temporary shelter or of the student's homeless status, and the student shall be permitted to attend school in accordance with the applicable provisions of the state and/or federal law.

H. Students found to be enrolled in the Stamford Public Schools in violation of this policy shall be removed from the rolls of the Stamford Public Schools. The parents or legal guardian of said child will be subject to further legal remedy which may include actions to recover the cost of the child's education while said child was improperly enrolled in said school.

**Regulation Adopted:** September 12, 1995

**Amended:** June 27, 2000

#### **Attendance and Excuses**

The Board of Education is firmly committed to the importance of regular class attendance and believes that all students should attend and be on time for each class each day.

Research has shown a positive correlation between regular class attendance and student performance.

Regular attendance is essential for a positive school experience, both socially and academically.

Students learn through participation and performance in the classroom, so that a student's presence in and contributions to the class are important.

Effective learning takes place when students are present and, in many classes, only if students are present.

Excessive absences can break the continuity of the learning process.

Regular attendance and punctuality are preparations for success both in school and in life.

All students should understand that attendance affects performance and achievement and may, therefore, affect grades.

All absences will be recorded.

Students should know that parents will be promptly informed of their absenteeism.

The Superintendent shall develop effective procedures to assist parents, students, and school staff in achieving regular student attendance.

**Policy Adopted:** June 14, 1988

Amended: November 12, 1991 July 20, 1993

Readopted: June 27, 2000

## **Attendance and Excuses**

#### Attendance

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. 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.

Students placed on homebound instruction due to illness or injury in accordance with applicable regulations and requirements are counted as being "in attendance" for every day that they receive instruction from an appropriately certified teacher for an amount of time deemed adequate by the administration so as to ensure that the student is able to successfully return to the regular classroom setting.

At the beginning of each school year or upon time of enrollment during the school year, school personnel will notify in writing the parent/guardian of each child of the obligation to assure regular school attendance by the child; obtain from the parent or person having control of each child a telephone number or other means of contact during the school day; and ensure that copies of the policy and regulations can be found on the district website as well as in each school's handbook.

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.

#### Excuses

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 submits appropriate documentation to school officials.

Such documentation includes a signed note from the student's parent/guardian, a signed note from a school official that spoke in person with the parent/guardian regarding the absence, or a note confirming the absence by the school nurse or by a licensed medical professional, as appropriate. Documentation should explain the nature of and the reason

for the absence as well as the length of the absence. Separate documentation must be submitted for each incidence of absenteeism.

- 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 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 is excluded from the State Board of Education approved definitions.

When a child enrolled in school fails to report to school on a regularly scheduled school day, and if school personnel have not been notified of an excused absence, a reasonable effort to notify the parent/guardian of the child, by telephone and by mail, shall be made. The required mailed notice shall include a warning that two (2) unexcused absences from school in one month or five (5) unexcused absences in a school year may result in a complaint filed with the Superior Court alleging the belief that the acts or omissions of the child are such that the child's family is a family with service needs.

## **Truancy**

Efforts to remedy truancy shall stress early prevention and inquiry leading to remediation of absences rather than imposition of punitive measures for students. Referral to legal authorities normally shall be made only when local resources are exhausted.

"Truant" shall mean a student age five to eighteen, inclusive, who has four (4) unexcused absences in any one month, or ten (10) unexcused absences in one school year. A student five or six years of age shall not be considered truant if the parent or person having control over such student has appeared personally at the school district office and exercised the option of not sending the child to school at five or six years of age. A student seventeen years of age shall not be considered truant if the parent or person having control over such student seventeen years of age shall not be considered truant if the parent or person having control over such student consents to such student's withdrawal from school. Such parent or person shall personally appear at the school

district office and sign a withdrawal form indicating such consent. The withdrawal form must include an attestation from a guidance counselor or school administrator from the school that the District provided the parent (or person having control of the child) with information on the educational options available in the school system and community.

#### **Remediation of Truancy**

The school administration will make a concerted effort to remedy truancy in its early stages for students who are found to be truant. Procedures to be followed include:

- A. Annually at the beginning of the school year and upon the enrollment of any child during the school year, the administration shall notify the parent or other person having control of the student enrolled in grades K-12 in writing of the obligations pursuant to Conn. Gen. Stat. §10-184 to assure that such a student attends school regularly or to show that the child is elsewhere receiving equivalent instruction in the studies taught in the Stamford Public Schools.
- B. Annually at the beginning of the school year and upon the enrollment of any child during the school year, the administration shall obtain from the parent or other person having control of the student in grades K-12 a telephone number or other means of contacting such parent or other person during the school day.
- C. Make a reasonable effort by telephone and by mail to notify parents/guardians of the child when a child does not arrive at school and there has been no previous approval or other indication which indicates parents/guardians are aware of the absence. The required mailed notice shall include a warning that two (2) unexcused absences from school in one month or five (5) unexcused absences in a school year may result in a complaint filed with the Superior Court alleging the belief that the acts or omissions of the child are such that the child's family is a family with service needs. (*Note: Persons who, in good faith, give or fail to give such notice shall be immune from any liability, civil or criminal, which might otherwise be incurred or imposed and shall have the same immunity with respect to any judicial proceeding which results from such notice or failure to give such notice.*)
- D. Identify a student as "chronically absent" when the student accumulates a total number of absences at any time during a school year that is equal to or greater than ten percent of the total number of days that such student has been enrolled at the school during the school year.
- E. A meeting with appropriate school staff and the parent or other person having control of the child to review and evaluate the reasons for the truancy shall be held not later than ten (10) school days after the child's fourth unexcused absence in a month or tenth unexcused absence in a school year. Such meeting may involve the School or District Attendance Team.

- F. A designated staff member shall coordinate services with and referrals of children to community agencies providing child and family services as appropriate.
- G. In addition to the procedures specified in sections A through F above, a regular education student who is experiencing attendance problems shall be referred to the building Child Study Team, or other appropriate school based team, for program review, assistance, and intervention. The team will review the student's need for referral for a Planning and Placement Team (PPT) meeting to review the student's need and eligibility for special education. A special education student who is experiencing attendance problems shall be referred for a PPT meeting for program review.
- H. The Superintendent of Schools may file for each such student a written complaint with the Superior Court pursuant to Section 46b-149, not later than fifteen (15) calendar days after the failure of a parent/guardian to attend the meeting or upon failure to cooperate with the school in attempting to solve the truancy problem, alleging the belief that the acts or omissions of the child are such that his/her family is a family with service needs (FWSN).
- I. If a FWSN petition is filed and the court orders an educational evaluation of the student, the District shall conduct an appropriate educational evaluation if no such evaluation has been performed within the preceding year.

#### **Chronic Absenteeism**

#### Definitions

"**Chronically absent child**" is 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" means an excused absence, unexcused absence, or disciplinary absence, as defined by the State Board of Education, or an in-school suspension that is greater than or equal to one-half of a school day.

"**District chronic absenteeism rate**" means 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" means 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.

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:

- A. A team for the District must be established when the District chronic absenteeism rate is 10 percent or higher.
- B. A team for the school must be established when the school chronic absenteeism rate is 15 percent or higher.
- C. 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) the 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.
  - 1. 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.
  - 2. 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 attendance review team shall meet at least monthly.

The District shall annually include data pertaining to truancy and chronically absent children in the strategic school profile report for each school under its jurisdiction and for the school district as a whole submitted to the Commissioner of Education.

#### Legal References:

(cf. 5142 - Student Safety) (cf. 5113.2 - Truancy) (cf. 6113 - Released Time) **Connecticut General Statutes** <u>10</u>-184 Duties of parents (as amended by PA 98-243 and PA 00-157) 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.) 45a-8c Truancy clinic. Administration. Policies and procedures. Report. (as amended by PA 15-25) PA 15-225 An Act Concerning Chronic Absenteeism 10-199 through 10-202 Attendance, truancy - in general 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.

# **Regulation Adopted:** November 12, 1991

## Amended:

June 27, 2000 June 28, 2016

#### Attendance/High School

The administration expects that students will attend every class daily. Students, Parents/ Guardians, Teachers, Guidance Counselors, and Administrators share responsibility for student attendance.

Students must attend class and keep track of any absences. They must make up any work missed during absences.

Parents/Guardians must provide the school with updated phone numbers and must support the emphasis on regular daily attendance.

Teachers must record attendance daily.

Guidance Counselors must inform administrators of absence patterns. Administrators must enforce the attendance policy and regulation.

#### **Documentation of Absences**

Parents/Guardians are required to notify the school in writing when a student is absent within ten (10) school days of the student's return to school. If documentation is not received within this time frame the absence will be unexcused and, therefore, unappealable. Documentation may come in the form of parent/guardian notes or notification from official sources. (*NOTE: parent/guardian notes will only be accepted for nine (9) days of Appealable absences in a given school year. For the 10<sup>th</sup> absence and all thereafter, only official absence documentation will be accepted.)* 

The student must present written documentation of an absence to the principal or his/her designee. The student will be given an Absence Documentation Form to bring to each class for teachers' signatures (*see Appendix A*). The student will return the Absence Documentation Form and written documentation to the data processing office.

#### **Types of Absences**

The high school attendance policy recognizes three types of absences: Exempt, Appealable, and Unappealable. Exempt absences do not count towards credit loss. Appealable and Unappealable absences do count towards credit loss.

- A. **Exempt Absences** are documented absences that do NOT lead to loss of credit and do NOT need to be appealed. Students are allowed to make up missed work and apply it to their grade.
  - 1. **Standardized Testing:** Attendance will be taken for any standardized test and documented by the school.

- 2. **College Acceptance Orientation:** An absence for a student attending an orientation to a college to which he/she has been accepted will not count towards loss of credit.
- 3. **Appointments with Student Support Staff:** A scheduled appointment made by student support staff will count as an Exempt Absence.
- 4. **Death in the Family:** For absences due to a death in the family, the parent/guardian must notify the school by providing documentation for the absence.
- 5. **Long Term Illness:** For students who are absent because of hospitalization or long term illness (three (3) or more consecutive school days), the parent/guardian must provide a physician's note (letterhead, signed, and dated) or other official documentation.
- 6. **Mandated Court Appearances:** For students who attend court or have been detained, the parent/guardian must notify the school either before the date or in writing when the student returns, and present official documentation from the court/authorities for the dates missed.
- 7. **Religious Holidays:** Absences as a result of observance of religious holidays must be documented with a parent/guardian note.
- 8. Field Trips or School-Related Activities: Absences relating to school activities may include, but are not limited to, field trips, early dismissal for participation in athletic events, and meetings with school personnel.
- 9. **Suspension:** For absences due to suspension, the parent/guardian will be notified of the suspension and the date when the student will be expected to return to school. The student must return on the indicated date.
- B. **Appealable Absences** are absences for which the school receives written documentation of the reason the student was absent, but do not meet the criteria of Exempt Absences. These absences MAY be appealable. Appealable absences count towards loss of credit, but allow for students to make up missed work and apply it to their grade.
  - 1. **College Visits:** Parents/Guardians are asked to schedule all visits during school vacations or weekends.
  - 2. **Student-initiated Appointments:** Students should schedule appointments with a guidance counselor, social worker, or school psychologist before or after school or during a free period such as study hall or lunch. If a student chooses to make an appointment during regular class time, the student support professional will determine if the student-initiated appointment is appealable.
  - 3. **Short Term Illness:** An absence due to an illness up to two (2) consecutive school days verified by a note from the parent/guardian or physician.
  - 4. **Non-emergency Medical Visits:** Doctor and dental appointments should be scheduled for after-school hours. If after-school arrangements are not possible, then written notice from the physician is required for the absence to be considered for appeal. The physician's note must be presented to the principal or his/her designee upon the student's return to school.
  - 5. **Visits to Nurse:** Visits to the school nurse will count as Appealable absences if the student brings a pass from the teacher and the nurse deems the visit necessary.

- 6. **Early Dismissal:** Proper documentation for early dismissal will include official documentation from the school nurse or documentation from the parent/guardian including the reason that early dismissal is necessary.
- 7. **Other:** Other absences with official documentation or documentation from a parent/guardian.
- C. Unappealable Absences are absences for which the school receives no documentation, documentation received beyond the ten (10) school days notification requirement, or absences that do not meet the criteria to be considered appealable. Unappealable absences count towards loss of credit. Students may receive a grade of zero for all missed work. Students with five (5) or more Unappealable absences per semester in any one course forfeit the right to appeal for credit.
  - 1. **Class Cuts:** Absences from class without permission when a student is in school for the day.
  - 2. **Family Vacations/Trips:** Discretion should be used in planning such events. Stamford Public Schools strongly discourages travel outside of school vacation periods. Students and parents/guardians should realize that if extended vacations contribute to excessive absence, an appeal for reinstatement of credit will not be possible.
  - 3. Leaving School Grounds: Leaving school grounds without permission resulting in missed class time.
  - 4. Tardies: See below.

## Tardiness

Students are expected to come to school and class on time. Tardies cannot be appealed and will be considered Unappealable absences as follows:

- A. Four (4) tardies to a class will be recorded as one (1) Unappealable absence.
- B. Any tardy of more than 15 minutes (including arriving to school 15 minutes after the bell) will be counted as one (1) Unappealable absence, even if the student is present for the remainder of the class period.
- C. Students with sixteen (16) or more tardies per semester in any one course forfeit the right to appeal for credit.
- D. Late passes to class are not considered documented. The exception to this rule will be Late Bus passes distributed when a school bus arrives late to school.

Excessive tardies – defined as more than eight (8) in a quarter – shall necessitate school official communication with the parent/guardian to support regular attendance. Students with excessive tardies are subject to disciplinary action.

## Absences and Excessive Tardies to Study Halls and Other Classes

Study Halls and other "non-credit bearing" classes are not an "optional" part of a student's schedule and <u>must</u> be attended. Privileges, such as attending prom, parking on school property, or participation in extra-curricular activities may be revoked at the discretion of the principal or designee due to a lack of attendance.

## Loss of Credit

To achieve a passing grade and credit in a course, students must be in attendance. Should a student be absent from a course in excess of ten (10) Appealable and/or Unappealable absences per semesterised course or twenty (20) Appealable and/or Unappealable absences per full-year course, the student will lose credit for that course. *(See Appendix B for possible absence scenarios.)* 

If a student violates the Attendance Policy, his/her transcript will reflect the appropriate loss of credit. Students are expected to attend class when credit is lost; regular attendance following loss of credit strengthens a student's appeal. Students losing credit can still earn a passing grade in the course. The grade will be factored into the student's grade point average and may be used as a prerequisite for future courses as follows:

- A. **GPA:** The full grade will count as if the loss of credit did not exist. On the transcript there will be a letter grade with "LC," which indicates the loss of credit. If/when a course is taken a second time, both courses (the first time the course was taken and the second time the course was taken) will appear on the transcript.
- B. **Prerequisites:** If a student receives a passing grade in a course that is part of a sequence, but loses credit toward graduation due to absences, the student will not need to repeat the course to move on in the sequence (e.g., a passing grade in Algebra 1 will allow the student to move on to Geometry, regardless of credits).

## **Appeals Process**

#### A. Appeals Process to Regain Credit

The attendance policy is not designed to deny credit to students who, through no fault of their own, are unable to attend school or class. In February and June, students who have lost credit will have an opportunity to go before the Appeals Board to have credit reinstated. To be eligible for the Appeals Process, students must continue classroom responsibilities and attend class regularly. The following applies to the Appeals Process:

- 1. Students with five (5) or more Unappealable absences or sixteen (16) or more tardies per semester in any one course forfeit the right to appeal for credit.
- 2. Students must have made up any work missed in a semester/full year course and have a passing grade to qualify for an appeal.

- 3. At the discretion of the principal or his/her designee, Appealable absences may be exempted. In such cases, no further appeal is required.
- 4. Students must sign up for an appeal. Therefore, students should monitor their attendance, including tardies. Teachers are not required to inform students of the opportunity to appeal.

## B. Appeals Board

The Appeals Board will be selected by the principal and composed of:

1-2 administrators2-3 classroom teachers1-2 student support staff1-2 guidance counselors

In an effort to preserve impartialness, Appeals Board members will not hear any appeal for which: 1) they have the student in class, or 2) the student is on their case-load, or 3) they are the student's grade-level administrator.

The Appeals Board will hear cases and make decisions. All decisions are final and <u>cannot</u> <u>be appealed</u>.

- 1. Appeals will be heard on a "first to sign up, first to be heard" basis.
- 2. Appeals will be heard during February for first semester loss of credit and June for second semester loss of credit. (A first semester loss of credit must be appealed in February; it may not be appealed in June.)
- 3. The Appeals Board will not hear cases if the deadline for submitting the appeal request is missed.
- 4. The decision of the Appeals Board will be based on a majority vote.
- 5. Decisions will be made within one week of the Appeals Process. The Appeals Board will notify parents/guardians, in writing, of its decision.

## **Communication to Students and Parents/Guardians**

- A. Student and parents/guardians will have access to information concerning attendance via the district's student information system.
- B. School personnel will attempt to notify parents/guardians by telephone and by mail to report absences daily. These attempts will be documented in writing. Parents/Guardians are also encouraged to regularly monitor their child's attendance and if there is a problem/discrepancy to notify the school through the child's counselor or administrator.
- C. The Appeals Process, including the deadline to sign up for an appeal, will be communicated to students and posted on the school's website. Students will see the principal or his/her designee to sign up for an appeal. If a student fails to attend the

scheduled appeal, the appeal will be denied unless the student provides a physician's note or other official documentation.

- D. Students and parents/guardians will be notified concerning absences by mail utilizing the following letters:
  - 1. <u>Loss of Credit Warning Notice</u>: generated when one-half of the number of permitted absences has been accumulated in a course (i.e., five (5) Appealable and/or Unappealable absences in a semester course; ten (10) Appealable and/or Unappealable absences in a full-year course). The purpose of this notification is to inform the parent/guardian and the student of the possibility of loss of credit if the student's attendance does not improve.
  - 2. Loss of Credit Notice: generated when a student loses credit in any course.
  - 3. <u>Appeals Board Hearing Results Notification</u>: used to communicate the decision of the Appeals Board to the student and parent/guardian when a student appeals a loss of credit.

#### **Notification of Regulation**

This regulation 5113A-R will be mailed to parents/guardians before each school year. This regulation will be included in the Student Handbook and posted on the school website. This regulation will be reviewed with students in Connection Time or other appropriate class at the start of the school year and will be provided to students and parents/guardians when they register during the school year.

#### Legal Reference:

Connecticut General Statutes

<u>10</u>-199 through <u>10</u>-202 Attendance, truancy - in general (Revised, 1995, PA 95-304)

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.

**Regulation Adopted:** May 27, 1997

#### Amended:

June 27, 2000 June 28, 2016



## ABSENCE DOCUMENTATION FORM

<b>Exempt</b> – Documented absences that are excused and do NOT count towards loss of credit.	<u>Appealable</u> – Documented absences that are excused but count towards loss of credit. Cannot exceed 10 per semester or 20 per year.			
Absence documentation is attached for the following reason(s):				
<ul> <li>Standardized Testing</li> <li>College Acceptance Orientation</li> <li>Appointment with Support Staff</li> <li>Death in Family</li> <li>Long Term Illness</li> <li>Court Appearance</li> <li>Religious Holiday</li> <li>Field Trips/School Related Activity</li> <li>Suspension</li> </ul>	<ul> <li>College Visit</li> <li>Student-initiated Appointment</li> <li>Short Term Illness (Parent Note) (Doctor Note)</li> <li>Non-emergency Medical Visit</li> <li>Visit to Nurse</li> <li>Early Dismissal</li> <li>Other</li> </ul>			
NOTE: ALL DOCUMENTATION MUST BE SUBMITTED WITHIN TEN SCHOOL DAYS OF RETURN FROM THE ABSENCE(S). NO NOTES WILL BE ACCEPTED WITHOUT THIS FORM ATTACHED.				
Student Name:	Grade: 9 10 11 12			
Date(s) of Absence:	Period(s):			
<u>Directions</u> : The student will obtain this form from the principal or his/her designee. The student will then present this form to be signed by the teacher(s) whose class was missed. At the end of the day the student will return this form with required signatures to the designated mailbox in the main office.				
<u>T eac her s' Signatur</u> es :				
Period 1:				
Period 2:				
Period 3:				
Period 4:				
Period 5:				
Period 6:				
Period 7:				
Authorized Signature:	Date:			



## POSSIBLE ABSENCE SCENARIOS

#### Scenario 1:

A student is taking a year long English course. The student takes a 2-day college visit, goes on 2 field trips, takes a 4-day extended vacation, has short term illnesses totaling 14 days, and is tardy 4 times to class.

Event	Number of occurrences	Type of absence	Number of absences towards credit loss
College Visit	2	Appealable	2
Field Trip	2	Exempt	0
Extended Vacation	4	Unappealable	4
Short Term Illness	14	Appealable	14
Tardy (less than 15 minutes)	4	Unappealable	1

This student has accrued 21 absences towards loss of credit, exceeding the limit of 20 absences for a full year course. The student will lose credit for the course unless he is able to successfully appeal some of the appealable absences.

#### Scenario 2:

A student is taking a semester long social studies course. She cuts 5 classes, has short term illnesses totaling 3 days, and goes to the nurse during 1 class period.

Event	Number of occurrences	Type of absence	Number of absences towards credit loss
Cut	5	Unappealable	5
Short Term Illness	3	Appealable	3
Visit to Nurse	1	Appealable	1

This student has accrued 9 absences towards loss of credit. Although she has not exceeded the limit of 10 absences for a semester course, the student will lose credit and is unable to appeal because 5 of the absences are unappealable.

#### Scenario 3:

A student is taking a semester long music class. On 4 occasions this student returns 20 minutes late to class after lunch.

Event	Number of occurrences	Type of absence	Number of absences towards credit loss
Tardy (more than 15 minutes)	4	Unappealable	4

The tardies are more than 15 minutes so each counts as an unappealable absence. This student has accrued 4 absences towards loss of credit for the semester.
5113.1R

#### **Students**

#### **Requests for Release of Students**

Requests for release of students may only be made by a custodial parent or guardian and must be made in writing.

#### **Elementary and Middle Schools**

The school must have written permission from the custodial parent or guardian to release a student to a designee.

The custodial parent, guardian, or designee must come into the school office to pick up the student and sign the student out.

#### **High Schools**

Students who request release must receive permission to leave the building from the principal or his designee. The administration will make every effort to substantiate by phone the validity of the request.

**Regulation Adopted:** April 9, 1989

Readopted: June 27, 2000

#### **Students**

#### **Remaining After School**

Students may be kept after school for disciplinary reasons. They may also stay for extra help with school work, to assist teachers with school programs, and for other reasons that teachers believe will benefit their students.

When elementary or middle school students remain after school, the school principal must see that parents/ guardians/ other persons having control of the student are given twenty-four hours' notice and that arrangements are made for the students' safe return home.

**Policy Adopted:** March 10,1987

**Policy Amended:** June 27, 2000 November 23, 2004

#### 5114R

#### **Students**

#### **Remaining After School**

When students remain after school, whether for disciplinary purposes, extra help with school work, assistance with a school program, or other reasons, it can be beneficial to their education. Teachers may keep a student after school whenever they believe that it will benefit that student. Teachers should be flexible with respect to the day that a student stays after school in order to accommodate a student's particular circumstances.

#### **Elementary and Middle School Students**

When an elementary or middle school student remains after school, the school principal must see that

- a the student 's parents (or guardian) are given twenty-four hours' notice, and
- arrangements are made for the student's safe return home.

A principal may delegate these duties but remains responsible for them.

**Notice to Parents:** Notice may be given in any effective way. It will normally be given by telephone.

**Student's Safe Return Home:** When giving notice to parents, the school principal (or designee) must ensure that the parents understand the arrangement for the student's safe return home. The arrangement may be any of the following or another one as appropriate:

- The parent or parent's designee picks up the student.
- The student walks as usual, provided that the usual crossing guards remain on duty.
- The student takes a late bus.

#### **High School Students**

High school students are responsible for notifying their parents whenever they are kept after school (which may be on the same day that a teacher decides to keep them). The Board shall offer transportation to students who are kept after school, through the late bus or other reasonable means.

**Regulation Adopted:** May 11, 1988

Readopted: June 27, 2000

#### **Students**

#### **Student Records - Confidentiality and Access**

The Board complies with the state and federal regulations regarding confidentiality and access to and amendment of student 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.

#### **I. DEFINITIONS**

#### A. Student Records

1. "Student records" shall include any information directly related to a student that is recorded in any manner (e.g., in writing, on film, or on tape or disk) and that is maintained by the school system or persons acting for the school system

2. "Student records" shall 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) employment records used only in relation to the student's employment by the school district;

(c) alumni records that contain information about the student after he/she is no longer in attendance at the school; and

(d) records on 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.

#### **B.** Directory Information

"Directory information" includes information not generally considered harmful or an invasion of privacy if disclosed, including, e.g., name, address, telephone number, email address, photographic, computer and/or video images, date and place of birth, major field(s) of study, grade level, participation in school· sponsored activities or athletics, weight and height (if the student is a member of an athletic team), dates of attendance, degrees and awards received, and the most recent previous educational agency or institution attended.

#### C. Eligible Student

An "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.

#### **D.** Parent

The word "parent" is defined as a parent or parents of a student, including a natural parent, a guardian, or surrogate parent. 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 1954 is entitled to the student's records without the eligible student's consent.

#### E. Personally Identifiable Information

"Personally identifiable information" includes, but is not limited to the name and address of the student, student's parent, or other family member, the student's personal identifier, such as social security number or student identification number, or a list of characteristics or other information that would make the student's identity easily traceable.

#### F. Access

"Access" is defined as the right to inspect, review, or obtain copies of a student's educational records or any part thereof.

#### **II. PROCEDURES**

The following procedures shall apply regarding student records:

Parents and/or eligible students have the right to inspect and review all education records of their child. A request to inspect and review records shall be in writing.

For the records of regular education students, the Board will make records available for inspection and review by parents or eligible students within a reasonable period of time, but in any event, no more than 45 days from receipt of a written request. For the records of special education students, the following time frames apply: As required by Section 10-76d-18(b)(I) of the Regulations of Connecticut State Agencies, written requests by parents of students requiring special education and related services will be accommodated within ten (10) school days of the receipt of such requests, within three (3) school days of the receipt of such requests if the requests are made in order to prepare for a meeting regarding an individualized education program or within three (3) calendar days of such a request if the request is made in order to prepare for a meeting related to any due process proceeding. One (I) free copy of a student's records will be provided to parents of students requiring special education and related services on written request within five (5) school days 0 f the request.

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

On an annual basis, the school district will notify parents of students 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 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 will also be notified of their rights regarding a student's education records.

#### **III. CONFIDENTIALITY OF EDUCATION RECORDS**

A. All school staff must understand that personally identifiable information in student records is confidential. Each person who has access to student records is responsible for ensuring personally identifiable information is protected from disclosure at collection, storage, disclosure, and destruction stages

B. Student records are not public records and any disclosure other than to persons authorized to receive the records without prior parent consent violates the law and Board policy, except as provided in federal and state statutes.

#### IV. ACCESSIBILITY TO STUDENT RECORDS

A. A parent or eligible student may have access to specific confidential information about the student unless such rights have been waived under Section IX, below.

B. Aside from a parent or eligible student, only professional staff members who have been determined by the school system to have a legitimate educational need, and the other exemptions as set forth in Section VI, may have access to a student's records. The district maintains a record of parties that have access to education records, including information found in computer memory banks.

C. Parents' rights of inspection and review are restricted to information dealing with their own child. All requests for access to student records must be in writing. A parent does not lose his or her right to access to records upon divorce. This means that even non-custodial parents retain their rights to review their child's education records unless otherwise ordered by a court.

1. When requesting inspection or review, a parent or eligible student will submit a written request that identifies 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. Requests will be accommodated within a reasonable period of time but in no case more than 45 calendar days after the receipt of such requests.

2. The parents may designate a representative to inspect and review the records.

3. A school professional shall be present at all such inspections and reviews and shall explain and interpret data in the records whenever access is granted.

D. A fee cannot be charged by the system to search for or to retrieve the educational records of a student. If a student has been identified as requiring special education and related services, the parents' right to inspect and review the child's Records shall include the right to receive one free copy of those records. A request for the free copy shall be made in writing. The board of education 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.

E. A form will be kept documenting individuals, who have obtained access to student records, including information found in computer memory banks.

1. The form shall indicate the name of any individual, agency, or organization that obtained access to the student's records, the date access was given, and the purpose for which the party was granted access to the records, including the names of additional parties to whom the receiving party may disclose the information on

behalf of the school district, and the legitimate educational interest in obtaining the information.

2. The form does not need to include a record of access if the information was given to parents, eligible students, teachers, or other school personnel who have a legitimate educational interest in a student's record, a person(s) with written consent from the parent or eligible student, or if the records are sought under direction of a law enforcement subpoena, where either the existence or contents of the subpoena or the information requested in the subpoena is to remain undisclosed, or if access was to directory information only.

3. The form is a permanent part of the record and must be available to the parent or eligible student upon request.

F. The following individuals may inspect a student's record: the parent or eligible student, a student attending an institution of post-secondary education, the school official or other school personnel responsible for maintaining the student's records, school personnel with a legitimate educational interest, and authorized representatives of the Comptroller General of the United States, the Secretary of Education, State and local educational authorities, or the Attorney General of the United States or his/her designee, acting in accordance with an ex parte order in connection with the investigation or prosecution of terrorism crimes as specified in section 2332b(g)(5)(B) and 2331 of title 18, U.S. Code.

#### V. THE RELEASE OF RECORDS OR PERSONAL DATA

A. The school system or its designated agents may not permit release of personally identifiable records or files of any student to any outside individual, agency, or organization without the written consent of the parents or eligible student, except as indicated in V.(D) below. Personally identifiable information contained in the student record, other than directory information, will not be furnished in any form (i.e., written, taped, person-to-person, statement over the telephone, on computer disk, etc.) to any person other than those listed below, unless 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, note the purpose of the disclosure, and identify the party or class of parties to whom the disclosure may be made.

C. The school district shall provide a copy of the records, as disclosed to a parent, to a student under 18, if the parent requests the student receive the copy.

D. Personally identifiable information may be released without consent of the parents, or the eligible student, only if the disclosure is:

1. To other school officials, including teachers within the educational agency who have been determined by such agency or institution to have legitimate educational interests in the records. A school official has a legitimate educational interest in the records if the official is: (i) performing a responsibility that is specified in his or her job description, position description, or contract agreement; (ii) performing a task related to the student's education; (iii) performing a task related to discipline of a student; or (iv) providing a service or benefit to the student and/or the student's family including, but not limited to, health care, parent effectiveness training, and home bound instruction.

2. To officials of other schools or school systems in which the student seeks or intends to enroll 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 VII.

3. To authorized representatives of the Comptroller General of the United States; the Secretary of Education; or State and local educational authorities, under the following conditions: the school shall provide such authorized representatives access to student or other records that may be necessary in connection with the audit, evaluation, or enforcement of state and federally supported education programs, but shall not permit such representatives to collect personally identifiable information unless specifically authorized to do so by state and federal law or if the parent or eligible student has given written consent for the disclosure.

4. In connection with a student's application for, or receipt of, financial aid, if such information is necessary to determine eligibility for, the amount of, or the conditions for financial aid, or to enforce the terms and conditions of financial aid.

5. To state and local officials or authorities to whom such information is specifically required to be reported or disclosed pursuant to state statute adopted prior to November 19, 1974, if the disclosure concerns the juvenile justice system and its ability effectively to serve the student whose records are released or if the officials and authorities to whom the records are disclosed certify in writing to the school district that the information 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.

6. To accrediting organizations in order to carry out their accrediting functions.

7. 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 1954.

8. In connection with an emergency if knowledge of the information is necessary to protect the health or safety of the student or other individuals.

a A student's education records may include appropriate information concerning disciplinary action taken against the student if the student's conduct posed a significant risk to the safety or well being of the student or other individuals within the school community.

b. Such information may be disclosed to teachers and school officials who have been determined to have legitimate educational interests in the behavior of the student.

9. 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 order or subpoena specifies to the contrary.

10. To organizations conducting studies for, or on behalf of, educational agencies or institutions for the purpose of developing, validating, or administering predictive tests, administer student aid programs, or improving instruction, so long as the study does not permit personal identification of parents or students by individuals outside the organization and the information is destroyed after it is no longer needed.

11. Between two or more schools in which the student is enrolled or receiving services.

12. Directory Information as identified in Section I(B). The school district will notify parents or eligible students annually of the district's intent to disclose such

information and provide such individuals with an opportunity to object to such disclosure. Permissible disclosure includes publication of such information on the district's web site(s). An objection to such disclosure shall be good for only one year. Please note that 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 a parent or eligible student objects in writing to such disclosure. Such objection must be in writing and shall be effective for one year.

13. If the District initiates legal action against a parent or student, the District may disclose to the court, without a court order or subpoena, the educational records of the student that are relevant for the District to proceed with the legal action as plaintiff.

14. If a parent or eligible student initiates legal action against the District, the District may disclose to the court, without a court order or subpoena, the student's educational records that are relevant for the District to defend itself.

15. To the Attorney General of the United States or his/her designee in response to an ex parte order in connection with the investigation or prosecution of terrorism crimes specified in sections 2332b(g)(5)(B) and 2331 of title 18, U.S. Code. When producing information or permitting access to student records pursuant to this subsection, the District is not required to record its disclosure on the registry or form referred to in Section IV E.

E. The District will also facilitate the transfer of a student's disciplinary records to officials of any private school in which the student seeks or intends to enroll.

#### VI. AMENDMENT OF STUDENT RECORDS

A. If a parent or an eligible student believes that information in the student's records is inaccurate or misleading or violates the student's right to privacy, he/she is entitled to:

- 1. Request in writing that the school district make appropriate amendments;
- 2. Receive within two (2) weeks a decision from the school district.

B. If the decision is to amend the records, the school district shall promptly take such steps as may be necessary to put the decision into effect.

C. If the school district decides that an amendment of data 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.

#### VII. HEARING RIGHTS AND PROCEDURES

#### A. Rights

Upon written request of a parent or eligible student to the Superintendent, an opportunity for a hearing shall be provided to challenge data to insure that they are not inaccurate, misleading, or otherwise in violation of the student's right to privacy.
If; as a result of the hearing, the decision is that the data are inaccurate, misleading, or otherwise in violation of the student's right to privacy, the data shall be amended, and the parent or eligible student shall be informed in writing.
If, as a result of the hearing, it is decided that data are not inaccurate, misleading, or otherwise in violation of the student's right to privacy.

student shall be informed of the right to place in the records a statement setting forth the reasons for disagreement with the decision.

a Any explanation 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 records of the student or the contested portion are disclosed by the school system to any eligible party, the statement of parental disagreement shall also be disclosed to said party.

#### B. Procedures

1. The hearing shall be held within thirty (30) school days after the school system has received the request, unless the parent requests a delay.

2. The parent shall be given notice of the date, place, and time no less than one (I) school week prior to the hearing.

3. The hearing will be conducted by a person(s) 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 and the school system shall have the right to be represented by person(s) of their choosing, 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 ten (10) days of 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.

#### VIII. WAIVER OF RIGHTS

A. A parent of a student or an eligible student may waive his or her right of access to confidential records subject to the following limitations:

1. The waiver must be signed by the parent or an eligible student.

2. An educational agency or institution may not require such a waiver, but may request it.

B. 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 agency as a condition of admission to or receipt of any other service or benefit from the agency.

4. The waiver must be in writing and executed by the student, regardless of age, rather than by the parent.

C. A waiver may be revoked with respect to any actions occurring after the revocation. D. Revocation of a waiver must be in writing.

E. If a parent of a student executes a waiver, that waiver may be revoked by the student at anytime after he/she reaches the age of 18.

#### IX. SPECIAL CONFIDENTIALITY PROCEDURES FOR HIV-RELATED INFORMATION

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

1. Confidential HIV -Related Information

"Confidentiality -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 mental retardation, 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 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 registered 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 HIVrelated 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 re-disclosure.

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;

f. any person allowed access to such information by a court order.

#### D. Procedures

 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
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 tor 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

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."
Oral disclosures must be accompanied or followed by the above notice within 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.

#### F. Child Abuse Reporting

1. 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].

#### **Regulation Adopted:**

November 12, 1985

#### Amended:

June 28, 1988 June 27, 2000 June 25, 2002 November 25, 2003

#### <u>Appendix A</u>

#### **Notification of Rights under FERPA**

Under the above procedures, the following information will be disclosed on an annual basis to all parents of students in attendance or students over 18 ("eligible students"), in attendance.

The Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. § 1232g, et seq., affords parents and 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 Stamford Public Schools (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 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 or misleading.

Parents or eligible students may ask the District to amend a record that they believe is inaccurate or misleading. They should write the school principal, clearly identifying the part of the record they want changed, and specify why it is inaccurate or misleading.

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 consent to disclosures of personally identifiable information contained in the student's education records, except to the extent that FERP A 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 School Board; 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 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 will disclose a student's education record without consent to officials of another school district in which the student seeks or intends to enroll.

(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 FERP A. The name and address of the Office that administers FERP A is:

Family Policy Compliance Office U.S. Department of Education 400 Maryland Avenue, S.W. Washington, DC 20202-4605

Unless notified 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 Such disclosure may include publication of such information on district web site(s). Directory Information includes information not generally considered harmful or an invasion of privacy if disclosed, including, e.g. name, address, telephone number, e-mail address, photographic, computer or video images, date and place of birth, major field(s) of study, grade level, participation in school-sponsored activities or athletics, weight and height (if the student is a member of an athletic team), dates of attendance, degrees and awards received, and the most recent previous educational agency or institution attended.

The written objection to the disclosure of Directory Information shall be good for only one year. The District is legally obligated to provide military recruiter and institutions of higher learning, upon request, with the names, addresses and telephone numbers of secondary school students, unless a parent or eligible student objects to such disclosure in writing. Such objection shall be in writing and effective for one 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 District and is consistent with the District's obligations under both state and federal law.

## <u>Appendix B</u>

#### **Release of Confidential HIV-Related Information**

I hereby authorize	to release confidential HIV-
[name of individual who	o holds the information]
related information, as defined in Conn. Ge	en. Stat. § 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) Para-Professional(s)	
5) Director of Pupil Personnel Service	S
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]

#### **Students**

#### **Student Privacy**

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

#### I. Definitions

A. "Invasive physical examination" means any medical examination that involves the exposure of private body parts, or any act during such examination that includes incision, insertion, or injection into the body, but does not include a hearing, vision, or scoliosis screening.

B. "Parent" includes a legal guardian or other person standing in loco parentis (such as a grandparent or stepparent with whom the child lives, or a person who is legally responsible for the welfare of the child).

C. "Personally identifiable information" includes, but is not limited to, the name and address of the student, student's parent, or other family member, the student's personal identifier, such as social security number or student identification number, or a list of characteristics or other information that would make the student's identity easily traceable.

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

(i) a student's or parent's first and last name;

(ii) a home or other physical address (including a street name and the name of a city or town);

(iii) a telephone number; or

(iv) a Social Security identification number.

E. "Survey" includes an evaluation, but does not include a surveyor evaluation administered to a student in accordance with the Individuals with Disabilities Education Act (20 U.S.c. § 1400 et seq.).

#### **II. Student Surveys**

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

1. The administration shall make available for inspection by parents all instructional materials, including teacher's manuals, films, tapes or other supplementary material which will be used in connection with any survey, analysis, or evaluation funded in whole or in part by the U.S. Department of Education.

2. The administration shall obtain the prior written consent of the parent or student (if the student is an adult or an emancipated minor), prior to requiring a student to submit to a survey, analysis, or evaluation funded in whole or part by the U.S. Department of Education that reveals information concerning any of the following topics:

a. political affiliations or beliefs of the student or the student's parent;

b. mental or psychological problems of the student or the student's parent;

c. sex behavior or attitudes;

d. illegal, anti-social, self-incriminating, or demeaning behavior;

e. critical appraisals of other individuals with whom respondents have close family relationships;

£ legally recognized privileged or analogous relationships, such as those of lawyers, physicians, and ministers;

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

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

B. Confidential Topic Surveys Funded by Sources Other than the U s. Department of

Education:

1. Confidential Topic Surveys

a. The provisions of this subsection apply to any survey (sponsored by the school district or a third party) which contains questions pertaining to one or more of the following items ("Confidential

Topic Survey"):

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

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

parent;

iii) sex behavior or attitudes;

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

v) critical appraisals of other individuals with whom respondents have close family relationships;

vi) legally recognized privileged or analogous relationships, such as those of lawyers, physicians, and ministers;

vii) religious practices, affiliations, or beliefs of the student or of the student's parent; or

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

b. At the beginning of the school year, the administration shall give direct notice to parents of affected students of the district's intent to distribute a Confidential Topic Survey(s). Such notice shall include the specific or approximate dates during the school year of such distribution.

c. Upon request, the administration shall permit parents to inspect any Confidential Topic Survey before it is administered or distributed by a school to a student. The administration shall grant reasonable access to the Confidential Topic Survey(s) within a reasonable period of time after a parental request is received.

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

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

#### **III. Collection of Personal Information**

A. The provisions of this subsection apply to any instrument designed to collect personal information from a student for the purpose of marketing, selling or otherwise distributing such information or providing that information to others for that purpose.

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

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

to the instrument within a reasonable period of time after a parental request is received.

D. Upon written request, the administration shall permit parents (or students aged eighteen or older or emancipated minors) to opt out of participation in the collection, disclosure or use of personal information obtained from students for the purposes of marketing, selling or otherwise distributing the personal information to others.

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

1. college or other post-secondary education recruitment, or military recruitment ;

2. book clubs, magazines, and programs providing access to low-cost literary products;

3. curriculum and instructional materials used by elementary schools and secondary schools;

4. tests and assessments used by elementary schools and secondary schools to provide cognitive, evaluative, diagnostic, clinical, aptitude, or achievement information about students;

5. the sale by students of products or services to raise funds for school related or education-related activities;

6. student recognition programs.

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

#### **IV. Non-Emergency Invasive Physical Examinations and Screenings:**

A. The provisions described in this subparagraph shall apply to any non-emergency, invasive physical examinations/screenings conducted by the school district, when such examinations/screenings meet the following conditions:

1. they are required as a condition of attendance;

2. they are administered by the school and scheduled by the school in advance;

3. they are not necessary to protect the immediate health and safety of the students; and

4. they are not required by state law.

B. At the beginning of the school year, the administration shall give direct notice to parents of affected students (or the affected student if eighteen or older or an emancipated minor) of the district's intent to conduct non-emergency invasive physical examination(s)/ screening(s) described above, except for hearing, vision or scoliosis screenings. Such notice shall include the specific or approximate dates during the school year of the administration of such the non-emergency invasive

physical exanimation(s) / screening(s).

C. Upon written request, the administration shall permit parents of affected students or the affected students (if adults or emancipated minors) to opt out of participation in the non-emergency invasive physical examination(s)/screening(s) described in this subparagraph.

#### V. Complaint Procedure

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

Family Policy Compliance Office United States Department of Education 400 Maryland Avenue, SW Washington, D.C. 20202-4605

#### Legal References: Federal Law:

- Family Educational Rights and Privacy Act (FE~A), 20 U.S.C. §§ 1232g et seq.
- Pupil Privacy Rights Act, as amended by the No Child Left Behind Act of 2001,
- Public Law IQ7-110, § 1061, codified at 20 U.S.C;:. § 1232h.

# Model Notification of Rights Under the Protection of Pupil Rights Amendment ("PPRA")

The Protection of Pupil Rights Amendment (PPRA), 20 U.S.C. § 1232h, affords parents and eligible students (i.e. students over 18 or emancipated minors) certain rights with respect to the administration of student surveys, the collection and use of personal information, and the administration of certain physical exams. These rights include:

1. the right of a parent to inspect, upon request, a survey created by a third party before the survey is administered or distributed by a school to a student;

2. the right of a parent to inspect, upon request, any survey concerning one or more of the following confidential topics:

a political affiliations or beliefs of the student or the student's parent;

b. mental or psychological problems of the student or the student's family;

c. sex behavior or attitudes;

d. illegal anti-social, self-incriminating, or demeaning behavior;

e. critical appraisals of other individuals with whom respondents have close family relationships;

f. legally recognized privileged relationships, such as those with lawyers, doctors, physicians, or ministers;

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

h. income, other than as required be law to determine eligibility for certain programs or for receiving financial assistance under such programs;

3. the right of a parent to inspect, upon request, any instructional material used as part of the educational curriculum;

4. the right of a parent to inspect, upon request, any instrument used in the collection of personal information from students gathered for the purpose of marketing, selling or otherwise providing that information to others for that purpose. Personal information means individually identifiable information including, a student or parent's first and last name, a home or other physical address; a telephone number or a social security number;

5. the right of a parent to be notified of the specific or approximate dates of the following activities, as well as the right of a parent or eligible student to opt out of participation in these activities:

a. activities involving the collection, disclosure, 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);

b. the administration of any survey containing confidential topics (see #2, above, a-h); or

c. any non-emergency, invasive physical examination or screening that is required as a condition of attendance, administered by the school and unnecessary to protect the immediate health and safety of a student. Such examinations do not include a hearing, vision, or scoliosis screening or other examinations permitted or required by State law.

Parents and eligible students may not opt out of activities relating to the collection, disclosure, and/or use of personal information collected from students for the exclusive purpose of developing, evaluating, or providing education products or services for, or to students or educational institutions, such as the following:

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 by elementary and secondary schools;

d. tests and assessments used by elementary and secondary schools to provide cognitive, evaluative, diagnostic, clinical, aptitude, or achievement information about students;

e. the sale by students of products or services to raise funds for school-related or education-related activities;

f. student recognition programs.

To protect student privacy in compliance with the PPRA, the Stamford school district has adopted policies regarding these rights. Parents and/or eligible students who believe their rights have been violated under the PPRA may contact:

Family Policy Compliance Office U.S. Department of Education 400 Maryland Avenue, SW Washington, D.C. 20202-4605

#### **Students**

#### Assignment of Students to Schools

A. Each public school student shall be assigned to attend a school based on attendance areas designated by the Board of Education. The student's assigned school will be one of the following:

1. A geographically zoned school determined by the residence of the student's parent(s) or other person responsible for the student: or in the case of an emancipated minor. a geographically zoned school determined by the residence of the student. The Board shall designate the boundaries of geographic zones controlling school assignments. and also the feeder pattern controlling assignments to the middle schools and the high schools based on the recommendations of the Superintendent: or

2, A zoned magnet school which has a Board approved attendance zone and also accepts students from throughout the district through approved application and admission procedures, if the student's parent(s) or other person responsible for the student, or the emancipated minor. resides in the attendance zone,

All elementary, middle, and high schools in the Stan1 ford Public School system are expected to meet the district's integration standard to within +/- 10%. as determined annually, The district's integration standard is determined by the percent of disadvantaged students (students receiving free/reduced lunch according to federal guidelines, or students identified as English Language Learners according to state guidelines. or students residing in income restricted housing) and the percent of advantaged students, as calculated on October 1 of the given school year.

No elementary, middle or high school should have a variance in the percent of disadvantaged/advantaged students that is greater than 10 percentage points from the district-wide average at that level

B, Exceptions to a student's assigned school based on attendance area are as follows:

1. A student may be granted admission to a district-wide magnet school or a zoned magnet school. Magnet schools are open to all students who reside in the City of Stamford consistent with space and class size limits, the integration standards of the Stan1 ford Public Schools, and guidelines and procedures issued by the Superintendent. With Board approval, the Superintendent shall issue equitable procedures, consistent with Board policies, for magnet school applications and admissions, Issuance and revision of such procedures is subject to Board review

2. A student's assigned school may be one that offers a specialized educational program in which the student is placed based on the student's identified educational needs.

3. A student may be granted an exception, pursuant to procedures established by the Board, for medical or child care reasons or for professional courtesy as delineated in Regulation SI17. I-R. The Superintendent or his/her designee shall approve all exceptions for reasons other than these. No exceptions will be granted if they interfere

with the standards of Stamford Public Schools for integration, school capacity, or class size, unless required by law.

No exceptions to the Board approved application and admission procedures for admission o magnet schools will be granted.

## **Policy Adopted:**

October 26, 1993

#### **Readopted:**

June 27, 2000

#### Amended:

November 27, 2007

#### **Students**

#### **Out-of-Attendance Zone Placement**

#### **I. DEFINITIONS AND CONDITIONS**

#### A. Out-of-Attendance Zone Placement

Out-of-Attendance Zone Placement refers to a child attending a school other than the one in the attendance zone of his/her legal residence. Enrollment in magnet schools or special district programs such as 504 or Special Education are not considered Out-of-Attendance Zone placements.

A parent or guardian initiates the request for Out-of-Attendance Zone placement. Requests may be granted only after careful consideration and for limited reasons.

#### **B.** Legal Guardian

A legal guardianship is recognized when there is appropriate documentation of the transfer of parental responsibility to someone other than the parent.

#### C. Out-of-Attendance Zone Process

The Superintendent's designee conducts the review of requests for Out-of-Attendance Zone placement.

#### **D.** Duration

Out-of-Attendance Zone placement shall be granted for one school year only. New applications and renewals must be filed with the Office of Family and Community Engagement (OFCE) for placement.

Renewals must be filed by May 15; parents/guardians will be informed by June 15.

New applications filed by July 15 will be processed and parents/guardians informed by August 15. New applications filed by August 16 will be processed and parents/guardians informed by September 1. New applications filed on/or after September 2. will be processed and parents/guardians informed within two weeks of receipt of application.

#### **E.** Transportation

Parents/guardians must provide transportation, unless placement is made to comply with individual educational needs as are prescribed by a Planning and Placement Team (PPT), by a Section 504 team, or by recommendation of a school's English Language Learner team.

#### F. Student Responsibility

Students are subject to the district's Attendance Policy and Regulations (5113, 5113-R) and Student Behavior Policy and Regulations (5131, 5131-R). Students who do not comply may be required to return to their districted school.

#### **II. REASONS FOR GRANTING OUT-OF-A'ITENDANCE ZONE PLACEMENT REQUESTS**

#### A. Medical/Psychological Issues

The Board recognizes Out-of-Attendance Zone placements to accommodate serious medical/psychological needs of students.

1. The parent/guardian is required to provide sufficient documentation to establish the medical/psychological necessity for a student to attend a school outside his/her attendance zone. The request must also establish the advantages of the receiving school over the regularly assigned school to avoid documented physical and/or psychological harm that would otherwise occur.

2. Medical problems must be documented by a physician. Psychological problems must be documented by a psychologist, psychiatrist, professional clinic or agency while the student is in treatment.

3. At the discretion of the Superintendent's designee, permission may be sought to speak with a physician to document a medical issue and/or treatment. Medical! psychological documentation may be forwarded to the City Health Director or other designated agent of the Board for review and recommendation.

#### **B.** Child Care Issues

The Board recognizes Out-of-Attendance Zone placement to accommodate families of elementary and middle school students, where both parents/guardians are working.

1. The parent/guardian is required to complete an Out-of-Attendance Zone application.

2. The Out-of-Attendance Zone application must include:

a. A letter provided by the parent/guardian's employer stating the hours and location of employment.

b. A letter provided by the baby sitter/child care provider documenting his/her place of residence and the schedule of child care.

c. A description of efforts to obtain child care in the child's zoned school or the necessity to maintain the existing child care services such that out-of-attendance zone placement is needed.

#### **C** Professional Courtesy

#### **Cl. Resident Staff**

1. Certified staff who reside in Stamford may request Out-of-Attendance Zone placement for their children to attend the school at which they teach rather than the districted school. Staff may not select a third school (e.g., a teacher teaching at Westhill who live in the Stark district cannot request that his/her elementary school child attend Roxbury.

2. Certified staff who reside in Stamford and teach in magnet schools may request that their children be placed in the magnet schools in which they teach. Children of magnet

school teachers will be admitted as space permits, after students who have applied through the lottery are admitted to fill classes at the district's class size average, up to the contractual class limit.

3. Enrollment of a child of certified staff to the school at which the parent/guardian teaches shall be subject to the availability of space in existing classes at the child's grade level. Enrollment may be denied if the enrollment of such a student would exceed the contractual class size limit.

4. Certified staff will receive notification of the child's school assignment after class enrollments are determined and no later than the week directly prior to the start of the school year of entry.

5. Except as provided in this policy, students in the SPS remain subject to any and all applicable policies of the Stamford Board of Education. Resident students will be afforded all the protections under Stamford's conduct and discipline policies.

#### C2. Non-Resident Staff:

1. Non-resident certified staff may request their children to attend the school at which the parent/guardian teaches. The district will assign children of non-resident staff to schools if the school levels of the parent/guardian and child differ (e.g., the parent teaches at the elementary level, but the child is of high school age).

2. Non-resident certified staff who teach in magnet schools may request that their children are placed in the magnet schools in which they teach. Children of magnet school teachers will be admitted as space permits, after students who have applied through the lottery are admitted to fill classes at the district's class size average, up to the contractual class size limit.

3. Enrollment of children of non-resident staff to the school at which the parent/guardian teaches shall be subject to the availability of space in existing classes at the child's grade level. Enrollment may be denied if the enrollment of such a student would, in the judgment of the Superintendent's designee, require creation of an additional class or grouping on the assignment of paraprofessional support in accordance with the teachers' contract. The district will then offer enrollment to the child at a school closest to where the parent/guardian teaches, as space permits.

4. Non-resident certified staff will receive notification of the child's school assignment by the week directly prior to the start of the school year of entry.

5. Non-resident certified staff may request their children to enroll in Stamford public Schools in accordance with the Stamford Teacher contract and subject to applicable federal and state laws, including laws requiring payment of tuition for services in excess of the district average per pupil cost. Tuition shall be paid prior to the beginning of the school year. If adjustments occur as a result of subsequent placement in special programs or provisions or additional services, the added costs will be payable upon billing.

The Stamford Public Schools does not determine the admission of a student based on the student's disability status. After admission, if the Superintendent of Schools, or his or her designee, determines that a non-resident student is in need of special education or related services, and provision of those services exceeds the per pupil expenditures of the Stamford Public Schools, the non-resident student's receipt of such services will be conditioned upon payment of that portion of the tuition over and above the per pupil cost For tuition non-resident students, payment for special education and/or related services will be in addition to the tuition cost.

The obligations of the Stamford Public Schools, relative to the location, identification and evaluation of students, and the provision of special education and/or related services to non-resident students, shall be in accordance with the Individuals with Disabilities Education Act, 42 U.S.C. 1401 et seq. and applicable state law.

6. Except as provided in this policy, students in the Stamford Public Schools remain subject to any and all applicable policies of the Stamford Board of Education. Nonresident students who attend by permission of the Superintendent's designee may be disenrolled at any time due to behavior/discipline concerns.

#### **III. GENERAL CONSIDERATIONS**

A. Out-of-Attendance Zone placement may be limited by Board of Education policies relating to the following:

- 1. Class size
- 2. Socioeconomic balance
- 3. Other pertinent Board of Education policies

B. When a parent requests an out-of-attendance zone placement, transportation shall be the responsibility of the parent, unless the placement is made for individual educational needs as determined by a Planning and Placement (PPT) team, a Section 504 team, or English Language Learner team meetings. For non-resident stan: all transportation is the responsibility of the parent/guardian.

C. A student, who applies for and receives approval for an out-of-attendance zone placement, may be ineligible for interscholastic competition. Eligibility shall be determined in accordance with the rules of the Connecticut Interscholastic Athletic Conference and policies of the Stamford Public Schools.

#### **IV. SPECIAL CONSIDERATION**

A. Special consideration may be given in the following cases provided the student's record of past attendance, academic performance and behavior is acceptable:

1. Students who are Stamford residents, entering the last year at a particular school level (i.e., grade 5, 8, or 12), may be granted permission to complete the educational program at that school. Students who move out of Stamford may also request to remain at the school they attended, but will be charged the tuition rate, calculated for the school year in which the child is enrolled.

2. A student who moves out of his/her attendance zone after December 1, but remains a Stamford resident, may be allowed to remain in his/her school for the balance of that school year. The student is required to enroll in his/her district school in the following year. A student who moves out of Stamford after December I, may also remain in his/her school, but will be charged the prorated tuition rate.

3. School personnel may request that a student be placed in a school program other than at his/her assigned school to accommodate requirements of IDEA, Section 504, or state statutes for English Language Learners. The school assignment is determined by the district.

#### **Regulation Adopted:**

August 23, 1983

#### Amended:

August 6, 1988 October 26, 1993 June 27, 2000 March 25, 2009

## <u>Procedure for Implementation</u> <u>Guidelines for Out-of-Attendance Zone Placement</u>

#### **Standard Procedures for Out-of-Attendance Zone Placement:**

## The procedures below apply to initial Out-of-Attendance Zone placements as well as reapplications.

1. Out-of-Attendance Zone forms may be obtained from the Board of Education, 888 Washington Blvd., Stamford, Connecticut, Office of Family and Community Engagement.

Out-of-Attendance Zone forms may also be obtained at Stamford schools, except the magnet schools.

2. Completed forms and necessary, accompanying documentation should be returned to the

Office of Family may discuss the request with the principals from both the sending and receiving schools. After consultation with the principals, the Superintendent's designee will make the decision to either accept or reject the request based on Board policy. The parent or guardian may appeal this decision as set forth below.

3. The Superintendent's designee will notify the parent/guardian and schools involved of the final disposition of the request.

4. For reapplication the above procedure applies.

#### **Out-of-Attendance-Zone Appeals:**

1. In the case where an out-of-attendance zone request is denied, the denial may be appealed following the steps below:

- Parent receives written notice from the Superintendent's designee that the request for out-ofattendance zone placement has been denied.
- Parent may write a letter of appeal to the Superintendent of Schools. The appeal letter must identify the specific basis for the requested placement.
- If the Superintendent is satisfied with the decision and rationale, he forwards his response to the parent, indicating that the decision stands.
- If the Superintendent of Schools wishes to continue the review process based on the parent's appeal he/she may convene an appeal review.

The appeal review will consist of the following:

The Superintendent of Schools (or his/her designee), not the person making the original decision, will review the appeal on paper. If necessary, the designee may invite the parent/guardian to a meeting to which the relevant principal may also be invited, if he/she has

relevant information. After the Superintendent (or his/her designee) makes a decision, the parent or guardian will be informed of this decision in writing.

If the appeal is granted, a letter to the parent/guardian will contain the conditions as outlined in the outof-attendance zone placement guidelines. There is no further right of appeal from an adverse decision of the Superintendent of Schools or his/her designee, not the person making the initial decision. These conditions, if not complied with, may result in the student having to return to his regularly assigned school.

#### **Regulation Adopted:**

October 26, 1993

#### Amended:

June 27, 2000 March 25, 2009

JS/jl: Policy Info 2009: Out of Attendance Zone Rev 02 09



### REQUEST FOR OUT-OF-ATTENDANCE ZONE PLACEMENT

A. Name of Student			Date	and the second
	Last	First		
Name of Parent/Gua				
	1	Last	First	
Street Address				
	Number	Street		Zip Code
Home Phone #	Cel	I Phone #	Work/Othe	r #
Requested School _			Grade	
	Madical Psychologi	agl 🗖 Child Caro	Drofassional (	Countage Other
Deenen for Dequest				bject to verification by th
	to support jour int			
complete documentation		ent.		
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C. Reason for Request: Complete documentation Office of Family and Control of Family and	ommunity Engageme	and desires	ttendance zone plac	ement for my child.

- b. A student must maintain good attendance, satisfactory behavior, and acceptable academic progress. A student's record will be reviewed each marking period. Failure to meet standards could result in a student being returned to the home school.
- c. Parents/guardians will provide transportation for out-of-attendance zone placement.

Signature of Par	rent/Guardian:	Date:
Please return th	s form and supporting documentation	to:
M	ike Meyer	
0	ffice of Family and Community Eng	agement (OFCE), Third Floor Government Center
P.	O. Box 9310	
St	amford, CT 06904	
Approved	Reason Approved	Authorized by
Denied	Reason Denied	Authorized by
#### **Rules and Procedures for Out-of-Attendance Zone Placement**

#### 1. What is Out-of-Attendance Zone Placement?

Out of Attendance Zone Placement refers to a child attending a school other than the one in the attendance zone of his/her legal residence. Enrollment in magnet schools or special district programs such as 504 or Special Education are not considered Out of Attendance Zone placements. Policy #5117.1 describes the Board of Education Policy on Out of Attendance Zone placement.

#### 2. When Do Parents/Guardians Apply for Out-of-Attendance Zone Placement?

A parent or guardian initiates the request for Out-of-Attendance Zone placement.

Applications for renewal will be processed according to the following schedule:

Renewal Applications Received	Parent/Guardian Informed
Due in May	Within 30 Days

New applications will be processed according to the following schedule:

<b>Applications Received</b>	Parent/Guardian Informed	
May - August	Within 30 days	
September 1 and ongoing	Within two weeks of receipt of application	

#### 3. Where Do Parents/Guardians Obtain Applications?

Out of Attendance Zone forms may be obtained from the Office of Family and Community Engagement, Government Center. Out-of-Attendance Zone forms may also be obtained at your child's school. Completed forms and necessary accompanying documentation should be returned to the Office of Family and Community Engagement, Stamford Public Schools, 888 Washington Blvd., Stamford, Connecticut 06904.

#### 4. What Documents Need to Be Submitted?

The Out-of-Attendance Zone application needs to be completed and signed by the parent/guardian. The documents that support the specific type of request – Medical, Child Care, Professional Courtesy, Other – must also be completed.

#### 5. How Will I Be Notified?

You will be notified by mail regarding approval or denial of your application. Appeals may be made according to Board of Education policy governing Out-of-Attendance Zone placement. Appeal forms may be obtained from the Office of Family and Community Engagement.

#### 6. Who May I Contact With Further Questions?

Please contact the Office of Family and Community Engagement at 977-4465.

## A. Medical/Psychological Issues

#### **Please check:**

The Out-of-Attendance Zone Form is completed.

The parent/guardian letter explains the medical/psychological issue.

A letter from a physician is included to explain a medical issue.

A letter from a psychologist, psychiatrist, or professional clinic or agency is included to explain a psychological issue.

Please explain your request for Out-of-Attendance Zone placement for medical/psychological reasons below. Use the reverse side of this form if needed, to complete your explanation.

and the second second

I attest that the information provided is accurate and true.

Parent/Guardian: \_\_\_\_\_ Parent/Guardian: \_\_\_\_\_ Signature

0

Date:

#### -~ .... 1

lease	B. Child Care Issues: check:
	The Out-of-Attendance Zone Form is completed.
	The parent/guardian letter explains the need for child care, including efforts to obtain child c
	the child's zoned school.
	A letter from the employer states the hours and location of employment.
	A letter from the child care provider documents his/her residence and schedule of child care
-	
	se explain your request for Out-of-Attendance Zone placement for child care reasons below. reverse side of this form if needed, to complete your explanation.
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1.00	

I attest that the information provided is accurate and true.

Parent/Guardian:		Parent/Guardian:	
T-P4 - T	Print Name		Signature
ate:			

# C. Professional Courtesy Issues:

## Please check:

- □ The Out-of- Attendance Zone form is completed.
- A letter from the parent/guardian explains the need for the Out-of-Attendance Zone request.

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Parent/Guardian:

\_\_\_\_ Parent/Guardian:

Print Name

Signature

Date:

## **D.** Other Issues:

#### Please check:

□ The Out-of- Attendance Zone Form is completed.

A letter from the parent/guardian explains the need for Out-of-Attendance Zone request.

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I attest that the information provided is accurate and true.

Parent/Guardian:

Print Name

Parent/Guardian:

Signature

Date:

JS/jl: Out of District Info 2009: New Form

#### **Application and Admission to Magnet Schools**

#### A. Purpose of Magnet Schools:

The chief purposes of the magnet schools are to assist in managing enrollment and the district's integration standard\_ as defined in Policy 5117. L while providing educational options, Magnet schools will be evaluated regularly to determine their effectiveness in addressing stated purposes,

## Specifically - Magnet schools are designed to:

- Stabilize integration\_ as defined in Policy 5117. L in the Stamford Public Schools:
- Manage changes in enrollment:
- Provide educational choice and offer innovative programming through curricula themes and/or alternate strategies to meet district educational standards

#### **B. Definitions:**

1. District-wide Magnet Schools - These schools serve students from throughout the district and do not have an assigned attendance area,

2. Zoned Magnet Schools - These schools serve students from throughout the district and have an assigned attendance area, Students residing in these areas typically attend the magnet schools without applying via the lottery process,

3, Preferred Attendance Area - Preferred attendance areas include streets so designated by the Board of Education to manage enrollment. Preferred attendance areas include streets outside of but near to the attendance zone for a magnet school that are so designated by the Board of Education to manage enrollment. Students residing in these areas are assigned to a non-magnet school they must apply to the magnet schools via the lottery process and are given priority status. They are invited to the magnet schools in accordance with their lottery numbers. Once magnet school seats are exhausted, these students must enroll in their assigned non magnet schools,

4, Targeted Recruitment - At times, students residing in attendance areas associated with nonmagnet schools expected to be over enrolled or out of balance\_ as defined in Policy 5117, 1 may be given targeted recruitment status, These students will be granted priority status in the admission process to the magnet schools and will be selected in accordance with their lottery numbers.

#### C. Application and Admission:

1. In order that all magnet schools are consistent in application and admission procedures, the application procedures:

• Shall be centralized

- Shall be determined and approved by the Board of Education
- Shall be managed by the Superintendent or the Superintendent's designee

2. Information will be posted and distributed to inform families of magnet school opportunities, application procedures, and deadlines.

3. Application to magnet schools is open to special education students on the same basis as other students in the Stamford Public Schools.

4. Magnet schools will not screen applicants or determine admissions by the use of special admissions test, auditions, or requirements to submit portfolios or collections of past work: or by reference to test scores, academic records, attendance or discipline records, or by use of teacher recommendations parent letters, or interviews of applicants.

5. Admissions to magnet schools shall be controlled to ensure that magnets balance enrollment and promote the district's, +/-10% integration standard, as defined in Policy 5117.1, at each of the public schools.

#### **D.** Priority Admission Procedures:

1. Sibling Status:

Younger siblings of enrolled magnet school students will be granted priority admission to the magnets attended by their siblings. Such status requires that the magnet school applicant a) have a sibling who is enrolled in the magnet school to which the applicant seeks admission, and b) who will continue to be enrolled in the magnet school for at least one school year when the applicant will be enrolled. For this purpose, "siblings" are defined as children who live in the same household with a common parent. Older siblings may be admitted to the magnet school as classroom space allows.

2. Preferred Attendance Area Status:

Elementary students who reside in "preferred attendance areas" as designated by the Board will be granted preference in admission to the respective magnet schools as classroom space allows.

3. Targeted Recruitment Status:

Target recruiting will be used at times for the purpose of managing enrollment and promoting the +/-10% integration standard at all schools.

## Order of Admission:

In keeping with the purposes of magnet schools, students will be admitted in the following order:

- 1. Students residing in the attendance area of a zoned magnet school
- 2. Students with siblings attending a magnet school
- 3. Students residing in the preferred attendance area of a magnet school
- 4. Students assigned to a school targeted for recruitment to a magnet school
- 5. All other applicants

#### E. Continued Enrollment in Magnet Schools:

1. Once admitted to a magnet school students are expected to remain in that school at least until completion of their first school Year. They are entitled to remain in the school without reapplying until they complete the highest grade in the school.

2. Students who are assigned to a magnet school based on their residence in an attendance area and relocate to a new residence in another attendance area during the school year will be allowed to complete the school Year at the magnet school as long as there is no violation of contract limits on class size or the stated purposes for magnet schools, as defined in Policy 5117.1. These students may apply through the lottery to continue in the magnet school in the following school year.

## F. General Expectations of Magnet Schools:

1. Students in magnet schools shall be subject to the same discipline policies and practices as all students in the Stamford Public Schools.

2. Magnet school students shall be eligible to participate in all extracurricular activities offered by the school they attend without special wait periods or requirements.

3. Transportation of magnet school students will be provided under the same rules that apply to students in other schools.

**Policy Adopted:** October 26, 1993

## **Readopted:**

June 27, 2000

#### Amended:

November 28, 2006 November 27, 2007

## **Regulation and Procedures for Application and Admission to Magnet Schools**

# A. Board Policies

Board policies regarding application and admission to magnet schools apply. All principals and other staff should familiarize themselves with these policies.

# **B. Management Responsibility:**

The magnet application procedure and magnet admission procedure for all magnets will be directed system-wide by the Superintendent or his/her designee who is responsible for the proper operation of these procedures.

# C. Priority Admission Based on Residence in an Assigned or Preferred Attendance Area:

# 1. Hart Magnet Elementary School

Hart Magnet Elementary School will enroll all students who reside on streets in Hart's attendance area. These students need not apply for admission to Hart. These students may apply, if they wish, for admission to other magnet schools.

In addition, Hart will admit students via the magnet application process outlined in Section G below.

## 2. Rogers International Magnet K-8 School

Rogers will enroll all new Stamford students in the 2009-10 school year through the lottery process. All new students will be required to complete a lottery application. Stamford students will be admitted according to their lottery number, Advantaged/Disadvantaged status, and priority categories below:

- Siblings from Preference Area I (defined in the September 2008 Redistricting Plan)
- Siblings from Preference Area 2 (defined in the September 2008 Redistricting Plan)
- Siblings not from a Preference Area
- Students from Preference Area 1
- Students from Preference Area 2
- All other students

Rogers will be required to include up to 25% of its students from out of town.

## 3. Strawberry Hill

Beginning in the 2016-2017 Strawberry Hill will enroll students through the lottery process. All Students will be required to complete a lottery application. Stamford students will be admitted

according to their lottery number, Advantaged/Disadvantaged status and priority categories below:

• Siblings from Preference Area 1 (students who live on streets currently assigned to the overcrowded schools-Newfield, Springdale, Stark, Stillmeadow, and K.T. Murphy who would be identified as walkers)

• Siblings from Preference Area 2 (non-walker from the overcrowded elementary schools-Newfield, Springdale, Stark, Stillmeadow, and K.T. Murphy)

- Siblings not from a Preference Area
- Students from Preference Area 1
- Students from Preference Area 2
- All other students

Strawberry Hill will be required to include up to 25% of its students from out of town.

# 4. Toquam Magnet Elementary School

Toquam Magnet Elementary School will enroll all students who reside on streets in Toquam's attendance area. These students need not apply for admission to Toquam. These students may apply, if they wish, for admission to other magnet schools. Toquam will also admit students via the magnet application process outlined in Section G below.

# 5. Westover Magnet Elementary School

Westover Magnet Elementary School will enroll all students who reside on streets in Westover's attendance area. These students need not apply for admission to Westover. These students may apply, if they wish, for admission to other magnet schools. Westover will also admit students via the magnet application process outlined in Section G below.

# 6. Scofield Magnet Middle School

Scofield Magnet Middle School will admit students via the magnet application process outlined in Section G below. Students will be admitted to grade six in proportions that reflect the proportions (both in numbers and balance) of incoming students to Cloonan, Dolan, Rippowam, and Turn of River.

# 7. Academy of Information Technology and Engineering (AITE)

At the Academy of Information Technology and Engineering, 75% of the students will be Stamford residents and 25% will reside in towns included in AITE's region. All students will be admitted via the magnet application process outlined in Section G below.

**8. Priority admission to all magnets** will be granted to applicants who are siblings of students who are currently enrolled in and will continue to be enrolled for at least one school year in the magnet sought by the applicant's sibling. See Board policy for definition of "sibling."

# D. Magnet Students Who Relocate Their Residence:

This provision applies to students who reside in the assigned attendance areas of a magnet school for whom admission to the magnet school is guaranteed, based on residence. If such a student relocates to a new address outside the original attendance area, but remains a Stamford resident, the student may complete the school year.

# **E.** Target Recruitment:

1. In the event that targeted recruiting is necessary to achieve the stated purposes for magnet schools, the Superintendent will bring this need to the Board for discussion. Following this discussion, the Superintendent, will inform the Board of the designated areas for targeted recruiting.

2. Instructions to magnet principals to recruit applicants in designated attendance areas will be issued by the Superintendent or his/her designee and will be shared with the principals of schools serving the targeted areas.

3. In addition to instructions for targeted recruiting, the Superintendent or his/her designee will provide magnet principals with guidance and technical assistance for targeted recruiting.

4. Magnet principals are responsible for implementing targeted recruiting effectively and in a timely manner.

# **F.** Application Procedures:

1. All magnets will use a system-wide magnet application procedure directed by the Superintendent or his/her designee.

2. Magnet schools will operate on varied application time periods as described below. If dates fall on a Saturday, Sunday or holiday, the date will be moved to the next business day.

	<b>Applications Due</b>	Lottery Drawn	Acceptances Due
Elementary	November 15	December 15	January 15
Middle	March 1	March 15	April 15
High	January 15	February 1	February 28

3. All magnet schools will use a common on-line application form, approved by the Superintendent or his/her designee. Paper forms will also be available.

4. A district meeting will be held by November 1 for all parents interested in applying for magnet schools. At this meeting, the rules and procedures for magnet schools will be explained.

5. Principals will schedule two orientation meetings at the magnet schools between October and November (elementary), October and February (middle) and October and December (high). At these recommended, but not required, orientation meetings, principals or their designee will meet with parents to explain the particular school programs.

6. On-line application forms will be available for all parents from September 15 to the deadline for submission of applications. Paper forms will also be available.

7. The Superintendent or his/her designee will authorize the dissemination of information describing magnet schools and the magnet school application procedures to ensure broad and timely dissemination. • Posting of magnet meetings and timelines on the district website • Announcements in local and community newspapers • Announcements/meetings at community agencies

8. Families will be permitted to apply to all magnet schools at a given level (elementary, middle or high school).

9. Completed on-line applications must be entered on/or before the close of business prior to the application due dates. If a due date should fall on a Saturday, Sunday or holiday, the date will be moved to the next business day.

- Elementary	November 15
- Middle	March 1
- High	January 15

Applications received after the respective due dates will not be included in the lottery. These applications will be date stamped and considered after all lottery applications, including wait listed applications, are exhausted.

10. On-line acceptance invitations will be provided to parents within one week of the lottery drawing. Parents will have three weeks to respond on-line to magnet invitations. Once a parent accepts a seat in a magnet school, the child's name will be withdrawn from the waiting lists of the other magnet schools to which the parent may have applied.

11. Parents will have three weeks to respond to on-line magnet invitations. If a response is not received within that time period, the next child on the lottery list will be invited to enroll.

12. After acceptances, declines or "no responses" to on-line invitations are received, offers of invitation to parents of students on the waiting lists will be made by telephone. Parents will have five school days to respond. If a response is not received within that time period, the next child on the lottery list will be invited to enroll.

13. By April 30, principals will send letters to parents of students currently in their schools to determine the number of returning students.

14. By June 1, seats in grades 1-5, 7-8, and 10-12 will be offered in writing to parents. Parents are expected to respond by June 15. If a response is not received within that time period, the next child on the lottery list will be invited to enroll.

15. By August 1, letters will be mailed home to all parents of children on magnet school waiting lists to inform them of their waiting list status.

16. Parents who apply through the lottery may move their children to a magnet school through December 1 as seats become available.

17. Out of Attendance Zone applications are not valid for magnet school admission.

18. Teachers in the magnet schools may bring their children as professional courtesy, depending on space availability. All other teachers who are Stamford residents are required to apply to magnet schools through the lottery process. Teachers who do not teach in a magnet school and do not reside in Stamford may only apply to the inter-district magnet schools in Stamford.

# **G. Admission Procedures:**

1. Admissions to all magnet schools will be under the direction of the Superintendent or his/her designee.

2. Admissions to magnet schools will be controlled so as to accomplish the following results: a. Each magnet school meets integration standard of the school system and each grade in each magnet school generally reflects the racial composition goal set for the school: b. Admissions to the magnet schools assist the sending schools in keeping their enrollments within capacity and preventing the sending school from falling outside the integration standard of the school system.

3. Admissions will be made by use of a process that is objective and equitable, and as described below in 4, 5 and 6.

4. For each magnet school, admissions will be determined by procedures in accordance with these guidelines:

a. By December 1, the number of available seats in each school and in each grade will be calculated, reflecting school capacity and class size standards.

1) A breakdown of the available seats will be calculated, reflecting the integration standard set for the district.

2) Restrictions on admission of students from selected schools to the magnet schools will be determined and announced.

3) Targeted admission of students from selected schools will be determined based on October 1 projections and announced.

4) The number of seats in the magnet schools allocated for School Choice will be determined and announced.

b. Admissions will be limited to the approved number of available seats, unless exceptions are authorized by the Superintendent.

c. The applicants will be grouped on two discrete lists: Educationally Advantaged and Educationally Disadvantaged.

d. Applicants on each of the two lists will be placed in a ranked order.

1) Highest on each list will be applicants with priority admission granted via the sibling rule, placed in ranked order by using a lottery or similar method,

2) Next following on each list will be applicants with priority admission placed in ranked order using a lottery or similar method,

3) Next following on each list will be applicants who reside in attendance areas designated by the Superintendent for target recruiting, placed in ranked order using a lottery or similar method,

4) Next following on each list will be all other applicants, placed in ranked order using a lottery or similar method.

e. Students selected for more than one school will be offered the school they ranked highest on their lottery applications,

f. The available seats will be filled by taking applicants from the ranked lists one at a time, beginning at the top of each list and alternating between the lists in this sequence: Educationally Advantaged/Educationally Disadvantaged. When eighty percent (80%) of the seats have been filled for each school, the Superintendent or his/her designee will review the process to make certain that the district's goals for magnet schools are being met.

g. Applicants identified in this fashion will be offered admission to the magnet school unless one of the following conditions applies: 1) The applicant's admission foreseeably would cause the composition of the magnet school to not meet its integration goal: or 2) The applicant's admission would cause the sending school to fall outside the integration standard of the school system: or 3) The composition of the sending school is already outside the integration standard of the school system and the applicant's admission would worsen the sending school's imbalance,

h. Where an applicant cannot be offered admission for any reasoning, above, the applicant will be bypassed, and the admission process will continue until an applicant can be admitted.

i. Applicants bypassed as in h. above, will have their names remain on the list in the same ranked position, and they will be reconsidered in their ranked order in each subsequent selection round. On each such occasion, a fresh consideration will be given as to whether they can be offered admission in light of the effect of intervening admissions on the sending school and/or the magnet school.

j. So long as seats remain available and names remain on the lists, the selection process will continue until all available seats are filled.

k. Should either of the two lists become exhausted before all available seats are filled, the process will continue with the remaining list. Available seats will be

filled so long as the school system's integration standard is met for the magnet school and for the sending schools.

1. If available seats cannot be filled from the lists within the integration standard of the school system, available seats may be filled only if written authorization is provided by the Superintendent and a target recruiting plan for the school for the following year has been approved by the Superintendent.

5. The ranked list of magnet school applicants, determined by lottery or similar method, will be produced on the third Monday in March. Admission offers will be in writing to all parents.

6. The admission offer must be accepted by a deadline set forth with the admission offer. Admission offers that are not accepted by the prescribed deadline will be considered unaccepted.

7. When the initial admissions process is completed, the remainder of the two lists will be considered ranked wait lists.

a. Seats that become available before the start of or during the school year as a result of unaccepted admissions offers or other reasons will be offered promptly to students on the wait lists in order of their ranking, using the same manner of selection and considering the same factors as in the initial process.

b. No admission offers will be made after December 1 at which time the wait lists will expire. Applicants on wait lists who do not gain admission to their chosen magnets must reapply in the next following application period if they wish to be considered in the next round of admissions.

#### **H. Appeal Procedure:**

1. An applicant who is denied admission to a magnet school may appeal to the Superintendent's designee. Such an appeal shall clearly state how the applicant alleges these procedures were violated.

2. The Superintendent's designee will review the case together with any additional information made available by the applicant, and issue a decision in writing to the applicant within 15 days of receipt of the appeal,

3. The applicant may appeal the decision of the Superintendent's designee to the Superintendent. Such an appeal shall clearly state how the applicant alleges these procedures were violated. The Superintendent will review the case, together with any additional information made available by the applicant, and issue a decision in writing. The Superintendent's decision made independently or with the assistance of a designee, will be conveyed to the applicant within 30 days of receipt of the appeal. The decision of the Superintendent will be final.

## I: COVID-19 Pandemic Provision:

In acknowledgement of the impact of the COVID-19 pandemic on students and families, the following option will be available to students who have accepted placement in a magnet school for the 2021-2022 school year and are not age eligible to receive the COVID-19 vaccine.

If the parent/guardian of a student who has been offered and has accepted a seat in a magnet school chooses to homeschool their student for the 2021-2022 school year because their child is not age eligible to receive the COVID-19 vaccine, they may request the student's seat in the magnet school be held for the student to allow the student to attend the magnet school beginning in the 2022-2023 school year. For the purposes of this provision, homeschooling must be provided in accordance with the approved processes outlined by the Connecticut State Department of Education (CSDE) and must be approved by the Stamford Public Schools.

In order to request the student's placement in the magnet school be retained, the parent/guardian shall make their request through the Office of Family and Community Engagement. The request shall be supported by documented evidence of homeschooling and proof of continued eligibility for enrollment in the Stamford Public Schools and is subject to verification. Only those requests meeting the designated criteria shall be approved. Students who are granted this request do not need to reapply for a seat in the magnet school for the 2022-2023 school year, but will be required to register as a student in the district and meet all requirements for registration. The seat will be held until the start of the 2022-2023 school year. The district will send written notification to parents/guardians offering them the magnet seat no later than 30 days before the start of the 2022-2023 school year. A student shall forfeit their placement in the magnet school if the student does not meet the requirements for registration.

## **Regulation Adopted:**

October 26, 1993

#### Amended:

February 15, 1994 May 24, 1994 November 12, 1996 June 27, 2000 November 2008 October 28, 2015 September 4, 2018 August 20, 2019 August 20, 2021

# Students Eligibility for High School Athletics and Selected Extra-Curricular Activities

The Board of Education encourages students to participate in interscholastic athletics and other selected extra-curricular activities. Students who wish to participate must meet the CIAC (Connecticut Interscholastic Athletic Conference) minimum eligibility requirements and must also meet any other requirements which are established by the Board of Education (unless excused by law). These requirements shall be set forth in the administrative regulations governing this policy.

## **Policy Adopted:**

September 10, 1963

#### Amended:

October 25, 1976 August 14, 1984 July 29, 1990 May 28, 1991

#### **Readopted:**

June 27, 2000

#### Amended:

November 27, 2001 November 23, 2004

## **Eligibility for High School Athletics**

## ATHLETICS

1. A student who has an out-of-district transfer from one Stamford public high school or Stamford public charter school to another shall be ineligible for interscholastic competition for a period of 365 days commencing upon the date of registration at the high school to which the student transfers. If a student transfers due to admission to a special program (ECS, IB, JROTC, Agriscience, etc.) or has a change in residency impacting the districted home school and the transfer is approved by the district then the above rule may be waived.

2. Students in the freshman class must be enrolled in at least five credit-bearing courses to be eligible for a fall sport.

3. To participate in any sport a student must:

a) take at least five courses, and

b) pass and earn credit in five credit-bearing courses in the marking period previous to and during the sport (or the previous year to begin a fall sport), and

c) attain a minimum of 2.0 - 2.3 grade point average (GPA) in the marking period previous to and during the sport. Students under 2.0 will not be eligible to participate. Students between 2.0 - 2.3 will be required to attend academic support.

\* Seniors who have already earned 21 or more credits may take a minimum of four creditbearing courses to remain eligible.

4. Final year's grades (GPA) in a given year shall determine eligibility for the fall season, unless the student has successfully met the eligibility requirements by attending summer school during the same academic year. Any student who does not meet the 2.3 grade point average and falls between the 2.0 - 2.3 GPA range (GPA) will be deemed in need of academic support and will be required to attend the school's academic support program.

5. Students who receive more than one out-of-school suspension in a school year may be ineligible to participate in any sport for the remainder of that school year.

6. Each school principal or his/her designee or Athletic Director shall determine student eligibility prior to the start of each season's athletics. If a student becomes ineligible for an academic reason, the student shall be assigned to an academic support program (if between 2.0 -2.3) or removed from participation (if below a 2.0).

a) Academic support is for students with a GPA between 2.0 - 2.3. Those students will remain in the academic support program until such time as their GPA is 2.3 or higher.

b) The principal or his/her designee or Athletic Director shall monitor the student's progress regularly in the academic support program and adjust supports as needed, which includes but is not limited to: academics, behavior, and attendance participation by the student in academic support. Coaches shall monitor attendance and participation for students participating in academic support, and shall communicate progress or lack of progress to the Athletic Director.

7. Board Policy 5118-R will be applied to all athletics.

8. These requirements are subject to review and modification by a Planning and Placement Team in situations involving students with disabilities or by a Section 504 team for students with a Section 504 plan.

9. Eligibility standards of the Connecticut Interscholastic Athletic Conference (CIAC) shall apply whenever they are stricter than the requirements set out above.

10. During the 2021-2022 school year, in acknowledgement of the impact of the COVID-19 pandemic on the students in Stamford and the need to be active after all of the COVID-19 restrictions and limited athletics during the 19-20 and 20-21 school years, a COVID-19 exemption will be provided to all students. If a student fails to meet the new 2.0 GPA requirement, but has at least a 1.7 GPA the quarter prior to the season, the principal and Athletic Director can apply one exemption for eligibility for one athletic season. This exemption will provide time for students to receive necessary supports to prepare for the increase in GPA requirement for athletic eligibility. The principal and Athletic Director must monitor academic progress and attendance weekly for all of the COVID-19 exempt students and provide additional support as required.

## Definitions

"Eligibility" means a student has met all of the requirements as outlined in this regulation to participate fully in the athletic program.

**"Academic Support"** is support provided for student athletes who earn a GPA between 2.0 and 2.3. Academic support may include but is not limited to the following support areas: attendance, behavior, academics.

**"Ineligible"** means a student has not met all of the requirements as outlined in this regulation to participate fully in the athletic program. Student athletes who are ineligible may participate in practices and academic support but may not play in athletic contests or games.

STAMFORD PUBLIC SCHOOLS Stamford, Connecticut

**Regulation Approved:** September 10, 1963

# Amended:

October 26, 1976 August 14, 1984 July 29, 1990 August 20, 1991 August 27, 1996 June 27, 2000 November 27, 2001 April 29, 2014 July 29, 2016 November 14, 2017 September 25, 2018 June 23, 2020 June 8, 2021

#### **Reporting to Parents**

The Board encourages good communication between home and school and shall promote frequent and varied reporting contacts through such forms as the mail, telephone conferences, school visitations, and other electronic means, such as e-mail and homework hotlines.

If the parents of a child are separated or divorced; both parents have the right to be informed of their child's progress unless there is a court order to the contrary. A noncustodial parent will receive written reports and notification of conferences in the same manner as the custodial parent by making a request to the school principal.

## **Report Cards**

Written reports will be issued periodically and the reporting dates will be placed on the school calendar. Between reporting dates teachers may send reports to call attention to progress or deficiencies.

**Policy Adopted:** April 25, 1989

Amended: June 27, 2000 November 23, 2004

#### **Awards for Achievement**

The Board encourages the professional staff to establish and maintain a set of criteria and procedures for presenting letters or other suitable awards to students for scholarship and distinguished service school activity. In all cases, the relationship between the award and relevant goal or goals of the schools should be stated.

**Policy Adopted:** November 12, 1985

Readopted: June 27, 2000

Amended: November 23, 2004

## **Awards for Achievement**

Professional staff authorized by the Superintendent or his/her designee may review and approve, or reject, proposed trophies, prizes, scholarships or other awards from non-school donors. Acceptance will require affirmative answers to at least the following questions:

1. Can the proposed award be considered free from motives of personal or corporate gain and publicity?

2. Are the criteria for making the award under the control of the professional staff, or acceptable to the staff?

3. Are the purposes, either implied or explicit, of the proposed award consistent with our school's goals?

## **Regulation Adopted:**

November 12, 1985

## Amended:

June 27, 2000 November 23, 2004

#### **Students Smoke-Free Environment**

The Board recognizes that tobacco and tobacco alternatives are not conducive to good health. Therefore, the District should provide both effective educational programs and a positive example to students concerning the use of tobacco, and tobacco alternatives referred to as vaping or Electronic Nicotine Delivery Systems (ENDS).

Recognizing the negative impact on nonsmokers by others smoking, the Board declares all school sponsored events and areas operated by the Board to be officially designated smoke-free. Smoke-free areas include all school buildings and grounds and all school buses.

For the purposes of this policy, smoke or smoking means all uses of tobacco products including cigars, cigarettes, pipes, chewing tobacco, and tobacco alternatives including but not limited to e-cigarettes, vapes and ENDS.

**Policy Adopted:** November 12, 1985

Amended:

February 23, 1988 April 21, 1992 June 27, 2000 June 25, 2019

#### **Students Smoke-Free Environment**

The Administration will work with students to inform and educate them about the personal risks associated with smoking, and the use of tobacco alternatives and has established a smoke-free environment as stated in Board Policy 4010 and 5130.

Any student found smoking in violation of Board Policy 5130 will receive appropriate disciplinary action up to suspension or expulsion. All principals will determine appropriate disciplinary action according to procedures stated in Board Policy 5131.

**Regulation Adopted:** March 23, 1988

#### Amended:

May 26, 1992 June 27, 2000 June 13, 2019

#### **Student Behavior**

The Stamford Board of Education recognizes that the school is a community with rules and regulations. Those who would enjoy the rights and privileges of this community must also accept the responsibilities that membership demands, including respect for and obedience to school rules.

The Board of Education believes that the majority of students in the Stamford Public Schools want the best education possible, an education that depends on safe, orderly classrooms and schools. The Board of Education is determined to take whatever measures are necessary and legally available to guarantee the continued orderly operation of the schools.

The Board considers misbehavior in any part of a school facility as serious as misbehavior in a classroom. The school facility includes all parts of the school building, the school grounds, on school buses; or any location where a school-sponsored activity takes place. In addition, certain misconduct, such as sale or distribution of controlled substances or violent acts, either, committed or threatened, may be disruptive of the educational process and may properly be the subject of disciplinary action under the policy.

#### **Rights and Responsibilities**

The Board of Education has established as a basic premise that an equal educational opportunity will be provided to all students in the district. It is, therefore, the responsibility of all school personnel to maintain an educational environment which is conducive to the best possible learning situation where each student has the right to a successful classroom experience.

#### A. <u>Rights</u>

Students, Parents, \* and school personnel have the responsibility to respect the following rights of all persons involved in the educational process:

1. The right to a safe, secure, and disciplined environment in which the best possible education can occur.

2. The right to be treated in a respectful, courteous manner as befits one human being relating to another.

3. The right to mutual support and assistance in the various aspects of the educational process.

It is not possible to list all the rights and responsibilities of the members of the Stamford Public school community. The aforementioned generalized statement is intended to emphasize this

community's belief in the interdependency of rights and responsibilities. No member can exercise rights without also assuming a corresponding degree of responsibility. The right to a safe, secure and disciplined environment brings with it the responsibility to refrain from activities which lessen others' access to this same right. One's right to be treated in a respectful, courteous manner entails the responsibility to exercise like behavior toward all others. Finally, the right to mutual support and assistance presumes that all members will, in turn, lend their best efforts to the common benefit.

## B. Responsibilities

## 1. Student Responsibilities:

a. Respecting the authority of teacher, administrators and other school staff to enforce district policy and school rules and regulations regarding student discipline and moral conduct.

b. Behaving in classrooms and an school campuses in a manner that does not disrupt or interfere with the rights of other students and staff.

c. Abiding by the standards of conduct and rules and regulations governing discipline established by the school.

d. Attending school and assigned classes daily an time and for each full term.

## 2. Parent\* Responsibilities:

a. Accepting and respecting the right of the Board of Education to require discipline standards of behavior for all students and for all non-students while on campus during school activities.

b. Reviewing district policy and school discipline rules and regulations with family members to ensure all are familiar with and understand the standards of conduct expected by school authorities an school campuses.

c. Cooperating with school officials in working toward a solution to a student's problem and carrying out appropriate discipline penalties when such action is necessary.

d. Seeking out, when necessary, and with the advice and guidance of district personnel, appropriate community agencies for assistance in correcting misbehavior of the student.

## 3. <u>Teacher Responsibilities:</u>

a. <u>May review with classroom students at the start of every</u> semester discipline policy and school rules and regulations regarding discipline.

b. Enforcing consistently and fairly district policy and school rules and regulations regarding discipline.

c. Providing a well-planned teaching situation by establishing lesson/course objectives with varied learning activities that allow every student the opportunity to pursue his/her studies successfully in an orderly environment conducive to learning.

d. Communicating with students and parents" regarding behavior problems and proposed solutions.

e. Reporting promptly any continuing student behavior problems to appropriate site personnel.

f. Assuming the responsibility for the supervision of students in the school facility as per teacher's schedules in order to maintain control and to ensure the safety and welfare of all concerned.

## 4. **<u>Building Administration Responsibilities:</u>**

a. Establishing school rules and regulations in conformance with district discipline policy that will ensure an education program free from disruption for all students. Suggestions from the teaching staff should be encouraged and considered.

b. Communicating to parents\*, staff and students established district policy and school rules and regulations regarding discipline.

c. Enforcing consistently and fairly district policy and school rules and regulations regarding discipline.

d. Assisting students, parents", and staff in early identification of behavior problems and in seeking solutions or remedies for causes of misconduct,

e. Following through an teacher discipline referrals,

f. Contacting police when appropriate.

## 5. <u>Central Administration Responsibilities:</u>

a. Establishing procedures to carry out Board of Education policy.

b. Ensuring that due process is adhered to in all cases of disciplinary action.

c. Maintaining and facilitating the educational process.

d. Supporting all school personnel performing their duties within the framework of the district policy.

# 6. Board of Education Responsibilities:

a. Holding its employees responsible for:

1) the proper conduct and control of students while legally under the supervision and jurisdiction of the school, and

2) maintenance of order within the school

b. Supporting all personnel acting within the framework of district policy.

# 7. <u>Community Responsibilities:</u>

a. Acknowledging the right of the Board of Education, its administration, and school site: personnel to carry out district discipline policy and school rules and regulations established in the interest of maintaining the best educational environment in all classrooms and an all campuses of the City schools.

b. Cooperating with the Board of Education, its administration, and school site personnel in providing alternative educational programs and appropriate remedial services or programs to reduce or eliminate student misconduct.

# C. Notification of Rights and Responsibilities

A system-wide handbook containing the Board's policy and regulations on student behavior and disciplinary proceedings shall be distributed to all students. The principal of each school shall take steps to insure that all rules pertaining to the discipline of pupils are communicated to continuing students at the beginning of each school year, and to transfer students at the time of their enrollment in the school.

# D. Equal Educational Opportunity

<u>No student shall be subject to</u> discrimination on any basis prohibited by law, including race, sex, color, national origin or disability as to any disciplinary proceedings.

# E. Complying with the Law

The Board of Education will comply with all state and Federal Laws considering student behavior.

\* As used, the term parent shall be interpreted to include the student's parent, legal guardian, or other adult acting as a parent to the student.

**Policy Adopted:** September 10, 1953

# Amended:

May 24, 1963 October 23, 1973 August 19, 1975 October 2, 1990 June 27, 2000

## I. STUDENT BEHAVIOR

The Stamford Board of Education extends rights and privileges to students in the public schools It also requires the acceptance of responsibilities on the part of the students. The maintenance of an orderly atmosphere in the school demands respect for, acceptance of, and obedience to rules and standards of behavior.

The Board of Education recognizes the need to publish the rights, responsibilities and regulations affecting the total school community. Student discipline policies and procedures shall be distributed to students and parents at the beginning of each school year. Policies and regulations shall be publicized within each school and explained in assembly programs at the start of each school year.

#### **II. DEFINITIONS**

A. "Exclusion" shall be defined as any denial of public school privileges to a pupil for disciplinary purposes.

B. "**Removal**" shall be defined as an exclusion from a classroom for all or part of a single class period, provided such exclusion shall not extend beyond ninety (90) minutes.

C. "In-school suspension" shall be defined as an exclusion from regular classroom activity for no more than five (5) consecutive days, but not exclusion from school, provided such exclusion shall not extend beyond the end of the school year in which such in-school suspension was imposed, and provided further that no pupil will be placed in in-school suspension more than fifteen (15) times or a total of fifty (50) days in one year, whichever results in fewer days of exclusion.

D. "Suspension" shall be defined as an exclusion from school privileges or from transportation services only for no more than ten (10) consecutive school days, provided such exclusion shall not extend beyond the end of the school year in which such suspension was imposed and provided further that no pupil shall be suspended more than ten (10) times or a total of fifty (50) days in one school year whichever results in fewer days of exclusion, unless such pupil is granted a formal hearing as provided below. Reassignment of a pupil to a regular classroom in a different school in the school district shall not constitute a suspension.

E. "**Expulsion**" shall be defined as an exclusion from school privileges for more than ten (10) consecutive school days, and shall be deemed to include, but not be limited to , exclusion from the school to which such pupil was assigned at the time such disciplinary action was taken, provided such exclusion shall not extend beyond a period of one calendar year. Notwithstanding the foregoing, reassignment of a pupil to a regular classroom in a different

school in the school district shall not constitute an expulsion. Such period of exclusion may extend to the school year following the school year in which such exclusion was imposed.

F. **"Emergency"** shall be defined as a situation under which the continued presence of the pupil in school poses such a danger to persons or property or such a disruption of the educational process that a hearing may be delayed until a time as soon after the exclusion of the pupil as possible.

G. "Days" shall mean days when school is in session for pupils.

# **III. ACTIONS LEADING TO DISCIPLINARY ACTION, INCLUDING SUSPENSION ANDIOR EXPULSION**

Students are subject to disciplinary action, by school authorities if they engage in conduct on school grounds, on school transportation, or at any school-sponsored activity, that endangers persons or property, is seriously disruptive of the educational process or is violative of a publicized policy of the Board of Education. Students may be suspended or expelled for conduct off school grounds if such conduct is seriously disruptive of the educational process and is violative of a publicized policy of the Board, "Seriously disruptive of the educational process" for purposes of assessing off-campus conduct means any conduct that markedly interrupts or severely impedes the day-to-day operation of a school. In making a determination as to whether conduct is seriously disruptive of the education may consider (but such consideration shall not be limited to) the following factors: (1) whether the incident occurred within close proximity of a school, (2) whether other students from the school were involved or whether there was any gang involvement, (3) whether the conduct involved violence, threats of violence, or the unlawful use of a weapon, as defined in Conn. Gen. Stat. Section 29-28, and whether any injuries occurred, and (4) whether the conduct involved the use of alcohol.

The offenses listed under Subsections A, B, C and D are illustrative of such actions, but are not exhaustive, and students remain subject to discipline for any such conduct as outlined above.

## A. Infractions

A student charged with any of the following infractions on school property, school transportation, or at any school-sponsored activity shall be subject to disciplinary action.

- 1. Refusal to obey a member of the school staff or disruptive classroom behavior;
- 2. Actions with a potential for injury to others;
- 3. Fighting between or among students;
- 4. Destruction of school property;
- 5. Tardiness to school or to classes;

6. Class cutting;

7. Smoking in unauthorized areas;

8. Cheating or plagiarism;

9. Refusing to identify self or to give correct identification;

10. Wearing attire which endangers the safety or health of the student or others, is destructive to school property, fails to comply with the health code of the State of Connecticut, is not clean, modest and appropriate to the school situation, is contrary to law, or that creates a substantial or material disruption of the school's operation or is likely to incite a breach of peace; or,

11. Littering on school property.

Restrictions on freedom of dress and adornment encompassed by this section may not reflect discrimination as to civil rights, nor enforce particular codes of morality or religious tenets.

# **B. School-related Offenses**

A student charged with any of the following school-related offenses shall be subject to disciplinary action.

- 1. Excessive absenteeism;
- 2. Truancy; or
- 3. Loss of school-loaned property (i.e. books, materials, equipment, uniforms, etc.).

## C. Breaches of Conduct

A student charged with any of the following breaches of conduct on or off school property, on school transportation, or at any school-sponsored activity shall be considered for removal from class, in-school suspension, suspension, or expulsion, in addition to any other appropriate disciplinary actions:

- 1. Deliberate refusal to obey a member of the school staff;
- 2. Willful destruction of school property or personal property of others;
- 3. Threatening, intimidating, or blackmailing school staff or other children;
- 4. Use of obscene or profane language or gestures with a member of the school staff,
- 5. Unauthorized leaving of classroom, building, or school grounds;

6. Accumulation of minor offenses such as school and class tardiness, class or study hall cutting, failure to attend detention or truancy;

7. Bomb threats;

8. Possession or use of fireworks or other explosive materials in school, or ignition of any flammable material in school;

9. Forgery;

10. Gambling;

11. Pulling or attempting to pull a false fire alarm;

12. Theft of school property or personal property of others;

13. Any other violations of school rules or regulations which make the presence of the student in school seriously disruptive of the educational process;

14. Disruptive behavior in the classroom;

15. Violation of any local, state or federal laws; or

16. Unauthorized possession and/or use of paging devices, beepers, cellular telephones, walkie-talkies or other similar electronic communication devices without the written permission of the principal or his/her designee.

## **D. Serious Breaches of Conduct**

A student charged with any of the following serious breaches of conduct on or off school property, on school transportation or at any school-sponsored activity, shall be dealt with firmly, and strong consideration given to suspension and expulsion from the Stamford Public Schools, in addition to any other appropriate disciplinary actions.

A student may be recommended for expulsion when a school administrator has cause to believe the student has engaged in conduct on school grounds or at a school sponsored activity which endangers persons or property, is seriously disruptive of the educational process or is violative of a publicized Board policy or conduct off school grounds which is seriously disruptive of the educational process and violative of a publicized policy of the Board.

1. Assault of student or any member of the school staff;

2. Possessing, transmitting or distributing any deadly weapon, dangerous instrument, martial arts weapon or firearm, whether or not capable of firing a shot, firearm facsimile, compressed. air gun, billy, blackjack, bludgeon or metal knuckles, explosive, chains, razor blade or other dangerous objects;

3. Possessing a firearm as defined in 18 U.S.C. 921, in violation of Conn. Gen. Stat.§ 29-35, or possessing and using a firearm as defined. in 18 U.S.C. 921, a deadly weapon, a dangerous instrument or a martial arts weapon in the commission of a crime;

4. Unauthorized, possession, selling or consumption of dangerous drugs, narcotics, or alcoholic beverages. Dangerous drugs or narcotics shall mean any illegal or controlled, substance including but not limited. to amphetamine- type, barbiturate type, cannabis-type, cocaine-type, hallucinogenic, morphine-type, and other stimulant and depressant drugs and intoxicant of any kind, and, in addition, those substances known as Methaqualone. Unauthorized, possession or use of such substance shall mean use or possession without a valid prescription;

5. Possession of paraphernalia used or designed, to be used, in the consumption, sale or distribution of dangerous drugs or narcotics, as defined, in paragraph 4 above.

- 6. Extortion;
- 7. Arson;
- 8. Inciting to riot;

9. Any behavior, verbal, physical, and/or written, that harasses, threatens, intimidates or demeans certain individuals or groups on the basis of race, ethnicity, religion, sex, sexual orientation, creed, national origin, or handicap that creates a substantial and material disruption of the school's operation or is likely to incite a breach of peace; or

10. Violation of any Federal or State law which would indicate that the violator presents a danger to any person in the school community or school property.

## **E. Mandatory Expulsions**

The Superintendent shall recommend expulsion for one full calendar year when he/she reasonably believes that a student:

1. was in possession on school grounds or at a school-sponsored activity of a deadly weapon, dangerous instrument, martial arts weapon, or firearm as defined in 18 U.S.C. 921 as amended from time to time; or

2. off school grounds, possessed a firearm as defined in 18 U.S.C. 921, in violation of Conn. Gen. Stat. § 29-35 or did possess and use such a firearm, deadly weapon, dangerous instrument or a martial arts weapon in the commission of a crime; or

3. was engaged on or off school grounds in offering for sale or distribution a controlled substance (as defined in Conn. Gen. Stat. § 21a-240(9» whose manufacture, distribution, sale, prescription, dispensing, transporting or possessing with intent to sell

or dispense, offering or administering is subject to criminal penalties under Conn. Gen. Stat. §§ la-277 and 21a-278.

4. As used in this paragraph, a **"firearm"** as defined in 18 U.S.C. 9211 means (1) any weapon that will, is designed to , or may be readily converted to expel a projectile by the action of an explosive, (2) the frame or receiver of any such weapon, (3) a muffler or silencer, or (4) any destructive device (any explosive, incendiary, poisonous gas, bomb, rocket, missile , mine, grenade or similar device, or any weapon (other than a shotgun or shotgun shell particularly suited for sporting purposes) that will or may be converted to expel a projectile by explosive or other propellant having a barrel with a bore of more than 'h. in diameter).

"**Deadly weapon**" means any weapon, whether loaded or unloaded, from which a shot may be discharged, or a switchblade knife, gravity knife, billy, blackjack, bludgeon or metal knuckles.

**"Dangerous instrument"** means any instrument, article or substance, which, under the circumstances in which it is used or attempted or threatened to be used, is capable of causing death or serious physical injury and includes a "vehicle". "Martial arts weapon" means a nunchaku, kama, kasari-fundo, octagon sai, tonfa or chinese star.

5. In keeping with Conn. Gen. Stat. § 10-233d and the Federal Gun Free Schools Act, it shall be the policy of the Board to expel a student for one full calendar year for bringing a "firearm as defined in 18 U.S.C. 921" to school, as that term is defined above.

The Board may modify the period of expulsion on a case by case basis.

#### F. Police Referrals

Any student charged with a school-related offense or breach of conduct that is serious or criminal in nature may be referred to the state or local police department. If a student physically assaults a teacher or other school employee on school property or in the performance of school duties, and such teacher or employee files a written report with the school principal based upon the assault, the school building principal shall report such physical assault to the local police authority. In cases where a student has brought a weapon, firearm or deadly weapon to school in violation of the Board's mandatory expulsion policies, the student shall be referred to the local police. If the Board of Education expels a student for possession of a deadly weapon or firearm, as defined in Conn. Gen. Stat. § 53a-3, the violation shall be reported to the local police.

If the Board of Education expels a student for sale or distribution of a controlled substance, the Board shall refer such student to an appropriate state or local agency for rehabilitation, intervention or job training and inform the agency of its action.
#### **G. Examples of Corrective Measures**

- 1. Counseling
- 2 Conferences
  - a. student -teacher(s)
  - b. parent-teacher(s)
  - c. student-parent-teacher(s)
  - d. administration with a, b, or c
  - e. administration student and/or parent
- 3. Behavior Contract
- 4. Daily conduct reports to parents
- 5. Adjustment of school program
  - a. alternate learning class
  - b. shortened school day
  - c. alternate school
  - d. schedule changes
  - e. work-study program
- 6. Services of support personnel
  - a. home visits
  - b. peer interaction group sessions
- 7. Referral to Planning and Placement Team
- 8. Referral to Court. e.g.
  - a. Family with services needs
  - b. Educational neglect

## **H. Examples of Punitive Measures**

## 1. Detention

- 2. Denial of privileges
- 3. Denial of school-provided transportation
- 4. Removal from Class
- 5. In-school suspension
- 6. Suspension
- 7. Expulsion
- 8. Restitution

9. Lowering of academic grades for academic misbehavior, e.g. cheating and talking during exams and plagiarism

## I. Unacceptable Measures

The following corrective or punitive measures shall not be used in the Stamford Public Schools.

1. The lowering of academic grades or credit for punitive reasons related to nonacademic misbehavior rather than to the quality of work performed by the student.

- 2. Corporal Punishment
  - a. Paddling;
  - b. Spanking; or
  - c. Inflicting physical discomfort.
- 3. Verbal Abuse

NOTE: The Board of Education recognizes the right of staff members to use reasonable force to the degree necessary in order to (1) protect him/herself or others from immediate physical injury; (2) to obtain possession of a dangerous instrument or controlled substance, (3) to protect property from physical damage, or (4) to restrain a minor student or to remove a minor student to another area to maintain order.

## **IV. DISCIPLINARY ACTIONS**

The Board of Education requires that the resolution of disciplinary problems proceed with careful observance of all legal requirements and that due process be afforded in all circumstances. When

disciplinary action is necessary, any party involved who does not speak or comprehend English shall be provided with an interpreter.

When disciplinary action of a special education student is necessary, school system Personnel will comply with the regulations, statutes, and case law concerning special education, as well as the procedures set forth in Section II (H).

## A. PROCEDURES: Disciplinary Actions - Generally

1. Teachers should seek parental involvement and cooperation in the correction of inappropriate behaviors. This may be arranged through telephone contact and/ or informal conferences.

2. Teachers may use a variety of corrective measures in dealing with inappropriate student behaviors (see Section I (G». In cases requiring use of special services, changes of a school program or schedule, or a referral to court, teachers should seek administrative involvement.

3. Teachers may use a variety of punitive measures in dealing with inappropriate student behaviors (see Section I(H», up to removal from the classroom, as outlined in Section II(B) below. In cases requiring more serious discipline than removal, teachers should seek administrative involvement. Teachers should also seek administrative involvement and cooperation in the correction of persistent, inappropriate behavior.

4. Administrative involvement should be done through a discipline referral. A discipline referral seeking administrative intervention should be in writing and include:

- a. the name of the student;
- b. the date and time of the offense if a single incident is involved;
- c. the name of the teacher; and
- d. the nature of the offense(s).

5. The administrator receiving the discipline referral may use a variety of corrective and/or punitive measures (see Section I (G) and (H». An administrator has the authority to impose an in-school suspension, a suspension. or to institute program or schedule changes, in accordance with procedures established by the Board.

6. The administrator receiving the discipline referral should make a written record, noting the disposition of the case and send a copy of such record to the affected teacher(s).

## **B. PROCEDURES: Removal**

1. Removal of a pupil by a teacher is authorized when such pupil deliberately causes a disruption of the educational process within the classroom.

2. When a teacher removes a pupil from class, the teacher shall make a verbal explanation to the student and refer him/her to a designated area and shall immediately inform the building principal, or his designee in writing of:

a. the name of me pupil against whom the removal action was taken, and

b. the reason for the action.

3. A pupil removed from class is to be given the opportunity to complete class work.

4. If a pupil is removed from class more than six times in any school year or more than two (2) times in one week, then for each such additional removal the pupil shall be referred to the building principal or his/her designee, granted an informal hearing and afforded the following rights:

a. the pupil shall be informed of the reason for the removal

b. the pupil shall be given an opportunity to explain the situation.

Appropriate corrective or punitive action should be taken to change the misbehavior.

5. Parents should be informed by an administrator when it is necessary to take measures under this Section.

## C. PROCEDURES: In-School Suspension

1. School administrators may impose an in-school suspension only in cases where a pupil's conduct endangers persons or property, seriously disrupts the educational process, violates a publicized policy of the Board of Education, or in other appropriate circumstances as determined by the school administrator or designee.

2. The in-school suspension may not:

a. exceed five (5) consecutive school days;

b. extend beyond the school year; or

c. be imposed more than fifteen (15) times or more than a total of fifty (50) days in one school year, whichever is less.

3. In-school suspension may not be imposed on a student without an informal hearing by the building principal or his/her designee at which time the student shall be informed

of the reasons for the disciplinary action and be given an opportunity to explain the situation.

#### **D. PROCEDURES: Suspension**

1. The principal of a school, or his/her designee on the administrative staff of the school, shall have the right to invoke suspension for a period of up to ten (10) days or to invoke in-school suspension for a period of up to five (5) days, of any pupil where he/she has cause to believe that the student engaged in conduct on school grounds or at a school-sponsored activity that endangers persons or property, is seriously disruptive of the educational process, or that violates a publicized policy of the Board, or conduct off school grounds which is seriously disruptive of the educational process-and violates a publicized policy of the Board.

2. Except in an emergency situation, prior to making a decision to suspend, the principal or his/her designee shall conduct an informal hearing with the student at which the principal or his/her designee shall:

a. give oral notice of the charge(s) to the pupil;

b. give an oral explanation of the evidence to the pupil if the pupil denies the charges; and

c. give the pupil an opportunity to explain the situation.

If there is an emergency, the principal or his/her designee may suspend a pupil immediately. In such a case the informal hearing required for a suspension should be conducted as soon after the suspension as possible. An emergency is a situation under which the continued presence of the pupil in school poses such a danger to persons or property or such disruption of the educational process that the student should be excluded pending the holding of a hearing.

3. If a student is suspended, the following steps should be taken:

a. by telephone, the principal or his/her designee shall attempt immediately to notify the parent or guardian of the student about the suspension and state the cause leading to the suspension;

b. whether or not telephone contact is made with the parent, the principal or his/her designee, shall forward a letter to such parent or guardian within one school day of the suspension, and offer the parent or guardian an opportunity for a conference;

c. at such conference, the student, his/her parent(s) or guardian(s) and/or their representative shall be informed specifically of the charges and the suspension period imposed;

d. within twenty-four (24) hours of the suspension of the pupil, the principal or his/her designee taking such action shall notify the Superintendent or his/her designee of the followli1g: (1) the name of the pupil; and (2) the reason for the action;

e. if the student was suspended for a serious breach of conduct, or conduct for which expulsion is mandatory, the Superintendent shall promptly schedule an expulsion hearing before the Board of Education, preferably to take place before the end of the period of suspension;

f. if a student is emancipated, any notice required by this policy shall be given to the student and the building principal involved. No notice is required to be given to his/her parent(s) or guardian(s);

g. textbooks and homework are to be provided each pupil. Any pupil excluded by suspension shall be given an opportunity to complete any classwork, including but not limited to examinations, which such pupil missed during the period of suspension;

h. at the first regular monthly Board of Education meeting, the Superintendent of Schools shall report any cases of pupil suspension during the previous month to the Board of Education.

4. Notwithstanding the provisions enumerated above, no pupil shall be suspended more than ten (10) times or a total of fifty (50) days, during one school year, whichever is less, without a formal hearing before the Board of Education.

5. Notice of the student's suspension and the conduct for which the pupil was suspended shall be included on the pupil's cumulative educational record. Such notice shall be expunged from the cumulative educational record if the pupil graduates from high school.

6. The decision of the principal or designee with regard to disciplinary actions up to and including suspensions shall be final.

#### **E. PROCEDURES: Return from Suspension**

1. A student shall return to school when the suspension period has elapsed.

2. A parent or guardian shall accompany the student to school upon his/her return from suspension.

3. If a student placed on a school-level suspension fails to return to school at the termination of the suspension, the following procedure is to be followed:

a. when a student does not return from a suspension on the appropriate day,

a telephone call is to be made that day to the student's home;

b. when the parent/guardian cannot be reached by telephone, or if said telephone call does not result in the return of the student to school, the attendance assistant is to be sent to the student's home;

c. if the attendance assistant is unable to arrange for the student's return to school, a certified letter, return receipt requested, is to be sent to the parent notifying him/her to come to the school; and

d. if the preceding steps are not successful in returning a student to school, a referral is to be made to central office administration.

#### F. PROCEDURES: Expulsion

1. The Board of Education has the right to expel any pupil where the Board of Education has cause to believe that the student engaged in conduct on school grounds or at a school-sponsored activity which endangers persons or property, is seriously disruptive of the educational process, or violates a publicized policy of the Board of Education, or conduct off school grounds which is seriously

Disruptive of the educational process and violates a publicized policy of the Board.

2. A principal may request expulsion of a pupil in a case where the principal feels suspension is not sufficient and where the principal has cause to believe that the student engaged in conduct on school grounds or a school-sponsored activity that endangers persons or property, is seriously disruptive of the educational process, or is violative of a publicized Board policy, or conduct off school grounds which is seriously disruptive of the educational process and violates a publicized policy of the Board.

3. A principal or school administrator must recommend expulsion proceedings in all cases against any student whom the administration reasonably believes:

a. was in possession on school grounds or at a school sponsored activity of a firearm as defined in 18 U.S.C. 921 as amended from time to time, deadly weapon, dangerous instrument or martial arts weapon.

b. off school grounds, was in possession of such a firearm in violation of Conn. Gen. Stat. § 29-35 or did possess and use such a firearm, deadly weapon, dangerous instrument or martial arts weapon in the commission of a crime; or

c. was engaged on or off school grounds in offering for sale or distribution a controlled substances (as defined in Conn. Gen. Stat § 2Ia-240(9) whose manufacture, distribution, sale, prescription, dispensing, transporting or possessing with intent to sell or dispense, offering or administering is subject to criminal penalties under Conn. Gen. Stat. §§ 21a-277 and 2Ia-278.

#### 4. As used in this section, a firearm as defined in 18 U.S.C. 911 means (a) any

weapon that will, is designed to, or may be readily converted to expel a projectile by the action of an explosive, (b) the frame or receiver of any such weapon, (c) a muffler or silencer, or (d) any destructive device (any explosive, incendiary, poisonous gas, bomb, rocket, missile, mine, grenade or similar device, or any weapon (other than a short gun or shotgun shell particularly suited for sporting purposes) that will or may be converted to expel that will or may be converted to expel a projectile by explosive Or other propellant having a barrel with a bore of other propellant having a barrel with a bore of other propellant having a barrel with a bore of more than - 3/4" in diameter). A "firearm" means any sawed-off shotgun, machine gun, rifle, shotgun, pistol, revolver or other weapon, whether loaded or unloaded, from which a shot may be discharged , or a switchblade knife, gravity knife, billy, blackjack, bludgeon or metal knuckles.

"Dangerous instrument" means any instrument, article or substance, which, under the circumstances in which it is used or attempted or threatened to be used, is capable of causing death or serious physical injury and includes a "vehicle." "Martial arts weapon" means a nunchaku, kama, kasari-fundo, Octagon sai, tonfa, or Chinese star.

5. Prior to excluding a pupil by expulsion, the following steps should be taken:

a. requests for expulsion are to be directed by the principal to the Board of Education through the Office of-the Superintendent of Schools;

b. upon receipt of an expulsion request, the Superintendent or his/her designee shall conduct an inquiry within ten (10) school days of the request; the Superintendent or his or her designee may schedule an informal conference with the student and parent(s) to review the potential recommendation for expulsion, the hearing procedures, or to seek possible agreement or resolution of the situation;

c. after the inquiry, if the Superintendent, or his/her designee decides that an expulsion hearing is required, he/she shall forward such request to the Board of Education within two (2) school days, except that the Superintendent must request an expulsion hearing if he/she reasonably believes that the student's conduct violated the Board's mandatory expulsion provisions:

d. when expulsion is recommended for students who have been identified as having one or more disabilities under the Individuals with Disabilities Education Act (the IDEA) or Section 504 of the Rehabilitation Act, the procedures outlined in paragraph (H) below shall be followed prior to expulsion proceedings under this section .

6. If the Superintendent recommends an expulsion hearing, the following must occur

a. Except in an emergency situation, the Board of Education shall conduct a hearing within a reasonable time from the notice given to the Board. Whenever an emergency exists, the hearing shall be held as soon as possible after the expulsion. The hearing shall include at least three (3) Board members and an expulsion shall require three (3) affirmative votes to expel a student, provided that the Board may delegate the authority to conduct an expulsion hearing to a hearing officer in accordance with Conn. Gen. Stat. § IO-233d(b). The date for such a hearing may be extended by agreement of the parties or an unavoidable emergency;

b. The pupil (and his/her parent(s) or guardian(s) if the pupil is a minor) must be given reasonable prior notice of the date of the hearing;

c. The notice shall contain:

(1) the date, time and place of the scheduled hearing;

(2) the basis for the proposed expulsion including a description of the events leading to the expulsion, and the potential penalty;

(3) a statement of the pupil's rights as enumerated in this Section;

(4) a statement that the hearing is held pursuant to Section 1O-233d of the Connecticut General Statutes and Stamford Board of Education Policy; and

(5) a statement that the pupil is entitled to be represented by a lawyer or other advocate of his/her choice.

d. At the hearing the pupil shall have the right to testify and produce witnesses and other evidence in his/her defense. The pupil shall have the right to demand that any witnesses against him/her appear in person to answer his/her questions; except that the Board may refuse to allow a witness against the pupil to appear when the Board believes that fear on the part of the witness would prevent the giving of accurate testimony. In such cases, a verbatim statement of the witness' testimony must be given to the pupil; a witness' unsubstantiated desire to remain anonymous is not such an exception as to justify dispensing with the pupil's right to confrontation. At the hearing, irrelevant, immaterial or unduly repetitious material shall be excluded;

e. A pupil is entitled to the services of a translator, to be provided by the Board of Education, whenever the student or his/her parent(s) or guardian(s) do not speak or comprehend the English language;

f. The student may be represented by a third party of his choice, including an attorney at his/her expense or at the expense of his/her parents.

g. The Board shall keep a record of the hearing, and the pupil shall be entitled to a copy of that record at his/her own expense;

h. The Board shall report its final decision to the pupil, parent(s) or guardian(s) of a minor pupil, stating the reasons on which the decision is based within twenty-four (24) hours after the decision is rendered. Said decision shall be based solely on evidence derived at the hearing.

7. When a student enrolls in the Stamford Public Schools during the period of expulsion from another school district, the Board may adopt the decision of the pupil's expulsion hearing conducted by such other school district. The Board shall make its determination based upon a hearing held by the Board, which shall be limited to a determination of whether the conduct that was the basis of the expulsion would also warrant expulsion by the Board.

8. Whenever the Board of Education expels a student, it shall offer any such student, under sixteen years of age, an alternative educational opportunity. The Board of Education will offer an alternative education opportunity to a sixteen to eighteen year old student expelled for the first time if he/she requests it and if he/she agrees to the conditions set by the Board of Education, except as follows:

The Board of Education is not required to offer an alternative program to any pupil between the ages of sixteen and eighteen who is expelled if it is determined at the hearing that (1) the student possessed a firearm as defined in 18 U.S.C. 921 as amended from time to time or, deadly weapon, dangerous instrument, as defined in Conn. Gen. Stat. § 53a-3 or martial arts weapon on school property or at a school sponsored activity; or (2) the student offered for sale or distribution on school property or at a school-sponsored activity a controlled substance, as defined in Conn. Gen. Stat. § 21a-240(9).

9. If the Board of Education expels a student for sale or distribution of a controlled substance, the Board shall refer such student to an appropriate state or local agency for rehabilitation, intervention or job training and inform the agency of its action.

10. Notice of the expulsion and the conduct for which the pupil was expelled shall be included on the pupil's cumulative educational record. Such notice, except for notice of an expulsion based upon possession of a firearm or deadly weapon, shall be expunged from the cumulative educational record if the pupil graduates from high school.

11. Whenever a pupil against whom an expulsion hearing is pending withdraws from school after notification of such hearing but before the hearing is completed and a decision rendered, (1) notice of the pending expulsion hearing shall be included on the pupil's cumulative educational record and (2) the Board shall complete the expulsion hearing and render a decision.

#### G. PROCEDURES: Return from Expulsion

1. Return to the Stamford Public School System prior to the completion of the expulsion period is only by appeal as follows:

a. written application to the central office administrator may be made at the halfway point in the period of expulsion;

b. an investigation by the central office administrator, followed by a written recommendation to the Superintendent;

c. recommendation to the Board of Education by the Superintendent that the student be allowed to return to the Stamford Public Schools;

d. approval by the Board of Education of the Superintendent's recommendation.

2. When a student is readmitted to the Stamford Public School System in advance of completing his expulsion period, the Board retains the right to make specific conditions for his/her return, i.e., on a trial basis, assignment to a particular school, assignment to an alternate program.

#### H. PROCEDURES: Discipline of Students with Disabilities

1. Removal, suspension and expulsion of students with disabilities must comply with the relevant statutes and case law concerning special education.

2. All students who have been identified as having one or more disabilities under the IDEA and/or Section 504 of the Rehabilitation Act (a "student with disabilities") are to be clearly identified at the schools where they are in attendance.

3. The file on suspensions, which is kept by the principal, must clearly identify those cases involving the suspension of a student with disabilities.

4. If a student with disabilities is the subject of disciplinary action, the Special Education office should be notified immediately. The student may be removed from the situation, but unless it is an emergency no additional actions should be taken until a special education representative has had a reasonable opportunity to be involved in the decision-making, at least by telephone discussion.

5. In circumstances where a student with disabilities engages in conduct that could lead to a recommendation for expulsion, the following procedures shall apply:

a. The district shall promptly convene a planning and placement team (PPT) meeting to determine whether the misconduct is causally related to the student's disability. A student may be suspended for up to ten (10) days pending the PPT determination.

b. If the PPT finds that the misconduct is not causally related to the disability, the Superintendent may proceed with a recommendation for expulsion. During any period of expulsion, a student with disabilities under the IDEA shall receive an alternative educational plan in accordance with the IEP as modified by the PPT in light of such expulsion.

c. If the PPT finds that the misconduct is causally related to the disability. the Superintendent shall not proceed with the recommendation for expulsion. The PPT shall consider the student's misconduct and revise the IEP to prevent a recurrence of such misconduct and to provide for the safety of the other students and staff in the school.

d. Should a parent of a student with disabilities who is eligible for services under the IDEA (or the student himself/herself if eighteen years of age or older) file a request for a due process hearing under Conn. Gen. Stat. § 10-7 6h to contest an expulsion under subparagraph (b) above or a proposed change in placement under subparagraph (c). the child shall stay in his/her then-current placement pending decision in said due process hearing and any subsequent judicial review proceedings. This "stay put" requirement shall not apply when modified by a court order.

e. Notwithstanding the provisions of the preceding subparagraph Cd). A student with disabilities may be assigned to an interim alternative educational setting for not more than forty-five (45) school days if the student's conduct involved sale or distribution of drugs or possession of a weapon (as defined by federal law referenced in the IDEA). The interim alternative placement shall be determined by the PPT. If a due process hearing is requested, the student shall remain in said interim alternative placement pending a decision in the due process hearing, unless the Board and the parents otherwise agree, or a court orders otherwise.

6. Referrals of students with disabilities to the Central Office Administration for consideration of suspension or expulsion shall also result in timely notification of same to the District Department Head for Special Education.

a. The setting of any related meetings, conferences, hearings, shall include a representative from the Special Education office.

b. The assignment of a special education representative who is familiar with and knowledgeable about the disabled pupil of concern, to participate directly in any of said meetings, conferences,, and/or hearings shall be completed by the Special Education office.

c. All considerations or procedures described herein shall have as their focal point the Individualized Educational Plan of the disabled pupil of concern.

Therefore, any contemplated program changes shall be consistent with this plan as well as any related procedural safeguards.

## I. Dissemination of Policy

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

## **Policy Adopted:**

May 24, 1983

## Amended:

October 2, 1990 September 12, 1995 May 14, 1996 October 8, 1996 June 27, 2000

## Vandalism - Liability

#### By a Minor

The parent or guardian of any minor un-emancipated child who willfully or maliciously defaces or otherwise damages any property, real or personal, belonging to the Stamford Public Schools shall be held liable for all such damages up to the maximum amount allowed under state law.

A minor who damages property of the Stamford Public Schools shall also be held liable for such damage.

The parent or guardian of a minor child shall also be held liable for all library books, textbooks and other property belonging to the Stamford Public Schools lent to the student and not returned upon demand of the district. Should a student lose, damage or fail to return textbooks, library materials or other educational materials, the school may withhold grades, transcripts and reports cards until the student pays for or returns the textbook, library book or other educational material. The student may also be subject to disciplinary action for failing to return or for damaging such items.

#### By An Adult or Emancipated Child

An adult or emancipated student shall be held personally liable for any damage he or she does to any property, real or personal, belonging to the Stamford Public Schools. The student may also be subject to disciplinary action.

**Policy Adopted:** November 12, 1985

**Amended:** June 27, 2000

**5131.6** (4012)

## **Students**

## <u>Substance Abuse</u> <u>By a Minor</u>

The Stamford Public Schools recognize that students should be drug-free and alcohol-free so that the most positive learning experiences may take place. This policy is an integral part of the Stamford Public Schools' Drug, Alcohol and Tobacco Prevention Program, and represents one component of a district-wide effort to respond to problems caused by the unauthorized use of controlled drugs or alcohol abuse.

Any Stamford Public Schools student is in violation of this policy if on a school bus, during a school session, on school grounds, or at a school sponsored activity, the student is under the influence of a controlled drug (except for current prescribed medication(s)) or alcohol. Additionally, a student is in violation of this policy if he/she possesses, uses, manufactures, dispenses, distributes, sells or aids in the procurement of controlled drugs, drug paraphernalia, or alcohol. Such student shall be subject to discipline up to and including expulsion, referral for prosecution, and intervention pursuant to the provisions and procedures outlined in the Administrative Regulations. Copies of these standards of conduct and sanctions shall be provided to all students, parents, and employees.

Drug and alcohol awareness, education and prevention programs for students shall be adopted and maintained, and shall teach that the use of controlled drugs (except for current prescribed medication(s)) and the unlawful use and possession of alcohol are wrong and harmful. The student programs shall address the legal, social, and health consequences of drug and alcohol use, and provide information about effective techniques for resisting peer pressure to use controlled drugs or alcohol. The programs will also explain the penalties that may be imposed on students for drug and alcohol-abuse violations occurring on or off school grounds.

Counseling and rehabilitation on programs, as described in the Administrative Regulations, shall be provided to students.

The Board will review its program biennially to determine its effectiveness, to implement changes when needed, and to ensure that the sanctions set forth in the Administrative Regulations are consistently enforced.

#### **Policy Adopted:** November 12, 198

November 12, 1985

## Amended:

October 23, 1990 August 17, 1993 June 27, 2000

#### Substance Abuse

## I. Drugs, Alcohol and Tobacco Prevention Program

As an integral part of the Stamford Public Schools' Drug, Alcohol, and Tobacco Prevention Program, these regulation:; represent one component of a district-wide effort to respond to controlled drug and alcohol related problems that may occur on a school bus, during a school session, on school grounds, or at a school-sponsored activity. These procedures are intended to provide a consistent disciplinary response to controlled-drug and alcohol-related problems. The Stamford Public School seek to provide a safe and healthful environment for students, with due consideration for their legal rights and responsibilities.

#### **Counseling and Rehabilitation Programs**

Students and employees have available the following counseling and rehabilitation programs:

School Based Counseling Services Child Guidance Center of Southwestern Connecticut Liberation Programs Meridian Center Teen Crisis Service The Alcohol and Drug Abuse Council. Inc. Youth Options

#### **II. Disciplinary Action Regarding Students**

#### A. Definitions:

1. **Controlled Drugs:** Controlled drugs are those drugs which contain any quantity of a substance which has been designated as subject to federal narcotic laws, or which have been designated as a depressant or stimulant drug pursuant to federal drug laws, or which have been designated by the public health council and commissioner of consumer protection, pursuant to section 21a-243 of the

Connecticut General Statutes, as having a stimulative, depressive, or hallucinogenic effect upon the higher function of the central nervous system and having a tendency to promote abuse and/or psychological dependence (C.G.S. Sec. 21a-240 (8)).

2. **Professional Communication:** Any communication made privately and in confidence by a student to a professional employee of the student's school (C. G.S. Sec. 10-154a(a)(4)).

- 3. Professional Employee: 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. Sec.10-154a(a)(2)).

4. **Drug Paraphernalia:** Any object or device used, intended for use, or designed for use in ingesting, inhaling, injecting, or otherwise introducing controlled or restricted substances into the human body (e .g., bongs, pipes, roach clips, miniature cocaine spoons, crack vials, tobacco rolling papers), or any object or container used, intended for use, or designed for use in storing, concealing; or distributing controlled drugs.

## **B.** Procedures:

Any student who, on a school bus, on school grounds, during a school session, or at a schoolsponsored activity is under the influence of or possesses, uses, manufactures, dispenses, distributes, sells, or aids in the procurement of a controlled drug, drug paraphernalia, or alcohol, shall be subject to discipline pursuant to the procedures outlined below.

#### 1. Prescribed Medications:

The parent(s)/guardian(s) of any student who is required to take prescribed medication during the school day 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 under the supervision of the school nurse or the designee.

Students taking improper amounts of a prescribed medication or taking the prescribed medication without proper notification and supervision of the school nurse or designee will be subject to the procedures for drug use outlined below.

## 2. 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 his/her possessing, using, manufacturing, dispensing, distributing, selling or aiding in the procurement of controlled drugs, drug paraphernalia or alcohol:

(a) A professional employee shall not be required 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 (C.G.S. Sec. IO-154a(b)).

(b) Any physical evidence obtained from such student indicating that a crime has been or is being committed by the student must be turned over to the building administrator or the designee and law enforcement officials within two school days after receipt of such 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. Sec. IO-154a(b)).

(c) Any professional employee who has received a professional communication from a student may obtain advice and information concerning appropriate resources and refer the student accordingly.

(d) If the student requests disclosure of the professional communication concerning his/her use, possession or sale of a controlled drug or alcohol, or if, in the discretion of the professional employee, such disclosure is necessary to protect the safety of the individual or others, the professional employee may then report the student's name and problem to the building administrator or the designee.

(e) If an emergency situation results from drug use, or if confirmation of drug use is required, the professional employee shall notify the building principal or designee, who shall then send the student to the school nurse or medical advisor.

#### 3. Involuntary Disclosure of Drug/Alcohol Problem:

Confidentiality does not apply to instances of involuntary disclosure. When a professional employee obtains information from a source other than a student's disclosure that is relative to the student's possessing, using, manufacturing, dispensing, distributing, selling or aiding in the procurement of controlled drugs, drug paraphernalia, or alcohol on a school bus, during a school session, on school grounds, or at a school-sponsored activity, the information is considered to be involuntarily disclosed.

(a) When a professional employee obtains such information he/she will immediately report the information to the building administrator or the designee.

(b) Any physical evidence (e:g., alcohol, drugs or drug paraphernalia) obtained from a student indicating that a crime has been or is being committed by a student must be turned over to the building administrator or the designee, and law enforcement officials within two school days after receipt of such evidence (C.G.S. Sec. IO-154a(b)). Because such physical evidence was not obtained through a confidential disclosure, the name of the student must be disclosed to the building administrator or the designee, and law enforcement officials.

#### 4. Search and Seizure of Students and/or Possessions:

The Fourth Amendment's prohibition of unreasonable searches and seizures applies to searches conducted by public officials. Professional employees who reasonably suspect that a student is violating a state/federal law or a school substance abuse policy should immediately report their suspicion to the building administrator or the designee.

If the administrator or the designee has reasonable suspicion that the student has violated or is violating either the law or the Board's substance abuse policy, the building administrator or the designee may then search a student's person or possessions. Such a search is permissible in its scope when the measures adopted are reasonably related to the objectives of the search and not excessively intrusive in light of the age and sex of the student and the nature of the infraction. New Jersey v. T.L.O., 469 U.S.32S (1985).

Students shall be informed that desks and lockers are school property and are subject to search.

## 5. <u>Consequences for Possessing, Being Under the Influence, Manufacturing,</u> <u>Dispensing, Distributing, Selling or Aiding in the Procurement of Controlled</u> <u>Drugs, Drug Paraphernalia, or Alcohol:</u>

Any student possessing, being under the influence, manufacturing, dispensing, distributing, selling or aiding in the procurement of controlled drugs, (except for current prescribed medication(s)), drug paraphernalia, or alcohol on a school bus, during a school session, on school grounds, or at a school –sponsored activity shall automatically be subject to the procedures outlined below . Any student who is expelled for sale or distribution of a controlled drug shall be referred to an appropriate state agency for rehabilitation, intervention, or job training. Such agency shall be notified of the referral.

## (a) First Violation

Any student found to be in violation of this policy for the first time will be referred by the building administrator or designee to an appropriate agency licensed to assess and treat any drug/alcohol abusers.

(1) In cases involving the use, possession for personal use, or being under the influence, the violator will also be subject to one of the following procedures:

(a) A structured five-day, in-school suspension, which may be waived if a student voluntarily agrees to be assessed by a licensed drug/alcohol agency and completes the program prescribed by the agency in coordination with the school's support staff. Completion of a prescribed program involves:

(i) written verification of program completion signed by the treatment agency; and

(ii) a meeting with the school's support staff, school administrator, student and parent(s)/guardian(s) to discuss the school's drug policy and after-care programs.

If the student agrees and then fails to complete the program prescribed by the agency in coordination with the school's support staff, then the structured five-day in-school suspension shall be imposed. During the five-day in-school suspension, the student will be required to complete his/her daily classwork in addition to attending a daily session of one or more of the following alternatives for assistance:

(1) in-school counseling,

(2) an alcohol or other drug-abuse group being held on school property, or

(3) a combination of (1) and (2).

(b) suspension for up to ten days

(c) referral for expulsion

(2) In cases of manufacturing, law enforcement officials will be notified. The violator will also be subject to an out-of-school ten (10) day suspension, in accordance with student due process procedures. In addition, the principal shall recommend to the Superintendent of Schools that the student be expelled unless, at the option of the Superintendent, the following procedure is followed:

(a) the student agrees to be evaluated and treated by a certified drug counselor/agency;

(b) the student provides written verification of program completion signed by the treatment agency;

(c) a meeting is held with the school's support staff, school administrator, student and parent(s)/guardian(s) to discuss the school's drug policy and aftercare programs.

If the student does not agree to be assessed and to participate in the agency program, or agrees and then fails to complete the program, the recommendation for expulsion is to be forwarded to the Superintendent of Schools.

(3) In cases of distributing, selling, dispensing or aiding in the procurement, law enforcement officials will be notified. The violator will also be subject to an out-of-school ten (10) day suspension, in accordance with student due process procedures, and referral for expulsion in accordance with the mandatory expulsion provisions of Board Policy 5131.

#### (b) Second Violation

Any student found to be in violation of this policy for the second time will be subject to one of the procedures outlined above. In assessing discipline, the school administration shall consider the student's status as a repeat offender. Law enforcement officials will be notified of all second violations involving possessing, manufacturing, dispensing, distributing, selling or aiding in the procurement of controlled drugs, drug paraphernalia, or alcohol.

#### (c) Third Violation

The student will be recommended to the Board of Education for expulsion pursuant to Section 1O-233a(a)(e) of the Connecticut General Statutes. Law enforcement officials will be notified immediately of all third violations involving possessing, manufacturing, dispensing, distributing, selling or aiding in the procurement of controlled drugs, drug paraphernalia, or alcohol.

## **Regulation Adopted:**

September 28, 1993

#### Amended:

November 23, 1990 September 28, 1993

## **Computer Software**

The Stamford Public Schools use computer software for instructional and other purposes. Such software is usually licensed from a vendor and copyrighted by the vendor. Although license agreements vary widely they usually prohibit copying the software except for back-up purposes, and limit the use of the software to one machine at a time.

Copying or using software other than as permitted in the license agreement not only is a breach of contract but also violates United States copyright laws, constitutes criminal theft of property, and is unethical.

No one in the Stamford Public Schools, staff or students, shall violate copyright laws or license agreements. If doubt exists, written approval must be secured from the Superintendent or designee acting with the advice of legal counsel.

No one in the Stamford Public Schools, staff or students, shall use any device to intimidate, threaten, or harass, or to violate any other provision of law.

**Policy Adopted:** May 6, 1986

# **Readopted:**

June 27, 2000

**Amended:** July 24, 2012

## Students – Acceptable Use of the Internet and Internet Safety Policy

#### Acceptable Use of the Internet and other Electronic Communication Systems for Students

Computers and networks provide access to resources as well as the ability to communicate with other users worldwide. Such open access is a privilege and requires that individual users act responsibly. Users must respect the rights of other users; respect the integrity of the system and related physical resources; and observe all relevant laws, regulations, and contractual obligations. Use of computers by students and access by students to computer networks and to the Internet are services made available only to further the educational mission of the Stamford Public Schools. In order to be granted these access privileges and to retain them, students must abide by the guidelines set forth in the Board's "Acceptable Use of the Internet and other Electronic Communication Systems for Students" policy and these regulations at all times when they use the Stamford Public Schools systems. These computer systems must be carefully handled and their integrity preserved for the benefit of all. Therefore, access to the computer systems is a privilege, and not a right. Students under the age of 18 may use electronic information retrieval systems in supervised settings and only with the written permission of a parent or guardian through a duly executed "Acceptable Use Agreement." Stamford students may use the district's electronic information retrieval systems provided they:

- Abide by the Acceptable Use Policy
- Sign an "Acceptable Internet Use Agreement"
- Obtain the signature of a parent/guardian (for students under the age of 18)

Any parent or student inquiry regarding any decision relative to Stamford's Acceptable Use Policy and/or these administrative regulations should be directed to the District Internet Administrator.

## Information Networks:

The Stamford Public Schools' network connects all of the schools and offices. This makes sharing of information and communicating with all schools and offices possible. This network supports activities that have educational value for administration, instruction and learning by teachers and students. The Internet is a collection of many worldwide networks that support the open exchange of information. The Internet provides immediate access to information anywhere in the world.

## Student Behavior:

Students are expected to use all computer equipment, both hardware and software and network access to pursue intellectual activities, to seek resources, to access libraries and for other types of learning activities. They will learn new things and can share their new found knowledge with classmates, teachers, parents and global learning partners. For the safety of all involved, caution must be exercised. Because the Stamford Public Schools' network is used as part of a school activity, the policy on student behavior applies to network activity. Therefore, the Acceptable Use Policy is an extension of the district's Policy on Student Behavior. These rules apply to vandalism of computer equipment, unauthorized access to information, computer piracy, hacking, tampering with hardware and software, bullying and harassment. Conduct including, but not limited to, the following, is prohibited with respect to use of these computer systems:

• Sending any form of harassing, threatening, or intimidating message, at any time, to any person

(such communications may also be a crime, pursuant to Public Act 95-143, and other laws);

- Gaining or seeking to gain unauthorized access to computer systems;
- Damaging computers, computer files, computer systems or computer networks;
- Using another person's password under any circumstances;
- Trespassing in or tampering with any other person's folders, work or files;
- Sending any message that breaches the district's confidentiality requirements, or the confidentiality of students;
- Sending any copyrighted material over the system. In addition, as noted above, if a particular behavior or activity is generally prohibited by law or by Board policy or school rules or regulations, it must not occur in the use of these computer systems.
- Deliberately accessing, creating, displaying transmitting, or otherwise possessing or disseminating material that contains pornography, obscenity, sexually explicit, or indecent/inappropriate language, text, sounds, or pictures.

Improper behavior may result in disciplinary penalties, including but not limited to, loss of computer privileges, suspension and/or expulsion.

## Copying Software:

With a few exceptions, software on the Stamford Public Schools' computers and network are licensed for use on the Stamford Public Schools' computers only. Copying software from a computer or network is prohibited unless specifically authorized in writing by an appropriate authority. *In addition to disciplinary penalties imposed by the Stamford Public Schools, illegal copying of software is subject to civil damages and criminal penalties, including fines and imprisonment.* 

## Moral and Ethical Issues:

The Stamford Public Schools wants to provide a stimulating educational environment in which students, teachers, and parents can grow as a learning community. While the Stamford Public Schools want this valuable educational tool used, the use of inappropriate information on the Internet will not be condoned. Some materials exist which are inappropriate to the instructional setting, and reasonable measures will be taken to prevent them from being accessed. Users must clearly understand that access to such material in any form is strictly forbidden. The network is designed to achieve and support instructional goals and is not intended to be used for financial gain. Any information that does not support classroom learning should be avoided. Although the actual percentage of unacceptable materials is small, it can cause concern for students and parents if a student accesses those materials while doing legitimate research. If a student has a question or concern regarding any materials found, students should apprise the teacher. The Stamford Public Schools has in place the state recommended web filtering software to minimize the risk to student. However, filtering software is not 100% effective; while filters make it more difficult for objectionable material to be received or accessed, filters are not a solution in themselves. It is the user's responsibility not to initiate access to materials that are inconsistent with the goals, objectives and policies of the educational mission of the District.

## Electronic Libraries:

Materials on the Internet can be considered part of a vast digital library. Electronic database and information search tools to access the Internet are part of school media centers and libraries. Guidelines for access to information have already been established in the Library Bill of Rights of 1980. These principles can be applied to the Internet as well. This document states that

"attempts to restrict access to library materials violate the basic tenets of the Library Bill of Rights"; however, school librarians are required to devise collections that are "consistent with the philosophy, goals and objectives of the school district." This means that students have the right to information, but the school has the right to restrict any information that does not apply to the approved curriculum.

#### Student Email:

Students will be issued a district-owned email account which is the sole property of Stamford Public Schools. All email activities must comply with the Acceptable Use Policy. The user accepts all responsibility to understand the policy. The primary purpose of the student email system is for students to communicate with school staff and fellow students to collaborate on school activities. Use of the school's email system is a privilege. Students are responsible for messages and material stored and sent from their email accounts. Students should not share their passwords. The email system should be used for education purposes only and cannot be used to operate personal business. Students should have no expectation of privacy. The district reserves the right to retrieve the contents of user mailboxes for legitimate reasons, such as to find lost messages, to conduct internal investigations, to comply with investigations of wrongful acts or to recover from system failure.

#### Virtual Field Trips:

The information networks offer many opportunities for "virtual field trips" to distant locations. The Stamford Public Schools consider all connections to remote locations as "virtual field trips." Rules that apply to student conduct on field trips apply to "virtual electronic field trips" as well. It is important that students realize that they represent their school and their school district when they use information networks, and are expected to be on their best behavior.

#### Monitoring

It is expected that students will comply with district standards and will act in a responsible and legal manner at all times, in accordance with district standards, state and federal laws. It is important that students and parents understand that the district, as the owner of the computer systems, intends to monitor and review the use of these computer systems in an effort to ensure that users engage only in appropriate uses. As part of monitoring and reviewing, the district will retain the capacity to bypass any individual password of a student or other user. The system's security aspects, such as personal passwords and message delete function for E-mail, can be bypassed for these purposes. The district's ability to monitor and review is not restricted or neutralized by these devices. The monitor and review process also includes oversight of Internet site access, review of email and of document downloading and printing.

Therefore, all users must be aware that *they should not have any reasonable expectation of personal privacy in the use of these computer systems.* 

In addition, the Stamford Public Schools accept the requirements of the Children's Internet Protection Act (CIPA). Accordingly, each district computer with Internet access shall have a filtering device that blocks entry to visual depictions that are obscene, pornographic or harmful or inappropriate for students, as defined by CIPA and as determined by the Superintendent or his/her designee. The Superintendent or his/her designee shall make arrangements to enforce the use of such filtering devices. Administrators or other authorized personnel may disable the filtering device for legitimate pedagogical research or for any other lawful purpose, provided such person obtains prior approval from the Superintendent or his/her designee. Filtering should be viewed as only one of a number of techniques used to manage students' access to the Internet and to encourage acceptable usage. Filtering should not be viewed as a foolproof approach to preventing access to material considered inappropriate or harmful to minors.

Filtering should be used in conjunction with:

- Educating students concerning the dangers of inappropriate material on the Internet;
- Using recognized Internet gateways as a searching tool and/or homepage for students, in order to facilitate access to appropriate material;
- Using the district's "Acceptable Use" agreement;
- Using behavior management practices for which Internet access privileges can be earned or lost; and
- Appropriate supervision, both in person and/or electronically.

## Internet Safety:

Students are expected to conduct themselves in an appropriate manner at all times when they use or interact with any of Stamford Public Schools ' hardware and software resources. This includes, but is not limited to, interaction with district computers, email communication, web browsing software, or even usage of one's own personal hardware over a district network connection.

To help ensure student safety and citizenship in online activities, all students will be educated about appropriate behavior, including interacting with other individuals on social networking websites, collaborating using web 2.0/3.0 tools, instant messaging, video messaging, chat rooms, and cyber-bullying awareness and response.

This policy is a component of the district's responsibility to create and maintain a safe, civil, respectful, and inclusive learning community and shall be implemented in conjunction with comprehensive training of students, staff and volunteers.

The district will provide students with strategies aimed at preventing harassment, intimidation, and bullying. In its efforts to train students, the district will seek partnerships with families, law enforcement, and other community agencies.

Interventions are designed to remediate the impact on the targeted student(s) and others impacted by the violation, to change the behavior of the perpetrator, and to restore a positive school climate. The district will consider the frequency of incidents, developmental age of the student, and severity of the conduct in determining intervention strategies. Interventions will range from counseling, correcting behavior and discipline to law enforcement referrals.

#### **Reporting of Misuse**

Anyone who is aware of problems with, or misuse of these computer systems, should report this to his or her teacher or principal immediately. Most importantly, the Board and the administration urge any student who receives any harassing, threatening, intimidating or other improper message through any computer system/communications device, whether district or privately-owned, to report this immediately. Such acts may constitute violations of the district's anti cyber-bullying policy or other policies.

It is the Board's policy that no student should be required to tolerate such treatment, regardless of the identity of the sender of the message. Please report these events!

#### Use of Personal Electronic Devices:

Connection of any personal electronic device to any network on school grounds is subject to all regulations and guidelines in this document. Students and staff are permitted to connect to the district network via the secure wireless connection provided by the school system, but all access must be in accordance with this Regulation for Acceptable Use of the Internet and Electronic Communication Systems, the School's Student Handbook, and the mission of the school district. Ability for students to use their own devices at school or in a particular class is at the sole discretion of the building administrator and/or classroom teacher. Students are NOT permitted to use their own computing devices to access the Internet via personal Wi-Fi accounts or by any manner other than connecting through the secure wireless connection provided by the school system.

Each user is responsible for his/her personal device and should use it responsibly and appropriately. Stamford Public Schools takes no responsibility for stolen, lost, or damaged devices, including lost or corrupted data on those devices. It is the responsibility of each individual to secure their device when not in use.

#### Use of Web 2.0/3.0 Tools:

Classroom blogs, wikis, student e-mail, podcasts, Google Apps accounts, online curriculum software/websites or other Web interactive tools must follow all established Internet safety guidelines. Staff and students using blogs, podcasts or other web tools for educational purposes are expected to act safely. Students using such tools agree to not share their username or password with anyone other than their teachers and parents and treat blog spaces and online spaces, or discussion forums, as classroom spaces. Speech that is inappropriate for class is also inappropriate for a blog. Users who do not abide by these terms and conditions may lose their opportunity to take part in the project and/or be subject to consequences consistent with the district discipline policies.

**Regulation Adopted:** June 27, 2000

#### **Regulation Amended:**

June 25, 2002 July 24, 2012 April, 2016

## Married And/Or Pregnant Students

Married students shall have the same educational opportunities in this school system as unmarried students.

The Board's responsibility for the education of all school age children includes the pregnant teenager. These girls shall be allowed and encouraged to remain in school, and support services for them shall be made a regular pan of the school system. A pregnant girl may remain in her regular school program as long as her physical and emotional condition permits.

Any modification in participation in regular school classes shall be based upon assessed individual needs through the child study team and/or planning and placement team process.

**Policy Adopted:** November 12, 1985

Amended: October 11, 1988 June 27, 2000

#### **Promotion and Retention**

While continuous learning is the goal for all students, students exhibit a range of achievement and ability levels and learning styles. Each teacher should have high expectations for every student.

Students will be promoted to appropriate levels of instruction where they may achieve academically, and develop emotionally and socially. Most students, with appropriate motivation and instruction, will progress satisfactorily.

Academic achievement benchmarks will be established by the Superintendent or his/her designee(s) at the end of grades two, three, four, five, and eight, and, effective in 2001-2002, grade six. Students not achieving to the level of these benchmarks will not be permitted to move to the next grade without accepting and completing a plan of remediation to the satisfaction of the principal Such a plan may include, but will not be limited to, (a) after school programs, (b) Saturday programs, or (c) attendance in a summer school program. Plans involving a community agency instructional program may be substituted with prior written approval of the building principal Parents must be notified by April 1 that such a remediation plan may be required.

Retention should be an exceptional measure, and must result from the professional judgment of the school principal, teachers, and support personnel, with input from the parent(s) or guardian. Where remediation in specific areas is indicated, school personnel will formulate a plan for appropriate instruction, with input from the parent(s) or guardian.

Promotion and retention decisions for children identified as requiring special education will be made with the input of the planning and Placement Team.

**Policy Adopted:** February 24, 1987

Readopted: June 27, 2000

**Amended:** May 22, 2001

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#### **Promotion and Retention**

#### **PROMOTION**

The instructional program's goal is to develop and extend learning as students move from one grade or one level of school to the next.

Principals and other supervisors should help teachers (especially of grades K through 3), see their work as a learning continuum. Teachers of these grades should plan together to assure an appropriate and meaningful primary education program.

At the intermediate, middle, and high school level principals and other supervisors should continuously monitor instruction and curriculum implementation to assure that appropriate attention is given to varied student learning styles, needs and abilities, and proper placement according to individual needs and abilities.

The expectation at each grade level is that given appropriate instruction and support by teachers, administrators, parents and others, students can learn.

Additional support shall be provided to students in accordance with Public Act 99-288, An Act Concerning Educational Accountability (the "Act"), as follows. Unless the school principal determines that such instruction is not necessary based on the recommendation of the student's teacher, additional instruction shall be provided to each student who fails to meet the state-wide standard for intervention on the fourth grade mastery examination, and, effective with the 2001-2002 school year, to each student who fails to meet the state-wide standard for intervention on the sixth grade mastery examination. Such additional instruction shall be designed to address the student's deficiencies and may include tutoring, an after-school or school vacation program, or a weekend school program funded through the Act. Such students shall be required to attend school the summer following the examination on which they failed to reach such standards, provided that the Superintendent may exempt an individual student from this requirement, upon the recommendation of the school principal, based on the student's progress with the additional instruction provided to the student. Such students who have  $\cdot$  not been exempted and who have been offered an opportunity to attend summer school but fail to attend summer school to the satisfaction of the principal shall not be promoted.

In accordance with the Act, district personnel shall evaluate the reading level of students in grades one, two and three at the middle and at the end of each school year. If a student is determined to be substantially deficient in reading based on the middle of the year evaluation, district personnel shall notify the parents or guardian of that determination. If a student is determined to be substantially deficient in reading based on the end of the year evaluation, school personnel shall develop a personal reading plan for such student. The personal reading plan shall include measures to improve the

student's reading level such as tutoring, a transitional class, or a summer reading program. A personal reading plan shall be maintained for each student who is substantially deficient in reading until the student achieves a satisfactory level of proficiency.

Promotion of students who are substantially deficient at year-end shall be based on progress in achieving the goals of the personal reading plan or demonstrated reading proficiency. If a student who is substantially deficient in reading is to be promoted from third to fourth grade, the school principal shall provide to the Superintendent written justification for such promotion. The Superintendent shall report to the Commissioner of Education on the number of students who are substantially deficient in reading and are promoted from third to fourth grade.

## **RETENTION**

Retention is most common at the primary grades. Accordingly, principals and supervisors who work with primary grade teachers should:

1. Help teachers recognize the variety of children's learning styles, and adjust their teaching styles accordingly.

2. Help teachers develop self-confidence and a sense of worth in each learner.

3. Help teachers set high expectations for learners. This does not mean a stressful academic atmosphere, nor that student's work must be difficult. It does mean a belief and confidence that each child can learn and, with appropriate instruction, will learn.

The Board of Education expects that there will be few, if any, retentions. In the event that retention is considered, careful monitoring and assessment of each individual case is required. Parents must be notified by April 1, by a principal that retention is possible. Unless parent involvement is secured there is scant likelihood that retention will benefit the student.

The principal, the teacher, and support personnel who have been involved with the learner must consult and plan together, with the involvement of parent or guardian, to develop a specific plan for appropriate instruction. This procedure is not intended to be an Individual Education Plan (I.E.P.), but should be a thoughtful educational plan that all agree will assist the learner to achieve the expectations stated in paragraph one of Policy 5135.

Principals will review this policy with their teaching staff and monitor it on a regular basis. It should be reviewed as appropriate with parents.

**Regulation Adopted:** February 24, 1987

**Readopted:** June 27, 2000 **Amended:** May 22, 2001

## **High School Graduation Requirements**

In accordance with Connecticut General Statutes Section 10-223a, it is the express policy of the Board of Education that all students in the Stamford Public Schools shall fulfill the following requirements in order to graduate from high school:

- 1. Pass all district required courses for graduation, as posted in the District Program of Studies;
- 2. Take all sections of the CAPT test and either:
  - a. Pass the CAPT at proficient level;
  - b. Pass an alternate national standardized assessment at proficient level (as the

Superintendent shall define by regulation); or

c. Meet the requirements of a district performance task at proficient level.

In order to assist teachers and students in understanding and complying with this policy, the Board of Education, through the Superintendent, shall adopt regulations concerning the implementation of these graduation requirements.

Students who fail to meet these high school graduation requirements shall not graduate from high school, except as may be specifically provided in the regulations.

#### Legal References:

Connecticut General Statutes Section 10-223a

## **High School Graduation Requirements**

In order to ensure that all students in the Stamford Public Schools fulfill the Graduation Requirements, the Board of Education has established the following guidelines:

## Time Line for Implementation:

Graduating Class of 2006: must pass 1 of 4 CAPT tests at proficient level, Band 3, or one of the alternate national standardized assessments, as described in the "High School Graduation Requirements in Reading, Writing, Math, and Science," published in the Program of Studies, or one of the district performance tasks, as set forth in the "High School Graduation Requirements in Reading, Writing, Math and Science," published in the	
Program of Studies.	
Graduating Class of 2007: must pass 2 of 4 CAPT tests at proficient level, Band 3, or two of the alternate national standardized assessments, as described in the "High School Graduation Requirements in	
Reading, Writing, Math, and Science," published in the Program of Studies, or one of the district performance tasks, as set forth in the "High School Graduation Requirements in Reading, Writing, Math and Science," published in the Program of Studies.	
Graduating Class of 2008: must pass 3 of 4 CAPT tests at proficient level, Band 3, or three of the alternate national standardized assessments, as described in the "High School Graduation Requirements in Reading, Writing, Math, and Science," published in the Program of Studies, or one of the district performance tasks, as set forth in the "High School Graduation Requirements in Reading, Writing, Math, and Science," published in the	
Program of Studies.	
Graduating Class of 2009: must pass 4 of 4 CAPT tests at proficient level, Band 3, or four of the alternate national standardized assessments, as described in the "High School Graduation Requirements in Reading, Writing, Math, and Science," published in the Program of Studies, or one of the district performance tasks, as set forth in the "High School Graduation Requirements in Reading, Writing, Math and Science," published in the Program of Studies.	
Adult Education: must pass alternate national standardized assessments, as described in the "High School Graduation Requirements in	



Reading, Writing, Math, and Science," published in the Program of Studies, or one of the district performance tasks, as set forth in the "High School Graduation Requirements in Reading, Writing, Math and Science Requirements," published in the Program of Studies, according to time line described above for Graduating Classes of 2006 (one test or task), 2007 (two tests or tasks), 2008 (three tests or tasks) and 2009 (four tests or tasks).

Schedule for Taking Alternate National Standardized Assessments/Passing District Performance Tasks:

	10 <sup>th</sup> Grade: 11 <sup>th</sup> Grade:	CAPT, PSAT CAPT, PSAT, SAT I, SAT II, ACT, TOEFL, AP and district
	11 <sup>-</sup> Grade:	performance task(s), as set forth in the "High School Graduation
		Requirements in Reading, Writing, Math, and Science," published in the Program of Studies.
	12 <sup>th</sup> Grade:	CAPT, SAT I, SAT II, ACT, AP, TOEFL and district performance task(s), as set forth in the "High School Graduation Requirements in
		Reading, Writing, Math, and Science," published in the Program of Studies.
	Adult Education:	practice GED, CASAS, and district performance task(s) as set forth in the "High School Graduation Requirements in Reading, Writing,
		Math, and Science," published in the Program of Studies.

#### **Special Populations:**

- Students who enter the Stamford Public Schools with less than 18 months of school remaining are required to meet the requirements of the alternate national standardized assessment(s), as described in the "High School Graduation Requirements in Reading, Writing, Math, and Science," published in the Program of Studies, or one of the district performance tasks, as set forth in the "High School Graduation Requirements in Reading, Writing, Math and Science Requirements," published in the Program of Studies.
- Students who qualify for the ESL or Bilingual programs must meet the Graduation Requirements on the same terms and conditions as the rest of the students, although they may proceed through the curriculum at a slower pace. ESL students will learn the skills needed to pass CAPT, the alternate national standardized assessments and the district performance tasks in their English as Second Language classes. Bilingual students will learn the skills needed to pass CAPT, the alternate national standardized assessments and the district performance tasks in their Bilingual classes.
- Requirements for Special Education students will be determined by the IEP.

#### Support for All Unsuccessful Students, including Special Populations:



- 1. Attend summer school and meet the Graduation Requirements.
- 2. Take a remediation course(s) and meet the Graduation Requirements. By January 10 of junior year, guidance counselors will notify each student who has not passed CAPT, an alternate national standardized assessment(s) or a district performance task(s), and his/her parent or guardian, that such student must enroll in one or more of the following courses, depending upon the CAPT, alternate national standardized assessment(s) or district performance task(s) that s/he has not yet passed:
  - a. CAPT course to focus on Reading for Information, Response to Literature, and Writing across the Disciplines CAPT skills.
  - b. CAPT course to focus on CAPT math skills.
  - c. CAPT course to focus on CAPT science skills.

# Students, including Special Populations, who do not meet the Graduation Requirements may select one of the following options:

- 1. Remain at the high school level and meet the Graduation Requirements or attain the age of twenty-one, whichever comes first.
- 2. Enroll in summer school and meet the Graduation Requirements.
- 3. Enroll in courses at Stamford Adult Education and meet the Graduation Requirements.
- 4. Make arrangements for re-testing to meet the requirements of the district performance task(s), as set forth in the "High School Graduation Requirements in Reading, Writing, Math, and Science," published in the Program of Studies, or one of the district performance tasks, as set forth in the "High School Graduation Requirements in Reading, Writing, Math and Science Requirements," published in the Program of Studies.

These Graduation Requirements will be reexamined yearly.

Legal References:

Connecticut General Statutes Section 10-223a

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

7/5/02

## **Honorary Diploma Requirements**

Honorary diplomas may be awarded to deceased students at the discretion of the Superintendent when a request is made for same by the family of the deceased student. The family will be notified of the Superintendent's decision within thirty (30) days of the date of the request, or ten (10) days before graduation, whichever is sooner. In the event of a student death occurring less than ten (10) days before graduation, the family will be notified of the Superintendent's decision as soon as reasonably possible.

In order to be eligible for a posthumous honorary Stamford Public School District diploma at AITE, <u>ANCHOR</u>, Stamford High <u>School</u> or Westhill<u>High School</u>:

- The student attended AITE, <u>ANCHOR</u>, Stamford High<u>School</u> or Westhill <u>High School</u> and was enrolled at the time of the death;
- Honorary posthumous diplomas will be awarded at the Graduation Ceremony;
- Deceased student's name may be read as part of the roll call of graduates at the graduation ceremony, if the family desires;
- Issuance of a posthumous honorary diploma may be withheld at the Superintendent's discretion.

Adopted:
### **School Wellness Policy**

In accordance with the Child Nutrition and WIC (Women, Infants, and children) Reauthorization Act of 2004 (Federal Public Law: PL 108.265, Section 204), it is the express policy of the Board of education that the following requirements be met in all schools by the beginning of the first day of the 2006-2007 school year in order to promote the following goals: a) to influence students' eating behaviors by building nutrition knowledge and skills to make healthy eating and physical activity choices; b)to provide nutrition education that is appropriate for students' ages, reflects students' cultures, and is integrated into subjects such as math and reading; and c) to provide opportunities for students to practice skills and have fun:

1. The school lunch program complies with federal, state, and local requirements.

2. All foods and beverages available in schools 9including the school lunch program, vending, concessions, student stores, parties, and fundraising) during the school day are consistent with current "Dietary Guidelines for Americans."

3. School lunch, breakfast, and snack menus are planned with input from students, parents, and school personnel and cultural considerations are taken into account.

- 4. All foods made available in all schools adhere to food safety and security guidelines.
- 5. The school lunch program is accessible to all children.
- 6. Sequential nutrition education is provided and integrated into other areas of the curriculum.

7. The school environment is safe, comfortable, and pleasing and also allows appropriate time and space for eating meals.

8. Food and/or physical activity are not used as a reward or punishment.

9. Information is shared with families to encourage them to teach their children about health and nutrition and to provide nutritious meals.

10. Meaningful physical activity that connects to students' lives outside of physical education.

11. All school-based activities are consistent with this school wellness policy.

## Legal References:

Federal Public Law: PL 108.265, Section 204; Sections 1 and subsection (a) of Sec. 10.2125b-1 and Sec. 10-215-23 of the Connecticut General Statutes.

# Policy Adopted: May 23, 2006

# Health - Welfare

The Board recognizes that a pupil's readiness to learn depends upon many factors, including the pupil's health. It is the intent of the Board of Education to provide health services to students, as required by state law, to promote the physical well-being of all students.

The Board will adhere to state laws that pertain to immunization and health assessments.

**Policy Adopted:** November 12, 1985

Readopted: June 27, 2000

# **Communicable Diseases**

The Board recognizes its obligations to provide all students an appropriate educational program in the least restrictive environment and to protect the health and welfare of all members of the school community.

Students, employees, or contractor employees whose participation in the regular school program poses a significant danger to their own health or the health of others by reason of a communicable disease shall be excluded from Stamford Public School facilities on the recommendation of the School Medical Advisor and/or the Director of Health for the City of Stamford. Any student so excluded shall be provided an appropriate alternate educational program.

The School Medical Advisor shall inform himself or herself of any case of a communicable disease that poses a significant danger to the health of the individual or of others and promptly report such case to the Superintendent and the Board President with his/her recommendation. The Board may require the School Medical Advisor to secure additional expert advice.

The School Medical Advisor shall promptly report his/her disposition of the case to the Superintendent and to the Board President, who shall then report to the Board.

**Policy Adopted:** April 22, 1986

Readopted: June 27, 2000

#### Health Assessments/Screenings

#### Assessments

The Board requires each student enrolled in the Stamford Public Schools to have health assessments (CT General Statute Sec. 10-206) and be protected by adequate immunizations (CT General Statute Sec. 10-204a and Sec. 19a-7f) as mandated by state law. The purpose of such health assessments shall be to ascertain whether a student has any physical disability tending to prevent him/her from receiving the full benefit of school work and to ascertain whether school work should be modified in order to prevent injury to the student or to secure a suitable program of education for him/her. Such health assessments must be conducted by a legally qualified practitioner of medicine, an advanced practice registered nurse or registered nurse, who is licensed under state statute, a physician assistant, who is licensed under state statute, or the school medical advisor. The Board of Education will provide written prior notice of the health assessments required under this policy to the parent or guardian of each student subject to assessment. The parent or guardian shall be provided a reasonable opportunity to be present during such assessment or he/she may provide for such assessment him/herself. No health assessment shall be made of any public school student unless it is made in the presence of the parent or guardian or in the presence of another school employee. Pursuant to CT General Statutes Sec. 10-206 (Health assessments), "Each local or regional board of education shall require each pupil enrolled in the public schools to have health assessments pursuant to the provisions of this section... A local or regional board of education may deny continued attendance in public school to any child who fails to obtain the health assessments required under this section."

In addition, pursuant to CT General Statutes Sec. 10-204a (Required immunizations), "Each local or regional board of education, or similar body governing a nonpublic school or schools, shall require each child to be protected by adequate immunization against diphtheria, pertussis, tetanus, poliomyelitis, measles, mumps, rubella, hemophilus influenze type B and any other vaccine required by the schedule for active immunization adopted pursuant to section 19a-7f before being permitted to enroll in any program operated by a public school under its jurisdiction. Before being permitted to enter seventh grade, a child shall receive a second immunization against measles." <u>Any student who fails to obtain adequate immunization shall</u> <u>be denied continued attendance in the Stamford Public Schools.</u>

#### Assessments Required

**Prior to enrollment in Stamford Public Schools, all Pre-K and kindergarteners and new students must undergo and submit a current health assessment to the Board of Education.** During grade six and during grade nine, all students must undergo and submit a current health assessment. Any student who fails to submit this health assessment during grade six and during grade nine may be excluded from school until a current and complete assessment is submitted to the Board of Education.

This health assessment shall include (1) a physical examination, which includes hematocrit or hemoglobin tests, height, weight and blood pressure and, beginning with the 2003-2004 school year, a chronic disease assessment which shall include, but not be limited to, asthma, as defined by the Commissioner of Public Health pursuant to subsection (c) of Section 19a-62a of the Connecticut General Statutes. The assessment form shall include (A) a check box for the provider conducting the assessment to indicate an asthma diagnosis, (B) screening questions relating to

appropriate public health concerns to be answered by the parent or guardian, and (C) screening questions to be answered by such provider; (2) an updating of immunizations as required by state law; (3) vision, hearing, speech, *postural* and gross dental screenings; and (4) such other information, including health and developmental history, as the physician feels is necessary and appropriate. The Board of Education shall provide such assessments free of charge to students whose parents or guardians meet the eligibility requirements for free and reduced price meals under the National School Lunch Program or for free milk under the special milk program. If, after consultation with the school medical advisor and the local health department, the Superintendent *or designee* determines that such tests are necessary, he/she may also require the *health* assessments to include tests for tuberculosis for sickle cell anemia or Cooley's anemia, or for lead levels in the blood.

#### Screenings Required

The Board of Education will provide annually to each student enrolled in kindergarten, grades one and three to five inclusive, a vision screening using a Snellen chart or equivalent screening. The Superintendent *or designee* shall give written notice to the parent or guardian of each student who is found to have any defect of vision or disease of the eyes, with a brief statement describing the defect or disease, and who did not receive such vision screening, with a brief statement explaining why such pupil did not receive such vision screening.

The Board of Education will provide annually to each student enrolled in kindergarten and grades one and three to five, inclusive, audiometric screening for hearing. The Superintendent *or designee* shall give written notice to the parent or guardian of each student who is found to have any impairment or defect of hearing, with a brief statement describing the impairment or defect, and who did not receive an audiometric screening for hearing, with a brief statement explaining why such pupil did not receive an audiometric screening for hearing.

The Board of Education will provide annual postural screenings for each female pupil in grades five and seven, and each male pupil in grade eight or nine. The Superintendent *or designee* shall give written notice to the parent or guardian of each student who evidences any postural problem, with a brief statement describing such evidence and who did not receive a postural screening, with a brief statement explaining why such pupil did not receive such postural screening.

All of the screenings required under this policy will be performed in accordance with regulations applicable to such screenings as adopted by the State Board of Education.

#### Assessment/Screening Results

The results of each assessment and screening required by this policy shall be recorded on forms supplied by the State Board of Education. Each physician, advanced practice registered nurse, registered nurse, or physician assistant performing health assessments under this policy shall sign each form and any recommendations concerning a student shall be in writing. Assessment/screening forms shall be included in the cumulative health record of each student and they shall be kept on file in the school attended by the student. If a student permanently leaves the Stamford Public Schools, his/her cumulative health record shall be sent to the chief administrative officer of the school district to which the student moves, with the Board of Education retaining a copy.

Appropriate school health personnel shall review the results of each assessment and screening. If *in* reviewing, school health personnel judge that a student is in need of further testing or treatment, the Superintendent *or designee* shall give written notice to the parent or guardian of such student and shall make reasonable efforts to ensure that such further testing or treatment is provided. Reasonable efforts shall include determination of whether the parent or

guardian has obtained the necessary testing or treatment for the student, and, if not, advising the parent or guardian how such testing or treatment may be obtained. The results of such further testing or treatment shall be recorded, kept on file and reviewed by appropriate school health personnel in the same manner as the results of the health assessments and screenings required under this policy and reported to the parent or guardian.

### Exemption

Nothing in this policy shall be construed to require any student to undergo a physical or medical examination or treatment, or be compelled to receive medical instruction, if the parent or legal guardian of such student or the student, if he/she is an emancipated minor or is eighteen years of age or older, notifies the teacher or principal or other person in charge of such student in writing that he/she objects on religious grounds to such physical or medical examination or treatment or medical instruction.

#### Other Non-Emergency, Invasive Physical Examinations and Screenings

In addition to the screenings listed above, the District may require students to undergo additional non-emergency, invasive physical examination or screening as defined as:

- 1. Any medical examination that involves the exposure of private body parts; or
- 2. Any act during such examination that includes incision, insertion, or injection into the body, but does not include a hearing, vision or scoliosis screening; and
- 3. Is required as a condition of attendance, administered by the school and scheduled by the school in advance; and
- 4. Is not necessary to protect the immediate health and safety of the students.

If the District elects to conduct any such examinations, then, at the beginning of the school year, the administration shall give direct notice to parents of the affected students of the District's intent to conduct the non-emergency invasive physical examination(s) and/or screening(s) described in this subsection. Such notice shall include the specific or approximate dates during the school year of the administration of such non-emergency invasive physical examination(s)/screening(s).

Regulation Adopted: June 27, 2000 STAMFORD PUBLIC SCHOOLS Stamford, Connecticut

#### Amended:

November 25, 2003 September 28, 2012 April 30, 2015 September 29, 2015 October 27, 2016

# **Communicable Diseases**

1. Students whose participation in the regular school program poses a significant danger to their own health or to the health of others by reason of a communicable disease shall be excluded from Stamford Public School facilities on the recommendation of the School Medical Advisor and/or the Director of Health for the City of Stamford. Any student so excluded shall be provided an appropriate alternative educational program.

2. The School Medical Advisor shall promptly notify the Superintendent or his/her designee of any student diagnosed as having such a communicable disease. The right of privacy of a student with such a communicable disease and of his or her family shall be respected. (For example, information about a student's condition shall be provided only to personnel with a need to know, e.g., those involved in providing direct services to the student.)

3. Any student whose period of exclusion is projected to exceed ten (10) school days shall be provided an appropriate educational program outside the school setting. As to shorter exclusions, school work shall he continued in the same manner as for other absences.

4. Recommendations for an appropriate educational program for students excluded from school for a period longer than ten (10) school days shall be made by an advisory panel in a report to the Superintendent. The advisory panel shall include the School Medical Advisor and an appropriate school system staff. The panel's inquiry shall include consultation with the student's parent(s) or guardian(s) and physician.

5. The factors to be considered by the advisory panel in making a recommendation shall include the student's:

a) medical condition; b) educational record; c) social and emotional development and d) behavior patterns.

6. The advisory panel shall submit its recommendations to the Superintendent within eight (8) school days after receiving the recommendation for an extended exclusion from the School Medical Advisor.

7. The Superintendent or his/her designee shall present any recommendation for an exclusion longer than ten (10) days to the Board or to a subcommittee of the Board for an exclusion hearing. The student and his/her parent(s) or guardian(s) shall receive notice of the recommendation and shall be given the opportunity to be heard.

8. The administration of the Stamford Public Schools shall provide information and training to personnel involved in providing services to students with diagnosed communicable diseases.

# **Regulation Adopted:**

April 22, 1986

# **Readopted:**

June 27, 2000

# **Administration of Medicines**

All medicines shall be administered by or under the supervision of the school nurse. Prescribed medicines, including controlled substances, shall be administered only under the explicit written order of a licensed physician or dentist, advanced practice registered nurse (APRN) or physician's assistant, and with the written authorization of the parent or guardian or student eighteen years of age or older. Non-prescribed medicines shall be administered only under standing orders signed by a licensed physician or dentist, advanced practice registered nurse (APRN) or physician's assistant.

**Policy Adopted:** June 9, 1987

Amended: February 25, 1997

**Readopted:** June 27, 2000

### Administration of medicines by school personnel

According to C.G.S. Section 1O-212a, during school hours and after school activities, administration of medicines by a licensed professional qualified school nurse, or in the absence of a school nurse, the principal or designated certified teacher, or other professional registered nurse licensed and trained in administration of medications under the supervision of a qualified school nurse, is permitted to meet the health needs of an individual student with emergency, chronic, or short-term health problems so mat he/she can attend school.

### A. Administration of Medicines by School Personnel

1. Prescribed medications should not be administered during school hours if it is possible to achieve me desired effect for the student by home administration outside of school hours.

2. The school nurse may administer prescribed medicines. Principals, designated certified teachers, trained in the administration of medications, and parents, in the absence of the school nurse may administer only prescribed oral, topical, or inhalant medications. Investigational drugs may not be administered by principals or teachers.

3. In the absence of the school nurse, the principal or designated teacher will give students prescribed oral medications. The school nurse is responsible for staff education and supervision in the administration of medication by a principal or teacher. Supervision includes review of me medication, potential side effects, proper dosage and route of administration with the principal/teacher, regular review of the written record of medication administration. Self-administration of medication by a pupil shall only occur with written authorization from parent and pupil's physician. All medications must be evaluated and approved by the school nurse and submitted to school physician for review. Regular assessment of the student's status shall be documented on the student's cumulative health record. The plans or recommendation of the medication must be approved by the school nurse. A written administration plan must be developed by the school nurse. Principals and appropriate teachers are informed that the student is self-administering prescribed medication. Such medication is transported (0 the school and maintained under the student's control in accordance with the Board of Education policy on self-medication by students.

## Section 10-2 12-2(c)(d)(e)(f)(g)(h)

1. The Board of Education, with the advice and assistance of the school medical advisor and Director of Nursing Services, shall review and revise the policies and procedures concerning the administration of medicines as needed, but at least biennially. Whenever revised, these shall be forwarded to the department for review and approval.

2. No medication may be administered without:

a) the written order of a physician or dentist, advanced practice registered nurse (APRN) or physician's assistant; and

b) the written authorization of a parent or guardian

3. The Board of Education will not allow aspirin, ibuprofen, or an aspirin substitute containing acetaminophen to be administered to a student without the authorization of the parent or guardian, and standing orders from a physician. Refer to A.2. regarding administration of prescribed medications.

4. Prescribed medication shall be administered to and taken by only the person for whom the prescription has been written.

5. In the absence of a licensed nurse, only principals and teachers who have been properly trained may administer medications to students. Principals and teachers may administer oral, topical, or inhalant medications. Injectable medications may be administered by a principal or teacher only to a student with a medically diagnosed allergic condition which may require prompt treatment to protect the student against serious harm or death. Investigational drugs may not be administered by principals or teachers.

6. Established policies and procedures to be followed in the event of a medication emergency are available and the Board will

a) ensure that the following information is readily available in schools in its jurisdiction,

b) the Poison Information Center telephone number is 1-800-343-2722,

c) the physician, clinic, or emergency room to be contacted in the event of a medication emergency is the local hospital, namely Stamford,

d) the name of the person responsible for decision-making in the absence of the school nurse will be designated and posted by the principal of each school.

7. All Controlled drugs currently listed in Schedules II through V of the Regulations of Connecticut State Agencies, Sections 21 a-243-8 through 21 a-243-11, may be administered in schools pursuant to Board of Education policy.

## Section 10-211a-3.

8. Training of School Personnel

a) The Board of Education will allow principals and teachers , in the absence of a school nurse, to give medications to students and shall provide training to designated principals and teachers in the safe administration of medications.

b) Only principals or teachers who have received such training from the school nurse or physician shall be allowed to administer medications to students. This training shall include, but not be limited to

(1) the procedural aspects of medication administration, the safe handling and storage of medications, and recording; and

(2) the medication needs of specific students, medication idiosyncrasies, and desired effect, potential side effects or untoward reactions.

c) The Board of Education shall maintain, and annually update, documentation that such training has been provided and successfully completed.

d)The Board of Education shall maintain, and annually update, a list of principals and teachers who have been trained in the administration of medications.

e) The Board of Education shall provide for a review and informational update to be done, at least annually, for principals and teachers trained in the administration of medications.

# Section 10-212a-4

9. Self-Administration of Medications

The Board of Education approves of students who are able to self-administer medication to do so provided:

a) a physician or dentist, advanced practice registered nurse (APRN) or physician's assistant provides a written order for self-administration; and

b) there is a written authorization from the student's parent or guardian; and

c) the school nurse has evaluated the situation and deemed it to be safe and appropriate; has documented this on the student's cumulative health record; and has developed a plan for general supervision; and

d) the principal and appropriate teachers are informed that the student is selfadministering prescribed medication; and

e) such medications transported to the school and maintained under the student's control in accordance with the Board of Education's policy on self-medication by students.

## Section 10-212a-5

10. Handling, Storage and Disposal of Medications

a) All medications, except those approved for transporting by students for selfmedication, shall be delivered by the parent or other responsible adult and shall be received by the nurse assigned to the school. The nurse must examine on-site any new medication, medication order and permission form and develop a medication administration plan for the student before any medicalion is given by any school personnel.

b) All medications, except those approved for keeping by students for self-medication, shall be kept in a designated locked container, cabinet, or closet used exclusively for the storage of medication. In the case of controlled substances, they shall be stored separately from other drugs and substances in a separate, secure, substantially constructed, locked metal or wood cabinet.

c) Access to all stored medication shall be limited to persons authorized to administer medications. Each school shall maintain a current list of those persons authorized to administer medications.

d) All medications, prescriptions and non-prescription, shall be stored in their original containers and in such a manner as to render them safe and effective.

e) Medications requiring refrigeration shall be stored in a refrigerator at no less than 36 F and no more than 46 F.

### Section 1O-212a-5(f)(2)(h)(i)

f) All unused, discontinued or obsolete medications shall be removed from storage areas and either returned to the parent or guardian or, with the permission of the parent or guardian, destroyed:

(1) non-controlled drugs shall be destroyed in the presence of at least one (1) witness:

(2) controlled drugs shall be destroyed in accordance with part 1307.21 of the Code of Federal Regulations or by surrender to the Commissioner of the Department of Consumer Protection.

g) No more than a forty -five (45) school day supply of a medication for a student shall be stored at the school.

h) No medication for a student shall be stored at a school without a current written order from a physician or dentist, advanced practice registered nurse (APR.N) or physician's assistant.

### 11. Medication Errors

Definitions: A medication error includes the following situation:

a) Failure to administer a medication which has been ordered and approved for a student. (Refusal by the student to take the medication is not an error, but should be reported as an "incident, " and the parent notified).

b) Failure to administer the medication within the time frame designated by the prescribing practitioner, (i.e., one-half hour before or after the stated time).

c) Failure to administer the correct, specific medication as ordered by the prescribing practitioner.

d) Administration of an incorrect dosage of the medication.

e) Administration of the medication to the wrong student, i.e., a student for whom the medication has not been ordered.

f) Failure to administer any medication according to generally accepted nursing practice or pharmacological standard.

# 12. Procedure for Medication Errors

A. As soon as the person administering the medication, or any other person, recognizes that an error has been made, she/he must:

(1) Determine if the error will lead to an immediate threat to the health or well being of the recipient. If the error was administration of an incorrect medication or an incorrect dosage, or if the dose of the correct medication was given 30 minutes too soon, or too late, to take the following actions at once:

(a) Telephone the prescribing practitioner (physician or dentist. advanced practice registered nurse (APRN) or physician's assistant) and explain the situation. Write down the advice that you are given and repeat it back to the physician/dentist, then follow that advice.

(b) If you cannot reach the said physician or dentist, advanced practice registered nurse (APR.N) or physician 's assistant, call the school medical advisor and do as nOted in "a".

(c) If you cannot reach either person quickly, telephone the Poison Control Center and explain the situation. Write down the advice that you are given, and repeat it back to the Center spokesman, then follow that advice. If an emergency situation exists, notify the principal or headmaster at once. Follow the school emergency plan. Notify the appropriate supervisor(s) by telephone as soon as possible.

B. If the medication error does not present an immediate threat to the student's health, she/he should be kept under observation by the nurse (or principal) until the prescribing

practitioner (physician or dentist, advanced practice registered nurse [APRN] or physician's assistant) is consulted. If she/he cannot be reached, the school medical advisor should be consulted. (If the school nurse is not present. the principal should assume this responsibility, and also notify the school nurse).

C. A medication Error Report should be completed by the school nurse, and all parties involved in the error must sign it. One copy should be sent to the nurse supervisor, and the original filed in the student's cumulative health record. Notes on advice given by a physician or dentist, advanced practice registered nurse (APRN) or physician's assistant or Poison Control Center (1-800-343- 2722) should be kept and filed with reports. The school administration may also retain a copy of the report if they so desire. If any witness disagrees with any of the report, the area of disagreement should be put in writing and filed with the original report(s) as a dissenting opinion.

All occurrences of errors in administration of medications shall be investigated by the director of nursing services and the medical advisor and/or his designee. There shall be a review of all medication errors at least annually to evaluate policy and procedures.

D. A report shall be completed using the accident/incident report form authorized by the Board of Education.

E. Any error in the administration of a medication shall be documented in the student's cumulative health record.

## Section 10-212a-6(a)(G)

13. Each school where medications are administered shall maintain a medication administration record for each student who receives medication during school hours. These records should be filed in me student's cumulative record and kept at least seven (7) years from date of last entry.

A. Such record shall include:

- (1) the name of the student
- (2) the name of the medication
- (3) the dosage of the medication
- (4) the route of administration
- (5) the frequency of administration

(6) the name of the prescribing physician or dentist, advanced practice registered nurse (APRN) or physician's assistant. or in the case of aspirin. ibuprofen, or an

aspirin substitute containing acetaminophen to be given to a student, the name of the parent or guardian requesting the medication be given.

(7) the date the medication was ordered

(8) the quantity received

(9) the date the medication is to be reordered

(10) any student allergies to food and/or medicine

(11) the date and time of administration or omission including the reason for the omission

(12) the dose or amount of drug administered (13) the full legal signature of the nurse, principal or teacher administering.

### Section 10-212a-6(a) (2) (3) (b) (c) (d) (H)

B. Each transaction shall be recorded in ink and shall not be altered.

C. The medication administration record shall be made available to the department upon request.

D. The written order of the physician or dentist, advanced practice registered nurse (APRN) or physician's assistant, the written authorization of the parent or guardian, and the completed medication administration record for each student shall be filed in the student's cumulative health record.

E. A. physician or dentist, advanced practice registered nurse (A.PRN) or physician's assistant's verbal order including a telephone or faxed order for a change in any medication can be received only by a school nurse. Any such verbal order must be followed by a written order within three (3) school days.

## Section 10-212a-7.1

14. Supervision

The school nurses responsible for general supervision of administration of medications in the schools to which that nurse is assigned. The school nurse will be available on a regularly scheduled basis to:

a) review orders or changes in orders, and communicate these to the personnel designated to give medication for appropriate follow-up;

b) set-up a plan and schedule to ensure medications are given;

c) . provide training to principals, teachers and other licensed nursing personnel in the administration of medications;

d) support and assist other licensed nursing personnel, principals, and teachers to prepare for and implement their responsibilities related to the administration of specific medications during school hours;

e) provide consultation by telephone or other means of telecommunication. In the absence of the school nurse, licensed physician or dentist, advanced practice registered nurse (APRN) or physician's assistant, or nurse may provide this consultation;

f) implementation of policies and procedures regarding receipt, storage, and administration of medication;

g) monthly review of all documentation pertaining to the administration of medications for students; - h) work-site observation of medication administration by teachers and principals who have been newly trained;

i) periodic review, as needed, with licensed nursing personnel, principals and teachers regarding the needs of any student receiving medication.

### **Regulation Adopted:**

June 9, 1987

#### Amended:

May 15, 1990 February 25, 1997 June 27, 2000

#### 5141.25

#### Students

### **Students with Special Health Care Needs**

The focus of a Districtwide Food Allergy Management Plan shall be prevention, education, awareness, communication and emergency response. The management plan shall strike a balance between the health, social normalcy and safety needs of the individual student with life threatening food allergies and the education, health and safety needs of all students. The District Food Allergy Management Plan shall be the basis for the development of the procedural guidelines that will be implemented at the school level and provide for consistency across all schools within the district.

The goals for the Districtwide Plan include:

1. To maintain the health and protect the safety of children who have life-threatening food allergies in ways that are developmentally appropriate, promote self-advocacy and competence in self-care and provide appropriate educational opportunities.

2. To ensure that interventions and individual health care plans for students with lifethreatening food allergies are based on medically accurate information and evidence-based practices.

3. To define a formal process for identifying, managing, and ensuring continuity of care for students with life-threatening food allergies across all transitions. (Pre-K-Grade 12)

It is the policy of the Board of Education to follow the guidelines developed and promulgated by the Connecticut Department of Public Health and Department of Education for students within the District with life-threatening food allergies and glycogen storage disease. Such guidelines include (1) education and training for school personnel on the management of students with life-threatening food allergies and glycogen storage disease, including training related to the administration of medication with a cartridge injector and the provision of food or dietary supplements, (2) procedures for responding to life threatening allergic reactions to food, (3) a process for the development of individualized health care and food allergy action plans for every student with a life-threatening food allergy, (4) a process for the development of individualized health care and glycogen storage disease action plans for every student with glycogen storage disease action plans for every student with glycogen storage disease provided such plan does not prohibit a parent/guardian or a person they so designate, to provide food or dietary supplements on school grounds during the school day, and (5) protocols to prevent exposure to food allergens.

It is the Board's expectation that specific building-based guidelines/actions will take into account the health needs and well-being of all children without discrimination or isolation of any child. It is the Board's belief that education and open and informative communication are vital for the creation of an environment with reduced risks for all students and their families. In order to assist children with life-threatening allergies to assume more individual responsibility for maintaining their safety as they grow, it is the policy of the Board that guidelines shift as children advance through the primary grades and through secondary school.

The District's plan for managing students with life-threatening food allergies shall be posted on the District's website (and/or on the website of each school within the District).

(cf. 5141 - Student Health Services)

(cf. 5141.21 - Administering Medication)

- (cf. 5141.23 Students with Special Health Care Needs)
- (cf. 5141.3 Health Assessments)
- (cf. 5145.4 Nondiscrimination)

Legal Reference: Connecticut General Statutes

<u>10</u>-15b Access of parent or guardian to student's records.

<u>10</u>-154a Professional communications between teacher or nurse and student.

<u>10</u>-207 Duties of medical advisors.

10-212a Administrations of medications in schools

<u>10</u>-212c Life threatening food allergies; Guidelines; district plans, as amended by P.A. <u>12</u>-198

<u>10</u>-212a(d) Administration of medications in schools by a paraprofessional

<u>10</u>-220i Transportation of students carrying cartridge injectors

52-557b Good Samaritan Law. Immunity from liability for emergency medical assistance, first aid or medication by injection

PA 05-104 An Act Concerning Food Allergies and the Prevention of Life-Threatening Incidents in Schools

PA 05-144 and 05-272 An Act Concerning the Emergency Use of Cartridge Injectors

The Regulations of Connecticut State Agencies section <u>10</u>-212a through <u>10</u>-212a-7

Federal Legislation

Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794 § 504; 34 C.F.R. § 104 <u>et seq</u>.)

Americans with Disabilities Act (ADA) of 1990 (42 U.S.C. §12101 <u>et seq.</u>; 29C.F.R. §1630 <u>et seq</u>.

The Family Education Rights and Privacy Act of 1974 (FERPA)

The Individuals with Disabilities Education Act of 1976 (IDEA) (20 U.S.C. § 1400 et seq.); 34 C.F.R. § 300 et seq.

FCS Instruction783-2, Revision 2, Meal substitution for medical or other special dietary reasons.

P.A. 09-155 An Act Concerning the Use of Asthmatic Inhalers and Epinephrine Auto-Injectors While at School

Land v. Baptist Medical Center, 164 F3d 423 (8th Cir. 1999)

**Policy Adopted:** May 25, 2021 03/01/2022: Policy suspended effective immediately (under suspension of the rules). Superintendent authorized to temporarily reinstate policy, in whole or part, subject to Board approval. See minutes 03/01/2022.

4118.237 4218.237 5141.8

# Personnel -- Certified/Non-Certified Students Face Masks/Coverings

This policy pertains to students, faculty, staff, and visitors. It has been developed to fulfill the guiding principles contained in the Framework for Connecticut Schools, specifically to safeguard the health and safety of students and staff and to allow all students the opportunity to return into classrooms. Evidence shows that the proper wearing of facial masks or coverings helps stop the spread of the virus.

The Board of Education (Board) is implementing this masking requirement to promote the safest possible learning, teaching and work environment for students, faculty, staff and visitors during the COVID-19 pandemic. The first priority of the Board is the health and well-being of students and staff as the District prepares for and implements the safe reopening of schools. The Center for Disease Control and Prevention (CDC) and the Connecticut Department of Public Health (CTDPH) and the Connecticut State Department of Education, as outlined in Adapt, Advance, Achieve: Connecticut's Plan to Learn and Grow Together requires the wearing of face coverings for all students and staff when they are inside school buildings and while riding school transportation vehicles, with certain exceptions.

In consultation with the CTDPH, upon the recommendation of the Department of Health for the City of Stamford that masks are required, the following policy shall apply.

The Superintendent shall have the authority to limit access to public school grounds and district buildings.

Additionally, in consultation with the Department of Health for the City of Stamford, the Superintendent may suspend or modify this policy to alter, reduce, eliminate, or otherwise modify the requirements contained herein.

# Definitions

Mask – A cloth, paper, or disposable face covering that covers the nose and mouth. It may or may not be medical grade. Masks that have an exhalation valve or vent are prohibited. This definition is subject to change if necessary in order to conform with future guidance issued by the CDC and CTDPH.

Face shield – a clear, plastic shield that covers the forehead, extends below the chin and wraps around the sides of the face, protecting the eyes, nose and mouth from contamination from respiratory droplets, which may be used along with masks or respirators.

Clear plastic barrier – a clear plastic or solid surface that can be cleaned and sanitized often.

# Transportation

All persons riding transportation provided by the district, including student passengers, are required to wear a face mask that completely covers the nose and mouth during transit. The individual's mask must be in place prior to boarding the vehicle and must be kept in place until they are completely off the vehicle. The Board shall provide back-up masks if students do not have masks when boarding school transportation. These requirements are also applicable to the drivers of the vehicle, monitors (if any), and any other individual on the vehicle.

# **School Buildings and Grounds**

All students, staff, and visitors are required to use a mask that completely covers the nose and mouth, when they are inside the school building, even when social distancing is maintained. Specific to outdoor settings, masks are not required, but students and staff will continue to wear masks in situations where students and/or staff are outdoors and in close contact while stationary (e.g., sitting/standing together in a group). Where students are actively moving around during recess or physical education activities, masks can be removed. Masks will also be on when going out of the building to recess and back into the building afterward. Good hand hygiene will be emphasized before and after outdoor activities.

Mask breaks may be provided throughout the day, subject to this policy and associated regulations.

Transparent (clear) masks may be used by teachers in situations where it is important for students to see how a teacher pronounces words (e.g. reading instruction, English learners, early childhood, foreign language, deaf or hard of hearing students, etc.) and a separating distance of six feet is consistently maintained.

Parents/guardians may not excuse their child from the requirement to wear a mask by signing a waiver. If an individual has a medical condition that makes it contrary to their health or safety to wear a mask, that individual may request a medical exemption from the requirement to wear a mask. A written notification from a physician is required in order for the Board to permit a medical exemption. The physician's note must state the medical reason for the requested exemption, and must comply with the requirements contained in associated regulation. Requests for exemption shall be made on the District's form and be in accordance with the regulation associated with this policy.

The Board shall provide to any student, staff member or visitor a face mask if such individual does not have one. Training shall be provided as necessary regarding the proper use of face coverings. Information shall be provided to staff, students and students' families regarding the proper use, removal and washing of cloth face coverings.

# Limited Exceptions to Use of Masks – Eating and Drinking

Masks are required in all dining areas while entering and leaving or getting food and drinks.

Subject to the provisions of this policy and associated regulation, when other and appropriate mitigating practices are in place, such as maintaining a separating distance of six (6) feet to the greatest extent possible, students will not be required to wear face masks while eating or drinking.

# **Mask Breaks**

Subject to the provisions of this policy and associated regulation, breaks from wearing masks shall be scheduled throughout the school day, by the teacher, provided that a separating distance of at least six (6) feet to the greatest extent possible is maintained and limitations are enforced regarding student and staff mobility. Members of staff may participate in any or all scheduled mask breaks.

Mask use will not be required by staff when they are alone in private offices. However, they are required to mask when anyone enters a private office space and are required to wear a mask if their office space is physically shared with others and does not allow for 6 feet of physical distancing or if the work area is frequented by others (such as a reception area). Additionally, in consultation with the Department of Health for the City of Stamford, the Superintendent may suspend or modify this restriction so as to excuse staff that has been fully inoculated from the restrictions of this paragraph.

# **Violations of this Policy**

Violations of this policy, whether by students or staff, shall be handled in the same manner as other violations of applicable Board policy.

For the health and safety of students and staff, students who refuse to wear a mask without an approved exemption will be subject to appropriate disciplinary action which may include a required period of remote learning. In the event such student refuses to wear a mask after having been prompted to do so, the student shall be sent to a designated location and the parent/guardian shall be contacted to rectify the situation, school personnel to explain the options available regarding schooling and for the possible removal of the child from the in person school setting.

If a visitor refuses to wear a face covering and has not been granted a medical exemption, entry to the school/district facility may be denied.

Teachers or schools may provide incentives for compliance with the face mask requirement.

# **Community Outreach**

The District shall engage in community education programs including signage, mass and targeted communication, and positive reinforcement that will actively promote mask use consistent with CDC, DDH, CSDE and OSHA guidance. Community members will be reminded that mask use does not replace the need for social distancing, washing of hands and other preventative practices recommended by all appropriate authorities.

Until further notice the Board will require the wearing of masks as prescribed in this policy. The Board reserves the right to interpret the provisions of this policy and to modify any or all matters contained in this policy at any time, subject to applicable law.

(cf. 5141.1 – Communicable/Infectious Diseases) (cf. 6110 – Emergency Closings) (cf. 6110 – Emergency Closings) Legal Reference: **Connecticut General Statutes** 10-154a Professional communications between teacher or nurse and student. 10-207 Duties of medical advisors. 10-221 Boards of education to prescribe rules. 19a-221 Quarantine of certain persons. 52-557b Immunity from liability for emergency medical assistance, first aid or medication by injection. School personnel not required to administer or render. The Family Educational Rights and Privacy Act of 1974, (FERPA), 20 U.S.C. 1232g, 45 C.F.R. 99. Adapt, Advance, Achieve: Connecticut's Plan to Learn and Grow Together Connecticut LEA School Reopening Template CDC Considerations for Schools CDC Symptoms of Coronavirus CDC Quarantine & Isolation CDC Use of Cloth Face Coverings to Help Slow the Spread of COVID-19 CDC Interim Guidance for Administrators of US K-12 Schools and Child Care Programs CDC Schools Decision Tree for Schools Reopening

## **Policy Adopted:**

September 01, 2020 (Effective immediately under suspension of rules)

## **Revised:**

03/23/2021 (Effective immediately under suspension of rules) 06/01/2021 (Effective immediately under suspension of rules)

# Suspended:

03/01/2022 (Effective immediately under suspension of rules)

Superintendent authorized to temporarily reinstate policy, in whole or part, subject to Board approval. See minutes 03/01/2022.

03/01/2022: Policy suspended effective immediately (under suspension of the rules). Superintendent authorized to temporarily reinstate policy, in whole or part, subject to Board approval. See minutes 03/01/2022.

4118.237 R 4218.237 R 5141.8 R

# Personnel – Certified / Non-Certified Students Facemasks/Coverings

# REGULATION

### Exemption from requirement to wear a mask

In an emergent situation, if an individual is having trouble breathing; is unconscious; is incapacitated; or cannot remove the mask without assistance, that individual may be temporarily excused from the requirement to wear a mask without formally requesting an exemption.

An exemption from the requirement to wear a mask when in a district building may be granted for anyone who has a medical condition, behavioral condition or disability that makes wearing a mask contrary to their health or safety. To request a medical exemption, a written notification from a Practitioner (as defined below) is required (the "Physician's Notification").

A "Practitioner" means a licensed physician, or an advanced practice registered nurse licensed by the State of Connecticut ("APRN"), or a physician assistant licensed by the State of Connecticut ("PA"), a licensed or certified medical provider, psychologist, marriage and family therapist, professional counselor, social worker, or behavior analyst, the Department of Developmental Services or other state agency that provides or supports services for people with emotional, intellectual or physical disabilities, or a person authorized by any such agency.

A Physician's Notification must be provided by a Practitioner, must be on the Practitioner's letterhead, signed, dated, and contain the Practitioner's printed name and contact information. It must be no more than three (3) months old. It must certify the person is qualified for the exemption and must state it would be medically contraindicated (contrary to the individual's health or safety) for the individual to wear a mask because of a medical condition, behavioral condition or disability.

Requests for exemption from the requirement to wear a mask in a district building shall be submitted in advance. If the request for exemption is for a member of staff, the request must be delivered to the Director of Human Resources for the District (this includes any interim or acting Director of Human Resources, if applicable). If the request is for a building visitor, the request must be delivered in advance to the building principal. If the request is for a student, the request must be delivered to the school nurse, and must include a completed *Student Medical Exemption Certification Statement – Mask or Face Covering* form. Submission of a request for exemption is not a guarantee that an exemption will be granted. The requestor must comply withall requirements to wear a mask until they have been notified that their request for exemption was granted. Once granted, an exemption may be conditioned, modified or revoked as may be necessary and appropriate.

Any individual that is granted an exemption from the requirement to wear a mask is expected to

behave appropriately. Inappropriate behavior or failure to follow any conditions associated with an exemption will subject the individual to appropriate disciplinary action. The names of individuals who are granted an exemption from the requirement to wear a mask shall be provided to the principal who will disseminate this information to those who have a need to know ie: classroom teacher, etc.

For the purposes of this Regulation, "Fully vaccinated" means at least fourteen days have elapsed since a person has received the second dose of the Pfizer or Moderna vaccine, or the single dose of the Johnson & Johnson vaccine, or as otherwise defined by the Centers for Disease Control ("CDC").

# Teacher Removal of Mask During Active Instruction

In an effort to balance the risks of SARS-CoV-2 transmission in a classroom and instructional needs, teachers who are fully vaccinated may choose to remove their masks when they are engaged in active instruction at the front of the classroom in which students are seated and masked provided that a separating distance of at least six (6) feet to the greatest extent possible is maintained. Mask removal may not occur in cases where a fully vaccinated teacher is a close contact of a known case and, in lieu of quarantine, is instructed to wear a mask until they receive a negative test.

# Mask Breaks

Mask breaks may be allowed at the teacher's discretion provided a separating distance of six (6) feet is maintained to the greatest extent possible, limitations are enforced regarding student and staff mobility are enforced, appropriate additional mitigating measured are followed, and any additional guidelines that may be set by the administration are followed.

# Violation of this Policy

- Minor violations will ideally be addressed in the moment by an active bystander (e.g., offering a forgetful student a mask) and/or through an educational discussion (e.g., student meeting with staff). We encourage peer engagement and bystander intervention by staff, consistent with our broader social norming campaign.
- Serious violations will be handled through the typical process within each building. Through this administrative process, the administration may administer appropriate discipline, including suspending a student from in-person learning/activities (i.e., allow them to continue with remote learning). The definition of what is a "serious" violation will be fact-bound. Factors to consider include, but are not limited to, repeated violations by the same individual, actions that constitute a refusal to comply when warned or encouraged, and large events in plain, intentional disregard of size and distance limitations.

If an employee fails to comply with requirements of this policy, it may result in disciplinary action, up to and including termination, in accordance with relevant laws, policies and procedures.

# **Regulation Adopted**:

September 01, 2020

**Amended**: March 23, 2021 August 17, 2021 August 30, 2021

# Suspended:

03/01/2022 (Effective immediately under suspension of rules) Superintendent authorized to temporarily reinstate policy, in whole or part, subject to Board approval. See minutes 03/01/2022.

# 5141.8 FORM

## Student Medical Exemption Certification Statement - Mask or Face Covering

The Center for Disease Control and Prevention (CDC) and the Connecticut Department of Health (CTDPH) and the Connecticut State Department of Education, as outlined in Adapt, Advance, Achieve: Connecticut's Plan to Learn and Grow Together requires the wearing of face coverings for all students and staff when they are inside school buildings and while riding school transportation vehicles, with certain exceptions.

Parents or guardians claiming a medical exemption on the basis that a wearing a mask or face covering is medically contraindicated (contrary to the health and safety of the student) for their child must complete the following statement and attach a letter (the "Physician's Notification") signed by a Practitioner (as defined below) licensed to practice medicine stating that in the Practitioner's opinion, wearing a mask or face covering is medically contraindicated (contrary to the health and safety of the student) and that the person qualifies for the exemption, and return it to the school nurse.

A "Practitioner" means a licensed physician, or an advanced practice registered nurse licensed by the State of Connecticut ("APRN"), or a physician assistant licensed by the State of Connecticut ("PA"), a licensed or certified medical provider, psychologist, marriage and family therapist, professional counselor, social worker, or behavior analyst, the Department of Developmental Services or other state agency that provides or supports services for people with emotional, intellectual or physical disabilities, or a person authorized by any such agency.

The Physician's Notification must be dated, not more than three (3) months old, include the child's name and, birth date, the Practitioner's name, contact information and signature, statethat a medical condition, behavioral condition or disability contraindicates the wearing of a mask or face covering, and certify the person is qualified for the exemption.

To Whom It May Concern:

As the parent(s)/guardian(s) of\_\_\_\_\_\_, (Name of student)

I/we are submitting the enclosed documentation from a Practitioner stating that for this child wearing a mask or face covering is medically contraindicated and would be contrary to the child's health and safety, and that the child qualifies for an exemption from the requirement to wear a mask.

I/we understand the need for an exemption for wearing a face covering is rare. As stated in Addendum 11 Adapt, Advance, Achieve: Connecticut's Plan to Learn and Grow Together, Connecticut State Department of Education, Interim Guidance for the Use of FaceCoverings in Schools during COVID-19,

"Medical contraindications to the wearing of cloth or other similar loose fitting masks are generally limited to individuals suffering from severe chronic obstructive pulmonary disease (COPD) such as might be seen with cystic fibrosis, severe emphysema, heart failure, or significant facial burns that would cause extreme pain or interfere with the healing of a skin graft. These severe medical conditions will be rare in students or staff capable of presenting to the school for work or instruction (in most cases these individuals would not be able to move about freely without significant assistance). In addition, for anyone suffering from any of these underlying conditions, the strong recommendation would be for that person to remain at home and engage in fully virtual learning due to their risk of developing severe complications if they did become infected with COVID-19. Mild or intermittent respiratory or other common conditions such as asthma, cardiovascular diseases, kidney disease, or other similar conditions are generally not considered contraindications to the wearing of loose-fitting face coverings."

I/we have read the Stamford Public Schools mask and face covering policy and associated regulation and agree to be bound by same.

Signature of Parent(s)/Guardian(s)

Date:

Address:

Telephone #:

School:

#### Revised:

August 17, 2021

# **Equal Access to Recruiters**

All recruiters, military and non-military, shall be given equal access to students through programs conducted by the guidance offices of the schools. Such programs may consist of, but not be limited to, career nights, college fairs and individual school visitations.

**Policy Adopted:** January 27, 1987

**Readopted:** June 27, 2000

# Physical Restraint / Seclusion / Exclusionary Time Out

The Stamford Board of Education seeks to foster a safe and positive learning environment for all students. In compliance with applicable law, this policy, and accompanying regulations, Board of Education employees will avoid the use of physical restraint and seclusion of students. However, physical restraint or seclusion of a student by trained school employees may be necessary in an emergency situation to maintain the safety of the student or another individual, where harm to the student or others is immediate or imminent. The Board also regulates the use of exclusionary time out in accordance with this Policy and applicable law.

The following sets forth the procedures for compliance with the relevant Connecticut General Statutes and Regulations concerning the physical restraint and seclusion of students in the Stamford Public Schools. The Board of Education mandates compliance with this policy and the associated administrative regulations at all times. Violations of this policy and/or associated administrative regulations by a Board of Education staff member or other individual working at the direction of, or under the supervision of, the Board of Education, may result in disciplinary action, up to and including possible termination of employment status and/or termination of contract for services.

Nothing within these policies and administrative regulations shall be construed to interfere with the Board's responsibility to maintain a safe school setting, in accordance with Connecticut General Statutes § 10-220, or to supersede the justifiable use of reasonable physical force permitted under Connecticut General Statutes §53a-18(6). Under no circumstances shall employees or individuals under the supervision of the Board use corporal punishment with students or physically manage students for purposes of discipline.

# I. **Definitions**

- A. **Exclusionary time out** means a temporary, continuously monitored separation of a student from an ongoing activity in a non-locked setting, for the purpose of calming such student or de-escalating such student's behavior.
- B. Life-threatening physical restraint means any physical restraint or hold of a person that restricts the flow of air into a person's lungs, whether by chest compression or any other means, or immobilizes or reduces the free movement of a person's arms, legs or head while the person is in the prone position.
- C. **Physical restraint** means any mechanical or personal restriction that immobilizes or reduces the free movement of a person's arms, legs or head, including, but not limited to, carrying or forcibly moving a person from one location to another. Excluded from this definition is briefly holding a person in order to calm or comfort the person; restraint involving the minimum contact necessary to safely escort a person from one

area to another; medical devices including but not limited to, supports prescribed by a health care provider to achieve proper body position or balance; helmets or other protective gear used to protect a person from injuries due to a fall; or helmets, mitts and similar devices used to prevent self-injury when the device is part of a documented treatment plan or individualized education program pursuant to Connecticut's special education laws or prescribed or recommended by a medical professional and is the least restrictive means to prevent such self-injury or an exclusionary time out.

- D. **Psychopharmacologic agent** means any medication that affects the central nervous system, influencing thinking, emotion or behavior.
- E. School employee means a teacher, substitute teacher, school administrator, Superintendent, guidance counselor, school counselor, psychologist, social worker, nurse, physician, school paraeducator, board certified behavior analysist or coach employed by the Board of Education or working in a public elementary, middle or high school; or any other individual who, in the performance of his/her duties has regular contact with students and who provides services to or on behalf of students enrolled in the Stamford Public Schools, pursuant to a contract with the Board of Education.
- F. **Seclusion** means the involuntary confinement of a student in a room, with or without staff supervision, in a manner that physically prevents the student from leaving. Seclusion does not include any confinement where the student is physically able to leave the area of confinement including, but not limited to, in-school suspension and time-out. Seclusion does not include exclusionary time out.
- G. Student means a child (A) enrolled in grades Pre-K, kindergarten to twelve, inclusive, in a public school under the jurisdiction of a local or regional Board of Education, (B) receiving special education and related services in an institution or facility operating under contract with a local or regional Board of Education, (C) enrolled in a program or school administered by a regional education service center, or (D) receiving special education and related services from an approved private special education program, but shall not include any child receiving educational services from Unified School District #2 or the Department of Mental Health and Addiction Services.

## II. Use of Physical Restraint and/or Seclusion

- A. No school employees shall use a life-threatening physical restraint on a student under any circumstance.
- B. No student shall be placed in seclusion unless the use of seclusion is being used as an emergency intervention to prevent immediate or imminent injury to the student or to others, provided the seclusion is not used for discipline or convenience and is not used as a substitute for a less restrictive alternative.

- C. Seclusion shall not be utilized as a planned intervention in a student's behavioral intervention plan, individualized education program or plan pursuant to Section 504 of the Rehabilitation Act of 1973, as amended from time to time.
- D. If any instance of physical restraint or seclusion of a student exceeds fifteen minutes an administrator or his/her designee (member of crisis team), or a school health or mental health personnel, or a board certified behavioral analyst, who has received training in the use of physical restraint and seclusion shall determine whether continued physical restraint or seclusion is necessary to prevent immediate or imminent injury to the student or to others. Upon a determination, that such continued physical restraint or seclusion is necessary; such individual shall make a new determination every thirty minutes thereafter regarding whether such physical restraint or seclusion is necessary to prevent immediate or imminent injury to the student or to others.
- E. Physical restraint and seclusion of a student shall never be used as a disciplinary measure or as a convenience.
- F. School employees must explore all available less restrictive alternatives prior to using physical restraint or seclusion for a student.
- G. In the event that physical restraint or seclusion is used on a student four or more times within twenty school days:
  - 1. An administrator, one or more of such student's teachers, the parent/guardian of such student and, if any, a mental health professional shall convene for the purpose of:
    - a. conducting or revising a behavioral assessment of the student;
    - b. creating or revising any applicable behavioral intervention plan; and
    - c. determining whether such student may require special education.
  - 2. If such student is a child requiring special education or is a child being evaluated for eligibility for special education and awaiting a determination, such student's planning and placement team shall convene for the purpose of:
    - a. conducting or revising a behavioral assessment of the student; and
    - b. creating or revising any applicable behavioral intervention plan, including, but not limited to, such student's individualized education plan.
- H. A school employee must continually monitor any student who is physically restrained or secluded. Any student voluntarily or involuntarily placed in seclusion or restrained shall be regularly evaluated by a school employee for indications of physical distress. The school employee conducting the evaluation shall enter each evaluation in the student's educational record.

- 1. Monitor shall mean by direct observation or by observation using video monitoring within physical proximity sufficient to provide aid as may be required.
- 2. The area in which such student is secluded is equipped with a window or other fixture allowing the student a clear line of sight beyond the area of seclusion.
- I. School employees shall not use a physical restraint on a student or place a student in seclusion unless they have received training on the proper means for performing such physical restraint or seclusion.
- J. School employees may not use a psychopharmacologic agent on a student without that student's consent except (1) as an emergency intervention to prevent immediate or imminent injury to the student or to others, or (2) as an integral part of the student's established medical or behavioral support or educational plan, as developed consistent with Section 17a-543 of the Connecticut General Statutes or, if no such plan has been developed, as part of licensed practitioner's initial orders. The use of psychopharmacologic agents, alone or in combination, may be used only in doses that are therapeutically appropriate and not as a substitute for other appropriate treatment.
- K. The parent/guardian of a student who is placed in physical restraint or seclusion shall be notified not later than twenty-four hours after the student is placed in physical restraint or seclusion. A reasonable effort shall be made to provide such notification immediately after such physical restraint or seclusion is initiated. Such notification must be made by phone or email, which may include but is not limited to sending a note home with the child. The parent of such child, regardless of whether he or she receives such notification, must be sent a copy of the incident report no later than two business days after the emergency use of physical restraint or seclusion.
- L. Beginning July 1, 2016, The Board of Education, and each institution or facility operating under contract with the Board to provide special education for children, including any approved private special education program, shall:
  - 1. Record each instance of the use of physical restraint or seclusion on a student.
  - 2. Specify whether the use of seclusion was in accordance with an individualized education program.
  - 3. Specify the nature of the emergency that necessitated the use of such physical restraint or seclusion.
  - 4. Include such information in an annual compilation on its use of such restraint and seclusion on students.

- M. The Board and institutions or facilities operating under contract with the Board to provide special education for children, including any approved private special education program, shall provide such annual compilation to the Department of Education in order to examine incidents of physical restraint and seclusion in schools.
- N. Any use of physical restraint or seclusion on a student shall be documented in the student's educational record. The documentation shall include:
  - 1. The nature of the emergency and what other steps, including attempts at verbal de-escalation, were taken to prevent the emergency from arising if there were indications that such an emergency was likely to arise; and
  - 2. A detailed description of the nature of the restraint or seclusion, the duration of such restraint or seclusion and the effect of such restraint or seclusion on the student's established educational plan.
- O. Any incident of the use of restraint or seclusion that results in physical injury to a student shall be reported to the State Board of Education.

# III. Crisis Intervention Teams

- A. For the school year commencing July 1, 2017 and each school year thereafter, the Board requires each school in the District to identify a crisis intervention team. Such team shall consist of any teacher, administrator, school professional or other school employee designated by the school principal and who has direct contact with students and trained in the use of physical restraint and seclusion.
  - 1. Members of such teams shall respond to any incident in which the use of physical restraint or seclusion may be necessary as an emergency intervention to prevent immediate or imminent injury to a student or to others.
  - 2. Each member of the crisis intervention team shall be recertified in the use of physical restraint and seclusion on an annual basis.
  - 3. The Board shall maintain a list of the members of the crisis intervention team for each school.

# IV. Documentation and Communication

A. After each incident of physical restraint or seclusion, and no later than the end of the next school day following the incident, a school employee must complete the standardized incident report form developed by the Connecticut State Department of Education for reporting incidents of physical restraint and seclusion. The incident form must be included in the educational file of the person who was physically restrained or secluded. The information on the form must include the following:

- 1. In the case of an emergency, the nature of the emergency and what other steps, including attempts at verbal de-escalation, were taken to prevent the emergency from arising if there were indications that such an emergency was likely to arise;
- 2. A detailed description of the nature of the restraint or seclusion;
- 3. The duration of the restraint or seclusion;
- 4. The effect of the restraint or seclusion on the student's established behavioral support or educational plan; and
- 5. Whether the seclusion of a student was conducted pursuant to a behavior support or educational plan.
- B. A school employee must notify the parent or guardian of a student of each incident that the student is physically restrained or placed in seclusion.
  - 1. A reasonable attempt shall be made to notify the parent or guardian of the student on the day of, but no later than twenty-four (24) hours after, physical restraint or seclusion is used as an emergency intervention to prevent immediate or imminent injury to the student or others.
  - 2. Notification must be made by telephone, e-mail, or other method which may include, but is not limited to, sending a note home with the student.
  - 3. The parent or guardian of a student who has been physically restrained or placed in seclusion shall be sent a copy of the completed incident report of such action no later than two (2) business days after the emergency use of physical restraint or seclusion, regardless of whether the parent received the notification described in subsections 1 and 2 above.
- C. The Director of Special Education, or their designee, must, at each initial PPT meeting for a student, inform the child's parent, guardian, or surrogate parent, or the student if such student is an emancipated minor or eighteen years of age or older, of the laws relating to physical restraint and seclusion as expressed through this policy, and of the laws and regulations adopted by the Connecticut State Board of Education relating to physical restraint and seclusion.
- D. The Director of Special Education, or their designee, must be notified of the following:
  - 1. Each use of physical restraint or seclusion on a special education student;
  - 2. The nature of the emergency that necessitated its use;
- 3. Whether the seclusion of a special education student was conducted pursuant to a behavioral support plan; and
- 4. If the physical restraint or seclusion resulted in physical injury to the student.

### V. Required Training and Prevention Training Plan

- A. Training shall be provided by the Board to the members of the crisis intervention team for each school in the District. The Board may provide such training to any teacher, administrator, school professional or other school employee, designated by the school principal and who has direct contact with students regarding physical restraint and seclusion of students. Such training shall be provided during the school year commencing July 1, 2017 and each school year thereafter.
- B. Training shall include an annual overview of the relevant laws and regulations regarding the use of physical restraint and seclusion on students and the proper uses of physical restraint and seclusion. (Such overview is to be provided by the Department of Education commencing July1, 2017 and annually thereafter, in a manner and form as prescribed by the Commissioner of Education.)
  - 1. The creation of a plan by which the Board will provide training regarding the prevention/de-escalation of incidents requiring physical restraint or seclusion of students.
  - 2. The Board will create a plan requiring training regarding the proper means of physical restraint or seclusion of a student, including, but not limited to:
    - a. Verbal defusing and de-escalation;
    - b. Prevention strategies;
    - c. Various types of physical restraint and seclusion;
    - d. The differences between life-threatening physical restraint and other varying levels of physical restraint;
    - e. The differences between permissible physical restraint and pain compliance techniques;
    - f. Monitoring methods to prevent harm to a student who is physically restrained or in seclusion, including training in the proper means of physically restraining or secluding a student; and
    - g. Recording and reporting procedures on the use of physical restraint and seclusion.

#### VI. Exclusionary Time Out

Exclusionary time outs must follow, but need not be limited to, the following requirements:

1. Exclusionary time out is not to be used as a form of discipline. The use of exclusionary time out should be closely monitored by child study teams and grade level teams in order to examine data. If it is determined that the use of time out, including exclusionary time out as an intervention for an individual

student is not effective at reducing the inappropriate behavior and does not encourage learning of the new and appropriate behavior, the team should consider looking closely at the students behavior using an Functional Behavior Assessment (FBA) and developing alternative interventions. Such information can be documented by a Behavior Intervention Plan (BIP) that is informed by an FBA.

- 2. At least one school employee remains with the student, or be immediately available to the student such that the student and school employee are able to communicate verbally, throughout the exclusionary time out.
- 3. The space used for an exclusionary time out is clean, safe, sanitary and appropriate for the purpose of calming such student or de-escalating such student's behavior.
- 4. The exclusionary time out period terminates as soon as possible.
- 5. If such student is a child requiring special education, as defined in C.G.S. 10-76a, or a child being evaluated for special education, pursuant to C.G.S. 10-76d, and awaiting a determination, and the interventions or strategies are unsuccessful in addressing such student's problematic behavior, such student's planning and placement team shall convene as soon as is practicable to determine alternative interventions or strategies.
- 6. An exclusionary time out becomes a reportable "seclusion" if or when the student is physically or prohibited from leaving the space.
- 7. The parent or guardian of a student who is placed in exclusionary time out shall be notified not later than 24 hours after the student is placed in exclusionary time out. A reasonable effort shall be made to provide such notification immediately after such exclusionary time out is initiated.
- 8. Staff shall record each instance of exclusionary time out. The school principal shall maintain an annual compilation of exclusionary time out. Such compilation will be reported to the Board of Education annually.

## VII. Dissemination of Policy

- A. This policy and its procedures shall be made available on the District's website and in the Board's procedural manual. The policy shall be updated not later than sixty (60) days after the adoption or revision of regulations promulgated by the State Board of Education.
- (cf. 4148/4248 Employee Protection)
- (cf. 5141.23 Students with Special Health Care Needs)
- (cf. 5144.2 Use of Exclusionary Time Out Rooms)

Legal Reference:

**Connecticut General Statutes** 

10-76b State supervision of special education programs and services.10-76d Duties and powers of boards of education to provide special education programs and services.

10-236b Physical restraint and seclusion of students by school employees. (as amended by PA 17-220 and PA 18-51)

46a-150 Definitions. (as amended by PA 07-147 and PA 15-141)

46a-152 Physical restraint, seclusion and use of psychopharmacologic agents restricted. Monitoring and documentation required.

46a-153 Recording of use of restraint and seclusion required. Review of records by state agencies. Reviewing state agency to report serious injury or death to Office of Protection and Advocacy for Persons with Disabilities and to Office of Child Advocate. (as amended by PA 12-88)

53a-18 Use of reasonable physical force or deadly physical force generally.

53a-19 Use of physical force in defense of person.

53a-20 Use of physical force in defense of premises.

53a-21 Use of physical force in defense of property.

PA 07-147 An Act Concerning Restraints and Seclusion in Public Schools.

PA 15-141 An Act Concerning Seclusion and Restraint in Schools.

Public Act 18-51, An act Implementing the Recommendations of the Department of Education

Conn. Gen . Stat. 10-76b

Conn. Gen. Stat. 10-76d

Conn. Gen. Stat. 53a-18 to 53a-22 Reg.

Conn. State Agencies 10-76b-5 to 10-76b-11.

#### Other References:

Restraint and Seclusion: Resource Document, United States Department of Education, available at <u>http://www2.ed.gov/policy/seclusion/restraints-and-seclusion-resources.pdf</u>.

Understanding the Laws and Regulations Governing the Use of Restraint and Seclusion, Connecticut State Department of Education (July 2018)

Guidance Related to Recent Legislation Regarding Restraint and Seclusion, Connecticut State Department of Education (Revised, July 2018)

# **Policy adopted:**

August 27, 2019

## **Students**

#### Search Of Person And Property

#### **Student Search**

According to a decision of the Supreme Court of the United States, "a student may be searched if there are reasonable grounds for suspecting that the search will rum up evidence that the student has violated the law or rules of the school." A student's personal effects are also subject to being searched by school officials and are subject to the same rule. All searches of students and their effects must be particularized; school officials shall not conduct group searches.

The scope of any search must be "reasonably related to the objectives of the search and not excessively intrusive in light of the age and sex of the student and the nature of the infraction". If school officials conclude that a more intrusive search (i.e. a strip search) is needed, they shall report their suspicions to the police who shall be solely responsible for any such search. School officials shall call the parents or guardians of the student(s) involved before an intrusive search begins.

An annual notice regarding this policy shall be provided through student handbooks or other publications.

#### **Search of Depositories**

The Board provides lockers; desks, and other such depositories which are owned by the schools but are assigned to students for their use. This school property shall remain under the control of school officials and shall be subject to searches and inspections. A student should not expect privacy regarding items placed in school property.

Desks, lockers and other depositories may be searched by an authorized school administrator or law enforcement official as is reasonably necessary in the operation of the school. Any such search must be (I) justified at its inception, i.e. there must be reason to believe that a search of such depository will rum up evidence that there has been a violation of law or rules of the school or that students or others may be endangered by contraband material in them, and (2) reasonably related in scope to the purpose of objectives of the search, and not excessively intrusive in light of the age and sex of the student and the nature of the infraction.

An annual notice regarding this policy and its regulations shall be provided through student handbooks or other publications.

**Policy Adopted:** April 25, 1989

Amended June 27, 2000

# **Students**

## Search of Depositories

No student shall keep or store personal belongings or school materials in any depositary other than those designated for his/her use. Each student shall be responsible for maintaining any assigned depository in an orderly and sanitary condition.

Where lockers are used, each one should be assigned to an individual student who will be held responsible for its contents.

No student shall keep or store in any depository any item the possession of which is illegal; or in violation of school regulations; or which endangers the health, safety or welfare of self or others. Such contraband includes, but is not limited to, fireworks, chemicals, ammunition, weapons, drugs, alcohol.

The decision to conduct a search of a student's desk, locker or depository shall be made by the principal or the principal's designee. Whenever appropriate, the student should be present at the time of the search. Nothing herein shall prevent a principal or teacher from having access to an unlocked desk. or depository.

Discovery of contraband shall be reported to the student's parent(s) or guardian and to we Office of the Superintendent.

When circumstances warrant, the school administration will involve the police in rhe investigation of unlawful activity on school property. The school administration will cooperate with law enforcement agencies as appropriate.

**Regulation Adopted:** May 28, 1989

Amended June 27, 2000

## Personnel – Certified/Non-Certified

## Students

## Title IX

The Board of Education (Board) policy is to maintain a learning and working environment free from any form of sex discrimination or sexual harassment. The Board agrees to comply with Title IX of the Education Amendments of 1972 and the Regulations as amended in the Final Rule promulgated pursuant thereto.

The Board, as required, shall respond whenever any employee has notice of sexual harassment, including allegations of sexual harassment. Title IX applies to persons in this District because its education programs or activities receive Federal financial assistance. This policy applies to all of the District's programs or activities, whether such programs or activities occur on or off campus.

The District's response shall be triggered by notice to a Title IX Coordinator, or to an official with authority to institute corrective measures on the recipient's behalf, which charges a school with actual knowledge.

The Board has chosen to use as the District's standard of evidence as preponderance of evidence standard (*previous existing standard*).

(cf. 0521 - Nondiscrimination)

(cf. 0521.1 – Grievance Procedure for Section 504, Title IX, and Title VII)

(cf. 4118.11/4218.11 – Nondiscrimination)

(cf. 4118.112/4218.112 – Sex Discrimination and Sexual Harassment in the Workplace)

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

(cf. 5145.5 – Sexual Harassment)

(cf. 5145.51 – Peer Sexual Harassment)

## Legal Reference:

- United States Constitution, Article XIV
- Civil Rights Act of 1964, Title VII, 42 U.S.C. S2000-e2(a)
- Equal Employment Opportunity Commission Policy Guidance (N-915.035) on Current Issues of Sexual Harassment, Effective 10/15/88.
- Title IX of the Education Amendments of 1972, 20 USCS §1681, et seq.
- Title IX of the Education Amendments of 1972, 34 CFR §106, et seq.
- Title IX Final Rule, 34 CFR §106.45, et seq., May 6, 2020
- 34 CFR Section 106.8(b), OCR Guidelines for Title IX.
- Definitions, OCR Guidelines on Sexual Harassment, Fed. Reg. Vol 62, #49, 29 CFR Sec. 1606.8 (a0 62 Fed Reg. 12033 (March 13, 1997) and 66 Fed. Reg. 5512 (January 19, 2001)
- The Clery Act, 20 U.S.C. §1092(f)
- The Violence Against Women Act, 34 U.S.C. §12291(a)
- Mentor Savings Bank, FSB v. Vinson, 477 U.S. 57 (1986)
- Faragher v. City of Boca Raton, No. 97-282 (U.S. Supreme Court, June 26, 1998)
- *Burlington Industries, Inc. v. Ellerth*, No. 97-569, (U.S. Supreme Court, June 26,1998)
- *Gebbser v. Lago Vista Indiana School District*, No. 99-1866, (U.S. Supreme Court, June 26,1998)

- *Davis v. Monro County Board of Education*, No. 97-843, (U.S. Supreme Court, May 24, 1999.)
- Connecticut General Statutes
- 46a-60 Discriminatory employment practices prohibited.
- Conn. Agencies Regs. §46a-54-200 through §46a-54-207
- Constitution of the State of Connecticut, Article I, Section 20.
- P.A. 19-16 An Act Combatting Sexual Assault and Sexual Harassment

## **Policy Adopted:**

September 27, 2016 October 26, 2021

### **Policy Amended:**

October 12, 2021

## Personnel Certified/Non-Certified

#### Students

### Definitions

**Sex discrimination** for purposes of this Title IX policy occurs when an individual, because of their sex, is denied participation in or the benefits of any program or activity receiving federal financial assistance. It includes when the District, as an employer, refuses to hire, disciplines or discharges any individual, or otherwise discriminates against an individual with respect to such individual's compensation, terms, conditions or privileges of employment on the basis of the individual's sex.

**Sexual harassment** for purposes of this Title IX policy includes any of the three types of misconduct on the basis of sex, all of which jeopardize the equal access to education that Title IX is designed to protect:

1. Any instance of quid pro quo harassment by a school's employee;

2. Any unwelcome conduct that a reasonable person would find so severe, pervasive, and objectively offensive that it denies a person's equal access to the District's educational programs or activities; or

3. Any instance of sexual assault (as defined in 20 U.S.C.1092 (f)(6)(A)(v)), dating violence (as defined in 34U.S.C. 12291(a)(10)), domestic violence (as defined in 34U.S.C.12291(a)(8)), or stalking, (as defined in 34 U.S.C. 12291(a)(30).

(This definition does not make sexual harassment dependent on the method by which the harassment is carried out.)

**Program or activity** includes those locations, events, or circumstances over which the District exercises substantial control over both the alleged harasser (respondent) and the context in which the sexual harassment occurred.

Actual knowledge means notice of sexual harassment or allegations of sexual harassment to the District's Title IX Coordinator or to any employee of the school district.

**Title IX Coordinator** is the individual designated and authorized by the Board to coordinate the District's Title IX compliance efforts.

**Deliberately indifferent** means a response to a Title IX sexual harassment report that is not clearly unreasonable in light of the known circumstances.

**Complainant** is the individual who is alleged to be the victim of conduct that could constitute sexual harassment.

**Respondent** is the individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment.

**Formal complaint** is the document filed by a complainant or signed by the Title IX Coordinator alleging sexual harassment against a respondent and requesting that the District investigate the allegation of sexual harassment.

**Document filed by a complainant** is a document or electronic submission that contains the complainant's physical or digital signature, or otherwise indicates that the complainant is the person filing the formal complaint.

**Supportive measures** are individualized services reasonably available that are non-punitive, non-disciplinary and not unreasonably burdensome to the other party while designed to ensure equal educational access, protect safety, or deter sexual harassment. These measures are without charge to a complainant or a respondent and may be offered before or after the filing of a formal complaint or when no complaint has been filed.

#### Notifications

The District shall notify all students, employees, applicants for admission and employment, parents or legal guardians of students, and all unions/bargaining units of the Title IX Coordinator's contact information. Such

information shall include the name or title, office address, e-mail address, and telephone number of the Title IX Coordinator. The required contact information shall also be prominently displayed on District and school websites.

### **District/School's Mandatory Response Obligations**

The District and its schools recognize its mandatory obligations to respond promptly to Title IX sexual harassment in a manner that is not deliberately indifferent, as defined. The following mandatory response obligations will be fulfilled:

1. Supportive measures shall be offered to the person alleged to be the victim ("complainant'). A respondent will not be disciplined without the District first following the Title IX grievance process, which includes investigating formal complaints of sexual harassment.

2. The Title IX Coordinator to discuss promptly with the complainant the availability of supportive measures, consider the complainant's wishes with respect to such measures, inform the complainant of the availability of such measures with or without filing of a formal complaint, and explain to the complainant the process for filing a formal complaint.

3. Follow a grievance procedure that complies with the Title IX Final Rule before the imposition of any disciplinary sanctions or other actions that are not supportive measures, against a respondent.

4. The rights protected under the U.S. Constitution, including the First Amendment,

Fifth Amendment and Fourteenth Amendment shall not be restricted when complying with Title IX.

5. Sexual harassment allegations in any formal complaint will be investigated. The formal complaint can be filed by a complainant or signed by the Title IX Coordinator.

6. The complainant's wishes regarding whether the District/school investigates shall be respected unless the Title IX Coordinator determines that signing a formal complaint to initiate an investigation over the wishes of the complainant is not clearly unreasonable in light of the known circumstances.

7. Compliance efforts, where applicable, to be coordinated with special education staff members.

If the allegations in a formal complaint do not meet the definition of sexual harassment contained within this policy, or did not occur in the District's educational; program or activity against a person in the United States, the District will, as required, dismiss such allegations for purposes of Title IX but may still address the allegations in any manner deemed appropriate by the District.

## Notice of Allegation to the Parties

The District shall provide notice to the parties upon receipt of a formal complaint and on an ongoing basis if the District decides to include additional allegations during the course of the investigation.

The notice shall inform the parties of the allegations that potentially constitute sexual harassment as defined in this policy and include the identities of the parties involved in the incident, sufficient details about the allegations, including the identities of the parties if known, the conduct allegedly constituting sexual harassment, and the date and location of the alleged incident, if known.

The written notice shall also include notice of the applicable grievance process, and advise the parties that they may have an advisor of their choice and that the parties may inspect and review evidence obtained in the investigation.

The notice shall also inform the parties of any provisions in the District's code of conduct that prohibits knowingly making false statements or knowingly submitting false information during the grievance process.

## **Grievance Process**

The District, as required, will utilize a consistent, transparent grievance process for resolving formal complaints of sexual discrimination and/or sexual harassment. Such process, as detailed in the administrative regulations, applies to all District schools equally.

A presumption that the respondent is not responsible for the alleged conduct shall be maintained until a determination is made regarding responsibility at the conclusion of the grievance process.

### Investigations

Allegations contained in any formal complaint will be investigated. Written notice shall be sent to both the complainant(s) and respondent(s) of the allegations upon receipt of the formal complaint.

During the grievance process and when investigating:

- 1. The burden of gathering evidence and burden of proof remains with the District.
- 2. The parties will be provided equal opportunity to present fact and expert witnesses and evidence.
- 3. The ability of the parties to discuss the allegations or gather evidence shall not be restricted.

4. The parties shall have the same opportunity to select an advisor of their choice, who may be, but need not be, an attorney.

5. The District shall send written notice of any investigative interviews or meetings.

6. The District shall send the parties, and their advisors, evidence directly related to the allegations, electronically or hard copy, with at least 10 days for the parties to inspect, review and respond to the evidence.

7. The District shall send the parties, and their advisors, an investigative report, electronically or hard copy, that summarizes relevant information with at least 10 days for the parties to respond.

8. After the District has sent the investigative report to the parties and before reaching a determination regarding responsibility, the decision maker(s) shall afford each party an opportunity to submit written, relevant questions that a party wants asked of any party or witness, provide each party with the answers, and allow for additional, limited follow-up questions from each party.

**Note:** The final Title IX regulations specify that the decision-maker(s) in the investigation and adjudications of formal complaints cannot be the same person as the Title IX Coordinator or investigator(s).

The District shall dismiss allegations of sexual harassment that do not meet the definition contained in this policy or if such conduct did not occur in a District educational program or activity against a person in the United States. Such dismissal is for Title IX purposes.

The District, in its discretion, may dismiss a formal complaint or allegations therein if the Title IX Coordinator is informed by the complainant in writing to withdraw the formal complaint or allegations therein, if the respondent is no longer enrolled or employed by the District, or if specific circumstances prevent the District from gathering sufficient evidence to reach a determination.

The District shall give the parties written notice of a dismissal, mandatory or discretionary, and the reasons for such dismissal.

The District, in its discretion, may consolidate formal complaints where the allegations arise out of the same facts.

The privacy of an individual's medical, psychological, and similar treatment records will be protected. Such records will not be accessed by the District unless the party's voluntary, written consent is obtained. [The District cannot access, consider, disclose, or otherwise use a party's records that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or para professional acting in their recognized capacity or assisting in that capacity, and which are made and maintained in connection with the provision of treatment to the party, unless the district obtains that party's voluntary, written consent to do so.]

Questions and evidence about the complainant's sexual predisposition or prior sexual behavior, per the Title IX Final Rule, are considered irrelevant, unless such questions and evidence about the complainant's prior sexual behavior are offered to prove that someone other than the respondent committed the conduct alleged by the complainant, or offered to prove consent.

## Standard of Evidence and Written Determination

The District's Grievance Process, as required by the Title IX Final Rule, shall state whether the standard of evidence to determine responsibility is the preponderance of evidence standard or the clear and convincing evidence standard. The District shall provide the same standard of evidence to all formal complaints of sexual harassment whether the respondent is a student or an employee, including a faculty member.

The Board has chosen to use as the District's standard of evidence the preponderance of evidence standard. *(previous existing standard)* 

The decision maker, who cannot be the Title IX Coordinator or the investigator, shall issue a written determination regarding responsibility with findings of fact, conclusions about whether the alleged conduct occurred, rationale for the result as to each allegation, any disciplinary sanctions imposed on the respondent, and whether remedies will be provided to the complainant.

Such written determination shall be sent simultaneously to the parties and include information about how to file an appeal.

# Appeals

The District shall offer both parties an appeal from a determination regarding responsibility and from the District's dismissal of a formal complaint or any allegations therein, based on the following:

1. Procedural irregularity that affected the outcome of the matter;

2. Newly discovered evidence that could affect the outcome of the matter; and/or

3. Title IX personnel (Title IX Coordinator, investigator(s), or decision maker(s)) that had a conflict of interest or bias, that affected the outcome of the matter.

4. Additional reasons identified by the District and offered equally to both parties.

The District shall provide both parties a reasonable opportunity to submit a written statement in support of, or challenging the outcome. The appeal decision-maker shall issue simultaneously to the parties, a written decision describing the appeal result and the rationale for the result. (*The appeal decision-maker may not be the same person as the decision-maker(s) that reached the determination of responsibility or dismissal, the investigator(s) or the Title IX Coordinator.*)

## **Informal Resolution Process**

The District may exercise the option to offer and to facilitate an informal resolution option, such as, but not limited to, mediation or restorative justice, provided both parties give voluntary, informed, written consent to attempt informal resolution.

The Board shall not require as a condition of enrollment or continuing enrollment, or employment or continuing employment, or enjoyment of any other right, the waiver of the right to a formal investigation and adjudication of formal complaints of sexual harassment. The District will not require the parties to participate in an informal resolution process and will not offer such process unless a formal complaint is filed.

At any time prior to agreeing to a resolution, the Board recognizes the right of any party to withdraw from the informal resolution process and to resume the grievance/investigative process with respect to the formal complaint.

The Board specifically prohibits the offering or facilitating of an informal resolution process to resolve any allegation that an employee sexually harassed a student.

# **Record Keeping**

The District shall maintain for a period of seven years the records of each sexual harassment investigation, any disciplinary sanctions imposed on the respondent or remedies provided to the complainant; any appeal and the results of the appeal; informal resolution, if any, and the results of informal resolution; and the materials used to train coordinators, investigators, decision-makers and facilitators of informal resolution.

The District shall also create and maintain for a period of seven years records of any actions, including any supportive measures, taken in response to a report or formal complaint of sexual harassment. In each instance, it shall be documented the basis or the conclusion reached and the measures taken to restore or preserve access to the District's educational program or activity. Reasons must be cited when supportive measures are not provided to a complainant.

#### Retaliation

The District shall maintain confidentiality regarding the identity of complainants, respondents, and witnesses, except as may be permitted by the Family Educational Rights and Privacy Act (FERPA), as required by law, or as necessary to carry out a Title IX proceeding.

The District expressly prohibits retaliation against any individual for exercising Title IX rights

No school or person may intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by Title IX, or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in a Title IX investigation or proceeding.

Complaints alleging retaliation may be filed according to the grievance procedures pertaining to sex discrimination.

The Board recognizes that the following does not constitute retaliation:

1. The exercise of rights protected under the First Amendment of the U.S. Constitution.

2. The charging of an individual with a code of conduct violation for making a materially false statement in bad faith in the course of a grievance proceeding, provided, however, that a determination regarding responsibility, alone, is not sufficient to conclude that any party made a bad faith materially false statement.

The charges against an individual for code of conduct violations that do not involve sex discrimination or sexual harassment, but arise out of the same facts or circumstances as a report or complaint of sex discrimination, or a report or formal complaint of sexual harassment, for the purpose of interfering with any right or privilege secured by Title IX, constitutes retaliation.

#### Training

The Board shall provide and/or make available training for any person designated as a Title IX coordinator, investigator, and decision maker and any person designated to facilitate an informal resolution process. Such training shall include:

- The definition of sexual harassment under the new Final Rule
- The scope of the District's education programs and activities;

• The manner in which to conduct an investigation and grievance process, including appeals, hearings and informal resolution process, as applicable;

• How to serve impartially, including the avoidance of prejudgment of the facts at issue, conflicts of interest, and bias;

- The promotion of impartial investigations and adjudications of sexual harassment;
- A presumption that the respondent is not responsible for the alleged conduct until a determination is made regarding responsibility at the conclusion of the grievance process;
- Description of the range or list of the possible remedies the district may provide a complainant and disciplinary sanctions that can be imposed on a respondent, following determinations of responsibility;
- The utilization of the preponderance of evidence standard or the clear and convincing evidence standard;
- · Issues of relevance of questions and evidence; and
- The creation of the investigative report to fairly summarize relevant evidence.

The District shall, as required, retain its training materials for a period of seven years and to make such materials available on its website (or upon request if the district does not maintain a website).

### Nondiscrimination Notice

The Board of Education, in compliance with federal and state law, affirms its policy of equal educational opportunity for all students and equal employment opportunity for all persons. The Board shall not discriminate on the basis of sex in the education programs or activities it operates. This policy of nondiscrimination in the education program or activity also extends to employment and admission.

Notice of the Board's nondiscrimination policy and grievance procedure, including how to file or report sexual harassment and how the District will respond shall be provided to applicants for admission and employment; students; parents or legal guardians; and unions or professional organizations holding agreements with the District.

This notice of nondiscrimination shall be posted on district and school websites and placed in any handbooks provided to the above cited groups.

#### **Title IX: Grievance Procedure/Complaint Process**

#### **Filing of a Formal Complaint**

The Board of Education (Board) encourages all victims of sexual discrimination based on the Title IX policy, whether students or employees, to promptly report such claims. Timely reporting of complaints facilitates the investigation and resolution of such complaints. Any person may report sex discrimination, including sexual harassment, whether or not the person reporting is the person alleged to be the victim of conduct that would constitute sex discrimination or sexual harassment.

Such report may be made in person, by mail, by telephone, or by e-mail, using the contact information listed for the Title IX Coordinator, or by any other means that results in the Title IX Coordinator receiving the person's verbal or written report.

Such report may be made at any time, including during non-business hours, by using the Title IX Coordinator's listed telephone number, e-mail address or by mail to the office address. Any third party as well as the complainant may report sexual harassment. This includes parents and guardians of students.

Any employee who believes that they have been sexually harassed or otherwise discriminated against on the basis of sex should submit a complaint to the Title IX Coordinator. If the Title IX Coordinator is the subject of the complaint, the written complaint should be submitted to the Superintendent of Schools.

A student who believes that they have been subjected to sex discrimination or sexual harassment, should make a written complaint to The Title IX Coordinator, or to the building principal, or their designee. A student may also notify any employee of any school in the District who shall bring the allegation to the attention of the Title IX Coordinator.

The complaint should state the:

- 1. Name of the complainant,
- 2. Date of the complaint,
- 3. Date(s) of the alleged harassment/discrimination,
- 4. Name(s) of the harasser(s) or discriminator(s),
- 5. Location/manner were such harassment/discrimination occurred,
- 6. Names of any witness(es) to the harassment/discrimination,
- 7. Detailed statement of the circumstances constituting the alleged harassment/discrimination, and
- 8. Remedy requested

At the time of filing a formal complaint, the complainant must be participating in or attempting to participate in

the education program or activity of the District with which the formal complaint is filed.

This grievance/investigative procedure shall be followed before the imposition of any disciplinary sanctions or other actions that are not supportive measures, against a respondent.

Sexual harassment allegations in any formal complaint will be investigated. The formal complaint can be filed by a complainant or signed by the Title IX Coordinator.

The complainant's wishes regarding whether the District/school investigates shall be respected unless the Title IX Coordinator determines that signing a formal complaint to initiate an investigation over the wishes of the complainant is not clearly unreasonable in light of the known circumstances.

If the allegations contained in a formal complaint do not meet the definition of sexual harassment contained within the policy, or did not occur in the District's educational; program or activity against a person in the United States, the District will, as required, dismiss such allegations for purposes of Title IX but may still address the allegations in any manner deemed appropriate by the District.

The District shall keep confidential the identity of any individual who has made a report or complaint of sex discrimination, including any individual who made a report or filed a formal complaint of sexual harassment, including any complainant, any individual who has been reported to be the perpetrator of sex discrimination, any respondent, and any witness except as permitted by the Family Educational Rights and Privacy Act (FERPA) or required by law or to conduct any investigations or judicial proceeding under the final sexual harassment regulations.

Any student or employee making a complaint shall be provided a copy of the Title IX policy and administrative regulation (4000.1/5145.44)

### **Grievance/Investigative Process**

The following investigative procedure will be utilized upon the receipt of a written formal complaint or when knowledge of a sexual harassment allegation is made available to an employee of the District. The District personnel involved in the implementation of this process shall operate under the presumption that the respondent is not responsible (a presumption of innocence) so that the District bears the burden of proof and the standard of evidence is correctly applied.

#### Step 1: Notification of the Involved Parties

The Title IX Coordinator will notify the involved parties that a complaint exists, and also on an ongoing basis if the District decides to include additional allegations during the course of the investigation, and that an investigation will promptly begin.

The notice shall contain information about the grievance/investigation process, including information about any informal resolution process, and sufficient details about the allegations at hand, the conduct allegedly constituting sexual harassment, and the date and location of the alleged incident, if known, and include the identities of the parties involved in the incident, the complainant's and respondent's rights, the policy that the alleged behavior violates, and the contact information for the investigator.

The notice shall contain a statement that the respondent is presumed not responsible for the alleged conduct and that responsibility will be determined at the conclusion of the grievance/investigation process.

The written notice shall also advise the parties that they may have an advisor of their choice, who may be, but does not need to be, an attorney, and that they may inspect and review evidence obtained in the investigation, throughout the investigation.

The notice shall also inform the parties of any provisions in the District's code of conduct that prohibits knowingly making false statements or knowingly submitting false information during the grievance process.

The notice can also be used to schedule an intake meeting, either in person or electronically, to discuss basic information about the allegations and to determine the next steps of the investigation.

The District's response shall include refraining from disciplining a respondent without following the Title IX grievance/investigative process, which includes investigating the formal complaint of sexual harassment.

The Title IX Coordinator shall discuss promptly with the alleged victim (complainant) the availability of supportive measures and consider the complainant's wishes with respect to such measures. The complainant shall be offered such measures with or without the filing of a formal complaint. The process for filing a formal complaint will be explained to the complainant.

A complaint may be dismissed if the complainant notifies the Title IX Coordinator at any time that they wish to withdraw the complaint or allegation. The complaint shall also be dismissed if the respondent's enrollment or employment in the District ends, or if specific circumstances prevent the District from gathering evidence sufficient to reach a determination about the complaint.

The District may choose to remove a respondent from its education program or activity on an emergency basis after the District has conducted a safety and risk analysis and determined that such emergency removal is necessary to protect a student or other individual from an immediate threat to physical health or safety.

The District may also, as applicable, place an employee-respondent on administrative leave during the pendency of the grievance/investigative process.

### **Step 2: Fact Gathering**

If the complainant decides to proceed with the investigative process, information is to be gathered related to the allegations. This process shall include, but not be limited to, the collection of documents, audio and video recordings, social media posts, and cell phone records.

The complainant and the respondent are to be interviewed, asking them to explain their side of the occurrence(s) and their relationship with the other party. The names of potential witnesses and any other details that may be pertinent to the investigation shall be sought.

A party's written consent shall be required before using the party's medical, psychological, or similar treatment records during the grievance/investigative process. The District shall not access, consider, disclose, or otherwise use a party's records that are maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in such individual's capacity, unless the District obtains that party's voluntary written consent.

All questioning shall exclude evidence about the complainant's sexual predisposition or prior sexual behavior unless such questions and evidence are offered to prove someone other than the respondent committed the conduct alleged by the complainant or if the questions or evidence are offered to prove consent.

The District recognizes that during the time frame needed to promptly conclude the grievance/investigative process there may be temporary delays based on good causes, including but not limited to, law enforcement involvement, absence of a party, witness or advisor, or translation or accommodation needs. Notice of such delays will be provided by the investigator explaining any reasons for the delay.

#### Step 3: Review and Analysis of Information

The trained Title IX investigator, after collecting as much relevant information as possible, shall evaluate such evidence without prejudgment of the facts at issue and free from conflicts of interest or bias for or against either party.

The investigator shall provide both the complainant and the respondent at least ten days to review the collected and provided information before any determination is reached regarding responsibility. Such review period is to allow for any additional information from either party or the opportunity to address a discrepancy. The decision-maker(s) shall afford each party the opportunity to submit written, relevant questions that a party wants asked of any party or witness, provide each party with the answers, and allow for additional, limited follow-up questions from each party.

The investigator will then review, weigh, analyze, and compare the information to see if there is sufficient information to determine whether a violation occurred.

### Step 4: Determine a Violation (Determinations of Responsibility)

A separate decision-maker will determine if a violation has occurred. (The decision -maker is not the same person as the investigator or the Title IX Coordinator.) The District will apply its chosen standard of evidence to determine responsibility. The District shall provide the same standard of evidence to all formal complaints of sexual harassment whether the respondent is a student or an employee, including a faculty member.

The Board has chosen to use as the District's standard of evidence the preponderance of evidence standard. *(previous existing standard)* 

The **preponderance of evidence standard** of proof means that the information gathered concludes that the allegations are 'more likely than not" to be true, or more than 50 percent likely. This standard requires more convincing proof than 'probable cause" and less than "beyond a reasonable doubt.

#### Step 5: Written Report and Notification of Outcome to the Parties

After a determination has been made, the final investigative report shall be prepared. The report shall contain the initial allegations, the policy violated, the parties involved, the evidence gathered, a summary of the interviews and any other relevant information, an explanation of how and why the decision-maker reached the conclusions. The written determination shall also include a statement of and rationale for result as to each allegation including a determination of responsibility, any disciplinary sanctions, and whether remedies to restore or preserve equal access to the educational program or activity will be provided.

A copy of the final report shall be sent to each party at least ten days before it is finalized in order to give the respective parties the opportunity to respond.

After the outcome is finalized, a written determination of the outcome shall be sent to both parties. This notice shall include information about the outcome, reasons supporting the determination and, depending on the conclusion, the next steps in the Title IX process.

The District shall implement remedies for a complainant if a respondent is found responsible for sexual harassment. Such remedies should be reasonably calculated to end the discrimination, and appropriate corrective action and/or disciplinary action aimed at preventing the recurrence of the harassment or discrimination, as deemed appropriate by the Superintendent or their designee.

Remedies offered may include the same actions described as supportive measures, but remedies need not avoid punishing or burdening the respondent.

#### **Step 6: Appeal Process**

After notification to the complainant and respondent of the outcome, either or both parties may appeal the decision in writing, within ten days, to the Superintendent of Schools or his/her designee to request an administrative review. An appeal can be filed on the basis of procedural irregularity that affected the outcome, newly discovered evidence that was not reasonably available at the time of determination and could affect the outcome, and/or conflict of interest or bias of the Title IX personnel (Title IX Coordinator, investigator, or decision maker) that affected or could affect the outcome of the matter. The District reserves its right to offer additional bases for an appeal which shall be offered equally to both parties.

Such written appeal shall be filed within thirty calendar days to the Superintendent of Schools, who shall review the decision maker's written report, the information collected by the Title IX Coordinator and the investigator(s). The Superintendent will determine if further action and/or investigation is warranted. The Superintendent shall respond to the party(s) requesting the appeal within fifteen school days following the receipt of the written appeal request.

Note: The decision maker for an appeal may not be the Title IX Coordinator, investigator, or initial decision

#### maker. The appeal decision maker must have also received the training previously described.

(An alternate appeal process: - Appeal to the BOE who shall hold a hearing within 15 days of receipt of such written request to decide the appeal and respond within 10 days of its decision. Employees to use the grievance procedure set forth in the applicable collective bargaining contract. The BOE would also need to receive the training if this option is utilized)

#### **Step 7: Informal Resolution Process**

The District shall offer and facilitate an informal resolution option, such as, but not limited to, mediation or restorative justice, provided both parties, complainant and respondent, give voluntary, informed, written consent to attempt an informal resolution to the complaint.

The Board shall not require as a condition of enrollment or continuing enrollment, or employment or continuing employment, or enjoyment of any other right, the waiver of the right to a formal investigation and adjudication of formal complaints of sexual harassment. The District does not require the parties to participate in an informal resolution process and will not offer such process unless a formal complaint is filed.

At any time prior to agreeing to a resolution, the Board recognizes the right of any party to withdraw from the informal resolution process and to resume the grievance/investigative process with respect to the formal complaint.

The Board will not offer or facilitate an informal resolution process to resolve allegations that an employee sexually harassed a student.

#### **Other Provisions**

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

Retaliation against any individual who complains pursuant to the Board's policy is strictly forbidden. The District will take the necessary actions to prevent retaliation as a result of filing a complaint or the involvement of any individual in the grievance/investigative process.

The District shall create and maintain for a period of seven years records of any actions, including any supportive measures, taken in response to a report or formal complaint of sexual harassment as detailed in the Title IX policy.

The District, in responding to any claim of sexual discrimination under Title IX, shall never deprive any individual of their rights guaranteed under the U.S. constitution.

At any time, a complainant alleging sex discrimination or sexual harassment may file a formal complaint with the Office for Civil Rights, Boston Office, U.S. Department of Education, 8th Floor, 5 Post Office Square, Boston, MA 02109-3921 (1-617-289-0111)

The Title IX Coordinator for the District is \_\_\_\_\_\_, whose office is located at \_\_\_\_\_\_, and whose telephone number is \_\_\_\_\_\_, and whose email address

is\_\_\_\_\_

Legal Reference: United States Constitution, Article XIV

Civil Rights Act of 1964, Title VII, 42 U.S.C. S2000 e2(a).

Equal Employment Opportunity Commission Policy Guidance (N 915.035) on Current Issues of Sexual Harassment, Effective 10/15/88.

Title IX of the Education Amendments of 1972, 20 USCS §1681, et seq.

Title IX of the Education Amendments of 1972, 34 CFR §106, et seq.

Title IX Final Rule, 34 CFR 106.45 et seq., May 6, 2020

34 CFR Section 106.8(b), OCR Guidelines for Title IX.
Definitions, OCR Guidelines on Sexual Harassment, Fed. Reg. Vol 62, #49, 29 CFR Sec. 1606.8 (a0 62 Fed Reg. 12033 (March 13, 1997) and 66 Fed. Reg. 5512 (January 19, 2001)
The Clery Act, 20 U.S.C. §1092(f)
The Violence Against Women Act, 34 U.S.C. §12291(a)
Mentor Savings Bank, FSB v. Vinson 477 US.57 (1986)
Faragher v. City of Boca Raton, No. 97-282 (U.S. Supreme Court, June 26,1998)
Burlington Industries, Inc. v. Ellerth, No. 97-569, (U.S. Supreme Court, June 26,1998)
Gebbser v. Lago Vista Indiana School District, No. 99-1866, (U.S. Supreme Court, June 26,1998)
Davis v. Monro County Board of Education, No. 97-843, (U.S. Supreme Court, May 24, 1999.)
Connecticut General Statutes
46a 60 Discriminatory employment practices prohibited.
Conn. Agencies Regs. §46a-54-200 through §46a-54-207
Constitution of the State of Connecticut, Article I, Section 20.
P.A. 19-16 An Act Combating Sexual Assault and Sexual Harassment

# **Regulation approved:**

October 26, 2021

# **Stamford Public Schools**

# **Complaint Form Regarding Sex Discrimination and Sexual Harassment**

Name of the Complainant	
Complainant's Contact Information	
Date of the complaint	
Date of the alleged discrimination/harassment	
Name(s) of the discriminator(s) or harasser(s)	
Location where such discrimination/harassment occurred	
Name(s) of any witness(es) to the discrimination/harassment	
Detailed statement of the circumstances constituting the alleged discrimination or harassment	
Remedy Requested	

# **Students**

## **Dress and Grooming**

The development of individual pride and self-esteem is an integral part of education. Dress and grooming play an important role in this development.

The Board encourages students to dress in clothing appropriate to the school situation.

Restrictions on freedom of student appearance may be applied whenever the dress or grooming:

- 1. interferes with the learning process
- 2. is disruptive
- 3. is unsafe
- 4. is contrary to law.

In addition, any school may choose to adopt the use of school uniforms.

The Board directs the administration to establish specific regulations consistent with this policy that promote cooperative planning with staff, parents and students.

Enforcement of dress and grooming rules adopted in accordance with this policy is the responsibility of each building principal. In a case where a school has adopted the use of uniforms, according to this policy and corresponding regulations, such use shall be voluntary.

**Policy Adopted:** September 6, 1988

Readopted: June 27, 2000

Amended June 25, 2011

## **Students**

#### **Student Dress**

The Board of Education encourages students to dress in a manner that reflects pride in and respect for themselves, their school, and their community. To promote a positive, safe and non-disruptive learning environment, proper attire should be worn. Therefore, the following attire is prohibited from being worn in the Stamford Public Schools during the academic school day:

1. Attire or accessories which portray disruptive, obscene writing or pictures;

2. Attire or accessories which depict logos or emblems that encourage the use of drugs, tobacco products, or alcoholic beverages;

3. Shirts and/or blouses that reveal the abdomen, chest, breasts, or undergarments;

4. See-through clothing;

5. Shorts, miniskirts, or pants that reveal the upper thigh or undergarments;

6. Other attire or accessories which, in the opinion of the principal, are not in good taste or depict vulgar, illegal, racial, or sexist viewpoints.

7. Head coverings of any kind including, but not limited to scarves, bandannas, masks, kerchiefs, athletic headbands, hoods, etc. which prevent the easy identification of students; except that hats and caps may be worn at the discretion of high school teachers and administrators and provided that headwear for bona fide religious reasons may be worn.

8. Footwear which damages floors or is a safety hazard;

9. Sunglasses (unless required by doctor's order);

10. "Name" or other oversized metal belt buckles;

11. Spiked or studded bracelets, oversized or multi-finger rings, belts or any other article or attire with spikes or studs attached;

12. Possession of any electronic device without prior approval of the building principal.

The decision to pursue the use of school uniforms must be approved by the school site principal. The adoption of school uniforms is allowed under the following guidelines:

1. A school uniform committee consisting of families, teachers, administrators and students - where age appropriate - will develop a survey to be sent to all families to inquire about their

position on school uniforms. This survey shall be sent by February I5th of the school year prior to the implementation of school uniforms.

2. Prior to the distribution of the survey, the committee must sponsor at least one family forum or meeting open to all families for the purpose of information and input.

3. The school committee must determine ways for families to purchase clothes at the lowest cost possible.

4. In order for a school site to further consider the use of uniforms; all student families shall receive a school uniform survey. A minimum of 80"10 of the surveys must be returned and at least 80% of the returned surveys must support the use of uniforms.

5. The Board of Education must be notified by April 15th of the school year prior to the implementation of school uniforms.

6. If, after following the above steps, a school determines that it will implement school uniforms, by April 30th of the school year prior to implementation, the Principal shall notify all parents / guardians of the decision and their rights under policy and statute.

## **Regulation Adopted:**

September 26, 1988

Amended October 10, 1995

## **Readopted:**

June 27, 2000 February 25, 2011