

# Special Darien Board of Education

## Policy Committee Meeting

Friday, September 16, 2022

8:30 a.m.

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

### AGENDA

1. Proposed Board Policies recommended to be repealed (Series 6000 - Instruction): 6110, School Year Calendar; 6220, Curriculum Guides and Course Outlines; 6230, Program Assessment; 6310, Teaching About Religion; 6320, Health Education; 6340, Career and Vocational Education; 6350, Programs for Exceptional Children; 6360, Homebound Instruction; 6370, Summer School; 6410, Student Organizations; 6420, Student Publications; 6430, Intramural Programs; 6440, Interscholastic Programs; 6450, Continuing Education Programs; 6520, Independent Study; and 6620, Instructional Materials – Use of Copyrighted Materials
2. Proposed New Board Policies (Series 6000 – Instruction): 6330, Curricular Exemptions; and 6350, Policy for the Equitable Identification of Gifted and Talented
3. Proposed Revised Board Policies (Series 6000 – Instruction): 6510, Class Size; and 6610, Instructional Materials
4. Proposed Recommendation to Maintain Board Policy 6210, Curriculum Adoption and Revision
5. Public Comment\*
6. 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/91847454625>

**Those members of the community wishing to view only, should do so through the Darien Youtube link: <https://www.youtube.com/channel/UCUnvyKBFbFrTWQRuoB6OZA>**

**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: September 16, 2022

Re: Repeal of Policies 6110, 6220, 6230, 6310, 6320, 6330, 6340, 6350, 6360, 6370, 6410, 6420, 6430, 6440, 6450, 6520, 6620; New Policies 6330 and 6350; Revise Policies 6510 and 6610; Maintain Policy 6210.

1. **Policy 6110, School Year Calendar:** Repeal this Policy. The length and parameters of the school year are set forth in the law and do not need to be repeated in a policy. The Board can establish a timeline for developing the calendar without a policy in place. The Board may choose to make the calendar public before adoption and invite suggestions and comments without a policy in place. However, the policy, as written, *requires* the Board to do this. If the Board wishes to impose this requirement upon itself, it can maintain the policy, but such requirement seems unnecessarily restrictive given that the Board would need to amend or waive its policy should it wish to bypass public comment or suggestion in the future.

2. **Policy 6210, Curriculum Adoption and Revision:** Maintain this Policy. Shipman and Goodwin has opined that this Policy is unnecessary since Conn. Gen. Stat. Section 10-16(b) sets the required program of instruction and Section 10-220(e) requires the Board of Education to “establish a school district curriculum committee, which “shall recommend, develop, review and approve curriculum” for the district. The school district curriculum committee in Darien is the Curriculum Leadership Team. However, the administration understands the Board’s desire to monitor the adoption and revision of curriculum and has confirmed with Shipman and Goodwin that there is no issue with maintaining this policy.

3. **Policy 6220, Curriculum Guides and Course Outlines:** Repeal this Policy. This policy is unnecessary since Conn. Gen. Stat. Section 10-220 (e) requires the Board of Education to establish a school district curriculum committee. The work of creating and monitoring curriculum guides and course outlines is better suited to this Curriculum Leadership Team.

4. **Policy 6230, Program Assessment:** Repeal this Policy. This function is better suited to the Curriculum Leadership Team. That committee will report to the Board of Education’s Curriculum Committee, which will determine the way in which such program assessment is communicated to the Board of Education and the public (i.e., memorandum, full public presentation).

5. **Policy 6310, Teaching About Religion:** Repeal this Policy. This policy is not legally required and seems unnecessary given that it attempts to paraphrase applicable legal requirements. In addition, the use of the phrase, “pedagogical relevance” is broad and not sufficiently precise to capture applicable legal principles.
6. **Policy 6320, Health Education:** Repeal this Policy. This policy is not legally required and seems unnecessary given that it attempts to repeat the requirements of Conn. Gen. Stat. Section 10-16b but does not do so comprehensively.
7. **Policy 6330, Family Life Education and Instruction on AIDS:** Family life education is not required, but students must be permitted to be exempt from it. AIDS instruction is required by statute so a policy is unnecessary. Shipman recommends adopting its model policy on curriculum exemptions.
8. **New Policy 6330, Curricular Exemptions:** This policy accurately reflects current state statutes on curricular exemptions and provides a mechanism for parents/guardians to request such an exemption.
9. **Policy 6340, Career and Vocational Education:** Repeal this Policy. This policy is not legally required and seems unnecessary given that it attempts to repeat the requirements of Conn. Gen. Stat. Section 10-16b but expands upon such requirements in a way that may be overly restrictive. The Curriculum Leadership Team and administration should decide on the specifics of the curriculum in these areas.
10. **Policy 6350, Programs for Exceptional Children:** Repeal this Policy and replace it with Shipman’s model policy.
11. **New Policy 6350. Policy for the Equitable Identification of Gifted and Talented Students:** This policy reflects current legal requirements relating to the identification of gifted and talented students.
12. **Policy 6360, Homebound Instruction:** Repeal this Policy. This policy is not legally required and seems unnecessary given that it simply notes that the district will comply with applicable law.
13. **Policy 6370, Summer School:** Repeal this Policy. This policy is not legally required and the summer school program can be maintained without the policy and managed by the administration.
14. **Policy 6410, Student Organizations.** Repeal this Policy. The Board of Education indicates support for student organizations through the budget process. The administration monitors the activities and membership in these organization throughout the year.
15. **Policy 6420, Student Publications:** Repeal this Policy. The Board of Education indicates its support for student publications through the budget process. In addition, this policy is not legally required and seems unnecessary given that it attempts to paraphrase applicable legal requirements. Finally, the use of the phrase, “as much opportunity as possible for the sincere

expression of student opinion” is broad, vague and open to interpretation, and could create a bar that is difficult to meet.

**16. Policy 6430, Intramural Programs:** Repeal this Policy. The Board of Education indicates support for intramural programs through the budget process. This policy is not legally required and seems unnecessary given that the Board can provide for an intramural program without the policy. The policy also establishes standards that are subjective and may be difficult to meet (e.g., “should provide benefits to as large a number of students as possible”; “carried on with the best of interests of the participants as the first consideration”).

**17. Policy 6440, Interscholastic Programs:** Repeal this Policy. The Board of Education indicates its support of Interscholastic Programs through the budget process. In addition, the language of the policy is problematic since it refers to “physical condition” determining whether a student is permitted to participate.”

**18. Policy 6450, Continuing Education Programs:** Repeal this Policy. The Board of Education indicates its support for Continuing Education offerings through the budget process.

**19. Policy 6510, Class Size:** Revise this Policy. While Shipman and Goodwin does not maintain a model policy related to class size, Jessica Smith acknowledges that many districts maintain policies such as these. The administration is recommending revisions to the Class Size Administrative Guidelines to make those guidelines clearer to the community.

**20. Policy 6520, Independent Study:** Repeal this Policy. This policy is not legally required and seems unnecessary given that the Curriculum Leadership Team should decide on the specifics of independent study.

**21. Policy 6610, Instructional Materials:** Revise this Policy. This policy is not legally required and references applicable law without tracking it accurately. Revisions to this Policy make it clear that that the Board of Education’s Curriculum Committee has delegated this responsibility to the Curriculum Leadership Team.

**22. Policy 6620-. Instructional Materials – Use of Copyrighted Materials:** Repeal this Policy. This policy is not legally required and merely references legal requirements. However, it is important that staff understand their obligations to avoid copyright law violations. Shipman and Goodwin will review the regulations to ensure they are consistent with applicable law and the administration will share the regulations with staff.

**Darien Public Schools  
Darien, Connecticut**

**POLICY**

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**Series 6100  
School Year**

**Policy 6110**

**School Year Calendar**

The standard school year for the Darien Public Schools shall be consistent with Connecticut State Law.

The Superintendent shall present annually prior to June 30<sup>th</sup> a calendar for the coming school year for the approval of the Board. The calendar shall make provision for the opening and closing of school and the length of the authorized vacation periods during the standard school year. Before final adoption, the proposed calendar shall be made public for suggestions and comments.

**Legal Reference:**

Connecticut General Statutes, Section 10-16  
Connecticut General Statutes, Section 10-259

**APPROVED: November 10, 2009**

**Darien Public Schools  
Darien, Connecticut**

**POLICY**

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**Series 6200  
Curriculum Development**

**Policy 6220**

**Curriculum Guides and Course Outlines**

The Board assigns to the Superintendent or his designee the responsibility for the development, revision and implementation of curriculum guides as well as the responsibility for monitoring their use.

APPROVED: November 10, 2009

**Darien Public Schools  
Darien, Connecticut**

**POLICY**

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**Series 6200  
Curriculum Development**

**Policy 6230**

**Program Assessment**

The Darien Board of Education recognizes that student learning is directly related to the quality of the instructional program. In order to promote high levels of student performance, the Board of Education requires the administration to conduct periodic K-12 assessments of each subject area.

The ultimate goal of program assessment is improved student learning. Three objectives are included under this goal:

1. To define high quality program standards through activities such as a review of national standards; a review of other school programs recognized for their excellence; and identification of the expectations for excellence among Darien educators, parents, students, and/or alumni.
2. To provide recommendations for improvements in curriculum and instruction.
3. To measure student success against learning objectives.

The administration shall report to the Board following each program assessment.

APPROVED: November 10, 2009

**Darien Public Schools  
Darien, Connecticut**

**POLICY**

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**Series 6300**

**Curriculum Design – Basic and Special Instructional Program**

**Policy 6310**

**Teaching About Religion**

Religion influences many areas of education, such as literature and history.

The Board recognizes its Constitutional responsibility neither to promote nor inhibit religion. Consistent with current legal precedent, teachers may provide instruction on the principles of religions where such instruction has pedagogical relevance.

APPROVED: November 10, 2009

**Darien Public Schools  
Darien, Connecticut**

**POLICY**

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**Series 6300**

**Curriculum Design – Basic and Special Instructional Program**

**Policy 6320**

**Health Education**

The Board believes that an opportunity for effective health education lies within the public schools because of the opportunity to reach almost all children at an age where positive, lifelong health habits may be engendered and the availability of qualified personnel to conduct health education programs. The Board is, therefore, committed to a sound comprehensive health education program as an integral part of each student's general education.

Health education may include, but is not limited to, education about human growth and development, nutrition, first aid, disease prevention, community and consumer health, physical, mental and emotional health, including youth suicide prevention, substance abuse prevention, safety, which may include the dangers of gang membership, and accident prevention.

Legal Reference:

Connecticut General Statutes, section 10-16b

APPROVED: November 10, 2009

**Darien Public Schools  
Darien, Connecticut**

**POLICY**

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**Series 6300**

**Curriculum Design – Basic and Special Instructional Program**

**Policy 6340**

**Career and Vocational Education**

The Board of Education expresses its commitment to the concept of career and vocational education and its inclusion within the programs and services of its public schools. This educational design should not only recognize and provide for equal opportunities for all students but should also strengthen relationships between the school, community, and world of work.

The Career Education program will be a comprehensive effort to prepare all students for successful participation in our society. The program will provide for those who choose to pursue careers through higher education, those who will enter the job market directly after high school, and those who will seek additional vocational training.

Legal Reference:

Connecticut General Statutes, section 10-16b

APPROVED: November 10, 2009

**Darien Public Schools  
Darien, Connecticut**

**POLICY**

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**Series 6300**

**Curriculum Design – Basic and Special Instructional Program**

**Policy 6350**

**Programs for Exceptional Students**

It is the policy of the Board of Education to provide an equal educational opportunity, consistent with federal and state statutes, for all exceptional children in the Darien Public Schools.

The Superintendent shall develop adequate programs both for disabled and gifted children and shall develop procedures that will facilitate the identification of such children.

**Legal Reference:**

Connecticut General Statutes, Section 10-76d

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

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

**APPROVED: November 10, 2009**

**Darien Public Schools  
Darien, Connecticut**

**POLICY**

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**Series 6300**

**Curriculum Design – Basic and Special Instructional Program**

**Policy 6360**

**Homebound Instruction**

Homebound instruction shall be provided in accordance with federal and state laws and regulations.

Cross Reference:

GE10, Personnel (Professional Staff, Tutoring for Pay)

Legal Reference:

Regs. Conn. State Agencies § 10-76d-15

APPROVED: November 10, 2009

**Darien Public Schools  
Darien, Connecticut**

**POLICY**

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**Series 6300**

**Curriculum Design – Basic and Special Instructional Program**

**Policy 6370**

**Summer School**

The school system may sponsor a summer program providing opportunities for enrichment and remedial instruction for students in grades one through six and at the secondary level, where appropriate, for expansion of programs and acceleration. Attendance at such a summer program shall be voluntary.

Tuition fees for resident and non-resident pupils shall be charged, subject to Board approval, except as such programs are funded by the federal government or other outside agencies.

The summer school curriculum shall be established in accordance with the needs of students. The administration shall have the right to cancel announced summer courses for which there is insufficient enrollment and to refund fees. Attendance at summer school is a privilege and not a right. Students in attendance shall be expected to comply with the same rules of conduct as are in place during the regular school year. The administration shall have the right to dismiss a student who fails to comply with these rules of conduct with no refund of fees.

Remedial courses offered at elementary levels and make-up and review courses offered at secondary levels may provide opportunities for students to qualify for promotion and/or credit in areas and subjects where previous work has not met established standards. Courses provided for the purpose of permitting secondary school students to expand their programs shall meet the credit/instructional hour requirements for summer courses as established by the New England Association of Schools and Colleges.

Legal Reference:

Connecticut General Statutes, section 10-74a

APPROVED: November 10, 2009

**Darien Public Schools  
Darien, Connecticut**

**POLICY**

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**Series 6400**

**Curriculum Design – Co-Curricular and Athletic Programs**

**Policy 6410**

**Student Organizations**

All organizations associated with the Darien Public Schools must be approved by the principal of the host school and be in accordance with administrative procedures. Such organizations shall make annual reports to the principal concerning their activities during the school year. Approved student organizations shall be allowed to use facilities in their host school with the approval of the principal.

APPROVED: November 10, 2009

**Darien Public Schools  
Darien, Connecticut**

**POLICY**

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**Series 6400**

**Curriculum Design – Co-Curricular and Athletic Programs**

**Policy 6420**

**Student Publications**

The Board encourages the use of school-sponsored publications to express students' points of view. Student publications shall provide as much opportunity as possible for the sincere expression of student opinion, while avoiding objectionable content including libel, obscenity, defamation, false statements, and material advocating discrimination or prejudice. School officials may exercise control over speech in student publications if such regulation is reasonably related to legitimate pedagogical concerns.

See Also:

JB3, School-Community Relations (School-Sponsored Information Media)

JB1, School-Community Relations (Public's Right to Know)

Legal Reference:

Hazelwood School District v. Kuhlmeier, 484 U.S.260 (1988)

APPROVED: November 10, 2009

**Darien Public Schools  
Darien, Connecticut**

**POLICY**

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**Series 6400**

**Curriculum Design – Co-Curricular and Athletic Programs**

**Policy 6430**

**Intramural Programs**

The Board believes that athletic programs should provide benefits to as large a number of students as possible. It is, therefore, the policy of the Board to provide an intramural program as an outgrowth of class instruction in physical education and commensurate with the grade level of the students involved. The program should encourage participation by all, regardless of degree of skill, and should be carried on with the best of interests of the participants as the first consideration. Responsible personnel shall be provided for coaching and supervising intramural sports.

APPROVED: November 10, 2009

**Darien Public Schools  
Darien, Connecticut**

**POLICY**

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**Series 6400**

**Curriculum Design – Co-Curricular and Athletic Programs**

**Policy 6440**

**Interscholastic Programs**

It is the Board's policy to provide high school students with interscholastic athletic competition in a variety of sports. Students shall be allowed to participate in individual sports on the basis of their physical condition, their desire, and their academic standing. Qualified personnel shall be provided for coaching and supervising individual sports.

Interscholastic programs shall meet the following conditions:

Participation in interscholastic athletics is limited to high school students. The administration shall establish criteria as a basis for determining the interscholastic sports available for the various grade levels.

Those having direct responsibility for the conduct of the athletic program of the school are required to conform in all ways to the general education program as laid down by the Board and the administration, including such matters as schedules, financial expenditures, relationships with other schools, and health and safety regulations.

The Darien Public Schools are a member of the Connecticut Interscholastic Athletic Conference and in all athletic matters will adhere firmly to the rules and regulations of that body and to the philosophy of sports that CIAC encourages. The eligibility of students to participate in the athletic program is determined in accordance with CIAC regulations.

The district's participation in interscholastic athletics shall be subject to approval by the Board. This shall include approval of membership in any leagues, associations, or conferences, and of rules for student participation.

Insurance against accident or injury shall be offered by the district for students engaging in interscholastic athletics.

APPROVED: November 10, 2009

**Darien Public Schools  
Darien, Connecticut**

**POLICY**

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**Series 6400**

**Curriculum Design – Co-Curricular and Athletic Programs**

**Policy 6450**

**Continuing Education Program**

The Board may choose to offer Continuing Education courses.

Continuing Education consists of courses offered and not as an integral part of the elementary and secondary school programs.

Costs for instructors and materials shall be covered by registration fees, tuition, and book or material charges except for those courses mandated and/or funded by the federal government or outside agencies.

APPROVED: November 10, 2009

**Darien Public Schools  
Darien, Connecticut**

**POLICY**

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**Series 6500  
Instructional Arrangements**

**Policy 6520**

**Independent Study**

The Board permits the establishment of independent study programs in the High School to the extent that staffing allocations and program development will permit. The Superintendent or his designee shall develop and the Board shall approve criteria for the implementation and evaluation of such independent study programs.

APPROVED: November 10, 2009

**Darien Public Schools  
Darien, Connecticut**

**POLICY**

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**Series 6600  
Instructional Resources**

**Policy 6620**

**Use of Copyrighted Materials**

The Darien Board of Education recognizes that federal law imposes certain restrictions on the duplication of copyrighted materials without authorization of the holder of the copyright. Copyrighted materials may include, but are not limited to, books, periodicals, sheet music, audiotapes, videotapes, DVDs, and computer software.

Accordingly, the Board does not permit the duplication of copyrighted materials, except in conformance with applicable federal law, including but not limited to the "fair use" doctrine.

The Board directs the Superintendent to develop and maintain regulations to direct staff members with respect to appropriate use and reproduction of copyrighted materials.

While the district encourages its staff to enrich the learning programs by making proper use of supplementary materials, it is the responsibility of the district staff to abide by the district's copying procedures and obey the requirements of the law. In no circumstances shall the district consider it necessary for district staff to violate copyright requirements in order to perform their duties properly. The district is not responsible for any violations of the copyright law by its staff except in accordance with the provisions of Conn. Gen. Stat. § 10-235.

Any staff member who is uncertain as to whether reproducing or using copyrighted material is permissible under the law should contact the Superintendent or the person designated as the copyright compliance officer. The latter will also assist staff in obtaining proper authorization to copy or use protected material when such authorization is required.

Failure to comply with the district's policy and regulations regarding use of copying devices/copyright procedures may result in disciplinary action.

**This policy and the regulations that accompany it are just guidelines, and the Darien Public Schools cannot guarantee that adherence to these guidelines will eliminate all possibility of finding a copyright violation.**

Legal References: The Copyright Act of 1976, as amended, 17 U.S.C. § 101 et seq.

APPROVED: November 10, 2009

**Darien Public Schools  
Darien, Connecticut**

**POLICY**

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**Series 6600  
Instructional Resources**

**Policy 6620**

**Administrative Regulations**

**Use of Copyrighted Materials**

These regulations, promulgated pursuant to Board Policy **6620** are designed to assist school staff in appropriately using copying devices and copyrighted materials in a manner consistent with federal copyright law.

While the district encourages its staff to enrich the learning programs by making proper use of supplementary materials, it is the responsibility of the district staff to abide by the district's copying procedures and obey the requirements of the law. In no circumstances shall the district consider it necessary for district staff to violate copyright requirements in order to perform their duties properly. The district is not responsible for any violations of the copyright law by its staff.

Any staff member who is uncertain as to whether reproducing or using copyrighted material is permissible under the law should contact the Superintendent [or other appropriate administrator designated as the copyright compliance officer]. Such person will also assist staff in obtaining proper authorization to copy or use protected material when such authorization is required.

Failure to comply with the district's policy and regulation regarding use of copying devices may result in disciplinary action.

The following guidelines represent the current understanding of copyright law and the fair use doctrine. However, the Darien Public Schools cannot guarantee that adherence to these guidelines will eliminate all possibility of a finding of a copyright violation. Each use of a copyrighted material must be reviewed on an individual basis, particularly if such use falls outside the scope of the following guidelines. The Darien Public Schools is not responsible for copyright violations by its employees except in accordance with the provisions of Conn. Gen. Stat. § 10-235.

**NOTE: These regulations cover only in-classroom uses of copyrighted works and do not apply to copying outside of the walls of the classroom. Staff members should note that posting a copyrighted work on the Internet does not constitute an “in-classroom” use. Staff members utilizing class websites and/or other Internet resources should contact the appropriate administrator, designated above, with any questions.**

### FAIR USE GENERALLY

The fair use of a copyrighted work for purposes such as criticism, comment, news reporting, teaching (including multiple copies for classroom use), scholarship, or research, is not an infringement of copyright. In determining whether the use made of a work in any particular case is a fair use, the factors to be considered shall include:

- A. the purpose and character of the use, including whether such use is of a commercial nature or is for nonprofit educational purposes;
- B. the nature of the copyrighted work;
- C. the amount and substantiality of the portion used in relation to the copyrighted work as a whole; and
- D. the effect of the use upon the potential market for or value of the copyrighted work.

The fact that a work is unpublished shall not itself bar a finding of fair use if such finding is made upon consideration of all above factors.

### BOOKS AND PERIODICALS

1. **Single Copying for Teachers:** A single copy may be made of any of the following by or for a teacher at his/her scholarly research or use in teaching or preparation to teach a class:
  - a. A chapter from a book.
  - b. An article from a periodical or newspaper.
  - c. A short story, short essay or short poem, whether or not from a collective work.
  - d. A chart, graph, diagram, drawing, cartoon or picture from a book, periodical or newspaper.
2. **Multiple Copies for Classroom Use:** Multiple copies (not to exceed in any event more than one (1) copy per student in a course) may be made by or for the teacher for classroom use or discussion, provided that

- a. The copying meets the test of brevity and spontaneity as defined below.
- b. The copying meets the cumulative effect test as defined below.
- c. Each copy includes a notice of copyright.

### 3. **Definitions**

#### a. Brevity

(1) Poetry: a complete poem of less than two hundred fifty (250) words, and if printed on not more than two (2) pages, an excerpt from a longer poem of not more than two hundred fifty (250) words.

(2) Prose: Either a complete article, story or essay of less than two thousand five hundred (2,500) words, or an excerpt from any prose work or not more than one thousand (1,000) words or ten percent (10%) of the work, whichever is less, but in any event a minimum of five hundred (500) words.

(Each of the numerical limits stated in a(1) and (2) above may be expanded to permit completion of an unfinished line of a poem or of an unfinished prose paragraph.)

(3) Illustration: One (1) chart, graph, diagram, cartoon or picture per book or per periodical issue.

(4) "Special" Works: Certain works in poetry, prose or in "poetic prose" which often combine language with illustrations and which are intended sometimes for children and at other times for more general audience and fall short of two thousand five hundred (2,500) words in their entirety. Subparagraph (2) above notwithstanding, such special works may not be reproduced in their entirety; however, an excerpt comprising not more than two (2) of the published pages of such special work and containing not more than ten percent (10%) of the words found in the text thereof may be reproduced.

#### b. Spontaneity

(1) The copying is at the instance and inspiration of the individual teacher, and

(2) The inspiration and decision to use the work and the moment of its use for maximum teaching effectiveness are so close in time that it would be unreasonable to expect a timely reply to a request for permission.

#### c. Cumulative Effect

- (1) The copying of the material is for only one (1) course in the school in which copies are made.
- (2) Not more than one (1) short poem, article, story, essay or two (2) excerpts may be copied from the same author, nor more than three (3) from the same collective work or periodical volume during one (1) class term.
- (3) There shall not be more than nine (9) instances of such multiple copying for one (1) course during one (1) class term.

(The limitation stated in (2) and (3) above shall be not apply to current news periodicals and newspapers and current news sections of other periodicals.)

#### 4. **Prohibitions:**

Notwithstanding any of the foregoing, the following shall be prohibited:

- a. Copying shall not be used to create or to replace or substitute for anthologies, compilations, or collective works. Such replacement or substitution may occur whether copies of various works or excerpts there from are accumulated or reproduced and used separately.
- b. There shall be no copying of or from works intended to be "consumable" in the course of study or of teaching. "Consumable" works include: workbooks, exercises, standardized tests, test booklets, answer sheets, and like consumable material.
- c. Copying shall not:
  - (i) substitute for the purchase of books, publishers' reprints or periodicals;
  - (ii) be directed by a higher authority;
  - (iii) be repeated with respect to the same item by the same teacher from term to term.
- d. No charge shall be made to the student beyond the actual cost of the photocopying.

#### MUSIC

1. Emergency copying to replace purchased copies which for any reason are not available for an imminent performance is permissible provided purchased replacement copies shall be substituted in due course.
2. For academic purposes other than performance, single or multiple copies of excerpts of works may be made, provided that the excerpts do not comprise a part of the whole which would

constitute a performable unit such as a section, movement or aria, but in no case more than ten (10%) percent of the whole work. The number of copies shall not exceed one copy per pupil.

3. Printed copies which have been purchased may be edited or simplified provided that the fundamental character of the work is not distorted or the lyrics, if any, altered or lyrics added if none exist.

4. A single copy of recordings of performances by students may be made for evaluation or rehearsal purposes and may be retained by the educational institution or an individual teacher.

5. A single copy of a sound recording (such as a tape, disc or cassette) of copyrighted music may be made from sound recordings owned by the school or the individual teacher for the purpose of constructing aural exercises or examination questions and may be retained by the educational institution or individual teacher.

6. Copying cannot be used to create, replace or substitute for anthologies, compilations or collective works. Copying of or from consumable works in the course of study or teaching (such as workbooks, exercises, standardized tests and answer sheets) is prohibited. Copying for the purpose of performance is prohibited, except in the case of an emergency as set forth in paragraph 1 above, and copying for the purpose of substituting for the purchase of music is prohibited, except as set forth in the first and second paragraphs above. All copies must include the copyright notice appearing on the printed copy.

#### PERFORMANCE OF COPYRIGHTED WORKS

1. Performance or display by teachers or students of a legally obtained copyrighted work (such as reading of a poem, showing a DVD or playing a CD) is permitted without the authorization of the copyright owner if used as part of a teaching activity in a classroom or instructional setting. The purpose shall be instructional rather than for entertainment.

2. Performances of non dramatic literary or musical works which are copyrighted are permitted without the authorization of the copyright owner, provided that:

A. The performance is not for commercial purpose;

B. None of the performers, promoters or organizers are compensated; and

C. (1) There is no direct or indirect admission charge; or (2) Admission fees are used for educational or charitable purposes only; provided that the copyright owner has not objected to the performance.

All other dramatic, non dramatic or musical performances require permission from the copyrighted owner.

#### OFF-AIR RECORDINGS

Television programs are protected by copyright law from unauthorized duplication and distribution. The "Fair Use" doctrine allows educators the right to use copyrighted materials under specific guidelines:

1. **Broadcast Network Programming:** (programs transmitted by TV stations for reception by the general public without charge) Teachers may record broadcast programs off-air simultaneously with the broadcast transmission. Such recordings may be used once in the course of relevant teaching activities within the first ten (10) days of the program's first broadcast. The recording may be used one additional time within the initial ten-day period only when instructional reinforcement is necessary, and only in classrooms and similar places within a single building or in the homes of students receiving formalized instruction.

a. Off-air recordings may be kept for up to forty-five (45) school days after which time all off-air recordings must be destroyed or erased. "School days" are days when school is in session. After the first ten (10) days, off-air recordings may be used to the end of the forty-five (45) day retention period only for teacher evaluation purposes (i.e. to determine whether to use the recording in the curriculum).

b. Off-air recordings may be made only upon specific request by an individual teacher and may not be regularly recorded in anticipation of a request. No broadcast program may be recorded off-air more than once at the request of an individual teacher, regardless of the number of times the program may be broadcast.

c. A limited number of copies of each off-air recording may be made and only when needed for legitimate teacher needs. Any additional copy must meet the same requirements as the original recording.

d. Off-air recordings do not need to be used in their entirety, but the program may not be altered from its original content. Recordings may not be electronically or physically combined or merged.

e. All programs recorded off-air must include the copyright notice as recorded.

2. **Cable Network Programming:** (programs transmitted through a cable provider with specific copyright clearances) Teachers may videotape and use cable programs for instructional purposes if individual copyright clearances are followed and the programs are not altered. Sections of a program may be shown, but the program may not be altered from its original content. Programs may be used an unlimited number of times during the copyright clearance period. A limited number of copies may be produced to meet the needs of teachers as long as copyright guidelines are adhered to. Each copy is subject to all copyright provisions that apply to the original. Under no circumstances should an educator make any off-air recording of cable network programming without an individual copyright clearance.

## FAIR USE OF COPYRIGHTED MATERIALS IN EDUCATIONAL MULTIMEDIA PROJECTS

### 1. **Definition:**

An educational multimedia project is a project which incorporates students' or educators' original material, such as course notes or commentary, together with various copyrighted media formats including but not limited to, motion media, music, text, graphics, illustrations, photographs and digital software which are combined into an integrated presentation.

### 2. **Preparation of educational multimedia projects using portions of copyrighted works:**

- a. **By students:** Students may incorporate portions of lawfully acquired copyrighted works when producing their own educational multimedia projects for a specific course.
- b. **By educators for curriculum based instruction:** Educators may incorporate portions of lawfully acquired copyrighted works when producing their own educational multimedia programs for their own teaching tools in support of curriculum based instructional activities at educational institutions.

### 3. **Permitted uses of educational multimedia projects using portions of copyrighted works:**

- a. **By students:** Students may perform and display their own educational multimedia projects for educational uses in the course for which they were created and may use them in their own portfolios as examples of their academic work for later personal uses such as job and graduate school interviews.
- b. **By educators for curriculum based instruction:** Educators may perform and display their own educational multimedia projects to students in the following situations:
  - (i) face-to-face instruction,
  - (ii) assigned to students for directed self-study,
  - (iii) for remote instruction to students enrolled in curriculum based courses and located at remote sites, provided over the educational institution's secure electronic network in real-time, or for after class review or directed self-study, provided there are technological limitations on access to the network and educational multimedia project (such as password or PIN) and provided further that the technology prevents the making of copies of copyrighted material. If the educational institution's network or technology used to access the educational multimedia project cannot prevent duplication of copyrighted material, students or

educators may use the multimedia educational projects over an otherwise secure network for a period of only fifteen days after its initial real-time remote use in the course of instruction or fifteen days after its assignment for directed self-study. After that period, one of the two use copies of the educational multimedia project may be placed on reserve in a learning resource center, library or similar facility for on-site use by students enrolled in the course. Students shall be advised that they are not permitted to make their own copies of the multimedia project.

c. By educators for peer conferences: Educators may perform and display their own educational multimedia projects in presentations to peers, for example, at workshops and conferences.

d. By educators for professional portfolio: Educators may retain educational multimedia projects for later personal uses such as tenure review or job interviews.

**4. Limitations on preparation and use of educational multimedia projects using portions of copyrighted works:**

a. Educators may save and use multimedia projects for up to two years after the first instructional use with a class. Use beyond that time period, even for educational purposes, requires permission for each copyrighted portion incorporated into the project.

b. Portion limitations:

Portion limitations mean the amount of copyrighted work that can be reasonably used in educational multimedia projects regardless of the original medium from which the copyrighted works are taken. "In the aggregate" means the total amount of copyrighted materials from a single copyrighted work that is permitted to be used in an educational multimedia project without permission. These limits apply cumulatively to each educator's or each student's multimedia project(s) for the same academic semester, cycle or term.

(i) "Motion media" may be used in a multimedia project for a maximum of three minutes or 10 percent (whichever is smaller).

(ii) "Text material" may be used in a multimedia project up to 10% or 1000 words, whichever is less, in the aggregate of a copyrighted work consisting of text material. An entire poem of less than 250 words may be used, but no more than three poems by any one poet, or five poems by different poets from any anthology may be used. For poems of greater length, 250 words may be used but no more than three excerpts by a poet, or five excerpts by different poets from a single anthology may be used.

(iii) "Music, lyrics, and music video" may be used in a multimedia project up to 10%, but in no event more than 30 seconds. Any alterations to a musical work shall not change the basic melody or fundamental character of the work.

(iv) "Illustrations and photographs" may be used in a multimedia project as long as no more than five images by an artist or photographer are reproduced or incorporated. When using illustrations and photographs from a published collective work, not more than 10% or 15 images, whichever is less, may be reproduced or incorporated into the project.

(v) "Numerical data sets" may be used in a multimedia project up to 10% or 2500 fields or cell entries, whichever is less, from a copyrighted database or data table. A field entry is defined as a specific items of information, such as a name or Social Security number, in a record of a database file. A cell entry is defined as the intersection where a row and a column meet on a spreadsheet.

c. Number of copies:

(i) Not more than two use copies of an educational multimedia project may be made.

(ii) An additional copy may be made for preservation purposes but may only be used or copied to replace a use copy that has been lost, stolen, or damaged.

(iii) Each principal creator of an educational multimedia project may retain one copy for the personal uses described above.

d. Attribution and Acknowledgment:

(i) Educators and students are reminded to credit the sources and display the copyright notice and copyright ownership information if this is shown in the original source, for all works incorporated as part of educational multimedia projects. Crediting the source must adequately identify the source of the work, giving a full bibliographic description where available (including author, title, publisher, place and date of publication). This attribution may be combined and shown in a separate section of the educational multimedia project. Note: if the project is being viewed remotely, as described in section 3(b)(iii) above, the attribution data must appear on the screen when the image is viewed, unless the appearance of same on the screen would be mutually exclusive with an instructional objective (i.e. during examinations when source credits would be relevant to examination questions).

(ii) Educators and students are reminded that they must include on the opening screen of their multimedia project and any accompanying print material a notice that certain materials are included under the fair use exemption of the U.S. Copyright law and are restricted from further use.

## COMPUTER SOFTWARE AND CD ROM PRODUCTS

The Darien Public Schools complies with the copyright laws and any usage agreements that are applicable to the acquisition of software programs.

1. Unauthorized reproduction or distribution of copyrighted software is prohibited.
2. Educators may not make copies of software or distribute it for use by their students in school or at home.
3. One back up copy of licensed software may be made for archival/replacement purposes only; however, this copy must comply with the license agreement.
4. To prevent misuse of licensed software programs, teachers should take the following precautions:
  - a. Avoid loading a CD or diskette into multiple computers without authorization;
  - b. Avoid installation of outside software on school computers or computer systems;
  - c. Do not copy or distribute copies of software from an unauthorized source; and
  - d. Ensure that any use of the school computer or computer network complies with the district's administrative regulations for acceptable use of computers, including internet and emails.

The guidelines set forth above represent the current understanding of copyright law and the fair use doctrine. However, the Darien Public Schools cannot guarantee that adherence to these guidelines will eliminate all possibility of a finding of a copyright violation. The Darien Public Schools is not responsible for copyright violations by its employees except in accordance with the provisions of Conn. Gen. Stat. § 10-235.

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

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**Series 6000**  
**Instruction**

**Policy 6330**

**CURRICULAR EXEMPTIONS**

Mandatory Curricular Exemptions:

Upon the written request of a parent or guardian received by the school district prior to planned instruction in the areas set forth below, the Darien Board of Education (the “Board”) shall permit curricular exemptions for instruction in the following areas:

1. Dissection;
2. Family life education;
3. HIV/AIDS;
4. Sexual abuse and assault awareness and prevention program; or
5. Firearm safety.

Definitions:

“Dissection Instruction” is defined as instruction in which a student must participate in, or observe, the dissection of any animal.

“Family Life Education Instruction” is defined as instruction pertaining to family planning, human sexuality, parenting, nutrition and the emotional, physical, psychological, hygienic, economic and social aspects of family life.

“HIV/AIDS Instruction” is defined as ongoing and systematic instruction on Acquired Immune Deficiency Syndrome (AIDS) offered by the district pursuant to state law.

“Sexual abuse and assault awareness and prevention program” is defined as the state-wide program identified or developed by the Department of Children and Families, in collaboration with the Department of Education and Connecticut Sexual Assault Crisis Services, Inc. (or a similar entity) that includes age-appropriate educational materials designed for children in grades kindergarten to twelve, inclusive, regarding child sexual abuse and assault awareness and prevention that may include, but not be limited to, (A) the skills to recognize (i) child sexual abuse and assault, (ii) boundary violations and unwanted forms of touching and contact, and (iii) ways offenders groom or desensitize victims, and (B) strategies to (i) promote disclosure, (ii) reduce self-blame, and (iii) mobilize bystanders.

Written Request for Mandatory Exemption:

Parents who wish to exercise such exemptions must notify the school district in writing within the first two weeks of school.

Alternative Assignments:

1. Any student excused from participating in, or observing, the dissection of any animal as part of classroom instruction shall be required to complete an alternate assignment to be determined by the teacher.
2. Any student excused from participating in the sexual abuse and assault awareness and prevention program shall be provided, during the period of time in which the student would otherwise be participating in such program, an opportunity for other study or academic work as determined by the teacher.
3. Any student excused from any other aspect of the curriculum may be required by the teacher to complete an alternative assignment as determined by the teacher.

Legal References:

Conn. Gen. Stat. § 10-16c.  
Conn. Gen. Stat. § 10-16e.  
Conn. Gen. Stat. § 10-18d.  
Conn. Gen. Stat. § 10-19(b).  
Conn. Gen. Stat. § 17a-101q.

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

**[ ] BOARD OF EDUCATION**  
**Curricular Exemption Request Form**

I request that my child be exempted from instruction in the following areas:

Check all that apply:

- 1. Dissection \_\_\_\_\_
- 2. Family life education \_\_\_\_\_
- 3. HIV/AIDS \_\_\_\_\_
- 4. Sexual abuse and assault awareness and prevention program \_\_\_\_\_

I recognize that teachers may require my child to complete alternative assignments in lieu of the curricular instruction planned in the area of exemption.

This form must be completed annually and returned to the school principal by

\_\_\_\_\_  
Date

\_\_\_\_\_  
Name of Student (Please Print)

\_\_\_\_\_  
Parent's/Guardian's Signature

\_\_\_\_\_  
Date

**Or**

\_\_\_\_\_  
Student's Signature (if 18 years of age)

\_\_\_\_\_  
Date

# DARIEN PUBLIC SCHOOLS

## Darien, CT

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Series 6000  
Instruction

Policy 6350

### **POLICY FOR THE EQUITABLE IDENTIFICATION OF GIFTED AND TALENTED STUDENTS**

The Darien Board of Education (the “Board”) will use equitable methods to identify students enrolled in the Darien Public Schools (the “District”) that have an extraordinary learning ability and/or outstanding talent in the creative arts, the development of which requires programs or services beyond the level of those ordinarily provided in regular school programs. Such students will be identified as gifted and/or talented.

#### **I. Definitions**

For purposes of this policy:

“Extraordinary learning ability” means a child identified by the planning and placement team as gifted and talented on the basis of either performance on relevant standardized measuring instruments, or demonstrated or potential achievement or intellectual creativity, or both.

“Gifted and talented” means a child identified by the planning and placement team as (A) possessing demonstrated or potential abilities that give evidence of very superior intellectual, creative or specific academic capability and (B) needing differentiated instruction or services beyond those being provided in the general education program in order to realize the child’s intellectual, creative or specific academic potential. The term includes children with extraordinary learning ability (“gifted”) and children with outstanding talent in the creative arts (“talented”).

“Outstanding talent in the creative arts” means a child identified by the planning and placement team as gifted and talented on the basis of demonstrated or potential achievement in music, the visual arts or the performing arts.

“Planning and placement team (“PPT”),” for purposes of the evaluation, identification or determination of the specific educational needs of a child who may be gifted or talented, means a group of certified or licensed professionals who represent each of the teaching, administrative, and pupil personnel staffs, and who participate equally in the decision making process.

#### **II. Referral**

Any student enrolled in grades kindergarten through twelve, inclusive, in a District school may be referred to the PPT to determine eligibility as gifted and talented. A referral may come from any source, including the student's teacher, an administrator, the student's parent/guardian, or the student.

### **III. Evaluation and Identification**

The PPT shall be responsible for conducting evaluations and identifying whether students are eligible as gifted and talented, and shall meet, as needed during the school year to determine the eligibility of groups of children for whom evaluation and identification as gifted and talented are planned. When a child has been individually referred to the PPT for consideration as a gifted and talented child, the PPT shall provide the student's parent(s)/guardian(s) with written notice of the referral.

The Board requires the use of multiple methods of identification of gifted and talented students. The PPT will use the following methods of evaluation in determining whether a student is eligible as gifted and talented:

Group Assessment. The PPT may use an appropriate standardized test administered to all students in a particular grade. In administering standardized tests, the PPT will use a locally normed cut score to identify students for consideration for gifted and talented classification. Parent/guardian consent is not required prior to the administration of a group assessment.

Individual Evaluation. Individual evaluations may be recommended by the PPT in appropriate circumstances, such as when there is a possibility of identifying the student as gifted and talented in areas that are not typically addressed by large-scale standardized tests, such as social studies, a technical discipline, music, creative arts, or performing arts. The PPT may also recommend an individual assessment for a student referred to the PPT for an evaluation when the student is in a grade level in which group assessments are not administered. Before a student is individually evaluated for identification as gifted or talented, the PPT must secure the written consent from a parent/guardian.

After the PPT has determined from an individual or group assessment that a student has potential for or has demonstrated extraordinary learning ability or outstanding talent in the creative arts, the student will be identified as gifted and talented only if the PPT determines that the child requires differentiated instruction or services beyond those provided in the general education program in order to realize the child's intellectual, creative or specific academic potential.

The results of the PPT meeting concerning a determination of the child's identification as gifted or talented shall be provided to the parent or guardian electronically or, if the District does not have the parent or guardian's e-mail address on file, in writing. Such notice shall include, but is not limited to, (1) an explanation of how such student was identified as gifted and talented; and (2) the contact information for (A)

the District employee in charge of the provision of services to gifted and talented students, or, if there is no such employee, the District employee in charge of the provision of special education and related services, (B) the employee at the Connecticut State Department of Education who has been designated as responsible for providing information and assistance to boards of education and parents or guardians of students related to gifted and talented students and, (C) any associations in the state that provide support to gifted and talented students.

If a parent/guardian disagrees with the results of the evaluation conducted by the PPT, the parent/guardian has a right to a hearing.

The District may identify up to ten (10) percent of the total student population for the District as gifted and talented.

#### **IV. Provision of Services**

The Superintendent shall develop adequate programs for gifted and talented students.

#### Legal Reference:

Conn. Gen. Stat. § 10-76a  
Conn. Gen. Stat. § 10-76xx

Conn. Agencies Regs. § 10-76a-1  
Conn. Agencies Regs. § 10-76a-2  
Conn. Agencies Regs. § 10-76d-1  
Conn. Agencies Regs. § 10-76d-9(c)

Connecticut State Department of Education, *Gifted and Talented Education: Guidance Regarding Identification and Service* (March 2019), available at <https://portal.ct.gov/-/media/SDE/Gifted-and-Talented/Gifted-and-Talented-Education---Guidance.pdf>

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

**Darien Public Schools  
Darien, Connecticut**

**POLICY**

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**Series 6500**

**Instructional Arrangements**

**Policy 6510**

**Class Size**

The Darien Board of Education believes the number of pupils in a class affects the quality of education. The relationship between class size and student learning is complex and is affected by grade level, subject area, nature of the pupils, learning objectives, instructional methods and procedures, and the skills and attitude of the teacher and support staff.

The goal of the Class Size Policy is the establishment of appropriate class size ranges for the pupils, the teacher, the subject matter, and teaching methods of a particular grade or class.

Alternatives within the class size ranges should be weighed using the following criteria:

1. what is the optimal class size range given the nature of the class
2. what are the impediments considered that result in creating classes outside of the range
3. where possible, smaller classes should be run for our youngest students, students with the most significant challenges and in consideration of running electives that round out a diverse curriculum at the high school.

APPROVED: November 22, 2016

REVISED:

**Series 6500: Instructional Arrangements  
Policy R - 6510**

Class Size Administrative Guidelines

<u>Grade Levels</u>	<u>K-1</u>	<u>2-3</u>	<u>4-5</u>	<u>6-12</u>
Recommended	18	19	20	Below 18
Range	19	20	21	18
Optimal		21	22	23
Range	22	23	24	23-24

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Class Size Administrative Guidelines

<u>Grade Levels</u>	<u>K-1</u>	<u>2-3</u>	<u>4-5</u>	<u>6-12</u>
	18 – 22	19-23	20-24	18-24

APPROVED: November 22, 2016

REVISED:

**Darien Public Schools  
Darien, Connecticut**

**POLICY**

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**Series 6600  
Instructional Resources**

**Policy 6610**

**Instructional Materials - Selection and Adoption**

It is the policy of the Board of Education to provide educational materials and equipment that support and enrich the curriculum and further the achievement of the district's goals. ~~Insofar as possible, all textbooks should present balanced views concerning the international, national, and local issues and problems of our times.~~

~~Materials shall not be excluded solely because of the race, nationality, political, or religious views of the writer or his or her style.~~

While the Board is legally responsible for all matters relating to the adoption of textbooks and purchase of library and other supplementary materials, the responsibility for reviewing, selecting and approving instructional materials is delegated to the administration and designated curriculum committee.

~~The needs of the individual school based on the curriculum and the existing collection shall be the first criteria for selection. Materials shall also be considered on the basis of:~~

~~overall purpose;  
timeliness or permanence;  
importance of subject matter;  
quality of writing/production;  
readability and popular appeal;  
authoritativeness;  
reputation of the publisher/producer;  
reputation and significance of the author/artist/composer/producer;  
format and price;  
requests from faculty and students; and  
suitability for age level.~~

Cross Reference:

~~JE1, School Community Relations (Community Instructional Resources)  
JK1, School Community Relations (Public Complaints)~~

Legal Reference:

~~Connecticut General Statutes, section 10-18a~~

~~Connecticut General Statutes, section 10-221(a)~~

Connecticut General Statutes, section 10-228

Connecticut General Statutes, section 10-229

APPROVED: November 10, 2009

REVISED:

DRAFT

**Darien Public Schools  
Darien, Connecticut**

**POLICY**

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**Series 6200  
Curriculum Development**

**Policy 6210**

**Adoption and Revision**

It is the policy of the Board that no course of study shall be eliminated or added without approval of the Board. It is the expectation of the Board that alterations and reductions to courses shall be presented to the Board for review.

Periodic progress reports will be issued regarding programs introduced as pilot projects.

APPROVED: November 10, 2009