

**Special Darien Board of Education  
Policy Committee Meeting**

**Friday, May 27, 2022**

**8:30 a.m.**

**Darien Public Schools' Administrative Offices  
35 Leroy Avenue  
Board of Education Meeting Room**

**AGENDA**

- 1. Update Policy Committee Agenda Topics**
- 2. Proposed Revisions to Board Policies (Series 5000 - Students): 5225, Drug and Alcohol Use by Students; 5230, Illegal Substances and Tobacco Policy for Student Athletes and Students Participating in Extracurricular Activities; 5255, Search and Seizure; 5265, Confidentiality and Access to Education Records; 5325, Student Privacy; 5270, Pledge of Allegiance and Flag Displays; 5235, Conduct on School Buses; 5025, Management Plan and Guidelines for Students with Food Allergies and/or Glycogen Storage Disease; 5340, Physical Examinations and Screenings; 5320, Health Services and Requirements; 5330, Health Records**
- 3. Discussion of the need for a Civility Policy**
- 4. Public Comment\***
- 5. Adjournment**

**\*\* The Board of Education meeting will be available to the public in person and via Zoom. Wearing of masks is optional and seating is limited by room capacity. Doors open at 8:15 a.m. for the 8:30 a.m. meeting. Those members of the community wishing to participate in public comment may join the meeting via Zoom:**

**<https://darienps.zoom.us/j/98547121813>**

**Those members of the community wishing to view only, should do so through the Darien Youtube link: <https://www.youtube.com/channel/UCUnnvyKBFbFrTWQRuoB6OZA>**

**In order to reduce audio interference, members of the community are requested not to simultaneously view by Youtube while participating on Zoom.**

# Memorandum

To: Policy Committee

From: Tara Ochman  
Marjorie Cion

Date: May 27, 2022

Re: Revisions to Policies 5225, 5230, 5255, 5265, 5325, 5270, 5025, 5340, 5320, 5330, and 5270; Repeal of Policy 5235

We are recommending changes to the following policies:

**Board Policy 5225, Drug and Alcohol Use by Students:** Revisions to this policy clarify that the Policy regulates a student's unlawful use of drugs, since some students may have prescription covered substances which permit the possession and use of such drugs. Additional revisions reflect a change in Connecticut Law that permits students to possess and self-administer medication under certain circumstances. The Policy now also reflects the change in Connecticut Law concerning the use, sale or possession of alcohol or controlled drugs by students on school property. Board Policies shall not result in a student facing greater discipline for the use, sale or possession of cannabis than they would face for the use, sale or possession of alcohol.

**Policy 5230, Illegal Substances and Tobacco Policy for Student Athletes and Students Participating in Extracurricular Activities:** Revisions to this Policy clarify that a student's lawful possession and/or use of controlled substances and drugs will not subject the student to the penalties or consequences described in this Policy. A minor revision to this Policy incorporates a change in the law, which provides that qualifying patients under the age of 18 maybe prescribed marijuana in certain situations and subject to restrictions,

**Policy 5255, Search and Seizure:** Revisions to this Policy include stylistic and legal citations recommended by Shipman and Goodwin. In addition, the Policy clarifies that the use of drug-detection dogs, metal detectors or similar devises as well as breathalyzers and other passive alcohol screening devices may only be used with the express authorization of the Superintendent.

**Policy 5265 Confidentiality and Access to Education Records:** The revisions to this Policy are so extensive that we are recommending that we repeal the old Policy and replace it with the attached Policy. The extent of the revisions made it nearly impossible to read the text of the Policy. The District already complies with all provisions of this updated Policy. Revisions to this Policy include provisions related to the disclosure of records pursuant to the federal school lunch program and to the Department of Children and Families. Additional changes relate to the expunging of student expulsion records and a revised timeline for providing records to parents. A substantial number of revisions reflect the requirements of Public Act 16-189, Student Data Privacy, which includes a variety of requirements relative to the release of student data to third party consultants and operators of websites and mobile

applications. The Policy now also addresses education records of transgender and gender non-confirming students, in accordance with guidance from the Office of Civil Rights and Department of Justice. Further revisions to the Policy reflect new legislation that provides that unaccompanied youth may have access to their education records and that incarcerated parents must be allowed access to their children's records except under certain circumstances. Attorneys who have been appointed to represent children during commitment hearings involving abuse, neglect or lack of care must also be provided with immediate access to a number of education records. Certain contact information has also been updated.

**Policy 5325, Student Privacy:** This Policy has been revised to mirror the definition of “personally identifiable information” included in federal law. Contact information for the Family Policy Compliance Office has also been updated. The Policy has also been revised to clarify when the administration must obtain prior written consent before administering a student survey related to certain topics and when the administration must provide notice and an opportunity to opt out of participation. Additional minor changes have been made to reflect statutory language.

**Policy 5270, Pledge of Allegiance and Flag Displays:** This Policy has been updated to more accurately reflect the language of the relevant Connecticut Statutes. The statutory references have also been updated.

**Policy 5235, Conduct on School Buses:** Repeal this Policy. Conduct on school buses is now explicitly covered by Policy 5220, Student Discipline.

**Policy 5025, Management Plan and Guidelines for Students with Food Allergies and/or Glycogen Storage Disease.** This Policy has been revised in accordance with feedback provided by the Office for Civil Rights. The revisions include adding students with diabetes to the protections provided to students with life-threatening food allergies and glycogen storage disease. The revisions also clarify that students with life-threatening food allergies and diabetes are virtually always students with disabilities and should be referred to a Section 504 team. Certain other minor technical revisions have been made based on guidance from the State Department of Education.

**Policy 5340, Physical Examinations and Screenings:** Repeal this Policy and replace it with Shipman's Model Policy. Alicia Casucci has reviewed the model policy and confirms that it represents current laws and regulations as well as District practice.

**Policy 5320, Health Services and Requirements:** Repeal this Policy. The district maintains a job description for school nurses that complies with the relevant State statutes. Tests and screenings are covered in Policy 5340.

**Policy 5330, Health Records:** Repeal this Policy. Provisions regarding health records are covered in Policy 5265. Student emergency cards are developed and revised, as needed by the administration.

We have also included sample civility policies from both New Canaan and Weston; and Darien's repealed policy on civility and decorum, for your review,

**Darien Public Schools  
Darien, Connecticut**

**POLICY**

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**Series 5200  
Rights and Responsibilities**

**Policy 5225**

**DRUG AND ALCOHOL USE BY STUDENTS**

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

**Definitions**

- (1) **Controlled Drugs**: means those drugs which contain any quantity of a substance which has been designated as subject to the federal Controlled Substances Act, or which has been designated as a depressant or stimulant drug pursuant to federal food and drug laws, or which has been designated by the Commissioner of Consumer Protection pursuant to C.G.S. Section 21a-243, as having a stimulant, depressant or hallucinogenic effect upon the higher functions of the central nervous system and as having a tendency to promote abuse or psychological or physiological dependence, or both. Such controlled drugs are classifiable as amphetamine-type, barbiturate-type, cannabis-type, cocaine-type, hallucinogenic, morphine-type and other stimulant and depressant drugs. C.G.S. Section 21a-240(8).
- (2) **Controlled Substances**: means a drug, substance or immediate precursor in schedules I to V, inclusive, of the Connecticut controlled substance scheduling regulations adopted pursuant to C.G.S. Section 21a-243. C.G.S. Section 21a-240(9).
- (3) **Professional Communication**: any communication made privately and in confidence by a student to a professional employee of such student's school in the

course of the professional employee's employment. C.G.S. Section 10-154a(a)(4).

- (4) Professional Employee: means a person employed by a school who "(A) holds a certificate from the State Board of Education, (B) is a member of a faculty where certification is not required, (C) is an administration officer of a school, or (D) is a registered nurse employed by or assigned to a school." C.G.S. Section 10-154a(a)(2).
- (5) Drug Paraphernalia: means any equipment, products and materials of any kind which are used, intended for use or designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing or concealing, or injecting, ingesting, inhaling or otherwise introducing ~~controlled drugs or any~~ controlled substances into the human body, including but not limited to all items specified in C.G.S. Section 21a-240(20)(A), such as "bongs," pipes, "roach clips," miniature cocaine spoons, ~~crack~~ cocaine vials, ~~tobacco rolling papers~~, and any object or container used, intended or designed for use in storing, concealing, possessing, distributing or selling controlled ~~drugs or controlled~~ substances. C.G.S. Section 21a-240(20)(A).

#### Procedures

(1) Emergencies

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

(2) Prescribed Medications.

~~The parent or guardian of any student who is required to take any 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 designee in accordance with C.G.S. Section 10-212a and the applicable regulations and in accordance with any~~ Students may possess and/or self-administer medications in school in accordance with the Board's policy concerning the administration of medication in school. Board policies and regulations concerning medication administration.

Students taking improper amounts of a prescribed medication, or otherwise taking ~~a prescribed medication without proper notification and supervision of the school nurse or designee medication contrary to the provisions of the Board's policy on the administration of medication~~ will be subject to the procedures for improper drug or alcohol use outlined in this policy.

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

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

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

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

When a professional employee obtains information related to a student from a source other than the student's confidential disclosure, that the student, on or off school grounds or at a school sponsored activity, is under the influence of or possesses, uses, dispenses, distributes, administers, sells or aids in the procurement of a controlled drug, controlled substance, drug paraphernalia or

alcohol, that information is considered to be involuntarily disclosed. In this event, the following procedures will apply.

- (a) The professional employee will immediately report the information to the building administrator or designee. The building administrator or designee will then refer the student to appropriate school staff members for intervention and counseling.
- (b) Any physical evidence (for example, alcohol, drugs or drug paraphernalia) obtained from a student indicating that a crime has been or is being committed by the student must be turned over to the building administrator or designee or to law enforcement officials as soon as possible, but no later than within two calendar days after receipt of such physical evidence, excluding Saturdays, Sundays and holidays. C.G.S. Section 10-154a(b). Because such evidence was **not** obtained through a professional communication, the name of the student must be disclosed to the building administrator or designee.
- (c) Search and Seizure of Students and/or Possessions: A professional employee who reasonably suspects that a student is violating a state/federal law or a school substance abuse policy must **immediately** report ~~his/her~~ such suspicion to the building administrator or designee. The building administrator or designee may then search a student's person or possessions connected to that person, in accordance with the Board's policies and regulations if ~~he/she~~ the administrator or designee has reasonable suspicion from the inception of the search that the student has violated or is violating either the law or a school substance abuse policy.

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

- (5) Consequences for the Use, Sale, Distribution or Possession of Controlled Drugs, Controlled Substances, Drug Paraphernalia or Alcohol.
  - (a) Any student in the Darien Public Schools using, consuming, possessing, being under the influence of, manufacturing, distributing, selling or aiding in the procurement of controlled drugs, controlled substances, drug paraphernalia or alcohol either on or off school property, or at a school-sponsored activity, except as such use or possession is in accordance with Connecticut General Statutes Sec. 21a-408a through 408q, is subject to discipline up to and including expulsion pursuant to the Board's student

discipline policy. On and after January 1, 2022, a student shall not face greater discipline, punishment or sanction for the use, sale, or possession of cannabis on school property than a student would face for the use, sale, or possession of alcohol on school property, except as otherwise required by applicable law.

- (b) In conformity with the Board's student discipline policy, students may be suspended or expelled for drug or alcohol use off school grounds if such drug or alcohol use is considered seriously disruptive of the educational process. In determining whether the conduct is seriously disruptive of the educational process, the Administration and the Board may consider, among other factors: 1) whether the drug or alcohol use occurred within close proximity of a school; 2) whether other students from the school were involved; and 3) whether any injuries occurred.
- (c) If a school administrator has reason to believe that any student was engaged, on or off school grounds, in offering for sale or distribution a controlled substance (as defined by Conn. Gen. Stat. § 21a-240(9), whose manufacturing, distribution, sale, prescription, dispensing, transporting, or possessing with intent to sell or dispense, offering or administering is subject to criminal penalties under Conn. Gen. Stats. §§ 21a-277 and 21a-278, the administrator will recommend such student for expulsion, in accordance with Conn. Gen. Stat. § 10-233d(a)(2) and the Board's student discipline policy.
- (d) Students found to be in violation of this policy may be referred by the building administrator to an appropriate agency licensed to assess and treat drug and alcohol involved individuals. In such event, assessment and treatment costs will be the responsibility of the parent or guardian.
- (e) A meeting may be scheduled with appropriate school staff members for the purpose of discussing the school's drug and alcohol policy with the student and parent or guardian.
- (f) Law enforcement officials may be contacted by the building administrator in the case of suspected involvement in the use, sale or distribution of controlled drugs, controlled substances, drug paraphernalia or alcohol.

Legal References:

Connecticut General Statutes:

June Special Session Public Act No 21-1 An Act Concerning the Responsible and Equitable Regulation of Adult Use of Cannabis

Section 10-154a



Sections 10-233a through 10-233f

Section 10-212a

Section 21 a-240

Section 10-221

Section 21 a-243

Section 21 a-408a through 408q

APPROVED: June 9, 2009

REVISED:

DRAFT

**Darien Public Schools  
Darien, Connecticut**

**POLICY**

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**Series 5200  
Rights and Responsibilities**

**Policy 5230**

**ILLEGAL SUBSTANCES AND TOBACCO POLICY FOR STUDENT ATHLETES AND  
STUDENTS PARTICIPATING IN EXTRACURRICULAR ACTIVITIES**

Policy Statement

The Board participates in the Connecticut Interscholastic Athletic Conference ("CIAC"). In accordance with CIAC participation rules and the Board's obligation under state and federal law, the Board prohibits the use, sale, distribution or possession of controlled drugs, controlled substances, drug paraphernalia, performance enhancing substances or alcohol during any school sponsored activity, whether occurring on or off school property, including but not limited to athletic activities. It shall be the policy of the Board to take positive action through education, counseling, discipline, parental involvement, medical referral, and law enforcement referral, as appropriate, in the handling of incidents by Darien High School student athletes and Darien High School students participating in extracurricular activities involving the possession, distribution, sale or use of substances that affect behavior, including performance enhancing substances. The Board further prohibits Darien High School student athletes and Darien High School students participating in extracurricular activities from using any form of tobacco including smoking using an electronic nicotine delivery system (e.g., e-cigarettes) or vapor products. This policy applies to all Darien High School student athletes participating in school sponsored athletics, whether or not such athletes are participating in CIAC controlled activities, and to all Darien High School students participating in extracurricular activities.

Definitions

- (1) Controlled Drugs: means those drugs which contain any quantity of a substance which has been designated as subject to the federal Controlled Substances Act, or which has been designated as a depressant or stimulant drug pursuant to federal food and drug laws, or which has been designated by the Commissioner of Consumer Protection pursuant to Connecticut General Statutes Section 21a-243, as having a stimulant, depressant or hallucinogenic effect upon the higher functions of the central nervous system and as having a tendency to promote abuse or psychological or physiological dependence, or both. Such controlled drugs are classifiable as amphetamine-type, barbiturate-type, cannabis-type, cocaine-type, hallucinogenic, morphine-type and other stimulant and depressant drugs. ~~Connecticut General Statutes Section 21a-240(8).~~
- (2) Controlled Substances: means a drug, substance or immediate precursor in schedules I to V, inclusive, of the Connecticut controlled substance scheduling regulations adopted

pursuant to Connecticut General Statutes Sections 21a-243 and 21a-240(9).

- (3) Drug Paraphernalia: means any equipment, products and materials of any kind which are used, intended for use or designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing or concealing, or injecting, ingesting, inhaling or otherwise introducing controlled drugs or controlled substances into the human body, including but not limited to all items specified in Connecticut General Statutes Section 21a-240(20)(A), such as "bongs," pipes, "roach clips," miniature cocaine spoons, crack cocaine vials, tobacco rolling papers, and any object or container used, intended or designed for use in storing, concealing, possessing, distributing or selling controlled drugs or controlled substances. ~~Connecticut General Statutes Section 21a-240(20)(A).~~
- (4) Electronic nicotine delivery system: means an electronic device that may be used to simulate smoking in the delivery of nicotine or other substance to a person inhaling from the device and includes, but is not limited to, an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe or electronic hookah and any related device and any cartridge or other component of such device.
- (5) Performance Enhancing Substances: means any anabolic steroid, hormone or analogue, diuretic or other substance designed to enhance a student's performance in athletic competition, including creatine, androstenedione, ephedrine or other performance enhancing nutritional supplements as defined by the World Anti-Doping Agency (WADA [www.wada-ama.org](http://www.wada-ama.org)), except when used under the care and direction of a licensed medical professional and only then in the manner prescribed by the medical professional and manufacturer's recommendations.
- (6) Professional Communication: means any communication made privately and in confidence by a student to a professional employee of such student's school in the course of the professional employee's employment. Connecticut General Statutes Section 10-154a(a)(4).
- (7) Professional Employee: means a person employed by a school who "(A) holds a certificate from the State Board of Education, (B) is a member of a faculty where certification is not required, (C) is an administration officer of a school, or (D) is a registered nurse employed by or assigned to a school." Connecticut General Statutes Section 10-154a(a)(2).
- (8) Student Athlete: means any student participating in an extracurricular school-sponsored athletic activity, whether interscholastic or intramural, including but not limited to student athletes who are participating in CIAC controlled activities.
- (9) Extracurricular Activity: means any activity that occurs outside the regular school day at Darien High School that cannot be used to attain credit toward graduation.
- (10) Vapor product: means any product that employs a heating element, power source, electronic circuit or other electronic, chemical or mechanical means, regardless of shape or size, to produce a vapor that may or may not include nicotine that is inhaled by the user of such product.

## Procedures

### (1) Discretionary Nature of Student Athletics and Extracurricular Activities

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

All student athletes, students participating in athletics and extracurricular activities and their parent(s)/guardian(s) must acknowledge electronically that they have read the Darien High School handbook, which contains this Policy and rules and regulations concerning participation in athletic and other extracurricular activities.

### (2) Emergencies-

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

### (3) Prescribed Medications-

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

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

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

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

in public places or in the presence of persons under the age of eighteen.

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

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

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

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

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

- (a) The staff member, coach or volunteer will immediately report the information to the building administrator or designee. The building administrator or designee will then refer the student to appropriate school staff members for intervention

and counseling.

- (b) Any physical evidence (for example, alcohol, drugs, drug paraphernalia or performance enhancing substances) obtained from a student indicating that a crime has been or is being committed by the student must be turned over to the building administrator or designee or to law enforcement officials as soon as possible, but no later than within two calendar days after receipt of such physical evidence, excluding Saturdays, Sundays and holidays. Connecticut General Statutes Section 10-154a(b). The name of the student must be disclosed to the building administrator or designee.
- (c) Search and Seizure of Students and/or Possessions: A staff member, coach or volunteer who reasonably suspects that a student athlete or student participating in extracurricular activities is violating a state/federal law, school substance abuse policy or this chemical health policy must **immediately** report his/her suspicion to the building administrator or designee. The building administrator or designee may then search a student's person or possessions connected to that person, in accordance with the Board's policies and regulations, if he/she has reasonable suspicion from the inception of the search that the student has violated or is violating either the law, a school substance abuse policy, or this chemical health policy.

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

- (6) Consequences for the Use, Sale, Distribution or Possession of Controlled Drugs, Controlled Substances, Drug Paraphernalia, Performance Enhancing Substances, Alcohol or Tobacco (including smoking using an electronic nicotine delivery system or vapor products)
  - (a) Any Darien High School student athlete or Darien High School student participating in extracurricular activities using, consuming, possessing, being under the influence of, manufacturing, distributing, selling or aiding in the procurement of controlled drugs, controlled substances, drug paraphernalia, tobacco, including electronic nicotine delivery systems or vapor products, performance enhancing substances or alcohol either on or off school property, or at a school-sponsored activity, except as such use or possession is in accordance with Connecticut General Statutes Sections 21a – 408a, is subject to discipline up to and including expulsion pursuant to the Board's Student Discipline Policy.
  - (b) In addition to discipline in accordance with the Student Discipline Policy, the administration may restrict participation in athletics and/or extracurricular activities of a Darien High School student if a student is found in violation of this Policy. Restriction from athletics and/or extracurricular activities will be issued only for violations of this Policy that occur on school grounds or at a

school-sponsored activity, except as related to use of performance enhancing substances in accordance with Subsection 8(d) below. Restrictions shall be determined by consideration of all the relevant facts and circumstances of the particular situation and are at the discretion of school administrators, but shall include as a minimum the following penalties:

- (1) First offense in a school year for any extracurricular activity or athletic season: The student will be suspended from membership and participation in all activities related to that extracurricular or athletic team (including team practice) for fourteen (14) calendar days. The student will also be required to meet with a drug and alcohol counselor prior to re-entry into the activity or team from which he/she was suspended.
  - (2) Second offense in a school year for any extracurricular activity or athletic season:
    - (i) For athletics, if the second offense occurs within the same season as the first offense, the student will be suspended for the remainder of that season and is required to meet with a drug and alcohol counselor weekly for the rest of the season.
    - (ii) For athletics, if the second offense occurs in a different season than the first offense, the student will be suspended from participation in any athletics or extracurricular activities (including practice) for twenty-eight (28) calendar days and will be required to meet with a drug and alcohol counselor weekly during the twenty-eight (28) day suspension.
    - (iii) For extracurricular activities, no matter when the second offense occurs, the student will be suspended from all extracurricular activities for twenty-eight (28) calendar days and will be required to meet with a drug and alcohol counselor weekly during the twenty-eight (28) day suspension.
  - (3) Third offense during a school year for any extracurricular activity or athletic season: The student will be suspended from all extracurricular and athletic participation for the remainder of the school year.
- (c) If a student violates this Policy during a time period when the student is not actively participating in athletics or an extracurricular activity, such Policy violation will be considered an "offense" for purposes of Paragraph (b) above.
  - (d) A student athlete found by the administration to have used performance enhancing substances shall receive a minimum penalty of revocation of athletic participation privileges for one hundred eighty (180) days. The Board shall report the violation to the CIAC.
  - (e) The Board recognizes that the CIAC may impose additional sanctions on student athletes participating in CIAC controlled activities who are found to have violated this policy.

(7) Prohibition on the Promotion or Dispensing of Performance Enhancing Substances by School Staff Members, Coaches or Volunteers-

- (a) No school staff member, coach or volunteer responsible for or involved in student athletic programs shall dispense any drug, medication (prescription or non-prescription), or food supplement to any student athlete except under the supervision of the school nurse or designee in accordance with Connecticut General Statute- Sections 10-212a and the applicable regulations, and in accordance with any Board policies and regulations concerning medication administration.
- (b) No school staff member, coach or volunteer responsible for or involved in student athletic programs shall encourage the use of any drug, medication (prescription or non-prescription), or food supplement in a manner not described by the manufacturer.
- (c) No school staff member, coach or volunteer responsible for or involved in student athletic programs shall supply, recommend, or knowingly permit student athletes to use any drug, medication (prescription or non-prescription), or food supplement for the specific purpose of enhancing their athletic performance.

A school staff member, or coach responsible for or involved in student athletic programs, who violates the terms of this policy shall be subject to discipline, up to and including termination of employment. The Board may also report violations of this policy by employees to parents of student athletes and/or state and local authorities.

- (d) The Board shall immediately terminate a volunteer responsible for or involved in student athletic programs who violates the terms of this policy. The Board may also report violations of this policy by volunteers to parents of student athletes and/or state and local authorities.

(8) Publication of Illegal Substance and Tobacco Policy for Athletics and Extracurricular Activities to School Staff Members, Coaches, Volunteers and Student Athletes

- (a) The Board shall publish this Policy to all school staff members, coaches and volunteers responsible for or involved in student athletic programs.
- (b) The Board shall publish this Policy to all Darien High School students and their parents/guardians.



Legal References:

Connecticut General Statutes:

Section 10-154a

Section 10-212a

Section 10-221

Section 21a-240

Section 21a-243

Sections 21a-408a  
through 408q

ADOPTED: June 9, 2009

REVISED: August 22, 2017

REVISED:

DRAFT

**Darien Public Schools  
Darien, Connecticut**

**POLICY**

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**Series 5200  
Rights and Responsibilities**

**Policy 5255**

**SEARCH AND SEIZURE**

1. Search of a Student and ~~His/Her~~the Student's Effects
  - A. Fourth Amendment rights to be free from unreasonable searches and seizures apply to searches conducted by public school officials. A student and his/her effects may be searched if there are "reasonable grounds for suspecting that the search will turn up evidence that the student has violated or is violating either the law or the rules of the school." The way the search is conducted should be "reasonably related to the objectives of the search and not excessively intrusive in light of the age and sex of the student and the nature of the infraction."
  
2. Search of a Locker, Desk and Other Storage Area
  - A. Lockers, desks and other storage areas provided by the school system for use by students are the property of the school system. Such storage areas are provided for the temporary convenience of students only. The Board of Education (the "Board") authorizes the administration and/or law enforcement officials to search lockers and other school property available for use by students for the presence of weapons, contraband or the fruits of a crime if there are reasonable grounds at the inception of the search for suspecting that the search will reveal evidence that the student has violated or is violating either the law or the rules of the school. Moreover, the scope of the search shall be reasonably related to the objectives of the search and shall not be excessively intrusive in light of the age and sex of the student and the nature of the infraction.
  
  - B. If the school administration reasonably suspects that a ~~pupil-student~~ is not maintaining a locker or other storage area assigned to him/her in a sanitary condition, or that the storage area contains items the possession of which is illegal or in violation of school regulations or that endangers the health, safety or welfare of the student or others, it has the right to open and examine the storage area and to seize any such items that are found.

- C. When required by law and otherwise at the option of the building principal, items that have been seized shall be submitted to the police department for proper disposition. Items not submitted to the police department shall be disposed of as directed by the building principal.
3. The decision to search shall be made by the principal or the principal's designee. The search shall be made in the presence of at least one witness. Discovery of illegal or dangerous materials shall be reported to the Office of the Superintendent.

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

Legal References:

Connecticut General Statutes:

Section 10-221, Boards of Education to prescribe rules

Conn. Gen. Stat section 10-221 Board of Education to prescribe rules, policies and procedures

Conn. Gen. Stat Section 54-33n, Searches Search of school locker and property

New Jersey v. T.L.O.; 469 U.S. 325 (1985)

ADOPTED: June 9, 2009

REVISED:

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**ADMINISTRATIVE REGULATION REGARDING SEARCH AND SEIZURE**

1. Search of a Student and His/Her Effects
  - A. All searches of students shall be conducted or directed by an authorized school administrator, i.e., the principal or vice principal, in the presence of a witness.
  - B. A search of a student's handbag, gym bag or similar personal property carried by a student may be conducted if there are reasonable grounds for suspecting that the search will produce evidence that the student has violated or is violating either the law or the rules of the school. A student's other effects are also subject to the same rule. Effects may include motor vehicles located on school property.
  - C. A search of a student's person may be conducted only if there are reasonable grounds at the inception of the search for suspecting that the search will reveal evidence that the student has violated or is violating either the law or the rules of the school. Moreover, the scope of the search shall be reasonably related to the objectives of the search and shall not be excessively intrusive in light of the age and sex of the student and the nature of the infraction. Both metal detectors and breathalyzers may be used to conduct searches to the extent authorized by Board policy.
  - D. Strip searches are prohibited except when there are reasonable grounds for suspecting that such a search will produce evidence of conduct that places students, staff or school property in immediate danger. Such searches may be conducted at the request of the school principal, generally by a member of the police department. During such searches, a member of the school staff shall be present at all times as a witness, and both the police officer conducting the search and the witness shall be of the same sex as the student searched.
  - E. Any evidence of illegal conduct or conduct violative of the rules of the school produced as a result of searches according to these regulations shall be subject to seizure. Where required by law and otherwise at the option of the building principal, such evidence shall be submitted to the police

department for proper disposition. Evidence not submitted to the Police Department shall be disposed of as directed by the building principal.

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

- A. The Board of Education provides lockers, desks, gym baskets and other storage areas in which pupils may keep and store personal belongings and materials provided by the Board of Education. Such storage areas are the property of the Board of Education.
- B. No pupil shall keep or store personal belongings or materials provided by the Board of Education in any storage area other than one provided by the Board of Education and designated for his/her use by the school administration.
- C. Each pupil shall be responsible for maintaining any storage area assigned to him/her for his/her use in an orderly and sanitary condition.
- D. No pupil shall keep or store in a storage area assigned to him/her for his/her use any item the possession of which is illegal or in violation of school regulations or that endangers the health, safety or welfare of self or others (such as matches, chemicals, ammunition, weapons, drugs, tobacco, alcoholic beverages, etc.).
- E. The use of lockers and other storage areas by pupils is a privilege. At all times such storage areas remain the property of the Board of Education. If the school administration reasonably suspects that a pupil is not maintaining a storage area assigned to him/her in a sanitary condition, or that the locker contains items the possession of which is illegal or in violation of school regulations or that endangers the health, safety or welfare of the student or others, it has the right to open and examine the storage area and to seize any such items that are found. The school administration may authorize law enforcement officials to search lockers/storage areas in accordance with Board Policy 5145, Section 2(A).
- F. When required by law and otherwise at the option of the building principal, items that have been seized shall be submitted to the police department for proper disposition. Items not submitted to the police department shall be disposed of as directed by the building principal.

Legal References:

Connecticut General Statutes:

Section 10-221, Boards of education to prescribe rules

Section 54-33n, Searches

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New Jersey v. T.L.O., 469 U.S. 325 (1985)

ADOPTED: June 9, 2009

REVISED:

DRAFT

**DARIEN PUBLIC SCHOOLS**  
**Darien, CT**

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**Series 5000**  
**Students**

**Policy 5265**

**CONFIDENTIALITY AND ACCESS TO EDUCATION RECORDS**

**I. POLICY**

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

**II. DEFINITIONS**

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

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

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



maintained in the normal course of business, 2) relate exclusively to the student's capacity as an employee, and 3) are not made available for any other purpose;

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

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

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

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

K. Legitimate Educational Interest means the need for a school official to review an education record in order to fulfill his or her professional responsibilities.

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

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

- A. On an annual basis, the school district will notify parents and/or eligible students currently in attendance of their rights regarding a student's education records. This notice will be published in all student handbooks in the school district and will also be published in the school district's guide to Pupil Personnel [or **Special Education**] Services and will be

published in any other manner “reasonably likely” to inform such parents and eligible students of their rights. The school district will take steps to ensure that parents or eligible students whose primary or home language is not English or who are disabled will also be notified of their rights regarding a student’s education records.

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

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

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

district discloses personally identifiable information from education records.

- E. The district shall require contractors and other outside agencies with access to education records to certify their compliance with the confidentiality requirements of this policy, as well as applicable state and federal law.

## V. ACCESS TO EDUCATION RECORDS

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

their child's (his/her) education records. The request for the free copy must be in writing and the Board will comply with the written request within ten (10) school days of the request. Notwithstanding the fact that a test instrument or portion of a test instrument may meet the criteria of an "education record" under the Family Educational Rights and Privacy Act, 20 U.S.C. § 1232g, any test instrument or portion of a test instrument for which the test manufacturer asserts a proprietary or copyright interest in the instrument shall not be copied. The parent or eligible student retains the right to review and inspect such information and the Board shall respond to reasonable requests from the parent or eligible student for explanations and interpretations of the student's education record, which may include reviewing copyrighted testing instruments.

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

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

J. Non-custodial Parents:

1. Divorced Parents

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

2. Incarcerated Parents

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

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

K. Unaccompanied Youth:

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

L. Copies of Education Records/Fees:

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

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

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

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

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

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

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

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

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

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



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

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

1. School Officials:

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

3. Transfer Students:

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

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

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

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

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

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

#### **D. Directory Information**

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

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

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

1. The school district may release education records or information from education records without the consent of a parent or eligible

student after the removal of all personally identifiable information, provided that the district has made a reasonable determination that a student's identity is not personally identifiable, whether through single or multiple releases, taking into account other reasonably available information.

2. The school district may release de-identified education records including student level data from education records for the purpose of education research by attaching a code to each record that may allow the recipient to match information received from the same source, provided that:
  - a) the district does not disclose any information about how it generates and assigns a record code, or that would allow a recipient of the information to identify a student based on the record code;
  - b) the record code is used for no purpose other than identifying a de-identified record for the purposes of education research and cannot be used to ascertain personally identifiable information about a student; and
  - c) the record code is not based on a student's social security number or other personal information.

**F. Disciplinary Records:**

Nothing in this policy shall prevent the school district from:

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

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

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

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



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

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

e. Student Information means personally identifiable information or material of a student in any media or format that is not publicly available and is any of the following:

- 1) Created or provided by a student or the parent or legal guardian of a student, to the operator in the course of the student, parent or legal guardian using the operator's Internet web site, online service or mobile application for school purposes;
- 2) Created or provided by an employee or agent of the Board to an operator for school purposes;
- 3) Gathered by an operator through the operation of the operator's Internet web site, online service or mobile application and identifies a student, including but not limited to, information in the student's records or electronic mail account, first or last name, home address, telephone number, date of birth, electronic mail address, discipline records, test results, grades, evaluations, criminal records, medical records, health records, Social Security number, biometric information, disabilities, socioeconomic information, food purchases, political affiliations, religious affiliations, text messages, documents, student identifiers, search activity, photographs, voice recordings, survey responses or behavioral assessments.

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

- 1) Improve educational products for adaptive learning purposes and customize student learning;
- 2) Demonstrate the effectiveness of the contractor's products in the marketing of such products; and

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

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

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

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

information from education records in violation of FERPA, the school district may not allow that third party access to personally identifiable information from education records for at least five (5) years.

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

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

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

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

place in the student's education records a statement commenting on the contested information or stating why he or she disagrees with the district's decision, or both.

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

**B. Procedures**

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

**XI. WAIVER OF RIGHTS**

- A. A student who is an applicant for admission to an institution of post-secondary education, or is in attendance at an institution of post-secondary education, may waive his or her right to inspect and review confidential letters and confidential statements of recommendations with the following limitations:

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

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

- A. The following definitions shall apply to Article XII of this policy:
1. Confidential HIV-Related Information  
“Confidential HIV-related information” means any information pertaining to the protected individual or obtained pursuant to a release of confidential HIV-related information, concerning whether a person has been counseled regarding HIV infection, has been the subject of an HIV-related test, or has HIV infection, HIV-related illness or AIDS, or information which identifies or reasonably could identify a person as having one or more of such conditions, including information pertaining to such individual’s partners.
  2. Health Care Provider  
“Health Care Provider” means any physician, dentist, nurse, provider of services for the mentally ill or persons with intellectual disabilities, or other person involved in providing medical, nursing, counseling, or other health care, substance abuse or mental health service, including such services associated with, or under contract to, a health maintenance organization or medical services plan.
  3. Protected Individual

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

4. Release of confidential HIV-related information

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

5. School Medical Personnel

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

B. Confidentiality of HIV-related Information

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

C. Accessibility of Confidential HIV-related Information

1. No school staff member who obtains confidential HIV-related information may disclose or be compelled to disclose such information, except to the following:



- a) the protected individual, his/her legal guardian or a person authorized to consent to health care for such individual;
- b) any person who secures a release of confidential HIV-related information;
- c) a federal, state or local health law officer when such disclosure is mandated or authorized by federal or state law;
- d) a health care provider or health facility when knowledge of the HIV-related information is necessary to provide appropriate care or treatment to the protected individual or when confidential HIV-related information is already recorded in a medical chart or record and a health care provider has access to such record for the purpose of providing medical care to the protected individual;
- e) a medical examiner to assist in determining cause of death; or
- f) any person allowed access to such information by a court order.

#### D. Procedures

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

3. Any school staff member who obtains confidential HIV-related information from a source other than the protected individual or his/her legal guardian, shall keep such information confidential and shall not disclose such information.
  4. No school staff member may disclose confidential HIV-related information to other school staff members without first obtaining a release of confidential HIV-related information.
  5. Any record containing confidential HIV-related information shall be maintained in a separate file, and shall not be subject to the provisions of this policy regarding accessibility of general student records.
  6. If school medical personnel determine that the health and safety of the student and/or others would be threatened if a release of confidential HIV-related information is not obtained, the school medical personnel may seek a court order authorizing disclosure. In such cases, such confidential HIV-related information may be disclosed as set forth in and subject to any limitation of such court order.
- E. Disclosures Pursuant to a Release
1. Any disclosure pursuant to a release shall be accompanied by a notice in writing stating, "This information has been disclosed to you from records whose confidentiality is protected by state law. State law prohibits you from making any further disclosure of it without the specific written consent of the person to whom it pertains, or as otherwise permitted by said law. A general authorization for the release of medical or other information is NOT sufficient for this purpose."
  2. Oral disclosures must be accompanied or followed by the above notice within ten (10) days.
  3. Except for disclosures made to a federal, state or local health officer when such disclosure is mandated or authorized by federal or state law, a notation of all disclosures shall be placed in the medical record or with any HIV-related test result of a protected individual, who shall be informed of such disclosures on request.

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

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

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

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

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

#### Legal References:

##### State Law:

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

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

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

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

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

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

Federal Law:

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

USA Patriot Act of 2001, Pub. L. No. 107-56

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

Healthy, Hunger-Free Kids Act of 2010, Pub. L. No. 111-296

The McKinney-Vento Homeless Education Assistance Act, 42 U.S.C. §§  
11431 *et seq.*, as amended by Every Student Succeeds Act, Pub. L. No.  
114-95.

34 C.F.R. §§ 99.1 - 99.67

34 C.F.R. § 106.45

34 C.F.R. §§ 300.560 - 300.576

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

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

**DARIEN PUBLIC SCHOOLS**  
**Darien, CT**

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

**ADMINISTRATIVE REGULATIONS REGARDING  
CLASSIFICATION OF EDUCATION RECORDS**

The \_\_\_\_\_ Public Schools (the “District”) will appoint a Custodian of Records who will ensure that student education records are kept as follows:

**A. CATEGORY “A” RECORDS:**

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

6. Category A records shall include, at a minimum, the following:

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

**B. CATEGORY “B” RECORDS**

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

has demonstrated to the Board that the student’s conduct and behavior in the years following such expulsion warrants an expungement. Should the notice be expunged in accordance with one of these provisions, a record of the fact that the student had been suspended or expelled shall be maintained apart from the student’s cumulative record, for the limited purpose of determining whether any subsequent offenses by the student would constitute the student’s first suspension or expulsion.

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

<u>RECORD</u>	<u>LOCATION</u>
a. Child-Study Team Records / Student Assistance Team Records	Cumulative/Pupil Personnel File
b. Standardized group test scores (CAPT, CMT etc.)	Cumulative/Pupil Personnel File
c. Diagnostic reading/math test results (not special education)	Cumulative File
d. Educational and/or vocational interest	Cumulative File
e. Speech/language and hearing evaluations (not special education)	Cumulative/Health File
f. Comprehensive health records	Cumulative/Health/Pupil Personnel File
g. Correspondence relating to the student	Cumulative/Health/Pupil Personnel File

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



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

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

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

Category C shall include (where applicable):

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

**D. CATEGORY “D” RECORDS**

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

Category “D” shall include (if applicable):

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

m. Test Protocols	Discretion of district	Cumulative/Pupil Personnel File
n. Surveillance videotapes made on school bus (if maintained by district)	2 weeks	N/A
o. Log of access to education records	Maintained for same retention period as required for the record	Cumulative/Health/Pupil Personnel
p. Title IX records and documentation	7 years from date of creation	Cumulative/Other File as Designated by the Administration

**E. DURATION OF EDUCATION RECORDS**

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

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

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

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

1. The Director of Pupil Personnel [**or Special Education**] is the Custodian of Records.

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

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

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

11/22/2020

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

8/28/17  
Tech. Rev. 7/6/2021



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

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

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

**RELEASE OF CONFIDENTIAL HIV-RELATED INFORMATION**

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

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

This authorization shall be valid for

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

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

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

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

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

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

8/28/17

DRAFT

**TRANSFER OF CONFIDENTIAL STUDENT INFORMATION**

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

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

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

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

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

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

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

(Please check all that apply)

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

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

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

Name

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

Street

Town

State/Zip Code

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

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

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

\_\_\_\_\_  
Date

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

\*\*\*\*\*

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

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

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

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

\_\_\_\_\_

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

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

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

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

\*\*\*\*\*

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

\_\_\_\_\_  
Date

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

8/28/17

**DARIEN PUBLIC SCHOOLS**  
**Darien, Connecticut**

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**SERIES 5000: STUDENTS**  
**POLICY 5325**

**STUDENT PRIVACY**

In accordance with federal law, the Board of Education (the "Board") 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.~~
1. The student's name
  2. The name of the student's parent or other family members
  3. The address of the student or student's family
  4. A personal identifier, such as the student's social security number, student number, or biometric record
  5. Other information that, alone or in combination, is linked or linkable to a specific student that would allow a reasonable person in the school community, who does not have personal knowledge of the relevant circumstances, to identify the student with reasonable certainty; or
  6. information requested by a person who the educational agency or institution reasonably believes knows the identity of the student to whom the education record relates
- D. *"Personal information"* means individually identifiable information including:
1. a student's or parent's first and last name;
  2. a home or other physical address (including a street name and the name of a city or town);

3. a telephone number; or
  4. a Social Security identification number.
- E. "Survey" includes an evaluation, but does not include a survey or evaluation administered to a student in accordance with the Individuals with Disabilities Education Act (20 U.S.C. § 1400 et seq.).

## II. Student Surveys

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

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

3. If a student is *not required* to submit to a survey, analysis, or evaluation that reveals information concerning any of the topics in Section II.A.2 above, the administration shall provide parents with notice of the district's intent to distribute such survey and, upon written request, shall permit the parent or student (if an adult or emancipated minor) to opt out of participation

B. *Surveys Funded by Sources Other than the U.S. Department of Education:*

1. Third Party Surveys

- a. Prior to distributing any third party survey, the administration shall give notice to parents of the district's intent to distribute a survey on behalf of a third party.
- b. Upon request, the administration shall permit parents to inspect any third party survey before it is administered or distributed by a school to a student. The administration shall grant reasonable access to the survey within a reasonable period of time after a parental request is received.
- c. Student responses to third party surveys that contain personally identifiable information shall be considered student records, and shall be subject to the district's Confidentiality and Access to Student Records Policy and any administrative regulations or procedures governing the confidentiality of student records.

2. Confidential Topic Surveys

- a. The provisions of this subsection apply to any survey (sponsored by the school district or a third party) which contains questions pertaining to one or more of the following items ("Confidential Topic Surveys"):
  - i) political affiliations or beliefs of the student or the student's parent,
  - ii) mental or psychological problems of the student or the student's ~~family, parent,~~
  - iii) sex behavior or attitudes,
  - iv) illegal, anti-social, self-incriminating, or demeaning behavior,



- v) critical appraisals of other individuals with whom respondents have close family relationships,
  - vi) legally recognized privileged or analogous relationships, such as those of lawyers, physicians, and ministers,
  - vii) religious practices, affiliations, or beliefs of the student or of the student's parent,
  - viii) income (other than that required by law to determine eligibility in a program or for receiving financial assistance under such program).
- 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, distributed or used by a school to or with a student. The administration shall grant reasonable access to the Confidential Topic Survey within a reasonable period of time after a parental request is received.
  - d. Student responses to any Confidential Topic Survey that contains personally identifiable information shall be considered student records, and shall be subject to the district's Confidentiality and Access to Student Records Policy and any administrative regulations or procedures governing the confidentiality of student records.
  - e. Upon written request, the administration shall permit the parent or student (if an adult or emancipated minor) to opt out of participation in any Confidential Topic Survey described in this subparagraph.

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

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

- B. At the beginning of the school year, the administration shall give direct notice to parents of affected students (or to the students aged eighteen (18) or older or emancipated minors) of the district's intent to collect, disclose or use personal information collected from students for the purpose of marketing, selling or otherwise distributing such information or providing that information to others for that purpose. Such notice shall include the specific or approximate dates during the school year of such collection, disclosure or use of personal information.
- C. Upon written request, the administration shall permit parents to inspect an instrument designed to collect personal information of students before it is administered or distributed by a school to a student. The administration shall grant reasonable access to the instrument within a reasonable period of time after a parental request is received.
- D. Upon written request, the administration shall permit parents (or students aged eighteen (18) 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 for that purpose.
- E. The provisions regarding the collection, disclosure and/or use of personal information do not apply to personal information collected from students for the exclusive purpose of developing, evaluating, or providing educational products or services for, or to, students or educational institutions, such as the following:
1. college or other post-secondary education recruitment, or military recruitment\*;
  2. book clubs, magazines, and programs providing access to low-cost literary products;
  3. curriculum and instructional materials used by elementary schools and secondary schools;
  4. tests and assessments used by elementary schools and secondary schools to provide cognitive, evaluative, diagnostic, clinical, aptitude, or achievement information about students;
  5. the sale by students of products or services to raise funds for school-related or education-related activities;
  6. student recognition programs.

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

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

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

**V. Complaint Procedure**

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

~~Student Privacy Family Policy Compliance Office~~  
United States Department of Education  
400 Maryland Avenue, SW  
Washington, D.C. 20202-~~4605~~5920

Legal References:

~~Federal Law:~~

Family Educational Rights and Privacy Act (FERPA), ~~20~~ U.S.C. §§ 1232g  
~~et seq.~~ 34 CFR Part 99  
Protection of Pupil Rights Amendment, ~~Public Law 107-110, § 1061,~~  
~~codified at~~ 20 U.S.C. § 1232h.

UNITED STATES DEPARTMENT OF EDUCATION, STUDENT  
PRIVACY POLICY OFFICE, Protection of Pupil Rights Amendment  
(PPRA), SPPO-21-01 (issued November 24, 2020), available at  
[https://studentprivacy.ed.gov/sites/default/files/resource\\_document/file/20-0379.PPRA\\_508\\_0.pdf](https://studentprivacy.ed.gov/sites/default/files/resource_document/file/20-0379.PPRA_508_0.pdf).

APPROVED BY THE BOARD OF EDUCATION: January 13, 2015  
REVISED:

## 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 by law to determine eligibility for certain programs or for receiving financial assistance under such programs;
- ~~3.~~ the right of a parent to consent before a student is required to submit to a survey that concerns one or more of the confidential topics (see #2, above, a-h) if the survey is funded in whole or in part by a program of the U.S. Department of Education;
- ~~4.~~ the right of a parent or eligible student to receive notice and opt out of a student’s participation in a survey that concerns one or more of the confidential topics (see #2, above, a-h) if the student is not required to submit to such survey, whether the survey is funded in whole or in part by a program of the U.S. Department of Education or some other source;
- ~~3.~~
- ~~4-5.~~ the right of a parent to inspect, upon request, any instructional material used as part of the educational curriculum. Instructional material means any instructional content that is provided to a student, regardless of its format, including printed or representational materials, audio-visual materials, and materials in electronic or digital formats (such as materials accessible through the Internet) but does not include academic tests or academic assessments;
- ~~5-6.~~ 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;

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7. the right of a parent whose student(s) is scheduled to participate in the specific activities provided below to be directly 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) if the survey is either not funded as part of a program administered by the United States Department of Education or is funded by the United States Department of Education but the student is not required to submit to such survey; or
  - c. any non-emergency, invasive physical examination or screening that is required as a condition of attendance, administered by the school, scheduled in advance 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; and
- f. student recognition programs.

To protect student privacy in compliance with the PPRA, the Darien Public 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-student Privacy Policy Compliance Office  
| U.S. Department of Education  
400 Maryland Avenue, SW  
Washington, D.C. 20202-~~4605~~5920

DRAFT

Darien Public Schools  
Darien, Connecticut

POLICY

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Series 5200  
Rights and Responsibilities

Policy 5270

PLEDGE OF ALLEGIANCE AND FLAG DISPLAYS

~~In accordance with Conn. Gen. Stat. Section 10-230(c) The the administration of each school in the district~~ Board of Education shall ensure that a period of time is set aside each school day to allow those students who wish to do so the opportunity shall set aside time each school day for students to recite the Pledge of Allegiance. ~~The recitation of the Pledge of Allegiance shall be voluntary for each individual, and the provisions of t~~ This policy will shall not be construed to require any person to recite the Pledge of Allegiance, should he or she choose not to do so.

The national flag will be displayed in classrooms and on school grounds in accordance with Connecticut ~~State Statutes~~ Gen. Stat. Section 10-230 (a).

Legal Reference:

Connecticut General Statutes, Section 10-230, subsections (a) and (c).  
Public Act No. 02-119

APPROVED: September 10, 2002  
REVISED: June 9, 2009  
REVISED: November 10, 2009  
REVISED:



**Darien Public Schools  
Darien, Connecticut**

**POLICY**

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**Series 5200  
Rights and Responsibilities**

**Policy 5235**

**CONDUCT ON SCHOOL BUSES**

While the law requires the school district to furnish transportation, it does not relieve the parents of students from the responsibility of supervision until such time as the child boards the bus in the morning and after the child leaves the bus at the end of the school day.

The Board shall require children to conduct themselves on a bus and at the bus stop in a manner consistent with established standards for classroom behavior.

In cases when students do not conduct themselves properly on a bus or at the bus stop, such instances are to be brought to the attention of the principal by the bus driver. Students are subject to discipline, in accordance with the Darien Board of Education Student Discipline Policy, for acts of misconduct that occur on the school bus or at the bus stop, and may have their riding privileges suspended for acts of misconduct that occur on the school bus or at the bus stop that endanger persons or property or violate a publicized policy of the Darien Board of Education.

APPROVED: November 22, 1977

REVISED: June 9, 2009

# DARIEN PUBLIC SCHOOLS

Darien, Connecticut

SERIES 5000: STUDENTS  
POLICY 5025

## MANAGEMENT PLAN AND GUIDELINES FOR STUDENTS WITH FOOD ALLERGIES AND/OR GLYCOGEN STORAGE DISEASE

The Darien Public Schools (the “District”) recognize that food allergies and glycogen storage disease- and diabetes may be life threatening. For this reason, the District is committed to developing strategies and practices to minimize the risk of accidental exposure to life threatening food allergens and to ensure prompt and effective medical response should a child-student suffer an allergic reaction while at school. The District is also committed to appropriately managing and supporting students with glycogen storage disease. The District further recognizes the importance of collaborating with parents, adult students (defined as students age eighteen (18) and older and appropriate medical staff in developing such practices and encourages strategies to enable the student to become increasingly proactive in the care and management of his or her the student’s food allergy and/or glycogen storage disease, as developmentally appropriate. To this end, the District Darien Public Schools adopts the following guidelines related to the management of life threatening food allergies and glycogen storage disease for students enrolled in District schools.

### **I. Identifying Students with Life-Threatening Food Allergies and/or Glycogen Storage Disease**

Early identification of students with life-threatening food allergies, diabetes and/or glycogen storage disease- (GSD) is important. The District therefore encourages parents/guardians of children-students and adult students with a life-threatening food allergies- to notify the school of the allergy, providing as much medical documentation about the extent and nature of the food allergy as is known, as well as any known effective treatment for the allergy. The District also encourages parents/guardians of children-students with GSD and diabetes to notify the school of the disease, providing as much medical documentation about the type of GSD, nature of the disease, and current treatment of the student.

Students with life-threatening food allergies and diabetes are virtually always students with disabilities and should be referred to a Section 504 team, which will make a final determination concerning the student’s eligibility for services under Section 504 of the Rehabilitation Act of 1973 (“Section 504”). The Section 504 team may determine that the only services needed are in the student’s Individualized Health Care Plan (IHCP) and/or Emergency Care Plan (ECP); in that case, the IHCP and/or ECP will also serve as the student’s Section 504 plan. The Section 504 team will also ensure that parents receive appropriate notice and are informed of their rights under Section 504, including their right to request an impartial hearing if they disagree with the provisions in the Section 504 plan.

Students with GSD and less severe food allergies should be referred to a Section 504 team if there is reason to believe that the student’s GSD or food allergy substantially limits a major life

activity. To determine whether a food allergy is severe enough to substantially limit a major life activity, the team should consider the impact on the student when the student has been exposed to the allergen and has not yet received treatment.

Major life activities include, but are not limited to:

(i) Caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, sitting, reaching, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, interacting with others, and working; and

(ii) The operation of a major bodily function, including functions of the immune system, special sense organs and skin; normal cell growth; and digestive, genitourinary, bowel, bladder, neurological, brain, respiratory, circulatory, cardiovascular, endocrine, hemic, lymphatic, musculoskeletal, and reproductive functions. The operation of a major bodily function includes the operation of an individual organ within a body system.

## **II. Individualized Health Care Plans and Emergency Care Plans**

1. ~~1.~~ If the ~~district~~ District obtains medical documentation that a ~~child~~ student has a life-threatening food allergy, ~~diabetes~~ or GSD, the ~~district~~ District shall develop an individualized health care plan (IHCP) for the ~~child~~ student. Each IHCP should contain information relevant to the ~~child~~ student's participation in school activities ~~; and should attempt to strike a balance between individual, school and community needs, while fostering normal development of the child.~~

2. ~~2.~~ The IHCP ~~should~~ shall be developed by a group of individuals, which shall include the parents, ~~the adult student, if applicable,~~ and appropriate school personnel. Such personnel may include, but are not limited to, the school nurse, school or food service administrator(s); classroom teacher(s); and the student, if appropriate. The school may also consult with the school's medical advisor, as needed.

3. ~~3.~~ IHCPs are developed for students with special health needs or whose health needs require daily interventions. The IHCP describes how to meet the ~~child~~ student's health and safety needs within the school environment and should address the student's needs across school settings. Information to be contained in an IHCP should include a description of the functional health issues (diagnoses); student objectives for promoting self-care and age appropriate independence; and the responsibilities of parents, school nurse and other school personnel. The IHCP may also include strategies to minimize the allergic student's risk for exposure. For the student with ~~life-threatening food allergies,~~ GSD ~~or diabetes;~~ the IHCP may include strategies designed to ameliorate risks associated with such disease and support the student's participation in the classroom. IHCPs for such students may include ~~such~~ considerations such as:

- a. classroom environment, including allergy free considerations, or allowing the student with GSD or diabetes to have food/dietary supplements when needed;
- b. cafeteria safety;
- c. participation in school nutrition programs;
- d. snacks, birthdays and other celebrations;
- e. alternatives to food rewards or incentives;
- f. hand-washing;
- g. location of emergency medication;
- h. who will provide emergency and routine care in school;
- i. risk management during lunch and recess times;
- j. special events;
- k. field trips, fire drills and lockdowns;
- l. extracurricular activities;
- m. school transportation;
- n. the provision of food or dietary supplements by the school nurse, or any school employee approved by the school nurse;
- o. staff notification, including substitutes, and training; and
- p. transitions to new classrooms, grades and/or buildings.

4. 4. The IHCP should be reviewed annually, or whenever there is a change in the student's emergency care plan ("ECP"), changes in self-monitoring and self-care abilities of the student, or following an emergency event requiring the administration of medication or the implementation of other emergency protocols.

5. 5. For a student with a life-threatening food allergy, GSD or diabetes, the IHCP shall not prohibit a parent or guardian, or a person designated by such parent or guardian, to provide food or dietary supplements to a student with a life-threatening food allergy, GSD or diabetes on school grounds during the school day.

6. 6. In addition to the IHCP, the ~~district~~ District shall also develop an ~~Emergency Care Plan (ECP)~~ for each child-student identified as having a life threatening food allergy. The ECP is part of the IHCP and describes the specific directions about what to do in a medical emergency. For the student with a life-threatening food allergy, the ECP should include the following information:

- a.g. The child-student's name and other identifying information, such as date of birth, grade and photo;
- b.r. The child-student's specific allergy;
- e.s. The child-student's signs and symptoms of an allergic reaction;
- d.t. The medication, if any, or other treatment to be administered in the event of exposure;
- e.u. The location and storage of the medication;
- f.v. Who will administer the medication (including self-administration options, as appropriate);

- ~~g~~-w. Other emergency procedures, such as calling 911, contacting the school nurse, and/or calling the parents or physician;
- ~~h~~-x. Recommendations for what to do if the ~~child~~student continues to experience symptoms after the administration of medication; and
- ~~i~~-y. Emergency contact information for the parents/family and medical provider.

7. ~~7~~. In addition to the IHCP, the ~~district~~District shall also develop an ECP for each ~~child~~student identified as having GSD and/or diabetes. The ECP is part of the IHCP and describes the specific directions about what to do in a medical emergency. For the student with GSD or diabetes, the ECP should include the following information as may be appropriate:

- ~~a~~-z. The ~~child~~student's name and other identifying information, such as date of birth, grade and photo;
- ~~b~~-aa. Information about the disease or disease specific information (i.e. type of GSD or diabetes);
- ~~e~~-bb. The ~~child~~student's signs and symptoms of an adverse reaction (such as hypoglycemia);
- ~~d~~-cc. The medication, if any, or other treatment to be administered in the event of an adverse reaction or emergency (i.e. Glycogen or insulin);
- ~~e~~-dd. The location and storage of the medication;
- ~~f~~-ee. Who will administer the medication (including self-administration options, as appropriate);
- ~~g~~-ff. Other emergency procedures, such as calling 911, contacting the school nurse, and/or calling the parents or physician;
- ~~h~~-gg. Recommendations for what to do if the ~~child~~student continues to experience symptoms after the administration of medication; and
- ~~i~~-hh. Emergency contact information for the parents/family and medical provider.

8. ~~8~~. In developing the ECP, the school nurse should obtain current medical documentation from the parents/family and the student's health care provider, including the student's emergency plan and proper medication orders. If needed, the school nurse or other appropriate school personnel, should obtain consent to consult directly with the ~~child~~student's health care providers to clarify medical needs, emergency medical protocols and medication orders.

9. ~~9~~. A student identified as having a life-threatening food allergy or GSD or diabetes is entitled to an IHCP and an ECP, regardless of his/her status as a ~~child~~student with a disability, as that term is understood under Section 504 ~~of the Rehabilitation Act of 1973 ("Section 504")~~, or the Individuals with Disabilities Education Act ("IDEA").

10. ~~10~~. The ~~district~~District shall ensure that the information contained in the IHCP and ECP is distributed to any school personnel responsible for implementing any provisions of the IHCP and/or ECP, and that any procedures in the IHCP and/or ECP

comply with the ~~district~~District's policies and procedures regarding the administration of medications to students.

~~11. Whenever appropriate, a student with a life-threatening food allergy and/or GSD should be referred to a Section 504 Team for consideration if/when there is reason to believe that the student has a physical or mental impairment that substantially limits one or more major life activities, as defined by Section 504. Whenever appropriate, students with life-threatening food allergies and/or GSD should be referred to a PPT for consideration of eligibility for special education and related services under the IDEA, if there is reason to suspect that the student has a qualifying disability and requires specialized instruction.~~

~~13.~~ 11. When making eligibility determinations under Section 504 and/or the IDEA, schools must consider the student's needs on an individualized, case-by-case basis.

### III. Training/Education

1. The ~~district~~District shall provide appropriate education and training for school personnel regarding the management of students with life threatening food allergies, ~~and~~ GSD and diabetes. Such training may include an overview of life-threatening food allergies, ~~and~~ GSD and diabetes; prevention strategies; IHCPs and ECPs; and food safety and sanitation. Training shall also include, as appropriate for each school (and depending on the specific needs of the individual students at the school), training in the administration of medication with cartridge injectors (i.e. epi-pens), and/or the specific preventative strategies to minimize the risk of exposure to life-threatening allergens and prevent adverse reactions in students with GSD and diabetes (such as the provision of food or dietary supplements for students). School personnel will be also be educated on how to recognize symptoms of allergic reactions and/or symptoms of low blood sugar, as seen with GSD and diabetes, and what to do in the event of an emergency. Staff training and education will be coordinated by the Director of Nursing Services. Any such training regarding the administration of medication shall be done in accordance with state law and Board policy.

2. Each school within the ~~district~~District shall also provide age-appropriate information to students about food allergies, ~~and~~ GSD and diabetes, how to recognize symptoms of an allergic reaction and/or low blood sugar emergency and the importance of adhering to the school's policies regarding food and/or snacks.

### IV. Prevention

Each school within the ~~district~~District will develop appropriate practices to minimize the risk of exposure to life threatening allergens as well as~~and~~ the risks associated with GSD and diabetes. Practices that may be considered ~~may~~ include, but are not limited to:

1. Encouraging hand washing;
2. Discouraging students from swapping food at lunch or other snack/meal times;
3. Encouraging the use of non-food items as incentives, rewards or in connection with celebrations;
4. Training staff in recognizing symptoms of anaphylaxis and hypoglycemia;
5. Planning for school emergencies, to include consideration of the need to access medication, food and/or dietary supplements.

**V. Communication**

1. As described above, the school nurse shall be responsible for coordinating the communication between parents, a student's individual health care provider and the school regarding a student's life threatening allergic condition, ~~and/or~~ GSD and/or diabetes. School staff responsible for implementing a student's IHCP will be notified of their responsibilities and provided with appropriate information as to how to minimize risk of exposure and/or alterations in blood sugar levels and how to respond in the event of such emergency.
2. Each school will ensure that there are appropriate communication systems available within each school (i.e. telephones, cell phones, walkie-talkies) and for off-site activities (i.e. field trips) to ensure that school personnel are able to effectively respond in case of emergency.
3. The ~~district~~ District shall develop standard letters to be sent home to parents, whenever appropriate, to alert them to food restrictions within their ~~child~~ student's classroom or school.
4. All ~~district~~ District staff are expected to follow ~~district~~ District policy and/or federal and state law regarding the confidentiality of student information, including medical information about the student.
5. The ~~district~~ District shall make the Management Plan and Guidelines for Students with Food Allergies and/or Glycogen Storage Disease and/or Diabetes available on the Board's website or the website of each school under the Board's jurisdiction.
6. The ~~district~~ District shall provide annual notice to parents and guardians regarding the Management Plan and Guidelines for Students with Food Allergies and/or Glycogen Storage Disease and/or Diabetes. Such notice shall be provided in conjunction with the annual written statement provided to parents and guardians regarding pesticide applications in the schools.

**VI. Monitoring the ~~District~~ District's Plan and Procedures**

The ~~district~~ District should conduct periodic assessments of its Management Plan and Guidelines for Students with Food Allergies, ~~and/or~~ Glycogen Storage Disease and/or diabetes. Such assessments should occur at least annually and after each emergency event involving the

administration of medication to a student with a life-threatening food allergy ~~or~~ GSD or diabetes to determine the effectiveness of the process, why the incident occurred, what worked and what did not work.

The Superintendent shall annually attest to the Department of Education that the ~~District~~ District is implementing the Management Plan and Guidelines for Students with Food Allergies, ~~and/or~~ Glycogen Storage Disease and/or Diabetes.

Legal References:

State Law/Regulations/Guidance

- Conn. Gen. Stat. § 10-212a Administration of mMedications in sSchools, at athletic events and to children in school readiness programs
- Conn. Gen. Stat. § 10-212c Life-threatening food allergies: Guidelines, district plans and glycogen storage disease Guidelines, district plans
- Conn. Gen. Stat. § 10-220i Transportation of students carrying cartridge injectors
- Conn. Gen. Stat. § 10-231c Pesticide applications at schools without an integrated pest management plan. Prior notice
- Conn. Gen. Stat. § 19a-900 Use of cartridge injectors by staff members of before or after school program, day camp or day care facility.
- Conn. Gen. Stat. § 52-557b “Good sSamaritan law.” Immunity from liability for emergency, medical assistance, first aid or medication by injector. School personnel not required to administer or render injection. Immunity from liability re automatic external defibrillators. School personnel not required to administer or render emergency first aid or administer medication by injection.

Regs. Conn. State Agencies § 10-212a-1 through 10-212a-7 Administration of Medication by School Personnel

Guidelines for Managing Life-Threatening Food Allergies in Connecticut Schools (Includes Guidelines for Managing Glycogen Storage Disease), Connecticut State Department of Education (Updated 2012).

Federal Law:

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

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

The Americans with Disabilities Act of 1990 (ADA), 42 U.S.C. § 12101 et seq.

APPROVED BY THE BOARD OF EDUCATION: January 13, 2015



**Darien Public Schools  
Darien, Connecticut**

**POLICY**

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**Series 5300  
Welfare**

**Policy 5340**

**PHYSICAL EXAMINATIONS/SCREENINGS**

Before admission to the Darien Public Schools, each student must give proof, on the form provided by the school, of a recent physical examination by a physician.

Periodic physical examinations of each student are required by law and parents are requested to have this completed by October 15 of the year required. Physical examinations shall be conducted in accordance with administrative regulations. A report of the physical examination by a physician shall be made on the forms provided. Further, various screenings of each student are required by law and will be conducted in accordance with administrative regulations.

Such examinations may also be provided in the schools in conformance with administrative regulations.

Physical examinations are required every thirteen (13) months for all students participating in interscholastic athletics.

**Legal Reference:**

Connecticut General Statutes, Section 10-206

**APPROVED:** November 22, 1977

**REVISED:** June 9, 2009

**DARIEN PUBLIC SCHOOLS**  
**Darien, CT**

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**Series 5000**  
**Students**

**Policy 5340**

**ADMINISTRATIVE REGULATIONS REGARDING HEALTH**  
**ASSESSMENTS/SCREENINGS AND ORAL HEALTH ASSESSMENTS**

I. Health Assessments:

The Darien Board of Education (the “Board”) requires each student enrolled in the Darien Public Schools (the “District”) to undergo health assessments 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 the student 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 the student. Such health assessments must be conducted by one of the following qualified providers for health assessments: (1) a legally qualified practitioner of medicine; (2) an advanced practice registered nurse or registered nurse, who is licensed under state statute; (3) a physician assistant, who is licensed under state statute; (4) the school medical advisor; or (5) a legally qualified practitioner of medicine, an advanced practice registered nurse or a physician assistant stationed at any military base. The Board will provide written prior notice of the health assessments required under these administrative regulations 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 the parent or guardian may provide for such assessment. 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. Any student who fails to obtain the health assessments required by these administrative regulations may be denied continued attendance in the District.

II. Health Assessments Required:

Prior to enrollment in the District, each student must undergo a health assessment, which shall include:

- (a) a physical examination which includes hematocrit or hemoglobin tests, height, weight, blood pressure, and a chronic disease assessment which shall include, but not be limited to, asthma. The assessment form shall include (1) a check box for the provider conducting the assessment, to indicate an asthma diagnosis, (2) screening questions relating to appropriate public health concerns to be answered by the parent or guardian, and (3) screening questions to be answered by such provider;

- (b) an updating of immunizations as required by state law;
- (c) vision, hearing, speech and gross dental screenings;
- (d) such other information, including health and developmental history, as the physician feels is necessary and appropriate.

The pre-enrollment assessment shall also include tests for tuberculosis, sickle cell anemia or Cooley's anemia, and tests for lead levels in the blood if, after consultation with the school medical advisor and the local health department, the Board determines that such tests are necessary. Such tests must be conducted by a registered nurse acting pursuant to the written order of a physician, or physician's assistant, licensed under state law, or an advanced practice registered nurse, licensed under state law.

Each student enrolled in the District must undergo a health assessment in grade seven (7) and in grade ten (10), which shall include:

- (a) a physical examination which includes hematocrit or hemoglobin tests, height, weight, blood pressure, and 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 (1) a check box for the provider conducting the assessment, to indicate an asthma diagnosis, (2) screening questions relating to appropriate public health concerns to be answered by the parent or guardian, and (3) screening questions to be answered by such provider;
- (b) an updating of immunizations as required by state law;
- (c) vision, hearing, postural and gross dental screenings;
- (d) such other information, including health and developmental history, as the physician feels is necessary and appropriate.

The grade seven and grade ten assessments shall also include tests for tuberculosis and sickle cell anemia or Cooley's anemia if, after consultation with the school medical advisor and the local health department, the Board determines that such tests are necessary. Such tests must be conducted by a registered nurse acting pursuant to the written order of a physician, or physician's assistant, licensed under state law, or of an advanced practice registered nurse, licensed under state law.

The Board shall provide such assessments free of charge to students whose parents or guardians meet the eligibility requirements for free and reduced price meals and

### III. Oral Health Assessments:

- A. Prior to enrollment in the District, in grade seven (7) and in grade ten (10), the Board shall request that each student undergo an oral health assessment. Such oral health assessments must be conducted by one of the following qualified providers for oral health assessments: (1) a dentist licensed under state law; (2) a dental hygienist licensed under state law; (3) a legally qualified practitioner of medicine trained in conducting oral health assessments as a part of a training program approved by the Commissioner of Public Health; (4) a physician assistant licensed under state law and trained in conducting oral health assessments as part of a training program approved by the Commissioner of Public Health; or (5) an advanced practice registered nurse licensed under state statute and trained in conducting oral health assessments as part of a training program approved by the Commissioner of Public Health.
- B. The oral health assessment identified in subsection A above shall include a dental examination by a dentist, or a visual screening and risk assessment for oral health conditions by a dental hygienist, legally qualified practitioner of medicine, physician assistant, or advanced practice registered nurse. The assessment form shall include a check box for the qualified provider conducting the assessment to indicate any low, moderate or high risk factors associated with any dental or orthodontic appliance, saliva, gingival condition, visible plaque, tooth demineralization, carious lesions, restorations, pain, swelling or trauma.
- C. No oral health assessment shall be made of any public school student unless the parent or guardian of the student consents to such assessment and such assessment is made in the presence of the parent or guardian or in the presence of another school employee. The parent or guardian shall be provided with prior written notice of an oral health assessment and be provided with a reasonable opportunity to opt the child out of such assessment, or the parent or guardian may provide for such oral health assessment.
- D. If the Board hosts a free oral health assessment event where qualified providers (identified in subsection A above) perform oral health assessments of children attending a public school, the Board shall notify the parents and guardians of such children of the event in advance and provide an opportunity for parents and guardians to opt their child(ren) out of such event. The Board shall infer parent/guardian consent for each child whose parent or guardian did not opt the child out of the free oral health assessment event and shall provide such child with a free oral health assessment; however, such child shall not receive dental treatment of any kind unless the child's parent or guardian provides informed consent for such treatment.

- E. Any student who fails to obtain an oral health assessment requested by the Board shall not be denied enrollment or continued attendance in the District.

IV. Screenings Required:

The Board will provide annually to each student enrolled in kindergarten and grades one and three to five, inclusive, a vision screening. Such vision screening may be performed using a Snellen chart or an equivalent screening device, or an automated vision screening device. The Superintendent shall give written notice to the parent or guardian of each student (1) who is found to have any defect of vision or disease of the eyes, with a brief statement describing the defect or disease and a recommendation that the student be examined by an optometrist or ophthalmologist licensed pursuant to state law, and (2) who did not receive such vision screening, with a brief statement explaining why such student did not receive such vision screening.

The Board will provide annually to each student enrolled in kindergarten and grades one and three through five, inclusive, audiometric screening for hearing. The Superintendent shall give written notice to the parent or guardian of each student (1) who is found to have any impairment or defect of hearing, with a brief statement describing the impairment or defect, and (2) who did not receive an audiometric screening for hearing, with a brief statement explaining why such student did not receive an audiometric screening for hearing.

The Board will provide postural screenings for (1) each female student in grades five and seven, and (2) each male student in grade eight or nine. The Superintendent shall give written notice to the parent or guardian of each student (A) who evidences any postural problem, with a brief statement describing such evidence, and (B) who did not receive a postural screening, with a brief statement explaining why such student did not receive such postural screening.

All of the screenings required under these administrative regulations will be performed in accordance with regulations applicable to such screenings as adopted by the State Board of Education.

V. Assessment/Screening Results:

The results of each assessment and screening required or requested by these administrative regulations shall be recorded on forms supplied by the State Board of Education. Each qualified provider performing health assessments or oral health assessments under these administrative regulations 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 transfers to another school district in Connecticut, the student's original cumulative health record shall be sent to the chief administrative officer of the new school district and a true copy retained by the Board. For a student leaving Connecticut, a copy of the records, if requested, should be sent and the original maintained.

Appropriate school health personnel shall review the results of each assessment and screening. If the reviewing school health personnel judge that a student is in need of further testing or treatment, the Superintendent 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 or requested under these administrative regulations.

The District shall report to the local health department and the Department of Public Health, on a triennial basis, the total number of children per school and on a district-wide basis having a diagnosis of asthma (1) at the time of public school enrollment, (2) in grade six or seven, and (3) in grade nine or ten. The report shall contain the asthma information collected as required under Section II of these administrative regulations and shall include information regarding each diagnosed child's age, gender, race, ethnicity and school.

VI. Exemption:

Nothing in these administrative regulations 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 the student is an emancipated minor or is eighteen (18) years of age or older, notifies the teacher or principal or other person in charge of such student in writing that the student objects on religious grounds to such physical or medical examination or treatment or medical instruction.

VII. Other Non-Emergency Invasive Physical Examinations and Screenings:

- A. In addition to the screenings listed above, the District may, from time to time, require students to undergo additional non-emergency, invasive physical examination(s)/screening(s).
- B. A non-emergency, invasive physical examination or screening is 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 student, or of other students.
- C. 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 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).
- D. Upon request, the administration shall permit parents or students over the age of eighteen (18) (or emancipated minors) to opt out of participation in the non-emergency invasive physical examination(s)/screening(s) described in this subparagraph.

VIII. School Representative to Receive Information Concerning Health Assessments:

The Board designates [**insert name of responsible staff member**] as the representative for receipt of reports from health care providers concerning student health assessments and oral health assessments.

Legal References:

*State Law:*

Connecticut General Statutes:

- § 10-206 Health assessments
- § 10-206a Free health assessments
- § 10-206d Oral health assessments
- § 10-208 Exemption from examination or treatment
- § 10-209 Records not be public. Provision of reports to schools
- § 10-214 Vision, audiometric and postural screenings: When required; notification of parents re defects; record of results

Public Act. No. 21-95, "An Act Concerning Assorted Revisions and Additions to the Education Statutes."

Public Act No. 21-121, “An Act Concerning the Department of Public Health’s Recommendations Regarding Various Revisions to the Public Health Statutes.”

State of Connecticut Department of Education, Bureau of Health/Nutrition, Family Services and Adult Education, Cumulative Health Records Guidelines (Revised Jan. 2012), [https://portal.ct.gov/-/media/SDE/School-Nursing/Publications/CHR\\_guidelines.pdf](https://portal.ct.gov/-/media/SDE/School-Nursing/Publications/CHR_guidelines.pdf)

*Federal Law:*

Elementary and Secondary Education Act of 1965, as amended by the Every Student Succeeds Act, Public Law 114-95, at 20 U.S.C. §§ 1232h(c)(2)(C)(iii) and 1232h(c)(6)(B).

ADOPTED:

DRAFT



**Darien Public Schools  
Darien, Connecticut**

**POLICY**

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**Series 5300  
Welfare**

**Policy 5320**

**HEALTH SERVICES AND REQUIREMENTS**

The purpose of health services in the schools is to support students in need of health assistance while they are within the school environment. The training of a school nurse does not qualify her to prescribe or make diagnosis. The nurse's work in the school will consist of identification of health problems that would impair the student's functioning within the educational environment, the provision of tests or screenings as required or permitted by state or federal law, and the provision of referral to appropriate professional personnel, as needed.

**APPROVED:** November 22, 1977

**REVISED:** June 9, 2009

**Darien Public Schools  
Darien, Connecticut**

**POLICY**

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**Series 5300  
Welfare**

**Policy 5330**

**HEALTH RECORDS**

Emergency cards shall be completed by each student's parent or guardian and shall be updated annually. Emergency cards shall be maintained for each student and shall contain all necessary data, such as names, addresses, and telephone numbers of the parent or guardian, family physician, designated hospital, and names of relatives or neighbors to be contacted if the parent cannot be reached.

Cumulative health records shall be maintained for each student, listing all examinations, immunizations, and other pertinent data. Such health records shall be maintained in accordance with the Darien Board of Education Student Records Policy and state and federal law.

**APPROVED:** November 22, 1977

**REVISED:** June 9, 2009

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COMMUNITY RELATIONS 1630

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1630 CIVILITY, RELATIONS BETWEEN PUBLIC AND SCHOOL  
PERSONNEL/CONDUCT ON SCHOOL PROPERTY

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The Board of Education expects mutual respect, civility and orderly conduct among all individuals on school property, at school events, and in communications with District employees. District employees will treat parents and other members of the public with respect and expect the same in return. The Board is committed to maintaining orderly educational and administrative processes to keep schools and administrative offices free from disruptions and preventing unauthorized persons from entering school or district grounds.

This policy promotes mutual respect, civility and orderly conduct among Board members, district employees, parents and the public. It is not intended to deprive any individual of his or her right to freedom of expression, but only to maintain to the extent possible and reasonable a safe, harassment-free environment for students and employees.

In the interest of presenting Board members and district employees as positive role models to students as well as to the community, the Board encourages positive communication and discourages volatile, hostile or aggressive actions. The Board seeks public cooperation with this endeavor.

Based on the above, the Board expects that no person on school property, at a school event, or in oral, written or electronic communication with the Board or district employees, shall:

- Injure, threaten, harass or intimidate an employee, coach, Board member, student, parent or any other person;
- Damage or threaten to damage another's property;
- Damage or deface district property;
- Violate any Connecticut law or town ordinance;
- Smoke or otherwise use tobacco products;
- Consume, possess, distribute or be under the influence of alcoholic beverages or illegal drugs, or possess dangerous instruments or weapons;
- Impede, delay or otherwise interfere with orderly conduct of the District's educational program or any other activity occurring on school or district property;
- Enter upon any portion of the school premises at any time for purposes other than those which are lawful and authorized by the Board;
- Operate a motor vehicle in a risky manner or in violation of an authorized District employee's directive; or

- Violate other District policies or regulations or an authorized District employee's directive.

Any individual who disrupts or threatens to disrupt normal school or office operations; threatens the health and safety of students, employees, or other members of the public; willfully causes property damage; uses loud or offensive language which could provoke a violent reaction; or who has otherwise established a continued pattern of unauthorized entry on district property will be directed to leave the premises by a member of the administrative staff or his/her designee.

If any party to a conversation uses obscenities or speaks in a demanding, loud, insulting or demeaning manner, the other party to whom the remarks are directed should calmly and politely admonish the speaker to communicate civilly. If the abusing party does not take corrective action, the conversation should be terminated and brought to the attention of a building or district administrator.

Legal Reference: Connecticut General Statutes

1-225 Meetings of the government agents to be public.

1-232 Conduct of the meeting

10-221 Boards of education to prescribe rule(s), policies and procedures

10-238 Petition for hearing by board of education

10-239 Use of school facilities for other purposes

53a-185 Loitering in or about school grounds: Class C misdemeanor

To BOE 6/6/11

Approved 7/11/11

School/Community Relations

Civility Policy

Preamble

The Weston Board of Education (“the Board”) recognizes that education of children is a process that involves a partnership between a child’s parents/guardians, teachers, school administrators, and other school and Board personnel. The Board recognizes that parental/guardian participation in their child’s educational process through parent/guardian/teacher conferences, scheduled classroom visitation, serving as a school volunteer, serving as a field trip chaperone, PTO participation, and other such service is critical to a child’s educational success. For that reason, the Board welcomes and encourages parental participation in the life of their child’s school and the District as a whole.

It is the intent of the Board to promote mutual respect, civility, and orderly conduct among District employees, students, parents/guardians, and the public. It is not the intent of the Board to deprive any person of his or her right to freedom of expression. The intent of this Policy is to maintain, to the greatest extent reasonably possible, a safe, harassment-free workplace for teachers, students, administrators, other staff, parents/guardians, and other members of the community. In the interest of presenting teachers and other District employees as positive role models, the Board encourages positive communication and discourages disruptive, volatile, hostile, or aggressive communications or actions.

However, from time to time parents/guardians, visitors to the District, and District employees act in a manner that disrupts the educational process, the work of District employees, or school activities. This type of conduct can be threatening and/or intimidating to students, District employees, parents/guardians, and visitors.

The purpose of this policy is to provide rules of conduct for parents, other visitors to schools, and District employees which encourage civil communication between parents, other persons, and District employees, and to empower the Board to identify and address those behaviors which are inappropriate and disruptive to the operation of a school or other District facility.

I. CONDUCT

1. Expected Level of Behavior:

- a. District employees will treat colleagues, parents/guardians, students, and other members of the public with courtesy and respect.
- b. Parents and other visitors to schools and school District facilities will treat teachers, students, school administrators, and other District employees with courtesy and respect.

## 2. Unacceptable/Disruptive Behavior:

### a. Disruptive behavior includes, but is not necessarily limited to:

1. Behavior which interferes with or threatens to interfere with the educational process, the operation of a classroom, an employee's office or office area, an activity occurring anywhere on District property, or the work of a District employee. Such conduct includes, but is not limited to:
  - i. Using loud and/or offensive language, profane/obscene language, intimidating language, or display of temper;
  - ii. Threatening to do bodily harm (or causing bodily harm) to a District employee, Board member, a parent/guardian, student, or other individual if that individual is on District property or participating in a school activity, regardless of whether or not the behavior constitutes or may constitute a criminal violation;
  - iii. Damaging or destroying District property;
  - iv. Any other behavior that disrupts the work of a District employee or the orderly operation of a school, a school classroom, any other Board of Education facility; or other activity on District property;
  - v. Abusive, threatening, or obscene emails, texts, voice mail messages, or other communications; or
  - vi. The repeated use of emails, voicemails, or other communications intending to harass the recipient will be considered unacceptable/disruptive behavior under this Policy.

## II. RECOURSE

### 1. Parent/Guardian/Visitor Recourse:

Any parent/guardian or visitor who believes he/she was subject to unacceptable/disruptive behavior on the part of a staff member should bring such behavior to the attention of the staff member's immediate supervisor, appropriate school administrator, and/or the Superintendent of Schools.

### 2. Employee Recourse:

Any District employee who believes he/she was subject to unacceptable/disruptive behavior by another staff member, parent/guardian, or visitor should notify his/her immediate supervisor, appropriate school administrator, and/or the Superintendent of Schools.

If any member of the public uses obscenities or speaks in a demanding, loud, insulting, and/or demeaning manner, the employee to whom the remarks are directed shall calmly and politely warn the speaker to communicate civilly. If the conduct continues, the employee to whom the remarks are directed may, after giving appropriate notice to the speaker, terminate the meeting, conference, or telephone conversation. If the meeting or conference is on District property, any employee may request that an administrator or other authorized personnel direct the speaker to promptly leave the premises. If the person refuses to leave the premises as directed, the administrator or other authorized personnel shall seek the assistance of law enforcement and request that law enforcement take such action as is deemed necessary. If the employee is threatened with personal harm, the employee may contact law enforcement directly.

3. Student Recourse:

Any student who believes he/she was subject to unacceptable/disruptive behavior on the part of a staff member, parent/guardian, or visitor should bring such behavior to the attention of a teacher, guidance counselor or school administrator.

III. AUTHORITY OF DISTRICT EMPLOYEES:

1. Any individual who: (1) disrupts or threatens to disrupt school or school District operations; (2) threatens to or attempts to do or does physical harm to school board personnel, students, or others lawfully on District property; (3) threatens the health or safety of students, Board personnel, or others lawfully on District property; (4) intentionally causes damage to Board property, or property of others lawfully on District property; (5) uses loud or offensive language; or (6) who without authorization comes on District property may be directed to leave District property by a school's principal or assistant principal (or in their absence a person who is lawfully in charge of the school), or a District level administrator. If the person refuses to leave the premises as directed, the administrator or other authorized personnel shall seek the assistance of law enforcement and request that law enforcement take such action as is deemed necessary by law enforcement.
2. If an employee is threatened with personal harm, the employee may contact law enforcement directly.

IV. ABUSIVE, THREATENING, OR OBSCENE ELECTRONIC COMMUNICATIONS AND VOICE MAIL

If any District employee receives an email, voice mail message, other electronic communication which is abusive, threatening, or obscene, the employee is not obligated to respond to the communication or return the telephone call. The employee may save the

message and contact a school administrator or the Superintendent of Schools. If the message threatens personal harm, the employee may contact law enforcement directly.

Policy Adopted: April 15, 2002

Policy Revised: February 25, 2019

WESTON PUBLIC SCHOOLS  
Weston, Connecticut



**DARIEN PUBLIC SCHOOLS**  
**Darien, Connecticut**

**POLICY**

**JD 1**

**CIVILITY AND DECORUM**

**Standard of Civility**

All schools should be places where mutual respect is practiced and reinforced. It is the policy of the Darien Public Schools to promote an environment in which all members of the school community treat each other civilly, that is, with courtesy and respect in all contacts, whether direct or indirect.

The District does not intend this policy to deprive any person of his or her First Amendment right to freedom of speech or expression. Rather, it seeks to maintain an environment in which people can feel safe, secure, and mutually respected.

**Expected Behavior**

The Board of Education expects a standard of civility in words and actions whereby all administrative, professional and classified staff, all students, parents, board members, visitors and other members of the school community interact in a courteous, respectful manner. The Board recognizes that disagreements may occur, and members of the school community remain free to express their views. Rather, this expectation relates to the manner in which people communicate and interact with each other. Disrespectful, rude, abusive, or intolerant behavior or language erodes education, is unacceptable, and such behavior shall be addressed when it occurs.

**Unacceptable Behavior**

Unacceptable behavior includes, but is not limited to, disruptive, demeaning, or antagonistic behavior at school, at school-related meetings, or at a school-sponsored event that interferes with school events or the participation at such events by others, including administrative, professional and classified staff, students, parents, Board members, visitors, and other members of the school community. Such behavior includes but is not limited to:

- Using loud, and/or offensive language, displays of temper, or speaking in an insulting or demeaning manner, either through personal actions, spoken words, graphic representations, or in writing.
- Threatening or intimidating administrative, professional and classified staff, students, parents, Board members, visitors, and other members of the school community.
- Behaving in a physically or verbally intimidating manner.
- Damaging or destroying school property.
- Sending abusive, threatening, or obscene letters, e-mails or voice mail messages.

# **Administrative Regulations**

## **Policy JD 1**

### **Civility and Decorum**

#### **Role of School Personnel to Respond to Inappropriate Behavior and Communications**

If any student, parent or other member of the public uses offensive language, displays temper and/or speaks in a loud, insulting, or demeaning manner at school or at a school-sponsored event, the employee(s) to whom the remarks are directed or who hear such speech or witness such conduct shall calmly and politely advise the speaker to communicate civilly. If the inappropriate conduct continues, such employee(s) may, after giving appropriate notice to the speaker, ask the speaker to leave the meeting or may terminate the meeting or telephone conversation or other interaction.

If any district employee receives a letter, e-mail, or voice mail message that is disrespectful, abusive, threatening, or obscene, the employee should save the letter, email, or voice message and contact the immediate administrative supervisor. The employee and the supervisor shall then decide whether and how to respond, and whether to report such message to police authorities.

Any individual who exhibits behavior as described above may be directed to leave the school, school activity or school premises by administrators or their designees.

#### **Role of Students, Parents or the Public to Respond to Inappropriate Behavior and Communications**

If any school employee uses offensive language, displays temper and/or speaks in a loud, insulting, or demeaning manner, the individual to whom the remarks are directed shall calmly and politely advise the speaker to communicate civilly. If the inappropriate conduct continues, the individual to whom the remarks are directed may, after giving appropriate notice to the speaker, ask the speaker to leave the meeting or may terminate the meeting or telephone conversation or other interaction.

If any student, parent, or member of the public receives an e-mail or voice mail message that is disrespectful, abusive, threatening, or obscene, the individual should save the message and contact the immediate administrative supervisor of the school employee who generated the email or phone call, so that the matter may be investigated and, where appropriate, disciplinary action may be taken.

**Board of Education Approval: September 11, 2007**